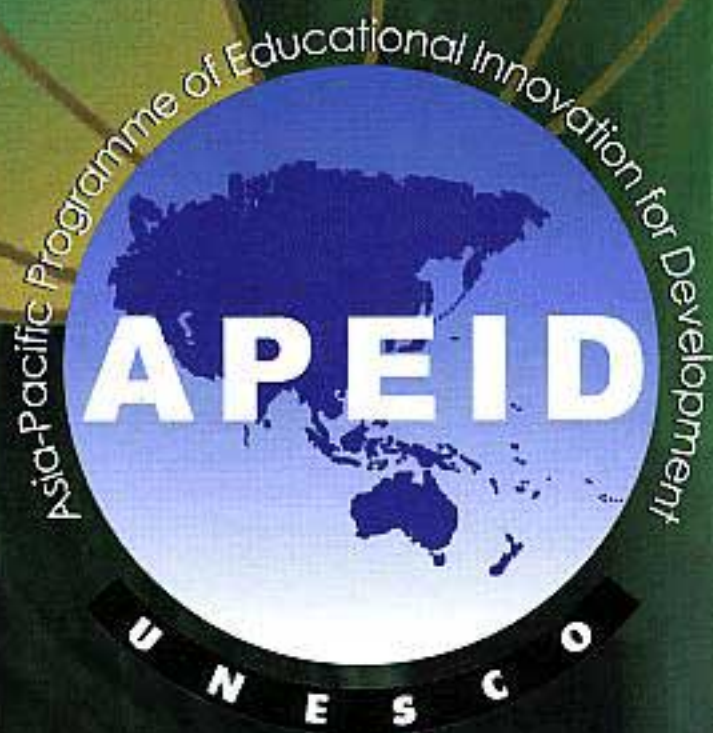


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Academic Freedom in Countries of Asia

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Executive Summary

Great diversity exists in countries of Asia regarding system of government, social values as well as the pattern and stage of development of the higher education system. Dynamicity and the current trend of reform bring in new factors. Even though academic freedom is a universal value, the interpretation of findings pertaining to academic freedom must take the circumstances into consideration. A review of documents in particular reports and websites has been combined with opinion and critical assessment by selected knowledgeable persons from the countries. Real cases or incidences were sought.

Four categories of relationship were used to group the observance and non-observance of academic freedom.

1. **Academic freedom concerning the government or state in relation to the higher education institutions and their academics.** Academic freedom was found to be a subset of the human right situation in the countries which varied according to the political system and situation. Constitution and laws in many countries underwrite the academic freedom, while in many other countries laws were passed to limit academic freedom for variable reasons. Degree of dictatorship, balance of power, manner of law enforcement and judicial practices played a key role. Social policy could interfere with academic freedom in many ways such as access to information, selection of research topics, report of research results, and expression of opinion in public. The role of government in the appointment of state university presidents varied in countries and could be a crucial juncture in the pattern of academic freedom.
2. **Academic freedom concerning the interaction between university administrators and academics.** University administrators are in the middle between outside pressures and the academics inside. The ability to stand firm, withstand pressure and protect academic freedom varies with personalities and circumstances. On the other hand, the administrators themselves can be the source of non-observance of academic freedom. With the present trend of institution autonomy, corporatisation, and the need to find outside sources of funding for education and research, administrators are assuming more authority in decision making and management. Infringement on academic freedom for the sake of efficiency or for favorable income generation or even for negotiated agreement with funding sources has been observed.

3. **Academic freedom influenced by peer.** In certain issues such as gender equity, religious belief, racial preference and ideology, peer pressure can infringe on academic freedom in the university.
4. **Interference of academic freedom by external factors.** Many countries of Asia are facing some degrees of inadequate system of justice and law enforcement as well as cronyism. Insurgency and terrorism as well as the government's responses can both lead to threat against academic freedom.

Non-observance of academic freedom has a direct effect on the quality of education and research, as well as on long term impact on society. There are examples of good practices leading to observance of academic freedom. Constitution, laws and code of practice in some countries guaranteed academic freedom. Integrity and courage of the university councils or boards as well as administrators are important. Hence, their selection and appointment process plays an important role. Environment and mechanisms inside the university such as academic senate, free academic debate, and research meetings can serve the purpose. Judicial system and freedom of the media in the country are important to academic freedom.

