

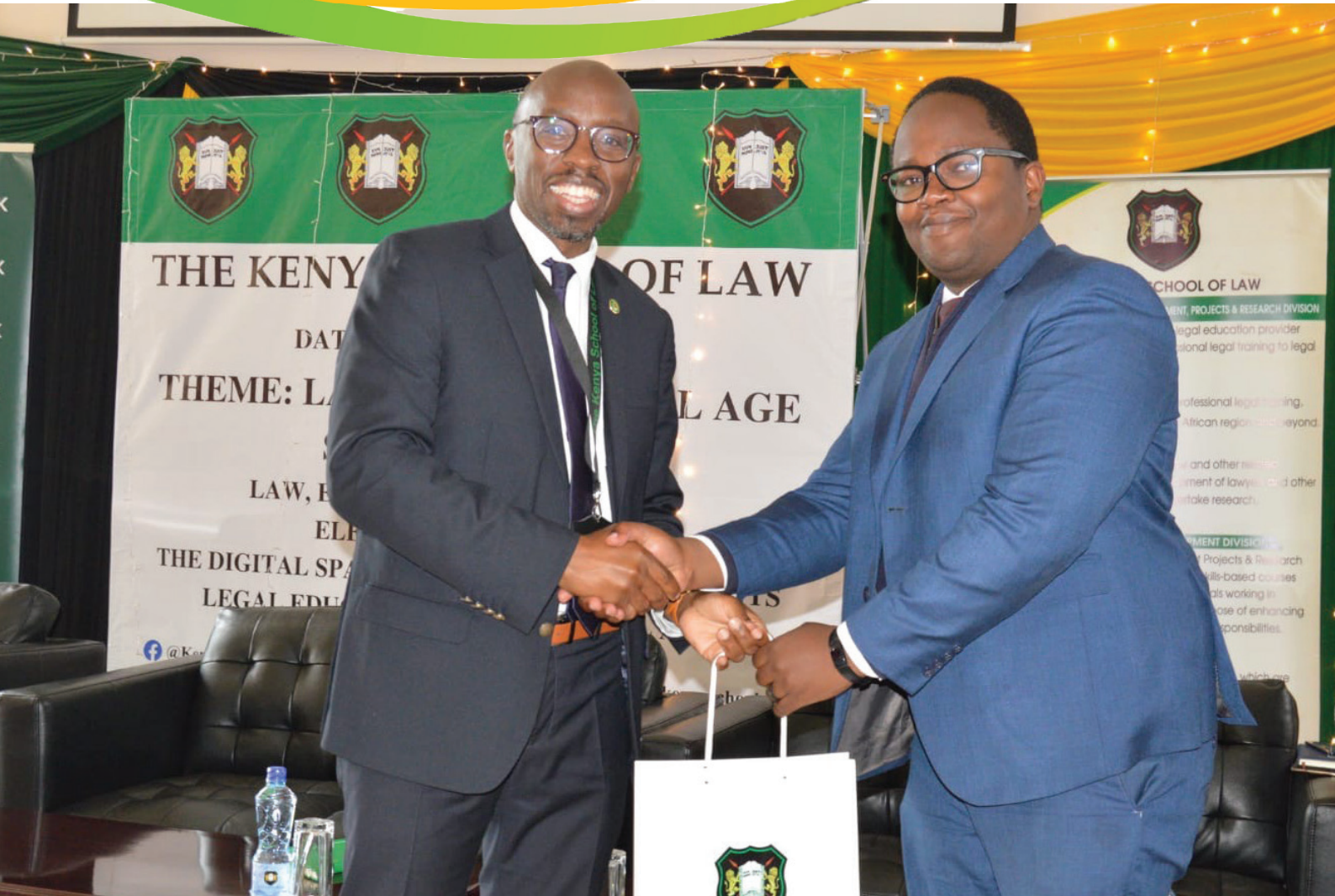


Volume 6 Issue 1

The Kenya School Of Law

JUSTICE

Newsletter



*Innovation and Sustainability:
Striking a Balance*



The Kenya School of Law is ISO 9001:2015 Certified

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From the Editor

Welcome to Volume 6 issue 1 of the Justice Newsletter

The theme for this issue is "Innovation and sustainability: Striking a balance." This theme is important for the School since sustainability is the key driver of innovation. This trajectory begun through the School's Strategic plan to be implemented for the next 6 years. This roadmap must however be balanced with the critical consideration of how sustainable these innovative ideas will achieve the goals of the School.

In this publication, there are enlightening articles revolving around the issues of innovation and sustainability. The launch of the CopyrightX programme is a key milestone for the School. It involves a partnership between KSL, Centre for Law and Information Technology (CLAW IT) and Harvard Law School. The publication has focused on other key events including the 4th Annual Conference under the theme 'Law in Digital Age' which took place on 4th and 5th April 2023. The Science Technology and Innovation Committee (STI) has also been featured in this issue in relation to the theme.

We have featured an insightful article on the students' experiences through the Advocates Training Programme clinical approach. The ATP class of 2022/2023

participated in the JESSUP Kenya National Rounds 2023 Moot Court Competition where our students emerged winners in three categories.

This issue also covers Departmental briefs and events from the School's various Departments. These include: Mentorship and Coaching training for staff and the School's sports activities and events. Finally, we have covered insightful articles with a wealth of information on issues relating to climate change, social media and innovation and Legal Education in the digital age in Kenya.

We are grateful to the Board and the Management of the School for their continued support and to all of our authors and 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!

Christine Kungu is a Senior Lecturer at the Kenya School of Law

The Editorial Team



From Left to right: Samuel Akhwale, Anastasia Otieno, Fredd Wakimani, Linnet Odawo, Clementine Akai, Carolyne Marete, Christine Kungu, Ruth Githaiga, Agnes Mwai, Raphael Ogello, and Sammy Makokha.



Prof. Joseph Mworio 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 6, Issue 1, May 2023 of the Justice Newsletter. The Justice Newsletter is one of the School's Information, Education and Communication (IEC) tools that helps

Word from the Chairperson, KSL Board

in communicating to the School's internal and external stakeholders about the School's activities that have taken place within a specific timeframe.

The theme for this issue is "Innovation and Sustainability: Striking a balance". This is a theme that is timely to the current conversations around the globe, in our country and at the School. Innovation and sustainability is a conversation that revolves around meeting the needs of the present generations without comprising the future generations. This may imply that there should be a balance between economic growth, environmental care and social well-being. This conversation must be intentional, hence the balancing

aspect. As much as we want to be innovative, we must also look at how sustainable are those ideas towards achieving the goals of the School. The School has a Strategic Plan (SP) which is a road map for 6 years. Innovation and sustainability are key in helping the School implement the various strategies in the SP for it to achieve its goal by the end of the sixth year. In this publication, there are enlightening and educative articles revolving around the issues of innovation and sustainability. It is our hope that the articles will help in creating more awareness on this timely conversation and that the issues discussed in the publication will help in making a positive impact towards achieving the goal of innovation and sustainability.



The chief guest, Justice Kathurima M'inoti, JA Court of Appeal together with KSL Board members attending the 7th graduation ceremony held at the School's Karen campus.



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

Word from the Director/Chief Executive Officer

I welcome you to this issue of the Justice Newsletter, Volume 6 Issue 1 of 2023. This publication aims at keeping our stakeholders informed of the activities that have taken place at the School within a given period.

Over the period covered by this issue, the School managed to hold various events including the Kenya School of Law 4th Annual Conference under the theme 'Law in Digital Age' which took place on 4th and 5th April 2023. The conference was hybrid in nature and attracted members of the legal profession as well as other professions.

In discharging its mandate, the School has continued to train

candidates undertaking both the Advocates Training Programme (ATP) and the diploma in Paralegal Training Programme (PTP). The registration of ATP students' class of 2023/2024 academic year was successfully held and we enrolled 1,474 students. The classes are ongoing whereby we have both virtual and physical classes. On the other side, the PTP intake for 2023/2024 academic year is ongoing and the deadline for application is 30th May 2023.

As a means of enhancing the student experience, the School has continued to support students in various activities. The ATP class of 2022/2023 participated in the JESSUP Kenya National Rounds 2023 Moot Court Competition and our students emerged winners in three categories which are: Best Female Oralists won by Maryanne Njogu, Best overall memorial and Best applicant memorial. The aim of the moot courts is to help students simulate a real-life court environment as closely as possible which in turn helps them in sharpening their legal research skills.

Our students have also engaged in the legal aid missions for both ATP and PTP. We have conducted 3 legal aid activities in the last 5 months at the following prisons; Kitui, Nakuru, and Kangeta. The legal aid activities help the students apply the knowledge and skills acquired to assist people in the society and those awaiting disposal of their appeals with the legal issues facing them. The provision of legal aid is also one of the School's social responsibilities of giving back to the society.

Apart from the academic activities, the students were engaged in extra curriculum activities. In the last few months, the School held a series of sports tournaments, among them football, basketball and swimming gala.

Finally, I would like to thank the Editorial Committee for their tireless efforts in ensuring that Volume 6 Issue 1 of the Justice Newsletter 2023 has been published.



An induction session for new members of staff graced by the Senior Management Team



Milestones

The CopyrightX Program Launched at Kenya School of Law

By Fredd Wakimani



Distinguished guests who attended the launch of the CopyrightX program

On April 1, 2023, the Kenya School of Law (KSL) hosted a special event to launch the CopyrightX program. The event was attended by various stakeholders in the copyright industry, including government officials, legal practitioners, and media professionals. The event was graced by Hon. John Kiarie, MP for Dagoretti South Constituency and Chairperson of the Departmental Committee on Communications, Information and Innovation. Hon. Kiarie gave a keynote speech on copyright law and its importance in promoting innovation and creativity in Kenya.

Other notable guests included Dr. Vint Cerf, Vice-President and Chief Internet Evangelist at Google, who delivered a video message on

"Patenting the Internet." Prof. William Fisher III from Harvard Law School also gave a lecture on "CopyrightX and PatentX" through a live video link from Boston. Students were extremely excited to engage directly with the creator of the CopyrightX course. Prof. Fisher took time to answer questions from the students through an interactive session.

Ms. Liz Lenjo, Chairperson of the Copyright Tribunal of Kenya, spoke about "Copyright Industries and Dispute Resolution." Naomi Kamau, an accomplished filmmaker in Kenya, shared her insights on "Filmmaking and Copyright," while Churchill Otieno, President of Kenya Editors Guild discussed "Infringement Threat to Media Viability."

The KSL Director also graced

the occasion where he assured the students that there shall be more collaborations with like-minded partners to assist the school achieve its strategic objectives.

The CopyrightX program is an initiative of Harvard Law School's Berkman Klein Center for Internet & Society. It is a twelve-week course that covers copyright law and policy in depth. The course is designed to provide participants with a comprehensive understanding of copyright law and its impact on society.

Thanks to a partnership between the KSL, The Centre for Law and Information Technology (CLAW IT) and Harvard Law School's Berkman Klein Center for Internet & Society,

students in Kenya now have access to this world-class course.

By taking part in this program, students will gain a deeper understanding of how copyright law affects various industries such as music, film, publishing, and software development. They will also learn about emerging issues such as open-access publishing, fair use doctrine, and digital rights management. Moreover, students who complete the course will receive a certificate from Harvard Law School's Berkman Klein Center

for Internet & Society. This certificate will be a valuable addition to their resume and demonstrate their expertise in copyright law.

Alex Gakuru, Director of CLAW IT, and Fredd Wakimani, Senior Lecturer at KSL, were instrumental in bringing the CopyrightX program to KSL. The partnership was made possible through a signed MOU between KSL and CLAW IT, which also puts in place the foundation for other courses like PatentX in the future. Additionally, this course would not have been possible without the Director KSL, Dr. Henry

Mutai supporting the launch of the said course and facilitating the signing of the MOU.

In conclusion, the launch of CopyrightX at KSL marks an important milestone in promoting intellectual property rights in Kenya. The course will have a significant impact on legal education in Kenya by providing students with access to high quality resources on copyright law.

Fredd Wakimani is an Advocate of the High Court and Senior Lecturer at the Kenya School of Law



Hon. John Kiaria, MP for Dagoretti South Constituency and Chairperson of the Departmental Committee on Communications, Information and Innovation giving his keynote speech



Kenya School of Law 4th Annual Conference

By Naserian Sitelu



Participants of the KSL 4th Annual Conference held at the Karen Campus

The Kenya School of Law held the 4th Annual Conference between the 4th – 5th of April 2023. The theme of the conference was “Law in the Digital Age”. The conference brought together academicians, researchers, industry experts and students to discuss topics relating to the conference theme and the sub themes as follows;

Sub -theme 1 - Law, Ethics and Social Media

- 1.E-professionalism in the use of electronic and social media by law students, lecturers, advocates and judicial officers;
- 2.Data protection laws and policies;
- 3.Law relating to social media;
- 4.Law and ethics of experiments/ legal research on social media users.

Sub - theme 2 - Electronic Justice

- 1.Electronic monitoring in the criminal justice system;
- 2.Legislating for the digital age;
- 3.The related problems of digitalization in the field of justice;
- 4.Access to justice, procedural efficiency in e-filing and dispute settlement;
- 5.The use of technology in elections.

Sub - theme 3 - The Digital Space and Fundamental rights

- 1.Adapting core constitutional values to the needs of the digital society;
- 2.Impact of digital technology on constitutional values and principles;

- 3.Digital surveillance and commodification;
- 4.Human rights, democracy and the digital age.

Sub-Theme 4 – Legal Education in the Digital Age

- 1.Legal education and social media;
- 2.Impact of technology on learning preferences and styles of law students;
- 3.Copyright and innovation of digital course materials.

The papers presented interrogated whether access to the internet in summary amounts to a right or a luxury. Arguments were advanced for a human-rights-based approach towards the recognition and enforcement of ‘access to the internet’ as an emerging independent human rights. Discussions also explored the impact of digital technologies on the protection of constitutional values and fundamental rights in Kenya's digital space and analysed the effectiveness of the current legal and regulatory frameworks in place and suggested potential solutions for addressing shortcomings. The papers presented further demonstrated an appreciation for the Government's commitment to supporting technological advancements by discussing the digitization of all critical government services online.

Additional discussions explored the history of the metaverse and the complex and evolving nature of intellectual property and its implications in the metaverse, including trademarks, copyrights, non-fungible tokens, and rights of publicity. Highlights were made of some of the challenges that advocates might face in protecting their client's intellectual property rights virtually. Through a comprehensive analysis of the current legal landscape, discussions offered insights into the future of intellectual property in the metaverse as it develops and provides practical guidance for lawyers seeking to navigate this rapidly changing terrain.

Individual paper presentations culminated into panel discussions where consensus was sought on divergent legal opinions. The conference papers will be published this year in the inaugural Kenya School of Law Journal.

