

Private and Public Education in Kenya: The Case of Strathmore College

After Independence the Kenya Government decided to shape one nation by removing racial discrimination from the education system and providing equal opportunities to all; this was achieved by transferring the management of all secondary schools and colleges to Boards of Governors and giving them Grant-in-aid status. To keep its autonomy Strathmore College opted to operate privately. The integration of the education system enhanced certain human rights but diminished religious freedom. The experience of Strathmore College shows that Boards of Governors and Sponsors may need more freedom to discharge their responsibilities.

Keywords: board of governors, grant-in-aid, racial integration, school sponsors.

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Educación pública y privada en Kenia: el caso de Strathmore College

Después de la Independencia el gobierno de Kenia decidió forjar la unidad nacional desmantelando la discriminación racial y ofreciendo igualdad de oportunidades en el sistema educativo. Para conseguirlo encargó la dirección de las escuelas secundarias y colleges a boards of governors (consejos de dirección escolar) y les dio subsidios. Para mantener su autonomía Strathmore College decidió funcionar como una institución privada. La integración del sistema educativo mejoró ciertos derechos humanos pero disminuyó la libertad religiosa. La experiencia de Strathmore College demuestra que boards of governors y sponsors (entidades que dan apoyo a la escuela) necesitan más libertad para desempeñar su cometido.

Palabras clave: consejos de dirección escolar, subsidio, integración racial, entidades que dan apoyo a la escuela.

1. Introduction

The word nationalisation is never used when referring to the history of education in independent Kenya; that is why the following statement from a history book on the Catholic Church in Kenya may be puzzling: “In education, the Government *nationalised* schools in which it paid the salaries, therefore, the former system of subsidies to mission schools has come to an end”¹ (Baur, 1990, p. 225). It is a fact that the Government, through the Education (Board of Governors) Order, 1964, The Education Act 1968, and the Development Plan 1970-74, took over the “African schools” that were managed by regional and local authorities, and many schools managed by voluntary bodies. The bulk of the schools managed by voluntary bodies was the so-called “mission schools”; that is, schools managed by churches and religious organisations, which, during the colonial era, catered for a very large percentage of the institutions educating Africans. But was it really the aim of the policy-makers to nationalise schools? If nationalisation was not the aim, why did they do it? Whatever the intention, did it make any difference? These are the points this paper attempts to address.

1.1. Main issues at stake at the time of Independence

1.1.a. *Responsibility for education*

According to the 1964 Ominde report, educational institutions were “charged with a number of national tasks of first-class importance, relating to the building up of the nation, the promotion of national development and the guidance and stimulation of social change. It seems to us self-evident that the main responsibility for these functions must lie with the Government of Kenya, for we do not think that national objectives in education can be reached as a result of the separate decisions of a congeries of largely independent educational authorities. Moreover, it is certain that to make the best use of our scarce resources, very careful centralised planning of those resources is essential. Consequently, the powers of the Central Government must be those of a planning authority, that is, they must enable the Government to determine the nature, the extent and the location of educational development”² (*Kenya Education*

¹ Italics are mine.

² This was the first report on education produced in independent Kenya.

Commission Report, 1964, Part I, nº 20, p. 26). It is clear that at the time of independence, nation building was of paramount importance to the policy-makers. The policy has its merits, but forty years later it could be argued that it also had a nationalising and secularising effect on the education system.

1.1.b. Organisation of education

The Ominde report introduced a point of enormous importance for the organisation of secondary and teacher training education in Kenya: “We approve of the present policy of giving all secondary schools and training colleges a personality of their own, by establishing them as grant-aided bodies under their own Boards of Governors, rather than absorbing them into the national or regional departmental administration” (Kenya Education, 1964, Part I, nº 29, p. 28). Through the appointment of Governors and the financial support, the Ministry of Education kept total control of secondary schools and colleges.

The Ominde report redefined the role of churches in primary education: “With regard to primary schools, we consider the present direct local administration satisfactory. We also think that the time has come to relieve churches of their remaining responsibilities for the management of maintained schools. A maintained school is one for which the public authority assumes full financial responsibility for maintenance and we believe that, as a matter of principle, any primary school which is thus maintained should also be managed by the public authority which is financially responsible for it” (*Kenya Education*, 1964, Part I, nº 30, p. 28). This was Kenyatta’s Government approach at the time of the Cold War, when many African countries were gaining their independence and socialist ideas were fashionable. It did not take fully into account the principle of subsidiarity according to the social doctrine of the Church because it gave little responsibility to parents in the education of their children³.