On the other hand, there are examples of instructive failures. Weakness of the administrators is the most important shortcoming. Understanding of the roles of and trust in the university by society is mandatory. Self-censorship by the administrators or the faculty and researchers is most alarming and detrimental to the university in the long term. Students' understanding and participation can be helpful. The worst situation is when academics are forced to abuse academic freedom.

There are a number of suggestions for action by UNESCO, governments, head of academic institutions, academic and professional associations in order to uphold academic freedom.

Asia is a continent of diversity in many aspects, namely the physical, socio-economic and political status, the history of higher educational institutions, and the national policies. Countries are in different stages of national development. Higher education as it is in Asian countries at present, is a new system brought into the region only in the last century. The structure and functions of universities are imported. In different countries, the pattern of higher education development depends to a great extent on the system used in Europe and North America. For instance, in Japan, the German approach of university for inquiry was copied, while in Thailand it resembled the French professional schools. Countries with history of being British colonies used British system. Many countries in the former communist block followed the

Russian system. After the Second World War and the end of the Cold War, American influences were strongly felt. Thus, tradition and culture is not ingrained and discrepancy is seen regarding common understanding of principles underpinning higher education. Academic freedom is a principle which traditionally serves as a pillar for academics and academic institutions to pursue inquiry and full use of inquisitive and constructive mind. It is believed that such principle has served mankind in the development and progress of human society and well-being. It is closely linked with government and administrative system in the countries, as well as with the structure and functions of the higher educational institutions. Recognition and understanding of these roles varies. More over, higher education system in the region is facing new challenges, namely massification, limitation of resources, corporatisation and privatisation, globalisation, information and communication technologies, as well as knowledge-driven economy and knowledge-based society. While academic freedom is a universal concept within the domains of human rights, the situation regarding academic freedom in the countries of the region and the impact of observance and non-observance is dynamic, subjected to forces in society: economic, social and political, and must be interpreted within the context and environment. Studies of actual cases in reality have thrown some light into the understanding. Translation of the findings into a generic conclusion must be made with restrictions.

Methods of study

With time and other limitations, this study could cover only parts of Asia, excluding the Middle East and Central Asia. For comparison, information from Australia and New Zealand are included only to illustrate certain aspects. Review of literatures, reports, documents and websites selected according to the term of references (UNESCO 1997 Recommendation concerning the Status of Higher Education Teaching Personnel para 27 and related paras 26, 28-32), provided valuable but incomplete information. Selected knowledgeable persons from 14 countries gave opinion regarding the situation of academic freedom in their countries, and answered a set of questions covering aspects of academic freedom. They were also asked to give examples or real cases that could be studied further. Opinions were also sought regarding specific incidences from reports and websites. Attempts were made to confine the information to the last decade, but certain earlier examples which could very well be present in some countries even now were kept.

Many respondents at the beginning were of the opinion that there was not any serious problem in their countries. Surprisingly, after asking specific questions and allowing them to think about specific cases, many came up with a number of examples which gave a clearer picture.

Situation of academic freedom in countries of Asia

For the sake of clarity, the complex inter-related situations are divided into parts according to the main interacting actors.

1. Academic freedom concerning the government or state in relation to the higher education institutions and their academics.

Academic freedom is certainly a part of the human right situation in the country, which depends upon the type of government. In Asia many countries are now under a totalitarian regime, some of which are trying to change into a more moderate one. At the other extreme, many have a truly democratic form of government. In the middle, there are many countries using a system of parliamentary democracy, but the countries are dominated by a single party or a single personality which can hold power for many years. Time and power can spoil righteousness. Many countries have both federal and state governments. Higher education institutions can be under the jurisdiction of either the central or the state or provincial governments. Interference with academic freedom can be in many forms at different levels.

In case of Hong Kong under the one-country-two-systems arrangement, there can be conflict of ways of thinking, but the academic circle appeared to be able to stand very firm with only a few incidences (1). The vice-chancellor and pro-vice-chancellor of a Hong Kong university resigned following an allegation that they had tried to inhibit the academic freedom of a university where an academic carried out public opinion surveys on the government (2). A Hong Kong based scholar was convicted for spying in China and deported. He was later allowed to return to Hong Kong and resume his teaching post. Nevertheless, Academics in Hong Kong were said to avoid sensitive research topics either by subtle directive or by self-censorship (3)

