

28THAUGUST 2023 ISSUE 17

THE LEGAL INSIGHT

The Official LSK Weekly Newsletter -ANNUAL CONFERENCE EDITION

LSK ANNUAL CONFERENCE 2023

The Law Society of Kenya Annual Conference 2023 was held between the 15th- 20th August 2023 at the Diamonds Leisure Beach and Golf Club Resort in Diani, Kwale County.

The conference was held under the theme, Climate Change; From Theory to Action, The Role of the Legal Profession in Climate theme, Anti-Money Laundering; Justice and sub Uncomfortable Agent, A Lawyers Role in Balancing the Competing Interests. The three-day conference attracted over 1,200 advocates who included high ranking legal practitioners, senior officials from the Judiciary, State Law Office, Office of the Public Director of Prosecutions (ODPP), Independent Commissions. County Governments, Diplomatic Missions, Parliament, Non-Governmental Organizations and Corporates.

The first day of the Conference saw various specialized forums for Advocates which included the Women's Lawyers Breakfast meeting, the In- House Counsel Forum and Young Lawyers Forum.









NEWS SEGMENT





The Attorney General Alliance Africa Programme (AGA-Africa) is delighted to participate in the Law Society of Kenya Annual Conference 2023 themed "Climate Change - From Theory to Action; The Role of the Legal Profession in Climate Justice" organised by the Law Society of Kenya (LSK). The AGA-Africa Programme proudly supports the LSK mandate to continuously assist members of the legal profession, the government and the larger public in all matters relating to the administration of justice in Kenya.

Established in 2016, the Attorney General Alliance-Africa Programme (AGA-Africa) is a Programme operated under the auspices of the Attorney General Alliance (AGA), a non-partisan, not-for-profit organization-based in the United States. The AGA-Africa Programme collaborates with African Ministries of Justice, Judiciary, Attorney General, Solicitors General, Public Prosecution Offices and Law Enforcement Agencies to share knowledge and experience in the fight against cross-border crime. AGA-Africa Programme delivers programmes to build institutional and human capacity to support the rule of law through workshops, conferences and seminars to promote awareness and the effective detection, investigation and prosecution of transnational crimes.



AGA-Africa Programme seeks to establish and foster robust relationships with justice and law enforcement agencies and other state and non-state actors in Africa to support the rule of law in combating transnational criminal activity such as Anti-Human Trafficking, Money Laundering, Cybercrime, Countering Drugs, Anti-Wildlife Trafficking, Gender-Based Violence and other cross-border crimes. The Attorney General Alliance-Africa Programme is currently in 10 African countries; Ghana Kenya, Lesotho, Malawi, Nigeria, Rwanda, Sierra Leone, South Africa, Uganda and Zambia.











www.agaafrica.org



LSK ANNUAL CONFERENCE 2023

The LSK Secretary/ CEO, Ms. Florence W. Muturi welcomed members to the LSK Annual Conference 2023 and appreciated them for turning up in large numbers. The President also went on to introduce the Council members and the Branch Chair present. He further reiterated the LSK stand on the proposal made to amend the POCAMLA and delete the provisions designating Advocates as reporting agents as per the amendments made in 2023.

Hon. Neto represented the Cabinet Secretary, Hon. Soipan Tuya, CS- Environment. Climate Change and Forestry. Hon. Neto Agostinho began by stating that it was noteworthy to understand that the preservation of the ecosystem is a responsibility for all. It was stated that the wellness of a state requires the championing of inclusion and pioneering great accessibility to matters of climate action. The pioneering was to include the reduction of waste and the acceleration of a low-carbon world among others. It was concluded that the independent autonomy that lawyers have should be exercised within legal limits. Constructive policies for climate justice should always be of priority.

On the other hand, Mr. Saitoti Ole Maika, Director General, Financial Reporting Centre represented Prof. Njuguna Ndung'u- CS Treasury. Mr. Ole Maika intimated that there was a dire need to regulate Anti-Money Laundering & Terrorist Financing. Through the Financial Action Taskforce, it was found that law enforcers saw an increase in illicit financial operations a majority of which required the services of a legal professional. Thus it put the legal professionals' services in a state of vulnerability. The FATF challenged the perception that is held by criminals and more often than not, supported by claims from legal professionals. For the realization of change, Kenya, as a country, must comply with international legal frameworks and address the deficiencies that have been outstanding since 2010 e.g. the provision of corresponding banking services among others.

