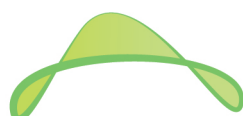


The Quest for Inclusive Higher Education in Kenya: A Vivisection of Concerns, Policies and Reform Initiatives

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Introduction

In order to understand the higher education system in Kenya it is imperative that we understand the definition(s) as well as what constitutes a higher education system and its dynamics. Prof. Teichler (2007) in his book *Higher Education Systems* defines it as “the totality of quantitative–structural features within a country” (Teichler, 2007, p.2).

He makes it clear that it is a macro-societal phenomenon whose characteristics are detected through international comparison. These features are clearly portrayed in the description of the Kenyan system. This paper seeks to isolate and outline a few of the issues plaguing the higher education system and the key policy and reform initiatives undertaken by the Government of Kenya, its agencies and/or stakeholders operating within this system. In undertaking this task, I have found it prudent to give a historical background of the education system in order to provide a better conceptualisation of the current state of affairs.

The term higher education may be considered all encompassing and its definition varies depending on the systemic issues in different countries. The term higher education within the Kenyan context includes: public and private universities, polytechnics, teacher training institutes, technical training institutes, institutes of technology and professional training institutions which could be government owned or commercial. All these constitute the tertiary education sub-sector (Afeti et al. 2008, p.70). This paper will pay particular significance to universities but also seek to show the correlation and patterns that exist between various Higher Education Institutions (HEIs).

My interest in this topic is driven by a number of factors. The fact that I am a Kenyan may appear to be the main factor however, this alone is not sufficient to engross my attention. There are after all other arguably more interesting ways of expressing a sense of patriotism. The exposure into the work of the Commission for Higher Education (CHE) in Kenya, the legal instruments which govern its existence and empower it to carry out its mandate are I must confess the primary motivation behind my subject choice. The intricacies behind its (CHE) existence as a policy outcome as well as a policy formulating body, the misconceptions and expectations of the public with regard to the enforcement or

lack thereof of some policies have led to a simmering exasperation concerning its effectiveness.

This paper does not intend to be a one stop shop, far from it, it does however seek to create an interplay of research facts that were perhaps originally examined in isolation and emphasise the correlation between certain issues some of which have a historical genesis. The revelation of certain facts that may not have been widely distributed within the international realm is a thrilling part of this exercise. Naturally, this isn't an attempt to micro analyse the atomic structure of the higher education system in Kenya neither is it an opportunity to be prescriptive. Needless to say, an attempt to comprehensively analyse the plethora of problems in the higher education sub-sector within these limited number of pages would result in a mushy presentation with little bearing.

Consequently, in spreading my research tentacles I have identified the concerns which a general academic consensus would rate as major. Nonetheless some other issues of concern permeate into the discussion. The delineation between policy and reform initiatives and the effects (or intended effects) they have had on the system form a substantial part of this paper. I hope to raise questions, perchance new ones in the quest to challenge the formulation of solutions that are not cast in stone but projective, stable and transformative enough to have a constructive effect on the higher education sub-sector.

2. History of the Kenyan University System

The Kenyan higher education system developed from Makerere Technical College which from its inception in 1922 served the education needs of the three (3) countries in the East African region namely: Uganda, Tanganyika and Kenya. In 1949, Makerere became a university college of the University of London in line with the recommendation of the Asquith Commission on Higher Education. The Royal Technical College was set up in 1956 as Kenya's first higher education institution with the primary goal of providing students with an avenue of enrolling for engineering and commercial courses not offered by Makerere. The programmes offered here led to a higher certification at the University of London, Britain. In

1958, upon the recommendation of a working party it was renamed the Royal College of Nairobi and upgraded into a university college offering University of London degrees. In 1963 when Kenya attained her independence the Royal College was renamed the University College of Nairobi and together with Makerere and Dar-es-Salaam Colleges in

Uganda and Tanzania respectively formed the Federal University of East Africa (UEA) which later disbanded in 1970. Each of the East African countries thereafter concentrated in developing their own national universities (Ngome, 2006, p.360).

