Civic Education, Elections and Good Governance

The Kenya School of Law

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Welcome to Volume 5 issue 1 of the Justice Newsletter.
The theme for this issue is “Civic Education, Elections and Good Governance.” The General Elections are scheduled to be held in Kenya on the 9th August 2022. Voters will elect the President, Members of the National Assembly, Women representatives, Senators, Governors and Members of the County Assembly. This theme is important as we reflect on issues of General Elections, Civic Education and Good Governance in our country as well as concepts underpinning a democratic society such as roles and responsibilities of Government, citizens, political and special interests as well as the significance of the periodic and competitive elections in a democratic society.

In this issue, we have highlighted milestones attained by the School such as the Kenya School of Law (KSL) Fundraising dinner whose goal was to raise funds that will go towards the KSL legal fund. This fund was established to support the disadvantaged Advocates Training Programme (ATP) students. We have covered the launch of the Student Mentorship Programme where the School is collaborating with the Nairobi Law Society of Kenya branch. The Third Annual KSL Conference themed on ‘Elections, Rule of Law and the Practice of Democracy in Africa’ has also been featured among the School’s notable key achievements.

We have featured Departmental briefs and events from the various School’s Departments and staff members including the ATP Nairobi Pupil Master sensitization workshop, CPD Inaugural Course on Litigation for In-house Counsels and a summary of the KSL Customer Satisfaction Survey Report 2021. Finally, we have covered insightful articles with a wealth of information on issues related to Elections, Civic education and Good governance from our staff, students and alumni.

We are grateful to the Board and the Management of the School for their continued support and to all of our contributors specifically our staff and students who have contributed to the success of this publication over the last three years. Special gratitude goes to the Editorial Committee for their dedication and effort in publishing this issue.

Enjoy the read.
Word from the Chairperson, KSL Board

Prof. Joseph Mworia Wamutitu
Chairperson, Kenya School of Law Board

On behalf of the Kenya School of Law Board of Directors, I take this opportunity to congratulate the School Management for publishing Volume 5 issue 1 of the Justice Newsletter. The Justice Newsletter is one of our Information, Education and Communication (IEC) tools that helps in communicating to all our stakeholders, both internal and external, about the School’s activities that have taken place within a specific timeframe.

The theme for this issue is “Civic Education, Elections and Good Governance.” This theme is timely to what is happening in our country. This year being an election year, all citizens who are eligible to vote will go through the formal process of electing a candidate for public office, starting from the highest position in the land, the President, all the way to the position of the Members of the County Assembly.

As the Board of Directors, we request all our stakeholders to exercise their democratic right by casting a vote in the upcoming general election scheduled for Tuesday 9th August, 2022. Every adult Kenyan citizen has a right to vote as stipulated in Article 38 of the Kenyan 2010 Constitution. As you exercise this right, we urge all of you to vote for leaders who will practice good governance by ensuring that public institutions will conduct public affairs, manage public resources and guarantee the realization of Human Rights. This newsletter has a wealth of informative news on issues related with elections, civic education and good governance. It is our sincere hope that the articles published will create more awareness on the said issues.

Word from the Director/Chief Executive Officer

Dr. Henry Kibet Mutai
Director/Chief Executive Officer, Kenya School of Law

I am pleased to welcome you to this issue of the Justice Newsletter, Volume 5 issue 1 of 2022. This publication has served as an effective tool to keep our stakeholders informed of the various notable activities that have been taking place at the School.

Over the period covered by this issue, the School has managed to achieve a number of milestones and held various events since the last publication. On 6th December 2021, the School held a Fundraiser. The main goal of the fundraiser was to raise funds that will go towards increasing the already set aside fund for the Kenya School of Law Legal Fund. A fund, which was established to support the disadvantaged Advocates Training Programme (ATP) students with loans to fund their tuition fee.

The School was able to raise approximately Kenya Shillings 2.7M from that event. Due to the increased fund, 120 ATP students for the Academic Year 2022/2023 who started their classes on 30th March 2022 benefited from the fund, which was disbursed by the Higher Education Loans Board (HELB) in March this year. HELB has partnered with KSL to manage the fund. The highest loanee received a total of Kenya Shillings 145,000/- while the lowest loanee received Kenya Shillings 25,000/-. It is our hope that we will continue increasing this fund so that more students can benefit.

The School launched the Student Mentorship Programme on the same day in collaboration with the Nairobi Law Society of Kenya branch. The aim of the mentorship is to guide our students on their academic journey and empower them to become independent learners and agents of their own change. As a School we are concerned with the wellbeing of our students be it in academic life, career life or social life.

Between the 25th – 26th January 2022, the School held its third Annual KSL Conference in Karen headquarters. It was a hybrid conference. Different sectoral stakeholders converged and comparatively explored the theme ‘Elections, Rule of Law and the Practice of Democracy in Africa’. I can report that the Conference was a success and some of the papers presented during the Conference will be published in online journal.

On 18th March 2022, the School held its 6th Graduation and Prize-Giving Ceremony at the headquarters in Karen Campus to celebrate the 2020/21 cohort of the Advocates Training Programme (ATP) as well as the 2020/21 Paralegal Training Programme (PTP).
The two groups that graduated were among our students who had virtual classes. The number of graduands who attended the event comprised of 94 ATP students and 35 PTP students. Apart from that, the School also honored 11 ATP students and 4 PTP students who had excelled in their examination. It was noted that female students scooped many of the awards compared to the male students.

In discharging its mandate, the School has continued to train candidates undertaking the ATP of whom 1334 have been enrolled for the 2022/2023 Academic Year. As a means of enhancing the student experience, the School has continued to organize legal aid clinics, the latest one being in the month of February at Shimo la Tewa, in Mombasa. Apart from that, the School also organized its 3rd Pupil Master Workshop for that Academic Year. Such activities help the ATP students apply some of the knowledge and skills learned to assist people in the society and those awaiting disposal of their appeals with the legal issues facing them.

On a separate note, the School is also in the process of coming up with a Strategic Plan to guide activities for the next 6 years 2023 -2028. This process is at an advanced stage and we hope to launch the Strategic Plan by 30th June 2022. In the course of the current Financial Year, the School has carried out various staff activities. These include Andragogy Training for legal educators held from 1st to 4th March this year, Staff Mentorship and Coaching programme following the approval of a Policy and a staff team building, in December 2021.

Finally, I would like to thank the Editorial Committee for their tireless effort in ensuring that Volume 5 Issue 1 of the Justice Newsletter 2022 has been published.
The Advocates Training Programme (ATP) students who are unable to raise fees to complete their training at the Kenya School of Law (KSL) have a chance to complete their studies through the Legal Education Fund. The Fund is administered by the Higher Education Loans Board (HELB) which awards the loans to the successful applicants, as well as helps recover these loans.

In November 2020, KSL injected KShs. 10,000,000/- towards this kitty. Later, as a way of increasing the Fund, KSL held a fundraising on 9th December 2021 at the Radisson Blu Hotel, in Nairobi Arboretum Park Lane. The aim of the fundraising was to raise KShs. 10,000,000/- thus doubling the amount in the kitty. The Chief Guest was Senior Counsel, Mr. John M.Ohaga, C.Arb,FCIArb, the Managing Partner TripleOK Law Advocates, and also the Pupil Master of the Year 2021, 4th Edition for Nairobi Legal Awards. During the fundraising, KShs. 2.7 million was raised. The amount will go towards helping more disadvantaged students realize their career and education goals, hence making a difference in the Kenyan Legal Education Sector. The KSL Legal Education Fund is an ongoing activity and wellwishers can support the Fund through donating via Mpesa Paybill No. 247247, Account.1630263144477.

In the same event, a Memorandum of Understanding between KSL and the Law Society of Kenya, Nairobi Branch was signed. LSK Nairobi Branch is a statutory branch of the LSK tasked with improving the standards and conditions of legal practice within Nairobi and Kiambu counties. The Branch mainly deals with practice and welfare matters affecting Advocates practising in the aforementioned counties. The key focus areas of the MOU are accreditation of pupillage centres; mentorship and joint capacity development of mutual clients and members.

The scope of mentorship includes the following areas: career advice; industrial mentorship; networking events; professional ethics and integrity workshops and seminars on job market preparation; presentation skills, and career fairs. The Mentorship Programme will support the students to acquire civility, professionalism and ethical standards expected of the legal profession. This is because mentorship is a relationship in which experienced advocates use their greater knowledge and understanding of the law, work and life to support the development of a student lawyer. Some of the Mentorship Programme benefits to the mentees will include exposure to real world legal training; guidance on professional development and advancement; intensified potential for visibility and recognition within the profession; development of life skills and acquisition of additional knowledge and ideas, among others.

Ruth Githaiga is the Corporate Communication Officer at the Kenya School of Law
The Kenya School of Law has held an annual conference since 2018. The annual conference themes are developed in line with the current situation in the country. The 3rd annual conference was held on 25th and 26th January 2022 at the School’s Karen Campus. The theme for the conference was Elections, Rule of Law & the Practice of Democracy in Africa.

Democracy in Africa has often elicited emotions and mixed reactions, with many generally applauding commitments of many African countries to conduct regular elections. Indeed, despite challenges posed by Covid-19 pandemic to democratic processes in the continent, over 30 African countries have held or will hold local or national elections in 2021 and 2022.

The conference sought to broadly explore this election theme. Local, regional and international participants drawn from governments, judicial officers, academia, practitioners, regional bodies and other sectoral stakeholders converged to explore this theme. The conference also featured four keynote addresses by prominent speakers who included:

i. Ombati Omwanza - Advocate
ii. Ambassador Dr. Koki Muli Grignon – Director South Eastern Kenyan University
iii. Hon. Senator Sylvia Kasanga – Nominated Senator in the Kenyan Senate
iv. Dr. Henry Kibet Mutai – The Director/ CEO Kenya School of Law.

Papers and presentations at the conference addressed the following sub-themes: Policy Gaps Relating to Covid-19 and Management of Elections; Elections/Democracy vs Public Health; Judiciary and Electoral Dispute Resolution in Africa; Elections, Political Ideologies & Governance in Africa; Political Parties and Elections; Democracy, Candidates and Law Reform, and Prosecution of Electoral Offences.

The KSL Director Dr. Henry Mutai opened the conference by giving his remarks. This was followed by presentation from the participants.
On the second day the conference was marked by the recognition of the student leadership as well as the LSK. The French Institute for Research in EA who were represented by Prof. Thibou Laisrsen and Frenura DiMatteo from UPPA University of Pan France.

The following 16 papers were presented at the conference:

Day one
2. Balancing Competing Interests in Disclosing Political Party and Candidate Donors by Kelvin Mbithi
5. Procedural Technicalities in Election Petitions: Towards a Consistent Judicial Approach by Joseph A. Omolo and Denis W. Moroga
6. Show me the money: A Look into the Electoral Offence of Voter Bribery by Eric Chege
7. The Role of the Judiciary in The Resolution of Presidential Election Disputes by Fatma Razik.

Day two
8. The Role of the Senate in Shepherding 2022 Elections – Legislative and Policy Initiatives by Hon. Senator Sylvia Kasanga
10. Reflections by the Political Parties Disputes Tribunal. By Dr. Wilfred Mutubwa
11. Electoral Justice through Public Participation in Kenya’s Building Bridges Initiative, by Dr. Charles A. Khamala
13. Alternative Dispute Resolution in Resolving Electoral Disputes in Kenya by Kaute Kavoo
14. Right to vote vis-à-vis Right to life: An appraisal of the 2022 General election preparedness, by Ferd Moyomba
15. ICT Governance: Electoral Technologies and Relevance of Legal Frameworks by David Njoga
16. Election and Removal of Speakers in the Kenyan Legislative Assemblies; Balancing the Law and Politics by Alice Mong’are

The lessons from the presentations and discussions shared in the conference were summarised by Isaac Kuloba, Assistant Director of the Kenya School of Law Continuing Professional Development Department in his vote of thanks. He concluded by quoting the 3rd president of the United States of America who said ‘the real safeguard of education is democracy’.

We look forward to enriching discussions in the next Conference. Information on the next conference will be shared in the KSL media platforms, once it is available.

Agnes Muari is the Principal Librarian at the Kenya School of Law
Ann Githinji is an Advocate of the High Court of Kenya and a Lecturer in the Continuing Professional Development Department at the Kenya School of Law

Honorable Senator Sylvia Kasanga presenting her paper at the School’s 3rd Annual Conference.
The Kenya School of law was established in 1963. The School was operating on valley road next to University of Nairobi Dental School. The School was a Department of the Attorney General office until July 2001 when it acquired the status of a semi-autonomous Government Agency. Pursuant to the enactment of the Kenya School of Law (KSL) Act 2012 and the Council for Legal Education (CLE) Act 2012, the previous sister institutions were divided into two. The two institutions operated as one with the examiners also doubling as lecturers. The symbiotic relationship came to an end legally and physically by CLE moving from the KSL’s premises on Lang’ata South Road Karen where it was housed to their new office in Office Park near Karen shopping Centre.

This marked the beginning of a phase of the two institutions with independent roles. The CLE took over the accreditation and examination roles with regard to the Kenyan Bar Exam while the KSL remained with the mandate of teaching and pupillage supervision. This led to a phase where the lecturers at KSL were not in any way involved in the Bar examination processes. It was entirely left to CLE to set and mark the examination. CLE recruited independent examiners setters.

As was to be expected in any new process, there were teething problems as the left hand did not know what the right hand was doing. Sometimes the examinations set did not meet the objectives of the course outlines. This led to a lot of hue and cry from the bar exam candidates who often found questions in the examination paper that had not been covered in class or a minor topic constituting a major portion of the examination.

Upon several consultations CLE and KSL embarked on a collaborative process. This led to the next phase where KSL provided the course outlines to CLE to use as a guide to setting the examination paper. Consequently, there was an improvement in the contents of the examination paper and the performance of the students but there were still other issues. In some of the papers, the lecturers and the students still felt that the amount of exam content allocated to a particular question was still not reflective of the importance and emphasis placed by the lecturer in class. Some of the questions were not clear and further the correct taxonomy was still lacking.

Previously the KSL lecturers and the CLE setters had never even met to discuss the examination setting nor air their opinions as to how the process could be improved. This then led to the third phase of collaboration that was meant to further improve the setting of the examination. CLE hosted a retreat in Panari hotel Nyahururu on the 21st February to 25th February 2022 themed table of specification retreat. In attendance were the course coordinators of all the 9 units offered at KSL with some of the Bar exam setters. The purpose of the retreat was to come up with a table of specification and also to generally improve the quality of the setting of the Bar examination by ensuring quality.

The table of specifications tool is meant to solve the issue of the percentage of the course content which is incorporated into the bar examination. The table of specifications has been described as an examination plan. It helps to point out the types of items that should find their way into an examination paper and their respective percentages. This helps to ensure the quality of the examination paper since the setting is based on the informed scientific approach. The participants were also able to hold discussions on the quality of the examination paper.

This retreat was remarkable for both CLE and KSL as it marks a phase where both institutions are working towards enhancing the quality of the Bar examination. This collaboration reflects the fact that we are a coin with two faces. Going forward we hope that this will be reflected in the results of the Kenyan Bar examinations.

Anastasia Otieno, is an Advocate of the High Court of Kenya, Principal Lecturer and Coordinator of the Paralegal training Programme at the Kenya School of law.
The Kenya School of Law (KSL) recent graduates have been urged to promote the rule of law, respect for human rights, integrity and accountability. Lawyers play a crucial role in preserving democracy and democratic values such as free access to the ballot and equality. Lawyers are also the custodians of democracy, through litigation, which includes public interest litigation, or alternative dispute resolution, and ensuring full respect, fulfilment and protection of fundamental freedoms as outlined in the Constitution of Kenya 2010.

In the Kenyan history, lawyers are branded, as being bold and courageous men and women from the Bar and the Bench. A profession of learned friends who put their energy towards progressive reforms in the legal, political and social structures. Just like many other professions, the legal profession is much different from what it was years ago due to technological advances. “The legal practice worldwide is moving away from the traditional ‘print and paper’ models and towards modern technologies such as internet-based Artificial Intelligence solutions. Therefore, as new graduates continuous career development and embracing modern technologies in delivering legal services is inevitable for delivery of quality justice” noted the A.G.

The A.G. made this remarks during the KSL 6th Graduation and Prize - Giving Ceremony held on 18 March 2022 in Karen. This event celebrated the 2020/21 cohort of the Postgraduate Diploma in Law (ATP) programme as well as the 2020/21 cohort of our Diploma in Law programme, Paralegal Training Programme (PTP). The number of graduands
who attended the event comprised of 94 ATP student and 35 Paralegal Training Programme (PTP) students. Apart from that, the School also honored 11 ATP students and 4 PTP students who had excelled in their examination. The female students scooped more of the awards than their male counterparts.

Below is a table of the awards in the School’s past two graduations.

