



His Excellency President Nana Addo Dankwa Akufo-Addo
President of the Republic of Ghana
The Presidency
Flagstaff House
Accra, Ghana
Email: info@presidency.gov.gh

October 9, 2020

RE: Concerns about the destructive impacts of the proposed Public University Bill 2020

Your Excellency:

We write on behalf of Scholars at Risk (SAR), AfricanDefenders, and the African Studies Association—organizations working in Ghana and around the globe to promote academic freedom, quality higher education, and related human rights—to share our grave concerns about the destructive impacts of the proposed Public University Bill 2020 (the Bill) on the autonomy, quality and reputation of Ghanaian higher education. We respectfully urge you to direct your office to withdraw or otherwise reconsider the Bill in order to ensure full respect for academic freedom and institutional autonomy, as recognized in the Ghanaian constitution and applicable domestic and international law.

The concerned actors include SAR network members and partner institutions around the world, including individuals within Ghana. Together we have a long and mutually beneficial history of working with Ghana's higher education and research sector, which we value greatly. We know and value the fact that Ghana has invested considerable resources into the development of this sector, and that this investment is beneficial to the future prosperity of the nation and society. We also know that this investment has fostered a positive international reputation for Ghanaian higher education. This has resulted in increased cooperation, exchanges and partnerships, which in turn has helped to improve the quality and productivity of Ghanaian higher education and research.

This positive reputation is grounded in part in the international community's confidence that Ghanaian universities are rooted firmly in fundamental higher education values, including especially academic freedom and institutional autonomy. Indeed, in a 2020 [global analysis](#) of academic freedom by the Global Public Policy Institute in Berlin, Ghana received a strong, high "B" ranking, placing it among the upper ranks of the 140 countries evaluated. An earlier 2015 analysis, "[Building Academic Freedom and Democracy in Africa \(BAFADIA\)](#)," placed Ghana in the "A" category among the 46 African states assessed.

We are gravely concerned that the Bill, as proposed, will severely damage this reputation, and ultimately the quality of Ghanaian higher education and research, by eroding or eliminating the autonomy of institutional governance on which academic freedom and quality higher education depend. As numerous Ghanaian experts have already noted, the Bill as written would give

political actors effective operational control over public universities throughout the country. In particular, the Bill establishes University Councils for each public university, consisting of thirteen members, eight of whom are to be appointed by the President. A ninth Council Member, the Vice Chancellor, though appointed by the University Council itself, would be an indirect presidential appointee. The Bill further gives the President the power to dissolve a University Council if he or she determines that there is an emergency on campus, and permits the President to then appoint his or her own interim council. In short, the Bill as written, vests the executive branch of government with the ability to control all major academic, financial, administrative aspects of university life and professorial level appointments at public institutions throughout Ghana. If the Bill is passed, it would create a grave risk of external interference in the operation of Ghanaian universities and a serious threat to academic freedoms.

We respectfully remind you that the importance of autonomy and academic freedom have been recognized in the Ghanaian constitution (Art. 21), and international human rights and higher education standards. UNESCO has recognized institutional autonomy as “a university’s freedom from control by outside actors over the manner in which knowledge is acquired, taught, and managed.” UNESCO has further noted that “Autonomy is the institutional form of academic freedom and a necessary precondition to guarantee the proper fulfilment of the functions entrusted to higher-education teaching personnel and institutions.”¹ As the United Nations special rapporteur on the promotion and protection of the right to freedom of opinion and expression has recently reaffirmed, states have an obligation to “[e]nsur[e] the institutional autonomy of universities, research institutes and other bodies that constitute the academic community.”² Report of the Special Rapporteur, A/75/261, 28 July 2020, at para. 56(3). *See also* RSHETP at para. 19 (“[m]ember States are under an obligation to protect higher education institutions from threats to their autonomy coming from any source.”)

We are concerned that the Bill poses a direct threat to institutional autonomy and will therefore erode quality of teaching and research. Where elected authorities control or exercise undue influence over curricula, the allocation of resources, and other administrative matters, the freedom of scholars and university staff to exercise appropriate professional judgment, based on their expertise, inevitably diminishes. The result is decision making that is not driven by the dictates of academic and scientific inquiry and the needs of the university, but rather by those of political actors.

Many Ghanaian experts have already observed that the risk created by the Bill is unnecessary, and that legitimate government oversight and institutional accountability can be secured without eliminating the autonomy of institutions and putting universities fully under the control of political authorities. Indeed, numerous higher education systems around the world function in this way, with transparency, including those with the most consistently high scores in the rankings referenced above, among others, with effective regulations governing financial management, without stripping universities of their autonomy.

¹ UNESCO Recommendation Concerning the Status of Higher Education Teaching Professionals (RSHETP) at paras. 17-18.

² Report of the Special Rapporteur, A/75/261, 28 July 2020, at para. 56(3). *See also* RSHETP at para. 19 (“[m]ember States are under an obligation to protect higher education institutions from threats to their autonomy coming from any source.”)

We therefore respectfully urge you to heed these experts, and to direct your office to withdraw, or otherwise reconsider the Bill, in order to ensure full respect for academic freedom and institutional autonomy, and by so doing preserve and protect the quality and reputation of Ghana's institutions and the academic freedom of their staff and students.

We appreciate your attention to this important matter and look forward to your reply.

Sincerely,



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Scholars at Risk

/s/ Abdul Tejan Cole
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/s/ Hassan Shire
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