



4TH SEPTEMBER 2026 | ISSUE 24

THE LEGAL INSIGHT

The Official LSK Weekly Newsletter

Law Society of Kenya



TO ALL MEMBERS OF THE
LAW SOCIETY OF KENYA

South C, off Red Cross Road
P.O. Box 72219-00200 Nairobi, Kenya
Tel: +254 799 595 800
Website: www.lsk.or.ke
Email: lsk@lsk.or.ke

Our Ref: CLR/LSK/23

Your Ref: TBH

Date: 2nd September, 2026

STATEMENT ON THE DISRUPTION OF THE ARDHISASA PLATFORM

The Law Society of Kenya is concerned by the continued unavailability of the **ArdhiSasa platform** since 1st September 2026, and the absence of timely and adequate official communication explaining the disruption, its cause, the expected restoration timeline, or the measures being taken to address it.

The Society has received numerous concerns from advocates whose conveyancing and land transactions have been disrupted. Searches, transfers, registrations, valuations and other critical processes have been brought to a standstill, with serious consequences for advocates, their clients, financial institutions and other stakeholders.

ArdhiSasa has become a central platform for the delivery of land administration services in Kenya. Where the State has migrated essential public services to a digital platform, and in some instances substantially restricted manual alternatives, it assumes a corresponding obligation to ensure reliability, transparency, continuity of service and timely communication whenever the system fails.

It is unacceptable for a platform of such national importance to remain inaccessible without any clear explanation to the public. Noting that Conveyancing transactions are governed by contractual, statutory and commercial timelines, delays may expose parties to penalties, loss, additional costs, financing complications and disputes. Advocates cannot reasonably be expected to account to their clients for delays occasioned by a public system when the responsible authorities have themselves remained silent.

Digitisation must enhance accountability, not diminish it. The Law Society of Kenya therefore calls upon the State Department for Lands and Physical Planning and the administrators of ArdhiSasa to immediately:

1. Issue an official communication explaining the nature and extent of the disruption;
2. Provide a clear indication of when full services are expected to resume;
3. Give regular public updates until the platform is fully restored;
4. Put in place contingency measures for urgent and time-sensitive transactions; and
5. Confirm that no user will suffer penalties, loss of priority, additional charges or other prejudice arising solely from the system downtime.

Charles Kanjama, SC (President), Teresia Wavinya (Vice-President)
Tom K'Opere, Vivienne Eyase, Wanjohi Wambugu, (General Membership Representatives)
Effie Sheila Achieng, Muthoni Gachara, Wycklife Oyoo (Nairobi Representatives)
Hiram Kirimi, Faith Jappann, Hezekiah Aseso, Sharon Oyoko (Upcountry Representatives)
Titus Mukanzi (Coast Representative)

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Going forward, there must also be a clear and reliable incident-notification protocol whenever ArdhiSasa experiences scheduled maintenance or unexpected downtime.

The legal profession supports the digitisation of land administration and recognises its potential to improve efficiency, transparency and service delivery. However, a mandatory digital platform cannot operate as a black box in which services disappear without notice and users are left to speculate.

The Law Society of Kenya therefore expects an **immediate official communication and urgent restoration of the ArdhiSasa platform.**

Yours Faithfully,

CHARLES KANJAMA, SC
PRESIDENT, LAW SOCIETY OF KENYA

Charles Kanjama, SC (President), Teresia Wavinya (Vice-President)
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PUBLIC PARTICIPATION FORUM ON THE KENYA ECONOMIC ZONES BILL

On 1st September 2026, the Law Society of Kenya, represented by Council Member and Convenor of the Law Reform Committee, Ms. Vivienne Eyase and Deputy Chief Executive Officer, Ms. Ruth Nyaberi, today participated in the Public Participation Forum on the Kenya Economic Zones Bill, 2026, before the Trade and Investment Committee of the National Assembly.

