

Rethinking higher education access in Malawi: dilemmas in achieving a just system.

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Introduction: the landscape of higher education in Malawi

Malawi is one of the small southern Africa countries. It shares its borders with Tanzania to the north and north east, Zambia to the western and Mozambique engulfs the southern part of Malawi. The latest statistics show that the population of Malawi has grown to 13 million. According to the 2008 Population and Housing census preliminary results, 45% of Malawi's 13 million population is in the Southern Region which has 13 districts. 42% is in the central region with 9 districts and 13% is in the Northern region where there are also 6 districts (National Statistical Office, 2008).

The public university system is the major source of tertiary education for most Malawians. University of Malawi was established in 1964 and it opened its doors to 90 first year students in 1965. Until recently, Malawi only had one university with 5 campuses spread across the southern and central regions of the country. These are Chancellor College, The polytechnic, College of Medicine in the Southern Region. The College of Medicine was established in 1991 whereas Chancellor College was opened in 1974. Bunda College of Agriculture and Kamuzu College of Nursing are in the central region.

University of Malawi currently enrolls 6200 students across all years and faculties (<http://www.unima.mw>). The universities that have been introduced in the recent 10 years include Mzuzu University, Livingstonia University, Catholic University, Malamulo University. Of these new entries into the higher education business, only Mzuzu University is a publicly funded university. The other universities are faith based; hence source some of their funding from individual church structures. As such, Malawi has two public universities with six campuses since Mzuzu University only has a campus in the capital town of the Northern region, Mzuzu city.

The three traditional regions of Malawi are characterised by some of the historical features that have become predominant activities in each of the regions. For instance, the southern part of Malawi houses Blantyre which until recently has been known as the industrial town of Malawi. The history of the southern region reveals that much of its development came about because of activities and trade links with Arab traders from the eastern coast of Africa as well as other kingdoms in the early 19th century. The central region of Malawi is particularly famous for its arable farming. The main cash crop in this region is tobacco. On average across the country, tobacco earns the country about 70% of its GDP. On the other hand, one can characterise the northern part of the country as the hub within which education and its institutions first became

established. The establishment of educational institutions in the north can be traced back to the period of colonisation. This is so because most of the early education institutions in the country were established by the missionaries, hence the more the missionaries were accepted in a particular region the more the region benefited from missionary infrastructure such as schools and hospitals. The southern and central regions were hostile to missionary activities because of their pre-occupation with traders and traditional cults respectively. In other words, missionary settlement can be considered to be the main reason for the many educational institutions that were established in the northern region despite that the south and central parts of Malawi are more populated than the north. Given these conditions, one can think that the Northern region of Malawi became attuned to education because the region did not benefit from any commercial activities from the very beginning of colonial establishments to the post-independence period. Neither trade nor large scale tobacco farming became firmly rooted in the northern region. In other words, education became the main development tool, a vehicle for better socio-economic livelihood in the northern region.

Can the history outlined above justify the continued dominance of some groups in higher education? In the following sections I trace the history of access into higher education in Malawi and the main reason for those trends. I also further argue that access to higher education based on either people's regions, district of origin or entrance based on academic merit are both simplistic views of creating equal shares but do not adequately respond to the dilemmas of developing a just system of higher education. I suggest that the distribution of intellectual resources in the country is a bigger issue than it appears and no historical account can fully explain it.

The history of higher education access in Malawi

Since its inception in 1964, University of Malawi has been the only university operating in Malawi until 1991 when Mzuzu University came on the scene as a second public university. Student access into the University of Malawi was based on pure academic merit from the early years to 1988. In 1988 the first president of Malawi and the government that was in power, also famous for its dictatorial tendencies, changed the system of entrance to the university from 'merit selection' to what was called 'quota selection system'. The introduction of a quota system of selection into the university meant that the University of Malawi would accept an equal number of students from each of the political districts of Malawi. Until the late 1990's and early 2000, Malawi's political districts had remained 24. The south had 10 districts, 9 districts were in the centre and 5 in north. The current number of political districts has now increased to 28.

