SPEECH BY HON. JUSTICE (RTD.) P. KIHARA KARIUKI, THE ATTORNEY GENERAL OF THE REPUBLIC OF KENYA DURING THE 3RD GRADUATION CEREMONY HELD ON 11TH DECEMBER, 2018 AT MUTULA HALL, KAREN CAMPUS, KENYA SCHOOL OF LAW.

- **PROF. FATUMA CHEGE THE CHAIRPERSON OF THE KENYA SCHOOL OF LAW BOARD,**
- **THE PRESIDENT OF THE LAW SOCIETY OF KENYA,**
- **REPRESENTATIVES OF OFFICE OF THE DIRECTOR OF PUBLIC PROSECUTIONS, MINISTRIES AND STATE AGENCIES PRESENT,**
- **THE CHIEF EXECUTIVE OFFICER OF THE COUNCIL OF LEGAL EDUCATION, DR. JACOB GAKERI,**
- **KENYA SCHOOL OF LAW BOARD MEMBERS,**
- **THE DIRECTOR OF THE KENYA SCHOOL OF LAW, DR. HENRY MUTAI,**
- **THE FORMER DIRECTOR OF THE KENYA SCHOOL OF LAW, PROF. PLO LUMUMBA,**
- **KENYA SCHOOL OF LAW MANAGEMENT,**
- **INVITED GUESTS,**
- **LADIES AND GENTLEMEN,**

GOOD MORNING,

I STAND BEFORE YOU WITH A JUBILANT HEART FOR FOUR REASONS:-

1. **I AM A PROUD ALUMNI OF THE KENYA SCHOOL OF LAW;**
2. **I AM A FORMER PRINCIPAL OF THE KENYA SCHOOL OF LAW, BETWEEN THE YEARS 2002 - 2003;**

3. **I WAS A MEMBER OF THE MINISTERIAL TASK FORCE ON THE DEVELOPMENT OF A POLICY AND LEGAL FRAMEWORK FOR LEGAL EDUCATION, WHICH WAS APPOINTED ON 11TH FEBRUARY, 2004, AND WHICH RENDERED ITS REPORT IN JANUARY, 2006; AND**
4. **I AM THE ATTORNEY GENERAL OF THE REPUBLIC OF KENYA, UNDER WHOSE MANDATE THE SCHOOL FALLS.**

MY PRIDE IS ALSO FOURFOLD, AS I GRACE THIS OCCASION AS THE GUEST OF HONOUR, AND WITNESS THE STRIDES THAT THE SCHOOL HAS MADE SINCE ITS INCEPTION IN 1963, AS A DEPARTMENT UNDER THE OFFICE OF THE ATTORNEY GENERAL, AND NOW AS AN AUTONOMOUS ENTITY WITH ITS OWN LEGAL PERSONALITY.

DURING MY TENURE AS THE PRINCIPAL OF THE SCHOOL, IT WAS LOCATED AT THE CURRENT UNIVERSITY OF NAIROBI SCHOOL OF DENTAL SCIENCES ON RALPHE BUNCHE ROAD. THE PREMISES AT THE TIME COULD ONLY ACCOMMODATE 78 RESIDENTIAL STUDENTS OR 150 RESIDENTIAL AND NON-RESIDENTIAL STUDENTS AS RESOURCES WERE STRETCHED.

IT IS THEREFORE A GREAT MOMENT OF PRIDE FOR ME AS AN ALUMNI AND FORMER PRINCIPAL TO OFFICIATE A GRADUATION AT THIS CAMPUS THAT CAN ACCOMMODATE 2000 NON-RESIDENTIAL STUDENTS; HAS AN UPCOMING ULTRA-MODERN LIBRARY, WHICH ONCE COMPLETED WILL BE ABLE TO SEAT 300 STUDENTS, AND WHICH HAS SPORTS FACILITIES THAT ALLOW FOR AN ALL ROUNDED LAW GRADUATE.