The Asquith model involved the mentoring of institutions in the colonies, consequently new institutions were linked to established universities as university colleges. This colonial model was created to guide university expansion through apprenticeship. It was arguably successful in that the University College of Nairobi (later renamed University of Nairobi through an Act of Parliament in 1970) was responsible for the conception of the Kenyatta University College which became autonomous in 1985. The latter was then responsible for the mentoring of the Jomo Kenyatta University College of Agriculture and Technology into a fully fledged university. (Davis & Eisemon, 1993, p.83). The name college was subsequently dropped from the universities titles.

3. Divergent Issues Plaguing Higher Education

3.1 Exclusivity

In her article, *Relevance of Higher Education Policies and Practice*, Prof. Florida Karani (1998) states that the first universities in Africa were modelled using a framework designed by the colonial powers. The main purpose being the nurturing and sustenance of an intellectual elite through structures and curricula that were inherently similar to those in their countries. She further states that the development of higher education in Africa in general embodied elitism, physical and cultural detachment, restrictive and narrow curricula which laid emphasis on humanities and social sciences (Karani, 1998, pp. 110-111). The exclusivity of higher education had its roots during this period, a phenomenon that was retrogressive considering the desperate need for highly skilled manpower to propel the economy of the newly independent country. This perspective is indeed critical in understanding the genesis of a higher education system whose characteristics were pegged on external prejudicial yardsticks. Although this may not be overtly mentioned as a major problem, overtones of its effects have clearly been felt within the Kenyan Education System.

In her article, she states that by the early 1960's, universities in British Africa had produced only one hundred and fifty graduates (150) in the field of Agriculture. Due to the skeleton higher education institutions available they were naturally valued as symbols of prestige. This presented a problem because these same institutions were required to churn

sufficient skilled manpower to not only replace the outgoing, largely expatriate staff but also propagate development. These universities were based on a colonial model that was inhibitive in its response to the needs of a new nation (Karani, 1998, pp. 111-112).

This example indicates the insufficient human resources that were being produced by the existing universities. It further exemplifies the loopholes perhaps in the entire education system as a whole considering that the economies of these countries were (and still are) primarily dependant on agriculture. The need for a policy change was therefore imperative.

3.2 Research Deficiency

Every substantial contribution to the development of the human race can be attached to research of one form or another. The importance placed on research in Africa is minimal in comparison to the developed countries. An aspect that is rather interesting and absurd is the assertion by Ngome (2003) that all research proposals by graduate students and faculty are required to be approved by the office of the President. It can only be said that this is a relic of the colonial and subsequent authoritarian regimes. A significant number of the few research projects that are completed suffer the unfortunate fate of sliding into oblivion. He notes that factors such as the poor dissemination of research findings due to the general absence of research journals in Kenya and Africa as a whole is a major hindrance. This coupled with the overall consideration of the publication of academic books and journals as money losing ventures as well as the fact that promotions are based on cronyism rather than meritocracy and participation to research also contribute to the low prominence of research (Ngome, 2003, pp. 368-369).

This analysis would perhaps be insufficient without the excavation of its roots. While it may appear an over trodden path and perhaps even a heightened attempt at playing the underdog who wittingly seeks sympathy and retribution this is not the case, rather it is an attempt at linking prejudices, policy choices and results in a bid to understand the evolution of all these factors. Karani (1998) states in her article that prior to independence, "the syllabi was heavily dependent on imported texts and expatriate staff..... Research was mostly seen as a useful adjunct to teaching rather than being instrumental to the productions of relevant knowledge and technology..... Research was conducted mainly by expatriate staff" (Karani, 1998, pp. 110).

The importance of research in the field of higher education cannot be overemphasised. The lack of visibility of many of Kenyan researchers is evidence of the insufficient structural and financial support mechanisms in existence. Prof. Mungai (1998) succinctly framed it in the following way, “Research is a function of higher education. It is a pre-condition for social relevance and academic quality” (Mungai, 1998, p. 131). He further states that a national policy that promotes and finances research and postgraduate studies does exist, he however acknowledges the limited utilisation of research results for national development (Mungai, 1998, pp. 134-135).