On the one hand, the present Constitution of Thailand, redrafted in 1992 contains an article guaranteeing academic freedom (4); the Indian Constitution also safeguards freedom of expression and thought (5). The Parliamentary Act of Bangladesh ensures academic freedom. On the other hand, many countries passed laws that allow governments to intervene in matters which are in the sphere of academic freedom. For instance, University and university College Act 1971 of Malaysia gives full authority to the government over student enrolments, staff appointment, educational programs, and financing. The 1975 amendment provides basis for government to forbid academics and students from involvement in any political activities or affiliation to any political party or trade union. They are discouraged to

express their views publicly in shaping public discourses and national debates (6). Government decrees restricted public release of scientific studies on the health consequences of the air pollution and dense haze that were blanketing much of the country (7). Evidences from many countries indicate that with or without explicit statements in the laws, infringement on academic freedom depends very much on the manner of law enforcement and judicial practices in that country.

As an example, Suharto's regime in Indonesia used what was called a "New Order". Stability of government and political stability as well as national harmony was given as reasons for the sake of economic growth and foreign investment. In a letter by Jonathan F. Fanton, Co-chair of Human Rights Watch Academic Freedom Committee to new Indonesian Minister of Education and Culture after the end of Suharto regime urging the new government to dismantle barriers to academic freedom (8), he gave this statement: "Suffocating array of repressive laws, regulations, decrees and abusive practices, political background checks, compulsory indoctrination in the state ideology, blacklists banning critical academics, writers and dissidents from seminars and public fora, state permit requirements for research, and censorship of publications have been the norm for over thirty years."

In Sri Lanka, an amendment to the Universities Act was proposed by the government, but the supreme court of Sri Lanka ruled that several provisions in the proposed amendment violated the Constitution. One such provision was to introduce two members of parliament to the university council. The court held that it might have the effect of intimidating other members of the council (9).

In many countries, the authority's pressure, intimidation, forces and other tactics applied to the media to curb its freedom in contrast to the degree of compliance or firm standing and courage of the media indicate the nation's standing on freedom of expression which is directly linked with academic freedom. Threat, harassments, assaults, jailing without trial, summary trial, and even assassination require very strong will to resist. Nevertheless, there are incidents of resistance. The degree of intimidation in different countries varies. For instance, a prominent and critical Vietnamese geologist and writer was arrested and detained for 2 months with the given reasons being his possession of documents said to be against the interest of political party (10).

National policies which are set by the government can limit the space for functioning of universities and have effects on academic freedom. For instance, in Malaysia the "Bumiputra Policy" which includes the

“Bumiputra-risation” of public universities has reduced the proportion of non-Bumiputra academics working in public tertiary institutions, and has created ethnic divide between public and private sector. The students’ access to public higher education is skewed in favor of Bumiputra (11). In contrast, a freer development policy in Singapore which embarks on recruiting staff of high professional and academic standards from international pool, has given the universities added strength. As many as 20 percent of university staff in Singapore are expatriates (12). Many countries in Asia are under the policy of preference for nationals in their staff recruitment.

A professor who headed the Center for Civilizational Dialogue at the University of Malaya was dismissed. He was a vocal supporter of the opposition leader. The university’s economic factor was given as the reason. It was in response to the government directive calling on the university to optimize human resources (13).

Freedom of access to information can be curbed by the government and certain ideology favored by the government can also be forced into the universities. A military dictatorial government in Thailand in the 1960s ordered the universities to remove all books and documents on communism in particular Mao’s Red Book from libraries and personal possession. It was at the height of communist insurgency in Thailand and national security was given as the reason. University students were also required to study civil defense courses on military science, or otherwise were entitled to be drafted into military services. In India, the Hindu nationalist Bharatiya Janata Party government of India had a policy of “Hinduizing” education at all levels (14); history textbooks were rewritten. An administrator of the Management Development Institute was removed because of his opposition to the introduction of the ideologue to the campus (15). The Indian Ministry of Human Resources Development in 2004 passed strict academic guidelines imposing requirement of the Ministry’s permission for foreign collaborations and other international academic exchange activities in line with Hindutva philosophy. (16) The burning of Jaffna Library in Sri Lanka under the possible initiative of the then ruling government party was an attempt to limit information (17).

The interference by the authority can be direct and overt, or indirect and covert, corresponding to some degree to the authoritativeness of the government. There are many examples of Minister’s pressure to university administrators to stop certain research efforts, public opinion polls and publication of research results (18) (19). In Malaysia and Singapore, topics on ethnic conflict, local corruption, and other politically sensitive issues are

banned from academic research (20). Even in developed countries with full democratic system of government, such behavior can still be found (21).

