



13TH MAY 2024 | ISSUE 15

THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

LSK STAFF SENSITIZED ON ANTI-MONEY LAUNDERING (AML) AND COUNTERING THE FINANCING OF TERRORISM (CFT)



The Law Society of Kenya Compliance and Ethics Directorate staff and the Project team implementing the Anti-Money Laundering (AML) and Countering the Financing of Terrorism (CFT) underwent a Training on the same.

The participants were taken through a structured overview of the AML/CFT training program which highlighted objectives, content, Legal and Regulatory Framework, Transaction Monitoring and Reporting and potential impact on enhancing the AML/CFT compliance capabilities of legal profession amongst others.

The Training was supported by the GIZ Kenya and the Financial Reporting Centre (FRC).

AML/CFT

FEATURED

News Segment

Notices/Vacancies

Upcoming Events



EXTENSION OF DEADLINE: CALL FOR PAPERS FOR THE LAW SOCIETY OF KENYA JOURNAL 2024

The Law Society of Kenya Journal is a peer-reviewed publication of the Law Society of Kenya prepared by the Editorial Committee. The Committee invites members to submit papers for consideration for publication in the 2024 Edition.

Only submissions written in accordance with the Law Society of Kenya Journal (LSKJ)- Instructions to Authors will be considered. The Instructions can be accessed via the link, <https://rb.gy/mqtzo>

Please ensure that submissions are sent to journal@lsk.or.ke. All submissions should include reliable telephone numbers and email addresses for ease of communication with the Editorial Committee. The deadline **has been extended to Friday, 31st May 2024.**

Plagiarism is unacceptable and will lead to automatic rejection of the submitted paper.



 **LAW SOCIETY OF KENYA**

APPEAL FOR DONATIONS FOR THE FLOOD VICTIMS

The Law Society of Kenya calls upon members and well-wishers to contribute to the flood victims. We aim to provide relief and recovery in the flood-affected areas.



Contributions can be made in cash or by dropping off dry food items and non-food items such as blankets, clothes, mattresses, toiletries etc, at the LSK offices on Gitanga Road Lavington, while cash contributions can be channelled through the LSK bank account;


ACCOUNT NAME: LAW SOCIETY OF KENYA


ACCOUNT NUMBER: 0102095866706 BANK:

STANDARD CHARTERED

BRANCH: HARAMBEE AVENUE BANK

PAYBILL: 329329

 +254-111-045-300

 lsk@lsk.or.ke



VACANCY



Terms of Reference

TERMS OF REFERENCE FOR THE COMPANY SECRETARY

1. BACKGROUND

KEPSA is the apex organization of the private sector in Kenya. It was registered in year 2003 as a company limited by Guarantee.

KEPSA brings together local and foreign business associations, chambers of commerce, professional bodies, corporates from multinational companies, medium, SMEs,, and start-ups from all sectors of the economy to enable them to speak with one voice when engaging government, development partners, and other stakeholders on cross-cutting policy issues and programs for Social - Economic Development of the Country.

2. SCOPE OF WORK

Secretarial and Corporate Services

- Ensure compliance with the statutory requirements under the Companies Act 2015 and other relevant laws.
- Maintenance of statutory records, Board papers and minutes, and Board correspondence.
- Organisation and coordination of Annual General Meetings and General Meetings and ensuring that the meetings are held in accordance with the provisions of the Companies Act and the Articles of Association and drafting of the minutes.
- Attend to annual compliance requirements with the Registrar of Companies which includes filing of the annual return and financial accounts, and any notifications required such as changes in directors, company secretary, registered office, e.t.c.
- Organisation and coordination of Board and Board Committee meetings including agenda preparation in consultation with the Board Chair and CEO, collation of board papers, and drafting of minutes.
- Preparing the Board calendar, Board work plan and Board Budget.
- Act as a channel for distributing and receiving information relating to board matters.
- Maintaining and updating governance documents such as the Board Charter, Committee mandates, Conflict of interest policy, e.t.c

For more information on the vacancy, please click here, <https://bit.ly/3JxVB3J>



INVITATION TO JOIN THE AEA INTERNATIONAL LAWYERS NETWORK - CONGRESS IN BUDAPEST

The **ASSOCIATION OF EUROPEAN ATTORNEYS/ AEA INTERNATIONAL LAWYERS NETWORK** was created in January 2004. This year 2024 we celebrate our 20th Anniversary.