Within the framework of Quota selection system, each district was given space for 10 students within each succeeding first year class. Within each district, it is only assumed that that merit became the standard of selection into the 10 allocated places. No evidence is made public on whether such a quota system was also applied within the district. It has often been argued in political fora that the adoption of the Quota system of selection into the university reverses the trend of having unproportionally big numbers from some districts compared to others. It is argued that that the northern region which shares about 13 % of Malawi's population take up over 50% of university student places in the public university. The same political thinking argues that such a scenario unfairly privileges the northern region against the other two populous regions when it comes to graduates competing for places in the work place. Introducing a Quota system of selection meant reserving fewer places for students that have a northern origin since the northern region only had 5 districts. The government's argument is that the northern region of Malawi is benefitting from the university places most, followed by the central and the south despite that population sizes are in reverse of this perceived benefit system. As a result, the government also argues an exceptionally high number of high profile jobs are filled by people from one region, the northern region.

Ideologically, a Quota system can be perceived as a form of reverse discrimination. Reverse discrimination, in this regard should be understood as a deliberate attempt to minimise benefits going to a (smaller) population on the grounds that such benefits are not proportional to its population size in comparison to other groups within a state. In terms of higher education access, the quota system is also considered as key to resource distribution within this political thinking. In other words, deliberately disadvantaging an identifiable group of people –for example on the grounds that such a group has unfairly benefitted from a particular system of education, by ignoring it - in order to advantage another group of people, as already described above, is perceived as a way of bringing about social justice in educational distribution. Unjust benefits by some group justifiably call for correction by reverse discrimination because the unjust benefits put the one group at an unfair disadvantage over the other grouping. In terms of Malawi's raging controversy, one can observe that in the northern region of Malawi every district has many more public schools than any district of the same or similar size in the Centre or South. The Northern region benefited from missionary education much earlier than the Centre and the South since the missionaries planted the first schools in the North thereby putting the North at an unfair advantage over the Centre or South.

The Quota system of university entrance was overturned by a high court ruling in 1993 soon after the multiparty democratic dispensation was ushered in. The high court, in its considered decision labelled the quota system as a violation of the fundamental rights of Malawian citizens to equal development through equal opportunities to the access for higher education, irrespective

of district of origin. The ruling also argued that in districts where more students performed well, such bright youngsters failed to access higher education whereas other dull students from less performing districts got access.

In the middle of the new merit system, the University of Malawi introduced a combined merit aggregate formula for entrance into the university due to the increasing prevalence of examination fraud. This combined system mean that a student would gain access to the university on 50 percentage points taken from the Malawi Schools Certificate of Education (the exit point for secondary education equivalent to GCE) plus another 50% from the University Entrance Examinations. This meant that students who may have passed the schools examinations on fraudulent grounds would not easily gain access to the university. The assumption here was that fraudulent access is not a possibility at these two different levels of assessment and examination because different bodies and people are in charge of these processes.

In 2009, the Government of Malawi, the main funder of the University of Malawi, decided to re-introduce the Quota system of university selection. This means that from 2010, entrance to the university will be based on students' districts of origin. It is not clear whether this proposal will also factor in University Entrance Exams. But in its current argument, the Government of Malawi is arguing that the previous two regimes (MCP and UDF) did not correct the skewed distribution of public schools. It is also argued that the current operations of the public university continue to enrol and graduate unproportionally high numbers of students from the North despite the fact that the north only comprises of about 13% of Malawi's population.

Equity, equality and Access of higher education in Malawi – a policy and constitutional vagueness

The historical shifts in higher education access in Malawi are not equally and sufficiently reflected in the constitutional provisions of higher education as well as other University of Malawi policy documents. First, the University of Malawi Act of 1998 does not attempt to provide a clear criterion or principle for selection into the University of Malawi. What one can conclude from the contents of its statutes is at best vague. For instance, Part II of the University of Malawi Act of 1998, Article 5 states:

The objects of the University shall be to advance knowledge and to promote wisdom and understanding by engaging in teaching and research and by making provision for the dissemination, promotion, and preservation of learning; by engaging in such university education and research as is *responsive to the needs of Malawi and the whole world*; and by offering, *within the limits of its resources, to persons suitably qualified academically and who, in the opinion of the Council, are able and willing to benefit from the facilities offered by the*

University, an education of high university standard (emphasis mine) (Government of Malawi, 1998).