Dependence of state universities on government's budget allocation makes it vulnerable to pressure. A faculty member in the Faculty of Economics in Thailand did research on corruption in the country, part of which included survey of opinion of public sample about their perception of politicians involved in corruption. The media reported on the findings. Politicians including head of a political party in the coalition government were furious. The party leader gave an interview with threat to cut the university's budget which would soon be considered by the parliament. The matter was submitted to the university council which at a meeting came out to defend the researcher. It made a public statement that it was the rightful duty of the university to carry out the study which was of public interest. Fortunately, there was no definite evidence of budget cut for that year.

There are examples of interference with making public of important knowledge which is not in line with the policy of government minister and government agency. Government's attempt to control public information depends on the level of freedom of the press in the country. Damages to national security, social wellbeing and economy are often given as reasons. Tourist industry is often claimed to be affected by the unwanted information. Recent epidemics of emerging viral diseases in China, Malaysia and Thailand illustrate well the interface between universities and government policy. In Thailand, a faculty member on the faculty of veterinary science who was specialized in avian diseases discovered that there was a serious epidemic among chicken in a number of rural areas. After an initial investigation in the farm he was of the opinion that according to the appearance of the syndrome it would likely be bird flu. In response to newsman's question, the minister of agriculture stated that it was not an epidemic of bird flu. The incidence was only an ordinary problem with chicken death from chicken-cholera. The director of the livestock department came out to support the minister. It was understood that the minister was concerned with the effects on chicken industry both for local consumption and for export. The researchers continued doing their studies but were barred from entering the affected areas by local livestock department officials. Two months later when the epidemic spread to many provinces and there were cases of human fatality, the minister accepted that it was an epidemic of bird flu. In Malaysia, academics were discouraged to express their views publicly in the mass media about the Nipah-Hendra virus epidemic in 1999 (22).

The role of government in the appointment of state university president is a crucial juncture in the pattern of academic freedom in the

country. In Thailand, the university council has a full authority in the selection, appointment and dismissal of state university president; there has never been any incidence of interference by the government in this process. In many countries such as India and Japan, there has been a tradition of internal process in the selection of the president. Even though the appointment of state university president is officially made by the minister of education or of higher education, the outcome of the internal screening process is usually respected. In some instances, however, justifiably or not, other persons were appointed creating reactions from the academics. For some countries, the minister of education has full authority in the selection. For instance, in Malaysia the appointment of vice-chancellors and deputy vice-chancellors are placed in the hands of the minister of education. The vice-chancellors are also given the prerogative to appoint deans (23). Such mechanism for appointment of top administrators provides big opportunity for intervention by government and minister in the affairs of the university. At times politicians are appointed to be university president.

2. Academic freedom concerning the interaction between university administrators and academics.

University administrators may serve as an intermediary and be under pressure from the government or other fractions outside the university. The ability to stand firm, withstand pressure and protect academic freedom in the university varies with personalities and circumstances. Administrators can also be autocratic or be inept or be insensitive to the issue of academic freedom. With the present trends in reduction of budgetary provision to state universities by government, institutional autonomy, corporatisation and privatization, there is a need to find other sources of funding, and an increased efficiency in management. The president has to assume the function of chief executive officer. Administrators must be more effective and accountable. They are forced to set rules and regulations as well as closely monitor the operations. Some universities have introduced a “codes of conduct”. Collegialism which has prevailed previously in the university is replaced to a variable extent by managerialism. Power to make decisions has shifted from decentralized units to the central administration. A kind of mentality of apprehension and hostility to criticism has at places occurred. In Japan, the ongoing higher education reform has moved the power from professors who earlier made most decisions, to the administrators. There are concerns expressed regarding academic freedom of the professors which has so far been the underpinning of Japanese university’s strength. An increase in the conflict between administrators and faculty members has been observed.