Naserian Sitelu is an Advocate of the High Court of Kenya and a Lecturer at the CPD, Kenya School of Law



Science Technology and Innovation at the Kenya School of Law

By Samuel Akhwale

The Kenya School of Law (KSL) as a State Agency is required under the Financial Year 2022-2023 Performance Contracting guidelines to report on Science Technology and Innovation (STI) mainstreaming. Implementation of this indicator is coordinated by National Council for Science Technology and Innovation (NACOSTI). NACOSTI is a State Corporation established by the Science Technology and Innovation Act, with the mandate to regulate and assure quality in Science, Technology and Innovation and to advise the Government on matters related to this.

To facilitate mainstreaming of Science Technology and Innovation at the School, the Director appointed an STI committee, whose terms of reference were to:

1. Develop an STI strategy.
2. Develop tools for implementing the STI strategy.
3. Sensitise users on how to support the STI strategy.
4. Carry out any other activity related to STI implementation

The strategy was developed, and it comprises a situational analysis of STI at the School; the rationale for the strategy; objectives of the strategy, guiding principles, strategic issues and the implementation matrix, implementation framework and monitoring and evaluation framework. Alongside the strategy developed was the work plan

The other activity that the STI committee has been involved in is quarterly reporting on STI mainstreaming at the school, and the reporting is done on the NACOSTI portal. Among the areas that the School reports on are:

- STI Strategy development activities.
- Five strategic issues identified.
- In post staff and Human resource capacity.
- STI Equipment- For Kenya School of Law these are mainly computers and software.
- Research and development expenditure.
- Collaborative programmes, research technology and innovation outputs and dissemination of research, science technology and innovation (RSTI) outputs.

The strategic issues identified, for the School are:

Human resource-For this, the priority

for the School was the hiring of a Principal Research Officer and this was done and the officer reported in January 2023.

Infrastructure, facilities and equipment: Here the School reports on the STI infrastructure and digital readiness, and relies on the ICT Department to provide details of these.

Funding and investment of RSTI: The measure for this is development and implementation of a resource mobilization strategy. Towards this end, three members of the STI Committee in December 2022 attended a workshop by the Kenya National Innovation Agency held in Machakos, on Proposal Writing and Grants Management, and in which they were enlightened on funding approaches and models.



Collaborations and partnerships:

An example is the Memorandum of Understanding entered between the School and The Centre for Law and Information Technology (CLAW IT) to grant access to KSL students to a twelve-week course that covers copyright law and policy in depth. The course is designed to provide participants with a comprehensive understanding of copyright law and its impact on society

Education training and research:

This includes reporting on participation in conferences, fairs, exhibitions and STI networks.

Technology development, transfer, diffusion and commercialization:

On this, the School reported on the Research Policy having been

approved which provides a basis for recognition of intellectual property rights and mode of compensation for ideas developed and which the School can commercialise.

Advocacy and awareness: On this, the School reports on how it had made its staff, students and other stakeholders aware of the place of STI in their day to day activities.

It is worthy of note that the STI reporting template on human resource capacity captures all the academic qualifications of staff, and whether it is in Engineering and Technology, or in Humanities and Social sciences. This is important because there is the temptation to think that the only skills needed at the School are those in Humanities and Social sciences. However, as has been discovered

in projects done by the School, such as surveys on Customer satisfaction and on Prevalence of Alcohol and Drug abuse, skills in quantitative data analysis by in-post staff are integral to achieving the School's objectives.

In conclusion, the STI Committee activities at the School are a valuable input towards the Schools' strategic direction and in particular the key result area of Quality Legal Training, Research and Consultancy.

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





Enhancing Sustainability Through Business Continuity Planning: Case of Kenya School of Law

By Wilfred Omwenga

The Kenya School of Law has a Risk and Quality Assurance Section mandated to coordinate the identification of both strategic and departmental risks, define mitigation measures and monitor implementation of the same. Looking back at the KSL 2018-2022 Strategic Plan (SP) with specific reference to Chapter 7.0 on Accountability and Risks, it is indeed clear that the School never envisioned a pandemic risk. When the Covid -19 pandemic hit the country, the School just like many other organizations, had to quickly design emergency business continuity and recovery strategies to stay afloat. If there is one lesson that the world carried from Covid-19 pandemic, is that "It is better to have a Business Continuity Plan (BCP) and not need it rather than to need it and not have it" as had been experienced by many organizations.

The disruption came at a time when the School's 2018-2022 Strategic Plan was almost ending. The end term evaluation clearly identified effects of business disruption as among the major challenges which affected the implementation of the activities. As a recommendation to mitigate future risks and calamities, the SP evaluation team recommended the development of a Business Continuity Plan, that was adopted by management and approved by the Board.



KSL staff attending a Business Continuity Planning training

The development of the School's Business Continuity Plan journey officially kicked off sometimes in January 2023 with the appointment of a 13-member technical team. In the spirit of collaboration, the School engaged the National Disaster Management Unit (NDMU) for technical support. Specifically, the NDMU were to train the technical team, brief top management, train implementers and facilitate development of the BCP. The inception meeting between NDMU and the technical team was conducted on 31st January 2023 where the team developed a work plan. On 23rd of February, the NDMU conducted an assessment to determine the level of preparedness by the School in case of a disaster and the technical knowledge of individual team members. They further briefed the members on the task at hand based on the terms of reference. The NDMU, used the assessment outcome to design a training for the School's technical team which was then conducted from 7th to 10th March 2023.

Every team member will for sure attest to the fact that the training was insightful. Many times the facilitator would throw a phrase like, "it is never that serious" just to cool us off from

the many activities but deep down the team knew that it was tough. Had it not been for the engagement by the facilitators, for sure many of us would have ended up being course "drop outs". The urge for business continuity at the School was enough motivation. We moved on as a team, laughed throughout the training due to quotes like "We feel militarized" and worked even past working hours just so that we could finish all the day's activities. At the end of the training week, we all agreed that indeed learning had taken place. Though the BCP development process is still ongoing, to date the team members have been able to identify hazards that the School could potentially experience, develop goals and objectives. It is our hope that by the end of August 2023, the School's BCP will be approved and will be ready for activation when need arises. It is clear that BCP is part of Risk Management that aims at helping organizations, the School included, recover from potential threats.

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



Departmental Briefs

Advocates Training Programme Sojourn

By Simiyu Murambi

The Advocates Training Programme (ATP), like the rest of the School is slowly emerging from the Covid-19 chapter. The re-emergence has come with Covid-19 dividends as we still retain our good old practices in moulding the next generation of Advocates for our country and indeed the world.

One of the immediate beneficiaries of the lifting of Covid-19 mask and gathering mandates was inter class moot courts. After two years of difficulties in mounting inter class moot court competition due to Covid-19 mandates, the School resumed the competition in the year 2022. The said competition was held on the 22nd and 29th October 2022. This competition was judged by a cross-section of experienced mooters with background in Public International Law with the main theme of the compromise being boundary dispute between states.

Naftaly Seneti emerged as the best oralist followed by Ntome Emmanuel Lekaneny and Rachel Kathini Mwendwa scooping the top three slots.

We constituted international moot court teams, drawing members from the top performers in the inter class competition.

The following students were nominated, with the first right of



ATP students participating in the Inter Class 2022 moot court competition

choice given to students in order of the following oral scores:

MOOT COURT COMPETITION	SCHOOL REPRESENTATIVES
INTERNATIONAL CRIMINAL COURT	a)Lilian Mutisya b)Naftali Seneti; c)Rachel Kathini; d)Shadranelis Kivuva
PHILLIP C JESSUP MOOT COURT COMPETITION	a)Maryann Njogu; b)Aaron Onyango; and c)Esther Mwangi
JOHN H. JACKSON MOOT COURT COMPETITION	a)Musungu Onesmus Wafula; b)Ntome Emmanuel; and c)Rosemary Mphande
VIS ARBITRATION MOOT	a)Elizabeth Aghan; b)Sharon Wangari; and c)Martin Kariuki

In the Phillip C. Jessup Moot Court National Round competition held on 25 February 2023, the School team won the title of Best Memorial writer. Maryanne Njogu won the best female Oralist category in the national round. The International Criminal Court moot court team will be mooting from 1 June 2023 at The Hague in the International Round. As for the John H. Jackson and Vis Arbitration Moot Court competitions, our teams did not apply themselves as the respective international competitions coincided with the bar examinations.

While this was ongoing, the ATP received a new cohort of students for the current academic year. Their reporting to the School was preceded by Pre-Bar examinations that were offered on 9th January 2023. Registration of the new cohort commenced on 16th January 2023 and ended on 3rd February 2023 with a briefing by the Director of the School Dr. Henry Mutai. Term One training commenced on 6th February 2023

with the first break being taken by the students on 23rd April 2023 after issuance of the Project Work examinations. The students have since commenced Term Two training which is expected to run to 15th July 2023. This current schedule represents a resumption of the pre-covid academic calendar which is aligned with that of the Council of Legal Education(CLE).

A group of 40 students participated in provision of legal aid to inmates at the Nakuru Prison in March 2023. It was probably their first 'live' client interaction. Under the watchful eye of the ATP Lecturers Ms. Anastacia Otieno and Ms. Margaret Mounde and through the coordination of our ATP Administrator Ms. Peris Kamau, the students engaged with remandees and convicts. They offered legal advice on what a trial entails. They also guided convicts on preparation of Petitions and Memoranda of Appeal and the general structure and content of Records of Appeal. The objective of this engagement is to prepare the students for the practical world that awaits them upon admission to the bar.

The students were also engaged in a mentorship programme steered by Mr. Justus Munyithya on 9th December 2022. The School in conjunction with the Law Society of Kenya Nairobi branch invited eminent personalities from the Legal Profession with diverse experience to mentor students. In further preparation of the students for legal practice, pupillage in chambers commenced in January 2023 with a short break in March 2023 to enable students take the CLE bar examinations. Pupillage runs for a period of six months, with supervision rounds across the country conducted by Pupillage supervisors from the ATP with support from other departments. These aspects of training for ATP students are tailored to expose them to practical training in readiness to join the legal profession and hence implement the objectives of the ATP.

Simiyu Murambi is an Advocate of the High Court of Kenya and a Principal Lecturer at ATP at the Kenya School of Law



Maryanne Njogu displays her certificate for the 3rd runners up oralist category in the 2022 moot court competition



The Kenya School of Law as a Driver of Innovation and Sustainability

By Cornelius Lupao



Participants during a course on Introduction to Investigations and Court Room Skills

There are fast-changing demographics in legal practice, from the conventional areas of practice to new frontiers. Examples of these are, Legal and Governance Audits, Regulatory Impact Assessment, Statutory Instruments, Intellectual Property, and Fin-techs. The Kenya School of Law (KSL) has been placed at the forefront of remaining constantly innovative in order to meet the changing legal training needs by the client. This has partly been necessitated by the sweeping innovation culture of the modern consumer of legal information and the need for business agility and changing client needs.

The next generation of legal practitioners and clients are 'digital natives'. Members of this cohort are adept at navigating digital technologies and will no doubt tend to prefer service delivery and engagement through new forms of media. In the next few years, digital natives will comprise most of the workforce, and as this cohort becomes more prevalent, the legal profession has to adapt to different service delivery models, thus necessitating the school, as the primary capacity builder, to do its bit.

Today's lawyers are in a position to help bring about, as well as support, transformational change. For instance, we are heavily involved in

structuring the frameworks and contracts that support the transition to a low-carbon economy, to support sustainable investing and the new forms of products that are being developed as part of this transition. We are training lawyers not only to uphold but to also push the boundaries of interpretation of legal principles serving the purpose of environmental and social protection so that they can better address the issues and challenges of today's world.

Similarly, with the continuous need for innovativeness in legal practice, KSL needs to pursue a strategic business shift that aims at achieving socio-environmentally transformative goals. KSL should strive to reduce environmentally damaging carbon footprints while also establishing a healthy work-life balance for employees. There is heightened market demand for sustainable practices with robust and transparent disclosure. For instance, many strategic partners are seeking collaborations with only those

institutions that pursue responsible environmental and social practices. KSL, as a responsible corporate citizen, will not be left behind in this. We are capacity-building lawyers to help with innovation by finding novel ways of structuring mechanisms that can, for example, help provide investors with assurance about the integrity of a transaction.

Finally, we are seeing law firms going beyond pure hard law and assisting to advise clients on risk, strategy and more practical implementation measures.

True to its mission, KSL will continue to always offer practical training for the professional development of lawyers and related professionals in order to achieve the foregoing.

As per Sihanya, B, in Intellectual Property and Innovation Audit and Commercialization in Kenya(2018),



Participants from the office of the Attorney General and Department of Justice during a training on Legal Audit and Compliance.

scholarship and teaching in Kenya and Africa in universities is key to securing sustainable development, including socio-economic, cultural, and political development. Intellectual Property scholarships and teaching should, for instance, be inter-disciplinary and inter-sectoral and should also be integrated with sub-national (county), national, sub-regional, and Africa-wide frameworks on research, science, technology, and innovation. Scholarships and teaching of intellectual property (IP) need to be re-conceptualized to cover IP, innovation, transfer of technology (ToT) and licensing as well as topics that are relevant to KSL including socio-economic, cultural, and political development. This, for instance, is due to the fact that novel fields such as IP are an interdisciplinary field as they cover all sectors of the economy including the legal, business, medical,

agricultural, industrial, and education fields. KSL will strive to achieve this through;

1. Running a robust legal and policy framework on Research, Science Technology while seeking to collaborate with industry players such as innovation institutes in Kenya (for capacity building in Innovation and transfer of technology especially with bias in the legal sector.
2. Coordinate and cooperate with other research organizations and institutions of higher learning on relevant matters of research and training.
3. Collaborate with Research and Development Institutions such as the Kenya Industrial Research and development Institute (KIRDI),

the Kenya Agricultural Research institute (KARI), Kenya Forest Research institute (KEFRI), Kenya Medical Research Institute (KEMRI) and the Kenya Trypanosomiasis Research Institute (KETRI) to infuse the relevant knowledge in Legal Drafting. Accordingly, such specialized institutions that have pioneered in various aspects of research, innovation and technology can come up with pieces of legislation that can respond to the need for innovativeness in the fast changing work place.