Prof. Richard Oduor, Ag. Registrar, Research Innovation & Product Development, Kenyatta University delivered his keynote address on Climate Change. He affirmed that Climate Change is real and people must think ahead on food security. He went on to state that Genetically Modified Organisms (GMOs) suffer from a unilateral perspective and technologies must be allowed to co-exist. DNA Sequencing is the way to go. A discourse on GMOs is never about safety and our choice of food is a matter of tastes and preferences noted Prof. Oduor during his presentation.



CONTD...

Ms. Gladys Boss, the Deputy Speaker, of the National Assembly began by noting that the theme of the Conference was timely and relevant. She urged Advocates to be involved in the issues of Climate Change and on matters of anti-money laundering, Advocates play a delicate yet crucial role in maintaining the balance between diverse interests.

Conference Day Two

The Chief Guest was Hon Justice Oscar Angote, Presiding Judge, Environment & Land Court, Milimani Law Courts. He started off by noting that Climate Change is no longer an abstract but a reality that is currently facing us and as Advocates we are obligated to find ways of dealing with it. He urged Advocates to promote sustainable land use & and conservation matters, facilitate climate finance by guiding investors when advising them, participate in climate education, and public awareness, and promote corporate values among others.

The Other Invited Guests included Hon. Patrick Kiage- Judge Court of Appeal and Mr. Jody Young- Counterterrorism Resident Legal Advisor, United States Department of Justice, Office of Overseas Prosecutorial Development Assistance and Training Embassy of the United States of America.

Hon. Kiage began by stating that one realizes that lawyers are inherently problem solvers, equipped to address tangible issues in our society. One such pressing issue is money laundering. He went on to state that Lawyers, with their profound understanding of the law, are uniquely positioned to engineer outcomes that are both socially desirable and beneficial. He prescribed that for a society to fully embrace the principles of accountability and transparency, it's imperative that lawyers lead by example. He further warned that the core values and principles enshrined in our Constitution should not merely be abstract concepts but should deeply inform the practice of law.

Mr. Young shared his experience on the United States of America's view and approach with regard to Anti- Money Laundering with emphasis on the legal profession

The #LSKAnnualConference2023 official closing ceremony was officiated by Hon. Mohammed Faki, Senator, Mombasa County. He urged Advocates to be the real social change engineers and reiterated the need to understand and know Anti-Money Laundering regulations.

Later in the evening, there was a Gala Dinner where sponsors were recognized and awarded for supporting the Conference and making it a success.





ANNUAL CONFERENCE 2023 GALLERY























THE WOMEN'S LAWYERS BREAKFAST FORUM

The theme for the Women's Breakfast was "The Vital Role Women Play in Tackling Climate Change" and "Women's Leadership; Resettling the Gender Dial and Recasting African Women's Leadership as a Key Strength in Addressing Global Warming Concerns.

The various speakers highlighted the role of women as primary or traditional caregivers and how the effects of climate change have impacted their lives. Opening the conference was the LSK Vice President, Faith Odhiambo who put emphasis on the role of female lawyers as the torchbearers of laying down the foundation of better policies for environmental conservation. She stated that it was and is still worthy to recognize the profound role of women who have been successful in upholding and advocating for climate justice.

Florence Muturi, LSK CEO, spoke on "Empowering Women, Acknowledging Their Potential, and Encouraging Them to Embrace Their Power within the Workplace and Beyond." Mwathi Kitonga, the Deputy CEO, spoke on LSK's commitment to gender equality and climate action.

The keynote speaker, Ms. Nancy Ikinu, Chairperson of FIDA- Kenya proclaimed that since women bear the brunt of climate justice the most, those in the legal profession, through their gendered expertise, should tuck into the law and advocate for the course. She further noted that the Gender Action Plan as agreed by the UNFCC,





The Special Guest was Ms. Betty Sungura-Nyabuto, CEO of NGEC, who stated that Climate Justice is not just an environmental issue but also a social one. Given the disproportionate impact of climate change on Women, it is vital to empower them to assume leadership roles in the realm of climate justice. She concluded by noting that numerous barriers exist that prevent women's inclusion in climate change discussions yet they rely heavily on the environment for both social and economic activities; therefore, their involvement in these discussions from the onset is paramount.