3.3 Centralised System of Governance

The importance of sound and egalitarian structures that allow for the interaction of ideas and people to facilitate the process of arriving at decisions that are owned and supported by the stakeholders cannot be overstated. Charles Ngome (2003) in his analysis of the situation in Kenya elaborates on the centralised system of governance in public universities where power is concentrated in the hands of the Vice-Chancellors. This is a situation that overwhelmingly plagues public universities, where the need to be in control and ensure allegiance to one’s regime in many cases supersedes academic and research undertakings. The appointment of the highest ranking administrative officers (Vice-Chancellors) and Principals (of constituent colleges of these universities) by the Presidency outlines a scenario of external imposition.

Fossilizing this sad state of affairs is the fact that most members of the university council (the most powerful organ in the university) are presidential appointees yet one of its critical functions is policy formulation which is a strategic element in any higher education institution (Ngome, 2003, p.367).

This aspect is discussed in a study conducted by Andiwo Obondo (n.d) on three public universities: UoN, Egerton and Kenyatta Universities. The Association of African Universities (AAU) supported study reveals that, “the decentralisation of leadership accountability to faculty and associated departments or units has proved to be the greatest management challenge to campus administration in our time” (Obondo, n.d, p.2). He concurs with Ngome (2003) on the fact that there is politicization of university management and functions as characterized by the overpowering presence of the Presidency in critical appointments. Especially revealing is his analysis of the level of participation in the critical decision making policy structures of the university by staff and students 39.05% said they did not participate

and 69.95% said they did. He makes reference to Kilemi Mwiria's reiteration on the fact that the study established that outcries over poor remuneration, insufficient representation in critical decision making organs and principally the perception that university authorities dance to the fiddlers tune reveal the governance predicament (Obondo, n.d, pp.3-4).

3.4 Deterioration of Education Standards

Quality in the universities and the aspect of funding is a multi-faceted matter that touches on all the issues discussed above as well many others such as: the availability of sufficient infrastructure vis-à-vis the student population, ratio of teachers to students, availability of facilitating technology and a myriad of others. In 1970, through an Act of Parliament the University of Nairobi (UoN) became the first public university. The increased demand for higher education has led to the creation of an additional six (6) public universities to date. Initially higher education in Kenya was free and as stated earlier there was an urgent need to produce highly trained manpower to replace the departing colonial administrators. However, recipients who benefited from this policy initiative were required to work in the public sector for three (3) years (Nyaigotti-Chacha, 2004, p.3).

As the numbers of those seeking higher education expanded it became impossible for the Government to extend grants and scholarships to students and so in 1974 the University Students Loans Scheme (USLS) was introduced. Administered by the Ministry of Education, beneficiaries received loans which covered both tuition and living expenses. These loans were payable upon completion of one's studies. Sadly, graduates defaulted due to the misconception that these were grants, the scheme therefore collapsed. In 1995, in view of the limitations of the USLS the Government set up the Higher Education Loans Board (HELB) which was legally empowered to recover past loans as well as administer the new revolving scheme (Nyaigotti-Chacha, 2004, p.3).

These developments were not taking place in isolation. In the 1980's the Bretton Woods Institutions and particularly the World Bank required the country to implement Structural Adjustment Programmes (SAPs) which resulted in the withdrawal of financial support by the Government to public universities. This aspect is examined further in the section on the analysis of policies; suffice it to say that this action had drastic implications (Abagi, 2006, p.77).

The universities were forced to search for and/or initiate alternative mechanisms of ensuring financial survival. Prof. Nyaigotti-Chacha (2004) states that they had to come up

with income generating activities, some like UoN came up with limited companies while others like Moi University developed various income generating units such as business units, service units as well as consultancy and research services. What was common in all of them however, was the initiation of Parallel Degree Programmes (PDP) also referred to as Privately Sponsored Student Programmes (PSSP). These programmes opened invaluable opportunities to those who attained the minimum university admission requirements but had no possibility of securing an admission because of the limited opportunities available in the Government funded /regular programmes (CHE Workshop Proceedings, 2008, p.25).