Cornelius Lupao is an Advocate of the High Court of Kenya and a Principal Research Officer at CPD, Kenya School of Law

The Kenya School of Law Continuing Professional Development Calendar of Courses/Seminars for Financial Year July 2023 - June 2024

Train with Experts   THE KENYA SCHOOL OF LAW CONTINUING PROFESSIONAL DEVELOPMENT(CPD) ISO 9001:2015					
CALENDAR OF COURSES/SEMINARS: JULY 2023 – JUNE 2024					
NO.	COURSE TITLE	DURATION	DATE	KSHS. (INCLUSIVE OF 16% VAT)	VENUE
1.	EFFECTIVE PRACTISES FOR WITNESS PROTECTION IN CRIMINAL CASES (IN COLLABORATION WITH THE WITNESS PROTECTION AGENCY)	5 DAYS	3 – 7 JULY 2023	58,500/-	KSL, KAREN
2.	DATA PROTECTION	5 DAYS	10 – 14 JULY 2023	95,000/-	MOMBASA
3.	MANAGING STAFF DISCIPLINE AND TERMINATION	5 DAYS	17 – 21 JULY 2023	95,000/-	NAKURU
4.	PUBLIC POLICY MAKING AND THE LEGISLATIVE PROCESS	5 DAYS	24 – 28 JULY 2023	95,000/-	MOMBASA
5.	REPUTATION MANAGEMENT AND THE ROLE OF LAWYERS	1 DAY	28 JULY 2023	2000/-	KSL, KAREN
6.	LEGAL AUDITOR CERTIFICATION COURSE	5 DAYS	7 – 11 AUGUST 2023	95,000/-	NAKURU
7.	CORPORATE GOVERNANCE AS A SOLUTION TO PRACTICAL CHALLENGES FACING GOVERNMENT ORGANISATIONS	5 DAYS	28 AUGUST – 01 SEPT 2023	95,000/-	MOMBASA
8.	BOARD SECRETARIAL COURSE	5 DAYS	28 AUGUST – 01 SEPT 2023	95,000/-	NAKURU
9.	TAX PLANNING AND COMPLIANCE FOR LAWYERS	5 DAYS	4- 8 SEPTEMBER 2023	TBA	ONLINE
10.	ENVIRONMENTAL SOCIAL AND CORPORATE GOVERNANCE	5 DAYS	18-22 SEPTEMBER 2023	95,000/-	NAKURU
11.	PROCUREMENT LAW AND PRACTICE: (IN COLLABORATION WITH LSK YOUNG LAWYERS COMMITTEE)	4 DAYS	2-5 OCTOBER 2023	34,000/-	KSL, KAREN
12.	EFFECTIVE IN HOUSE PRACTICE	5 DAYS	9 - 13 OCTOBER 2023	95,000/-	MOMBASA
13.	LEGAL AUDIT AND COMPLIANCE	5 DAYS	23 – 27 OCTOBER 2023	95,000/-	MOMBASA
14.	CORPORATE GOVERNANCE	5 DAYS	06 – 10 NOVEMBER 2023	95,000/-	NAKURU
15.	FINANCE FOR NON FINANCE MANAGERS	5 DAYS	20 – 24 NOVEMBER 2023	95,000/-	KSL, KAREN
16.	LITIGATION REFRESHER COURSE FOR IN-HOUSE COUNSEL	5 DAYS	04 – 08 DECEMBER 2023	95,000/-	MOMBASA
17.	LEGAL AUDIT AND COMPLIANCE	5 DAYS	18 – 22 DECEMBER 2023	95,000/-	MOMBASA
18.	EFFECTIVE BOARD REPORTING AND COMMUNICATION SKILLS	5 DAYS	15-19 JANUARY 2024	90,000/-	NAIVASHA
19.	INTERNATIONAL DISPUTE RESOLUTION	5 DAYS	29 JAN – 2 FEBRUARY 2024	95,000/-	MOMBASA

	COURTROOM SKILLS				
22.	PUBLIC PRIVATE PARTNERSHIPS: LAW, POLICY AND PRACTICE	5 DAYS	19-23 FEBRUARY 2024	95,000/-	MOMBASA
23.	HUMAN RESOURCE MANAGEMENT: EFFECTIVE, EFFICIENT AND LEGALLY COMPLIANT EFFECTIVE PROCEDURES	5 DAYS	26 FEBRUARY-1 MARCH 2024	95,000/-	KISUMU
24.	CYBERSECURITY: LAW, POLICY AND PRACTICE	3 DAYS	04-06 MARCH 2024	35,300/-	KSL, KAREN
25.	FOUNDATIONS OF CONDUCTING AND MANAGING FINANCIAL INVESTIGATIONS	5 DAYS	11-15 MARCH 2024	58,500/-	KSL, KAREN
26.	PUBLIC SECTOR SUSTAINABILITY: LEGAL AND STRATEGIC ASPECTS	5 DAYS	18-22 MARCH 2024	90,000/-	NAIVASHA
27.	ANTI MONEY LAUNDERING: LAW POLICY AND PRACTICE	5 DAYS	25-29 MARCH 2024	58,500/-	KSL, KAREN
28.	RIGHT TO INFORMATION AND MEDIA REGULATION	3 DAYS	3-5 APRIL 2024	35,300/-	KSL, KAREN
29.	ADVANCED NEGOTIATIONS SKILLS FOR LAWYERS	5 DAYS	8-12 APRIL 2024	58,500/-	KSL, KAREN
30.	CREATIVE WRITING WORKSHOP	3 DAYS	22-24 MAY 2024	35,300/-	KSL, KAREN
31.	LITIGATION REFRESHER COURSE FOR IN-HOUSE COUNSEL	5 DAYS	10-14 JUNE 2024	95,000/-	NAKURU

a) Monitoring and Evaluation;

b) Investigations and Courtroom Skills for Law Enforcement Agencies;

c) Legal Audit and Compliance;

d) Public Finance Management;

e) Human Resource Legal Risk Management;

f) Data Protection Law and Policy;

g) Anti-Corruption Strategies and Governance;

h) Financial and Procurement Management;

i) Legislative Drafting;

j) Corporate Communication.

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

How to apply: Sign up on the KSL CPD portal at <https://services.ksl.ac.ke/web/signup> then proceed to select the courses displayed.

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 or reservations@ksl.ac.ke and note to make early reservations.

NOTE: Calendar courses 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. Where this is not achieved the School reserves the right to reschedule or cancel the course. A participant who has confirmed attendance and paid but decides to cancel attendance within 7 days to the date set for training shall incur fee cancellation charges of 25%.

CPD points will be awarded to members of the Law Society of Kenya as indicated in the course notice.

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. 300/301/302/303/312/317. You may also email us at cpd@ksl.ac.ke or visit our website: www.ksl.ac.ke



ISAAC S. KULOB
FOR DIRECTOR/CHIEF EXECUTIVE OFFICER



Finding a Balance Between Innovation and Sustainability in Libraries

By Benta Narkiso

Seretse Khama reportedly said, *"Give me a library, and I will build a university."*

Libraries are well-known as centers for knowledge and information, but they also serve as critical sections of training and learning institution in the context of sustainability. As custodians of information resources, they have a responsibility to find a balance between innovation and sustainability in order to ensure that their practices are both effective and environmentally friendly. The motivation behind innovation in libraries is the need to adjust to changing technologies, changing information need and user expectations. Digital resources and services have become more important as libraries adopt electronic databases for journals, e-books, and digital collections to improve information accessibility. Innovative methods include e-books readers, synthesized table of contents, e-alerts, and Selective Dissemination of Information (SDI). It is crucial to strike a balance between sustainability and growth in libraries because the two are intertwined. Innovative practices that encourage sustainability can be used by libraries, such as leveraging technology to reduce paper use and repurposing physical space to be more cost effective.

Kenya School of Law (KSL) library has embraced technology to ease delivery of services. Automation of library procedures has lowered the need for manual labour and paper use.

Currently, both print and electronic resources are available through the KSL Libraries. Installation of modern technologies like Integrated Library Management System (ILMS) - Koha, Library Security Management System (LSMS) with magnetic strips and Radio Frequency Identification (RFID), Closed Circuit Television (CCTV) and anti-plagiarism software (Ouriginal), have enhanced library resource management and service delivery overall. In addition, the library also has 360-degree Wi-Fi connectivity to promote and support Bring Your Own Device (BYOD) adoption.

The KSL library has uploaded detailed information about its operations in the School's website to encourage virtual off-campus access to the electronic resources. The library has implemented an open-source legal digital repository (D-Space). This is a digital service that collects, preserves, and distributes digital material. My Library On Fingertips (MyLOFT), is an App that allows users to access, organize, share and read offline e-content.

To enable users to access the vast range of electronic resources, the KSL library has an operational Electronic Resource Center (ERC) with enough modern PCs. To equip library users with information search skills, the library conducts Information Literacy and Competence Training (ILCT) for both Advocates Training Program (ATP) and Paralegal Training Program (PTP) students, staff and the Board. ILCT for students takes place at the beginning of each academic year. This is done by conducting an intensive initial training upon

reporting, which is followed by short reminder lessons. One-on-one training is also encouraged. ILCT is conducted through both physical and online sessions.

The library support sustainability by growing its collection where priority is given to reading materials in both ATP and PTP curriculum in order to adhere to the Council of Legal Education Regulations. In addition, Continuing Professional Development (CPD) department, lecturers, librarians and library users can also suggest information materials to be added to the existing collection.

The legal framework that the library must abide by while practicing innovation and sustainability includes: The Constitution of Kenya 2010; The Kenya School of Law Act; The ICT Regulatory Authority Act; The Copyright Act, 2001; and The Commission for University Education Act, (2012)

To survive in a dynamic environment, the KSL library must be able to cope with increasing complexity and high-speed technological change. It is pivotal to integrate the views of users (as customers), modern software and hardware into its sustainable development strategy. In these contexts, the library will have the capacity to innovate and respond to new demands faster and to invent and provide new services better.

Benta Narkiso is a Senior Library Assistant at the PTP, Kenya School of Law



Improving Staff Productivity Through Coaching and Mentorship

By Raphael Ogello

Staff training is very important for the expansion of knowledge among employees. Kenya School of Law (KSL) has continued to sponsor its employees through several trainings and development programs aimed at improving staff productivity and increasing innovation in strategies and products. Coaching and mentoring are two such very important trainings that seek to develop employees' career, leadership skills and the improvement of their overall productivity.

The question on whether one has coached or mentored anyone may be answered in the negative, however, a majority have indeed

coached or mentored someone, consciously or unconsciously. A perfect example at the workplace that we can relate to is mentoring students on attachment or graduates in internship programs. Transitioning from being a fresh graduate to employment has often been an intimidating experience the minute they enter the workplace due to their lack of guidance and work readiness. This has placed several young job seekers at a disadvantage as they seek to join the job market, hence the need for robust mentorship programs. The KSL has complemented the government's commitment to mentoring young graduates by offering slots for Public Service Commission interns as well as training more than 30 members of staff on coaching and mentorship.

Coaching and mentoring programs will enable the School to enhance its

staff's professional and personal skills. It is also aimed at improving staff performance in a particular area of work. Constantly changing technology, knowledge, tools, and skill sets required in the workplace require a more effective approach to solving work-related challenges. This workplace coaching and mentoring will also provide the mentee with an opportunity to connect with their mentors and fellow members of staff who are established professionals or experienced in their field. When an organization is interested in the growth of its staff, it shows that such an employer cares about its employees' progress. The KSL is committed to tapping into coaching and mentoring opportunities as a way to engage and upskill employees since an effective mentoring and coaching program empowers staff to become confident in their roles, to be self-aware, and to be able to problem-solve.



Members of staff attending a training on coaching and mentorship held at Morendat Institute of Oil and Gas in Naivasha

At a recent training conducted by Morendat Institute of Oil and Gas (KPC) in Naivasha on coaching and mentorship, it was noted by the staff trained that "people don't care how much you know—until they know how much you care" (TheodoreRoosevelt), and that the price of greatness is a responsibility, and innovation distinguishes between a leader and a follower. The program is aimed at developing our staff into better leaders who are capable of navigating through numerous work and life challenges. Coaching and Mentorship also foster greater staff engagement, deeper employee relations and foster in-house leadership development.

Trust is a key component of coaching and mentoring in the workplace because it's an earned relationship. Every employer should create an environment of trust by trusting in their employees' capabilities and being open to learning new things from them. Secondly, trust is about encouraging employees to try new things, even if they do not work out well at first. If you can show your team members that you believe in them enough, and not just intellectually, then they will be more likely to try out new ideas instead of just accepting what everyone else does without question or criticism

In conclusion, an organization that invests in coaching and mentoring

allows the saving of money that would have otherwise been spent on the continual recruitment and training of replacement employees. It also allows managers to identify the weaknesses and strengths of each employee, allowing KSL to capitalize on the resources at hand to keep the whole team working smoothly.

"The greatest leaders mobilize others by coalescing people around a shared vision." -Ken Blanchard.

Raphael Ogello is a Human Resource Assistant at Kenya School of Law



Dorcas Mwachia (Student Welfare and Counselling officer) presenting a group task during the mentorship and coaching training



Financial Sustainability

By Ruth Gathoni

Financial sustainability is a critical factor in the success and longevity of any institution. The School plays a critical role in developing human resources and creating opportunities for socio-economic growth in the law sector. However, we face significant challenges in achieving financial sustainability due to limited funding and high operational costs.

Financial sustainability is the ability of the School to generate sufficient revenue to finance all the planned activities. The revenue generated by the School comes from the fees paid by the students, income generated from the income generating units, and support given by the government through grants.

The activities of the School are entrenched under the School's core mandate which entails offering legal training, undertaking research consultancies and projects. In order for the School to attain financial sustainability the following must be put into consideration;

1. Planning

During planning, it is important to focus on the School's mandate, vision, and mission, the work that derives from it and then look to see how that work could be funded. The School should stay focused on work that uses the skills, experience, and knowledge.

Planning entails preparing the school-wide work plan and aligning the same to the approved budget and procurement plan.

2. Budgeting

A budget is an estimate of revenue and expense across all sources of funding, used for comprehensive planning, resource utilization, and stewardship. When you are planning for the activities, note down all the funding that will be needed to achieve your objectives. These include expenses such as staff salaries, infrastructure maintenance, and research and development. Salaries for academic staff, in particular, are a significant cost driver for the School.

The School should look back at budgets and spending in previous years to provide a picture of actual costs. It is also important to think about trends such as annual salary increments and inflation.

3. Resource Mobilization

The School has been heavily reliant on tuition fees and grants from the government. However, this has been inadequate and unpredictable and thus the School has to get ways to mobilize more resources.

The School is undertaking resource needs assessment to mobilize resources to meet its objective in the short-term, medium-term, and long-term. This will be done by approaching potential partners to build sustainable collaborations and linkages.

4. Efficient Management of Resources

The School can improve its efficiency by adopting cost-saving measures.

One way could be by exploring online learning which has reduced the cost of delivering education. Another way is reduction of energy consumption, by using renewable energy sources to reduce their operational costs. The School has started solar installation which will assist in the reduction of operational costs.

The School shall use the resources optimally and in compliance with public finance management requirements, and strengthen systems, procedures, and processes to enhance efficient and effective utilization of resources.

Maintenance of accurate, complete, and reliable accounting records for all projects and programmes will help the School in the accountability of the resources.

5. Risk Management

The School aims at enhancing its risk management and quality assurance frameworks to mitigate risks related to the utilization of resources allocated to all programmes and projects.

In conclusion, financial sustainability is a critical factor in the success of the School. To achieve financial sustainability, the School needs to adopt various strategies, including diversifying its revenue sources, exploring innovative financing models, and improving its efficiency through cost-saving measures. While achieving financial sustainability is challenging, the School needs to continue offering quality education and contributing to Kenya's socio-economic growth.