### ATP STUDENTS

<table>
<thead>
<tr>
<th>2019 (5th Graduation)</th>
<th>2020 (6th Graduation)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name</strong></td>
<td><strong>University</strong></td>
</tr>
<tr>
<td>Best Overall</td>
<td>Kyalo Faith Kavenge</td>
</tr>
<tr>
<td>100 – Civil Litigation</td>
<td>Chepng’eno Jacqueline</td>
</tr>
<tr>
<td>101 – Criminal Litigation</td>
<td>Chepng’eno Jacqueline</td>
</tr>
<tr>
<td>102 – Probate &amp; Administration</td>
<td>Omari Valerie Alice</td>
</tr>
<tr>
<td>103 – Legal Writing &amp; Drafting</td>
<td>Gabula Norman Mvule</td>
</tr>
<tr>
<td>104 – Trial Advocacy</td>
<td>Mbaluto Joyce Waeni</td>
</tr>
<tr>
<td>105 – Professional Ethics</td>
<td>Onyango Risper Achieng’</td>
</tr>
<tr>
<td>106 – Legal Practice Management</td>
<td>Timamy Mohammed Issa</td>
</tr>
<tr>
<td>107 – Conveyancing</td>
<td>Mwanzia Mark Mutisya</td>
</tr>
<tr>
<td>108 – Commercial Transactions</td>
<td>Kiori Davis</td>
</tr>
</tbody>
</table>

### PTP STUDENTS

<table>
<thead>
<tr>
<th>2019 (5th Graduation)</th>
<th>2020 (6th Graduation)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Best Overall Female Student</strong></td>
<td>Mwangi Evelyne Nyambura</td>
</tr>
<tr>
<td><strong>Best Overall Male Student</strong></td>
<td>Barasa Isaiah Lusasi</td>
</tr>
<tr>
<td><strong>Second Best Overall Male</strong></td>
<td>Kiaritha Joseph Kamau</td>
</tr>
<tr>
<td><strong>Second Best Overall Female</strong></td>
<td>Keli Valerie Ndunge</td>
</tr>
</tbody>
</table>
Looking back at the last two years, the Advocates Training Programme (ATP) managed to flourish despite the challenges posed by the Covid-19 pandemic. Over the period covered in this issue, ATP has held various momentous events. We had a successful conclusion of the 2021/2022 Academic year which came to a close on the 26th of February 2022.

The 2022/2023 Academic year commenced on the 25th March 2022 with the Director’s inaugural lecture and students orientation. Orientation is the start of the academic year and part of the curricula requirements. The task of preparing ATP students for a successful and rigorous academic challenge begins with orientation for the new students.

This was a hybrid (virtual and in-person) orientation attended by 1200 students who were provided with relevant materials and information designed to help them during their training at the School. The School currently is offering in-person / physical classes and virtual classes. The School continues to offer both full-time and part-time classes. However, ATP continues to implement its training using the lessons it picked during the Covid-19 period.

During the registration process in March, the students were allowed to choose their preferred mode of study. The majority of the students are however attending the physical classes as compared to virtual. It is noteworthy that the resumption of physical classes has brought back the energy, intensity, and life to the once quiet Karen campus which is now a beehive of activities due to the increased traffic from students.

Additionally, the ATP runs a legal clinic as part of its curriculum. The School had the opportunity to provide legal aid at the Shimo la Tewa Prison located in Mombasa County in February 2022. Some of the issues that arose during the legal aid included, right to a fair trial, criminal court procedures, bail application, review, appeals and issues pertaining to violation of human rights under the Constitution of Kenya. It was noted that a significant number of inmates that sought legal advice have active cases in court, but are unable to afford legal services.

Participants during the Kenya School of Law 3rd Pupil Master Sensitization Workshop held in Nairobi.
or effectively defend themselves without proper legal assistance. The students and members of staff present were able to refer the remandees to suitable agencies that can handle their matters on a pro-bono basis.

At the onset of the new academic calendar, the CPD department facilitated an Andragogy training for all the ATP lecturers and academic staff in Naivasha. The training was themed on the intersection between andragogy and clinical legal education. The training dealt with the dictates and demands in the adaptation of teaching methods and a deeper understanding of how adults learn in this new emerging practice in virtual teaching and virtual examination. The course aimed to prepare and equip educators working in the legal field with the skills and knowledge required to develop engaging student-centered lessons. The course delved into module preparation as well as the entire examination cycle in physical and virtual setups.

In the same month, the School held its 6th Graduation and Prize-Giving ceremony on Friday 18th March 2022 at the Karen Campus. The number of graduands who attended compromised of 94 ATP and 35 Paralegal Training Programme students (PTP) class of 2020/2021. The School honored 11 ATP students and 4 PTP students who excelled in various categories.

Finally, the School hosted a pupil master sensitization workshop on the 18th March 2022 at the Panari Hotel in Nairobi. In attendance were KSL lecturers, ATP students, pupil masters, and pupils serving their pupillage in pupillage stations situated in Nairobi County. There were various presentations from different stakeholders including one from ATP Lecturer, Christine Kungu on the role of Pupil master as a mentor, a Senior State Counsel from the Attorney General Chambers who presented a paper themed on the expectations of the pupil during the pupillage program. A paper themed on the ideal pupil master was presented by Commissioner Priscillah Nyokabi from the National Gender Equality Commission, whereas the Honorable Justice Alfred Mabeya presented a paper themed on Pupillage pre- and during Covid-19; Experiences & Lessons.

Overall, ATP has been able to achieve its targets so far and looks forward to continuing to implement the lessons it has learned from the Covid 19 situation. We have learned that each step counts toward offering quality practical training in Law.

Christine Kungu is an Advocate of the High Court of Kenya and a Senior Lecturer at the Kenya School of Law

ATP Students and Lecturers at a Legal Aid event at Shimo la Tewa Prison in Mombasa
BACKGROUND
The Kenya School of Law (KSL) is established under the Kenya School of Law Act, 2012 which provides that KSL is a public legal education provider responsible for the provision of professional legal training as an agent of the Government. The Kenya School of Law (KSL) conducts a postgraduate training for law graduates which is known as the Advocates Training Programme (ATP). The ATP trains and prepares law graduates for the written Bar Examinations which are set, administered and marked by the Council of Legal Education (CLE). Therefore, Advocates Training Programme (ATP) has the objective of training lawyers for entry into the legal profession. Training is conducted in 18 months; 12 months in house and 6 months pupillage (internship).

ATP OBJECTIVE
To provide a technique-oriented training to complement the theoretical and intellectual approach towards law teaching imparted during undergraduate level.

ADMISSION REQUIREMENTS
- Having passed the relevant examinations of a university, university college or other institutions prescribed by the Council of Legal Education, holds or has become eligible for the conferment of the Bachelor of Laws Degree (LLB) in the grant of that university, university college or other institution.
- Attained a minimum entry requirement for admission to a university in Kenya.
- Obtained a minimum grade B (plain) in English Language or Kiswahili and a mean grade of C+ in the Kenya Certificate of Secondary Education or its equivalent.

CLASSES
- Teaching in ATP is conducted on a clinical basis, practical for the purpose of equipping the learner with skills to practice law in the real-life situation.
- The classes are divided into “firms” which are study groups where legal problems and issues are thoroughly discussed.
- There are also moot courts which simulate actual law firms in practice before courts of law.
- The faculty is composed of both full-time lecturers and adjunct lecturers who provide and impact the much-needed practical and professional training of lawyers.
- Classes are held in the morning, afternoon, and evening/Saturday.

EXAMINATION
For one to successfully complete ATP one has to pass (obtain a score of 50% and above) in all the 9 units: Civil Litigation, Criminal Litigation, Probate and Administration, Legal Writing and Drafting, Trial Advocacy, Professional Ethics and Practice, Legal Practice Management, Conveyancing, Commercial Transactions. Assessment of the programme is in four phases: pro forma work (40%) (1st Term), Oral examination (20%) (2nd Term), Written examination (60%) (3rd Term) and Supervised pupillage (not graded but is compulsory) (4th Term).

COLLABORATIONS
The School has key linkages with other institutions which are; The Higher Education Loans Board (HELB), The Chartered Institute of Arbitrators, The Advocates Complaint Commission, and the Advocates Disciplinary Committee to mention but a few.

CONTACT US
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Nairobi.
Telephone 0202699581 /2/3/4
The Kenya School of Law (KSL) main Library is located at Gate A at the Karen Campus with a branch that serves the Paralegal students at the Town Campus in Development House. The Library has been in operation since the inception of the School in 1963 when the School was located on Valley Road.

The Kenya School of Law Library is the bedrock upon which the School is built. It supports the teaching and training of legal education. It provides information resources and services to the students, staff, alumni and the surrounding community. The availability of quality information in legal studies is paramount to legal professionals among them law lecturers, judges, lawyers, law students and researchers.

According to Bhatt (2014) legitimate data is critical to lawful experts for dependable dynamics in every lawful region. Legitimate experts among them law teachers and students require lawful data for their scholarly work.

This involves planning, directing exploration, class introductions, assignments and assessments for which data is gained through a deliberate investigation of the lawful research process. Subsequently, the fulfillment of their need by the library administrations is vital.

Advancement in Information and Communication Technology (ICT) has changed how data is accessed. This is confirmed by the accessibility of data sources that are in the electronic format and the use of innovation. The KSL Library has a collection of legal information materials which comprise both print and electronic. The advancement and development of online law research journal databases and e-books, for example, Law Africa, Westlaw, LexisNexis, Hein Online and Kenya Libraries and Information Services Consortia (KLISC), have decreased the requirement for printed format.

On the School’s website on the Library webpage, there are useful links and reliable sites with user guides on how to utilise the library’s vast resources. These include brochures, pamphlets and user guides on how users can create accounts, access and download e-books and e-journals. The Library has an Electronic Resource Centre (ERC) to supports research with a sitting capacity of 80 users.

The aim of the Library is to build collections of both legal and professional knowledge. The library staff conducts Information Literacy and Competency Trainings (ILCT) for users on the use of information resources. The School has invested in both Integrated Library Management System (ILMS) and Security Management System (SMS) for effective and efficient service delivery.

KSL library offers the following library services; circulation, reference, internet, ILCT and ICT. Different library users have different expectations such as expansive reading space, reading rooms/carrels, conducive reading atmosphere, good ventilation, and library aesthetics among others. In this regard, the School is building a new ultra-modern library to cater for all these user needs. During the Covid-19 pandemic the Library was able to conduct the ILCT online and users continued to access resources remotely. In order to adhere to the Covid-19 pandemic containment protocols, the Library has put in place procedures and requirements that prioritize the health and safety of Library staff and users.

Quality service is core in any library and staff in a library should strive to enhance this.
User satisfaction has attracted a lot of attention from information professionals, who strive to meet all user needs and expectations satisfactorily. The KSL Library vision is to be the ideal legal information hub for research and dissemination of information in the East Africa region and beyond. Its mission is to offer quality information services on-demand and in anticipation for professionals and other actors in the legal sector.

The KSL Library strives to offer authoritative legal research, reference and instruction services, and access to an unrivalled collection. To accomplish its mission, the Library has a large collection of law books totaling to more than 8,000. Users can search and locate books by searching the Online Public Access Catalogue (OPAC).

In conclusion, I can say that the Rule of Law is a pillar of our society and its influence can be found in almost all disciplines. Working in a law library has enabled me to understand the law more, appreciate it and love my work more. KSL Library is committed to the fundamental principle that legal information must be accurate, authentic and authoritative. Technology keeps evolving and as a System Librarian, I ensure that the Library is dedicated to quality and ability to adapt to rapidly changing technology. I promise to leave a valuable legacy for the future.

Judy Ng’ang’a is a Senior Library Assistant (Systems) at the Kenya School of Law
The mandate of the School includes the provision of continuing professional development training to all cadres of personnel in the public and private sectors, and to undertake legal consultancies and research. The School has made a substantial contribution towards the improvement of governance by building capacities of public officers, not only with knowledge and skills to deliver on their respective responsibilities, but also to inculcate values and principles that lie at the heart of efficient public service delivery. The School keeps pace with the emerging needs and concerns of its stakeholders, and is constantly scanning the environment for opportunity to help the Government to improve on governance - the system of values, policies and institutions by which a society manages its economic, political and social affairs through interactions within and among the state, civil society and private sector.

Cognizant of the importance of effective governance, the School has, through the CPD Department, mounted courses that seek to enhance knowledge, improve skills, as well as inculcate important values and principles that are consistent with what is enshrined in article 10 of the Constitution of Kenya 2010. The original need that necessitated the establishment of the Department was, and still is, the need to build capacity of various players in the economy to effectively use the law as tool for ‘social engineering’; to produce real value in terms of services in the economy, and thereby contribute to the objectives of the Kenya Vision 2030.

In November 2021, the School held training on public procurement, focusing on the law and policy but specifically addressing the obligations of public entities. Public procurement is one of the aspects in the public sector that have needed sustained improvement to save the taxpayers’ money in order to channel it to the prioritised needs. Besides the calendar course on public procurement, the School has held several courses on the subject in collaboration with the Law Society of Kenya at a subsidized negotiated fee.

In December 2021, in one of the most subscribed courses, the School held training aimed at refreshing in-house lawyers with litigation skills. The course, titled “Litigation Refresher Course for In-House Counsel,” was held in Nyali, Mombasa, and provided an occasion for sharing emerging concerns in litigation, and how the in-house counsel should better manage litigation internally, as well as effectively coordinate and manage the externally sourced legal services.

Other courses that have been delivered by the School since November 2021 include: mediation in the public sector dispute resolution, public financial management, andragogy skills for lawlecturers, legal audit and compliance, and data protection law and policies. On data protection, with the enactment of the Data Protection Act in 2019, and the recent promulgation of regulations to operationalize the Act, the School has been keen to sensitize those who deal with institutional data, in its various manifestations, on the obligation attendant in the management of such data. Those institutions that process large amounts of data have been particularly keen to sensitize their staff and to develop compliance framework on data protection. The School has substantial expertise internally and through partnership with individuals or institutions that are well positioned to provide training and consultancy on data protection issues.

The School is the leading institution in the country in undertaking legal audits. Legal audit is now a requirement for all State corporations under the Mwongozo. The general objective of the exercise is to determine the legal health of an institution in order to minimize, avoid or otherwise manage legal risks. The School has not only been training on legal audit and compliance since 2010, but has consistently been carrying out legal audit consultancies for both public sector institutions and in the private sector since 2012. To date, over 40 State corporations have benefited from the School’s expertise in carrying out legal audit. Additionally, there has been an increasing demand for governance audit services in the public sector. The School has provided governance audit services for the last three years. Governance audits focus on the systems that facilitate governance within institutions, and these audits...
have resulted into very useful recommendations for improving governance in the public institutions, and the School is proud to be associated with this important process.

The School now offers a five-day course titled ‘Legal Auditor Certification Course.’ This course involves training and practical project that a trainee has to undertake before being certified as a legal auditor.

**Annual Conference**
The School held its 3rd Annual Conference on 25-26 January, 2022. The theme of the Conference was: Elections, Rule of Law & the Practice of Democracy in Africa. The Conference was hybrid in nature: both virtual and physical. Among the keynote speakers were Hon.Senator Sylvia Kasanga – MP (Nominated) and Ambassador Dr. Koki Muli. The theme of the Conference was in tandem with the prevailing political situation in the country. Diverse topics were discussed, including democracy and Covid-19 restrictions, financing of election campaigns, the role of the Judiciary in electoral disputes, standard of proof in election petitions, negotiated democracy and others.

**Conclusion**
The School will continue to conceptualize and deliver courses that meet the needs not only of the individuals who attend the courses, but also the needs of the macro-economy, with the aim of improving service delivery, law reform, improving compliance with set standards and spurring innovation in legal usage. It is because of this concern that the CPD Department undertook in December 2021 a trend analysis of its courses offered in the period 2018-2021 to determine their suitability for the market, using different parameters. The report will help the School to better meet the needs of the customer. Institutions are urged to reach out to the Department to tailor-make appropriate courses for them to meet their peculiar needs, even as the School continues to offer general Calendar courses, and legal consultancies.

For more information, visit our website through this link: [https://www.ksl.ac.ke/cpd-courses/](https://www.ksl.ac.ke/cpd-courses/) or send an email to: cpd@ksl.ac.ke

Isaac Simiyu Kuloba is an Advocate of the High Court of Kenya and the Assistant Director, CPD at the Kenya School of Law

*The Kenya School of Law Lecturers during the Training on Andragogy for Legal Educators.*
The Kenya School of Law Continuing Professional Development Department (CPD) is tasked with carrying out the mandate under the Kenya School of Law Act of ensuring continuing professional development for all cadres of the legal profession, and providing other specialized training in the legal sector. This is effected through the department assessing the training needs of the market and then designing and carrying out courses that meet these needs. The final listing of the courses to be run in a financial year is captured in the CPD training calendar that is uploaded on the Kenya School of Law website.

Whereas some courses have been held time and again due to their popularity and relevance, part of the performance contract and strategic plan demands that the department design, develop and actually run new courses. This helps the department avoid the comfort zone of repeatedly running the same popular courses, and challenges the department to try new areas and to fish in unchartered waters, away from the near, safe shore and into the deep blue sea. The Kenya School of Law is an ISO certified institution, under ISO 9001:2015 Quality Management Systems. One characteristic of this certification is continual improvement. It is in this spirit that the department keeps developing new courses and improving on those offered in the past.

One of the courses offered in the second quarter of the 2021/2022 Financial Year was the Litigation Refresher course for in-house counsel. In-house counsel are qualified Advocates working for corporations in either the public or private sector, to advise the corporations from within and offer other legal services, including representation in court. With time, the role of in-house counsel in litigation has been diminished to that of merely being conduits of briefs to external counsel, which led to in-house counsel being considered of less competence or prowess in matters litigation.

The Honourable the Attorney General of the Republic of Kenya on 6th April 2017 issued an advisory on implementation of the Attorney General’s circular on engagement of private legal services by state corporations. In particular, the Advisory at Numbers 6 and 7 stated that state corporations should use internal legal capacity in routine and non-complex matters, and particularly where a state corporation sues or is sued as a main party and is not conflicted or is sued or sues as a nominal party for purposes of assisting the court arrive at a just decision as between parties to the suit. It also advised that state corporations use their in-house legal officers in matters where they are sued jointly with the Office of the Attorney General and in which case the role of in-house legal officers would be to liaise with the Office of the Attorney General for the purpose of developing a common legal strategy and defence.

The CPD Department, following up on this, developed a five-day skills-based course, designed to provide and reinforce the litigation skills for in-house counsel, not just in state corporations but even those in private companies. The course was intended to meet the needs of both the novices as well as those with more experience in litigation. It was also aimed at equipping in-house counsel to effectively monitor litigation being handled by external counsel.

The course was run in the coastal city of Mombasa from 6th to 10th December 2021. Among the topics covered were managing litigation; getting the pleadings and other related paper work right before litigation and during the court process; handling Constitutional cases and Judicial review cases and various aspects of Trial Advocacy such as case analysis, examination in chief, cross examination, tendering of exhibits, impeachment and making of closing submissions.
The trainers were drawn from a rich, gender-balanced faculty of experienced lawyers, both from the private sector and from internal faculty of the Kenya School of Law. All the trainers have over fifteen years’ post-admission experience, and have in their own right gained experience to authoritatively speak on the topics they handled.