“Although, as we have already explained, it does not appear to us appropriate that churches should share in the administrative management of maintained schools, the circumstances we have now

³ “A community of a higher order should not interfere in the internal life of a community of a lower order, depriving the latter of its functions, but rather should support it in case of need and help to co-ordinate its activity with the activities of the rest of society, always with a view to the common good”. (Centessimus annus, nº 48, 4).

described appear to us to be such that the assistance of the appropriate church can appropriately be drawn in to help with the religious content of school life, in particular, with religious instruction. We use the word “church” here in a broad sense, to cover the principal organisation of any faith” (*Kenya Education*, 1964, Part I, n° 61, p. 34). Although in theory this guaranteed the religious instruction of students, in practice sponsors found it increasingly difficult to discharge their task because, unlike the Colonial Government, Kenyatta’s Government chose to provide education directly rather than through the churches.

1.1.c. National unity

The Ominde report of 1964 states that at the time 97% of the population was African, 2,3% Asian and 0.6% European. However, “on the eve of Independence⁴ we had, not one, but four systems of education in Kenya, the African, the European, the Asian and the Arab. From 1960 onwards, tentative moves were made towards integration of the four systems, but only on the assumption that the schools should satisfy the needs of the racial groups for which they were intended before opening their doors to others. These moves were not, therefore, likely to destroy the racial pattern of society; they were, in fact, designed to preserve it” (*Kenya Education*, 1964, Part I, n° 37, p. 29).

It is clear that the Commissioners wanted to remove racial discrimination as soon as possible: “On the introduction of the Self-Government Constitution on June 1st 1963, discrimination on grounds of race in public education became illegal. It might be thought that this put an end to the matter, but in fact this was not so. First, the former Asian, and still more the former European, schools charged much higher fees than the former African schools. In fact, this fee differential was actually increased in 1964 as a result of the recommendations of the Economy Commission, which put forward the principle that the cost to Government per head ought, on grounds of equity, to be the same in all kinds of schools. Consequently, although the schools have loyally obeyed the constitutional principle of non-discrimination, the number of eligible Africans has remained relatively small” (*Kenya Education*, 1964, Part I, n° 38, p. 29).

⁴ Kenya Independence was on 12 December 1963.

“Secondly, some further restriction on African recruitment has been imposed by the application of age rules for admission, that have tended to reduce the number of eligible applicants still further” (*Kenya Education*, 1964, Part I, nº 39, p. 29).

Strictly speaking, the Ominde report does not talk of nationalisation but of integration to remove racial discrimination and improve standards, foster unity in the new nation and create equal opportunities for all. However, it could be argued that in doing so, the new independent government nationalised education also by introducing Board of Governors on schools that had been subsidised and were managed by voluntary bodies.

2. Historical background

As several studies on the history of education in Kenya reveal, Western education was brought initially by Christian missionaries and became the most widespread single system in Kenya by 1920, developing in three main areas: the Coastal, Central and Western regions of the country (Nyachieo Bogonko, 1992, pp. 18-19).

According to Sorobeo Nyachieo Bogonko, “After the establishment of colonial rule in Kenya, the colonial government reluctantly began taking part in African education. Britain insisted that the colonies pay for themselves and was more interested in broad economic and political affairs rather than anything else. Provision of education to the colonised was supposed to follow economic development, not the reverse. In Kenya, therefore, the colonial administration was reluctant to take any part in education at all; Sir Charles Eliot⁵ insisted that Africans were getting adequate education from mission schools. It was the mounting expenses in employing expensive Asian labour, which soon forced the colonial administrators to think of giving Africans technical education with a view to producing cheap African skilled labour. This was the message of the Report on Education in the East Africa Protectorate of 1909, otherwise known as the Frazer Report” (Nyachieo Bogonko, 1992, p. 23).

In 1911 a Department of Education was set up and through it the colonial government began taking part in African education with

⁵ British Commissioner for the East Africa Protectorate from 1901 to 1904.

two main approaches: providing education in areas with the least missionary influence and aiding missionary education. From 1915 the government provided grants-in-aid to missions for technical education. James R Orr, the first director of the Department of Education, introduced payment of grants-in-aid based on results in passing technical subjects.

In 1925, the colonial government decided to establish the Local Native Councils to enable Africans air their views and participate in the development of their areas. Their duties included the development of education, dispensaries, roads, forestation, water mills and agriculture, promoted by funds levied on Africans for as long as they did not infringe on law and order (Nyachieo Bogonko, 1992, p. 47). The efforts of the Local Native Councils were instrumental in the establishment of three Government African Schools, institutions of a secular character, in Kakamega (1932), Kagumo (1933) and Kisii (1935) (Nyachieo Bogonko, 1992, p. 49).

Despite the lack of support from the colonial government and certain reservations from some missionaries, the so called Independent Schools increased in number and by 1933 there were 34 such schools offering education to over 2500 students; 6 years later their total enrolment was 12,964 students. By the time of their closure during the Mau Mau Emergency, Independent Schools numbered more than 200 with about 40,000 pupils (Nyachieo Bogonko, 1992, p. 53).

