

**Enhancing Equitable Access to Quality University Education in Kenya:  
A Critical Appraisal of the Legal Framework on Financing University  
Education.**

A Thesis submitted in partial fulfilment of the requirements for the award of the degree of Master of Laws (LLM) of the University of Nairobi.

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**DECLARATION**

I, **Colletah Jelagat Sigilai** the undersigned hereby declare that this is my original work and that it has not been presented in any other university.

**Colletah Jelagat Sigilai**

Signature.......... Date..........

**SUPERVISOR**

This Project Paper has been submitted for examination with my approval as university supervisor

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## **DEDICATION**

This research work is dedicated to my husband John Chirchir, Mum Dorcas and Dad Wilson for their special Prayers, inspiration and encouragement throughout the research period.

And

To our baby Neema Jebaibai; you are the force behind my enthusiasm.

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**To you All**

**May God's blessings be with you.**

## TABLE OF STATUTES

The Banking (Credit Reference Bureau) Regulations, 2008

The Banking Act, Cap 488, Laws of Kenya

The Children Act, Act No.8 of 2001, Laws of Kenya.

The Constituency Development Fund, Act No.10 of 2003, Laws of Kenya.

The Draft Education and Training Bill, 2007 Kenya

The Higher Education Loans Board Act, Cap 213A, Laws of Kenya

The Higher Education Loans Fund Act, Cap 213, Laws of Kenya (repealed)



## **ABBREVIATIONS AND ACRONYMS**

AAU	Association of African Universities
AY	Academic Year
CHE	Commission for Higher Education
CUEA	Catholic University of East Africa
FPE	Free Primary Education
GOK	Government of Kenya
HE	Higher Education
HELB	Higher Education Loans Board
HELF	Higher Education Loans Fund
IMF	International Monetary Fund
KES	Kenya Shillings
KESSP	Kenya Education Sector Support Programme
LD&RU	Loans Disbursement and Recovery Unit
LIA	Letters of Interim
MDG	Millenium Development Goals
MOE	Ministry of Education
SLP	Stanford Loan Programme
UNESCO	United Nations Educational, Scientific and Cultural Organization
USLS	University Students Loans Scheme

## CHAPTER ONE:

### INTRODUCTION

#### 1. Background

Over the last four decades, there has been an intensified social and economic demand with respect to higher education in Kenya.<sup>1</sup> Higher education refers to any course of education offered by an institution above the standard of Kenya Certificate of Secondary Education and any university level institution. However, for purposes of this study higher education is restricted to University education comprising of undergraduate and postgraduate studies. The clamour for higher education is evident in the rise in enrolments in public and private universities, the proliferation of more private universities and the establishment of private wings (self sponsored programmes) in the public universities. For example, student enrolment in public universities in Kenya increased very rapidly between 1964 to date, with the undergraduate student enrolment in Kenya's universities standing roughly at 91,541 as at 2005<sup>2</sup> with about 33, 550 female students, and 57, 991 male students. According to Ben Waweru, the Secretary Joint Admission Board (JAB) of the students who sat their KCSE in 2008, 72,500 attained the minimum university entry requirement of C+, however the Board could only take 20,000 students, this being double their intake in the past three years.<sup>3</sup>

Due to the limited Government budget on financing University education and acknowledgement of the fact beneficiaries of university education were to contribute towards meeting their costs, the cost-sharing concept was introduced in 1991. Given that the countries economic level the student's loan scheme was established to help cushion the burden of meeting university costs by the parents and the students.

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<sup>1</sup> B. Cheboi, Chief Executive Officer, HELB, Nairobi

<sup>2</sup> Commission for Higher Education (CHE), at <http://www.che.or.ke/enrolment.html> (last accessed on January 20, 2010).

<sup>3</sup> Samuel Siringi, *Daily Nation*, 26th February 2010.