The discussions during plenary were very vibrant and contributed to experiential learning that is a characteristic of the andragogy approach in CDP trainings. Since all work and no play makes Jack and Jill dull children, the participants and faculty would make use of the breaks and after session times to interact and share life experiences, including a cocktail held on one of the evenings. The training also became a meeting point for experienced advocates of over twenty-five years’ standing and those who had newly joined the profession, but the gap was not noticeable because of the mutual professional respect maintained between the participants.

That this course attracted a record 51 participants speaks of the potential there is when, as a School, we begin to think outside the box, get open to ideas and realise that there are millions of species of fish in the deep blue sea. We thank all the organisations that supported the department by sending participants to the training and reiterate that we have been challenged to meet and exceed the expectations of this very loyal and dependable clientele.

Samuel Akhwale is an Advocate of the High Court of Kenya and a Senior Lecturer at the CPD, Kenya School of Law

Participants at the Litigation Refresher Course conducted by the School’s CPD
<table>
<thead>
<tr>
<th>NO.</th>
<th>COURSE TITLE</th>
<th>DURATION</th>
<th>DATE</th>
<th>KSHS. (INCLUSIVE OF 16% VAT)</th>
<th>VENUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>LEGAL AUDIT AND COMPLIANCE (IN COLLABORATION WITH LSK YOUNG LAWYERS COMMITTEE)</td>
<td>4 DAYS</td>
<td>11 – 14 JULY 2022</td>
<td>34,000</td>
<td>KSL, KAREN</td>
</tr>
<tr>
<td>2.</td>
<td>ELECTION PETITIONS: A TO Z OF COURT PROCEDURES</td>
<td>3 DAYS</td>
<td>18 – 20 JULY 2022</td>
<td>35,300</td>
<td>KSL, KAREN</td>
</tr>
<tr>
<td>3.</td>
<td>LEGAL PRACTICE ESSENTIALS</td>
<td>4 DAYS</td>
<td>25 – 29 JULY 2022</td>
<td>46,900</td>
<td>KSL, KAREN</td>
</tr>
<tr>
<td>4.</td>
<td>BUSINESS TURN-AROUND: LEGAL AND PRACTICE ASPECTS</td>
<td>3 DAYS</td>
<td>22 – 24 AUGUST 2022</td>
<td>35,300</td>
<td>KSL, KAREN</td>
</tr>
<tr>
<td>5.</td>
<td>LEGAL AUDIT AND COMPLIANCE</td>
<td>5 DAYS</td>
<td>05 – 09 SEPTEMBER 2022</td>
<td>95,000</td>
<td>MOMBASA</td>
</tr>
<tr>
<td>6.</td>
<td>RIGHT TO INFORMATION AND MEDIA REGULATION</td>
<td>3 DAYS</td>
<td>19 – 21 SEPTEMBER 2022</td>
<td>35,300</td>
<td>KSL, KAREN</td>
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<tr>
<td>7.</td>
<td>CORPORATE GOVERNANCE: LEGAL ISSUES AND THE EMERGING CHALLENGES</td>
<td>5 DAYS</td>
<td>03 – 07 OCTOBER 2022</td>
<td>95,000</td>
<td>MOMBASA</td>
</tr>
<tr>
<td>8.</td>
<td>MERGERS AND ACQUISITIONS: EMERGING TRENDS AND ISSUES</td>
<td>4 DAYS</td>
<td>24 – 27 OCTOBER 2022</td>
<td>46,900</td>
<td>KSL, KAREN</td>
</tr>
<tr>
<td>9.</td>
<td>PROCUREMENT LAW AND PRACTICE</td>
<td>5 DAYS</td>
<td>07 - 11 NOVEMBER 2022</td>
<td>95,000</td>
<td>NAKURU</td>
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<tr>
<td>10.</td>
<td>DATA PROTECTION: LAW, POLICIES AND COMPLIANCE FRAMEWORK</td>
<td>4 DAYS</td>
<td>14 – 17 NOVEMBER 2022</td>
<td>46,900</td>
<td>KSL, KAREN</td>
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<tr>
<td>11.</td>
<td>LEGAL AUDITOR CERTIFICATION COURSE</td>
<td>5 DAYS</td>
<td>21 - 25 NOVEMBER 2022</td>
<td>105,000</td>
<td>NAKURU</td>
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<td>12.</td>
<td>ANNUAL CONFERENCE</td>
<td>2 DAYS</td>
<td>28 - 29 NOVEMBER 2022</td>
<td>10,000</td>
<td>KSL, KAREN</td>
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<tr>
<td>13.</td>
<td>LITIGATION REFRESHER COURSE</td>
<td>5 DAYS</td>
<td>05 – 09 DECEMBER 2022</td>
<td>95,000</td>
<td>MOMBASA</td>
</tr>
<tr>
<td>14.</td>
<td>BOARD SECRETARIAL PRACTICES</td>
<td>5 DAYS</td>
<td>05 – 09 DECEMBER 2022</td>
<td>95,000</td>
<td>NAKURU</td>
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<tr>
<td>15.</td>
<td>LEGAL AUDIT AND COMPLIANCE (IN COLLABORATION WITH LSK YOUNG LAWYERS COMMITTEE)</td>
<td>4 DAYS</td>
<td>09 – 12 JANUARY 2023</td>
<td>34,000</td>
<td>KSL, KAREN</td>
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<tr>
<td>16.</td>
<td>PUBLIC PRIVATE PARTNERSHIPS - OPPORTUNITIES IN PUBLIC INVESTMENT</td>
<td>5 DAYS</td>
<td>16 – 20 JANUARY 2023</td>
<td>95,000</td>
<td>MOMBASA</td>
</tr>
<tr>
<td>17.</td>
<td>LEGISLATIVE DRAFTING</td>
<td>5 DAYS</td>
<td>23 – 27 JANUARY 2023</td>
<td>90,000</td>
<td>NAIVASHA</td>
</tr>
<tr>
<td>18.</td>
<td>PROCUREMENT LAW AND PRACTICE (IN COLLABORATION WITH LSK YOUNG LAWYERS COMMITTEE)</td>
<td>4 DAYS</td>
<td>30 JANUARY – 02 FEBRUARY 2023</td>
<td>34,000</td>
<td>KSL, KAREN</td>
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<tr>
<td>NO.</td>
<td>COURSE TITLE</td>
<td>DURATION</td>
<td>DATE</td>
<td>KSHS. (INCLUSIVE OF 16% VAT)</td>
<td>VENUE</td>
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<tr>
<td>19</td>
<td>MEDIATION IN PUBLIC SECTOR DISPUTE RESOLUTION</td>
<td>5 DAYS</td>
<td>06 – 10 FEBRUARY 2023</td>
<td>95,000</td>
<td>MOMBASA</td>
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<tr>
<td>20</td>
<td>INTRODUCTION TO INVESTIGATIONS AND COURT ROOM SKILLS</td>
<td>5 DAYS</td>
<td>13 – 17 FEBRUARY 2023</td>
<td>58,500</td>
<td>KSL, KAREN</td>
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<tr>
<td>21</td>
<td>STATUTORY INSTRUMENTS AND REGULATORY IMPACT ASSESSMENT</td>
<td>5 DAYS</td>
<td>20 – 24 FEBRUARY 2023</td>
<td>95,000</td>
<td>NAKURU</td>
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<tr>
<td>22</td>
<td>POLICY MAKING AND LEGISLATIVE PROCESSES</td>
<td>5 DAYS</td>
<td>06 – 10 MARCH 2023</td>
<td>95,000</td>
<td>MOMBASA</td>
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<tr>
<td>23</td>
<td>PUBLIC SECTOR SUSTAINABILITY AND RELATED COMPLIANCE ASPECTS</td>
<td>5 DAYS</td>
<td>13 – 17 MARCH 2023</td>
<td>90,000</td>
<td>NAIVASHA</td>
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<tr>
<td>24</td>
<td>MULTINATIONAL AND REGIONAL TRADE AGREEMENTS: EMERGING TRENDS AND ISSUES</td>
<td>3 DAYS</td>
<td>27 – 31 MARCH 2023</td>
<td>35,300</td>
<td>KSL, KAREN</td>
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<tr>
<td>25</td>
<td>LEGAL AUDIT AND COMPLIANCE</td>
<td>5 DAYS</td>
<td>17 – 21 APRIL 2023</td>
<td>95,000</td>
<td>MOMBASA</td>
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<td>26</td>
<td>THE CONSTITUTION AND THE LAW IN PUBLIC FINANCE MANAGEMENT</td>
<td>5 DAYS</td>
<td>24 – 28 APRIL 2023</td>
<td>90,000</td>
<td>NAIVASHA</td>
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<tr>
<td>27</td>
<td>PROCUREMENT LAW AND PRACTICE</td>
<td>4 DAYS</td>
<td>02 – 05 MAY 2023</td>
<td>34,000</td>
<td>KSL, KAREN</td>
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<tr>
<td>28</td>
<td>DATA PROTECTION IN THE ICT SECTOR: LAWS AND POLICIES</td>
<td>5 DAYS</td>
<td>08 – 12 MAY 2023</td>
<td>95,000</td>
<td>MOMBASA</td>
</tr>
<tr>
<td>29</td>
<td>LAND TENURE AND ADMINISTRATION IN KENYA</td>
<td>3 DAYS</td>
<td>15 – 17 MAY 2023</td>
<td>35,300</td>
<td>KSL, KAREN</td>
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<tr>
<td>30</td>
<td>LITIGATION REFRESHER COURSE</td>
<td>5 DAYS</td>
<td>12 – 16 JUNE 2023</td>
<td>95,000</td>
<td>NAIVASHA</td>
</tr>
<tr>
<td>31</td>
<td>LEGISLATIVE DRAFTING</td>
<td>5 DAYS</td>
<td>26 – 30 JUNE 2023</td>
<td>58,500</td>
<td>KSL, KAREN</td>
</tr>
</tbody>
</table>

CUSTOMER-TAILORED COURSES

The School also offers courses that are developed at the customer’s request, and which meet the peculiar needs of the customer. The fee payable in such courses shall be agreed. Some of such courses are:

- Monitoring and Evaluation;
- Investigations and Courtroom Skills for Law Enforcement Agencies;
- Legal Audit and Compliance;
- Public Finance Management;
- Human Resource Legal Risk Management;
- Data Protection Law and Policy;
- Anti-Corruption Strategies and Governance;
- Financial and Procurement Management;
- Legislative Drafting;
- Corporate Communication.

Pre-requisites: There are no prerequisites for attending a course. Prior legal training is an advantage but not a prerequisite.


Tuition Fee: The applicants should confirm their participation with the School, register and pay for the course at least seven (7) days before the commencement of the course. Payment may be made directly to the School’s CPD account (Account No. 202 2029 110 ABSA, Absa Plaza Branch, Nairobi, Kenya) and banking slips or evidence of electronic funds transfer presented to the Finance Office. The fees quoted are inclusive of all taxes, tuition, lunch, refreshments and conference facilities. Non-East Africans pay 25% above the quoted rates.

Accommodation: For courses conducted at the Kenya School of Law, Karen Campus, accommodation facilities are available within the Karen Campus. Please contact our Hospitality Department on telephone number 020 2699581/6 ext. 223/311 and note to make early reservations.

NOTE: Please note that for Calendar courses, we require a minimum of ten (10) participants (for training at the School) and fifteen (15) participants (for training out of Nairobi) for a course to be confirmed, and where this is not possible, the School reserves the right to reschedule the course to another date, or in exceptional cases, to cancel the course. If a participant has confirmed attendance and has paid, but decides to cancel attendance within 7 days to the date set for training, the School shall deduct from tuition fee cancellation charges of 25%.

CPD points will be awarded to members of the Law Society of Kenya (2 & 3 CPD points for a 2 or 3 days course, respectively. Maximum number of CPD points is 3 for any course of duration exceeding 3 days.

Customer-tailored courses: The Kenya School of Law also offers courses tailored to the customer’s requirements upon request.

For course enquiries, please contact Isaac Kuloba (Assistant Director, CPD, P & R), Christine or Jacqueline at the Kenya School of Law, Langata-South Road, Karen, P.O Box 30369-00100, Nairobi on telephone number 020 2699581/6 ext. 300/302/303/312/317. You may also email us at cpd@ksl.ac.ke or visit our website: www.ksl.ac.ke

ISAAC S. KULOBA
FOR DIRECTOR/CHIEF EXECUTIVE OFFICER
Customer satisfaction is a measurement that determines how well an organization or company services or products meet customer expectations. Customer satisfaction is a key factor for the success of an institution and depends highly on the behaviors of frontline service providers. An institution should treat and manage its customers as an asset since this is the ultimate reason why an institution exists; be it a profit making or non-profit making entity. Without customers then there is no institution or company.

Customer centricity is an indispensable element of every successful organization. This is why all organizations should focus on continuously improving customer satisfaction. There are many benefits associated with a satisfied customer. For instance, satisfied customers help in building a positive brand, loyalty, and increasing organization revenue through repeat purchases or new leads among other benefits. It is important to note that customers vary in their needs and preferences. One of the imperative tools for improving service delivery and ensuring that customers are happy and loyal is through use of Customer Satisfaction Survey (CSS).

The Kenya School of Law (KSL) Strategic Plan 2018-2022 identified six strategic objectives. Among them is “to enhance customer satisfaction” with a specific activity of conducting an annual CSS. The School conducted a CSS in the Financial Year (FY) 2020/2021. The main objective of the CSS was to determine the KSL overall customer satisfaction index for the FY 2020/2021. The specific objectives of the CSS were:

i. To determine how the quality of the School’s services/products has affected customer satisfaction;

ii. To determine how the School’s uptake of Information, Communication & Technology has affected customer satisfaction;

iii. To determine how the School’s complaints management mechanisms have affected customer satisfaction;

iv. To determine the impact of the School’s communication strategies on customer satisfaction;

v. To determine how adherence to service charter commitments has affected customer satisfaction;

vi. To determine how adherence to the School’s core values has affected customer satisfaction.

The School’s overall satisfaction index was determined by averaging satisfaction indices for all the five sub-groups. The sub groups included the students in both the Advocates Training Programme and the Paralegal Training Programme, staff, Continuing Professional Development (CPD) customers, hospitality clients and suppliers. The analysis determined the School’s overall satisfaction index for FY 2020/21 as 69.34% which is presented in the table below. The highest satisfaction rating was from CPD clients with an index of 81.80% while the least satisfaction rating was from students with a satisfaction index of 60.98%.

<table>
<thead>
<tr>
<th>Respondent categories</th>
<th>Satisfaction Index (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Students</td>
<td>60.98</td>
</tr>
<tr>
<td>2 Internal Staff</td>
<td>71.48</td>
</tr>
<tr>
<td>3 Hospitality Clients</td>
<td>66.48</td>
</tr>
<tr>
<td>4 Suppliers</td>
<td>65.94</td>
</tr>
<tr>
<td>5 CPD Clients</td>
<td>81.80</td>
</tr>
<tr>
<td>Overall Schools’ Satisfaction Index</td>
<td>69.34</td>
</tr>
</tbody>
</table>

The findings of the CSS will help the School’s management to identify strategies to improve service and product delivery and enhance customer satisfaction. CSS is a useful tool for measuring trends on customer satisfaction from one financial year to another.

Ruth Githaiga is the Corporate Communications Officer at the Kenya School of Law
One may ask why is corporate governance important? Yes, it is important as it enables organizations to achieve their goals, make formal decisions, control risks, and assure compliance. Corporate governance can potentially impact every aspect of how business is conducted today and more so, many companies are willing to take the risk because the results are great and outstanding. Adherence to corporate governance especially for public institutions can result in enormous cost reductions or removal of unnecessary steps that cut down on time. There are seven characteristics of corporate governance that institutions should strive to achieve. They include discipline, transparency, independence, accountability, responsibility, fairness, and social responsibility. Some of the benefits of corporate governance are that it ensures corporate success and economic growth, maintains investors’ confidence, as a result of which, company can raise capital efficiently and effectively, lowers the capital cost and there is a positive impact on the share price.

The hospitality industry is not any different though its governance practices may differ because of its characteristics in terms of operations and cost structure. Hospitality mostly involves the provision of accommodation facilities which is largely involved with servicing of guest rooms and laundering of linen. It also involves food and beverage production and services which ranges from meal items being largely prepared onsite and served somewhere else like in the case of airlines to a full-blown production facility in which meals are processed from raw ingredients and served at the same point as in hotels and restaurants. There is a significant difference in the relative cost structures of these two sectors with respect to such processed consumables which are low in the accommodation sector and high in the food and beverage production and service sector. The hotel and restaurant firms are considered to be highly labor-intensive with restaurants are generally less capital intensive compared to hotels. Being both highly capital and labor-intensive, hotels are comparably very restricted in terms of finding turnaround options during an economic downturn. Restaurants are more flexible than hotels as they can change their concept or theme.

These are some of the observable differences in capital structures among hotels and restaurants that can lead to differences in corporate governance provisions. This then suggests that the governance mechanisms employed in the hospitality industry should be stronger for sections with both low leverage and high leverage. In addition, high leverage with good governance encourages businesses to perform better. Going by this, given that hospitality generally tends to have high leverage, then it is expected to have a higher level of managerial power.

The Kenya School of Law Conference and Retreat Centre is not different. The School is committed to maintaining high standards of good corporate governance within the organization to protect and enhance long-term stakeholder value. The School has adopted and is continuously developing a set of good corporate governance practices and policies. Additionally, the School has put in place a Code of Corporate Conduct approved by the Board of Directors and Standard Operating Procedures which have been communicated throughout the organization. This ensures that all employees at all levels understand and use them as working guidelines and strictly follow in the course of performing their duties. As and when required, new internal rules and regulations are introduced to ensure there are no gaps.