Ruth Gathoni is the Principal Accountant at the Kenya School of Law



Where Does Innovation And Sustainability Strike A Balance In Transport Management

By Martin Kembero

Innovation in transport requires the ability to acquire new processes in the management of fleet from the point of choosing the best modes that are environmentally friendly. This makes a positive contribution to the environmental, social and economic sustainability.

In transport operations there must be rules, regulations and policies that control the transport industry. The School has an approved transport policy which seeks to align the demand and supply of School transport services through effective management of vehicles, provide greater accountability of the fleet and to comprehensively operate, maintain and repair vehicles to acceptable safety standards.

Clause 7.3 of the transport policy, provides for revenue generation as a way of enhancing financial sustainability. Staff, students and members of the public may hire School vehicles at approved rates. The rates are within the market range and competitive.

A good transport policy should take into account hazards which are associated with death or injury to workers, customers and the general public in the course of use of School transport.

For transport to strike a good balance, innovation and sustainability should have a factor of quality control. Transport operators must apply to the relevant government department/ official for a license to operate. This license will only be granted if in the view of the officials, that there is a need for another operator in the area. If there is a demand that is not being satisfied by the existing operators, it will lead to the best placed to determine what transport provision is required to create the required level of economic activity within the region. Such system tends to protect existing operators who divide the market and encourages innovation and good competition.

A quality control system must have a balance in the transport sector. This is through the number of fleets in an institution depending on the activities being performed by that institution. The licenses are issued to the institution which demonstrates that it is able to satisfy certain quality criteria. That is why within the Kenya School of Law, the quality of service given in transport department is above board because vehicles are subjected to inspection by the certified government institution to ascertain their road worthiness before it is being put on road. This has led to the balance of sustainability in service delivery within the institution and the customers who normally hire our vehicles for use.

Safety in operations is one of the systems in striking a balance in the transport sector. There are various types of legislation to try and ensure safe operations. This reduces the issues of incompetency in the

transport industry which leads to accidents through careless driving and fatigue. The users must ensure operation of a vehicle in a legal manner with regard to speed, loading and operating hours.

Vehicle construction is also one of the key components that strikes a balance in the innovation and sustainability in the management of fleets. The legislation which exists for motor vehicles fitted with more than one trailer, the laws exist detailing the applicable maximum dimensions and weight of the vehicle. The physical dimensions will depend on the width of the road and any height restrictions i.e., tunnels and bridges where the motor vehicles will operate.

The maximum permitted gross weight of road vehicles depends on the type i.e., rigid or drawbar trailer or articulated combination and the number of axles and tires. It is important to ensure the motor vehicle is not loaded beyond its constructional strength. Legislation requires each type on the vehicle does not exceed a specified point of loading on the road surface thus minimizing the loading of the road surface and reducing subsequent damage. The goods will be fitted with the manufactures plate which specifies the load its supposed to carry to avoid road damage.

It is upon the officer incharge of transport to ensure that vehicles are maintained and operated to the standards laid down by the regulations within the KSL. It is a requirement that "a motor vehicle



i.e. a lorry and all parts and accessories, shall at all times be in such a condition that no danger is caused or likely to be caused to any person in or the vehicle or on the road". To ensure compliance, the vehicles have to be submitted for annual inspection at the government appointed test stations like the NTSA or mechanical branch. The responsive operator will ensure that the vehicle is checked more regularly, through daily or weekly checks and regular service intervals which improve the relationship or sustainable

operation and key innovation practices that improve the lifespan of the fleet.

Good driving management skills are key in the innovation and sustainability in the transport industry;. Therefore, a driver must be qualified for the motor vehicles they are driving. As a School, we have put in place measures to ensure any driver on the public road must always comply with the appropriate existing traffic rules and legislation for purposes of respecting other road users.

No driver will be allowed to drive under the influence of drinks or drugs. In addition, we have come up with policies, procedures and regulations that the driver has to follow to the letter to satisfy himself that the vehicle driven is road worthy. This will include a visual inspection of the motor vehicle for some items like the tires, the lights and all the tools are in good condition before commencement of any journey.

Martin Kembero is an Assistant Administration Officer at Kenya School of Law



Kenya School of Law Sports and Games Unit

By Leonard Okoth

The Kenya School of Law (KSL) Sports and Games Unit in conjunction with the Sports Committee ensures that the students participate in sports and games to minimize mental exhaustion for healthier life. The purpose of term one sports day competition is to enable students and staff have a team building platform where Paralegal Training Program (PTP), Advocates Training (ATP) and staff enhance social interaction in addition to having fun as the KSL community. The event was organized and held both at the Jomo Kenyatta University of Agriculture and Technology (JKUAT) and KSL playing grounds on 25th March, 2023. In order to make the event more competitive, there were awards lined up for the teams and individual winners.

Term one sports activities are organized just one month after the ATP students have joined the School. It plays a big role in the staff and students bonding while having fun and nurturing individual talents. It starts with an interclass competition where the overall winner class is awarded a trophy among other awards. The winning trend signifies a well-coordinated team in various disciplines of competition. This is a sign of good leadership skills and team work which is important in students' future life. Brian Cheruiyot, the student's council sports representative, the



Participants during a 100 metres race tournament in Karen campus.

council president, Michael Owino and other student council leaders came up with a sub-committee for the event. This was to support the Sports Committee in sensitising both the virtual and physical students to enhance participation for success of the activity.

The following were the events covered:

1. Football: This is the greatest sport of all times. It is loved by millions in the world and looks like a religion in England. It involves competitive youth, men and women leagues who are cheered by unwavering fan base ranging from 7 to 80 years old.

2. Rugby – this is a tougher sport that needs strength coupled with a switched on mentality at its best. It may also be referred to as rugger or

rugby football. It is a unique sport which values team work, respect, discipline and sportsmanship.

3. Basketball – did you say the game of five player's psychology in a court? Big yes, this is the game that involves more of psychology or else one may be absent in the game without knowledge.

4. Volleyball – the game was originally called mintonette and the word volley is the flight of the ball before it lands on the ground. The game consists of six players per team on a court.

5. Swimming – this is a water sport whose oldest competitive stroke is called breaststroke. Swimming has short terms like; ABC defined as A- Adult supervision, B – Barriers (pool barriers) and C – classes. It is the best exercise compared to running and cycling.

6. **Athletics** – running is one of the sport that was even quoted in the Bible and also one of the oldest events in the Olympics.

7. **Fun games**-Fun games improves relationships and creates a room to solve problems together. The event was incorporated to cater for those who may not be involved in any sport on sports day.

It was a chilly morning as all participants braved the drizzle and honored the fixtures schedule. One may not have believed that the scheduled events would take place due to the unfavorable weather. The football field looked like an improvised swimming pool with discolored water. It was only a matter of time before the water drained and the last quarter final game which was the highlight event between Class G and alumni kicked off, though behind schedule.

The participating teams were classes A, B, C, D, E, F, G and PTP, alumni and the KSL staff. Even though the event was held on 25th March 2023, the preliminaries are organized at least three weeks earlier before the finals to give the teams equal opportunity to

showcase their talents and network before the big day. Class A was crowned the overall champions while class E were the 1st runners up and class B 2nd runners up.

The Sports Committee Chairperson, Mr. Samuel Mwaniki ensures the activity administration is run in the best way possible by appointing an event sub-committee to deal with emerging grievances. The sub-committee is also tasked with enforcing the laid down rules and regulations for fair play throughout the tournament.

The event attracted over 300 participants in various disciplines of competition for both men and women. The committee designated colors for the respective teams which were maintained right from the preliminaries to the final stage. The team captains displayed good leadership skills by managing the teams well thus maintaining high standards of sportsmanship.

As per KSL tradition, we always put God first in whatever task we do or intend to do. The event was successful and there was no major injury witnessed. Mr. Samuel Mwaniki, the committee chair assisted by Leonard

Okoth, the committee secretary led the awarding ceremony to appreciate the winners for their efforts by awarding stipend, medals and trophies. The committee members saluted all the participants while the students' sports representative and School Student Governing Council (SGC) president were also given chance to say a word to fellow students and assist in issuing some of the awards as a way of teamwork.

The sports committee is now looking forward to host an alumni tournament scheduled in the month of October 2023. The tournament will be a platform to bring back the old boys and girls to the sports arena. These teams are supposed to be formed as per the year of study.

The sports committee encountered challenges arising from a constrained budget. With a greater budget allocation and sponsorship, it will be possible to enhance participation tokens, staff motivation and acquire adequate playing kits.

Leonard Okoth is a Sports Assistant and secretary of the sports committee at the Kenya School of Law



Mr. Samuel Mwaniki, chair of the sports committee awarding ATP class A as the best team during a sports event



STUDENTS CORNER

Challenges for Lawyers in Promoting Social Justice for Sustainable Economic Growth

By Benson Odiwuor

The terms “innovation” and “sustainability” are commonly used today. Innovation refers to the improvement of the existing state of things, while sustainability can mean two things; maintaining something at a certain level, or preventing the depletion of natural resources to achieve development that takes into account the needs of the present without compromising the potential of the future generation. The former is more closely related to sustaining economic growth, while the latter is tied to the pursuit of global environmental sustainability. The mention of innovation often brings to mind technological advancements, and it is positive that innovation and sustainability are now associated with the pursuit of global environmental sustainability.

This article focuses on the crucial role that lawyers should play in promoting social justice to ensure sustainable economic growth. To understand this role better, it is essential to delve into John Rawls’ theory of social justice as presented in his book, *A Theory of Justice* (1971). Rawls’ theory revolves around the concept of justice as fairness, which acknowledges that people in society are not equal but inequality can only be acceptable up to a certain level.

Rawls introduces two central concepts to support his theory of social justice: the “veil of ignorance” and the “difference principle.” The veil of ignorance suggests that individuals should be ignorant of their specific circumstances to allow for objective considerations on how society should operate. The difference principle, on the other hand, proposes that any differences in the social contract should benefit the worst off in society, and any advantages should be available to everyone.

Innovation is an essential aspect of societal progress, but social justice then demands that it must result in a fair and equitable distribution of resources, opportunities, and privileges. Therefore, an innovation can be sustainable only if, top in the list, it provides everyone in society with the chance to prosper without creating dangerous levels of inequality.

Lawyers have often been belittled and reduced to a stereotype of providing simple answers in black and white. While it is a gross oversimplification of the important role that lawyers play in ensuring justice and upholding the law in society, it is true that lawyers must do justice to the complex problems in society. They need to explore the nuances of legal issues, think critically, and apply their knowledge and expertise to unique situations to promote progress.

Failure to do so makes their efforts completely ineffective and offer no real benefit to society, which is why the belittlement they receive may be warranted. What good is a lawyer who can only see black and white, but is blind to the long-term consequences of their actions?

To promote sustainable development, lawyers need to be socially responsible. This applies to both the pursuit of global environmental sustainability and maintaining the status quo. A critical quality that lawyers must possess but is often neglected is innovativeness. Without innovation, progress is impossible. Consequently, lawyers who lack innovative thinking may hinder, rather than advance, societal progress, which must align with the principles of social justice.

The pursuit of sustainability can be a costly and long-term journey that may not yield immediate financial benefits and may even weaken a lawyer’s competitiveness. However, by exploring new ways of practicing law, developing sustainable legal solutions, and promoting social justice, lawyers can play a critical role in advancing sustainability and creating a better world for all. To this end, only lawyers who are unafraid of being misunderstood will carry the day.

Benson Odiwuor is a student in the Advocates Training Programme



Tomorrow at Stake, Sustainability in Check

By Kipkoech Caleb

What would have happened if the history of mankind had not been motivated by improvement? The most likely situation is that we would still be in caves and most of the time hunting and gathering for food. Something might have happened that drove us out of the caves and in search of a better life. What happened? Was this a kind of innovation? Society has since evolved and dynamically shifted from the essentials of the past century. Technological advancements and innovations have continued to develop and transform different aspects of society. Innovation has been more than coming up with a slick design to make human existence bearable and more enjoyable. This paper will delve into the discussion on the conflict that is faced today in the directional innovative sphere, the enjoyment we have, and the possibility of such innovations being sustainable tomorrow.

Kathleen Miller argues that, *'change is an intimidating word. We are accustomed to hearing about creating, managing, and dealing with change.'* Over the years, the world has drastically shifted on nearly all different fronts. Technological advancement has shaped the current sphere. Despite the many advantages offered by these changes, there have been

corresponding challenges that at some point exceed the pros on the same. The present generation has the control to ensure that the needs of the future generation have been put on the scale. Environmental and Sociological studies have expounded on the principle of intergenerational equity. This is a concept of fairness or justice relationships between different generations. Therefore, the right to development, as well as innovation, must be fulfilled to equitably meet the developmental needs of the present and future generations. This explains the need for the innovations present to demonstrate equity for all generations.

Innovations need to be efficient and effective. It matters not how effective it might be, it is of no benefit if the innovation at hand is doing a negative thing. The goals and priorities of different innovations should be pictured in a way that explains a well thought and educated decision. This means that an understanding of an entity, customers, environment, and all that can affect a person is paramount.

The Kenyan legal framework has applauded the essentials of having an approach to sustainable development. The preamble of the Constitution of Kenya 2010, states that the people of Kenya are respectful of the environment, which is our heritage, and determined to sustain it for the benefit of future generations. Additionally, Article 69(2) of the Constitution places a duty on every person to cooperate with

state organs and other persons in the protection and conservation of the environment. This is geared towards ensuring ecologically sustainable development and the use of natural resources. These principles apply to the context of innovation. Any innovation must fulfil the test under the Constitution. This is notwithstanding the environmental context, but also the social, economic and political context in Kenya and worldwide.

Innovation is thus a key part of an entity, personal and societal future. The adoption of new technologies is a bold step to ensure that no one is left behind and each problem is well addressed. This means however that, sustainability needs to be integral part of business or any transaction. Article 46(1)(b) of the Constitution of Kenya 2010 ensures that consumers are afforded the right to access information necessary for them to gain full benefit from goods and services. Additionally, in the case of *Mark Ndumia Ndung'u V Nairobi Bottlers Ltd & another* (2018) eKLR, the court reiterated that information on ingredients, nutrition and the declaration of potential allergens and nutrition and/or health claims, helps consumers to make an informed decision. The court further held lack of such information amounted to discrimination under Article 27(4) of the Constitution.

The point is that innovation of any kind should be able to be sustainable in that, it keeps in check the rights of an individual. They should not be designed to overlook the exercise of the rights of an individual.



Sustainability is ensured when there is proper legislation in place. In the Kenyan Context, there are different statutes which supplement the Constitution and ensure the rights of individuals are further protected in the innovative era. The Data Protection Act Number 24 of 2019, has since been enacted by Parliament to ensure the protection of the right to privacy. This Act gives effect to Articles 31(c) and (d) of the Constitution. This also ensures that the personal information, data and communications of an individual are protected from being, leaked or otherwise processed without their consent.