Other notable speakers included; Ann Ireri, Executive Director- FIDA-Kenya, Maurice Makollo, Area Vice President Africa Habitat for Humanity International, Prof. Patricia Mbote- Director of Law Division, UNEP and Sofia Rajab- Managing Partner, Leteipan & Associates. They were of the opinion that more women should vie for more elective positions, tuck into environmental law, and empower more women should take place so that they could also aid in the realization of green economies, the adoption of Agenda 2030 with emphasis on SDG No. 17 among others.









IN- HOUSE COUNSEL FORUM

The In-House Counsel Forum was held under the themes, Emerging Trends in In-House Practice and In-House Counsels as Guardians of Transparency. The Guests included Lucy Lelo, Legal Counsel marketing, Anti-Illicit Trade & Trade BAT East & Southern African, Ndinda Kinyili, Advocate, Rose Mosero, Advocate and Mercy Buku, Advocate.

Other Guest included Francis Kairu, Advocate, Clarise Kariuki, Advocate and Jaqueline Manani, Advocate who expounded and shared their perspectives from both the Public and Private Sector on the emerging trends in Environment Social and Governance and compliance with technology.











THE YOUNG LAWYERS FORUM

A Young Lawyers Forum was held under the theme, Anti-money Laundering: Navigating Unchartered waters; A comparative analysis of Anti-Money Laundering Regulations in Kenya and the UK. The key speaker Mr. Alun Milford laid out a comparative analysis of the system in the UK and Kenya. He touched on the responsibilities of the legal regimen towards understanding the principle offenses surrounding the severity of Anti-Money Laundering, the defenses, the risk assessments to be undertaken on firms and the legal profession privileges to be observed.

The lawyers in attendance later on voiced their query via a plenary session and it was unanimously agreed that besides raising awareness on matters of climate justice, the impact of money laundering on both state and non-state agencies is profound. Therefore, both matters require swift action.



LSK CORPORATE SOCIAL RESPONSIBILITY (CSR)

On Saturday, 19th August 2023, the Council of the Law Society of Kenya and the Board of Management of the Advocates' Benevolent Association undertook three essential CSR activities as part of the LSK Annual Conference.

The three activities were as follows:

• Tree Planting Exercise at Kaya Kinondo Sacred Forest:

The Ministry of Environment, Climate Change and Forestry donated over 1,000 tree seedlings of different indigenous and exotic trees to the course which was in line with the theme of the Conference. Advocates turned up in large numbers to plan the tree seedlings at the Kaya Kinondo Sacred Forest.

This was arrived at as a need to address the impact of climate change on coastal ecosystems. The initiative was not only to symbolize the Society's dedication to reforestation and climate justice but also serve as a tangible step towards mitigating the effects of climate change. By planting indigenous and exotic trees, we contribute to global reforestation efforts, repair ecosystems, and combat climate change.

• Beach Clean-up Exercise:

Advocates engaged in a beach clean-up exercise to combat coastal pollution and preserve the beauty of our surroundings. This hands-on activity involved participants in collecting garbage, debris, and waste from the coastline. With this, we aim to mitigate environmental pollution and protect the coastal ecosystem for generations to come.

• Visit to Born-Again Children's Home:

Recognizing the importance of community and social support, members of the Society Visited the Born Again Children's Home in Ukunda. The Society donated roofing material worth Kshs. 250,000 and assorted foodstuff worth Kshs. 50,000. In addition, the advocates held a mini fundraiser which saw Kshs. 270,000 collected and presented to the management of the home. All these were done to enhance the living conditions of these young souls who deserve safe and comfortable shelter

These CSR activities embody the Society's commitment to social, economic, and environmental change, aligning with this year's conference theme, "Climate Change: From Theory to Action, the Role of the Legal Profession in Climate Justice."



LSK CSR 20223 GALLERY























LSK PRESIDENT'S GOLF TOURNAMENT

This year's tournament was held on the 19th of August 2023. The Law Society of Kenya organised this tournament to enhance competition, afford Advocates networking opportunities as well as spur interest in golf by arranging a golf clinic. More importantly, the conference theme, Climate Change: From Theory to Action, was factored into the tournament with the aim of raising funds for the tree planting initiative at Kaya Kinondo Sacred Forest and on the golf course of the Diamonds Leisure Golf Club.