As a result of the endeavours of the Local Native Councils, in 1948 the government issued the 10-Year Plan for the Development of African Education. Among other things, it proposed limiting wastage in primary schools by giving grants-in-aid to schools in proportion to the number of qualified teachers, as well as the expansion of secondary schools from 2 to 16. In 1948 there were only two government and four missionary senior secondary schools, and 51 junior secondary schools. Of the senior secondary schools, only Alliance and Mangu were preparing pupils for the Ordinary Level examinations.

The Beecher Education Commission Report of 1949 superseded the 10-Year Plan. Although it recognised the African Independent Schools for inclusion in the education system, it opposed the further opening of independent schools, left racial segregation untouched and did not meet the African desire for universal primary education; it recommended the extension to 16 new secondary senior schools by 1957. In fact the secondary schools expanded from 6 in 1949 to 81 in 1963.

By 1955 there were 2,247 aided primary schools and the Kenya Inspectorate was formed to monitor the expansion in secondary education among its other objectives; the aim was to present at least 400 candidates annually for the Cambridge School Certificate examination. However, this number was not realised until 1958 when it rose to 625. The number of Cambridge School Certificate holders in Kenya rose from 491 in 1958 to 1,528 in 1963.

2.1 The shaping of Kenya's education system during the period 1963-1970

The Education (Board of Governors) Order, 1964, established a Board of Governors for former Government Schools and schools established by any former Regional Education Board, and for schools for the management of which a voluntary body was formerly responsible (The Education, 1964, n° 3^o; *Kenya Education*, 1964). Boards for the latter kind of schools would consist of not more than 14 persons of which the Chairman was appointed by the Minister in consultation with the former manager or sponsor; three persons representing the community served by the school were appointed by the Minister; four persons representing bodies or organisations that, in the opinion of the voluntary body, in agreement with the Minister, should be represented on the Board, were appointed by the Voluntary body; not more than three other persons as the Minister may consider necessary, after consultation with the Board; and not more than three persons co-opted by the Board (*The Education*, 1964, n° 4; *Kenya Education*, 1964).

The same Education Order specified that the property of schools governed by voluntary bodies that were not corporate bodies should be vested in trustees incorporated under the law (*The Education*, 1964, n° 13; Baur, 1990). Besides, the Board of Governors should govern the schools in accordance with the provisions of any Education Act in force, provided that any Code of Management approved by the Minister for this kind of schools maintained the religious traditions (*The Education*, 1964, n° 14).

A crucial policy document at the time of Independence was Sessional Paper number 10 of 1965; it established the following

⁶ It defines a "voluntary body" as a manager other than the Ministry of Education.

policy for the application of African Socialism in Kenya: “Control of education (whether general or vocational) and educational institutions (whether community or individually owned) will be vigorously enforced in order to ensure uniform standards and to relate educational development to the needs and resources of the country” (*African Socialism*, 1965, p. 54).

Regarding nationalisation, Sessional Paper number 10 stated that “since it does not always lead to additional resources for the economy as a whole, it will be used only where the national security is threatened, higher social benefits can be obtained, or productive resources are seriously and clearly being misused, when other means of control are ineffective and financial resources permit, or where a service is vital to the people and must be provided by the Government as a part of its responsibility to the nation” (*African Socialism*, 1965, p. 51). For Kenyatta’s Government education was a vital service that should not continue in the hands of the churches and other voluntary organisations.

Sessional Paper number 10 adopted a pragmatic approach towards African Socialism: “The discipline of planning is not something to be accepted lightly or shrugged off as unnecessary. If planning itself is not to be a waste of resources, discipline must be firm and enforced. And discipline is not simply something that the Government imposes on the private sector. It is also a discipline that Government imposes on itself at every level and in every ministry. With planning, no ministry is free to act as an undisciplined, unrestricted entrepreneur promoting funds and projects to maximise the status of the ministry. Instead all must accept the discipline of planning and join in maximising the resources available for development, determining the best use for these resources, and ensuring that resources are in fact used as planned. If DISCIPLINE is rejected, so is planning and with it –African Socialism” (*African Socialism*, 1965, p. 50)⁷.

The second development plan of independent Kenya, the 1970-74 Plan, stated: “Overall responsibility for the development of primary education resides with Government. However, in order to provide a system of primary education responsive to local needs and in order

⁷ The capital letters used for DISCIPLINE can be found in the original document.

to stimulate local initiative, Government has, in the past, delegated the responsibility for the establishment and most of the financing of primary schools to local authorities. Government retained direct responsibility for establishing the curriculum, administering the certificate for Primary Education and ensuring that instruction is of an adequate quality. However, as outlined in Chapter 7, Government will assume full responsibility for the financing of all expenditures on primary education in County Council areas as from 1970. Municipalities will retain their present responsibilities in this field" (*Development Plan*, nº 17.8, p. 453). It should be pointed out that by the late seventies Kenya had attained virtually universal primary education, but the centralisation policies of President Kenyatta eventually became the main weakness of the education system.