This constitutional formulation of the mandate of the University of Malawi is the only available clue to issues of access to higher education within the statutes. A quick reading of this article indicates that access to higher education is on the basis of the needs of Malawi and the whole world. This framing does not attempt to elaborate what these needs would be. Hence, given the generality of the phrasing one cannot deduce that such needs require unproportionate or proportionate distribution of public goods within the state such as education and higher education in specific. Within the same constitutional provisions, higher education itself is not specifically qualified as a human need, whether in itself or in aid of other goals or public goods. Similarly, the limits of state resources as well as the individual students' willingness and ability to benefit from such public resources are not in themselves sufficient grounds on which access to the national higher education system needs to be based because of their inherent vagueness. Hence drawing norms of educational equality or equity from these propositions can be very flawed unless further conditions are provided.

The vagueness described above in part explains the shifting access conditions of student access to higher education in Malawi according to prevailing political whims, largely dictated by the government in power. Each government in power comes up with its own rules regarding higher education access.

But other than constituted Acts of Parliament, one can also detect policy directions of an institution, such as University of Malawi, from its adopted strategic plans. In many ways, the strategic plans are in turn reflections of the constituted laws of the country. For instance, the strategic plan for the University of Malawi acknowledges that although the demand for higher education continues to rise rapidly in Malawi, clear actions at widening access for higher education to qualified candidates are not available (University of Malawi, Strategic Plan, p.24). The statement confirms the thinking that there are more students qualified to study at the University of Malawi than the system can actually accommodate. This is evidenced by the fact that although 5000 students qualified for university entry in 2009 only 1200 could be taken. (www.nyasatimes.com/education/malawi-education-minister...., published on 27 October 2009a).

The two sources mentioned above clearly indicate that there is a high demand for university education in Malawi. Given this high demand one would expect that be it merit system or quota system of selection into the university, the issue of admitting quality students would not be compromised given the big pool from which the system selects its prospective students. What is at odds with this picture of having an abundance of qualified prospective university students is

the thinking within the strategic plan of the University of Malawi which shows that some of the threats to student access for the university include “the poor quality of the intake” which is largely blamed on “the decline of standard of education in both secondary and primary schools” (University of Malawi, Strategic Plan, p.24).

What one can observe from the policy framework is an ambivalent picture of the secondary system of education in Malawi oversupplying eligible candidates for university education while at the same time the university system claim that a poor quality of students is entering the university. If one were to take the notion of over-supply seriously, it can only be assumed that this oversupply should result in selecting the best suited candidates in order to mitigate against the low quality of students entering the university. The ambivalence regarding over-supply over and above poor quality is further strengthened on the grounds that the merit system of access to university, which was re-introduced in 1993 through a High Court ruling, should also have lessened the problem by now.

Given the factors discussed above, one can conclude that the poor quality of entrants reflected in the concerns of the Strategic Plan for the University of Malawi for the period up to 2010 shows that the re-introduction of the merit system is not a necessary factor to the quality of students entering the university system. Similarly, no traceable significant difference in quality can be shown on account of the either of the two systems for entering the university.

Equity or Equality in higher education access in Malawi

Advocacy of a particular system of entrance into the University of Malawi has bearings on specific notions of justice. The most obvious theory on which both systems of access as discussed above draw on is the Rawlsian theory of justice. In the paragraphs that follow, I will discuss why notions of ‘Justice as fairness’ (Rawls, 1971) have a bearing on each of the arguments that are proposed and the possible implications both for the theory of justice and systems of higher education access in Africa, and Malawi in particular.

The argument for equal access to higher education has traditionally been proposed on the basis of the equality of human beings within and across states. When notions of equality are drawn in this regard, they place a premium on any university to accept students based on their academic merit. It is further argued that anything other than merit, as a condition for student entrance into the university, mimics discrimination and is a fundamental violation of human rights (see UDHR, Article 26). In Malawi, the argument in defence for equal access based on merit is also made on the basis of the University of Malawi Act of 1998, in Article Number 5. This article stipulates that the University shall allow students on the basis of being academically suited to pursue a university education. Being academically suited implies that no other condition will

placed for entrance other than the academic merit of each prospective student. On its face value, this part of the University Act sets the tone for university selection on the basis of academic merit.