It has a European origin but has expanded all over the world. The headquarters are located in BERLIN.

The main goal of the AEA is the referrals between members. The idea is to get work from other countries and to give a better service to the clients.

There are collateral benefits also because you can establish a link to the AEA web site, insert the logo in your Email signature and include the logo and web site of AEA in your letter heading. Also you will appear listed with your picture in our web. The web is open to all Internet users.

Therefore the advantages are:

- To get referrals from law offices all over the world.
- To have the possibility to give a better service to the clients by offering services worldwide.
- To improve your image as a law firm and get more visibility.

The AEA has offices in the majority of the independent countries of the world. We are the largest network of lawyers in the world in terms of the number of offices and the number of countries covered. The AEA has 1.027 offices in 150 countries with a total of around 12.000 Lawyers.

Our trademark ASSOCIATION OF EUROPEAN ATTORNEYS has been registered in the Euiipo, the European trademark office, since 2004.

The AEA has held sixteen international congresses. We celebrated the first international conference in Madrid in September 2005. The second Congress was held in Paris in October 2007. The third Congress was held in Madrid in May 2008. The fourth Congress was held in May 2009 in Berlin. The fifth congress was held in Rome in May 2010. The sixth took place in Istanbul in June 2011. The seventh was held in St. Petersburg in May 2012. The eighth congress took place in México in May 2013.

**CONTD...**

The ninth congress took place in Amsterdam in October 2013. The tenth congress took place in Athens in May 2014. The eleventh congress took place in Lisbon in May 2015. The twelfth congress took place in Cyprus in May 2016. The thirtieth Congress took place in Prague in June 2017. The fourteenth Congress took place in Palermo in May 2018. The fifteenth took place in Nice in May 2019. The sixteenth Congress took place in Barcelona the 26th and 27th May 2022.

The next Congress will take place in Vienna the 25th and 26th May 2023. Our next congress will take place the 30th and 31st May 2024 in Budapest. All firms attending our congresses have a two minute presentation of their services. In our congresses the main goal is that everybody can speak and get to know the other attendees.

Our fee is only 250 Euros per year.

For more information, please click here, <https://www.aeuropea.com/budapest-2024-congress/>



COUNCIL DECISIONS TAKEN ON 22ND APRIL 2024

The Council Decisions on applications taken on 22nd April 2024 for admission to the Roll of Advocates, Practicing Certificates, Notary Public and Commissioner for Oaths and Admission petitions November Special Gazette can be accessed on the link:

<https://drive.google.com/file/d/1gjR30QPwVMLQm-IxKjyu3WClID0zYaWR/view?usp=sharing>



NOTICE



IBA 2024

ANNUAL CONFERENCE OF THE INTERNATIONAL BAR ASSOCIATION

MEXICO CITY 15 - 20 Sept



CENTRO CITIBANAMEX, MEXICO CITY, MEXICO



The 2024 IBA Annual Conference will be held in Mexico City. Located between the USA and South America, Mexico has a rich history and is the largest Spanish-speaking country in the world. With a population of almost 130 million, a rich cultural history and diversity, and abundant natural resources, Mexico is the world's 11th largest economy* and the fourth-largest economy and a significant financial centre in the Americas.

Mexico has attracted many companies to take advantage of the opportunities for multinational businesses. Mexico City is home to a diverse range of businesses across multiple industries. The city is a significant financial centre, and is the headquarters for many international businesses, banks and financial institutions. It is also home to a thriving technology industry, with start-ups and established tech companies in the city.