The tournament attracted approximately 130 participants. It was officially opened with a tree planting with President Eric Theuri, Hon. Wahome Ndegwa, and Justus Wabuyabo.

The following players took home a prize for their exemplary performance: Overall winner- Bernhard Kipkoech 41 pts

Men winner-Larry Wambua 36pts Men runner up-Pravin Powry 35 pts Men 3rd-Charles Wamae 33pts

Lady winner- Kerry Venturini 41 pts. Lady runner-up- Caroline Mokaya.39 pts Lady 3rd- Makena Mwige 33pts.

Gross winner- Scott Carruthers 29pts.

Longest drive men- Victor Simbi 224mts. Longest drive lady- Caroline Mokaya.181mts. Nearest to the pin -Grazia Del Gabbo 8.4 mts.

Guest winner- Paul Njuguna 42 points. Runner up- Japie van Niekerk 39 pts Guest lady winner-Prisca Jebet 41pts.

Sponsor winner-Fred Murimi 24 pts Runner up- Justus Wabuyabo 20 pts.



The top clinic participants(a young child and one adult) were awarded by Council member Chrysostom Akhaabi



LSK PRESIDENT'S GOLF TOURNAMENT GALLERY

























OUR SPONSONRS



Foundation













































































Uber for Business



















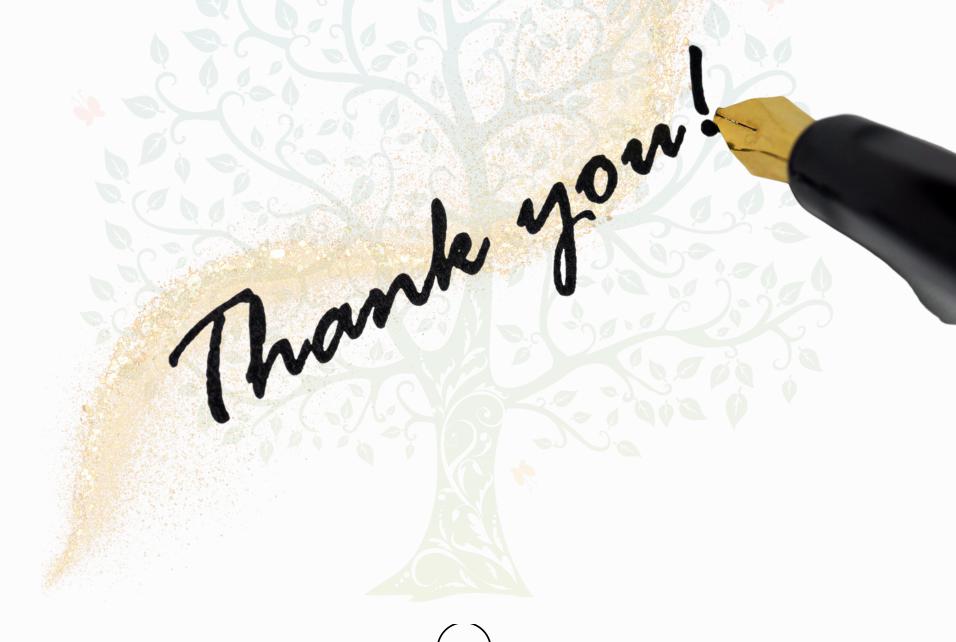


WE OWE IT TO YOU

The Law Society of Kenya thanks all participants, partners, the Council, the Planning Committee and the Secretariat for making the LSK Annual Conference 2023, the CSR Activities and the President's Golf Tournament a huge success.