It can be argued that the framework of the merit system of entrance into University of Malawi relies much on Rawls' first condition of the principle of justice and elements of the 'Veil of ignorance' mechanism for determining a system of fair shares. The first condition of Rawls' formulation of the principle of 'Justice as Fairness' states: "Each person has the same indefensible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all" (Rawls, 2001, p.42). In the context of Malawi's access to higher education, this principle can be understood as proposing that all students leaving secondary education should have the same chances of entering the University irrespective of their districts of origin. On the other hand, one can also argue that Rawls' device of the 'Veil of ignorance' strengthens the case for entrance on merit system. The 'Veil of ignorance' is a device which Rawls employs as a mechanism of ensuring that specific contingencies do not influence the way people design a system of equal shares of public resources (see Rawls, 1971, p.136). The academic nature of the institution further implies that such merit shall be determined on academic merit.

In view of Malawi's controversial system of university selection, using elements of the 'Veil of Ignorance' from John Rawls would imply that each region's educational history, socio-economic environment, the level and the number of schools available to a specific group people, and many more, are not relevant factors to inform how spaces in the university first year are going to be shared for that sharing to be equal. The veil of ignorance would also imply that relevant consideration only be placed on academic merit. The equality condition, that is, the indefensible claim to a fully adequate scheme of equal basic liberties compatible with the same scheme of liberties for all, implies that if the university is accepting students on the basis of top scores first, then all top scores acceptable within the selection band should be accepted to study at the university even if these top scores come from one or two districts, in the worst case scenario. The fact Malawi's education and examination system has the same curriculum, prescribed books, same examinations and centralised boards controlling these educational factors strengthens the case for a merit system off entrance in the University of Malawi.

A proponent of the merit system is also likely to argue that despite that candidates entering the university may be dominated by a particular region it does not necessarily follow that such candidates work in the regions or districts of their origins after graduation. Graduates from the university system work in many departments and sectors of Malawi's social, political and economic life. Similarly, this position purports to argue that benefits that can be derived from a university graduate are shared across the spectrum of the country's diverse forms of life. In other

words, the district or region of origin for a student may not be the primary beneficiaries, but the nation is a beneficiary of such tertiary education.

On the other hand, the argument for quota system of university entrance states that in a state where only 1200 qualifying students can be given places at the university out of about 5000 qualified students, the only fair way of allocating such spaces to prospective students is by sharing up these spaces equally according to district of origin. In other words, each district will be allocated an equal number of spaces for students to start first year of university. The district then shares up the allocated spaces to its students on merit system or any other equitable way of sharing up the spaces. This argument is heavily dependent on the equal share of resources as a determinate factor for setting up a just society. The argument for a quota system implicitly argues for relevant similarities in /of academic merit across the districts and across the top qualifying students from each district.

Further argument for the quota system is also made on the basis of also rides on the back of Malawi's poor social and economic indicators. In this regard, it is argued that the Malawi Government can only afford to allocate 12% of its national budget to education against the recommended 20% (www.nyasatimes.com, 20 November 2009). But even if this is the case, much of the educational public funding goes to primary education followed by secondary education. The tertiary education sector within which one finds the public university only receives a small percentage of the allocated education funding. Given these economic indicators, people argue that the only way of sharing public resources in this regard is by providing a fair share of places in the university across all the districts of the country.

The argument for an equal share of university spaces to first year students across the 28 districts of Malawi can also be considered to be informed by Rawls' principles of justice, one of the elements of the second part of the principle of justice, also commonly referred to as the 'difference principle'. The principle states: "social and economic principles are to satisfy two conditions: first, they are to be attached to offices and positions open to all under conditions of fair opportunity, and second, *they are to be to the greatest benefit of the least advantaged members of society*" (Rawls, 2001, p 42-43, emphasis mine). In this regard, it is argued that the least represented in the university system when students are selected on merit basis come from least advantaged districts academically.