However, the parallel programmes have resulted in a number of challenges. The same report states that the limited permanent academic staff are forced to shuttle from one university to another offering their services to both regular and parallel programmes.

Students enrolled in parallel programmes pay high fees almost commensurate to fees paid in private universities. This has led to a commercialization of education that compromises on quality. Add to this, the insufficient infrastructure and sometimes haphazard establishment of university campuses and one can already visualise a brewing quagmire. Perhaps saddening is the revelation that these universities are designing irrelevant degrees in order to mint extra funds. As can be expected, the bulk of these degree programmes are in the Arts arena since the initial investment is comparatively lower than in science based programmes. This has created a surplus of graduates in this area yet the country desperately requires strengthening in technical based programmes (CHE Workshop Proceedings, 2008, p.26). It does not take a rocket scientist to figure out that this surplus in graduates will result in a situation where many of them (if they are lucky) enter the job market at significantly lower levels than they expected or remain jobless.

4. Policies and their implications

Policies are not synonymous to decisions, they are more complicated in nature and binding. They direct the actions that governments take, they have “a certain deliberate quality, a relative permanence and the possibility of doctrinal development” (Majone, 1980, pp. 165-166). It can be said that policies are a precursor to reforms. Unfortunately there is sometimes a negative correlation between the formulation of policies and their implementation. A number of policies have been prominent in shaping the higher education system in Kenya.

4.1 The Ominde Report

According to Okwach Abagi (2006) from independence until the late 1980's Kenya's public universities were capable of absorbing virtually all the candidates who qualified for university education. She further states that this was possible because of the massive government financial investment in this area at the time. This budgetary commitment was initiated following the recommendation of the first report of education in Kenya, the Ominde Report of 1964. The Report emphasized on the importance of investing in higher education in order to produce the skilled human resources necessary to fuel economic, political and social development of the newly independent nation (Abagi, 2006, p. 76).

In the wake of these recommendations, a total of three (3) additional public universities were established in the 1980's: Moi University-1984, Kenyatta University-1985 and Egerton University-1987 (Sifuna, 2008, p.220). This meant that there were now a total of four public universities, including UoN. However, in the 1980's the Government was forced to drastically decrease its funding of public universities mainly because of the prevailing slow economic growth. The Government therefore had to review its budgetary allocation to education as a whole since up to 40% of the recurrent expenditure was apportioned for this (Abagi, 2006, p.77).

4.2 Bretton Woods Institutions Recommendations

The second important trigger of the policy change was the "rates of return analysis" which revealed higher private returns associated with university education as opposed to the higher social returns associated with basic education (Abagi, 2006, 77). It was therefore prudent for the Government to re-consider its policy stance. The last but certainly not the least were the Structural Adjustment Programmes (SAPs) suggested by the international financial institutions World Bank and the International Monetary Fund (IMF). These SAPs covered a broad range of areas but essentially required the Government to drastically minimize its involvement primarily in the economic and social spheres. The World Bank pegged its loan advancement to Kenya on the acceptance of certain conditions which advocated for, "government divestiture from state corporations including education" (Abagi, 2006, p. 77).

What is perhaps even more critical in this equation is the element of the precondition that put a cap on the enrolment figures in public universities to no more than

3% per annum up to 2017. Consequently, the public universities were incapable of absorbing the increasingly higher number of candidates who attained the required qualification (Abagi, 2006, p. 77). Entrepreneurs who saw the gap had the opportunity of investing in the provision of private university education. Perhaps, it is worth noting here that the investment in basic education meant that the number of potential university students was bound to increase considerably in a few years with limited opportunity of being absorbed into the university system.

In response to the World Bank policy proposals which were externally infused or imposed the Kenyan Government internally formulated policies that would rapidly instigate the institutionalization of these SAPs. As already mentioned above, the State was required to withdraw its engagement in the provision of certain services which were considered essential.