Australian universities have been very successful in generating income from fee-paying students and from collaboration with industries and businesses. Since 1996, the government has cut tertiary education funding by some \$800 million a year. It was estimated that the Australian higher education system gains \$3.4 billion a year from overseas fee-paying students. Among the consequences, the student/staff ratio has deteriorated from 13.50 in 1989 to 18.84 in 2000. At certain places, freedom to select students, grading of student's performance and teaching methods as well as class size are controlled. Research topics are required to be considered as useful in exchange of public money, or in accordance with the private company who funds the study. A book proposal on the situation of higher education institutions including critical analysis of the trends, was rejected by the university press after an intervention by senior administrators within the university. After the case of dismissal of a teacher at an Australian university because of his opposition to the upgrading of student marks as suggested by the administrator and making public the incidence (24), concern has been expressed regarding the effect of the present trend. The Australian Institute made a survey of academics on this issue(25). "The survey found widespread dissatisfaction with the erosion of academic freedom, with many respondents complaining of management pressure to produce commercially favorable research and student results. ... Among 165 teachers and researchers who responded, 92 percent expressed concern about the general state of academic freedom. Of those, 81 percent blamed the increasing commercialization of their university. ... About one in five reported that they had been prevented from publishing contentious research results, and 41 percent said they had experienced discomfort with publishing such results. ... Almost half had experienced reluctance to criticise institutions that provided large research grants or other form of support. Approximately 5 percent said they had experienced pressures to admit and pass full fee-paying students and more than a quarter expressed low levels of satisfaction with the freedom to determine student standards."

As an example of the complexity of the situation, a university was making an agreement with private company including the so-called "no competition clause" in order to ensure conflict of interest and commercial confidentiality. According to the clause, the university agrees to preclude any competing research being done in that department or throughout the university. The right to report negative results of a commercial product studied can be objected by the private company, even though the information is of benefit to the public.

At a public hospital in New Zealand which has been converted to an enterprise, the for-profit motive has affected patient safety. Doctors in the hospital received a letter from the administrator reminding them of their

loyalty to the employer, forbidding them to make public the shortcomings. Any attempt would be discredited in public and an investigation into the private financial affair was used as deterrent. A staff of the affiliated medical school using the academic freedom provision was not silenced and the matter was brought to public attention. He later received the first “Association of University Staff Academic Freedom Award”.

3. Academic freedom influenced by peer.

Within the academic institutions themselves, peer pressure has been observed to infringe on academic freedom. Strong and vocal group who are attached to certain line of thought such as gender equity, religious belief, racial preference, ideology etc, can be in conflict with those who disagree. Self-censorship by those who do not want to confront can limit their freedom of expression, freedom of enquiry and freedom to teach. Such influences can go beyond national boundaries.

Academic studies relating to religious faith have been seen to lead to petition and protest by devout believers both inside and outside the academic circle. The extent to which a higher education institution should provide a haven for the expression of diverse opinions is not clear especially in Asian countries.

In March 2005, an emeritus professor in Korea wrote an article published in a monthly magazine arguing for the Japan’s occupation of Korea. Strong criticism from academic circles, civic groups and the public led to his resignation from his post (26)(27).

4. Interference of academic freedom by external factors.

The Scholars at Risk Network examined more than 450 cases of interference with academic freedom worldwide, and identified non-governmental agents which were involved (28). They included militant and paramilitaries, armed guerilla movements, armed paramilitary death squads, religious authorities, criminal organizations, and commercial enterprises. Many countries in Asia are facing some degrees of inadequate system of justice and law enforcement as well as cronyism. The recent spreading of terrorism has compounded the picture. Police and military forces are at time involved in brutality and unlawful activities such as corruption, gambling and trafficking. Anti terrorism bill such as the one passed in Indonesia can restrict freedom of expression because of the broad definition of terrorism. The authorities are given the power to intercept communications. There is a lack of adequate legal safeguard to prevent abuse. Academics can be the target and

academic freedom is infringed. Defamation sue in court is also used as a mean to threaten academics and media.

For Asia, there are some sporadic examples of interference with academic freedom but the true extent can not be determined.

A political scientist in Southeast Asia published articles condemning violence by separatist movements in his country, calling for public rejection of violence and promotion of nonviolent conflict resolution. He was assassinated outside his university.

Two university rectors in the Aceh province of Indonesia were killed by unidentified men. Aceh witnessed an increase in violence in recent years as pro-independence guerillas battled counter-insurgency forces of the Indonesian military and police. Before the murder, the second rector met with Human Rights Watch personnel and discussed his hope that universities could play a role in forming a nonviolent resolution to the conflict in Aceh (29).