Hospitality Services Section is expected to ensure compliance with the Restaurant Act in its setup and operations, the Tourism and Professional Association Regulations which include, conducting medical food handlers tests every six months for all the staff members, acquiring of Covid-19...
compliance certificates, and relevant operational licenses annually.

The cost of poor corporate governance is borne heavily by minority shareholders. One of the ways to improve investor confidence is to have good governance practices that may contribute to better financial disclosures and more transparent business reporting. Improvements in corporate governance practices that contribute to better disclosures in business reporting in-turn can facilitate greater market liquidity and capital formation in emerging markets. As such, corporate governance is of critical importance to investors, insurers, regulators, creditors, customers, employees and other stakeholders.

In summary, the responsibility individuals assume when they become charged with governance of an entity is considerable and one that should only be taken with a clear understanding of, and commitment to, fulfilling this responsibility to the best of their ability. Having a clear understanding of the principles and practices of good governance will enhance the performance of both the individual and the organization. So how do you and your organization stack up against this checklist of good governance?

Linnett Odawo is a Senior Hospitality Officer at the Kenya School of Law.

Components of Good Governance
THE KENYA SCHOOL OF LAW
CONFERENCE AND RETREAT CENTRE

CREDENTIAL

The Kenya School of Law is located in a serene environment along Langata South Road in Karen, Nairobi. To augment our mandate in legal training, Kenya School of Law ventured in offering top notch hospitality services.

We have green and well-manicured gardens where guests can host small or large gatherings. Our expansive and well manned lawns are popular for outdoor functions such as weddings, corporate fun days, team building events and retreats.

We shall be honoured if you select The Kenya School of Law as your ultimate venue for your UPCOMING EVENT.

We are looking forward to host you.

www.ksl.ac.ke

- OUR OFFERINGS -

- Conferences
- Gardens
- Accommodation
- Restaurant
- Other Auxiliary Services
Kenya School of Law

Conferences
We have different conference rooms that are well suited for all levels of meetings from exclusive and executive board meetings, middle level manager retreats, trainings and strategic business meetings which can host up to 100 persons.

Hiring Per Day at Ksh. 20,000

Gardens
Our expansive and well-manicured gardens / lawns popular for outdoor functions such as weddings, corporate Fun days, Team Building events and Retreats where guests can host small or large gatherings.

Garden Hiring Per Day at Ksh. 55,000

Accommodation
Kenya School of Law offers high quality service in accommodation at very competitive rates. We have 50 single rooms and 8 luxurious suites - all ensuite. The Rooms are well served with Wi-Fi connection and global entertainment channels.

Ranges from Ksh. 2,500 - 6,500

Restaurant
Our restaurant offers local and international dishes in menu and buffet options, while the bar serves champagne and other soft/alcoholic drinks. Meals and drinks can either be enjoyed at the restaurant or outdoor by the garden.

Other Auxiliary Services
Transport - Hire 62, 30, 14 Seaters. Range from Ksh. 13,000 - 39,000
Laundry Services available
Ironing Services available
Swimming Pool - Ksh 200
Sauna for Guests - Ksh. 300
Exclusive Hire of Pool by Group - Ksh. 15,000
Football Training session after workshop – Ksh. 2,000
Football Game Session - Ksh. 3,000
Photo sessions – Ksh. 10,000

- CONTACT US -

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Or fill in our Online Booking Form
https://www.ksl.ac.ke/conferencing/services.html
“Corporate governance is the system by which an organization is directed and controlled in order to achieve its objectives, performance, financial management, accountability, integrity and openness.” (OECD, 2004).

Good governance therefore refers to having systems and structures through which the exercise of power and authority can be controlled or held to account. It also refers to the prudent management of institutions and resources by those entrusted with the responsibility of overseeing them.

Accountability on the other hand refers to being held responsible for one’s actions, conduct and management of resources. Good governance is considered as a tool that is used in order to achieve the strategy of an organization.

The Kenya School of Law Internal Audit function is mainly established to enhance and promote good governance and accountability. The department is mandated by regulations to review and evaluate the budgetary performance, financial management, transparency and accountability mechanisms and processes of the School’s operations and give reasonable assurance to management and the Board on the state of risk management, control and governance processes.

As a well performing internal Audit function, the department acts as one of the strongest means to monitor and promote a good governance system in the School. We objectively provide a fair and accurate review of governance processes, risk management and internal controls. As the third line of defense in the School, we equip the Board with a holistic view of governance structures and how well they are working within the School.

Internal Audit provides assurance by assessing and reporting on the effectiveness of governance, risk management, and control processes designed to help the School achieve its strategic, operational, financial, and compliance objectives. Internal audit therefore is an integral part of the corporate governance mosaic in both the public and the private sectors.

The Role of Internal Audit in Promoting Good Governance

More than just attesting the execution of a specific rule or procedure, internal audit assesses the design, adequacy, operating effectiveness, compliance, efficiency, accuracy and transparent reporting of internal controls as regarding the School’s risk profile and strategies.

Internal audit’s assessment of internal control is not limited to administrative
and accounting procedures but covers a broad scope (principles, policy, structure, reporting and control framework including the first and second lines of defense). In assessing organizational culture, structure, resources, tools, method and reporting, internal audit reviews several aspects such as:

- the adequacy of the School’s governance framework in achieving its strategic objectives,
- the design of policies and procedures in compliance with mandatory requirements, relevant internal decisions and risk appetite,
- the quality and efficiency of internal controls implemented by the first and the second lines of defense as well as their risk mitigation escalation process as regarding the School’s strategy including its risk appetite.

In promoting good governance and accountability in the School, internal audit has continued to,

1. Monitor the processes for transparency and accountability in the School,
2. Advise on compliance with policies, regulations and procedures in the School’s operations and programs,
3. Advise the School on acquisition, utilization and protection of assets and resources.
4. Provide assurance to management and the Board that;
   - financial, managerial, and operating information reported internally and externally is accurate, reliable, and timely,
   - the financial activities of the School are in compliance with laws, policies, plans, standards and procedures,
   - the School’s resources are adequately safeguarded,
   - the allocated resources are used economically, effectively and efficiently,
   - plans, goals, and objectives of the School are achieved,
   - risks are adequately managed in the School.

5. Assess and make appropriate recommendations to improve the School’s governance processes for;
   - making strategic and operational decisions,
   - overseeing risk management and control,
   - promoting appropriate ethics and values within the organization,
   - ensuring effective organizational performance management and accountability,
   - communicating risk and control information to appropriate areas of the School,
   - coordinating the activities of and communicating information among the board, external and internal.

The Internal Audit Process

To achieve the key role of promoting good governance, internal audit has adopted the following basic processes in performing its audit activities;

As a third line of defense, and to effectively play the role of promoting good governance and accountability, the department has since 2019 developed and continues to implement the following strategic documents to manage the internal audit function;

1. Internal Audit Charter - developed in December, 2019,
2. Audit Committee Charter - developed in November, 2020,
3. Internal Audit Strategic Plan 2021-2024 - developed in May, 2021,
4. Annual Internal Audit Plan - successfully developed and implemented in 2019, 2020 and 2021,

CPA Fredrick Abea is the Principal Internal Auditor at the Kenya School of Law
Effective corporate governance requires the dedicated focus of the Board of Directors, the CEO, and Senior Management on the shared goal of building an institution’s long-term sustainability. It does require a clear understanding of the respective roles of the board and management, their relationships with each other, and their relationships with corporate stakeholders. Corporate governance is viewed as a system of rules, policies, and practices that dictate how an institution’s leadership manages and oversees its operations. It rides on the seven (7) main principles including, discipline, transparency, independence, accountability, responsibility, fairness and social responsibility.

The history of corporate governance dates back to Kenya’s independence, during which, there was a public outcry on the efficiency and effectiveness of the public sector in service delivery. This necessitated the establishment of state corporations that were mandated to implement Government policies, projects and programmes.

As of 2014, it was still evident that the state corporations had not operated at expected levels, a situation that State Corporation Advisory Committee (SCAC) attributed to among others the weak governance structures. In a bid to improve the governance gap, SCAC developed and launched the Mwongozo Code of Conduct for State Corporation in December 2014. Mwongozo provided eight (8) focus areas namely; board of directors, transparency and disclosure, accountability, risk and internal control, ethical leadership and corporate citizenship, shareholder rights and obligations, stakeholders relationships, sustainability and performance management and compliance with laws and regulations.

The launch of the Mwongozo Code of Conduct, meant that the state corporations shifted from the traditional ways of corporate governance to a more coordinated approach in line with the Mwongozo requirements. Successful implementation of the requirements called for its proper dissemination, a process that proved to be a challenge. This prompted the National Treasury through State Department for Planning to develop and issue guidelines for the preparation of strategic plans with corporate leadership and integrity (governance) highlighted as a Key Result Area (KRA). As Kenya School of Law develops its next cycle of the Strategic Plan (2022/2023-2027/2028), we take cognizance of the important role good corporate leadership and governance play in our sustainability, as such, the School categorizes corporate leadership and governance as one of the five (5) KRA in its next cycle plan.

The School’s (KRA) 5 on corporate leadership and governance, whose strategic objective is “to strengthen corporate governance” focuses on the following eight (8) strategic initiatives: enhancing board oversight role; enhancing transparency and disclosure of information; promoting ethical leadership; enhancing stakeholder relations; enhancing institutional long-term sustainability; improving the institutional performance; enhancing compliance with applicable laws, rules and regulations and mainstreaming government policies on cross-cutting issues. The proposed strategies are a buildup of the corporate governance activities successfully implemented under the 2018/2019-2021/2022 Strategic Plan.
Though the path to effective corporate leadership and governance might look easy at the planning stage, it goes beyond just planning. It calls for the leadership that understands the difference between just merely performing governance and actively seeking good governance.

This includes; improved organisation culture, increased accountability, the ability to spot potential issues before they occur, balancing the interests of both the internal and external stakeholders and most importantly showing investors that the organisation is well organised and placed to work in their best interest.

An organization that prioritizes good governance understands that it is not just about the requirement to fulfill but also the benefits of good governance. These include benefits to its internal and external stakeholders.

As the School gears towards strengthening its corporate governance, it is paramount that we enhance stakeholder collaborations and engagements where both internal and external stakeholders will feel appreciated and their interests fulfilled.

It is true that “if all people in an organization row in the same direction, that organization can dominate any industry, in any market, against any competition, at any time” Dr. Ivan Misner.

God Bless Kenya School of Law as we continue to embrace not just corporate leadership and governance but good corporate leadership and governance.

Doreen Otieno is the Senior Officer Planning, Monitoring and Evaluation at the Kenya School of Law.
Risk Management in Elections and Good Governance

By Wilfred Oriku and Gilbert Kasee

Risk is the effect of uncertainty in achieving your objective. In this case, the focus is on risk in the face of elections. The Country is about to hold a general election with an aim of achieving a free and fair election. Kenya’s elections have always been a flashpoint for conflict and violence. The Presidential election for 2017 was challenged in court which led to nullification of the Presidential results by the Supreme Court. It also triggered filing of other election petitions in court. This led to risk of loss of business operations, violence and destruction of property. This is an indicator that there is a gap in holding free and fair elections. Based on this information, the relevant institutions need to come together with a common goal to mitigate risks from reoccuring. Therefore, calling for risk management framework during elections.

Risk management is the coordination of different activities based on risks identified, and finding mitigation measures to control risk exposure. The elections lead to risks of violence. These risks may or may not lead to actual violence; there is wisdom in laying down a strong contingency plan focused on how to avert the crisis, should violence erupt. During this election period, the Independent Electoral and Boundaries Commission (IEBC) have the core mandate to conduct elections, should identify all risks involved in the election process; analyze them; arrange them according to the priorities from high risk to low risk; identify the institutions responsible for implementing the mitigation measures and coordinate the entire process. Resource allocation should be done based on risk levels. Serious procedural gaps should be identified from historical data and timelines for completion given. Civic education should be conducted and communicated in an effective manner; such that people are aware how to choose their leaders without any undue influence. Civic education should be done in a structured manner in order to capture all citizens. The appropriate language should be considered for effective communication. The risk appetite for IEBC should be low for any breach of their procedures and they should implement their policies to the letter.

Good governance is the process of executing your mandate as per the expectation of the society, and prudent utilization of resources. The country expects the president to show leadership, during the election period, and give authority where necessary. All other institutions that play a role in elections are expected to adhere to good governance and produce the results expected by the society. If this is achieved, the risk will be minimized to acceptable levels.

Politicians should conduct themselves in a patriotic manner and support IEBC in delivering free and fair elections. We expect them to show good leadership by their conduct during the campaigns. They need to show cohesiveness by embracing different cultures and tribes of our country. They should uphold the rule of law and encourage their supporters to respect other politicians. Citizens, on the other hand, should refrain from influencing politicians to give them money in order to vote for them.

If risk management is well implemented during the election period, then free and fair elections would be achieved. The political parties involved would then unanimously accept the results and no party would be discontented, thus the country will be politically stable at all times.

CPA Wilfred Oriku is the Risk and Quality Assurance Officer at the Kenya School of Law

Gilbert Kasee is an intern at the Planning, Monitoring and Evaluation Office at the Kenya School of Law
It is important to have knowledge and information of purpose in understanding the use of tools and machineries in an institution. Fleet management is important because it entails the transportation of goods, services, and people. Fleet management enhances businesses access through managing conflicting demands in a way that is economically efficient, environmentally sustainable and socially equitable on the available resources.

As the Kenya School of Law we have a schedule on managing vehicles for the purpose of running efficiently, on time and within a given budget; which we are able to monitor all the activities and make an informed decision.

As a section we have principals through our transport policy which guides our daily operations on what need to be done before and after the execution of duties.

We have guidelines on handing and taking over of vehicles before and after. For instance, before any driver drives the vehicle he must check and confirm that all the preliminary items like the fluids, pressure, oil, fuel, legal required document are in the car. This helps to track for any misplaced items and put them in order. We also have the vehicle defect form that informs the defects that are required to be repaired.

Another control measure is by the use of vehicle work ticket and vehicle tracking system which enables in knowing where the fleet are operating and whether the journey is authorised or not. This has been achieved through a combination of GPS tracking devices and software, with the click of the of a mouse we are able to monitor wasteful and dangerous driver behaviour, optimize inefficient driver routes and exact location of the all our fleet without fail. The control mechanism is truly an asset to minimize the wastage of available resources.

We offer refresher training courses for our drivers because of the dynamics in transport, as well as the change in market trends in technology. We have partnered with the Kenya Institute of Highway and Technology (KIHBT) Automobile Association Kenya (AAK) to allow our drives get the required knowledge on day to day operations that promote safe driving skills.

We have fair rotation of duties and distribution of resources in terms of allowances received from activities such as taking students for legal clinic, Pupillage supervision, Training, seminars, and senior management for meetings whereby some allowances are being paid to boost the morale and good work relationships. This is being achieved through fair scheduling of drivers in a rotational basis.

Governance in transportation is key because planning requires proper governance. This is associated with the practical usage of existing resources as well as better allocation of new resources. As a section we are concern with the ownership and management of assets and resources to full fill the organization vision, mission and goals.

By Martin Kembero

Martin Kembero is an Assistant Administration Officer at Kenya School of Law
Sports is a topic of great interest throughout generations and is an activity that is good for both body and mind. Sports also play a big role in stress management and may be used as a marketing tool in an organization.

At the Kenya School of Law (KSL), sports and games is a sub-unit under Hospitality Section that organizes and coordinates sports activities. This is through an established 8 member Sports Committee whose Chairperson is Mr. Samuel Mwaniki, a Senior Lecturer, at the Advocates Training Programme.

The School expects that students should take part in sports and games of their choice besides the academic program hence nurturing their talents. The Committee strives to ensure that the interests of staff and students are considered. This is through offering a diversity of disciplines of competition with the view to bringing on board even those with disabilities. There are two categories in the Sports Calendar of events. Category 1 comprises team sports organized during term one and three while category 2 comprises indoor games exclusively for second term.

External tournaments are also part of the School sports activities. The School has been participating in these events since the year 2006. Some of the activities that the School has participated in include the Uwazi Cup and Rugby tournaments. It has also participated in the Annual Justice Cup and the Stanchart Marathon for the past 16 years. In this current year the Committee is in the process of organizing the East Africa Law Students Tournament to be held at KSL.

During the academic year 2020/21 the classes were virtual due to Covid-19 restrictions. The Sports Committee had challenges in organising activities as per the Ministry of Health guidelines. The prevailing condition could not guarantee attendance of participants even if the event was planned. However, with full support of the Students’ Governing Council, and through assistance of Charles Okari, the Council’s sports representative, the Sports Committee was able to organize a sports day.

The event was held on 4th and 5th March, 2022 at KSL sports grounds.
April 2022-bar examination. The registered participants were eagerly looking forward to the big day. The teams started warming up with a loud cheer coming from all corners of the School, as the spectators could not wait longer for the kick-off time.

The discipline of competition was football for both men and women. Football affects us all in profound ways. It develops reflexes or muscle memory while playing it, by changing our perception of controllable space. While we play without it and simply alleviating stress just to mention a few. Football is a famous team sport whose main target is to score a goal in the opponent’s net and win. The game is played in two halves of 45 minutes each with a break of 15 minutes’ rest guided by referees. The basic skills of football may vary but the following may be considered top seven; shooting, controlling, heading, dribbling, passing, tackling and goalkeeping.

There are set rules that govern the game mainly referred as “FIFA rules” that makes it most loved game in the World. There are about 17 specific items that determine the rules of football; no. of players, field of play, the ball, referee, match duration, fouls and misconduct, ball in and out of play, offside, assistant referees, start and restart of play, scoring, throw in, free kicks, penalty kick and player kits. The important rules are the safety, overtime, replay, catch, targeting, fumble and downs rules.