In a nutshell, this was the onset of liberalization. In order to stimulate the growth of the private sector, the Government needed a vehicle that would spearhead this development, hence the creation of the Commission for Higher Education (CHE) in 1985 by an Act of Parliament, Universities Act Chapter 210B, “as a body corporate to make better provisions for the advancement of university education in Kenya and for connected purposes” (CHE Handbook, 2008, p. 1).

The mission of CHE is to, “ensure increased provision of sustainable quality higher education and training through accreditation of universities, planning, coordination and resource mobilization and information service” (CHE Handbook, 2008, p. 1). According to Abagi (2006), this was a new dawn in the structural organization of the higher education system in Kenya, principally for the private universities some of which had existed prior to the creation of CHE. The regulations pertaining to accreditation and the related requirements were now clearly laid down (Abagi, 2006, p. 78). Aside from the 1985 Act there are two (2) very important legal instruments that empower the CHE in undertaking its tasks: Universities (Establishment of Universities) (Standardisation, Accreditation and Supervision) Rules, 1989 and the Universities (Co-ordination of Post Secondary School Institutions for University Education) Rules, 2004 (CHE Handbook, 2008, pp. 10-11).

The 1989 Rules elaborately outline that, “upon their becoming operational, no university would operate in the country without the express authority of the Commission or any other person competent to grant such authority under the universities Act, 1985” (CHE Handbook, 2008, p. 10). These Rules effectively sanctioned the CHE to grant Certificates of

Registration to universities (other than public universities which are also created by independent Acts of Parliament) that were in existence prior to its creation.

These certificates were a precursor to full accreditation following successful compliance with the 1989 Rules. The CHE website indicates that between 1991 and 2008 a total of eleven (11) private universities had been awarded full accreditation status which means that they have been authorised to operate as fully fledged universities. Between 2002 and 2008 a total of eight (8) universities were awarded Letters of Interim Authority (LIA) which allows the university to mount academic programmes already approved by CHE as they build their capacity in the hope of attaining full accreditation (CHE website, 2008).

Cumulatively this means there are a total of thirty (30) universities in Kenya. The State universities are seven (7) in total and universities which have been issued with a certificate of registration are four (4). Further analysis can be conducted with respect to the student population in these universities. This is necessary in order to give a picture of the student enrolment and the niche captured by these universities. Ngome (2003) states that the total enrolment in both the public and private universities is 50,000 students with about 80% of this number being absorbed in the public universities and 20% in the private (Ngome, 2003, p.367).

Due to liberalisation and the need for universities to not only remain relevant but also attract funding the public universities have entered into internal collaborative arrangements with what are referred to as middle level colleges. Ngome (2003) elaborates that in the hierarchy of higher education these are institutions which are below universities. They are situated between secondary schools and universities and offer courses that lead to the award of certificate and diploma and higher diploma qualifications. He further states that they enrol more than 60,000 students. Due to the collaborative arrangements with public universities, students in these colleges have the possibility of enrolling for degree programmes (Ngome, 2003, p. 362). This is a positive development in the sense that there has been increased access to higher education especially with respect to university education. Naturally, there have been challenges as well especially with respect to quality and the assertions that these colleges have become “degree mills”.

Another important attribute of increased access is the element of external collaboration with universities from abroad. Ngome (2003) notes that the Kenya College of Accountancy (KCA) University for instance serves as a learning centre for students pursuing

University of South Africa (UNISA) degrees. This has of course considerably reduced the number of students travelling abroad to access university education and consequently led to the much needed financial investment in the higher education subsector (Ngome , 2003, p. 362).

Since the Universities Act of 1985 gives the CHE the mandate to, “coordinate education and training courses offered in Post Secondary School Institutions (PSSI) for purposes of education and university admission” (CHE Handbook, 2008, p.11) it became necessary to publish the 2004 Rules which allow it validate diploma programmes and grant middle level colleges authority to collaborate with universities. A validated diploma ensures that it has the minimum standards that allow it feed into a degree programme.

