A University is an institution of higher learning, where people’s minds are supposed to be trained for clear and independent thinking, analysis and problem solving at the highest levels. The function of a university includes amongst others: transmitting advanced knowledge from one generation to another so that this can serve either as a basis of action, or as a springboard for further research to advance the frontiers of knowledge. A university therefore is meant to provide an opportunity for the highest intellectual inquiry. It must challenge its students to develop their powers of constructive thinking; it must also encourage its academic staff to do original research and to play a full part in promoting intelligent discussions on issues of human concern. In a nutshell, a university is meant to be the engine of development and a source of solution to many problems, whether social, economic or political. (UNESCO 1972) The objectives thus for providing university education are to:

1. Develop, advance, preserve and disseminate knowledge and stimulate intellectual life.

2. Train and prepare high level manpower needed for development.
3. Promote cultural development and the highest ideals and values of society.

4. Provide - through research and consultancy - knowledge, skills and services to the community by helping solve problems facing the society.

5. Assist the government in achieving its planned development of higher education.

The achievement of the above objectives cannot be consolidated without academic freedom and autonomy, defence of the Rights and Obligations of our academicians, improvement in welfare and recognition of their great task in national development. The concepts of academic freedom and autonomy are vital if Kenyan universities are to play their role of seeking knowledge, advancing research, theories and disputing the truth so that we live in a pragmatic society. The history of academic freedom and autonomy of universities traces its roots at independence in 1963. As the only public institution fully funded by the government, the University of Nairobi was to be the supplier of qualified manpower to fill the vacant positions left by the colonialists. With the coming of independence in 1963 it was the Ominde Commission (Republic of Kenya 1964) that reviewed the content and structure of Kenya’s Education system in an effect to have it address the country’s development needs. It formulated the national educational objectives as being to:

(i) Foster national unity.

(ii) Produce the necessary skilled human resource for national development.

(iii) Promote social justice and morality, social obligations and responsibilities.

(iv) Promote opportunities for self-development and fulfilment.

(v) Foster international consciousness.

From the above backdrop, there was consistent effort to make our education systems' goals and objectives meet the realities of the day, nationally and internationally. As these changes were made, Kenyan universities experienced a gradual yet deliberate institutionalisation of the presidential involvement in the affairs of the Universities. The impact of this involvement on the operations of the universities had far reaching effects especially on academic discourse in the universities and general welfare of academicians. For example, University of Nairobi Terms and conditions of service, 1984 Clause 22(b) provided inter alia, that:

A member of staff whose appointment is terminated shall have the right to appeal to the chancellor against the decision of the council and such appeal must be lodged within three weeks.

Some of the questions which one can ask are: How does one appeal directly to the Head of Staff given that the clause is silent on how it is supposed to be done? What chances does the aggrieved person have in terms of being accorded fair hearing? It was this institutionalisation especially after the failed coup attempt in 1982 that led to the introduction
of patronage systems and networks in our universities. Merit and professionalisation were thrown out of the window and university managers, students and even lecturers became agents of espionage to consolidate the patronage system.

The result of this was the curtailment and infringement of all members of academic community in the pursuit of freedom of association, including the right to form and join independent and autonomous trade unions. The right to peaceful assembly and formation of groups, clubs, associations and such other bodies to further the academic and professional interests of members were barred or restricted to ethnic circles. In a nutshell there was an unprecedented “invasion” of the universities by armed personnel, intelligence and security personnel, forces of law and order leading to a state of terror and fear.

These were the times of crises, but they were also times of hope. Academicians’ free and independent existence was in question; they began to question the existence of unfree and right-less policies. As a human obligation and social responsibility, there was a movement towards people’s struggle for their rights and human emancipation. It was evident that rights are not simply given; they are won. And even when won, they cannot endure unless protected, nurtured and continuously defended against encroachment and curtailment.

It was due to this abuse of intellectualism and lack of recognition that led to the ceaseless determination by academicians to fight for registration of an academic union in order to champion their grievances. The struggle took almost over a quarter century for UASU to be registered. On 2nd May 2003, twenty-four years since the ban of UASU, the NARC government registered the union amidst a spirited campaign by the lecturers. This was a culmination of a very long, costly and sometimes fatal struggle for some of our
comrades. Indeed we are obliged by history to be the custodians of this well fought struggle and trustees of this struggle for the future generation.