A faculty member of the Department of Statistics in Thailand made a study of the result of national lottery over many years. He found that the result during a certain period was not in line with the probability theory. Suspicion of tampering with the process of lottery prize drawing was raised. The media reported on the results. Immediately the director of the national lottery agency came out to defend the drawing and said that the academic was insane. Nevertheless an investigation was launched in response to the demand of media and the public. During that time the researcher received several threatening telephone calls demanding termination of the involvement. Fire broke out close to the researcher's house. Even though its connection could not be substantiated, the researcher was frightened for the safety of his family. Two years later the criminal court sentenced three culprits to prison for tampering with the lottery prize drawing.

As an example of threat by private enterprises, a faculty member of the Faculty of Pharmaceutical Science in Bangkok, Thailand did research on a pharmaceutical product which was on sale in the market. She reported at a scientific meeting at the university. Somehow the result was picked up and reported by newspapers. The pharmaceutical company filed suit in court for damages to an outrageous amount, not at the court in Bangkok but at a remote province. It was the company's legal right. This was a tactic to make the legal procedure troublesome and lengthy in the defending process. The faculty and university went into defending the researcher and gave advice as well as legal representation. There was no chance for the company to win the lawsuit, but the researcher was having a period of fear and frustration. She as well as some

of her friends would not like to face with such a situation again. The selection of research topics and inquiry was disturbed.

A university teacher who was studying as a Ph.D. student in Thailand was sued by a big television network over an article he wrote. He advised people not to buy goods advertised on the network because it worked as a mouthpiece for government propaganda. The criminal court acquitted the charge, but the network continued to sue him for defamation with a claim of 80 million bahts. The outrageous amount of claim served as a threat aiming also to warn others (30).

In Taiwan, a researcher at the Center for Study of Sexualities was charged in court by a group of 13 civil society organizations for information on web data base which was accused of propagating obscenities that corrupt traditional values (31). Sex, gender, racial and religious issues are sensitive areas which academic freedom is weighed against societal wellbeing.

Impact of observance and non-observance of academic freedom

From the cases of non-observance of academic freedom, impact on the functioning of universities can be observed.

1. Direct effect on higher education. Freedom to teach is limited by either direct government's interference or adjustment to commercialization. The pressure from massification of higher education and from income incentives has resulted in an increase in class size and deterioration of student/faculty ratio. The selection of students which is affected by the ability to pay has deterred bright and meritorious students. Scholarship programs help but are often not enough. Inequity gap is widened. Teaching methods are limited and many have to continue or resort to didactic teaching. Teaching loads of faculty often occupy all available time. When this is coupled with low salary which is prevalent in many developing countries of Asia, the ability of academics to keep up with the progress and to pursue excellence is limited. These and other effects on teaching would undoubtedly reduce the quality of education.

Research and production of knowledge is limited by the requirement of short term outputs and by the limited objectives of government programs, the funding agencies or the private enterprises. Questioning of government policies can be off-limits. In some areas, research projects which are supported, deal only with practical or operational levels and are not thought provoking. Over-management of research by the national granting agencies or by the institution itself has been observed to stiffen innovation and

creativity. Researchers in the basic disciplines are often left out, or are overloaded with teaching assignments.

Freedom to communicate research results and to express opinions publicly appears to be the most serious disturbance. Disagreement and conflict both inside the institution and with outside has eroded into the morale of academics. Too often, able researchers left the academic career after having disagreement with the administration. Some migrate out of the country to find better places.

Self-censorship is a common phenomenon. As seen from case examples, faculty members in general do not like to be in conflict with stronger and more influential elements either university administrators, the government or the un-identified forces. Threat in many forms has deleterious effects not only on the individuals involved but on broader circle. At time the administrators and the faculty members agree to stay away from taking risks.

2. Impact on society in the longer term.

The university without academic freedom can not perform the function of societal conscience or early warning. Inability to do research on public policies, to report discomforting research results and to express dissident voices in public would in the long term devoid the society of the necessary wisdom. Many ill-conceived public policies and their damaging consequences would otherwise be avoided.

It is interesting also to note the impact of observance of academic freedom when it leads to disagreement with the authorities. University administrators in some countries have been dismissed by the authority. Cutting of budget provided by the government is indeed a possibility but can not be substantiated. Favoritism in the budget allocation is a common phenomenon in developing countries of Asia where accountability and auditing mechanisms are weak. For moot situations, bringing the cases to court should be a reliable mean, but in some countries where the court may have been under the stronger political influences, the result can be disastrous. Academics have been jailed or deported.

Examples of good practices.