Once a PSSI has its diploma programme validated then it can apply for authority to collaborate with a university for purposes of offering the programmes of those universities/institutions (CHE Handbook, 2008, p. 11). This is an example of how access to higher education is being increased and indirectly stimulating not just the typical age group but the general public who would otherwise not aspire for higher education qualifications. This is perhaps an attempt at making higher education inclusive, within the realms of the ordinary people. A study conducted by Ngolovoi (2006) reveals rather interesting facts concerning perhaps the re-emergence or entrenchment of exclusive higher education. This aspect will be discussed a little later in the paper. A statement made by Ngome (2003) concerning the authority of CHE with respect to these middle level colleges needs to be explored.

He asserts that the CHE which is authorised to make policies for these colleges has contributed to making them irrelevant to the demands of the modern job market by failing to provide Quality Assurance (QA) for the programmes offered (Ngome, 2003, p. 362). He further states that the standards set by the CHE impede the development of private higher education in Kenya and also, “demand an unrealistically high standard of university education” (Ngome, 2003, p.365). The latter statement appears to contradict a fact that he notes in the same page of his article, where he affirms that Kenya is one of the few countries in Africa with a well developed private university system. He explicitly questions the credibility of the CHE and an exploration of the QA functions of the CHE in this respect is therefore necessary. The initial licensing of these colleges is not done by the CHE but rather by the responsible Government Ministry. The CHE Handbook indicates that

the initial registration is done by the Ministry of Education (MoE), other Government departments and CHE. Supervision of the diploma programmes offered by these institutions on the other hand is done by the universities/ Higher Education Institutions (HEIs) with which they collaborate, MoE and other Governmental departments. Validation however, is the sole responsibility of the CHE, (CHE Handbook, 2008, p. 10).

This shows a multiplicity of actors involved and responsible for different functional aspects of these institutions. In this respect, the Commission has authoritatively contributed to the relevance of these programmes using legally enforceable standards and guidelines. It is therefore questionable for Ngome (2003) to make this assertion considering that the Commission has developed: Standards for Physical facilities, Curriculum Standards, Standards for University Libraries, Criteria for the Equation of Qualifications, Guidelines for Doctoral Programmes, Standards for Validation of Diploma Programmes and Standards for Collaboration between Institutions among others (CHE Handbook, 2008, pp.28-156). Perhaps what Ngome (2003) should have suggested is the rationalization of the number of actors responsible for certain critical aspects. This would ensure there were no incidences of overlapping and/or no loopholes in the legal and operational framework.

4.4 Dual-track Policy

The “dual track policy” as discussed by Ngolovoi (2008) also refers to the introduction of the Module II or parallel system of education. Following the withdrawal of governmental funding of public universities there was need for adjustment and ingenuity was required in order to increase the revenue streams of the university. Having had their student capacity limited they engaged in the privatisation of education which involved offering the same degree programmes at a cost that was equivalent to that charged by the private universities.

This meant there were two groups of students: Regular/Module I were those who had attained the highest grades while the Module II/Parallel students/Private sponsored students were those who had comparatively lower grades than their counterparts in the regular programmes even though they had attained the minimum university entry requirement. While this presented the universities with an opportunity to earn the much required funding a new set of problems emerged. The stretching of academic staff beyond the effective limit was one, the preference of the lucrative teaching opportunities offered by the parallel system which are conveniently scheduled to take place in the evenings and

weekends as opposed to the regular which is characterised by poor pay. This double system of education in the public universities is what she appropriately describes as dual track (Ngolovoi, 2008, p.144).

4.5 Cost Sharing

The *raison d'être* of Cost sharing in public universities, three underlying principles are mentioned by Ngolovoi (2008) the first being that the institutions will be more responsive in the provision of quality education services. The stakeholders will require them to give value for money and this will enhance competition among them. The second principle which is closely related to the first one was the fact that the Government could no longer fully finance university education hence the need to share costs and the third was the assertion by the World Bank that this concept increased equity. These attempts were initiated as means of increasing their income base and “attracting both traditional and non-traditional age cohorts” (Ngolovoi, 2008, p. 144). However they led to a number of unprecedented challenges, key of which is the perception that university education is for the wealthy.