UASU seeks to bring together members of the academic teaching staff from all the Kenyan universities for the purpose of achieving their common goals. The vision of UASU is to transform the Kenyan universities into centres of excellence through academic rigour, freedom and adherence to established standards. Our mission is enshrined in our commitment to academic excellence and freedom in both public and private universities are improved through:

- Ensuring that education standards in both public and private universities are improved through enhancement of academic excellence, research and teaching.

- Providing, disseminating, guiding and monitoring academic standards for all universities in Kenya with a view of developing and sustaining respect for intellectual culture within and outside university environments, achieving academic excellence and freedom.

- Restoring the dignity of academic staff members for all private and public universities in the Republic of Kenya by fighting for the improvement of their welfare, status and working conditions.

- Ensuring that academic staff as intellectuals are at the core of national development of this country.

Specifically our objectives as a union are:

(a) To regulate and improve relations between academic members of staff, the university councils and the students of Kenyan Universities.
(b) To secure complete organization within the union of all members of the academic staff employed in the universities.

(c) To safeguard the interests of members with regard to proper wages, terms of employment and negotiate the settlement of disputes.

(d) To establish and maintain funds from various sources.

(e) To participate in the consideration and formulation of universities’ policies and in the management of the affairs of the universities.

(f) To promote academic standards through staff development programmes in the universities.

(g) To seek and obtain legal advice for members or matters pertaining to the union and their employment.

(h) To co-operate and network with similar organizations on matters of common interest.

(i) To provide for the general welfare of the members.

(j) To acquire, administer and maintain assets of the union.

In pursuit of our objectives, goals and functions, we have so far recorded some achievements, which we consider to be minimal in the context of our previous demands to the government, but UASU’s registration in May 2003, gave it a legal personality and the capacity to negotiate for its members, articulate their interests and defend them against victimization from any adversary party.

The de facto recognition extended to us by the government, made it possible for the top administrators in our public universities to sit and discuss issues with us. Inter alia, there has been several commissions for example; the Kamunge Commission, Kipkule and the Kippra Report, all of
which in one way or another had tried albeit without being released to address the terms and conditions of service of the academic staff. Consequently, we were able to sign collective recognition agreements to regulate our mutual operations but with reservations to contentious provisions of whether Heads of Departments, Deans and Directors should become members of our union or not. Due to the recognition, we were able to negotiate successfully for an improvement of terms and conditions of service of our members which included a new salary package. On the basis of this new package we are putting forward to the government a new proposal this July (2005) for better terms and conditions of service.

UASU has also enhanced cohesiveness between universities. There is more interaction between public and private universities now. UASU has also created a democratic space in universities' management as well as a forum for checks and balances in universities' administration.

The promotion and expansion of academic freedom, intellectual discourses and delivery of public lectures by prominent scholars and politicians is a positive development in the recent history of our public institutions. We have also noted an increased level of professionalism and commitment to enhancing quality education among our members. We believe that this situation can even become better if further motivation is availed in the near future.

Another major achievement is the establishment of a National Secretariat, where we document, coordinate, harmonize and execute our operations. We have all facilities a modern office should have, unlike yester years when for quite sometime we operated from senior common room and various hotels as we took coffee and even in the streets of Nairobi. We encourage all members of the union and those with similar objectives to support our secretariat by whichever means
possible in order for us to cultivate and consolidate our gains. We are situated on the second floor of Uniafric House, Loita Street, Box 30198, Tel: 020 340292, E-mail: UASU@ coopkenya.com.

We are also proposing that since the objectives of our public universities and those of UASU are in one way or another the similar, i.e. commitment to seeking to promote academic excellence and quality service to our dear country Kenya, the universities and indeed the government should consider strongly giving leave with pay the Chairman and the Secretary General of the union so that the process of institutionalisation of UASU can be hastened and consolidated. UASU has also managed to lobby the government to advertise the positions of Vice-Chancellors as it has happened at the University of Nairobi. We hope that all the others would be advertised as soon as possible in order to recruit reform minded Vice-Chancellors to manage the restructuring of our universities. We however insist that we need to amend the Acts and Statutes of our universities to accommodate this prevailing situation. The forces must be consultative enough; all stakeholders must be consulted on modalities and criteria because the winning candidate must pass the test of popular mandate within the university community and the public at large.