The KSL football tournament that comprised 9 participating teams namely Class A, B, C, D, E, F, Paralegal students and staff. At KSL, every team is identified by traditional colour during sports events. The team colours are Class A- White, B – red, C- blue, D – Yellow, E- green, F – black, G- orange, -Paralegal students - Maroon and staff - grey /gold. Uniforms fosters unity and creates solidarity between the players and fans. After a break of two years’ without engaging in team sports due to the Covid-19 Pandemic, it was a jubilation for the students to quench their thirst, which was also a platform for socializing and networking. As per overall performance, the teams were very competitive and entertaining beyond our expectation.

Class G pulled a surprise and qualified to knock out the other classes. After gaining morale, they made it to the finals, which they lost narrowly to Class E in a thrilling match of the day leaving the spectators yearning for a rematch. Class E were crowned men champions, class G were the runners up and class F took the third place after beating class B in a highly entertaining playoff match. The ladies’ trophy went to ATP after beating the staff 1-0 in the finals.

Leonard Okoth is the Sports Assistant at the Kenya School of Law
Being a front door receptionist at the Kenya School of Law (KSL) for me is what I would consider as a dream come true. This came after a long hustle of trying to get an internship at the Public Service Commission having completed my university degree. This leveled up with me being the first intern to serve at front desk since the establishment of KSL in 1963.

My main duties are signing in all lines and making sure, they are operational. In cases where there is a glitch, I liaise with the Information Communication Technology (ICT) officers who rectify and ensure the services are up and running normally. This has been my deepest desire considering the fact that I studied Hospitality and Tourism Management. Employing the skills I learnt in campus is my favorite ‘playing ground’ especially when it comes to ensuring the ‘learned friends’ at KSL have an exquisite experience while getting ready for the examination and admission to the Bar. The skills I learnt in campus have come in handy especially when serving the non-citizens.

I have been at KSL for close to four months. My epic moment so far is when I welcomed the Attorney General Hon. Paul Kihara Kariuki, who was the chief guest during the 6th Graduation and Prize Giving Ceremony held at the School in Karen on 18th March 2022. KSL being a centre where all-regional law students go through before admission to the Bar, upholding the Kenya Constitution is a guiding principle. The importance of holding up the rule of law at all times is essential to avoid infringing the rights of other citizens. Since The School is a Centre of Legal Training, Research and Consultancy in East African region and beyond as stipulated in its Vision.

Being an electioneering period, it is imperative that my fellow youth stand firm on their grounds in championing for good governance. The Independent Electoral and Boundaries Commission (IEBC) reported that it failed to meet its target of 6 million new registered voters of which the majority were youth. The level of voter apathy among the youth is very worrying. This apparently is contrary to the core values of KSL, which vouches and champions for inclusivity, teamwork and partnership. The youth ought to be the paragon onto which the society looks at in matters of governance.

It is time we do away with the nascent mentality that elections are just but a formality and your vote does not count. This regressive nature is affecting the turn out during polls. Civic education ought to be emphasized by all parties especially to the new generation who think queuing to vote is but a daunting task aimed at enriching a few individuals. This should cut across all age groups. Citizens ought to be aware that it is their constitutional mandate to elect leaders of their choice. This will avoid yelling and trending hashtags on social media when the elected leaders fail to deliver yet they had an option of turning up to vote their preferred candidate.

Among the elderly, the ‘mtu wetu’ (our person) theory is still deeply rooted. We need to make them understand that sometimes ‘rivers start from highlands but just as streams, whilst those at the lower parts get the full benefits of the river’. To break down the analogy, what if people at the old stage of the river say, ‘This River is not from here. We shall not use it. Let’s make our own’, who ends up losing at the end of the day? Your guess is as good as mine. A leader may come from outside to liberate you from your misery and that whom you call ‘mtu wetu’ might end up disappointing you more. ‘Mtu wetu’ mentality is just but a way to cage us in tribal chains, which certainly would be aboriginal in this era.

Competence and professionalism as a core value of KSL should be a key factor we ought to bear in mind while electing our leaders. It is only leaders who are up to task that can deliver their promises to the electorate. An individual who will be accountable for their actions and above all uphold the rule of law. A representative of the people without any preferences or favoritism. Someone who would be excellent in service delivery and passionate about what they signed up for.
The youth should neither be petrified nor belittle themselves when it comes to seeking elective positions. We are the future and the future is we. We are no longer the leaders to tomorrow but we are the leaders to today. Many youth have mind-blowing ideas that could make a turnaround in the socio-economic standards of our nation.

We ought to understand that to assume leadership it is not necessarily for you to be elected but you can lead in various capacities while serving the community. We should be role models to the adolescents so they can see and admire growing up into our footsteps or even surpass us to a notch higher.

Whenever I am not at the desk, you will find me swimming in a state of the art swimming pool within the School premises, a 12feet deep pool. This is of course under the instruction of the School sports officer Mr. Leonard Okoth. I also took part in the annual sports day 2022 where I played football against the student’s women team and managed a bronze medal. Such a fun filled event with all pomp and color. My love for sports did not start here. I was voted female sports personality of the year 2019, after leading the university to the varsity Basketball championships and I brought home the gold medal.

It is also at university where I learnt self-defense skills commonly known as kung fu and the Chinese language. This made my friends nickname me Wan Xiao, probably because I joke a lot whenever I am with them.

Much as I had a dream of becoming a lawyer, I have ended up here with a passion for hospitality, which surpasses the former. I am looking forward to gain a set of skills to make me more valuable and have the nitty gritty of my occupation at palm. I am grateful to my family members including, my dad who is always a constant push to greater heights and my best friend Clinton Baraka.

Ann Nekesa is an intern at the Corporate Communication Section at the Kenya School of Law.
The election fever is here with us. The political class is busy criss crossing the country to woo electorates to vote for them in the next general election that is to be held in August 2022. All sorts of slogans and ideologies have been formulated by politicians to convince electorates that there is hope once they are elected. Promises have been made in every corner of the country and the electorates cling to these promises enthusiastically hoping that the country will change for the better. Large crowds have been witnessed across the country that signifies the political might of a political contender. Once elected, electorates are left to linger in their own problems. Some of the politicians loot public coffers to recover the lost notes that they had dished out during the electioneering period. There are others who take it as an opportunity to move away from their villages in order to start new lives in posh areas.

In all those, the electorates are left to suffer while the political class enjoys the fruits of being at the helm of leadership.

The areas they represent remain undeveloped till the next general election when the political class will come again to convince voters to vote them in and the cycle continues.

The political class needs to remember that the power they hold belongs to the people. This is observed in Article 1(1) of the Constitution of Kenya 2010 which stipulates that all sovereign power belongs to the people of Kenya, and as such; that power ought to be exercised only in accordance with the Constitution. They need to remember that they ought to act as representatives of the people and not originators of power as enshrined in article 1(2) of the Constitution. With that in mind, servant leadership is essential in protecting the sovereign power of the people.

Article 73(1) of the Constitution requires the holders of state offices to exercise authority as a public trust, and this ought to be in a manner that−(i) is consistent with the purposes and objects of the Constitution; (ii) demonstrates respect for the people; (iii) brings honor to the nation and dignity to the office; and (iv) promotes public confidence in the integrity of the office; and (b) vests in the state officer the responsibility to serve the people, rather than the power to rule them. The qualities aforementioned portray servant leadership. Once elected, the politicians become state officers hence are subject to article 73 of the Constitution.

Political leaders, once elected, should execute their duties selflessly so that they bring an impact in the society. They ought not to be swayed by their selfish interests since that signifies their downfall. At all times, public interests should prevail over private interests. Further, they also need to be accountable to the electorate. Their actions and decisions ought to be examined openly by the electorate.

Kenneth Njiri is a student in the Advocates Training Programme
The Determinant Triad for Political Change in Kenya

By Nigel Otieno

When renown Indian Philanthropist, Rohini Nilekani stated that “We cannot be mere consumers of good governance, we must be participants; we must be creators”. She envisioned a democratic society that enshrines the active participation of the citizenry in leadership regardless of one’s political, social or economic class.

When Karl Popper, while developing the Democratic Theory, posited that democracy is mainly about the competitive selection of elites. He acknowledged that indeed, elections hold a very dear and vital place in a democratic state. So why then, has the Kenyan electorate, in its push for good governance, almost completely disregarded the fact that for change to come, they ought to be creators themselves and not mere recipients? Has the general citizenry been adequately empowered to occupy positions in leadership and if not, then who bears this responsibility and burden?

It is clear that Kenyans are unaware of the power that they collectively wield in the fight for political change and good governance. This then boils down to the enforcement of civic education of the electorate. Civic education has always been downplayed more so by the political class. This is because they only address matters that either favours them or goes against their adversaries. The Independent Electoral and Boundaries Commission has also fallen short of its mandate and responsibility to conduct the same as prescribed under Article 88 of the Constitution of Kenya.

The concept of tribal and political Kingpins further exacerbates the situation as it demonstrates that the electorate has become complacent with the infringement of their political rights as enshrined under Article 38 of the Constitution. They do not entirely make political choices based on their free will.

‘He who pays the piper, calls the tune’. Indeed, those who back the financial muscle of the various ideological groups, and in this case, political parties, ensure that they retain control of who gets to power, how such power is utilized, for whose benefit and who loses such power. Many a time, those with financial muscle are the ones who get a chance to occupy positions of leadership. A deep-rooted societal notion has been developed over-time in the Republic to the effect that political power is reserved for a certain group of elites and their cronies, while ordinary Kenyans have no business in interfering with the status quo. The concept of tribal and political

Additionally, voter education is recognized under Article 21 of The Universal Declaration of Human Rights. Article 25 of the International Convention on Civil and Political Rights and Article 13 of the African Charter on Human and Peoples Rights. Therefore, it is accurate to state that the importance of voter education is commensurate to the election itself and it is on this premise that democracy may truly exist.

where people have not been empowered to effectively compete in democratic elections as well as making their own independent choice of candidates, then such can never be termed to be a democratic process. It is merely a decorated sham. (Kenya), Hussein Khalid was quoted as having stated that the low civic education means the public will not be well informed about elections. Every five years, new young voters are registered and must be educated on the electoral process. Indeed, civic education should accomplish widespread inclusion of the electorate. Such electoral training efforts assist with giving voters an educated voice as well as enabling them to consume the political space given by a political race.

Every five years, the Kenyan electorate has continuously made similar mistakes in choosing their leaders. Whereas, those mandated with educating Kenyans on their political rights as well as protecting them have demonstrated that these are tasks that will only exist in book and theory. A political crisis has sneaked its way into this Republic; one that if not addressed; may send it back to its darkest days. Indeed, a deep connection exists between the power of civic education, elections and eventually good governance. It is an interdependent triad, which ought to co-exist in equal gravity in order to sustain democratic ideals and effect positive change.

Nigel Otieno is a student in the Advocates Training Programme and 1st Runners Up (Research Category) at the All Kenyan Moot Court Competition – 10th Edition (21st to 25th March, 2022)
In ensuring that a country progresses both economically and socially, its political aspect must promote good governance. Good governance means outstanding management of public resources and in a manner free of corruption and abuse of office and at the same time ensuring that human rights are realized.

Chapter Six of the Constitution which is reflected in Article 10 contains the threshold to be met by citizens who aspire to occupy public offices. The key principles that they should possess include accountability, transparency, integrity, good governance and respect of the rule of law. They are also required to promote national unity, patriotism, democracy and enhance public participation in matters of public interest. These national values and principles bind all state and public officers and the state organs.

The Constitution as the supreme law of the country has to be respected and upheld. However, in Kenya we have been seeing a trend where public officers have been involved in acts that do not promote integrity in the office. In some cases, people who have a reputation of abuse of office or gross misconduct have been appointed in state offices therefore degrading public confidence which goes against the provisions of chapter six. Good governance can be achieved if the provisions of chapter six of the constitution are observed. They include:

i. How civic education promotes political accountability.
ii. The role of elections in enhancing good governance.

Importance of civic education

The Constitution of Kenya, expressly provides that power belongs to the people. This may seem like a simple provision but within it is an obligation owed to the electorate by those in power to perform their duties in a manner that brings honour to the positions held.

In ensuring that citizens hold their leaders accountable to integrity, civic education is very important. This ensures that the citizens are educated and empowered.
on constitutional principles, political processes and democratic foundations that the state, national and local institutions are based on under the rule of law. In ensuring that they get civic education, citizens are encouraged to attend public barazas, and personal audiences where they meet with leaders on one on one basis and through written or oral presentations. When citizens get civic education, they will understand their rights and responsibilities and in turn uphold good governance and rule of law.

In Kenya, citizens get limited civic education which causes challenges like voting along tribal lines. In most cases, revenge voting is adopted whereby citizens vote for the rival of their preferred candidate who is the incumbent one because he or she did not fulfill his manifesto. The rival may also have a poor record of service delivery but is still voted in when there are other candidates who when voted into office will deliver an outstanding record of accountability are left. Kenyans get leaders they deserve when they elect them based on tribal lines or revenge voting. In as much as we can elect leaders that promise to solve the social problems, we can never be too sure they are going to be accountable to us. Leaders have taken advantage of lack of civic education by failing to prioritize the interests of citizens. It is very important that citizens get educated on qualities of good leadership based on constitutional principles so that when asked for their votes, they give to those that have a good political record and good conduct. Those that seek leadership must explain how they will solve unemployment, fight corruption, unify the nation, uphold citizen’s constitutional rights and streamline the governance.

The role of elections in enhancing good governance.
In Kenya, elections are held after every five years which is sufficient time for citizens to decide who to elect or re-elect. In order for a country to attain its development goals, the electorate should vote for leaders who have a good development record. The leaders who have tried to address the problems facing the country like insecurity, unaffordable health care and poverty should be re-elected.

Political accountability dictates that those in power are accountable for their actions. Whatever action they take, they are obligated to explain the reason to the public; this is necessary for accountability and in case of abuse of power, sanctions will be imposed on them; this is enforceability.

Since the youth are the most targeted by politicians, they should demand that they be included in policy making, governance and be employed so as to widen their opportunities because they are the leaders of tomorrow.

The Independent Electoral and Boundaries Commission (IEBC) and the Ethics and Anti-Corruption Commission (EACC) which are independent constitutional bodies should be vigilant in ensuring that leaders with integrity issues should be barred from vying in the general elections.

Chapter Six is a very important part of the Constitution which if followed strictly will enable the country to move forward in achieving its development goals for current and future generations.

Patricia Angaya is a student at the Advocates Training Program.
“If God had wanted us to vote, he would have given us candidates.”
Jay Leno (Emmy Award Winning American Comedian)

I do not think the above quote by Jay Leno is any different from how many Kenyans have been voting and behaving in the previous general elections. I know for a fact, that Leno was an award-winning comedian who may have been in his joking element and was high in spirits when he uttered the words. I still believe Kenyans need to wake up to the reality of the choices of leaders they make during elections.

On 9th August 2022, Kenyans will head to the polls and exercise their constitutional rights to vote and participate by vying for various political seats. These elections will be the third general elections under the 2010 Constitution, after the ones held in 2013 and 2017. To date, Kenya has held 13 general elections with the first being held shortly before independence in 1963.

Like in many other states, the elections in Kenya have since independence played a significant role in shaping the country by substantially impacting on the economic, political and social spheres. In their book “The Political Economy of Good Governance,” where they also interrogate the correlation between good governance and economic development in Africa, Assefa and Huang agree that good governance is indeed a major means for promoting sustainable development, reducing poverty and maintaining peace. They add, that good governance which is accountable, transparent, honest, and participatory, guarantees economic freedom and the economic empowerment of citizens.

Singapore is one such country which has earned international reputation for good governance practices. Currently, it is the least corrupt country in Asia and is ranked 6th globally in the corruption index among 180 countries. Additionally, it is classified as one of the most competitive economies in the world with high income and is said to offer one of the most business-friendly regulatory environments in the world for its local entrepreneurs.

Prior to its rise, Singapore was rife with corruption, crime and disorder. This however, changed with the establishment of a strong system of the rule of law which has rooted out corruption. They have elected leaders and government officials who have been consistent in absolute intolerance for corruption. They also have a good public service commission which is the custodian of the principles of integrity, impartiality and meritocracy in public service. Furthermore, in Singapore no one is above the law as cabinet ministers and senior government officials have been successfully subjected to criminal proceedings for their corrupt acts. To my mind, the Kenyan situation is not different. In many cases, the choices of leaders elected during elections have later impacted and greatly affected the lives of the voters. For instance, some counties in Kenya have enjoyed unprecedented growth, efficiently provided services such as healthcare to their people and have thereby improved the lives of their people. Notably, some of these counties have even established industries which make use of local raw materials produced by their people to make products which are sold in other counties/exported thereby economically empowering their people and alleviating poverty. The situation is however not the same in all the 47 counties. In some counties, the local people or rather the hoi polloi have suffered immeasurably due to mismanagement of public funds and numerous challenges with service delivery that arise out of poor and retrogressive leadership.

In the past three years alone, 3 of the 47 governors in Kenya were impeached from office on charges relating to gross violation of the Constitution, abuse of office, gross misconduct, and corruption. Former Nairobi Governor Mike Sonko and his counterpart former Kiambu county Governor Ferdinand Waititu were impeached in 2020 whereas, former Wajir Governor Mohamed Abdi was impeached in 2021. During their impeachment proceedings, Waititu and Sonko were both found to have influenced payment of hundreds of
millions of shillings to their family members and their close associates by irregularly awarding tenders to them. Additionally, they were also found to have appropriated public funds for personal benefit.

Besides devolved governments, Kenyans should also give much thought to the individuals they elect to represent them in the national government. It has been argued elsewhere before, that if Kenyans are smart, they would realize that they exercise a lot of power, as they are the ones who determine the composition of the Executive and Legislative arms of government. Needless to say, the national government is made up of the Judiciary, the Executive and the Legislature, with the 2 latter arms being comprised of elected representatives of the people. Under the Executive arm, Kenyans will vote for the President and his/her deputy who will head the Executive whereas under the Legislature they will vote for representatives from all the constituencies, women representatives and senators for all the 47 counties. With the rising costs of living, inflation and the increase in corruption levels, this calls for wisdom from the electorate during elections because it is they who elect individuals that form the government, develop policies and make decisions that positively or negatively affect them.