The proponents of the quota system for university entrance in Malawi all argue that the high numbers of people in top government management is a direct result of the university selection system. They argue that in some districts with small populations, especially those of the northern region, the districts have unproportionally a big number of workforce in the top management or super-scale. In Malawi top level workforce is from the Grades of P8 to P2. In relation to this

argument, some bemoan that “Chikwawa district which has a population of 435 895 only has 55 people in the government super scale, yet Chitipa and Karonga (in the North), whose combined population is not half that of Chikwawa have 225 in the same scale” (www.nyasatimes.com 27 October 2009b).

The proposal for equitable sharing of university spaces is also made on the basis of one regional having an upper hand in educational establishments despite having a low population density, an imbalance that has never been solved. The proportionate number of educational establishments to populations has not changed much since coming to independence. Hence giving districts an equal number of spaces within the university is considered within this line of thought as a way of ensuring that the least advantaged also have a fair share of educational resources for a successful adult life. This argument assumes a direct equivalence between university student spaces and the availability of educational institutions within a district. This direct equivalence is equally problematic as I endeavour to explain below.

Why ‘selection on merit’ or ‘selection based on quota’ are problematic access conditions for University of Malawi

The two processes of selecting students into the University of Malawi can be considered to use elements of the principles of justice, especially elements of Rawls’ principles of ‘Justice as fairness’, whether by design or default. Higher education access in Malawi continues to beg the question: ‘what is a just way of distributing first year spaces within a public university in Malawi?’ The shifting of access policies for higher education studies in Malawi also beg the question on whether such quick fixes can actually bring about a just system of higher education in Malawi.

The merit system of access has some problems when the system is seen within Malawi’s socio-economic circumstances as well as the history of her educational establishments. These problems include the thinking that Malawi’s national budget as a developing country needs to be justified in terms of how the country as a whole is making effort to free up and develop appropriate human capacity for its citizens. While the question of developing appropriate human capacity considers higher education access from a nation’s point of view, talk of freeing up and developing human capacity becomes inadequate if other social forms of life that have influenced education in the country are not taken into perspective. Hence, it is a legitimate expectation that the university system will have some principles upon which all individuals across the country are given the same starting point in life. One can argue that such starting point can only be meaningful, in the case of Malawi, in relation to primary and secondary education, given that Malawi one of the least developed countries and on number 160 according to the current Human

Development Index (UNDP, 2009). I think that arguing that Malawi needs primary and secondary schools at the expense of higher education is in itself a suffocation of the primary and secondary schools, hence a mockery of the human citizenry of the peoples of Malawi and the prevailing cosmopolitan values (see Benhabib, 2006; Nussbaum, 2002).

In Africa higher education cannot be considered as dispensable, as something people can do without. Questions of higher education access have everything to do with justice. Elsewhere, I have argued that the attainment of a higher education qualification in Africa puts an individual at an advantage in any society and has the potential to shift power relations in any society on the continent; that graduates of higher education end up in better off positions across the continent; and that relatively fewer cases prove otherwise (Divala, 2009, p. 6-8). Hence higher education within the continent, and Malawi in particular should be properly understood as a positional good.

Brighouse and Swift (2006, p.472) argue that positional goods are “goods with the property that one’s relative place in the distribution of the goods affects one’s absolute position with respect to its value. The very fact that one is worse off than others with respect to a positional good means that one is worse off, in some respect, than one would be if that good were distributed equally”. In the context of Malawi’s selection process into the public university, one can argue that the moment that higher education access in Malawi is made on academic merit only, some people’s relative position in the sharing of resources is negatively affected.

Others can retort and argue that I am shifting the poles of the argument; that Brighouse and Swift (2006) are actually in defence of meritocracy as a condition of access. Given their argument, will meritocracy simply not worsen the relative positions of people who come from environments that are not considered to be educational powerhouse? Does meritocracy in this process of access actually bring about a just society by changing the circumstances of those who would be negatively affected, once these students have passed through the university corridors? I consider the Brighouse and Swift position to be in defence of equal shares and not merit share when it comes to positional goods.

