

# Kenyan universities petition court to declare lecturers strike illegal

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While academic activity at public universities across Kenya remains completely shut down and lecturers are vowing to remain on strike into a second week, universities, in collusion with the government, are seeking to suppress the strike.

On Tuesday, the universities filed a petition in court asking it to declare the strike illegal and order the lecturers back to work. The court stated it will issue its ruling by Friday.

The strike was organized and launched on March 1 by the Universities' Academic Staff Union (UASU) and Kenya Medical Practitioners, Pharmacists and Dentists Union (KMPDU). At the heart of the walkout are lecturers' low salaries and overall deteriorating conditions of the Kenyan public university system, after a multi-decade campaign conducted by the government to gut public spending allocated for education, which has had dire consequences for both academic staff and students alike.

With an air of desperation amid a total stoppage of public-run universities across Kenya, the Inter-Public Universities Councils Consultative Forum (IPUCCF) petitioned the Employment and Labour Relations Court to declare the strike illegal and order the lecturers' immediate return to work.

In its argument before the court on Friday, the UASU accused the universities of proposing a return to work formula without bringing a counter-proposal to meet lecturers' demands, namely salary increases and increased benefits for academic staff, and renovation and upkeep of the deteriorating university system, with steps taken toward a new collective bargaining agreement to replace the one that expired in 2017.

Titus Koceyo, a lawyer for the UASU, told the court, "I would like to draw the attention of this court that even in the pleadings filed in this case by the

universities, there is no counter proposal attached. The correct position is that universities have never had any counter proposal to what we presented to form the basis of concluding the CBA negotiations."

In arguing that the court should reject the universities claim that the strike is illegal, Koceyo stated that the UASU and KMPDU had issued a seven-day strike notice the week before the walkout. He added, "In the absence of a counter-proposal, there was nothing for a conciliator to resolve, hence the need for a seven-day strike notice. The action by lecturers does not violate any law."

For its part, the Ministry of Education, which oversees public-run universities in Kenya, attempted to lay blame for the lack of progress in negotiations for a new contract on the political chaos resulting from the hotly contested presidential elections last year, in which the poll was overturned by Supreme Court.

The Education and Labour Ministries told the court it should declare the strike illegal. "Lecturers have to participate in the conciliation for a good reason," it argued. "The strike was premature. Proper procedure was not followed and it should be declared illegal."

The lawyer for the universities, Ruth Kirwa, made the claim before the court that the lecturers acted in "bad faith" toward negotiations of a new agreement, and that the strike was premature.

In a display of fear that the walkout will spark a broader movement among the Kenyan working class as a whole, whose living standards for decades have come under relentless attack by successive Kenyan governments, Kirwa told the court, "It is imperative and of urgency that this court issues an injunction against the industrial action called for by UASU as it is unlawful and will disrupt the forum's operations unjustifiably as well as set a bad precedent for

industrial relations.” Kirwa went on to claim that the government was willing to commit to a counter-proposal, but that the strike did not follow “due process”, and requested the court to halt the unprotected strike.

For decades, the 33 public-run universities in Kenya have been in decline. Many facilities lack a library and reference study materials, and even basic accessories such as chairs and tables, with many institutions having no Internet access. Buildings have fallen into disrepair and a lack of upkeep, leaving students in classes with leaking roofs. Technological equipment such as computers are non-existent at many universities. Due to the enormous cost of education, the majority of Kenyan youth enroll in the lower-cost public universities, which has led to large classrooms and a lack of teaching personnel.

For years, successive governments have conducted attacks on public education, particularly in the 1990s when the government adopted a market-based approach to education, promoting for-profit schools and universities and gutted funding for public schools.

At the other end, the government has made available unlimited funding, supplemented with \$1.1 billion per year in aid from the United States, to carry out the US-backed war in Somalia. The government’s claim of “no money” for the deteriorating university system is belied by the fact that Kenya is one of the most socially polarized countries on earth. Sitting atop the heights of Kenyan society are 16 individuals and companies holding more than \$22 billion, including President Uhuru Kenyatta, valued at \$500 million, while the vast majority of the population of 50 million live in abject poverty. According to the World Bank, the majority of Kenyans make less than \$3 per day.

The government of President Kenyatta has displayed nothing but scorn and contempt for strikes and protests, and the ruling government has made its hostility to the Kenyan masses clear with statements declaring such struggles illegal and without merit. To this end, security forces have brutally suppressed these struggles, resulting in scores of deaths. Underlying this approach is the palpable fear within the Kenyan ruling class of a social explosion beyond its control.

As for the role played by the UASU and KMPDU, as well as the entire Kenyan trade union apparatus, these organizations function as a labor enforcement

mechanism to suppress class struggle, as well as to tie workers to the tyranny of the profit system. The unions, whose leadership consists of figures comprising the Kenyan bourgeoisie, seek above all to stifle a fight by workers against capitalism, which is the true source of social misery experienced by the Kenyan working class.



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