



24<sup>th</sup> November, 2016

## **PETITION TO THE SPEAKER OF THE NATIONAL ASSEMBLY ON INDEFINITE CLOSURES, AND REGULATION OF HIGHER EDUCATION INSTITUTIONS IN MALAWI**

### **1.0. INTRODUCTION**

Pursuant to its core mandate of advocating for the right to quality education and influencing necessary policy change in the education sector, the **Civil Society Education Coalition (CSEC)** is calling upon your office to facilitate deliberations in this seating of parliament on challenges that have currently rocked higher education institutions in this country.

CSEC is a diverse alliance of 82 local and international organizations, research institutions, trade unions through the Teachers Union of Malawi and the private sector working in the education sector in Malawi with the mandate to promote the right to quality education. CSEC formerly called Civil Society Coalition for Quality Basic Education (CSCQBE) was formed as a loose network in 1997 but was later legally registered in 2000. Since then, CSEC has been instrumental on major education reforms in the country.

In line with its founding mandate, CSEC is deeply concerned that besides the unresolved and avoidable closures of higher education institutions one after another, the National Council for Higher Education (NCHE) has recently decided to revoke licences and withdraw selected programme accreditation of some of the state established and private universities in Malawi as per its press statements issued in the local papers, dated 17<sup>th</sup> November and repeated until 21<sup>st</sup> November, 2016.

### **2.0. BACKGROUND**

Public Universities and Colleges have since early this year been closing down one after another to a large extent for failure to manage industrial disputes and fee hike protests against staff and students respectively. The recently closed universities and colleges include: Mzuzu University (MZUNI), Malawi University of Science and Technology (MUST), The Polytechnic College, Natural Resources College (NRC), and the Malawi College of Health Science (MCHS). While acknowledging that MUST has been re-opened a week ago after drilling five new boreholes, it is evident that the measure in question offers short term

remedy. The university is still expected to explore long term solutions to deal with the water problem. This, notwithstanding, the situation remains uncertain for MZUNI, The Polytechnic College and MCHS. In fact, it is clear that the current stand-off is bound to stay much longer than the general public had anticipated.

As the status quo of higher education institutions' closure still stands, , the National Council for Higher Education (NCHE) has also recently revoked licenses and withdrawn accreditation of selected programmes of some of the public and private universities in the country for allegedly failing to meet the set standards thereby throwing the education fraternity into further quandary.

It is against this background that CSEC is compelled to approach Parliament to deliberate on the two issues within its legislative, representation and oversight function roles.

### **3.0. STRIKING OBSERVATIONS**

#### **3.1. OBSERVATIONS ON INDEFINITE CLOSURE**

3.1.1. The causes of closure of higher education institutions are obvious and therefore predictable. If it is not staff striking for higher pay, it is students boycotting classes as a result of challenged upward revised fees both of which would call for proactive engagement on the concerned stakeholders.

3.1.2. Government through University Councils bypasses contact and dialogue in dealing with industrial disputes and protests against fees hikes in preference for ill-timed litigations and in some instances threats of closure and unsavoury political statements.

3.1.3. The public higher education institutions operate with different sets of conditions in treating employees and students thereby creating more room for grievances from affected parties as they compare the operating standards in their respective universities and colleges.

#### **3.2. OBSERVATIONS ON ACCREDITATION OF HIGHER EDUCATION INSTITUTIONS**

3.2.1. NCHE has announced its decision on affected universities and colleges before subjecting it to wider consultation particularly on the far-reaching implications it has brought to the fore.

3.2.2. There is evident politicisation and a lack of autonomy in the management and governance of the higher education institutions as well as NCHE.

3.2.3. The twin statements on withdrawal of registration of five universities and non-accreditation of study courses and programmes are unclear as they fall short of giving sensible and alternative guidance to students who were enrolled in the affected universities. Relatedly, the statements do not say anything on the status of the qualifications already obtained from the abandoned universities and programmes let alone what should happen to the graduates who have been recruited in government, statutory corporations, the private sector and in other countries beyond our territorial borders, having been disowned by NCHE.