AS A MEMBER OF THE MINISTERIAL TASK FORCE ON THE DEVELOPMENT OF A POLICY AND LEGAL FRAMEWORK FOR LEGAL EDUCATION, I AM FILLED WITH PRIDE AS SOME OF THE RECOMMENDATIONS WE HAD MADE HAVE COME TO FRUITION, THESE INCLUDE:-

1. **THE SEPARATION OF THE SCHOOL FROM THE COUNCIL OF LEGAL EDUCATION, AND ACCORDING THE SCHOOL AUTONOMY AND LEGAL PERSONALITY.**
2. **THE INTRODUCTION OF A FORMAL STRUCTURE FOR PARALEGAL TRAINING, NOW THE DIPLOMA IN LAW (PARALEGAL STUDIES).**
3. **THE DIVERSIFICATION OF SERVICES OFFERED BY THE SCHOOL THROUGH THE INTRODUCTION OF CONTINUING PROFESSIONAL DEVELOPMENT TRAINING, PROJECTS, CONSULTANCIES, AND RESEARCH.**
4. **THE BROADENING OF PUPILAGE CENTRES BEYOND LAW FIRMS TO INCLUDE PUBLIC AND PRIVATE ENTITIES, WHICH HAS RESULTED IN AN INCREASE IN PUPILAGE OPPORTUNITIES.**

LADIES AND GENTLEMEN, TODAY IS THE 3RD GRADUATION OF THE KENYA SCHOOL OF LAW. I WOULD LIKE TO RECOGNISE AND COMMEND THE SCHOOL FOR DEEMING IT FIT TO HAVE THIS RITE OF PASSAGE ENTRENCHED IN THE SCHOOL.

GRADUANDS, IN YOUR STUDIES YOU HAVE BEEN PROVIDED WITH KNOWLEDGE AND SKILL ON VARIOUS ISSUES INCLUDING THE CONSTITUTIONAL LAW AND LEGAL SYSTEMS, TRIAL ADVOCACY, ALTERNATIVE DISPUTE RESOLUTION, CIVIL AND CRIMINAL LAW & PROCEDURE, AND LEGAL PRACTICE MANAGEMENT. YOUR PRACTICE OF LAW SHOULD NOT SOLELY BE CONSIDERED AS A SOURCE OF INCOME. YOU ALSO HAVE A DUTY TO YOUR

NATION. THESE SKILLS AND KNOWLEDGE THAT YOU HAVE GAINED SHOULD ALSO BE EMPLOYED FOR THE BENEFIT OF YOUR FELLOW KENYANS.

ARTICLE 48 OF THE CONSTITUTION PLACES UPON THE GOVERNMENT THE DUTY TO ENSURE ACCESS TO JUSTICE FOR ALL PERSONS AND, IF ANY FEE IS REQUIRED, IT SHALL BE REASONABLE AND SHALL NOT IMPEDE ACCESS TO JUSTICE. IN FURTHERANCE OF THIS CONSTITUTIONAL PROVISION, AND IN A BID TO ACTUALISE THE RIGHT, THE GOVERNMENT HAS ENACTED THE LEGAL AID ACT, 2016. THE ACT GIVES EFFECT TO ARTICLES 19 (2), 48, 50 (2) (G) AND (H) OF THE CONSTITUTION BY PROVIDING THE LEGISLATIVE FRAMEWORK FOR;

1. **FACILITATING ACCESS TO JUSTICE AND SOCIAL JUSTICE;**
2. **ESTABLISHMENT OF THE NATIONAL LEGAL AID SERVICE;**
3. **PROVISION OF LEGAL AID; AND**
4. **FUNDING OF LEGAL AID.**

ON 24TH APRIL, 2017, THE OFFICE OF THE ATTORNEY GENERAL UNVEILED THE NATIONAL LEGAL AID SERVICE BOARD WHOSE FUNCTIONS ARE PROVIDED IN SECTION 7 OF THE LEGAL AID ACT. THE BOARD IS OBLIGED TO:-

1. **ESTABLISH AND ADMINISTER A NATIONAL LEGAL AID SCHEME THAT IS AFFORDABLE, ACCESSIBLE, SUSTAINABLE, CREDIBLE AND ACCOUNTABLE;**
2. **ENCOURAGE AND FACILITATE THE SETTLEMENT OF DISPUTES THROUGH ALTERNATIVE DISPUTE RESOLUTION;**