Anderson, in arguing for equal adequate competencies for students to get into college, states that “the more education one has, the better able one is to compete for coveted positions at selective colleges and, in turn, *for better-paying, more prestigious, and intrinsically rewarding careers*” (2007, p.616, emphasis mine). Of ‘course this argument is made in view of providing equal capability in schools for students to succeed at the university, but the context of the argument does not nullify the fact the more education one has the better able such one is at securing better-paying, prestigious and more rewarding careers. In fact it is more the case for the university as much as it is for the K-12 schools on which Anderson (2007) was commenting. Anderson’s (2007) thoughts

apply to the case of university selection in Malawi. By gaining access to the University of Malawi, students begin to redesign a future that sees them getting the better-paying and more prestigious careers in any country. Higher education in Africa can properly be understood as a positional good. Given Malawi's statistics of 5000 qualified to study at University and the intake rate of only 1200, there is nothing closer to a fair system of access than distributing the places in the university equally across the nation, so that members of diverse groups and districts are equally positioned for high profile jobs within the country.

In view of my argument, is the current proposed quota system the solution? I do not think so either. The proposal for quota system is equally wanting on several fronts. Despite giving each district an equal number of places, the system is not a solution to Malawi's growing socio-economic differences across the regions. The quota framework assumes that the students who will be trained in the University of Malawi will work or at least be forced to work in their districts of origin; that identities of origin and of who they are fixed or stagnant. These conceptions are problematic when one thinks of designing a fair system of shares.

If the real problem the country is facing is that high qualified personnel of one region dominating the workplace both in government and in private sector, changing entrance conditions for the university is not a real solution to this imbalance either. There is no evidence of any direct correlation between attainment of a degree and seeking a formal job in government. A lot more informs such predominance than mere academic qualification. Other conditions of life and schooling need to be investigated if there is ever going to equal sharing of high positions in Malawi. These conditions include an examination of the teacher-pupil ratio and classroom congestion across the system, and how they can be rectified; a systems review of what makes some people to excel and others not to excel given the same curriculum, education policy, teaching materials and nationalised examinations. Addressing the problem at the university entry level is only window-dressing the problem and can cause serious damage to ideals of nationhood, and the current socio-economic identities that have long become a part of most Malawians.

The quota system assumes that people live within and are closed up in the regional and district boundaries, which is not true. For most Malawians the current place where one lives is called home and the district of origin does not hold a significant place in one's understanding of home today. Furthermore the quota system assumes that it would be very easy to establish the home of origin for many who are products of intercultural marriages. This again is hugely problematic given that most families are thoroughly integrated in the places they live in. To many children and families who are not living and have not been raised in what is traditionally the district of origin for their parents, the district of origin and its forms of life and future are not directly appealing nor related to. Hence a system of selection that resolves to track down aspirant

university students in terms of where they come from can create a lot of dilemmas in defining who one is in a very local sense other than defining personhood in relation to nationhood and humanity. At its best the quota system of selection into the higher education stream will divide the country along district as well as regional lines.

In need of a fair principle for higher education access in Malawi – concluding comments.

In my view, one cannot bring about equality in higher education attainment in Malawi without a systemic review of the conditions within which both the university and school operate in. Tackling access only cannot bring significant changes to how the workplace is organised because other factors such as choice of career, socio-economic status of individual families within a particular district, availability of alternative sources of revenue available per family are not taken into account.

While access can influence patterns of justice within a society, there is no guarantee that access alone bring about an equal share of jobs in the workplace. Access is a small item in the pool of influences to making society just. Legitimate equal access to higher education in Malawi cannot be determined by powerful forces in the country by overlooking the socio-economic profiles of prospective students irrespective of their districts of origin, the needs of the prospective students as well as goals of nationhood and the creation of a cosmopolitan person. Such an understanding of higher education access is at odds with an “either – or ” mentality regarding the positions on merit access and quota system.

The real solution in Malawi’s debates over higher education access may reside in re-designing access for the creation of a cosmopolitan person. Such a focus demands that access principles should fully recognise that people’s identities and responsibilities (to the nation and humanity) are intertwined; that the obligations people have to others go beyond the framework of friends and relatives, and also that language, culture or district origin no longer act as reference points for the different activities that people carry out and the demands they make (Brock and Brighouse, 2005, p 2-3; Dwyer, 2004). A system of access that considers the individual capabilities as well as the communal goals of a nation may be a just access system.

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