3.2.4. Government has not been proactive in discharging its regulatory role with respect to higher education institutions as the crisis we have found ourselves in as a country has not been a sudden one but rather gradual one. While NCHE is relatively new, it is a known fact that the same role was previously managed by the Ministry of Education under the Directorate for Higher Education.

3.2.5. Government is playing double standards in matters of higher education delivery regulation. Government and its statutory corporations have for instance recruited graduates from some of the institutions whose licences have been revoked particularly ABC, Columbia Commonwealth University and Exploits University just to mention a few. Some of the graduates from the universities under contention have proceeded to earn recognition and promotions in the government's ministries, departments and agencies as well as private sector, and in some instances used such qualification to attain other higher accolades through long established constituent colleges of the University of Malawi as well as other universities abroad. In addition, African Bible College for instance has been in operation for over 15 years, Columbia Commonwealth University has existed for over 12 years and Blantyre International University has been operating for over 10 years. One therefore wonders what government through its regulatory arms was doing all these years for it to come up now and withdraw licences for concerned higher education institutions. We also wonder why government is not taking any slight interest to equally identify itself with the implications of such a determination. This is clearly tantamount to abdication of responsibility of the worst kind on the part of government.

3.2.6. We also find the condition of allowing higher education institutions to start operating before assessing them on meeting the standards towards registration as faulty and illogical. Our considered view is that such an arrangement compels students to enrol with these institutions before they qualify for registration, and this makes students and parents get ripped off of their hard earned money as the current situation attests.

3.2.7. We continue to note and reiterate that the NCHE is restricted and limited in its mandate of regulating the establishment of higher education institutions particularly because we have public universities operating under independent Acts of Parliament. Therefore, our higher education will continue to face unprecedented challenges unless government expedites the process of harmonising the various Statutes.

3.2.8. While noting weak legal framework regarding regulation and accreditation of higher education institution, we deplore the tendency by some proprietors of private

institutions for compromising quality and academic credence in an attempt to make huge profits.

#### **4.0. STAND OUT IMPLICATIONS**

- 4.1. Persistent closures of higher education institutions disturb the academic calendars and defined periods of time within which the study courses are supposed to be offered thereby unnecessarily elongating the completion time of different programmes. This has a negative bearing not only on quality but also on career progression for the learners, and resource utilisation for the learners, universities and government. As an example, the Polytechnic College students enrolled on a five year engineering program are still pursuing their program despite being in college for almost 8 years because of the repeated closures.
- 4.2. Procrastination in dealing with challenges rocking higher education institutions allows the otherwise petty challenges to grow into complex and irreparable levels with far reaching negative implications such as we have witnessed now.
- 4.3. Repeated closure of the higher education institutions is capable of delaying the entrance of the graduates into the labour market which will be a great obstacle to national development.
- 4.4. As a country operating in a global village, the worrying developments taking place in higher education institutions have the potential to further compromise on the standing of our education system in the global market. It has the potential to dent our old legacy of quality education system hence would among other things have implication on the regional and global rankings for Malawi.

#### **5.0. KEY RECOMMENDATIONS**

- 5.1. Government should consider granting not just operational independence to institutions of higher education institutions but also financial autonomy by increasing responsive funding levels to the same.
- 5.2. The appointment of strategic positions of councils and boards of the universities and other parastatals should be revised and subsist on merit which should, where possible, be subjected to parliament scrutiny, recommendation, and reporting and cease to be based on political allegiance to the ruling elites.
- 5.3. Government and its agencies should stop underrating the inherent power of dialogue, engagement and proactivity in resolving conflict in the course of executing their authorities as by-passing such a tested approach could potentially aggravate matters to irreparable levels.

5.4. Government should consider extending the long awaited call for harmonising conditions of service in the civil service to higher education institutions. As they are all public institutions, there is need among other things to avoid perpetuating potential cause for strife and migration of staff in the said institutions each time one of them revises its own conditions.