Regarding secondary education, the 1970-74 Plan stated: "Government's policy for secondary education has two main objectives. The first is to expand enrolments at all levels to meet the social and economic needs of society for its general development. The second is to make adequate provision to meet the demands of qualified individuals for their personal development and self-fulfilment" (*Development Plan*, nº 17.20, p. 456). "In planning to achieve these objectives, Government has encountered important constraints. The recurrent costs of operating maintained secondary schools exceed K£ 4.3 million per year, and, during recent years, costs have been rising at a rate in excess of 16 per cent per year. However, it is estimated that well over K£ 2 million has already been spent by the people in maintaining *Harambee* secondary schools. This commendable effort is encouraged by the Government who will continue to assist and maintain *Harambee* secondary schools in this Plan period" (*Development Plan*, nº 17.21, p. 457).

"The projected manpower requirements of the country have convinced Government that the expansion of the upper forms in secondary schools must be faster in the next five years than in the last five, and Government has, therefore, decided to open 70 Form V classes during the new Plan" (*Development Plan*, nº 17.22, p. 457). "In addition, Government intends to take over the financing of new Form I classes, most of which will open at existing *Harambee* secondary schools" (*Development Plan*, nº 17.23, p. 457). Centralisation and expansion policies eventually exacted a toll over the quality of education that became obvious during President Moi's government.

3 Strathmore College

On March 14th, 1960, an Agreement was made between the Catholic Hierarchy of Kenya and Opus Dei⁸; according to this Agreement some members of Opus Dei decided to set up a college which was to be open to all races and which would offer courses leading to the Higher School Certificate examinations. This project, which had the support of the Sacred Congregation for the Propagation of the Faith in Rome, also had the approval and some financial support from the Government of Kenya.

Strathmore College opened its doors in March 1961 as a private professional venture of some members of Opus Dei, under the inspiration of its Founder, Saint Josemaría Escrivá. By letter of the Provincial Education Officer, Nairobi, dated 25th July 1960, a Board of Trustees was approved as Manager of Strathmore College (Unpublished records of the Board of Trustees). The Certificate of Registration of the College was N° 10171 and is dated 1st October 1960 (Unpublished records of the Board of Trustees). The Trustees were incorporated under the Land (Perpetual Succession) Ordinance and were thus registered as a charitable and educational Trust. Because of this arrangement, Strathmore College was independent of the Catholic Missions: it had its own management and officially was non-denominational.

By letter of the Ministry of Education dated 22nd July 1960 (Unpublished records of the Board of Trustees), the Colonial Government assisted the College under the Education (Grant-in-Aid of African Education) *Rules of the Education Ordinance* (1962, Cap. 211, N° 24)⁹, but the Trustees insisted from the beginning that it should be open to all races and creeds without discrimination. Thus, in spite of much difficulty, in 1961 it became the first non-racial Sixth Form College in Kenya, taking 40 African and 20 Non-African students together.

During the 1960's the Board of Trustees raised £356,700, partly in grants and partly in long-term loans; £30,000 were used to buy the

⁸ Opus Dei had not obtained yet its juridical configuration as a Personal Prelature that the Holy See granted in 1982.

⁹ "Buildings erected with Government assistance in accordance with these Rules to the extent of the full cost thereof shall be used for approved educational purposes for a period of at least thirty years; in cases where only part of the full cost is met by a grant-in-aid, the minimum period for which the buildings shall require to be used for approved educational purposes shall be proportionately reduced".

campus where the College started¹⁰. The Government contributed £40,000 in 1961 as a capital grant for two streams at Sixth Form level. In 1966 the Trustees added two streams of Accountancy studies that were privately financed both for capital and recurrent expenditure. Among the institutions that gave grants or loans at that time were the Merrill Foundation, Misereor, Ford Foundation and Barclays Bank (Unpublished records of the Board of Trustees).

3.1 Nationalisation threats

Strathmore College started two years before the Independence of Kenya and in 1964 it was included in the second schedule of the *Legal Notice* 353 of 13 November 1964 regarding the establishment of Boards of Governors. After the Trustees raised objections in writing on several occasions because due procedure had not been followed (Unpublished records of the Board of Trustees), the name of the College was removed by a *Legal Notice* of 24 December 1965, The Education (Boards of Governors) (Amendment) (Nº. 4) Order 1965 (Unpublished records of the Board of Trustees). This was the beginning of long years of negotiations that would culminate in 1980, when the Board of Trustees agreed to transfer the management of Strathmore College to Study Centres of Kenya, a company limited by guarantee without share capital, and the Ministry of Education agreed to register it as the new manager of a fully private College.