* Source: www.imf.org

Mexico City has seven hundred years of history from pre-hispanic remains through to the modern city around Reforma. The Zócalo, the colonial era main square, is a fantastic mixture of the architectural styles from that period. Just outside the city is the amazing Teotihuacan. The Pyramid of the Sun is the largest building in Teotihuacan, and one of the largest in Mesoamerica dating back to c. 200 AD

The cuisine in is much more than tacos and a shot of tequila. Steeped in tradition, there is a wide variety of bars and excellent restaurants serving all kinds of Mexican and international food.

Located at the crossroads of the Americas and taking place in such a bustling economic and financial centre, Mexico City will be an exceptional host for the IBA Annual Conference.

WHAT WILL IBA 2024 OFFER YOU?

- Access 5,000+ attendees representing over 2,700 law firms, corporations, governments and regulators from more than 130 jurisdictions
- Hear from leading international figures, government officials, general counsel and experts from across all practice areas and continents
- Opportunities to win more work and referrals at the world's best networking and business development event for lawyers and law firms
- Save time and money by meeting all of your legal contacts under one roof



BOOK NOW:

Visit: www.ibanet.org/conference-details/CONF2421

To receive details of all exhibiting and sponsorship opportunities for the IBA Annual Conference in Mexico City, email andrew.webster-dunn@int-bar.org

OFFICIAL CORPORATE SUPPORTER





NOTICE

8TH INTERNATIONAL ARBITRATION CONFERENCE

ciarb.
Kenya Branch

40
Years of ADR
Experience

8th INTERNATIONAL ARBITRATION CONFERENCE

15th – 17th May, 2024 @ Nairobi Serena Hotel



Members:
Kes. 32,500

Non-Members:
Kes. 35,000

Registration:
conf40.ciarbkenya.org





NOTICE












SPECIALIZED SEMINAR ON NAVIGATING CONTEMPORARY ISSUES IN FAMILY LAW PRACTICE

SPECIALIZED CPD SEMINAR

4 CPD UNITS



NAVIGATING CONTEMPORARY ISSUES IN FAMILY LAW PRACTICE

SPEAKERS:

 Hon. Justice William Musyoka <i>High Court Judge</i>	 Hon. Justice John Chigiti <i>SC, High Court Judge</i>	 Beauttah Siganga <i>SC</i>	 Judy Thongori <i>SC</i>	 Hon. Evelyne Otwande <i>Chief Magistrate</i>	 James Mangerere <i>President, Mediation Training Institute (EA)</i>
 Comm. Jacqueline Ingutiah	 Ann Mbugua <i>Advocate</i>	 Leah Kiguatha <i>Advocate</i>	 Ayieta Lumbasyo <i>Advocate, Founder & CEO - Fertility Law Centre</i>	 Diana Gichuru <i>Advocate</i>	

DATE: 3RD-5TH JUNE 2024
VENUE: FAIRMONT THE NORFOLK, NAIROBI // COST: KES 35,000
 Booking & Payment Procedure: [Kindly click here for the online CPD booking manual](#)

<https://online.lsk.or.ke/login>

Contact:  cpd@lsk.or.ke  0 111 045 300



COMPETITION AUTHORITY OF KENYA CUSTOMER SATISFACTION SURVEY

Customer Satisfaction Survey



GPP Consulting Limited has been appointed by the Competition Authority of Kenya (CAK) to conduct a customer satisfaction survey for the fiscal year 2023/2024. We value your input and invite you to participate in this survey by completing the anonymous questionnaire.

Your honest feedback is invaluable in helping CAK monitor improvements in service delivery. Please rest assured that your responses will be handled with the utmost confidentiality and will only be used for the purposes of this study. The consultants will present only aggregated findings, ensuring that individual responses remain anonymous.

We appreciate your professional participation in this important initiative.