Further, the growth of the digital economy in Kenya has led to the

Intellectual Property Law gaining popularity. Under Article 11 (2) (c) of the Constitution of Kenya, the State shall promote the intellectual property rights of the people of Kenya. The same provision is reiterated in Articles 40 and 69 of the Constitution. This means that the Intellectual property rights of a person need to be protected from any form of misuse. This accords the sustainability that is required in the innovative sector. As much as people are enjoying the advantages brought about by the innovative mind, the rights of an individual both in the present and future are secured.

Therefore, Innovation can be achieved when backed up by sustainability. The two concepts appear to be different, but they are

closely related. In order to ensure the effectiveness and efficiency of innovation in the future, sustainability has to be considered today. The state, individuals or corporations should not turn a blind eye to sustainability. The oversight of it is for a short while but detrimental in the long run. Thus, sustainability can be realized by strengthening the present legislation, empowering bodies responsible for regulating the innovative environment and a clear sustainable plan on the requirements to be met by different individuals and entities. Tomorrow is much better when today is at check.

Kipkoech Caleb is a student in the Advocates Training Programme



Legal Education in the Digital Age in Kenya

By Shreya Sheth

Legal education in the digital age refers to the use of technology in the teaching and learning of law. The Covid-19 pandemic led to remote learning becoming more prevalent. Law schools had to adapt to the use of digital technology to facilitate remote learning and provide access to legal education from anywhere.

The rising application of technology in the legal profession has increased the importance of legal education in Kenya in the digital age. To help students stay up with the fast-changing legal world, Kenyan law schools and universities are integrating digital tools and resources into their curricula.

The use of online platforms to deliver legal education is one illustration of this. Kenyan law schools now offer a variety of online courses that students can attend from any location at their own time with an internet connection. Students who might not be able to attend classes in person now have wider access to legal education.

Another illustration is the usage of online tools for legal research. Today, a lot of law libraries in

Kenya have online access to legal databases and electronic journals making it simple and efficient for students and legal professionals to look up case law, legislation and other legal materials from anywhere.

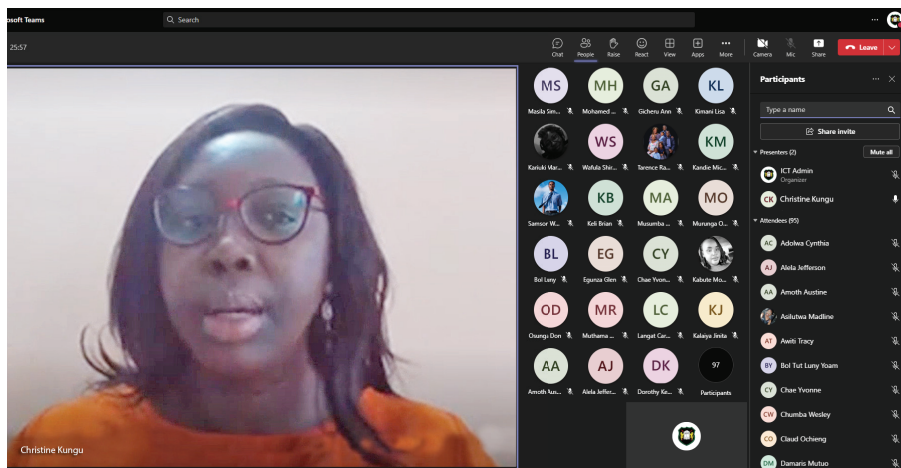
Additionally, the use of technology has made it possible to create cutting-edge teaching strategies like gamification and interactive learning that can improve student engagement and retention. Law schools use tools such as videos, podcasts and webinars to enhance the learning experience and make complex legal concepts more accessible.

However, the digital era has also presented difficulties for Kenya's legal education, such as problems with cybersecurity, online privacy, ensuring equitable access to technology and resources for all

students and the need for an effective online assessment method. Due to this, it is crucial for law schools and universities to guarantee that students receive adequate training in cybersecurity standards and are aware of the potential risks connected with online study and research as well as find a method to provide free access of technology to all students.

Legal education in the digital age in Kenya presents both opportunities and challenges and it is therefore important for legal educators to continue to adapt and innovate in order to prepare students for the legal profession of the future.

Shreya Sheth is a student in the Advocates Training Programme



Students attending an ATP virtual class



Technology and Innovation: Striking a Balance

By Elizabeth Mboya

The world has witnessed four industrial revolutions. The fourth is the knowledge-based industrial revolution whose pinnacles are technology and Artificial Intelligence (AI).

In the age of innovations and AI like the metaverse, fast fashion, 5G internet, and Chat PDF, which further precipitate environmental issues like climate change, biodiversity loss, and pollution, there is surely a need to strike a delicate balance between innovation and sustainability.

Innovation refers to coming up with new novel ideas that seek to solve particular problems or improve on an existing product or service. Sustainability, on the other hand, is defined in the United Nations Brundtland Commission as meeting the needs of the present without compromising the ability of the future.

Technology and innovation being the hallmarks of our knowledge-based economy, have accelerated various sectors embracing technological innovations. The judiciary for instance embraced virtual courts, incorporated the case management system, judiciary advocate management system, and dispenses services online.

In legal academia, classes are offered online, AI like Chat GPT

and Chat PDF both have enhanced research and access to knowledge but have posed challenges in plagiarism. In the finance sector, there is the emergence of blockchain technology and cryptocurrency, and these are just but a few.

However, our world does not start and stop with our gadgets, as such inventions and innovations should purpose to have a positive and futuristic impact on the environment, society and economy.

The World Economic Forum illustrated this in 2020. It found that \$44 trillion of economic value generation depends on nature. This value shows that more than half of the world's Gross Domestic Product (GDP), is thus vulnerable to natural loss.

Sadly though, our actions as humans are precipitating the sixth mass extinction, which has catalysed environmental issues such as climate change, pollution, and biodiversity loss or resource scarcity. This begs the question, what type of world do we purpose to live in if we kill Mother Nature?

Hence, for us to continue enjoying the gifts of nature, there ought to be a complete overhaul of our laws, policies, innovation, and personal behavior, as discussed below.

Even as we are in the Age of AI and Technology, Traditional Knowledge (TK) can still be applied to effectively solve negative environmental issues as many indigenous and local

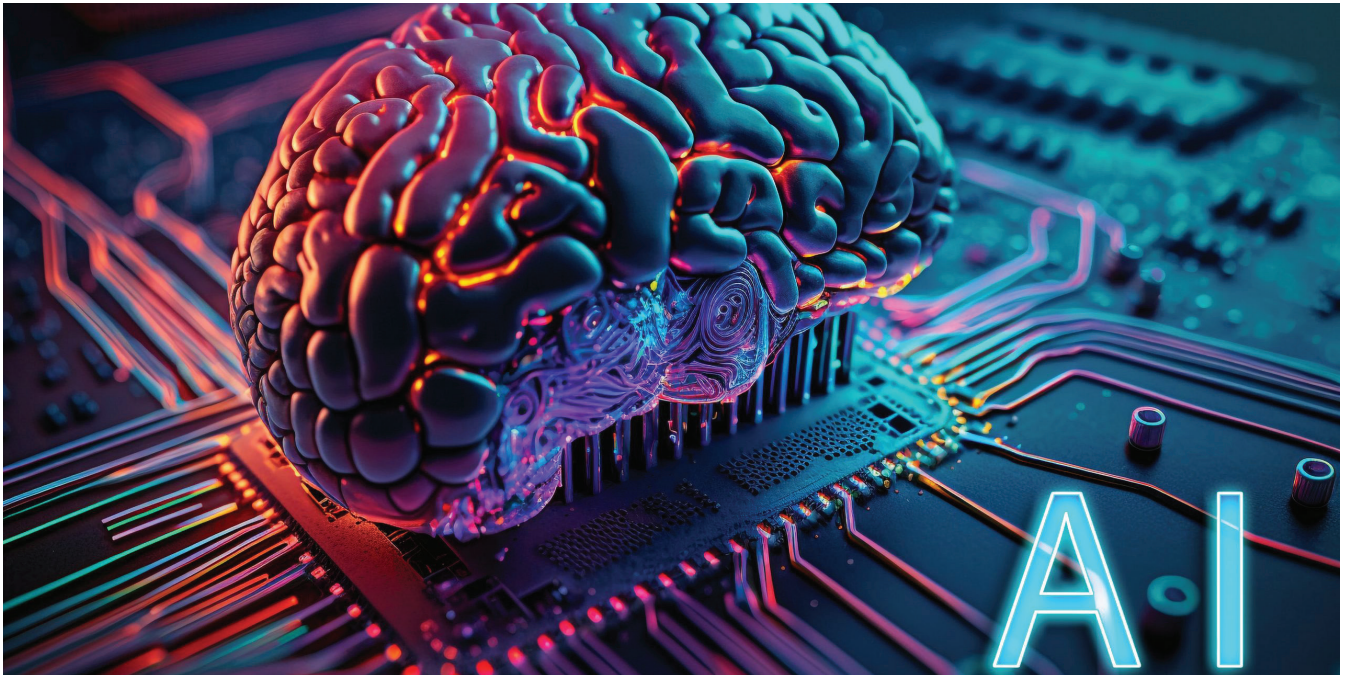
communities have lived in long-term sustainable ways for millennia.

Indigenous and local communities have much to contribute to a world facing serious problems as a result of the unsustainable use of resources. This can be achieved through indigenous practices such as local conservation, sustainable use of plants and animals, and addressing issues such as climate change, desertification, and water quality.

Moreover, TK does not just stop on environmental conservation, it transcends into the health and pharmaceutical industry through traditional medicine often called alternative or complementary medicine which is used by most people as a first alternative. Numerous inventions and innovations have been witnessed in the healthcare sector such as medical supplies being delivered by drones, a stem cell cure for diabetes in Nigeria dubbed '54Genes', and a handheld ultrasound device styled, 'Butterfly iQ'.

However, the invention of new or better-improved goods or services should not expunge the value of TK which has proven to offer long-term sustainable solutions that are net positive and meet various Sustainable Development Goals (SDGs) like SDG 6 on clean water and sanitation, SDG 11 on Sustainable Cities and SDG 13 on Climate Action.

Environment Social, Governance (ESG) or Corporate Social Responsibility (CSR) refers to the commitment of businesses to contribute to sustainable economic



development by working with employees, their families, the local community, and society at large to improve their lives in ways that are good for business and development.

Corporations that adopt ESGs and CSR strike the balance between innovation and sustainability and reap the benefits as these policies ensure the holistic development of a firm. It enhances the Green and Blue economy agenda that stimulate our country's growth by building up environmental and societal capital. These further help to meet SDG 9 on industry, innovation, and infrastructure.

Moreover, our Kenyan government can meet sustainable innovation by adopting policies such as the Singaporean Green and Blue Plan 2030 and practical aspects of it like the green cities in Singapore.

This is by encouraging the planting of trees, ferns, and flowers on buildings and parks that helps cool the city, enhance its aesthetic value and build a green habitable environment in the ever-busy and packed cities. This would be a worthwhile innovation as it is one that not only solves problems momentarily but is also pragmatic and has economic and societal solutions for long-term sustainability.

In conclusion, having carefully discussed innovation and sustainability, it would be right to conclude that though the times we live in today are marked with technology, machine learning, and AI as its hallmark, green nature is still more powerful as without it, life on earth is unsustainable.

As such, our government, stakeholders, and private citizens must embrace environmentally sustainable ways of life, which include:

- The application of TK to solve the triplicate environmental issues of climate change, biodiversity loss, and pollution.
- Adoption of ESGs and CSR by corporates as a benchmark of their firm's policies against the net positive impact of their dealings with the environment, society, and governance.
- Implementation of new laws and policies on sustainable innovation and applying sanctions like the 'polluter pays principle' which refers to the concept of holding both private citizens and corporates responsible for engaging in environmentally harmful practices like littering and arbitrary carbon gas emissions.
- Encouraging sustainable innovation like the use of aluminum in the manufacture of solar panels.
- Conducting public awareness campaigns on social media and roads with slogans or themes like People before Profits.

Elizabeth Mboya is a student in the Advocates Training Programme



The New Dawn: Innovation and Corporate Sustainability in Small and Medium-Sized Businesses (SMEs)

By Nellys Koyoo

In the recent past, there has been an increased focus on sustainable development practices that will not only unlock the latest ideas that directly impact feasible innovations among small and medium-sized businesses (SMEs) but also ensure their prosperity. The objective of this article, therefore, is to explain how sustainable innovation concepts and activities are used within SMEs.

Innovations that are sustainable are driven by high-tech processes that lower the general production cost. Businesses that incorporate sustainability as well as innovation into their strategic planning highlight value creation through partnering with stakeholders to develop new items for the market (radical innovations). This stems from the insights from the almost revolutionary features of SME compounded with their improved sustainability performance.

Corporate sustainability is one of the novel trends globally that aims at the realization of improved economic and environmental performances by industries and companies. Sustainable innovation is thus the focal point when assessing the commitments of companies to sustain themselves in the market. Over concentration on multinational companies has however led to the shadowing of SMEs.

Policies including the instruments in place that are suited for the multinational companies have not been so effective when it comes to SMEs. This calls for the radical need to ensure relevant specifications if SMEs are to have a future. These specifications will extend to policies and instruments to adequately address SME's rather than relying on the already existing framework that is better tailored for companies and other large enterprises. The specification will bridge the caveat that exists on sustainable innovation on matters SMEs.

While innovation research seeks to understand how innovations emerge and develop before inevitably being overtaken by preceding innovations, innovation still remains to be a critical driver towards economic growth. Innovations should thus not only be effective and successful but must also promote significant change in processes qualitatively and quantitatively alike. Innovation should thus be a promoter of competition both sectoral and even enterprise-wise.

Innovation has led to profitability as well as ensuring firms' continuity sustainably. This has been through ensuring improvement in the quality of outputs as well as through product diversification. It has led to positive turnovers, high-profit margins, increased employment rates thus increasing market share as well as better operational costs.

Corporate sustainability is characterized by sanitizing, integration and reduction of supply

chains while having no adverse effects, advantage over rivals, profitability, increased pressure from stakeholders and legal requirements. Some of the drivers behind the corporate sustainability concept are concerns on reputation, improvements to internal organizational processes and environmental performance.

Sustainability is a recognized inventive and possibly transformative force that leads to new goods and methods that challenge conventional wisdom. Sustainable innovations are those that not only improve economic performance but also short and long-term social and environmental performance through the renewal or improvement of organizational, technological or product-related processes. Sustainable innovations differ from conventional innovations in that they integrate economic, social and environmental factors. Nevertheless, not all innovations are sustainable.

The majority of the research on corporate sustainability and innovation that is currently accessible focuses on large businesses, whereas SMEs go through a different innovation process. Another key distinction between SMEs and large enterprises is on number of employees. It is the varying characteristics of large enterprises and SMEs that lead to the difference when it comes to the capacity to innovate.