The Government's position can be summarised as follows:

- a) The Colonial Government had assisted the College under the Education (Grant-in-Aid of African Education) *Rules of the Education Ordinance* (1962, Cap. 211, nº 24) as it had assisted many mission schools.
- b) The Colonial Government and the Independent Government after it were paying the teachers' salaries.
- c) Because of its association with Opus Dei, Strathmore College was considered a Catholic institution and a "mission school" by extension.

¹⁰ 40 acres were bought from the St Austin's mission of the Holy Ghost Fathers in what is known today as Lavington, Nairobi.

From the very beginning the Board of Trustees made it clear that they did not accept the establishment of a Board of Governors because:

a) The Colonial Government had only contributed a small fraction of the initial investment.

b) The same Government that was paying for the teachers' salaries had approved the Board of Trustees as the manager and owner of the College.

c) Strathmore College was a private venture of some members of Opus Dei and not a mission school.

The search for a solution started. To satisfy the official policy of giving the community a bigger say in the running of schools through the Boards of Governors, the Trustees suggested setting up a new and enlarged Board of Trustees for the management of the College. At the very time when negotiations were taking place with the Ministry of Education, Strathmore College was again included in a Schedule for Boards of Governors (The Education, 1969; Legal Notice N° 17 of 30th September 1968). This possibly was done in error in view of the previous removal from the Schedule in 1965 and the sub iudice nature of the question when negotiations were still proceeding.

By letter of the Provincial Education Officer dated 9th June 1972 (Unpublished records of the Board of Trustees), the Trustees were asked to select the status of the College from one of these categories: Maintained, Assisted or Private. On 3rd October 1972 (Unpublished records of the Board of Trustees), the Trustees replied that they wished to decline further Grant-in-aid and become a Private institution. On 24th October 1972, the Provincial Education Officer wrote saying the Permanent Secretary had directed him to state that the Ministry had decided that Strathmore College must remain a Grant-in-aid institution and proposals for a Board of Governors should be forwarded immediately (Unpublished records of the Board of Trustees).

In a Memorandum dated 4th November 1972 (Unpublished records of the Board of Trustees), the Board of Trustees summarised the situation in this way:

a) As approved in 1960¹¹, they were the owners and managers of Strathmore College;

¹¹ By the colonial authorities.

b) They decided to refuse to hand over their property to another Manager such as a Board of Governors;

c) They decided to decline any further Grants-in-aid;

d) They questioned the legality of forcing the managers of a school to accept Grants-in-aid against their will.

One of the arguments the Trustees were using to oppose the take-over was that other activities had been established at the College which were operated, staffed and fully financed by the Trustees, as separate private institutions; these were Kibondeni School of Catering (established under an agreement with Kianda Foundation) and a School of Accountancy.

3.2 In search of a solution

The Trustees raised objections in writing on several occasions to the proposed Board of Governors¹². It was clear that at all times the Ministry was fully aware that Grants-in-aid were being disbursed and properly used and accounted for, not to a Board of Governors, but to a recognised Manager with whom the Ministry was well acquainted (Unpublished records of the Board of Trustees). Ministry officials were claiming that because one part of the College had accepted recurrent public funds, they had the right to take control of the College and hand it over to a Board of Governors. They gave no further legal reasons as to why they had the right to say that certain streams at the College must receive Government funds, irrespective of the views of the Trustees, who were both the Managers and owners of the College (Unpublished records of the Board of Trustees).

With regard to capital funds received (£40,000 out of a total capital cost of about £394,700 un-depreciated, i.e. about 10% of the total investment), the Rules under which these funds were given demanded that the type of education envisaged should continue for such a fraction of 30 years as the capital sum granted was a fraction of the overall capital cost. 10% of 30 years is 3 years, thus the years Strathmore College had offered public higher certificate education amply fulfilled this requirement.

From 1961 to 1972, the Trustees received recurrent grant-in-aid from the Ministry of Education, amounting to less than 50% of the

¹² Ref. Letters addressed to the Ministry of Education on 21/11/64, 7/12/64, 1/2/65, 9/3/65, 29/10/65.

budget of the College. Most students during these years studied for free or paid a nominal fee that did not cover the recurrent expenditure of the College. In the case of the School of Accountancy, which started in 1966, a condition laid down by the Ministry of Education for its approval was that it should not receive any grant-in-aid¹³. It seems contradictory that while trying to hand over the College to a Board of Governors, the same Ministry would encourage a new private venture under the same owners and management. A possible reason could be that during those early years of independent Kenya, the public and private sectors were "Africanising" their ranks and creating a high demand for training in Accountancy. As a result of this situation the School of Accountancy was able to finance its recurrent expenses and contribute to the overheads of the College.