In 2021, the country was ranked position 128 globally out of 180 countries in the corruption index. The study which was conducted by Transparency International, placed Rwanda and Tanzania ahead of Kenya in terms of the least corrupt African countries. What this calls for is, an objective assessment of the candidates by Kenyans as they head to the polls in 2022. Such objective assessment, will ensure that Kenyans elect competent and capable leaders who are driven by the interests of the public and calls for a better Kenya as opposed to selfish and self-driven leaders.

Moreover, good governance studies should be incorporated into our education system, so that learners are taught the merits and consequences of good and bad governance. Such knowledge will likely inform the learner’s decision during voting and also make younger generations alive to the realities of bad and retrogressive leadership.

Lastly, the principles of good governance, integrity and accountability are likely to remain utopian if Kenyans keep preaching water and drinking wine. As such, it is imperative that we stick to our National Values and Principles during elections, in order to achieve economic, political and social prosperity.

Linus Nyerere is a student in the Advocates Training Programme.
The three legged stool is all I can think of; the stool that needs to be in good shape, its legs attached firmly in order for it to function effectively and skillful in order not to fall off. The same very picture is an analogy of a nation formed on the foundation and pillars of the rule of law, democracy and justice. These three pillars hold the weight of the nation. Come to think of it, of what use is it to have a skilled user with a faulty stool? Or a great stool with a terrible user? Such is a nation with great pillars and people that do not have respect for the rule of law, justice and democracy.

While the vote is the most powerful instrument devised by humans to bring down injustice and destroy terrible walls that imprison people because they are different from others. Democracy is the first act of building a community and a nation at large. This pillar of democracy gains supports equally from the rule of law and the other pillar of justice, which I would describe as a principle under which all persons, institutions and entities are accountable to the laws made by the people and for the people. In order to attain its full purpose, this principle must be publicly promulgated, independently adjudicated and equally enforced. The latter describes the third pillar, ‘Justice’ in a nutshell.

I would call it truth in action. Maybe I would also call it a coin with peace on one side and truth and fairness on the other.

With these three pillars a nation is firmly held up. A nation basically comprises of the people as its main ingredient. These people create democracy and thus its description as, the rule of the people for the people and by the people. It is the people that create the moral, acceptable, just and legal standards that spearhead their nation. Therefore, they form the foundation and still sit on the stool by upholding their creation. This convinces me that as they sit on the stool, they understand the bites and discomforts the stool may cause them. Oh yes! The bites of impunity, corruption, crafty leadership, post-election violence and tribalism. These are the things that eat up a nation and bring the nation to its knees. I will compare them to termites that slowly grind up wood to its useless future but there is a future and hope for answers. The answer is the people. They make up a nation, make the leaders, make the law, abide by the law and hold the future of the nation. It is time to repair our nation. It is time to demonstrate our democratic right and elect our future integral and committed leaders. Let us be confident in the fact that knowledge is power, knowledge of the rule of the law is powerful and respect for the law is powerfully powerful. Ignorantia juris non excusat; ignorance of the law is no excuse. Indeed law is order and good law is good order.

Mukolwe Brian is a former student at Kenya School of Law
Despite the Constitution of Kenya, 2010 offering a legal framework on youth participation in Kenya, the Kenyan government has continued to push the youth away from the center of any decision-making process during and after the electioneering period.

Young people between 15 and 25 years make up a fifth of the world’s population. The Kenyan youth form the largest number of the over 50 million Kenyans. In the most recent elections of 2017, as per the Independent Electoral and Boundaries Commission body statistics, there was a total of 19.6 million registered voters out of which 50.7% of the total number were the youth, being roughly 9.9 million voters. These large numbers and their high unemployment levels have predisposed the youth to increased exploitation and manipulation by members of the political class during the electioneering period.

The youth need to not only be engaged during the electioneering period but also after the elections, that is during government’s decision-making processes. The legal framework for the election processes needs to be friendly to the youth; they need not be made in such a way that is detrimental for the growth of the youth politically. IEBC, for example, needs to reevaluate the fees to be paid for the youth so that they can freely vie for any post without hinderance based on lack of financial wherewithal. This will in turn give effect to Article 38 of the Constitution that gives every Kenyan citizen the right of a political choice that includes participation in forming political parties; participation in the activities of a political party or campaigning for a political party or a cause.

The Kenyan government should give effect to the well stipulated provisions of the Constitution that touch on participation of the levels from village level to the county. Within these workshops, the youth can also be trained on how to self-organize and turn their ideas into actionable proposals.

The Government office at the Registrar of Persons needs to minimise bureaucracies that have posed a challenge for the youth to access national identity cards which is a potent weapon for the youth to change the leadership. Public participation opportunities also need to be made available to the youth so that their voices can be heard.

Job Owiro is a student in the Advocates Training Programme
The Role of Civic Education in Elections: How Civic Education Promotes Good Governance

By Najib Ahmed

Civic Education in Electoral Processes

There is no question that education is essential for Kenya to have a sustainable governance and accountable administrations. Education goes beyond the four walls of the classroom to encompass and involve local community knowledge, as well as informal education systems. Civic education is critical in elections because it not only allows citizens to become conscious political players in their respective countries' governance, but also allows them to fully appreciate the values of good governance, participation, the rule of law, accountability, diversity, tolerance, and democracy.

An engaged and educated citizen may monitor leaders' performance and hold them responsible for broken promises. They are also able to mobilize and raise awareness and demand for change. Civic education provides a platform for the dissemination of voter education to the populations. This puts the voters in a better position to use their voting rights and even utilize electoral procedures to successfully determine their political will. It is crucial to highlight, however, that while voter education is a vital component of the election process, it cannot be considered adequate for democracy. There is a need to increase public engagement in the political process by educating people about their inherent human rights and basic freedoms. The education also teaches them their responsibilities for nation-building, peaceful coexistence, and respect for the rights and dignity of others. It is only then that they will have the strength to criticize political leaders and give constructive feedback guided by the greater community’s interest. In turn, the government will be able to deliver on expectations and responsibilities.

In conclusion, civic education programmes have a substantial influence on democratic participation in many nations across the world. Indeed, it is believed that the goal of civic education is to develop individuals who are not passive subjects of their respective states but are responsible and well-informed citizens.

The importance of politically neutral mass civic education cannot be underestimated. An extensive education programme by civil society organizations on rights, responsibilities, rule of law, and pillars of good governance is critical, especially in an electioneering period. The fruits of those ideas are informed citizens, who can elect leaders in a free and peaceful election and demand-responsive governance. After all, that is the idea of a society that brings about economic and social prosperity for the people and national development.

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.”
Margaret Mead - American cultural anthropologist.

“Civic education teaches us about our rights and responsibilities, as well as the roles and activities of government institutions. This understanding enables us to assert democratic rights and basic freedoms, protect and exercise them responsibly. This crucially, demands good governance practices from elected officials. This knowledge is power. People who are empowered have the ability to modify habits and influence political decisions for the sake of everybody.”

Justice Newsletter
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I was born and raised in Nyamira county. I enrolled for my primary education in 1998 at Kerora Primary School and did my KCPE in the year 2006 and scored 319 marks. I then joined St. Kizito Nyansiongo Boys and did my first attempt in KCSE and scored a D+ plus. I went back to form 3 in a day school called Tambacha C.O.G Secondary School and scored a mean grade of C plain. I Again repeated form four at Bonyunyu secondary school and scored a mean grade of C plain. So I did KCSE 3 times trying to get a grade that was to enable me to pursue law.

After high school education, I came to Nairobi in the year 2014 and started hustling for life to look for school fees to take me to College. My mother passed away when I was at a tender age and it is well-wishers who have supported me. After coming to Nairobi in the year 2014 I started doing odd jobs like being a car wash attendant, hawking Njugu Karanga and later working as a watchman at night. In the year 2016, I applied for admission to the Kenya School of Law(KSL) to study Diploma in law paralegal Training Programme. I was able to study for one term and then deferred for lack of school fees. I used to work as a watchman at night and as a law student during the day. I then applied for the Endowment Fund at KSL and was given a scholarship of one year amounting to Kshs. 126,000.00. The scholarship was approved by PLO Lumumba who was then the Director of KSL. I went also and sought for a bursary from the office of the women Representative of Nairobi county. I was lucky to be given a bursary amounting to Kshs.74,000.00.

When I was at a tender age and it is well-wishers who have supported me. After coming to Nairobi in the year 2014 I started doing odd jobs like being a car wash attendant, hawking Njugu Karanga and later working as a watchman at night. In the year 2016, I applied for admission to the Kenya School of Law(KSL) to study Diploma in law paralegal Training Programme. I was able to study for one term and then deferred for lack of school fees. I used to work as a watchman at night and as a law student during the day. I then applied for the Endowment Fund at KSL and was given a scholarship of one year amounting to Kshs. 126,000.00. The scholarship was approved by PLO Lumumba who was then the Director of KSL. I went also and sought for a bursary from the office of the women Representative of Nairobi county. I was lucky to be given a bursary amounting to Kshs.74,000.00.

Unfortunately, when the results were out I managed to score a pass of 58 points which could not qualify me to pursue an LL.B in the university. This simply happened because I was unable to get enough time to read because at that time I used to work at the airport which was very busy. Since I had a passion for being an advocate in future I decided to go back to college and repeat KSL Paralegal Training Programme. I then applied for new admission at KSL in the year 2019 and was given a second chance by the School under the leadership of the Director/CEO Dr. Henry K. Mutai. I thank him so much for giving me a second chance to make my future in education bright.

I continued working as a watchman during the night and a law student during the day. Then my employer deployed me to an assignment which was not very busy during the night. In this assignment, I managed to read and passed my exams. My employer also used to give me leave to go and do exams and also paid all my school fees at KSL.

When exams were released I passed with a credit of 68 points. Now I have applied to study LL.B at Kenyatta University and I am waiting for an admission letter for the September intake of 2022.

LESSONS I HAVE LEARNT
1. With God everything is possible
2. Hard work pays
3. Never give up in life
4. Your family background cannot define your future.
5. It doesn’t matter how many years you spend in school what matters is the grades you get.

First of all, I thank God so much for helping me to pass my exams and touching the hearts of well-wishers to pay my school fees. I also thank all the staff of KSL for the financial and moral support they gave me in my studies at the School. I Cannot forget to thank my best lecturer Mr. Fredd Wakimani for the financial and moral support he gave me in School. My video clip of the interview at Nairobi news and the live interview at the show of Trend at NTV is on Youtube. One can google using the name; Peterson Moturi at NTV/NAIROBI NEWS a watchman by night and a law student by day.

Peter Moturi is a former Paralegal Training Programme student
BACKGROUND

The Kenya School of Law is an institution established under the Kenya School of Law Act, No 26 of 2012. In exercise of its mandate the School offers a two year Diploma in Law under its Paralegal Training Programme.

TARGET GROUP

1) Form four leavers who meet the below entry criteria.

2) The staff working in National Police Service, Kenya Prisons, the Judiciary, the State Law Office, the Bar, Non-governmental organizations, the corporate world and National & county Government departments among other stakeholders who meet the entry requirements.

OBJECTIVE

To train middle cadre to support legal professionals at the practicing Bar, the corporate world, government institutions and Non-governmental organizations.

ENTRY REQUIREMENTS

To be eligible for admission into the Diploma in Law in the Paralegal Training Programme at the Kenya School of Law an applicant must:

1. Have a mean grade of C (C Plain) in the Kenya Certificate of Secondary Education (KCSE) (or equivalent examination) and a minimum grade C+ (C Plus) in English.
2. At least one Principal pass at the Kenya Advanced Certificate of Education (KACE/A-Level) examinations.
3. A distinction or credit pass at Diploma level in a relevant field.

LOCATION

The Paralegal Training Programme is conducted at the Kenya School of Law town campus, which is situated at Development House, 5th Floor, Moi Avenue Nairobi.

CONTACT US

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A KEBS ISO 9001:2015 Certified Organization
Civic is something that pertains to a citizen or to citizenship. Education can be thought of as the transmission of the values and accumulated knowledge of a society. In its broadest definition, civic education means all the processes that affect people’s beliefs, commitments, capabilities, and actions as members or prospective members of communities. Thus civic education is the transfer of knowledge in any area of life to another person or persons. Citizens who are well educated in matters of life will participate fully and in a constructive manner in matters affecting elections, governance, and all other affairs affecting their society. They are well versed with issues to do with leadership in their society.

An election is an act of choosing or selecting one or more from a greater number of persons, things, courses, or rights. The choice of an alternative. Governance, on the other hand, is the way that organizations or countries are managed at the highest level and the systems for doing this.

Elections in Kenya are related to leadership. In Kenya, elections are preceded by politics. Civic education enables the citizenry to elect good leaders. When citizens know that under universal suffrage they have a right to participate in elections, then if the elections are fair and transparent, the end result is good leaders. To exercise the right to vote, the electorate must know the processes which precede the same. They should know that they must register as voters and the polling stations they can access at the time of voting. People need to know that they have a right to vote, and their votes must and should count. In case a particular election is deemed to be unfair, citizens should know the legal means by which they should pursue or air their grievances. They can use the Judiciary and other quasi-judicial bodies to petition for revocation and nullification of an election they deem unfair and unjust.

Citizens who are unaware of the legal means to pursue justice, use illegal ones motivated by mob justice which leads to the post-election chaos. This post-election chaos led to deaths, displacements, refugees, mistrust amongst people, and failing of the economy. It is often the citizens who are unaware of their rights who perpetuate tribalism and bigotry.

Article 38 of our Kenyan Constitution provides for political rights. Under this article, every citizen has the right to free, fair, and free expression of their will to be elected to any leadership position in Kenya. Every citizen also has a right to participate in elections as a registered voter. The constitution of Kenya also provides for the right to access to information which enables people to get important information affecting their governance.

Civic education helps people to learn about governance. Through this people get to know the different structures of governance in the society. They get to know what each and every structure of governance entail. In order for the Kenyan Constitution to be effective, Kenyans need to know what each of the two levels of governance entails and how they interact with each other. They need to know which functions belong to the national and county governments. Thus, they are able to know where and which offices they should seek specific public services. They should also learn how those who govern them get into those positions, whether it is the by-election appointment or nomination. It is through civic education that the citizenry learn their obligations in the governance of their society. They learn how to hold their leaders accountable for their actions. They also get to know how to remove the leaders from the elected positions if they do not deliver as expected. This can be done through impeachment or recall of the leaders as provided by the law.
Civic education should be continuous as new information and trends emerge regularly. Laws and policies also change regularly. The two levels of government and all arms of the government should engage in civic education before carrying out any action which may drastically affect the livelihoods of the citizenry. Public participation which is provided for in our Constitution and our statutes is a ripe way of engaging people in civic education. It provides an opportunity for leaders and other governance stakeholders to engage the people in the affairs that affect them. The national values and principles of governance articulated under Article 10 of the Constitution are aimed at making sure that we have good leadership in our country. Civic education will make people know their rights and obligations during the electioneering period and after. This makes the elections participatory, peaceful, free, fair, and credible. Once we have citizens who can participate in credible elections then we have credible leaders who can push for development in all areas of our lives.

Elections and good governance are intertwined. We get leaders through elections, and it is these leaders who either lead to good or bad governance. Civic education is a good tool to enlighten people on various matters that affect them. It is a good way to imbibe knowledge to people on elections and good governance. As elections determine the kind of governance a society has, people who are well enlightened will elect good leaders. The good leaders will in turn lead development in the society in various ways. Good civic education in turn leads to citizens who know their rights and are able to hold their leaders accountable.

Steve Muthembwa is an Advocate of the High Court of Kenya
As economies shift to digital and online models, cybersecurity threats may outpace traditional data security approaches. To combat this, governments and organizations should be proactive in developing and adapting systems to deal with cyber threats.

Kenya like many other countries has begun to regulate by creating national standards and laws to protect sensitive information from being disclosed. Public, private, and government organizations are now more concerned than ever about how to implement data privacy. What may go unnoticed is that companies can easily comply with privacy laws by using data that is truly anonymised.

Data anonymisation, in particular, is the process of safeguarding private or sensitive information by erasing, encrypting, or masking identifiers that link an individual to stored data. Personally identifiable data includes names, KRA PINs, and mobile phone numbers. As long as the anonymised data sets do not relate to an identified or identifiable natural person, they can be published or shared with any party without triggering legal obligations or requiring user consent.

Anonymisation is not something to be taken lightly. It must be done with care, and it will depend on how you intend to use the data. You must, for example, decide whether the anonymisation will be static or dynamic.

The term “static” refers to the fact that the data or a copy of it is permanently changed on the database whereas “dynamic” refers to how the change is applied to the query results rather than the entire data set. Static anonymisation is a one-time-use technique. It is for this reason that industries have embraced it, with the added benefit of not caring what happens to the data after it has been anonymized, even if it is stolen. Dynamic anonymisation on the other hand is a less mature technology at the moment, with few customer success stories to back it up.

There are several techniques available for anonymization of data each with its own set of advantages. They include the following:

- **Attribute or record separation** which refers to removing an attribute or record from a data set. There is no risk of re-identification, but data loss is permanent.
- **Pseudonymisation** which is the use of pseudo or fictitious identifiers. Pseudo identifiers have a one-to-one mapping to the original identifiers, so the pseudo data can be “translated” back to the original.
- **Generalization** whose goal is to make data more generic by categorizing it into broad categories. For example, even though Kamande is 28 years old, his age is recorded as being between 20 and 30 years. Higher generalization, however, has an impact on the data’s utility.
- **Synthetic data** replaces the original with entirely artificial data. It is appropriate for testing, and there is no risk of re-identification. Large datasets may necessitate extensive computing resources, so cost may become an issue.

Anonymisation is a critical tool for attempting to protect data privacy. However, keep in mind that anonymization may cause problems in the future, especially if you intend to use the data to provide a personalized experience to your visitors. Unfortunately, using anonymized data may reduce the efficacy of your marketing efforts.