Indeed, the traditional indicators of innovation including patents as well as innovation counts no longer are applicable to SMEs. Studies

conducted on SMEs similarly come to the conclusion that small businesses can compete against bigger businesses when it comes to innovation with an almost non-discernable variation in the caliber or importance of the ideas created. Of concern therefore is not the question on whether multi-billion companies are more inventive as opposed to SMEs. The finding that SMEs innovate in different ways than big businesses is more significant.

SMEs typically have resource limitations and behavioral advantages in innovation. Using a horizontal management approach including lower-level decision-making is a crucial success element for innovation. As a result, the central

manager's and concept-creating a position for SMEs is crucial in the process of innovation. Effective product and process innovation is likely to depend heavily on a dedication to the development of human capital, which is demonstrated via training initiatives, both formal and informal.

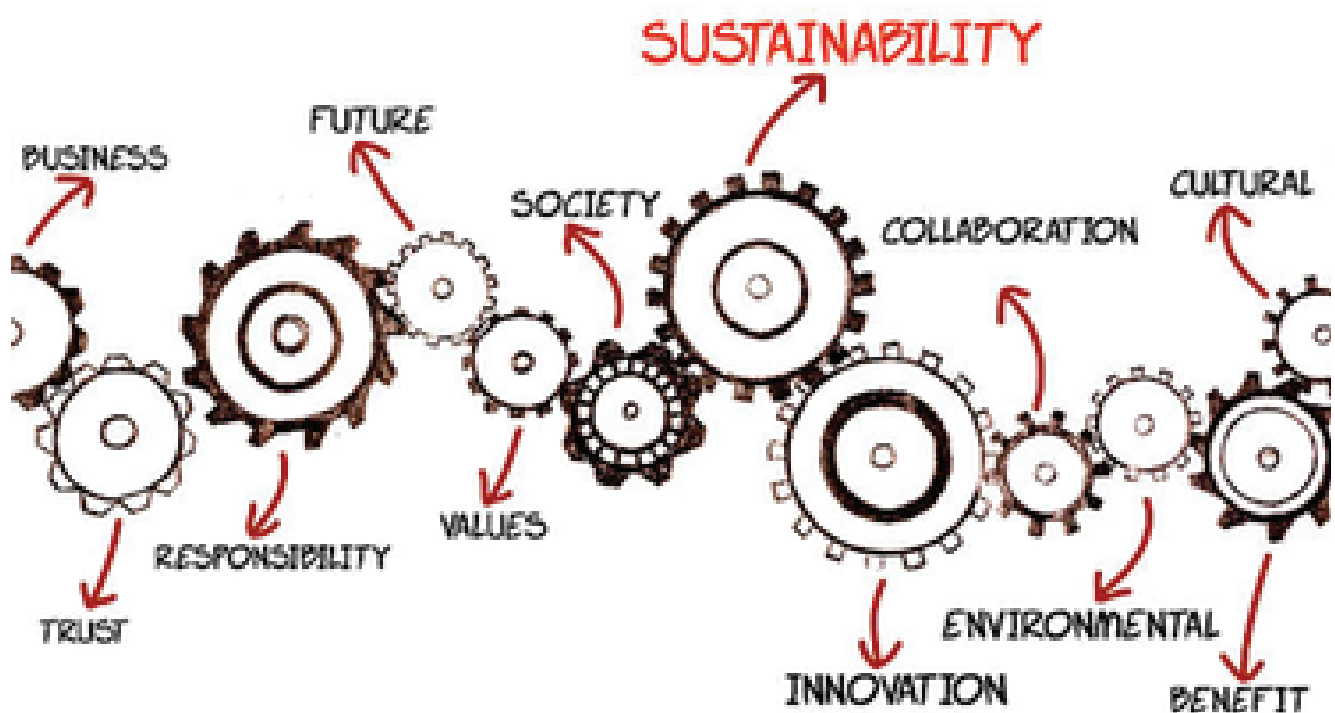
SMEs typically focus more on development than research, in contrast to large corporations. Small businesses sometimes build their discoveries on pre-existing technology, ideas and materials supplied by supporting industries. SMEs frequently spread their efforts over several operational areas rather than concentrating them within a single distinct system.

Small businesses can obtain advanced technologies and technological

expertise that aren't directly employable due to internal resource constraints by taking part in innovation networks. Additional benefits of cooperation include collecting more market knowledge, serving global markets, creating industry standards and minimizing uncertainty by splitting costs and risks.

The fact that we are speaking about it already is a good gesture. Much however needs to be done in terms of sustainability orientation as well as design of innovation processes that are more friendly to small business enterprises advancement. Cooperation with stakeholders is equally key at this point. The SMEs are the future we need.

Nellys Koyoo is a student in the Advocates Training Program





Climate Change, Environmental, Social and Corporate Governance Disputes: New Frontiers of the 21st Century Legal Practice

By Bernard Nyaga

The climate has, by forces of nature, written an open letter to humankind. The prolonged periods of drought, delayed rainfall, rise in temperatures, heat waves, the drying of rivers, forest fires and cyclones are indicators to the planet of a possible extinction notice. The strained earth lamentation is akin to Niccolo Machievelli's letter to his friend Francesco Vettori grieving about his loss of the trappings of power, following the fall of the Florentine Republican Government.

Unlike for Machievelli who now lived on the farm holding his chin in grief and thinking his wishes of returning to incumbency would come to fruition, Climate Rights Advocates and Environment, Social and (Corporate) Governance (ESG) experts argue that small consistent green efforts by individuals, communities and profit-making companies could take Kenya to a path less travelled of sustainability as envisioned in Article 10 (2) (d) of the Constitution.

Sustainable development is a global clarion call to both industrialized and developing countries to balance between economic development and environmental protection. In 2006, Kenya unveiled Vision 2030 as a long-term economic blueprint to keep up with the United Nations Sustainable Development Goals (SDGs). It seeks to transform Kenya socially and economically to a newly industrialized middle income nation with the ability to provide a high standard of life to

its citizens. The need to avert environmental disasters and climate risks date back to the 1969 catastrophe in Cleveland where the Cuyahoga River caught fire, the 9th in the series of fires caused by oil leaks, plastic dumping and pollution by manufacturing companies in Ohio. It is for this reason that the International Community, Governments, State Agencies, foreign and domestic investors are increasingly demanding a transition into ESG compliance, implementation and reporting.

ESG is the discipline where legal practitioners assist companies, institutions and NGOs in making sustainable, responsible and ethical investments. ESG is also being used as a corporate behaviour indicator of future financial risks underlying a business performance in the securities markets.

The Organisation of Economic Co-operation and Development in its ESG Investing Report 2022 supported the view that ESG traction is fueled by joint public and private sector initiatives to realize the SDGs.

In realization of the significant value of ESG investments, which according to Bloomberg (2021) had reached USD 40 trillion, the Nairobi Securities Exchange (NSE) published the ESG Disclosures Manual Guidelines 2021. It provides for a mandatory disclosure of ESG compliance by NSE listed companies, and especially reporting based on comparability and materiality.

In 2015, the Capital Markets Authority (CMA) recognized ESG compliance

in the Code of Corporate Governance Practices for Issuers of Securities to the Public. It also identified the topics that listed companies should consider as material in meeting the ESG implementation and reporting requirements.

Why is ESG the next big thing in the legal profession? First, companies are treating environmental, social and governance compliance as an investment rather than a compliance cost. For instance, a company that prioritizes the reporting requirements is assured of attracting foreign investors or obtaining loans and financing from banking institutions at relatively cost-effective interest rates.

Secondly, there is a general consensus on the need to cut down on greenhouse gas emissions by manufacturing and processing industries. The Kyoto Protocol 1997, which Kenya ratified in 2014, committed to reduce the emissions to an average of less than 5% of the Carbon footprint. As a result, policies on climate mitigation and adaptation are gaining momentum with the quest of building back after the devastating COVID-19 pandemic and envisioning a massive drive into the Green Economy.

Corporations are equally striking a chord between the duty to humanity and the appetite for profit. Statistics from the Price Waterhouse Cooper (PWC) 2021 Global Investor ESG index indicates that out of a sample size of 325 investors, 49 % preferred investing in multinationals that paid attention to climate strategies.

Similarly, the banking sector has taken the front foot in climate risks awareness. The Central Bank of Kenya (CBK) formulated the Guidance on Climate-Related Risk Management in 2021 to espouse the industry of the need to contribute to mitigation efforts. Other initiative includes the flotation of green bonds to finance a public transit system and the introduction of the Emission Trading System/Carbon Credits.

Interestingly, ESG not only concerns itself with financial factors but also non-financial considerations. For example, the realization that climate shortfalls have disrupted

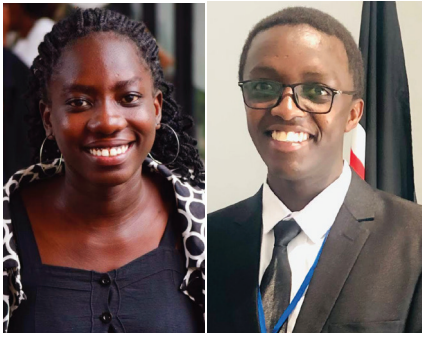
production and supply chains steer environmental-friendly innovation. Non-financial considerations include fair labour and employment practices which in turn boosts productivity at the workplaces.

The role of the 21st Century lawyer or in-house counsel in Climate Change and ESG policy is to promote sustainability, transparency, accountability and responsibility in highly competitive business environments. He/she must be in a position to discern the existing compliance standards and the areas of priority for a corporation or entity in the implementation of ESG principles.

The practitioner must also be a fast-paced multidisciplinary individual who can advise clients on ESG compliance, ably network with like-minded climate lawyers. They should acquire the relevant certifications, participate in the proposed regulations on carbon credits, facilitate settlement of dispute through Alternative Dispute Resolution, promoting research work on Kenya's Carbon Markets, and promoting mentorship for upcoming ESG lawyers.

Bernard Nyaga is a student in the Advocates Training Program





The Unsustainable Use of Transnational Subsidies for Innovation and Development

By Margaret Andeso and Samuel Mwangi

Kenya is a host to one of the largest innovation hubs in Africa. This was manifest from the construction of the Standard Gauge Railways (SGR) which was to be one of the biggest innovations in the East African Region. From the onset, the SGR project has been a maze with no end with a lot more to it than meets the eye. One of the glaring issues was that, instead of the SGR contract being bid through a competitive procurement process, it was unilaterally given to China Road Bridge Corporation (CRBC). The Government of Kenya entered into a financing agreement with Exim Bank of China to provide a loan contingent on CRBC being the executor of the project. The aftermath of this agreement has been a compromise on the ability of future generations to meet their needs at the expense of the needs of the present. The common denominator of all this was that a transnational subsidy was granted to Kenya under the guise of innovation and development.

So essentially, what is a subsidy? A subsidy is the financial assistance given by a government in order to assist certain economic sectors or activities and advance economic growth. In the usual subsidization scenario, a government makes a financial contribution that benefits an entity that is present on its territory. Up until recently, it was considered 'unrealistic' for a government to support an entity outside of its borders, but

it's currently the situation with transnational subsidies. To get this to perspective, China through its Belt Road Initiative (BRI), which is its vehicle for establishing its roots as a global power, has financed Chinese entities through state-owned banks to participate in large projects abroad. For example, in the case of *Okiya Omtatah Okoiti & 2 others v AG & 4 others (SGR Case)* there was a transnational subsidy that was granted by the Government of China through Exim Bank which financed 90% of the SGR project, to be undertaken by CRBC which was a Chinese-owned enterprise.

This exploration is divided into a four pronged section. The first Section briefly examines the legal framework governing transnational subsidies; the second section then examines the ways in which transnational subsidies are unsustainable for future generations; the third section then shifts gears and seeks to strike a balance between the unsustainability of transnational subsidies and their innovative and development value; and finally the conclusion ties up the various strands that the article looks at.

Whereas Kenyan legislation does not dwell on the above, the Constitution of Kenya paves way for the application of any treaty that is ratified by Kenya. Having ratified the Marrakesh Agreement, Kenya is bound to the provisions of the Subsidies and Countervailing Measures (SCM) Agreement whose object is to impose multilateral discipline on subsidies that distort international trade.

The SCM Agreement only contemplates subsidies given within the jurisdiction of the granting authority and as such it does not regulate transnational subsidies. As such, in striking a balance between the unsustainable effects of transnational subsidies and its importance for innovation, it behooves states to ensure that such subsidies are applied in a manner that embodies intergenerational equity.

Some transnational subsidies are used in ways that lead to environmental pollution. Case in point, upon completion of the SGR project Kenya was supplied with outdated diesel trains that pollute the environment, as opposed to electric trains as had been Kenyan's expectation. Similarly, in view of the 'polluter pay principle', in China, industries polluting the environment have had a reduction in the profits they earn. As a result they have moved their operations abroad under the BRI thus transferring the environmental pollution to developing countries instead of finding solutions. This move has created more heat than light for countries like Tajikistan, central Asia where China has shifted its cement manufacturing industries.

In addition, some transnational subsidies lead to long-term negative impacts on the local economy. Many critics have dubbed the BRI as a debt trap, especially for developing countries. True to it, the government of Kenya will have to pay colossal amounts to leverage itself from the

debts, considering that the SGR project was the first and most expensive project since independence. These onerous debts will be borne by future generations hence limiting their capacity to meet their own needs.

Amid tough economic times, it is important for the Kenyan government to strike a balance between accepting transnational subsidies and ensuring that innovations cater for intergenerational equity. The government can achieve this by eschewing the use of transnational subsidies where the case involves a glaring violation of the law. Such an instance is the violation of procurement laws as is the case with Kenya receiving financing

for the SGR on condition that it must procure the services of CRBC.

Moreover, the government ought to do background checks on the entities offering transnational subsidies. This is because in the SGR case the government had failed in its background checks since it would have established that CRBC had been blacklisted and barred from taking further projects by the World Bank due to engaging in corruption in a road project in the Philippines.

Lastly, the government should develop effective mechanisms to assess the environmental impact of innovations brought about by transnational subsidies and their long term impacts on the local economy.

This would go a long way in preventing environmental pollution and the country falling into debt traps.

This article makes a huge reference to the SGR Case, being a practical Kenyan example of the negative impacts that can be suffered where a balance is not struck between the use of transnational subsidies for innovation and the concept of intergenerational equity. The article then recommends the steps that can be taken to remedy the negative situation thereof.

Margaret Andeso and Samuel Mwangi are students in the Advocates Training Program





THE KENYA SCHOOL OF LAW
MAIN ADMINISTRATION WING

KENYA SCHOOL OF LAW

ADVOCATES TRAINING PROGRAMME

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 Program (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 impart 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: project work (20%) (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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KENYA SCHOOL OF LAW

PARALEGAL TRAINING PROGRAMME

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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ISSUES OF INTEREST

Sustainability and Innovation: Driving Change in Marketing

By Ally Gakweli



Marketing has traditionally focused on promoting goods and services to drive sales and revenue. However, in the recent years, marketing has evolved to include a greater emphasis on social and environmental responsibility, with sustainability being a crucial component of modern marketing strategies. Sustainable marketing aims to promote environmentally friendly and socially responsible products, services, and practices while enhancing an organisation's reputation and brand equity.