5.5. As an overarching regulator of higher education institutions, NCHE should be seen to forcefully take up the role for which it was conceived. The respective Acts of universities and colleges should be revised if it comes to undertaking admission of students into public universities and colleges other than continue being seen as just a convener of institutions that are going to use their own acts of establishment any way. Coming into force earlier should not be the matter here but rather the ideal conception of a particular institution.

5.6. There is need for collaborative support, development and expansion of research between government through MoEST for all the universities and colleges so that higher education institutions, like is the case in most western universities, are turned into creators of knowledge and innovations that could be feeding into national development; and that the proceeds from the same could be benefiting the institutions and in the long run save government from the burdening call for more and more financing of universities and colleges. LUANAR has just demonstrated this possibility by raising MK21b last year.

5.7. Before finally and fully occupying its rightful place in regulating higher education institutions, NCHE should consider engaging in adequate consultations before effecting some of its decisions on handling the challenges that were allowed to emerge, grow and aggravate under the watch of its predecessor arm, the Directorate of Higher Education under MoEST for purposes of managing the all-round implications of the said arising decisions.

5.8. NCHE should, on receiving and reviewing the improvement plans as part of the conditions for handling the pointed out challenges for the affected institutions, announce their reconsidered opinion over the matter and regularly do so, using different avenues at least for the rest of the institutions and programmes allowed to operate in the country. This will allow students and parents to be making informed decisions in respect to enrolling with the various higher education institutions.

5.9. NCHE and any other government regulatory bodies should consider revising their approach of particularly treating the registration process. Higher education institutions must not be allowed to begin to operate before they are assessed and determined to have met the prescribed basic standards. This is why we regard government and NCHE as accomplice to the current crisis, and we implore that they should be held to account. Government offices should be the first to display efficiency and timeliness in the discharge of their duties particularly in matters of this nature.

5.10. We call upon proprietors of higher education institutions especially private proprietors to comply with the set standards in order to meaningfully contribute towards the attainment of quality higher education in Malawi. While appreciating that private proprietors are driven

by profits, we however, call upon them to demonstrate collective responsibility in the provision of education services.

5.11. In the interim, we call upon government and its relevant agencies to take progressive steps to re-open the remaining colleges and universities as a matter of urgency, and to further put in place robust enforcement mechanisms to deal with regulation and accreditation of higher education institutions.

## **6.0. OUR CALL TO PARLIAMENT**

It is evident that the established systems for managing and governing the higher education institutions are not living up to the expectations of the citizenry. Government and University Councils have kept pushing the blame on each other at a time the country has needed not only immediate answers, but also leadership that could face the challenges of our time. It is on this basis that CSEC and all other concerned parties are turning to the National Assembly as an arm that is meant to offer checks and balances to the Executive to initiate honest deliberations around the highlighted challenges that have crippled our higher education institutions.

We are aware that Members of Parliament attempted to demand for explanation from the Minister of Education, Science and Technology on the first day of the ongoing seating of parliament and the Minister re-demonstrated his indifference on behalf of the Executive. We are therefore calling upon your office to facilitate a due solution- based deliberation of the matters around the current higher education institutions looking at the gravity of their implications.

CSEC believes that Parliament has the obligation to deal with such issues within its powers of representative, legislative and oversight function over the executive. As petitioners, we are convinced that our call is not arbitrary as Parliament has previously deliberated on government's intent to hike secondary school fees, and took up a resolution of stopping government from effecting its decision pending further consultation and fresh determination. CSEC is further cognizant of the fact that the Parliamentary Standing Order, rule 58 allows citizens and other interested parties to petition Parliament or indeed bring into the August House through a Member of Parliament a Private Member's Bill.

We look forward to positive action by our Parliament.

Signed by



Benedicto Kondowe

**EXECUTIVE DIRECTOR**

Julie Juma (Mrs)

**BOARD CHAIRPERSON**