The study though small scale in nature (by her own admission) nonetheless shined the light on a pattern which is a natural consequence of policy decisions made by the Government with respect to the “dual-track system”. The exorbitant fees charged by in the module II programmes coupled with the inability of the potential students to apply to the Higher Education Loans Board (HELB) for loans an opportunity which is otherwise made available to those enrolled in the regular programmes have made module II programmes a preserve of the rich who fall in the middle and upper income bracket. The study reveals that although a number of students had been admitted into the regular programme, they opted to enrol in the module two because of advantages of flexibility in the scheduling of the classes and the uninterrupted flow of the programmes (Ngolovoi, 2008, pp. 143-146).

5. Reforms in Higher Education

El-Khawas (2002) in her article Reform Initiatives in Higher Education (2002) states that, “reform movements are poorly understood as a mechanism by which higher education changes” (El-Khawas, 2002, p.1). She mentions Levine’s description of the phases of reform as, “the initiation phase, when aims are set out; the implementation phase, when ideas are put into operation; and a final, institutionalization phase, when reforms try to achieve a stable, enduring form” (El-Khawas, 2002, p.1) .

5.1 Development of a Streamlined Legal Framework

This description is indeed necessary in understanding the fact that reforms in Kenya (as can be expected) are in different stages. One of the critical impediments to the enforcement of the law and the enhancement of quality within the tertiary education sub-sector relates to the multiplicity of actors responsible for the implementation of various sections of the law.

A CHE workshop report dubbed, “Stakeholders Workshop on Enhancing Quality in Higher Education in Kenya” which was funded by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) highlights three (3) different sets of laws as: The Education Act which governs PSSI institutions such as Polytechnics, Teacher Training Colleges and other Diploma granting institutions; the respective public university Acts; Professional bodies and the Universities Act CAP 210B which established the CHE and empowers it to establish private universities within this Act. On 16th January 2006, the Public Universities Inspection Board (PUIB) released its report which included a number of recommendations. Key recommendations included: The development of a legal framework that would give the CHE full mandate to carry out its role as the QA agency for higher education and its streamlining through restructuring to reflect its expanded role and enhanced functions (CHE Workshop Proceedings, 2008, pp.53 &55).

The realisation of the need for the synchronisation of the legal framework governing the education sector (inclusive of the higher education sub-sector) led to the appointment of a task force in 2006 (CHE Workshop Proceedings, 2008, p.55). While the general public is somewhat fatigued by the formation of numerous taskforces whose reports gather dust on derelict shelves upon the announcement of the recommendations. It is hoped that this one will yield substantial results.

5.2 Sessional Paper No. 1 of 2005

According to the CHE Handbook Sessional Paper No. 1 of 2005 recognises CHE as “the national quality assurance agency for university and tertiary education. It affirms that a national accreditation system is necessary as a means of guaranteeing quality in education and training” (CHE handbook, 2008, p.12). According to the speech read to the Pan-Africa Conference on e-learning (in Addis Ababa, Ethiopia) by the then Assistant Minister of Higher

Education, Science and Technology in Kenya, Hon. Beth Mugo the Government stated its commitment to the this Sessional paper as a policy blueprint. She further declared that the Government had instituted budgetary support for e-learning for basic as well as tertiary levels of education (Mugo, 2006, p.2).

5.3 East African Quality Assurance Initiative

Critical and more regional in terms of impact are the collaborative ventures that have emerged in the East Africa region. Taking cognisance of the limitations of student mobility and skilled human resources within the African continent due to various educational systems, historical legacies and numerous other factors the African Union (AU) has come up with a policy known as, “The Second Decade of Education for Africa 2006-2015” (Bienefeld et al., n.d., p.1). It seeks to put in place strategies that will lead to the harmonisation of policies in higher education and comparability of qualifications and a number of other issues.

Alongside this initiative is the one by the Inter-University Council of East Africa (IUCEA) to create an East African Quality Assurance System. The IUCEA is undertaking this initiative in cooperation with the higher education regulatory bodies of the three (3) East African countries namely: CHE Kenya, Tanzania Commission for Universities (TCU) and the National Commission for Higher Education (NCHE), Uganda (Bienefeld et al., n.d, p.1).