The intersection of sustainability and innovation has become increasingly important as organisations seek to create new solutions in addressing pressing environmental and social challenges. The United Nations' Sustainable Development Goals (SDGs) serve as a roadmap for companies to create sustainable

solutions that align with the global sustainability agenda. Innovation is the key driver that enables companies to develop new, sustainable products and services that align with the SDGs while also creating value for stakeholders.

One example of innovation in sustainable marketing is the circular economy concept. The circular economy is an economic model that prioritizes resource efficiency, waste reduction, and recycling. It aims to transform the current "take-make-waste" linear model to one that is more sustainable and restorative.

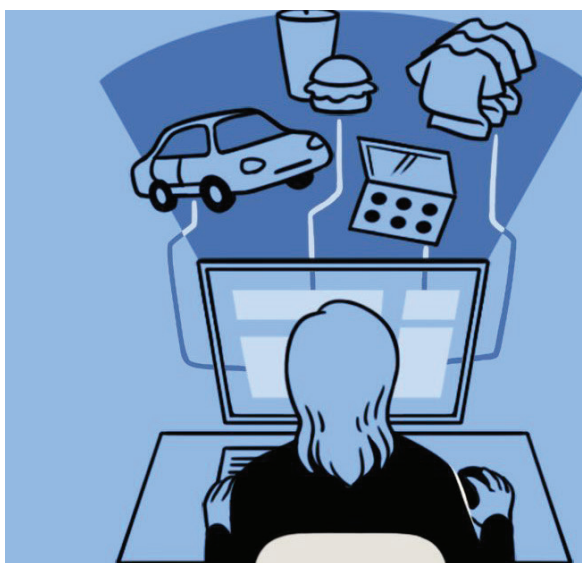
The circular economy requires innovation in product design, materials science, and logistics to enable the creation of new products that are designed to be recycled or reused at the end of their life cycle.

Many companies are adopting the circular economy approach to drive sustainable innovation. Swedish furniture retailer IKEA, for instance, has launched a circular business model that enables customers to

return used furniture in exchange for vouchers to purchase new products. The returned products are then refurbished, recycled, or resold, reducing waste and enabling the company to create a more sustainable supply chain. Similarly, multinational consumer goods company Unilever has launched a program that enables consumers to return used plastic packaging, which is then recycled to create new products.

Another example of sustainable innovation in marketing is the green technology. These are technologies and processes that reduce the environmental impact of economic activities, such as renewable energy, sustainable agriculture and eco-friendly transportation. This helps companies to reduce their carbon footprint while driving innovation in the market.

The electric vehicle industry is an excellent example of sustainable innovation in marketing. Electric vehicles (EVs) have a significantly lower carbon footprint than



Digital Marketing

['di-jə-təl 'mār-kə-tiŋ]

The use of digital channels to market products and services in order to reach consumers.



traditional petrol and diesel cars, and their adoption can help to reduce greenhouse gas emissions and combat climate change. The EV industry has seen significant innovation in recent years, with companies such as Tesla and Rivian developing new, sustainable products that are disrupting the traditional automotive industry.

Moreover, innovation in social marketing can be used to promote sustainable behavior and drive positive social and environmental change. Social marketing aims to use marketing techniques to create positive behavioral change, such as reducing energy consumption, conserving water, or promoting recycling. Social marketing can be a powerful tool for promoting sustainable behavior, as it can help to raise awareness and change attitudes towards sustainability issues.

One example of social marketing is the "Meatless Monday" campaign, which aims to encourage consumers to reduce their meat consumption to help reduce greenhouse gas emissions and conserve water. The campaign uses social media, influencer marketing and partnerships with restaurants and supermarkets to promote the benefits of reducing meat consumption and provide consumers with the tools and resources to make sustainable choices.

Innovation in marketing can also lead to economic growth and job creation while also reducing environmental and social risks. For example, sustainable innovation in the fashion industry can help to create new job opportunities and drive economic growth while reducing the industry's environmental impact. Sustainable fashion brands such as Stella McCartney and Patagonia are leading the way in driving innovation in the fashion industry by using sustainable

materials and production methods to create stylish, sustainable products that appeal to consumers who value sustainability.

However, while innovation in sustainable marketing can create significant benefits, it is essential to ensure that marketing aligns with the principles of sustainability and does not engage in "greenwashing," which refers to the practice of making false or exaggerated claims about a product's environmental benefits. To truly drive positive change and promote sustainability, companies must prioritize transparency, honesty and authenticity in their marketing efforts. By doing so, they can build trust with consumers and stakeholders, enhance their reputation and create a more sustainable future for all.

Ally Gakweli is the Marketing Officer at the Kenya School of Law

Social Media and Innovation

By Antony Munene



Innovation is the driving force behind our society, but what does it exactly mean? How do we use social media as an innovation tool to enhance performance in the future and to keep up with a rapidly changing society?

Innovation is the successful implementation of creative ideas within an organization. Increasingly organizations are attempting to navigate the social media landscape and use social media as a resource for innovation and new product or service development.

Additionally, organizations are using social media as a vehicle for developing customer insights, accessing knowledge, co-creating ideas and concepts with users and supporting new product or service launches.

Social media is seen as an enabler and driver of innovation. Social

network sites provide innovative and interactive means of communicating with customers and trigger interest. They also drive new innovations and provide firms with a new platform to facilitate innovation. Customers are getting more involved in the whole innovation process.

There is not enough time spent and respect given to exploration, ideation and creativity. The complex parts of the innovation process include evaluating, refining and even failing which can change by reframing your activities. By this, there is a need of designing a new frame around the workplace. Circumstance allows new perspectives and ideas to emerge and leads to constantly seeing things with a new frame allowing all problems to feel solvable and become an opportunity for creative solving problem-solving.

There are many reasons why innovation and sustainability is important. Below are some of these reasons;

- Grow in leaps and bounds. Organizations that innovate are able to scale up and add more employees and that allows them

to take more clients and grab a bigger share of the market.

- Stand out from competitors – The right innovation will allow you to offer something unique.

- Meets customer's needs – Customers' needs are constantly changing and innovators predict changes in the market and provide solutions before people even realize they need them.

- Attract the best talent – Talented, innovative people who want to work for innovative organizations. Innovators want to be challenged and encouraged to create on a regular basis, so you need a culture of innovation to recruit that talent.

The future is an exciting time because of all the new innovations that could shape our lives, there may be some downsides but it's worth the risk because we can make a huge difference for future generations. Innovation is an ever-evolving, always-developing entity, we are still in the beginning stages of what will be a truly incredible era of innovation.

Antony Munene is an intern at the Corporate Communication section, Kenya School of Law.





Digital Literacy: Understanding Data Protection Laws in Content Creation

By Salesio Kinyua



In today's digital era, creating content is a popular way for people to express themselves, communicate and earn money. However, due to the increasing risk of legal issues related to data protection and privacy laws, content creators must understand their rights and responsibilities. This article will discuss how digital literacy can help content creators understand data protection laws across different countries and platforms.

Data protection laws are vital for protecting individuals' privacy and personal information in the digital age. Kenya's Data Protection Act 2019, the European Union's General Data Protection Regulation (GDPR), and other data protection laws have increased the risk of legal problems for content creators. Therefore, content creators must be aware of data protection laws in the countries where their content will be viewed.

Platforms like Google, YouTube, TikTok, and Facebook have their own privacy policies and data protection laws that content creators must follow. Failing to do so can lead to content pulldown, legal action, fines, or damage to their reputation. In the age of social media, the line between legal and illegal content is becoming blurred. Content

creators must know the various types of personal data and how they can be used in their content.

Using personal data in content creation is a sensitive matter that requires caution. Data breaches can harm content creators and their audiences. Content creators must obtain explicit consent from their audience before using their personal data in their content. They must also ensure that their content does not infringe on the privacy rights of others. Digital literacy can help content creators navigate the complicated world of data protection laws and create content that is both legal and ethical. It can assist content creators in understanding their responsibilities under constantly evolving data protection laws. Knowing data protection laws can also help content creators build trust with their audience.

Content creators should stay informed of privacy policies and terms of service before using the platform. They should be clear about how they use personal data in their content.

Social media algorithms sometimes use personal data without explicit consent thus violating data protection laws. The use of ad blockers and Virtual Private Networks (VPN) can affect data protection laws' effectiveness and increase the risk of legal consequences.

There are many online platforms that educate creators about data protection and privacy laws. Content creators should always seek legal advice if they are uncertain about their content's legality. Keeping up to date with data protection laws can help content creators avoid legal problems and succeed in their careers. By understanding the importance of digital literacy and data protection laws, content creators can continue to produce meaningful and impactful content while staying within legal boundaries.

Salesio Kinyua is an ICT Officer and an Adjunct Lecturer at the Paralegal Training Programme



Dealing with Anxiety and Fear

By Dorcas Mwachia

Anxiety becomes a disorder when it is present even when there is no threat. This can cause one to lose focus and act irrationally, develop phobias, become socially awkward, irritable, agitated, and worried. It can also make someone feel emotionally overwhelmed, and have low self-esteem which affects the overall wellbeing.

In addition to say you have anxiety disorder, Diagnostic and Statistical Manual of Mental Disorders (DSM-IV-TR) describes it that you have a marked distress or “significant interference with your person’s normal routine, occupational (or academic) functioning, or social activities or relationships” is one of the core diagnostic criteria for most of the anxiety disorders.

Therefore, you may have an anxiety but not an anxiety disorder. This is because anxiety serves an important purpose and is necessary for day-to-day life. Fear and anxiety help to determine a situation that could be risky and harmful, and helps one to stay alert, and even motivate. When you are about to prepare for final exams, you are probably more anxious than if you are about to interview for a job that you couldn’t care less about. This is because the exams matter to you.

Fear is more of a present-moment emotional experience. Fear is what you experience when you are actually



The Students Welfare and Counselling Officer, Ms. Dorcas Mwachia giving her inaugural presentation on stress and stress management at the PTP Town Campus

in a stressful or threatening situation. That response you experience after a perceived threat or real threat, for example, if you see a big, scary dog running at you, you will experience fear. Anxiety, on the other hand, is more of a future-focused emotion.

Think about a situation you experienced anxiety, do you remember how you reacted? Were you confused or frightened by the feeling? Did you experience physical symptoms such as shaking or a racing heartbeat?

I have worked as a psychologist for 8 years, and I have seen just how powerful the grip of anxiety can be. Many are the times, I have witnessed how courage, coupled with the right techniques, can break that grip.

This is how your brain works when you have an anxiety attack. It starts with your sensory receptors: eyes, ears, and nose. Neurons in the brain stem begin to fire more intensely. Neurotransmitters such as norepinephrine send messages to parts of with a signal “alert, alert

a cycle of arousal increases. The messages are sent to the amygdala and hippocampus. The amygdala lies deep in the brain, receives incoming signals, and alerts the rest of the brain to threats. It processes feelings, emotions, and fear quickly, without it, you would never feel anxiety.

In contrast, hippocampus stores threatening experiences in the brain as memories and analyses incoming threats in terms of experience. When a threat is sensed, hippocampus exchanges messages with other parts of the brain (such as prefrontal cortex), which is responsible for planning. Sympathetic nervous system is stimulated. Adrenaline and other hormones surge through the body, heart rate increases, blood pressure rises, and breathing becomes rapid. In the presence of an actual threat, the body is now prepared to fight or escape.

If you have an anxiety disorder, you have a mental illness and its characterised by excessive and intense constant worries, thoughts become persistent and very intrusive. The following are types of the disorders:

•**Panic disorder** - Having frequent and unexpected panic attack and the fear of having further panic attacks. It brings an overwhelming distress both physical (feeling dizzy, sweating, shaking, hot flashes, nausea, palpitations etc) having further panic attacks and psychological like having fears of dying ("heart attack"), or losing control ("going crazy"), feeling detached or even fainting.

•**Generalised anxiety disorder (GAD)** - This involves overwhelming apprehension about the possible future adverse or threatening life outcomes which is unrealistic. They may be caused by stressful life events or other personal concerns. The symptoms include, having difficulty concentrating, being irritable, difficult controlling worrying feelings, feeling restless and having sleep issues.

Phobia - Excessive and persistent fear of a specific object, situation

or activity that is not really harmful for example being in an enclosed place, fear or mass of water, fear of being in public situations, fear of negative evaluation from others, fear of public speaking.

•**Obsessive-compulsive disorder (OCD)** - Uncontrollable and unacceptable intrusive thoughts, images, or impulses that keep reoccurring and makes you feel the urge to repeat. You have come across people who fear germs or contamination and are compelled to do excessive cleaning or handwashing. Others it is ordering and arranging things in a particular way repeated checking on things e.g. door is locked or leaking gas. Note that one with OCD cannot control the behavior or thoughts and experience significant problems in their daily life due to these thoughts or behaviors.

•**Posttraumatic stress disorder (PTSD)** - Involves trauma from a stressful event like divorce, loss of a loved one, loss of a job, sexual and gender based violence, accident,

war etc., that one has experienced or witnessed in a lifetime. Having intrusive thoughts about the event, avoidance of the reminders, feeling hyper vigilant are some of the symptoms of PTSD. Many would ask now how does one recover from panic, fear, phobias, PTSD, and a propensity to worry so much that it influences one's ability to enjoy life? There are so many techniques on how to recover or manage anxiety. One concept that is key involves developing a sense of where you are in the recovery process, recognizing that there's more you want from your life, and refusing to be deterred from pursuing recovery. Psychologists call this self-efficacy, the capacity to see your way through the challenges before you. It is likely that you or someone you know struggles with anxiety, and, if this is the case, it is important for you to know that you are not alone.

Dorcas Mwachia is the Students' Welfare and Counselling Officer at the Kenya School of Law





Striking a Balance : Innovation and Sustainability in the Communication Section

By Lillian Wambua



Innovation and sustainability are two critical aspects that every organization should consider if they want to remain relevant and competitive in today's rapidly evolving world. However, striking a balance between these two aspects can be a daunting task, especially in the communication sector.

The communication section plays a crucial role in every organization, and the Kenya School of Law (KSL) is no exception. The section is responsible for ensuring that the School's message reaches its target audience effectively. This involves communicating with various stakeholders, including students, employees, alumni, and the public.

Innovation is crucial in the communication section of KSL because it enables the section to adopt new communication technologies and techniques that can enhance communication effectiveness. The section, for instance, has leveraged social media platforms to reach a wider audience and create engaging content that resonates with the target audience. Additionally, innovation has helped the section to automate some of its communication processes, such as email marketing, thus saving time and resources.

On the other hand, sustainability is equally critical because it ensures that the communication section operates in a way that is environmentally friendly and socially responsible. The section, for instance, has adopted paperless communication processes, such as electronic filing systems, to reduce paper waste. Additionally, the section can promote responsible consumption by encouraging the use of eco-friendly communication materials and reducing energy consumption.