The union also managed to push for the establishment of Universities Board of Inspection. The initial Gazettement (Gazette notice No. 8423 dated 27th Nov, 2004) did not have any Terms of Reference and was illegally constituted under the State Co-operation Act (Cap 446) instead of the University Act cap (210B). UASU lobbied and advocated for inclusion of Terms of Reference and proper legal framework. We later provided the Terms of Reference, proposed a reduction of the life of the board from three years to six months and inclusion of UASU in the board’s deliberation. We are happy to report that the government heeded our call, regazetted
the Board Special Issue, Gazette Notice Vol. C VII – No. 27 dated 22nd April 2005) and included all our suggestions. We would like to state that we will fully support the Board but the government must avail enough funds to facilitate the working of the board in order to accomplish its business within the gazetted time.

Despite the success, universities are facing various challenges. Good governance is best for our country just as it is for our universities, but it can only be achieved when we have the right rules, policies and systems in place to give direction that will enable us achieve our goals. Being industries that produce the best professional expertise, the universities should give guidance in generating and implementing these right rules and procedures. We as a union are taking the lead in transforming and revolutionaryizing draconian and obsolete rules/policies/structures and systems into new ones, so as to function effectively. Our objective in this restructuring process will be to increase efficiency in teaching and learning process, improve on library facilities so as to become a role model for prudent and effective management of all resources in our country amongst others.

Areas of concern to UASU include merging departments that have duplicating functions; a process already initiated at Kenyatta University and must be expanded to others. We need also to abolish the Principal’s Office for various reasons: they were created in 1985 for political expediency. Since that time, appointments to this position have been based on the reward system, political patronage and ethnicity. In addition, they continue to incur huge and unnecessary expenses. Furthermore, some of the functions performed by principals are either a duplication of the Dean’s office or have been deliberately removed from there to render it ineffective.
The expansion of universities however, has witnessed the growth of students’ populations that need a comprehensive strategic management plan, thus justifying the existence with Principals as heads. This notwithstanding, the union proposes the retention of the Principal’s Office on condition that small colleges are merged, functions redefined to avoid duplication with the Deans Office and positions advertised to attract competitive applications. The union’s position on offices of DVCs is that they should be merged and reduced to two in small universities and that the number of Registrars should also be reduced to avoid duplication of responsibilities. On this basis also, positions of Chairs of Departments should be advertised or even better: be elective.

It is also imperative that the process of recruitment of top administrative positions of Chancellors, Vice-Chancellors and Chairs to the Council be made competitive to enhance the process of good governance in our institutions. Consequently we need to redefine procedures, systems and structures that will oversee this process. Stake owners such as UASU, the University Senate and Students’ Representatives should participate in appointing their administrators who will be accountable to them. The union expects the process to be depoliticised and managed independently from external forces and the government. Advertisements of vacant positions should be done upon mutual agreement by stake owners to allow transparency to prevail. To this end Acts and Statutes of individual universities need to be amended or overhauled, particularly those related to appointments and elections to accommodate the new dynamics.

The other challenge has to do with student welfare. This is very close to our heart. The union has noted with deep concern the deplorable conditions under which our students are staying in their halls. Furthermore, no adequate funds are given to them to sustain their living, learning facilities are scarce and libraries are not only outdated but lack most
updated books and journals. The government seemed to have given no clear policy on higher education: government officials have been more concerned with promoting basic education due to demands from the IMF and the World Bank and other western donors. The union’s position is that the government should provide adequate loans, preferably KSh. 150,000 per year and increased bursary facilities to our students in the current circumstances of fees hiking. We expect nothing less in any future consultations and negotiations on this issue.

As already mentioned, the autonomy of our institutions remains a major challenge. Institutions of higher education should be autonomous and independent of the state or any other public authority in conducting their affairs, including administration and setting up of academic, teaching, research and other related programmes. This should be exercised by democratic means of self-government, involving active participation of all members of the respective academic community. As such, the state is obliged to ensure that no official or organ under its control produces or puts into circulation disinformation or rumours calculated to intimidate, bring into disrepute or in any way interfere with the legitimate pursuit of the intellectual community. The state therefore is obliged to take prompt and appropriate measures in respect of any infringement by state officials of the Rights and Freedoms of the intellectual community brought to its attention (Kampala Declaration on intellectual freedom and social responsibility Nov. 1990).