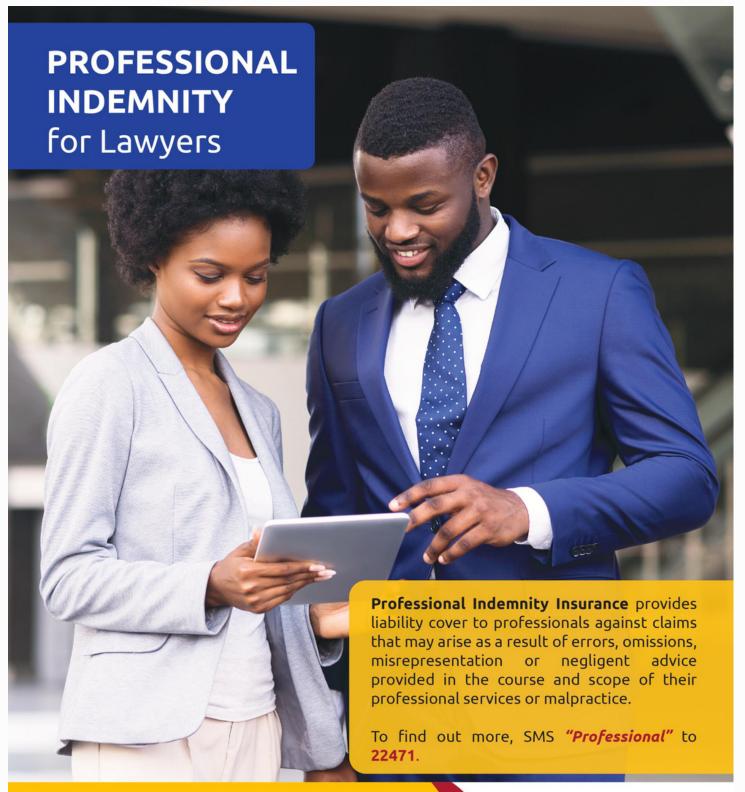
The Conference and its activities were the first step in implementing changes in the legal field and the country as a whole.

The full gallery can be accessed via the link: https://drive.google.com/drive/folders/1VgyjWtQNZmn5cr3T6YW8EpIbHye2l0-t? https://drive.google.com/drive/folders/1VgyjWtQNZmn5cr3T6YW8EpIbHye2l0-t? https://drive.google.com/drive/folders/1VgyjWtQNZmn5cr3T6YW8EpIbHye2l0-t? https://drive.google.com/drive/folders/1VgyjWtQNZmn5cr3T6YW8EpIbHye2l0-t?









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UPLIFTING THOSE ACCELARATING THE WHEELS OF JUSTICE FOR THE MARGINALISED

The Deputy CEO, Collins Odhiambo, represented the Law Society of Kenya during the recognition of persons, organizations and safe centres that advocate for the dissemination of justice.

Barefoot Law took the time to recognize such organisations and give an award of 1000usd to the top three applicants







LSK DEMANDS WITHDRAWAL OF MISLEADING ARTICLE

The Law Society of Kenya's attention has been drawn to the Business Daily dated 17th August 2023 titled, Lawyers sign pact with State to report client's dirty cash. The Council would like to set the record straight by noting that the reporting is misleading and inaccurate.

The proposal made is to amend the Proceeds of Crime and Anti Money Laundering Act, 2009 (POCAMLA) and delete the provisions designating Advocates as reporting agents as per the amendments done in 2021. Instead the LSK be designated as Self Regulating Body under POCAMLA in line with FAFT standards for protection of client attorney privileges. The model modifies what has been adopted in jurisdictions such as UK, USA, Australia and protects any information received from clients in the process of establishing a client's compliance with the law or advising clients whether he is in compliance with the law and litigation. The Law Society demands the immediate withdrawal of the misleading reporting with an appropriate apology.





YOUR LITIGATION STRATEGY WITH RISKHOUSE INTERNATIONAL!

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Elevate Your Litigation Strategy with your strategic ally in comprehensive asset tracing services – Riskhouse International. Our experts specialize in tracing concealed assets across borders, adding a powerful edge to your litigation strategy.

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10TH ANNUAL CAPACITY BUILDING WORKSHOP AND SYMPOSIUM ON COMPETITION LAW AND POLICY

The Competition Authority of Kenya will host the 10th Annual Capacity Building Workshop and Symposium on Competition Law and Policy. The Capacity Building Workshop will comprise a daily four-hour in-person session on 25th and 26th October, 2023. The Symposium will take place on 27th October, 2023.

The Capacity Building Workshop will address core areas of competition law and economics, with a focus on practitioners' needs. Participants will benefit from case exercises informed by the Authority's past intervention cases.

Some topics of discussion include Procedural Framework for Competition Law Enforcement, Consumer Protection in the Financial Services Sector, Assessment of Vertical Agreements, and the Role of Market Inquiries/Studies in Competition Law Enforcement.

The Symposium on Competition Law and Policy will focus on Role of Competition and Consumer Protection Policy in Advancing Sustainable Consumption and Production as well as Complementarity or Conflict: Interaction between Competition and Industrial Policies.