Nevertheless, we should be aware of the risk of personal data being targeted for theft. Individuals’ digital identities will inevitably be compromised if organizations do not double down on improving data privacy.

When this occurs, the consequences for both the individuals whose identities are stolen and the organizations affected are severe, including a loss of customer trust, negative brand exposure, and as a result of noncompliance with data privacy regulations, litigation may be initiated.

Salesio Kinyua is Senior ICT Officer and an Adjunct Lecturer at the Paralegal Training Programme, Kenya School of Law.
The doctrine of separation of powers is one area of law that has always fascinated me. Government is broken down into the three segments of the executive, judiciary and legislature. Parliament or the legislature which is the subject of this article is at the centre of this conversation—law making. The Constitution of Kenya, 2010 describes the role of the parliament as having legislative authority, derived from the people and vested in parliament. The Constitution further emphasises that no person or body, other than parliament, has the power to make provisions having the force of law in Kenya. This therefore perhaps calls for a higher standard of responsibility, repute and ethics amongst the Members of Parliament or doesn’t it?

The history of parliament can be traced back to the 7th to 11th centuries in the United Kingdom. The Monarch brought together Barons and Bishops who were to advise the Monarch. These people had an influence on the commons, they were divergent and were considered to be wise and capable. This relationship was later formalized by the Magna Carta in 1215 when King John agreed to reduce the power of the Monarch and give recognition to Bishops and the Barons. The Montfort parliament was constituted in 1265 as a result of a rebellion against the crown. This parliament paved the way for the House of Commons. In 1295 King Edward I summoned a parliament made up of nobles, churchmen, and representatives from the counties and towns. This was later split into the House of Lords and House of Commons. The Kenyan parliament under the Constitution 2010 is based on this model.

The history of parliament, therefore, teaches us a few realities about the composition and the role of parliament. Parliament is a house of representation like it was in the 13th Century. This is to say that the composition of Parliament is a representation of the diversity of the citizens. They, therefore, carry out their constituency’s interests and issues. This requires brains not brawns. Members of Parliament are therefore required to have the ability to conceptualize issues and make a case in the House for the implementation of these issues. The other role of legislators is to legislate. They formulate and make laws for the advancement of the country. This does not require fists but rather requires men and women who can improve their arguments. Parliament also has a role to provide checks and balances against the other arms of Government. Again, it is a game of brains rather than brawn. Is it time therefore for Kenyans to look at the Members of Parliament? How do we get the Members of Parliament we need?

Even as we socially and culturally condemn fistfights and shouting in parliament the question remains on the purpose and the strength of the standing orders and the code of conduct of Members of Parliament. Is it not a mockery for parliament to say they are making laws for the Republic yet they do not have a simple code of conduct that regulates behaviour and keeps the Members in check? I think there is a need to develop proper rules and guidelines for parliament that include sanctions.

Members of parliament also need to be dignified. I understand the name Mweshimiwa (Honourable) to be an individual of repute. A person who is above reproach. Someone who shows and deserves respect yet I doubt if that is what is seen every time they turn the house into a boxing ring. People such as Winston Churchill, William Wilberforce and Nelson Mandela made great contributions to the world just by the strength of their arguments.

‘Don’t raise your voice, improve your argument’, the Late Archbishop Desmond Tutu

Ouma Kizito Ajuong is an Advocate of the High Court of Kenya
A habit is something that is a settled way of doing things that are developed over time. Good habits are positive practices. In the lawyering business developing an appropriate dress code is crucial. This is not only because an appropriate dress code opens doors both literary and figuratively but is also a requirement for the profession.

When students report to the Advocate Training program they are informed and are often aware of the need to dress appropriately. As part of the training to be advocates, they are inculcated into the dress code required of the profession by being required to dress accordingly as set out by the Law Society of Kenya. The students who have spent the last four years on campus where almost all dress codes are acceptable find formal dressing a burden. Some of them display a subtle resistance by pushing the borders. However, this dress code serves its purpose both professionally and socially.

What we all do acknowledge is that the first impression matters. Human beings collect data with which they arrive at a conclusion just by glancing at another person. If you meet a stranger who is shabbily dressed in a dark corner your sense of alertness to danger could probably be enhanced than if they were well dressed. You would probably not think that they are the right person to seek refuge from let alone professional information. The person might as well have the information that you seek but most of us would not even bother to talk to such a person due to the first impression. How you dress will therefore determine how you are treated by the public.

In the same way, the dress code can open or shut doors for one professionally. It is the opening statement with the court, colleagues, and clients. A client, whether pro bono or paying expects a lawyer to dress in a particular way. These expectations have been reinforced through the historical development of the profession, socialization, and the media. The Kenyan press has not had a shortage of high-profile cases with well-dressed lawyers. The courts expect lawyers to dress appropriately. They are after all themselves lawyers having undergone the same training. Dressing appropriately also shows respect to the court and to one’s colleagues. Appearing before the court and colleagues properly dressed ensures that they will take whatever the lawyer says seriously and not remain to discuss his or her dress code which was not the main agenda. It only means that the lawyer has a foot in the door which usually is the biggest challenge for most lawyers.

Kenyan jurisprudence has not been visited much by the issue of the lawyer’s dress code except for one case where the court dismissed a case dealing with dress code as not disclosing any course of action. A look at Indian courts gives us insights on this matter. Their courts have held that the dress code is important and that the legal profession is a noble one or upholding its nobility. Further, by choosing the profession one chooses to adhere to the dress code.

In the United States of America there have been instances where lawyers have been sworn or admitted to a higher office and instead of discussing the importance of the office, lawyers and the public discuss the dress code of the advocate in question. This is often such a pity as everything else is lost in the discussion of the none observation of the advocate’s dress code.

The dress-down Friday in the office should be decent. In fact it does not exist at the Kenya School of Law. It should not be a matter of throwing on any t-shirt and any jeans. The question that one should ask is whether the attire is appropriate for the profession or whether one is better off sticking to formal wear. Dress code is not necessarily about the cost of the attire. We have all been students at one point in time and young lawyers, and hence there are cheaper options that can be accessed if necessary.

The Clients, Judges, Magistrates, and Advocates are all human and even though some of them will not speak they do notice. As stated earlier this is the door opener. Remember that observing the advocate’s dress code does not end with the Kenya School of Law but rather is a universal requirement. Once you choose this noble profession it behooves you to uphold it.

Anastasia Otieno is an Advocate of the High Court of Kenya, Principal Lecturer and the Coordinator of the Paralegal Training Programme.
Elections are with us again and this election year, the emphasis is coalitions. The emphasis was exhibited when Parliament held an emergency session in December 2021 to debate the Political Parties (Amendment) Bill 2021 which was subsequently enacted. It is therefore imperative that we recognize and improve our understanding of party alliances. Party alliances are an increasingly significant feature of contemporary African political processes in both parliamentary and presidential regimes.

For a start, we review the concept of coalitions. In its guide on ‘Coalitions’ the National Democratic Institute (NDI) defines coalition as ‘a temporary union between two or more groups, especially political parties, for the purpose of gaining more influence or power than the individual groups or parties can hope to achieve on their own.’ It seems currently, the political sector does not have dominant parties that guarantee a sure win, which therefore explains the compulsion by the political players to amend legislation to provide a framework to consolidate power.

Despite the desire to galvanize power, there are certainly factors that influence the formation, maintenance and dissolution of coalitions. The factors listed by NDI are, inter alia types of political regimes, whether presidential or parliamentary; types of electoral system; enabling legislation; the ethno-linguistic and regional factor; the ideology factor; the financial security factor; the personality of leaders; competition and deep differences between coalition partners; the proximity of a general election; inadequate internal democracy and transparency, and coalition agreement and management procedures. Some of the identifiable factors for amendments in Kenya may be the proximity to the general election; ethno-linguistic and regional factors; financial security; personality of leaders, and coalition agreement and management procedures. There is expansive provision for coalition agreement and management procedures within sections of the Amendment Act.

The primary reasons for forming, joining or building a coalition are common objectives and goals. Some objectives for coalition building are: winning an election or passing particular legislation. Since coalitions have a limited lifespan; it is imperative that they achieve their objectives.

Different types of coalitions can be formulated to enhance delivery of coalition objectives. These include coalitions between two or more political parties that partner to maximize gains during upcoming elections or to strengthen their numbers in the legislature; or coalitions between elected officials who work together or do not oppose one another for mutual benefit; or, coalitions between a political party and a civic organization where the organizations advance their agenda.

In coalition building, parties and partners must be cognizant of the advantages and disadvantages of forming, joining or dissolving coalitions. Some advantages are: parties gain power and influence that provides them with tangible results; parties can build their organization and broaden the base of support; shared strengths and accomplishments; new learning and skills competencies; shared resources and increased diversity. A main advantage for parties in Kenya that suffer resource constraints and are ethnic based, is that they benefit from shared resources and diversification, which plague them. However, the disadvantages of coalitions and coalition building are equally to be considered. They may include compromise on priorities or principles of parties or partners; loss of identities, and the association of negative aspect of their other members.
The loss of identity is substantial because of the duration parties or partners have taken to build their brand and would be reluctant to be absorbed.

In spite of their best intentions, coalitions and coalition building does have challenges. Some of the challenges are: lack of clear focus, objectives and limits; misaligned motivations and interests; lack of clarity on decision making authority; inadequate dispute resolution mechanisms; lack of trust amongst partners; workload imbalance, miscommunication, and conflicting priorities and weak links. To mitigate some of these issues and maintain stable coalitions, parties and partners would have to create trust between the partners, hold decision maker meetings and have good internal and external communication, i.e. communication amongst parties and partners as well as, agreed procedures for communication to the public. It is possible for coalitions to be successful and achieve their objectives. To have successful coalitions, the parties and partners would be required to determine clear objectives and a common ground; distribute equitable benefits to all parties; agree to disagree because parties will not agree on all matters; compromise and exercise flexibility; have leaders negotiate, trust and cooperate with each other; have clarity on roles and responsibilities, and respect for each partners’ interests, and achievement for results.

Coalitions and coalition building impact the political economy of a country both positively and negatively, thus affecting nation-building, ideological harmony, party systems, political parties, women’s representation in decision-making positions, party systems and individual political parties. In Kenya, coalitions have made significant impact in our multiparty democracy, particularly our political party system. A good example is the National Rainbow Coalition (NARC), a broad-based political party alliance which was able to dislodge a party which had entrenched itself in power for nearly 40 years. The impact on the Kenyan political system expressed itself both in terms of changing political personalities and in the political alternation for the first time since independence.

It is important to recognize that party alliances are an increasingly significant feature of contemporary African political processes in both parliamentary and presidential regimes, and thus it is imperative that we improve our understanding of party alliances. This will contribute to promoting a democratic culture based on dialogue and consensus, and party leaders will see the value and benefit of building on each other’s strengths through alliance formation.

Kenya is on track with its amendment legislation on coalitions and coalition parties and is poised to enhance its political economy and democracy.

The guide and study utilized in this article underscores several issues on coalitions. The study principally has provided key recommendations for good practice for the formation, survival and effectiveness of political party alliances. More so, on the issue of legislation which is the initial premise of this article.

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What is fake news? It’s the deliberate or accidental sharing of information that is not accurate and authentic based on facts and truths, which ultimately influence significantly negative outcomes. Misinformation isn’t a new phenomenon. The term fake news was actually used before in the 19th century. Before the world transitioned from analogue to digital information age, news was mostly printed and shared via mainstream media such as newspapers and magazines and the analogue gadgets such as the radio and TV, and of course journalist guided by very strict code of practice. All that however has or is almost being replaced by digital gadgets and spaces, such as mobile smart phones & tablets, social media spaces, blogs and many other online platforms. Currently, information and knowledge is easily available and accessible, thanks to the constant availability of the internet that facilitates information consumption, appreciation and sharing and publishing with very limited regulation or editorial standards. Many people have been compelled to embrace digital avenues to realize the consumption of news, information and knowledge via digital gadgets and tools and spaces such as social media and other online sources. However, it’s not always easy to determine shared stories that are credible, fake or false.

Spotting Fake News and its Significant Impact on Elections

By Nicholas Mwamburi

Certainly, such digital tools have made life less complicated by a mere click of a button. For example a click of button can facilitate a virtual meeting, and sharing of information to the masses. Various transactions have been made easier, efficient and effective. Elections have greatly been facilitated digitally from registration of voters, voter and civic education to the processes of counting and transmitting the polling results. Civic and voter education is an aspect that is so vital and significant for a democratic space and framework, as it is meant to empower the electorate on the best practices and conduct of the polling process besides the knowledge behind participation in politics, social, economic and cultural aspects that directly or indirectly influences native citizens on their rights, life choices, lives and lifestyles. Much as technology has its significantly positive impacts to the society as a tool, let us not ignore or rather bury our heads in the sand on its significantly negative impacts, fake news being one of the symptoms of the negative impacts of technology. Digital smart gadgets and spaces have made it so easy to ignorantly spread fake news by sharing unverified misleading information without fact checking. Fake news and hate speech ultimately are some of the ingredients for violence and civil unrest during the electioneering period. Misinformation, sensational and propaganda information has always been fueled by conscious and/or unconscious ignorance, malice, ulterior motives etc. The sources of fake news during the Kenya election period are mostly tinted with intentional ignorance, malice and ulterior motives, as its consumers propagate the same via ignorance and conscious and unconscious biases mostly shaped by misinformation or disinformation instead of fact checking before sharing any information they come across.

Social media feeds often prioritize content based on engagement metrics, based on how often content is shared and liked, rather than how accurate or well-researched it is. Unfortunately the integration of digital spaces by the mainstream media has somewhat robbed the originality of the research tradition of the media houses and outlets, forgetting or rather ignoring the distinction between social media spaces as platforms compare to mainstream media as authentic and verified publishers.

Before sharing any information, you can cultivate the habit of do the following. Don’t share any information you come across or has been shared to you, if you are not certain of its authenticity. Check the authenticity of the url of the the link shared, by verifying if it’s a genuine and reputable site. Conduct a fact check by using the google search engine to verify the sources and even cross check if other valid primary sources have shared or published on the same. Don’t judge a book (or a news item in the context) by its cover, read the whole article and don’t depend on the headline. As you read check if there are any sources and if they are credible and trustworthy.

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The Role of the Governance Professional in Enhancing Profitability and Sustainability.

By Fredd Wakimani

The onset of the Covid-19 pandemic brought about an immediate need to re-evaluate how corporations conduct their affairs. The fact that the future is more unpredictable than ever and the security of our resources is not guaranteed, was a bitter pill to swallow. It heightened the need for corporations to approach their governance objectives from a perspective of identifying real and perceived risks and coming up with risk management strategies and mitigation remedies. This has never been more crucial in this age of unpredictable shocks as was most evident with Covid-19 and very recently the Russian-Ukraine conflict.

Is there a causal nexus between governance, profitability and sustainability? This is the fundamental question that this article seeks to analyse. What can corporations do to ensure that they are prepared for risks that may affect their businesses as well as their ability to remain sustainable and relevant? What is the role of the governance professional in all this?

First, we must understand what governance is. Corporate governance simply put - the system and structure which enables an entity to operate at an optimal level whilst reducing opportunities for fraud, misrepresentation and lack of accountability.

I vividly remember the glaring headlines when the Enron scandal was exposed. The one thing that remained stuck in my memory was the image of the Enron executives in handcuffs and the story trending for several weeks on CNN. Many references to bad governance usually point back to the Enron era in the early 2000’s when a flurry of scandals including Worldcom, Tyco, Freddie Mac amongst others necessitated the need for the United States to reassess its corporate governance legal framework. This eventually led to the enactment of the Sarbanes Oxley Act of 2002, which marked a turning point in corporate governance in the US and the world. This law emphasised the accountability of corporations by ensuring that they adopted and adhered to sound national financial reporting standards and new regulations that were enacted. The Act also highlighted the additional requirement for publicly listed companies to undertake independent audits to ensure sound accounting practices.

However, despite those controversial scandals standing out as some of the biggest hallmarks of bad governance, the concept of corporate governance has existed since the advent of the company (Wells 2009). As long as shareholders have had conflicts with those that they place in managerial positions, corporate governance has been an important issue.

In Kenya accountability and transparency has been a big issue, especially in the public sector. The collapse of publicly listed companies and parastatals is a pointer to the need to inculcate good governance practices in our corporate culture despite the existence of legal and policy frameworks. In 2002, the Capital Markets Authority published the Guidelines on Corporate Governance Practices by public listed companies in Kenya. This has however been replaced by the Code of Corporate Governance Practices for Issuers of Securities to the Public 2015. This is the code advocates for the adoption of standards that go beyond the minimum prescribed by legislation. It adopts a “Apply or Explain” approach which is principle-based rather than rule-based. The Code is premised on seven core principles:

1. Stewardship or responsible investment policies;
2. Monitoring companies held in investment portfolios;
3. Active and informed voting practices;
4. Engagement, escalation and collaboration with other institutional investors;
5. Conflicts of interest;
6. Focus on sustainability issues, including environmental, social and ethical factors; and
7. Public disclosures and client reporting

The Mwongozo Code serves as the guiding reference for governance for state corporations in Kenya. The code is based on values enshrined under Article 10 of the Constitution of Kenya 2010. The Mwongozo code looks at the following key areas;

1. The Board structure
2. Transparency and disclosure
3. Accountability, risk management and internal control
4. Ethical leadership and corporate citizenship
5. Shareholder rights and obligations
6. Stakeholder relations
7. Sustainability and performance management
8. Compliance with laws and regulations

However, for small medium enterprises there is yet to be put in place a similar code to Mwongozo that will oversee good governance. The guiding principles of governance for private companies are derived from the Companies Act 2015, which provides for the duties of the directors towards shareholders and their rights.