In July 2006 the three (3) countries signed a “Protocol of Understanding” to cement the advancement of higher education quality in the region. To facilitate the realisation of this initiative the IUCEA partnered with the German Academic Exchange Service (DAAD), the German Rectors Conference (HRK) and the University of Oldenburg. With funding from the German Federal Ministry for Economic Co-operation and Development (BMZ) two action lines were identified: the development of a handbook on QA and the provision of a framework for QA in the region. So far, a handbook, “A Roadmap to Quality” has been developed and improved, identification of four broad fields of study as well as piloting of the project. A series of international, regional and national workshops have been conducted to train and discuss the outcomes of this project particularly on implementation of structures in the participating universities. A total of twenty two (22) universities from the three countries participated in the initial pilot phase. Rwanda and Burundi have also joined the initiative (Bienefeld et al., n.d., pp. 2-4). Cognisance of the international developments in higher education particularly in Europe and the impact that this will have on Africa have challenged universities in East Africa to learn from the Bologna Process.

5.4 Credit Accumulation and Transfer System Project

The Credit Accumulation and Transfer System (CATS) is a project that also involves three (3) East African countries, namely: Uganda, Tanzania and Kenya. The main goal of the project is the facilitation of student mobility within institutions in the EA region by developing the minimum transferable credits recognised by participating universities. The programmes being considered are: Bachelor of Science in Agriculture; Bachelor of Science in Horticulture; Medicine and Computer Science. (CHE Workshop Proceedings, 2008, p. 56).

The CHE Kenya in its Strategic Plan (2005-2010) takes into account the significance effects of internationalisation and trans-national higher education movements. It takes into cognisance the World Trade Organisation (WTO) General Agreement on Trade and Services (GATS) which aims at, “liberalising international access to higher education markets, the treatment of higher education as trade-able goods and services, and the creation of a binding framework that would eliminate barriers to the trade in higher education services” (CHE Strategic Plan, 2005-2010, p.v). Since mobility has always been a fact of life, this attempt at harmonising the minimum credits recognisable within universities in East Africa in the selected fields is indeed a milestone.

6. Conclusion

There have been progressive developments within the higher education system in Kenya. Since independence there has been the proliferation of universities and institutions offering higher education. As I mentioned in the introduction the issues plaguing the higher education system in Kenya are numerous and interconnected. However I am of the opinion that the ones mentioned in this paper are weighty in nature and provide some insight on the domino effect created. As can be expected many of the policies have had a tsunami effect in Kenya.

Saunders and Smith (1991) in their book makes mention of Martin Trow’s characteristics of exclusion as, “the need to keep people out in order to maintain standards of excellence and a superiority which is not just intellectual but social. If education is to be higher it must be rare. It also has to command respect for its authority” (Saunders & Smith, 1991, p.5). My paper seeks to highlight the fact that Kenya has from its inception exuded attributes of exclusivity which have negatively impacted the development of the

country. Policy initiatives by the Commission for Higher Education have contributed immensely in ensuring an increase in accessibility without compromising on quality. Naturally, more needs to be done legislatively to strengthen and expand its legal capacity to cement its authority as the sole accreditation and quality assurance agency for both public and private universities particularly in ensuring that programmes are designed to fill a niche in the country. This enhancement will have to be accompanied by a considerable investment in additional highly qualified human resources. Inclusivity in this paper refers to the initiation of reform strategies that will ensure higher education is not entirely the preserve of the wealthy. Privatisation strategies through the parallel degree programmes offered in the public universities and/or in private universities have favoured those who are financially endowed. The creation of a multiplicity of financial avenues (in form of loans or grants) especially by the private sector that are accessible to qualified financially disadvantaged students who wish to pursue their studies in private universities or parallel programmes should be encouraged. The Government should device mechanisms of ensuring that it not only monitors but also facilitates the creation of mechanisms that ensure the sustainability of these funds. This is not a quest for a utopian higher education system; rather it is the pursuit of the creation of clear, solid legislative structures supported by political goodwill that will facilitate a competitive education system.

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