AUTHORITY

Law Society of Kenya (LSK) members who participate in the Capacity Building Workshop will earn two Continuous Professional Development (CPD) points.

Package Options	Early Bird (Before 31st August 2023)	Standard Fee (From 1st September 2023)
Capacity Building + Symposium	Kshs. 40,000.00	Kshs. 50,000.00
Group bookings (Capacity Building Workshop/person (Minimum 6 pax)	Kshs. 40,000.00	
Symposium ONLY	FREE	FREE

To reserve a slot for participation in the Workshop or Symposium, fill the booking form available via: https://t.ly/ntvZw

For more details regarding the Workshop and Symposium, see attached flyer-10th Annual Capacity Building Workshop & Symposium Flyer

In case of any queries, contact the Authority via; Email: symposium2023@cak.go.ke



BIENNIAL IBA AFRICAN REGIONAL FORUM CONFERENCE

Registrations are now open for the upcoming Biennial IBA African Regional Forum Conference: Future-proofing the African legal profession, taking place in Kigali, Rwanda on 13-15th September 2023.

Sessions will include:

- Regional integration: Prospects for the successful implementation of AfCFTA
- Technological disruption in the African legal sector
- The ESG agenda in Africa: from people, business and legal perspectives
- Opportunities and challenges for regulating new tech players in African services sectors
- Mapping international arbitration in Africa: What has changed in the last decade?
- Data protection and privacy: The art of risk management
- Is the future of international criminal law domestic?
- Training the future lawyer: Is current legal education fit for 21st-century purposes?
- Making a success of the post-pandemic law firm

The evolution of Force Majeure clauses in commercial contracts to address emerging global threats. Symposium for Young Lawyers and Bar Leaders Summit on 13 September 2023.

Advertising and sponsorship opportunities

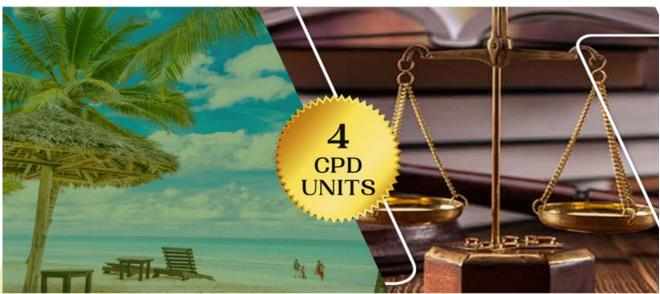
For details of how to become a sponsor for this event, please email <u>jenny.roote@int-bar.org.</u>



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TOPICS: -

- Context & History of Devolution: Role of The Senate, National Government & County **Assemblies**
- Legal Framework & Justification Underpinning the Office of the County Attorney
- Law Making in The Devolved System: Experiences, Hits & Misses
- **Doctrine of Separation of Powers:** Understanding Power Dynamics in The **Devolved System**
- Accountability & Integrity: The Impeachment Process as a Sword of Justice.

- 6) County Attorneys & Human Resource **Functions: Facilitators or Bystanders**
- Role of County Attorneys in the Budget Making **Process**
- Legal & Governance Audits: Role of County Attorneys in the Process
- **Entrenching National Values: Emerging** Jurisprudence on Public Participation
- 10) The Future of County Attorneys: Beyond The Legal Advisor of the County Government

BOOK NOW





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VACANCY-LITIGATION ADVOCATE

A medium-sized law firm in Nairobi seeks to recruit a Litigation Advocate, who will be tasked with managing all phases of litigation from the investigation, pleadings, and discovery through the pre-trial, trial, settlement, and appeal processes.

Qualifications

- · Be an Advocate of the High Court of Kenya, with a current Practicing Certificate.
- · Have at least 2- 3 years post-admission working experience.
- · Be computer literate.
- · Have excellent communication and interpersonal skills.
- · Demonstrate excellent organizational skills.
- · Have the ability to work with minimum or no supervision.
- · Have the ability to work as a team.
- · Be a person of unquestionable integrity with a high sense of professionalism.
- · Be proactive, and self-motivated.
- · The advocate should be ready to work and be stationed within the coastal region.

Applications for the position are open until 18th August 2023.

