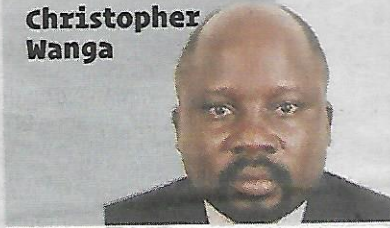


Regulation. Exclusion of professional bodies in training a recipe for chaos.

Decision on universities will hurt professionalism

Christopher Wanga



Nothing is in law that is not reason; there is certainly a reason and cause for every law – the spirit of the law. To safeguard this hallowed principle, our Constitution emphasises that public and stakeholder consultation is a cardinal requirement. In amending the Universities Act of 2012 to exclude the role of professional bodies and assign to the Commission of University Education (CUE); this principle was overlooked.

The proponents of this amendment erred and there is need to revisit the whole process, especially now that the High Court has reinstated implementation of that section of the law that had been suspended earlier.

There is a reason why Kenya, like other countries, has established professional regulatory bodies through Acts of Parliament. Key among these is the overriding public protection, ethical practice, compliance with global institutions and standards. These are requirements for access to international markets and acceptance of a country's professionals and safety of consumers of professional services.

The end goal of government regulation of her professionals is to ensure that the public interest is served optimally as a form of consumer protection. In their wisdom, governments across the globe delegate regulatory powers to professional regulatory bodies where peers play a critical role in the continuous professional development.

They trust their professionals to be able to put aside self-interests in favour of promoting public interest in return for public respect and ethical practice.

This time-honoured tenet in well-

established professions like human and veterinary medicine, engineering and pharmacy, among others, is threatened by the mandate given to CUE vide the Universities Amendment Act in 2016. This Act takes away powers to accredit courses in universities from professional regulatory bodies, a function they had carried out with excellence prior to the amendment.

This begs the question, what was wrong in the previous law to warrant an amendment and in whose interest? Certainly not the public interest which all regulatory laws endeavour to safeguard.

Recently, several engineering graduates found themselves with worthless degrees after the regulator refused to register them. The reason was that their institutions had not attained the minimum requirements of a day one graduate and their respective institutions lacked or did not show evidence of physical infrastructure and human resource required to mount such courses in the first place.

“Relegating the mandate of regulatory bodies to just registering the professional it has not played a role in training turns this noble duty into an event when it is supposed to be a process.”

It is absurd that CUE is supposed to accredit over 300 programmes in universities across the country. They simply cannot move anywhere near the threshold bar for all these courses, in a world where specialisation is encouraged.

Many of these courses are very unique and can only be understood by peers. Regulatory bodies have this asset within its members well documented under professional colleges.

Veterinary medicine, one of the oldest professions in the world, for

instance, training and practice follows global norms set by the World Animal Health Organisation (OIE). The OIE is recognised by other relevant institutions like the World Health Organisation, Food and Agricultural Organisation and World Trade Organisation (WTO) in matters animal health.

How will Kenya export her livestock and livestock products without implementing the OIE standards as pertains training of vets supposed to be assured by a veterinary statutory body and not an equivalent of CUE?

According to Article 2(5) of the Constitution, any treaty or convention ratified by Kenya shall form part of the law of Kenya. Kenya has been a member of WTO since 1995. The WTO recognises OIE as the neutral institute to offer guidance and oversight in matters animal disease status health in international trade of livestock and livestock products.

Noble duty

Relegating the mandate of regulatory bodies to just registering the professional it has not played a role in training turns this noble duty into an event when it is supposed to be a process. Regulatory boards apply the “good nursery for better wood” principle; by regulating the whole process of training of their professions and thereafter regulating their practice.

They do this in compliance with the core/minimal curriculum to attain to day one competences of professions as per global guidelines and standards issued by global regulatory bodies. Today, due to Covid-19, we have seen universities training students via online platforms even for fully practical courses which may amount to a passage right and not training for the job.

This amendment that outlawed the role of regulatory bodies has a lot of demerits and should be reviewed to allow Kenyans to benefit from well trained professionals while maintaining order within professions.

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