By April 1973 the Board of Trustees, the approved managers, had offered to raise the necessary funds to continue running the College. Why was the Ministry of Education trying to force them to accept Government grant-in-aid? Ten years after independence it was not clear any longer whether the Government's aim was still to create a level-playing field where all Kenyans could have similar opportunities, or its aim had turned into an argument over the right and freedom of private citizens to organise and carry out an educational project for the benefit of the country in co-operation with the Government.

The situation became tense. The Ministry of Education was still sending the grant-in-aid cheques but the Board of Trustees decided not to bank them. The Board of Trustees felt they had reached a dead-end with the Ministry of Education and started private appeals with high-government officials, politicians and bishops. On April 8th, 1974, in a Memorandum addressed to Bishop Gatimu (Unpublished records of the Board of Trustees), the Trustees explained there was no legal obligation on an institution to continue receiving Government aid and why they wished to have Strathmore College as a Private institution:

a) Because Strathmore College already had successful private schools of Accountancy and Catering, as well as a private hostel for ex-students of the College. They felt it was unjust not to be allowed to continue working after 13 years in operation and so much investment.

¹³ Letter from the Ministry of Education, Ref. n° s/4/11/1/(199) of 11th May 1965; unpublished records of the Board of Trustees.

b) Because in a grant-aided system there was no valid guarantee as to who is appointed as Principal, and eventually, what staff is appointed.

c) Because they already felt harassed: “The School of Catering has already been questioned by the Ministry (verbally) as to whether it should exist at all or be replaced by menial staff, cooks, etc.; and also the Ministry officials have claimed the right to make the selection of pupils for it”.

d) Because “We are not prepared to allow the Ministry or a public body decide what the future development of the College should be”. “We do not expect any body, other than suitable ex-students, to appreciate the importance of the system and tradition of the organisation of the College”.

A Board of Governors did not provide adequate protection, the Memorandum to Bishop Gatimu continued, “Because it was made clear to us in a meeting with Mr Getao and other Ministry officials that staffing and appointment of Head was not a function of the Board of Governors, but of the Ministry and the Teachers Service Commission”.

What would be the difference between a possible Management Committee and a Board of Governors? The same Memorandum answers:

a) “A Board of Governors is appointed and changed at will by the Ministry; it also implies permanent Grant-in-aid status”.

b) “A Management Committee would be appointed by the present Board of Trustees as an advisory body, made up of ex-students, and it is suitable for an institution that is private; nevertheless, we would invite the Ministry to send a representative to the meetings of the Committee”.

Finally with a letter dated August 1st, 1975, addressed to Mr Kariithi, the Permanent Secretary in the Office of the President, the Trustees, who had given up the grant-in-aid more than two years before, mentioned the word “nationalisation” for the first time in an official letter: “for a Board of Governors to take over is simply nationalisation of a group of buildings and property by the Ministry of Education”¹⁴.

¹⁴ Underlined in the original that is kept at the Board of Trustees archives.

Confronted with such spirited opposition backed by the prayers of Saint Josemaría Escrivá and so many other people, finally the Government compromised and agreed “to re-register Strathmore College under the managership of Study Centres of Kenya”¹⁵.

4. Practical consequences for sponsors

It would seem that in theory the nationalisation of schools was not the main aim of the policy-makers. However, at the time of Independence there was a strong and decisive government intervention to remove racial discrimination quickly from the education system and shape one nation. For the sake of integration the government centralised the education system, and in so doing also removed a great deal of personal and institutional freedom that resulted in nationalisation as a by-product. Personal intentions aside, the point we still have to analyse is whether the policies introduced by the government made any difference from the point of view of sponsors and parents.

Religious denominations claim that their role as “sponsors” of schools lost meaning over the years because there is very little they can demand from the Government in the running of the schools they formerly managed. *The Constitution of Kenya* n° 78 protects the freedom of conscience but some practical aspects of the legislation introduced with the Education Act 1968 indicate a process of nationalisation and secularisation in contrast to the situation under the previous dispensation. I quote from an undated memorandum signed by Father H M Hemelryk in the late sixties¹⁶ (Unpublished records of the Board of Trustees) that gives a good summary of the situation:

1) “*Religious Education* shall be given at the school in conformity with a syllabus prepared or approved under regulations made under section 19 of this Act after consultation with the sponsor (*Education Act 1968*, 1980, Part III, 3(c))”. It is interesting to note that the present Christian Religious Education syllabus is one and the same for both Protestant and Catholic students in primary and secondary schools. One wonders whether sponsors would have ever agreed to it without Government intervention.

¹⁵ Letter of 13th September 1980, signed by J Kamau for the Permanent Secretary of the Ministry of Higher Education.