To strike a balance between innovation and sustainability, the communication section of KSL should adopt a holistic approach that considers the needs of all stakeholders. This involves conducting regular stakeholder consultations to identify their communication needs and preferences. Additionally, the department should prioritize sustainability in all its communication processes by adopting sustainable

communication technologies and materials. The section should embrace innovation but only to the extent that it does not compromise sustainability. Additionally, the department should ensure that any innovation it adopts aligns with the school's values and goals.

In conclusion, striking a balance between innovation and sustainability in the communication section of the Kenya School of Law is crucial. The department should prioritize sustainability in all its communication processes while embracing innovation to enhance communication effectiveness. By doing so, the department can ensure that it communicates effectively with its stakeholders while promoting responsible communication practices.

Lillian Wambua is a former attachee at the Corporate Communication Section of the Kenya School of Law



Foods that can Damage your Kidneys

By Bernard Makinda

The human body is a complex machine, and what we consume has an impact on how it functions. Our kidneys are sensitive, and some of the foods we eat on a regular basis can harm them. While it is common knowledge that processed foods and excessive sugar consumption are bad for our health, some "healthy" foods can also be harmful to our kidneys.

According to WebMD, the following are some of the best foods you did not know were damaging your kidneys:

Salt: Salt is a common ingredient in many of our diets, but it can be harmful to people who have kidney problems. Excessive salt consumption can result in high blood pressure, a major risk factor for kidney disease. To avoid this, limit your daily salt intake to less than 2,300 milligrams and use salt substitutes such as herbs and spices to flavor your meals.



Processed Meat: processed meats, such as hot dogs, sausages, and ham, are high in sodium and preservatives, which can harm the kidneys.

Furthermore, they are frequently made from low-quality animal products and contain hormones, antibiotics, and chemicals that can be harmful to our health. Instead, choose fresh meats, poultry, or fish that have been seasoned with natural herbs and spices.

people looking for a quick pick-me-up, energy drinks contain high levels of caffeine and sugar, which can harm the kidneys. Caffeine is a stimulant that raises blood pressure and strains the kidneys. Furthermore, the high sugar content of these beverages can contribute to obesity and type 2 diabetes, both of which are major risk factors for kidney disease. Instead, drink water, herbal teas, or fresh fruit juices.

Energy drinks: Popular among

Bernard Makinda is the Chef at the Kenya School of Law





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Interview with ATP Moot Court Co-ordinator and Principal Lecturer, Kenya School of Law

Q&A session



1. Who is Simiyu Murambi?

A teacher of law, a native of Trans-Nzoia County, an Advocate of the High Court of Kenya of 22 years good standing and a sporting fan. Loves reading scientific journals on astrophysics.

2. How long have you been working at KSL?

I have served the School since 1st April 2004. That makes it 19 years.

3. What does your typical day look like?

A typical day would start with a catch up on online news followed by resizing of the diary. I would then do some reading, either generic or specific, then attend court early

morning before preparing for class late morning. I would do student consultation early afternoon and thereafter teach. I would then wind down the day with a stint at the gym or dojo or on a running track.

4. What changes and development have you seen in the School from the time you joined KSL?

When I joined the School, it was based along Valley Road in Nairobi. It relocated to the current Karen Campus in the year 2005. Relocation was a momentous occasion for the School and the profession at large. The facilities that we had been accustomed to at Valley Road were meant, I understand, to serve a hospital maternity wing. My office along Valley Road was a typical doctor's room with old shelves embedded in the wall, a medieval sink at one corner and a huge rusty tap. Moving to the current site gave the

School a relatively modern look with wooden offices and expansive infrastructure. The most transformative moment was embracing of ICT by the School by installing the high-rise mast that is next to the Director's office. After the mast was installed, we started using emails. Indeed we were among the first government institutions to give staff email addresses, around 2006. We tried engaging with Smart Boards sometime in 2009 but the project did not take off.

The formulation of the current Advocates Training Programme curriculum around the year 2007, from scratch was an exciting moment for me, as the rapporteur. Discussing subjects to be taught and the course content was at times very contentious.

The latest transformative event at the School was the introduction of virtual learning. I am pleased to have originated the online class regulations. Virtual classes will remain, for a very long time, a dividend of Covid-19 that decentralized the School to our homes and hamlets, in a way that was never contemplated.

The style of training has increasingly been emphasized and tilted towards clinical mode of instructions. I pioneered participation by the School in offering legal aid, Moot Court competitions and general mentorship programmes tailored to advance clinical legal training.

5. What have been some of the key changes in the legal framework of KSL?

Introduction of the Legal Education Act and the Kenya School of Law Act between the year 2012 and 2014

thrust the School to more public scrutiny and litigation. After the kicking in of the Kenya School of Law Act, there was an upsurge in student numbers, especially from Uganda and West Africa. Those numbers have been on the decline.

6. What is the best part of your job?

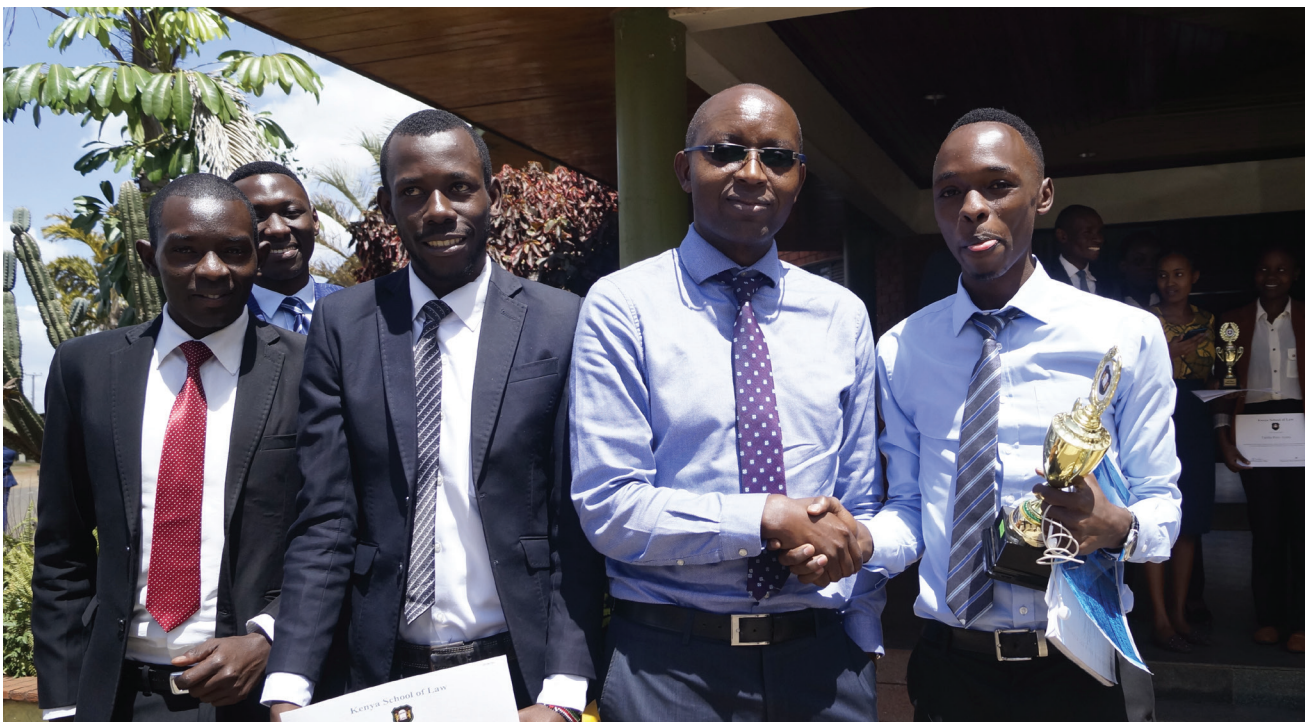
Debating with students in novel ideas or unanticipated situations occasioned by lacunae in law.

7. In what ways can you say the School has been innovative?

Embracing use of cutting-edge technology in our work life, especially lecture delivery, has made the School's and individual staff members' opportunities limitless. In addition, making use of the physical infrastructure to generate revenue for the School has been quite innovative, as the same must have reduced reliance on the exchequer in funding programmes.

8. What more can the School do to make it sustainable?

We need to focus more on training and expand our catchment areas. I would be happy if we reopened our training doors, especially to persons seeking to undertake ATP from countries that are beyond the East African Community like we did before 2014. Most of those individuals would come here get trained and then go back to their countries. It is a way of not only marketing our country but the School. The fear of expectation that once they have gone through ATP they would expect to practice law in Kenya is unfounded as immigration laws would deal with such situations. Most of our former students especially from Malawi and Gambia have come back to the School for benchmarking and generally promoted our country abroad. It is a dividend we should not lose sight of, especially in light of the School's mission and vision.

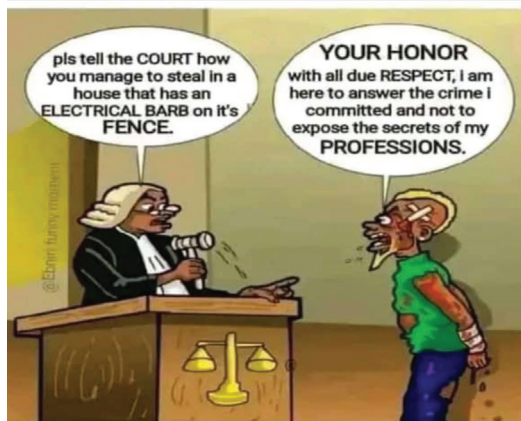


ATP Principal Lecturer, Simiyu Murambi (second right) with participants during a moot court competition

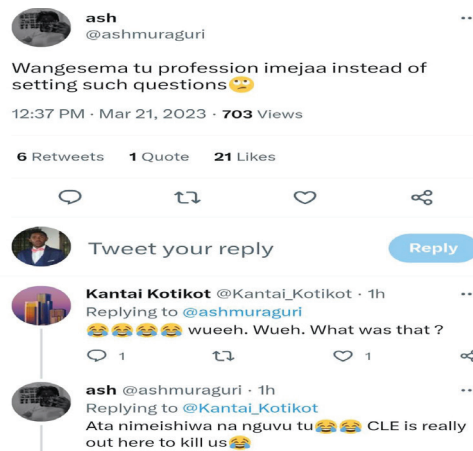
Just for 'Lawghter'



"Just because you're GUILTY, doesn't mean you ARE guilty."



"My client is an enigma...an innocent man, who, according to the facts of the case, appears to be absolutely guilty."



1. Why did the lawyer bring a ladder to court? He wanted to reach the bar.
2. Why did the lawyer cross the road? To get to the bar on the other side
3. A lawyer, who was talking to his son about entering college, said, "What go into your head that you want to be a doctor instead of lawyer?" "Well, Dad," answered the son, "Did you ever hear anybody get up in a crowd and shout frantically, 'Is there a lawyer in the house?'"
4. An airliner was having engine trouble, and the pilot instructed the cabin crew to have the passengers take their seats and get prepared for an emergency landing. A few minutes later, the pilot asked the flight attendants if everyone was buckled in and ready. "All set back here, Captain," came the reply. "Except for one lawyer who is still going around passing out business cards."
5. A personal injury lawyer was on vacation in a small rural town. While walking through the streets, he spotted a car that had just been involved in an accident. As expected, a large crowd gathered. Going by instinct, the attorney was eager to get to the injured, but he couldn't get near the car. Being very clever, he started shouting loudly, "Let me through! Let me through! I am the son of the victim." The crowd made way for him. Lying in front of the car was a donkey.
6. Two lawyers are in a bank when, suddenly, two armed robbers burst in. While one of the robbers takes the money from the tellers, the other lines the customers, including the lawyers, up against a wall and proceeds to take their wallets, watches and other valuables. The first lawyer shoves something into the other one's hand. "What is this?" the latter asks without looking. "It's that ksh1000 I owe you."

Compiled by Fredd Wakimani and Christine Kungu

KSL Events Highlights



KSL Director, Dr. Henry Mutai (left) and Director for Centre for Law and Information Technology, Mr. Alex Gakuru (right) during the signing of the MOU between the two institutions.



Hon. Okot P'.Bitek Junior, MP for Kiogo County Uganda and a member of the Uganda Legal Affairs Committee together with the Corporate Communication Officer during a courtesy call to the School.



KSL Director, Dr. Henry Mutai (left) presenting a gift to Malawian Attorney General, Thabo Chakaka Nyirenda during a bench-making visit at the School.



Justice Kathurima M'inoti, JA Court of appeal of Kenya presents a certificate of recognition to Mr. Justus Munyithya for the best performed subject (Trial Advocacy) during the 7th graduation ceremony.



ATP Lecturers, students and staff during the training of cadets on Law relating to SGBV at the Kiganjo police training college



KSL CSR Committee during a visit to the Destiny Shapers Centre. The team donated books, stationeries, food, and clothes as part of the School CSR activities



The best overall ATP student class of 2021, Quinter Achieng Otieno receiving an award during the 7th graduation ceremony



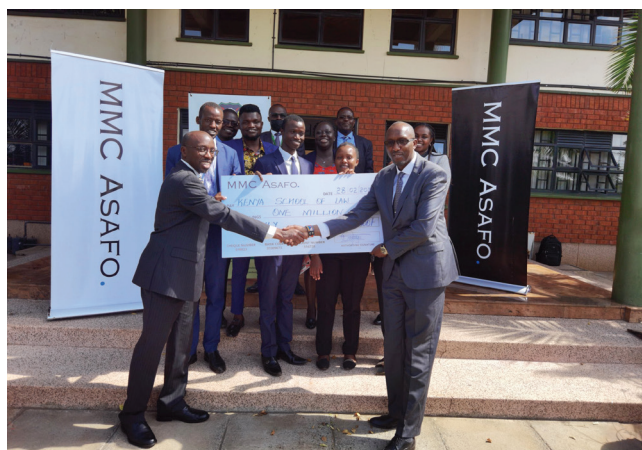
KSL Director and ATP Lecturers complimenting Justice Alfred Mabeya after concluding a guest lecture at the Karen Campus



Best overall female PTP student class of 2021, Njuguna Serah Waithera receives a token of appreciation during the Schools' 7th graduation ceremony



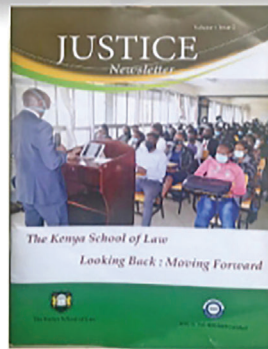
ATP students during a legal aid activity at Kangeta Prison in Meru



KSL Director, Dr. Henry Mutai (left) receives a cheque from MMC Asafo towards sponsoring 7 of the School's needy ATP students



Participants attending the Andragogy training for Law Lecturers in Naivasha.



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