So what more can be done to ensure that governance plays a role in sustainability and posterity? The answer lies in the rise of the modern day governance professional. When we talk of governance professional we mean, the corporation secretary, the company secretary, the chief compliance officer, the chief governance officer, or any officer in the company that is responsible for governance and implementation of governance objectives.

They are no longer resigned to taking minutes and sending out notices. They play a fundamental role in an organization which some experts now equate to being on the same level as the chief executive officer. It has also been argued that the role of governance professional should not be combined with other functions such as legal or audit. This is of primary importance to avoid the governance role being compromised as it requires impartiality when advising on governance issues.

Their first core mandate is to ensure that corporate governance principles are enshrined in the corporation’s activities and are defined and implemented. To do this they must possess the necessary skills to be able to advise the board on matters pertaining to governance as well as play an advisory role to the management in implementation of these governance principles. They need to be commercially aware and understand the business. They must also be good communicators helping to shape the dialogue between the board and stakeholders. The modern governance professional is now expected to handle meeting design and logistics, prepare board induction programs, and board training as well as set up the logistics of board evaluations. Moreover, they are key in helping to define the board culture and in effecting the corporate culture of an organization as they are key in creating the board charter. They need to be tech savvy and up to date with the latest hardware and software relating to board management and enhancing fluid.

Additionally, the modern governance professional need to possess emotional intelligence. They need to understand the emotions of the board and create an enabling environment devoid of conflict creators and mood disruptors. They need to understand the psychology of board dynamics and the play of power and influence in the board.

In conclusion, the role that the governance professional plays lie at the heart of a successful corporation. If this role is not effectively taken up by a high achiever with the requisite knowledge and skills, then the board cannot execute its mandate effectively. The organization cannot inculcate the principles of governance in its cultural design and eventually cannot ride the wave of success and sustainability.

Fredd Wakimani is an Advocate of the High Court of Kenya and a Senior Lecturer at the Kenya School of Law.
Much has been made of the fact that there has been voter apathy in relation to recent elections especially among the youth in the country. There is an air of disenchantment with democracy in general and elections specifically with the usual quote of, ‘it does not matter who I vote for nothing ever changes’.

There are many reasons given for this voter disenfranchisement such as economic issues, historical injustices, gender biases and ignorance. We shall not focus on these individual societal issues but rather the most quoted solution to the issue of voter apathy which is civic education. Civic education can be defined as “the continual and systematic provision of information and learning experiences to all citizens for their effective participation in democratic life. The purpose of civic education is to have an informed citizenry that actively participates in governance affairs of the society on the basis of enhanced knowledge, understanding and ownership.”

Civic education is therefore supposed to inform the voters of the various issues such as the leadership structure in our democracy, how elections work and what role the voters play within the system. There have been many civic education initiatives launched by non-governmental bodies such as URAIA Trust, curriculum for civic education UNDP, USAID and so on. The IEBC has even gone as far to provide a curriculum for civic education. The question remains why, after all these years and/or decades of voter education, are elections still the fraught affairs we have experienced over the last few cycles. Unlike the disinterest in elections experienced in other countries, most Kenyans are hyperfocussed on elections turning into amateur political pundits discussing all political angles. This is more so in relation to presidential elections rather than on the local seats such as the Member of County Assembly seats which arguably play a greater role in the day to day lives of ordinary citizens.

This hyper-fixation has however never translated into good governance extolled in civic education. There has been a great degree of success in informing the voting populace on the general governance structure, be it the national government or the devolved units. However less emphasis has been placed on the voters interactions with these structures beyond placing a vote every five years. This limited participation does not accurately capture the voters’ responsibilities in an active thriving democracy but more concerned with lining their pockets. This never-ending cycle of disappointment might be what lies at the root of the current voter apathy.

In my opinion, it is not enough to merely tell the citizens about government structures and various leadership roles contained in the Constitution. It is therefore necessary to inculcate certain values within the citizenry to enable them to select representatives that are best suited to address their problems. This is especially important as we head to a future filled with difficult issues to be addressed such as climate change.

Instead of picking political leaders on the basis of their personal charisma and witty anecdotes, citizens should interrogate his or her suitability on the basis of the leadership values contained in Chapter Six of the Constitution of Kenya. In place of pie in the sky promises for regular payments and handouts from the Government, the citizens should be able to interrogate a political party’s manifesto to seek out the issues the party stands for so that the citizens can determine whether to vote for them or not.

There is something to be said about public participation outside the ballot box. Those specialized lobbies such as employer’s federations which maintain constant communication with the leadership structure and actively participate in governance, tend to find ways to influence passage of laws that are beneficial to them. Perhaps more can be done to open the space to ordinary citizens by empowering them to take part in all aspects of governance and to allow for laws that are beneficial to them.

In summary, much has been said and done on civic education. The effectiveness though has not fully translated in the lives of ordinary citizens and voters. Maybe it is time to take up the Competence Based Curriculum motto of practical teaching. It is also not enough for the voter to know the governance structures and rules underpinning it, they must be empowered to actively participate with these structures to make their lives better.

Elizabeth Mulwa, is an Advocate of the High Court of Kenya and an Adjunct Lecturer, Paralegal Training Program
I recently participated in the Law Society Of Kenya (LSK) Council elections held on the 10th March 2022. I vied for the Nairobi Representative to the LSK Council 2022-2024. I was ranked position 14 out of 19 with 353 votes. Running for elections takes a lot of courage to offer yourself, not to mention the time, energy and resources involved. I travelled to various towns like Kisumu, Kisii, Eldoret and Nakuru for the first time. I was delighted to engage advocates in those regions on various issues affecting them.

I was motivated to run for many reasons. First I like serving other people which gives me a lot of joy. Second, from my interaction with students and subscribers I have identified several issues that needed to be addressed. The third was that in the last LSK Council elections (2020-2022) I campaigned for and supported eight of the Council Members and this gave me motivation and I realized it was easy to run and to be elected.

I ran my campaign themed on diversity to require lawyers to embrace diversity by electing me as a Person Living with Disability(PWD). However I did not run to be elected just for being a PWD but for my agenda. was not voted in because I am a PWD. I know breaking a glass ceiling is not always easy. For instance, the current Chief Justice(CJ)Martha Koome, the first woman to occupy the seat, applied to be a CJ three times. First during the recruitment that led to the appointment of CJ emeritus Dr.Willy Mutunga, and the next recruitment that led to the appointment of CJ emeritus Hon David Maraga and finally became successful on her third attempt. Moving forward after the elections I have received feedback. The feedback involves thirty issues which I need to implement to have better chances of winning. One thing I need to do is to first serve advocates at a lower level before vying for National Office.

James Githaka Nginya is an Advocate of High Court of Kenya
Progressive Realization of Economic and Social Rights as an Election Issue

By Sharon Muriuki

What are Economic and Social Rights?

Kenya ratified the International Covenant on Economic, Social and Cultural Rights (ICESCR) on 1st May 1972. The Covenant lists the right to work, health, education, food and adequate housing as some of the rights. The rights are known as quality of life rights. Countries are duty bound under Article 2 to ensure that they allocate the maximum available resources to ensure these rights are met.

The Kenya 2010 Constitution recognizes the duty of the government and responsibilities of various actors in ensuring the achievement of these rights. Article 10 provides that national values and principles of governance include the rule of law, democracy, human dignity, social justice, inclusiveness, equality, human rights, good governance, integrity and sustainable development among others. The Bill of Rights is the framework for social, economic and cultural policies in achieving fundamental rights and freedoms.

Economic and social rights for every person are recognized and are enforceable against the state under Article 43. They include the right to the highest attainable standard of health including health care services and reproductive healthcare, right to accessible housing and reasonable standards of sanitation, right to clean and safe water in adequate quantities, the right to social security and the right to education.

How are these rights measured?

The term ‘progressive realization of rights’ can be interpreted prima facie to mean that there should be a formula to measure the achievement of these rights over a period of time. Until now, the World has not had a simple, transparent way to monitor how people are treated. This was a problem. When something is not measured, it is easily overlooked and undervalued. The Human Rights Measurement Initiative (HRMI) is filling this gap. It does this by producing a free, easy-to-access database of metrics, summarizing human rights performance in countries around the World. With a good set of measures it will be easier to improve human rights.

HRMI aims to be comprehensive by producing metrics that cover the full range of rights embodied in international law, particularly the collection of international treaties known as the International Bill of Human Rights.

Kenya’s scores on five economic and social rights

Five economic and social human rights metrics available for Kenya are the rights to food, education, health, housing and work. Kenya scores an overall mark of 58.5% on quality of life rights. The metrics are constructed from internationally-comparable, publicly-available, objective data, such as statistics on infant mortality and school enrolment. HRMI’s metrics show how the Republic of Kenya is doing on each of the five rights, relative to what is feasible for Kenya with her level of economic resources. This is measured using the Income Adjusted Index.

On the Right to Education, the data available shows that Kenya is doing 66.5% of what is possible at its level of income. This right is measured using primary and secondary schools enrollment rates from data presented by Kenya to the United Nations Educational, Scientific and Cultural Organization (UNESCO) and The Organization for Economic Co-operation and Development (OECD).

Kenya is doing 72.5% to achieve the Right to Food. States should ensure that populations get quality and quantity food to satisfy their dietary needs. The aspects used to measure this right include the right to healthy food and food security. The data used is from the United Nations.
International Children’s Emergency Fund (UNICEF), The World Health Organization (WHO) and the World Bank on child malnutrition as well as the Food and Agriculture Organization (FAO) statistics on the percentage of the population not moderately or severely food insecure based on Food Insecurity Experience Global Reference Scale.

Kenya’s score on the Right to Health is 84.8 %. The Kenyan government is obligated to ensure that Kenyans have timely and accessible healthcare services that promote physical and mental health. Data collected from WHO and the United Nations Population Fund (UNFPA) on right to health for children and adults and reproductive care including birth weight, the number of children surviving to age 5, adult survival and contraception are used to calculate this index.

Every Kenyan has a right to habitable and culturally appropriate housing. On the Right to Housing, Kenya is only doing 28.9% of what is capable of doing at its level of income. This means that Kenya should allocate more resources to ensure that affordable housing, water on premises, basic sanitation and safely managed sanitation are available to Kenyans. Kenya scores 39.8 % on the Right to Work. The right to work entails the enjoyment of just and favourable conditions of work. Kenyans have a right to enjoy equal work for equal pay, to earn a decent living and reasonable limitation of working hours.

What the Kenya voter can do to ensure that these rights are met
Many Kenyans would benefit if the Government met its duty of allocating more resources to achieving these rights. When Kenya is not meeting its obligations, and scoring lower than 100% as shown, a large number of the population is missing out on having their lives improved.

Kenyans and conductors of civic education concerning elections, should call on all political candidates at the National and Devolved governments to ensure that maximum resources are allocated to ensure that Kenya’s economic and social rights are fulfilled. This may mean constructing more schools, hiring teachers and nurses and paying them to avoid industrial action, stocking up hospitals and land use regulations to protect farmlands.

Sharon Muriuki is an Advocate of the High Court of Kenya and Country Ambassador, Human Rights Measurement Initiative.
1. Tell us about the Kenya School of Law and its various programmes and where they are situated?

The Kenya School of Law is a public legal education provider, whose mandate is to undertake practical legal training in law and other related disciplines for the professional development of lawyers and other actors in the legal sector and to undertake research, consultancies, and projects. Pursuant to that mandate, the School offers the Advocates Training Programme at its Karen Campus and the Paralegal Training Programme at its Nairobi CBD campus. It also offers short courses at the School and elsewhere around the country.

2. What are the essentials of good civic education?

Civic education can be defined generally as a process of informing citizens about their constitutional rights, duties and responsibilities. The three essentials of good civic education are civic knowledge, civic skills and civic character or disposition. Knowledge concerns the content or subject matter of what citizens need to know, skills enable a citizen to participate in different ways in the governance process, and character refers to the values or characteristics such as public-spiritedness, negotiation and compromise required for a healthy community.

3. From your experience what are some of the indicators of good governance in an institution?

The principal indicators of good governance in an institution are accountability, transparency, participation and observance of the rule of law. Where these are present then one can expect that the institution is well-governed.

5. What may affect good governance in an institution?

Factors that may affect or impede good governance in an institution are an inappropriate organisational structure, which lacks cohesiveness, poor attitudes and culture, and lack of appropriate values.

6. What are the principles of good governance that the Kenya School of Law espouses?

The principles of good governance that the School espouses are set out in the values stated in our Strategic Plan and these include integrity, excellence, competence, transparency, accountability and inclusivity.
7. How have you ensured that these principles of good governance are sustained and carried out throughout the School?

These principles are incorporated into the School’s policies and procedures, which are shared with staff at the School through various avenues. Measures have also been put in place to continuously monitor and evaluate the extent to which we are living up to these principles and promises, both individually and as an institution.

8. What in your opinion is the relationship between civic education and elections?

An informed electorate is in the best position to carry out their responsibilities as citizens of the nation and choose those leaders who are most likely to act in their best interests rather than for narrow, selfish interests. Such an electorate is not likely to be duped by lofty promises.

9. In your assessment what is the relationship between good governance and election?

A free and fair election, by definition, must be one that is transparent and reflective of the people’s will. It is through the election that the electorate is able to actively participate in choosing their lawmakers. However, citizen participation does not end at the ballot box and the element of accountability to the voters at large must be an ongoing, regular activity throughout the period between elections.

10. How does the Kenya School of Law participate in promoting good governance and in providing civic education?

The School participates in promoting good governance primarily through the training programmes that it runs. The trainings are aimed at ensuring that participants are equipped with the necessary skills to implement good governance practices in their institutions. More generally, by training students in both the ATP and PTP regarding various aspects of legal practice and the Kenyan legal system, it is expected that the knowledge imparted will be further disseminated and have a positive impact on the society.

11. How does the Kenya School of Law fulfill its role in ensuring civic education, free and fair elections and good governance in Kenya?

Other than its general mandate of providing practical legal training, this year the School has actively played a role in civic education regarding the upcoming election by choosing “Elections, Rule of Law and the Practice of Democracy in Africa” as the theme for the 3rd KSL Annual Conference, held on 25 – 26 January 2022. The conference brought together academics, practitioners, students and other stakeholders to discuss various issues relating to elections and democracy in Kenya and Africa generally. The papers presented will be compiled and published in due course.

12. How have you ensured that KSL will still be competitive in the light of competition?

In order to remain competitive as a legal training institution, the School has implemented a number of measures. Firstly, the School continues to ensure that it recruits the best available expert talent and provides regular training to equip them with the necessary skills to discharge their duties. Secondly, it continues to invest in infrastructure development with the acquisition of additional premises for the town campus and the ongoing construction of the library and moot court building. Thirdly, the School continues to be innovative by developing new programmes, such as the proposed Certificate courses in Criminology and Intellectual Property. The CPD Division is also continuously offering courses in emerging areas of law. Lastly, the School continuously monitors and evaluates its programmes and submits reports to the Board of Directors to ensure accountability in its quest for excellence.
How many judges does it take to change a light bulb?
Two: One to turn it and one to overturn it!

“You seem to be in some distress” said the judge to the witness,
“I swore to tell the truth, but every time I try some lawyer objects!”

Lawyer: Now that you are acquitted, will you tell me truly: Did you steal the car?
Client: After hearing your argument in court this morning, I am beginning to think I didn’t!

A young lawyer starting up his private practice, was very anxious to impress potential clients. When he saw the first visitor to his office come through the door, he immediately picked up his phone and spoke into it,
“I am sorry, but my caseload is so tremendous that I am not going to be able to look into your problem for at least a month. I’ll have to get back to you then.” He then turned to the man who just walked in and said, “Now how can I help you?”

“Nothing” replied the man “I’m here to connect your phone!”

The lawyer won the luggage lawsuit in less than 6 hours. It turned out to be a brief case
My friend a lawyer, stole my tuxedo after my wedding. I am filing a lawsuit against him tomorrow.

A priest who graduates from law school is called a father-in-law
My lawyer went to a concert last night and injured his eardrum. He called me this morning to tell me that he couldn’t attend today’s hearing!
The Kenya School of Law Board Member CS. Jacqueline A.O. Manani, representing the Law Society of Kenya receives a token of appreciation from the School’s Director Dr. Henry Mutai during the Fundraiser for the KSL Legal Education Fund.

Principal Lecturer and Coordinator of the Paralegal Training Programme at the School Ms. Anastasia Otieno, presents a certificate to one of the Finalists of the ATP 2021 Inter-class Moot Court Competition.

The Attorney General Hon. Paul Kihara together with the KSL Board Chairperson Prof. Joseph Mworia Wamutitu plant a tree at the School during the 6th Graduation and Prize-Giving Ceremony.

ATP 2020/21 Class E students celebrate their victory having been crowned champions during the School sports day on 4th and 5th March, 2022.

The Kenya School of Law Director Dr. Henry Mutai, receives donations for needy students during the Nairobi Pupil Master Workshop.

The 6th Graduation and Prize-Giving Ceremony Procession led by the Band as they get to the Graduation venue.
Representatives of the ATP 2021 class present some donations to the Officer in Charge of Welfare during the Legal aid visit at the Shimo La Tewa Prison in Mombasa.

KSL lady Staff mark the 2022 International Women's Day on the theme “Gender equality today for a sustainable tomorrow ”. Together lets #BreakTheBias #IWD2022

From left to right, Ms. Catherine Ochanda KSL Board member, KSL Director Dr. Henry Mutai, the Attorney General Hon. Paul Kihara, KSL Board Chairperson Prof. Joseph Mworia Wamutitu and Mrs. Emily Chweya KSL Board member during the School 6th Graduation and Prize Giving Ceremony.

KSL staff members take part in a competition during the School Staff Team Building

Hon. Priscillah Nyokabi, a Commissioner at the National Gender and Equality Commission, receives a token of appreciation from the Kenya School of Law Director Dr. Henry Mutai during the Pupil Master Workshop

Hon. Justice Alfred Mabeya, a presiding Judge at the Milimani Commercial Law Courts, receives a token of appreciation from the KSL Director Dr. Henry Mutai during the Pupil Master Workshop
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