¹⁶ Education Secretary of the Mill Hill Mission, today Kisumu diocese.

2) “*Exemption*: If the parent of a pupil at a public school requests that the pupil be wholly or partly excused from attending religious worship, or religious worship and religious instruction, in the school, the pupil shall be excused such attendance until the request is withdrawn. Where the parent of a pupil at a public school wishes the pupil to attend religious worship or religious instruction of a kind which is not provided in the school, the school shall provide such facilities as may be practicable for the pupil to receive religious instruction and attend religious worship of the kind desired by the parent (*Education Act 1968*, 1980, Part VIII, 26)”. This is possible only if the sponsor can exercise a degree of control over the selection of students, otherwise the school can become unmanageable.

3) “*Right of entry into schools*: Regulation 6 of the Education Standards Regulations 1968 requires Headmasters to grant sponsors’ requests to satisfy themselves that religious instruction is conducted in accordance with the syllabuses prepared or recommended by the sponsors and approved by the Minister. Since some such syllabuses will include the teaching closely connected with pastoral aspects of religion, the sponsors should also be granted such requests to satisfy themselves that the teaching is in accordance with such pastoral aspects in the syllabus provided (*The Ministry of Education General Circular N° GEN/68/19 of 10th June 1968*)”. If Headmasters, who are appointed by the Government, can prevent sponsors from discharging their duties, as it has happened on several occasions¹⁷, it is very difficult for sponsors to satisfy themselves and have harmony in the running of schools.

4) “*The employer of teachers*: As from the 1st July 1967 the Teachers Service Commission became the employer of all teachers in all maintained and aided schools” regardless the church that sponsors them”.

5) “*Appointments of Headmasters and staff*:

- a) The appointment of a Headmaster of a sponsored school or of a school under a Board of Governors shall be made by the Teachers Service Commission in consultation with and as far as possible with agreement of the sponsor or the Board of Governors as the case may be.

¹⁷ In the last few years for instance in Mangu High School and in some schools sponsored by the Kisii Catholic Diocese.

b) In the posting of teachers to various sponsored schools it is assumed that every effort will be made to post adequate staff who can teach Religious Knowledge of the denomination which the sponsor represents so that the teaching of Religious Knowledge may not suffer from lack of teachers. It is fully realised that in some places, some problems will be experienced since the posting of teachers cannot be determined on the religious grounds alone, but every assistance should be given to the sponsors in this regard (*Ministry of Education General Circular N° GEN/68/19 of 10/6/1968*).

Experience has shown that very often the Government is not sensitive enough to the wishes of sponsors regarding the appointment of head-teachers and staff.

6) *“Special religious observances:* Time used during the normal school day for special religious observances shall be made good by a corresponding addition to the number of days on which the approved curriculum is followed. A minimum of three periods to a maximum of five periods per week shall be devoted to the teaching of Religious Education”.

7) *“Use of school buildings:* The sponsor shall have the right to use the school buildings free of charge, when the buildings are not in use for school purposes, after giving reasonable notice of his intention to do so to the Headmaster of the school (Education Act 1968, 1980, Part III, (3) (b))”.

8) *“Board of Governors:* The Board shall be responsible for ensuring that the religious traditions of the school are respected and that religious education is given in accordance with the requirements of a curriculum approved by the Chief Education Officer for the purpose of section 58 (1) (b) of the *Education Act* (from the *Code of Management for Boards of Governors*)”.

A very telling indicator of the shift of perceptions among sponsors is this paragraph from the Circular 1/87 of the Nairobi Catholic Archdiocese: “It is the wish of the Diocese to register any new schools and institutions on Church plots as “Private” so as to avoid future complications and confusion especially as to who is the community or body sponsoring the school”¹⁸.

¹⁸ Circular 1/87, presumably of 1987, is neither dated nor signed and it originates from the Education Secretary of the Nairobi 19 Archdiocese; it can be found among the unpublished records of the Board of Trustees.

5. Policy trends of the Government after achieving integration in the education system

“When the Education Act was hammered out in 1968 giving the government control of the missionary-founded schools and conceding to the churches merely the rights of sponsorship, education was to undergo its first major crisis since independence. It is a crisis from whose effects the country is still reeling thirty years later as the century draws to a close. Many schools run by religious brothers, sisters and priests, and characterised by law and order, efficiency and cleanliness were put in local hands. The modest contributions from overseas, assiduously saved and carefully spent, began to dry up. Many religious brothers and sisters had worked without pay, save for a living allowance. With the new arrangement after the Education Act, instructors were paid a full salary. In many schools, a major financial crisis ensued” (Njoroge, L. M., 1999, p. 234).