3. **UNDERTAKE AND PROMOTE RESEARCH IN THE FIELD OF LEGAL AID, AND ACCESS TO JUSTICE WITH SPECIAL REFERENCE TO THE NEED FOR LEGAL AID SERVICES AMONG INDIGENT PERSONS AND MARGINALIZED GROUPS;**
4. **TAKE NECESSARY STEPS TO PROMOTE PUBLIC INTEREST LITIGATION WITH REGARD TO CONSUMER PROTECTION, ENVIRONMENTAL PROTECTION AND ANY OTHER MATTER OF SPECIAL CONCERN TO MARGINALIZED GROUPS;**
5. **DEVELOP AND ISSUE GUIDELINES AND STANDARDS FOR THE ESTABLISHMENT OF LEGAL AID SCHEMES BY NON-GOVERNMENTAL AGENCIES;**
6. **PROMOTE THE USE OF ALTERNATIVE DISPUTE RESOLUTION METHODS;**
7. **TAKE APPROPRIATE MEASURES TO PROMOTE LEGAL LITERACY AND LEGAL AWARENESS AMONG THE PUBLIC AND IN PARTICULAR, EDUCATE VULNERABLE SECTIONS OF THE SOCIETY ON THEIR RIGHTS AND DUTIES UNDER THE CONSTITUTION AND OTHER LAWS;**
8. **FACILITATE THE REPRESENTATION OF PERSONS GRANTED LEGAL AID AND ASSIGN LEGAL AID PROVIDERS TO PERSONS GRANTED LEGAL AID UNDER THE LEGAL AID ACT; AND**
9. **ESTABLISH, COORDINATE, MONITOR AND EVALUATE JUSTICE ADVISORY CENTERS.**

THE LEGAL AID ACT, 2016 IS FULL OF COLLABORATIVE OPPORTUNITIES FOR GRADUANDS, THESE INCLUDE:

1. **LEGAL RESEARCH;**
2. **PRO BONO LEGAL SERVICES;**
3. **PUBLIC INTEREST LITIGATION;**

4. **PUBLIC PARTICIPATION IN GUIDELINES AND STANDARDS TO BE DEVELOPED BY THE NATIONAL LEGAL AID SERVICE;**
5. **PARTICIPATION IN LEGAL LITERACY PROGRAMMES; AND**
6. **PROMOTION AND PARTICIPATION IN ALTERNATIVE DISPUTE RESOLUTION;**

I AM PROUD TO CONVEY THAT THE OFFICE OF THE ATTORNEY GENERAL AND THE NATIONAL LEGAL AID SERVICE LAUNCHED THE 1ST NATIONAL ACTION PLAN ON LEGAL AID 2017 - 2022, ON 31ST JULY, 2017. THE PLAN SERVES AS A ROADMAP FOR COORDINATED IMPLEMENTATION OF LEGAL AID INTERVENTIONS BETWEEN THE GOVERNMENT AND LEGAL AID ACTORS IN THE COUNTRY. I URGE ALL GRADUANDS TO ACQUAINT THEMSELVES WITH THIS PLAN, AND TAKE ADVANTAGE OF ALL THE OPPORTUNITIES WITHIN IT.

GRADUANDS, AS BUDDING MEMBERS OF THE LEGAL PROFESSION IN KENYA, IT IS IMPORTANT THAT PROFESSIONAL ETHICS PERMEATES THE DELIVERY OF YOUR SERVICE. SERVICE DELIVERY WITHOUT PROFESSIONAL ETHICS AND PURPOSE MAY RESULT IN THE EXCESSES WE ARE CURRENTLY WITNESSING IN OUR SOCIETY. ACCORDINGLY, YOU HAVE A DUTY AS KENYAN CITIZENS, AS PROFESSIONALS IN THE LEGAL SECTOR, TO ADHERE TO THE CONSTITUTION AND BE ROLE MODELS TO THOSE WHO LOOK TO YOU FOR LEGAL ADVICE OR GUIDANCE. SOCIETY WILL LOOK UP TO YOU NOT JUST AS PROVIDERS OF LEGAL SERVICES BUT, AS LEARNED AND UPSTANDING MEMBERS OF SOCIETY. YOU MUST MAKE YOUR PROFESSION AND YOUR NATION PROUD AND, BE PROFESSIONALS WHO

FASTIDIOUSLY ADHERE TO THE LAW AND, WHO RESPECT AND ADVANCE THE RULE OF LAW.

LADIES AND GENTLEMEN, AS I CONCLUDE, THE THEME FOR THIS GRADUATION RESONATES WITH ME AS IT BRINGS TO FORE THE CONCEPT OF PURPOSEFUL LIVING. LIVING A PURPOSEFUL LIFE SHOULD BE THE ULTIMATE GOAL FOR ANY PERSON BECAUSE, HAVING A PURPOSE WILL PROVIDE SATISFACTION AND FULFILMENT.

I URGE YOU GRADUANDS, TO EMBRACE ACCESS TO JUSTICE AND THE ADVANCEMENT OF THE RULE OF LAW AS YOUR KEY TENETS AND PURPOSE IN LIFE, AS YOU PURSUE YOUR LEGAL PROFESSIONAL CAREER.

TO THE GRADUANDS - CONGRATULATIONS, GOOD LUCK, MERRY CHRISTMAS AND HAPPY NEW YEAR.

THANK YOU.