In trying to circumvent these challenges, the union expects its membership to uphold the highest possible social responsibility by:

(i) Discharging their roles and functions with competence, integrity and to the best of their abilities.

(ii) Performing their duties in accordance with ethical and highest scientific standards.
(iii) Having a responsibility to promote the spirit of tolerance towards different views and positions and enhance democratic debates and discussions.

(iv) Not indulging in harassment, domination or oppressive behaviour towards another group.

(v) Approaching differences and resolving them in the spirit of equality, non-discrimination and democracy.

(vi) Not participating in or be a party to any endeavour which may work to the detriment of the people or the academic community or compromise scientific, ethical and professional principles and standards.

(vii) Showing solidarity and giving sanctuary to any member who is persecuted for his intellectual activity.

(viii) Elaborating and concretising the norms and standards set at regional and pan-African level.

(ix) Exercising their Rights with responsibility without prejudice to the Rights of others and the needs of our society.

(x) Contributing towards redressing historical and contemporary inequalities in our society based on differences of class, beliefs, gender, race, nationality, religion and economic conditions.

(xi) Voluntarily giving their time to impact education to the disadvantaged sectors of the population.

(xii) Joining an organization of his wish and monitor and publicize violations of the Rights and Freedoms of a people.

In a nutshell, UASU is ready to give leadership and guidance to other professional bodies like the Law Society of Kenya (LSK), the Architectural Association of Kenya, Kenya National Union of Teachers (KNUT), amongst others in strictly observing and upholding the highest ethical and professional standards.
Knowledge, Research and Neo-Liberalism

In his book, *The Post-modern Condition. A report on Knowledge*, Jean-Francois Lyotard acknowledged that “the status of knowledge is altered as societies enter what is known as the Post-Industrial age and cultures enter what is known as the Post-Modern age” (Lyotard, 1984). With the Neo-Liberal onslaught in our institutions, the historic assumptions that informed the founding of our universities and which shaped broad social responses to it have all evaporated in the faces of globalisation and the neo-liberal. With globalisation, universities have come under severe attack. The World Bank suggested that Africa had no need for universities, universities were “white elephants” which devoured more than what they produced (Zeleza and Olukoshi eds. 2004, 2).

In a World Bank meeting of the Vice-Chancellors in Harare in 1988, it was even claimed that Africa’s need for University Education to fill the white collar jobs could be met by overseas education institutions, so that resources could be channelled to primary, tertiary and vocational education (chachage, 2005). Though the World Bank changed this notion, it is evident that, our universities have not escaped these attacks. For example, the conceptualisation of parallel programmes need to be handled in a way that it doesn’t compromise standards and the integrity of our universities. At the dawn of the new century with the triumph of capitalist globalism, academics face multiple challenges, both old and new that demand strategies that are also both old and new to protect their interest and promote the triple mission of higher education for teaching, research and service. In short, struggles for institutional, individual autonomy, freedom, rights and obligations, excellence and efficiency are more pressing and problematic than ever.
Their clear articulation is essential for the production of critical social knowledge that facilitates material development, democratic citizenship and ethical advancement. Indeed, universities even in the impoverishment in which many of them currently find themselves, are incredible reservoirs of minds that can imagine and help remake our societies into more productive and humane places to live. As a union we cherish vibrant universities where democratic ideals are championed and cherished and where everyone irrespective of class, beliefs, gender, race, nationality, religion and economic condition are allowed to exploit their potential to the full.

**Conclusion**

The presentation has focused on our universities as envisaged and the inherent contradictions that sprung due to interference from both external and internal forces. We can turn the challenges we have had into opportunities and make our universities better. We should reclaim some of the traditional objectives of a university – scientific enquiry, pursuit of knowledge and the search for the whole truth in the interest of social transformation and human emancipation. The state on the other hand has an obligation: it should not allow universities to be run like government departments or like businesses. Mahmood Mamdani has observed that universities cannot function thus, because they are not limited by short-term considerations of winning votes or making profits. The universities Academic Staff Union is already taking a lead in this emancipation course. It is our hope that all members of academic community will join UASU enmass for us to consolidate the gains already made. As I said earlier, Rights are not simply given; they are won and even when won, they cannot endure unless protected, nurtured and continuously defended against encroachment and curtailment.
References


Republic of Kenya, Gazette Notice No. 8423 2004: Nairobi