To participate, kindly click on the survey link [here](#) .

<https://forms.office.com/r/SeAaSfJPhj>

For any inquiries or assistance, please feel free to contact Mr. Geoffrey Ambuka at 0745 673 959 or via email at gambuka@gppconsulting.org.



NOTICE

PALU 14TH ANNUAL CONFERENCE- ADDIS ABABA,ETHIOPIA



Pan African Lawyers Union
Union Panafricaine des Avocats
União Pan-Africana dos Advogados
اتحاد المحامين الأفارقة



ANNOUNCEMENT

PALU 14TH ANNUAL CONFERENCE!



NEW DATES: 16-19 OCT. 2024



NEW VENUE: ADDIS ABABA, ETHIOPIA

MORE INFORMATION TO BE SHARED SOON! STAY TUNED

<https://events.lawyersofafrica.org>



events.lawyersofafrica.org



events@lawyersofafrica.org

+255 (68) 507-8794



@lawyersofafrica



ON THE TERM LIMITS CONVERSATION

BY SOPHIE KAIBIRIA- DIRECTOR, PRACTICE STANDARDS, LSK

Constitutional term limits have been a discussion point in Kenya in recent times. Political nuances brought this conversation on the extension of the incumbent's term limit. The discussion, although not new, has since been part of the country's political discourse since the beginning of the implementation of the Constitution of Kenya 2010. It is particularly heightened at the end of the term of the presidency and with each successful President.

As governance provisions, the Presidential term limits were adopted rapidly by most countries in the 1990s during the wave of democratization that spread through the world. Presidential term limits are formal, legal restrictions on the maximum length of time that one person may serve in the office. Exact tenure restrictions differ across states: Some institute a lifetime cap while others only limit consecutive terms in office; term lengths vary between 4 and 7 years; and the total number of terms is generally capped at one or two, though a few states adhere to a three-term limit. In almost all cases, term limit provisions are enshrined in national constitutions. Even though presidential term limits are widespread among democratic states today, imposing tenure restrictions on the executive is not a necessary tenet of democracy. However, there have been attempts by political leaders across the world including Africa who have been pursuing a plough back against these provisions by adopting 'creative' interpretations of legal language and persistent pursuit to amend the constitutional provisions of term limits.

Regionally, constitutional term limits are ingrained in most of the constitutions of many African countries. The limit is, for the most part, a maximum of two terms in office. Before that period of 'transition', only 6 African countries carried the presidential term limit in their constitutions. Interestingly according to the African Leadership Centre, nearly 30 countries have contemplated the removal of term limits since 1998. In most of these countries, incumbents who had served two terms attempted to change the constitution to make themselves eligible for re-election for a third term, on the path to lifetime presidency. Out of this category, some have succeeded - for example, Yoweri Museveni of Uganda.

**CONTD...**

In 2005, the Parliament of Uganda amended the Constitution to remove presidential term limits, allowing incumbents to run for re-election indefinitely. Further, in 2017, lawmakers overwhelmingly voted to repeal the presidential age limit requiring that presidential candidates be less than 75 years of age. This allowed President Yoweri Museveni, age 76 then, to claim his sixth consecutive term in the recently concluded elections. and more recently Rwanda's Paul Kagame. Others, like Zambia's Fredrick Chiluba and Malawi's Bakili Muluzi did not succeed in effecting necessary constitutional changes. Usually, the leaders do not extend their terms of office without an election or a constitutional change that would result into a referendum such as the case for Kenya. The question many pundits have levelled on, has been why the incumbents make these painstaking efforts.

It has been argued that incumbents formally respect institutions simply because they can afford to do so - that is, they successfully manipulate these institutions in the sense that they evade the constraints that these are meant to impose and even turn them to their advantage. Notably, a cost-benefit analysis tells autocrats that these considerations are closely interconnected. They have to play by the rules that propel them to power. The steps to getting into power which is mainly in three ways.