1. Constitution and laws guaranteeing academic freedom are the highest level of national commitment. Even though it may have been side-tracked or violated in practice by those with authority, it can serve as a constant reminder. When the change of regime happens, the principle is helpful in correcting the situation.

2. Code of practice is useful in countries of Asia because academic freedom has not been ingrained into the tradition or culture within the university and the society. If the code is succinct enough and widely accepted, it can provide norms for all involved. Complexity of the situations must be recognized and part of the recommendations or procedures may have to be left at the discretion of a designated group of people. Responsibilities that must accompany academic freedom can also be emphasized.

3. Integrity and courage of the university councils or boards have been an important element in deterring interferences with academic freedom. The selection and status of council members usually counts.

4. Top and senior administrators play very important roles as a buffer against outside pressures. They must be firm but tactful. Integrity and courage are required. The selection and appointment of the administrators is an important pivoting factor in the observance and non-observance of academic freedom in the institution.

5. Academic Senate and collective actions by peer can serve as strong protection against interference of academic freedom. Academic circles inside the country as well as outside can add to the strength.

6. Academic debate on the topic or incidence based on truth, evidences and sound reasoning can clarify the often complex situation. Transparency must prevail.

7. Researches on higher education especially the responses to new trends, and the consequences of non-observance of academic freedom are very much needed. The available results of studies are useful in setting policies of higher education institution and system.

8. Wherever the judicial system is dependable, resort to court can help settling differences.

9. The media, if free, can be an important ally for academic freedom.

Instructive failures

1. Weakness of the administrators is the most important shortcoming. At times, they can serve as an agent for outside pressure or interference with academic freedom. The procedure for selection and appointment of university presidents or vice-chancellors plays a key role.

Putting the authority for appointment and dismissal completely in the hands of the minister or politicians is risky.

2. Misinterpretation and abuse of academic freedom for unjust causes can undermine trust of the public who should be protecting it. The public can also be inadequately aware and understand the roles of universities and the importance of academic freedom to the society in general and in the long term.

3. Self-censorship is a creeping phenomenon and is most alarming. The administrators, the faculty/researchers or both can be affected. In the long run it can lead to a new set of norms which is detrimental to the university.

4. Students' understanding and participation in the promotion of academic freedom and in the protection against its interference is to say the least inadequate. Students' rights including the freedom to learn are not very well respected.

5. For certain situations academics can be in a defensive position when they are forced to abuse academic freedom by outside influential bodies. For instance, they are used to publicly justify a policy. A government had a policy to build a big project which obviously had serious impact on the environment. A committee of academics from universities was formed supposedly to oversee the environmental impact assessment study. A report was tabled with conclusion that there would be minimal and correctable impact on the environment. The committee was asked to endorse the report. Some academics on the committee resigned and made public comments. Some resigned quietly but some continued on the committee.

Conclusion and suggestions

The situation of academic freedom in most countries of Asia needs improvements. The non-observance is in part due to the human rights situations in the countries and the inadequate rule of law. Recent trend of higher education reform in particular the managerialism has led to emerging threats to academic freedom from new sources of funding. Conflicts, self censorship, inept administrators and deterioration of staff morale are among the alarming issues.

A. Suggestions to UNESCO:

1. UNESCO should undertake more definitive studies of the issues of academic freedom in the new environments aiming at setting

norms and good practices, as well as study the impacts of observance and non-observance in developing countries.

2. UNESCO should advocate the respect of academic freedom by emphasizing the long term benefit to the society.

B. Suggestions to governments:

1. Governments should uphold and safeguard academic freedom in the country.

2. Governments and its agencies themselves must not be the abuser of academic freedom, and must take appropriate actions against abusers. The rule of laws must be the responsibility of the governments.

3. Governments should encourage voices of conscience in the society and promote toleration of differences.

C. Head of academic institutions:

1. Head of academic institutions must be courageous enough to stand firm for academic freedom, especially against threats, and must serve as examples for standard of values and practices.

2. The atmosphere and culture of freedom of expression and tolerance of differences must be nurtured in the academic institutions, and be promoted in the society.

3. Administrators must show benevolent leadership and management skills, in particular not being themselves abusers of academic freedom. In the handling of incidences, critical review of evidences and sound judgment must be based on respect of academic freedom.

D. Academic and professional associations:

1. Associations should develop codes of ethics which include academic freedom.

2. Academic associations individually and collectively should be on alert for any incidence of abuse of academic freedom in as well as outside their countries, and be prepared to do whatever is needed to protect academic freedom.

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