The second major crisis the education system was to undergo happened in the mid-eighties when President Moi’s Government introduced abruptly a new education system known as 8-4-4 (8 years of primary education which was meant to be terminal for the majority, 4 years of secondary education and 4 years of university education) that stressed self-reliance and required heavy investments both from the Government and parents. The 8-4-4 education system still remains controversial and was too ambitious for the resources available; as a consequence it has not achieved yet some of its aims.

The third major crisis started in the late 1980’s when the Government, under pressure from international donors, introduced the Structural Adjustment Programme, which took the shape of “cost-sharing” for educational and health services that previously were free. This measure, coupled with the poor performance of the economy affected dramatically the enrolment in primary schools in Kenya, which by the late years of last century stood just above 80%.

Possibly as a result of the third crisis, private primary education experienced a remarkable growth because parents are willing to spend money to guarantee their children access to some of the few public secondary schools that feed the public universities. University education is still the best option for upward social mobility in Kenya but this state of affairs does not seem fair from the point of view of distributive justice and the common good.

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6. Conclusion

Integration was the aim of the policy-makers in the early years of independent Kenya, but the by-product was nationalisation, which brought excessive government control and inefficiency into the education system. It is easier to judge with the benefit of hind-sight, but it would seem that somewhere along these years the Government stopped being a partner in the development of the people of Kenya and became a master pursuing its own interests at the expense of the interests of the people it was meant to serve.

a) Integration and universal primary education were worthwhile policies that took a toll on freedom but also enhanced other aspects of human dignity¹⁹. On the surface they were very successful and possibly encouraged further Government intervention at the expense of personal initiative.

b) The 8-4-4 education-system was an attempt to make education more relevant to the needs of the people without consulting the people. It shows that by then Government's thinking was closer to social engineering than to supporting man as the author of his own development.

c) The introduction of the cost-sharing policy was the bursting of the bubble because local institutions were unprepared to manage the new scenario. In a very short period of time Parents-Teachers Associations acquired a renewed prominence in spite of not being recognised in the Education Act, which generated new conflicts with the long-established Board of Governors that saw their power and influence threatened.

If we compare Strathmore College and its Board of Trustees with many of the institutions that were taken over and their Board of Governors, it seems obvious that the process of nationalisation and the ensuing lack of freedom they underwent is the main difference. The original Strathmore Sixth Form boarding College has undergone since then an enormous transformation, responsive to the changes going on in the Kenyan society, and has become two institutions: Strathmore School with a primary and a secondary day-sections, and Strathmore University²⁰, while many of the institutions

¹⁹ In 2002 the Government re-introduced universal primary education. The policy has its merits but School Committees, Sponsors and parents have no say in what the Government decides for their schools.

²⁰ On 2nd August 2002 the Kenya Government granted Strathmore College a Letter of Interim Authority to operate as a university (ref. Kenya Gazette n°. 5056).

managed by Boards of Governors seem to be languishing because of poor Government funding, low staff morale or poor relations with their sponsors.■

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bibliografía

- Baur, J. (1990). *The Catholic Church in Kenya, A Centenary History*. Nairobi: St Paul Publications Africa.
- Catholic Archdiocese of Nairobi. *Circular 1/87*. (n.d.).
- Hemelryck, H. M. *Memorandum* (Mimeo). (n.d.).
- John Paul II (Pope). (1991). *Centessimus annus*. Nairobi: St Paul Publications - Africa. Daughters of St Paul.
- Njoroge, L. M. (1999). *A Century of Catholic Endeavour*. Nairobi: Paulines Publications Africa.
- Nyachieo Bogonko, S. (1992). *A History of Modern Education in Kenya*. Nairobi: Evans Brothers Kenya Limited.
- Republic of Kenya. (1980). *Education Act 1968* (Rev. ed.). Nairobi: Government Printers.
- Republic of Kenya. (1962). *Education Ordinance*. Nairobi: Government Printers.
- Republic of Kenya. (1964). *Kenya Education Commission Report*. Nairobi: Government Printers.
- Republic of Kenya. (1964). *The Education (Board of Governors) Order*. Nairobi: Government Printers.
- Republic of Kenya. (1964). *Legal Notice*. N° 353, 3102-500-11/64. Nairobi: Government Printers.
- Republic of Kenya. (1965). *African Socialism and its Application to Planning in Kenya*. Nairobi: Government Printers.
- Republic of Kenya. (1968). *Ministry of Education General Circular* N°. GEN/68/19. Nairobi: Government Printers.
- Republic of Kenya. (1968). *Legal Notice*. N° 17, 246-500-1/69. Nairobi: Government Printers.
- Republic of Kenya. (1992). *The Constitution of Kenya* (Rev. ed.). Nairobi: Government Printers.
- Republic of Kenya. *Development Plan 1970-74*. Nairobi: Government Printers.
- Unpublished records of the Board of Trustees. (n.d.).