First, it has been shown constitutional changes pursued by the autocrats launch third-term bids by circumventing term limits and winning re-election. Second is where the costs of circumventing or otherwise manipulating institutions and rules are low. Local and external third-term opponents have little leverage to hold incumbents to account since they can claim to adhere to their country's laws and constitutions. This legalism is evident in third-term bids that did not involve the outright scrapping of term limits, but where legal arguments (e.g. Burundi) or constitutional engineering (e.g. Rwanda) provided the judicial cover for term-limit evasion. Third, is where the benefits of playing by the rules are high to the extent that formal compliance provides rulers with a degree of legal and ultimately political legitimacy that is rarely questioned. Incumbents have hardly targeted any form of sanctions related to his third-term bid (for example, a suspension of development aid)

It is therefore our role as [#Wakilis](#) to keep vigilant of the constitutional, rule of law and political nuances that will change the course of our governance system. This can be done through the tools provided to us as governance advocates.



NOTICES

ZANZIBAR WOMEN IN SPORTS EMPOWERMENT CONFERENCE



VINNARE LEGAL CHAMBERS

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Tel: +255714 220 524 / +255738 542846



MISSION 89

ZANZIBAR WOMEN IN SPORTS EMPOWERMENT CONFERENCE

DATE: 12TH - 15TH JUNE, 2024 • **VENUE:** ZANZIBAR BEACH RESORTS



REGISTER TODAY

STUDENTS

\$50

CORPORATES

\$100

GROUP BOOKINGS

\$80

For Sponsorship and Partnerships contact:
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For Booking & Registration
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PARTNERS





5 DAY PROFESSIONAL MEDIATION TRAINING COURSE

5 DAY PROFESSIONAL MEDIATION TRAINING COURSE



VENUE: ROCKWELL HOTEL, KISUMU

DATES: 3rd - 7th June 2024

COST: KSHS. 55,000/- Plus 16% VAT PP



LAW SOCIETY OF KENYA

Are you looking to enhance your career as a certified professional mediator and gain international recognition for your skills? Look no further than our international professional mediation training program.

Mediation Training Institute International East Africa (MTI E.A) is pleased to announce to you a 5 day Professional mediation training course in collaboration with **Law Society of Kenya (LSK)**. MTI E.A has earned a reputation of excellence in the field of Mediation Training. MTI E.A conducts ongoing reviews of content, processes, and is widely acknowledged as one of the leading providers of Professional Mediation training in the world. Our training program has been subjected to extensive scrutiny by leading International standards setting and credentialing institutions.

In just a week face to face training, our intensive training program can help you become an internationally certified professional mediator. Our program covers all aspects of mediation, providing you with the skills and knowledge necessary to succeed in international settings. Our experienced and Certified Professional mediation trainers will lead your training, which includes hands on practice through simulated mediation exercises and role-playing.

Benefits of our program

- Internationally recognized certification
- Comprehensive training from experienced and certified professional mediation trainers
- Hands on practice through simulated mediation exercises and role playing
- Three certifications upon completion *IMI *SIMI *MTI. E. A
- This course is accredited by the Law Society of Kenya. **Participants will receive 3 CPD units.**

All MTI E. A. trainers are practicing mediators who have undergone extensive Train the Trainer (TOT) Training and have experience in mediation practice. At the end of the training, participants are assessed with highly qualified external assessors.

Payment by Cheque or bank transfer to:

Account Name: **Mediation Training Institute International East Africa**
 Bank: **Absa Bank, Harambee Avenue Branch, Nairobi**
 Account Number: **2027798090**
PAYMENT BY MPESA: Paybill 303030 Account No.: 2027798090

Registration for the course ongoing

For clarification and registration contact:

MTI EAST AFRICA
 Physical address: Jeevan Bharati, 5th Floor (Opp. Electricity House), Harambee Avenue, Nairobi
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 Mangerere 0707-124 831 / 0733-854 901
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