Qualified applicants should send the following documents to lexconsultllp@gmail.com:

- A cover letter.
- A current CV highlighting any relevant work experience and extracurricular activities.
- Copies of current practicing certificate, a copy of the admission certificate, all academic certificates and transcripts.
- A copy of your national ID.
- Referees.
- A statement of salary expectations.



COUNCIL DECISIONS TAKEN ON 15TH AUGUST 2023

The Council Decisions on applications taken on 15th August 2023 for admission to the Roll of Advocates, Practicing Certificates, Notary Public and Commissioner for Oaths can be accessed on the link: https://drive.google.com/drive/folders/1x5FGeUaG d7HXUhdsrOfESBxdOLuIXD ?usp-sharing

NOTICE FOR COMMENTS ON THE HIGHER EDUCATION LOANS BOARD (AMENDMENT) BILL, 2023

The Higher Education Loans Board (Amendment) Bill, 2023 is a Bill for an Act of Parliament that was developed to amend the Higher Education Loans Board Act No.3 of 1995 to waive the imposition of interest on the principal amount of a loan advanced to youth and persons with disabilities until such time as they have secured their first employment.

Specifically, the Bill seeks to reduce the financial burden on recent graduates who are expected to pay large sums of money to the Higher Education Loans Board even before securing employment or becoming financially stable. Further, the Bill provides that the penalty charged on defaulting of the loan shall be charged after securing employment or five years after completion of studies.

In accordance with Article 10(2) (a) of the Constitution that highlights national values and principles of governance including participation of the public, Members are hereby invited to submit their comments on this Bill, which can be accessed through this <u>link</u>, to Mr. Wilson Alumasa via <u>wilson.alumasa@lsk.or.ke</u> not later than Wednesday 30th August, 2023.





























13 years ago, on 27th August 2010, the Constitution of Kenya was promulgated. 10 years later, via a Katiba Day Promulgation at LSK Gitanga Road, several professional organisations led by LSK & KCPF committed to commemorate Katiba Day annually. This is an occasion to reflect on the progress in just & faithful implementation of our laws that upholds national & family values.

We welcome you to join us this year for 3 days engagement as indicated in the accompanying flyer.



THE INTERNATIONAL BAR ASSOCIATION (IBA) ANNUAL CONFERENCE 2023

The International Bar Association (IBA) Annual Conference is the leading conference for Legal Professionals worldwide to meet, share knowledge, build contacts and develop business. It serves to advance the development of international law and its role in business and society, to provide members with world-class professional development opportunities to enable them to deliver outstanding legal services.

The IBA Annual Conference will be held at the Palais des Congrès de Paris from **29th October to 3rd November 2023**. It will give members the opportunity to experience over 200 sessions on a wide range of legal topics, along with an abundance of business and networking opportunities on offer attended by some of the world's leading lawyers.

This conference is open to both members and non-members of the IBA, with lawyers from over 130 jurisdictions and all parts of the Legal Profession attending, including Lawyers in private practice, In-house Counsel, Human rights Advocates, Judges, Bar leaders, Regulators and Government Representatives.

For more information, <u>click here</u>.



CALL FOR NOMINATIONS TO THE NEW CLA COUNCIL 2024-2026



CLA members are invited to submit nominations for the election of the new CLA Council for the period 2024 - 2026

Nominations are sought for seats on Council for the next strategic period 2024 - 2026. Representation is required for each of the 56 Commonwealth member states, together with a member from each Crown Dependency and British Overseas Territory, Scotland, Northern Ireland, Zimbabwe and Hong Kong.

We are seeking nominations of candidates who are prepared to actively support and engage with the objectives of the CLA and the challenges of the new strategic period. Joining the CLA Council is a unique and prestigious opportunity to represent your jurisdiction's perspective and to work to promote the rule of law and integrity of the legal profession on an international footing.

We urge all our members to become involved with this expanded opportunity for direct involvement.

Please read the attached guidance documents for further information:

The roles and responsibilities of Council members

CLA Council countries list

Please submit your nomination, which should have the support of the nominee and of a seconder, via the online form below.

The deadline to submit all nominations is 5.00 pm BST on 15th September 2023.

The proposer, nominee and the seconder must all be members of the CLA at the date of nomination and the nominee may not self-nominate.

An e-vote will follow thereafter, with a declaration of results on 1st February 2024. Nominate Now

If you have any queries with the nomination process, please email info@commonwealthlawyers.com