The Bill proposes to repeal the Export Processing Zones Act (Cap. 517) and the Special Economic Zones Act, 2015, and to merge the Export Processing Zones Authority and the Special Economic Zones Authority into a single Kenya Economic Zones Authority (KEZA) to eliminate parallel bureaucracies and establish a one-stop-shop licensing framework for investors in economic zones, a rationalisation of Kenya's investment-zone architecture that, in the Society's view is the right move.

While welcoming the Bill's overall objectives, the Society proposed a number of amendments to strengthen its implementation. The Society asked the Committee to address the involvement of county governments, to resolve the domestic market question, by introducing tiered financial thresholds to accommodate enterprises of varying scale – including small and medium enterprises and innovators seeking to benefit from the zones and to introduce parliamentary oversight mechanisms over the discretionary powers conferred on the Cabinet Secretary to set the lower minimum investment threshold under the Bill.

The Society looks forward to the Bill's final outcome and to further collaboration with the National Assembly as the process moves forward.



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STRENGTHENING ACCESS TO JUSTICE THROUGH MEDIATION TRAINING- MT. KENYA EDITION

The Law Society of Kenya's Mt. Kenya Mediation Training, 1st Edition, commenced on 31 August 2026 in Meru, marking the second branch outside Nairobi to host the programme as the Society continues to roll out Alternative Dispute Resolution (ADR) training across the country. The training was officially inaugurated by LSK Council Member and ADR Committee Co-Convenor Titus Mukanzi, alongside Council Member and Convenor of the Practice Standards and Ethics Committee Hiram Kirimi, together with the leadership of the Mt. Kenya Branch and Meru Chapter.

The programme attracted 37 advocates from the Mt. Kenya Branch and other regions across the country, reflecting a rich diversity of professional experience, with the most senior participant bringing 35 years of legal practice. Throughout the week, participants engaged in intensive mediation training aimed at strengthening their capacity to resolve disputes effectively, collaboratively, and efficiently.

The training successfully concluded on 3 September 2026 in Meru, with a closing ceremony attended by Chief Magistrate Hon. Atiang, Resident Magistrate Hon. Mwanzia, LSK Council Member Hiram Kirimi, Mt. Kenya Branch Chairperson Joel Mutuma, and Meru Chapter Chairperson Michael Ngunjiri. The leaders commended participants for their commitment and dedication throughout the programme and encouraged them to apply the knowledge and skills acquired to advance amicable dispute resolution within their communities and professional practice.

The successful completion of the programme represents another significant milestone in the Society's ongoing efforts to strengthen ADR practice in Kenya. The Society notes with satisfaction that the ADR Committee's target of training over 1,000 advocates in mediation is steadily approaching realization, reflecting the profession's growing commitment to alternative dispute resolution mechanisms. Building on this momentum, the Society is set to commence its first Arbitration Training cohort, bringing together 100 advocates, while a second Mediation Training programme for the Coast Branch is scheduled to take place in Malindi. The continued expansion of ADR training underscores the legal profession's commitment to enhancing access to justice and promoting effective, collaborative dispute resolution across Kenya.



CONTD...





CALL FOR EXPRESSION OF INTEREST TO SERVE AS COMMISSIONER IN CHARGE OF DISCIPLINARY INVESTIGATIONS AT THE INTERNATIONAL CRIMINAL COURT (ICC)

**LAW SOCIETY OF KENYA**

South C, Off Red Cross Road
P. O. Box 72219-00200
NAIROBI
Tel. 0799 595 800

CALL FOR EXPRESSION OF INTEREST TO SERVE AS COMMISSIONER IN CHARGE OF DISCIPLINARY INVESTIGATIONS AT THE INTERNATIONAL CRIMINAL COURT (ICC)

The International Criminal Court (ICC) is an independent permanent judicial institution established by the Rome Statute to investigate and prosecute individuals responsible for the most serious crimes of international concern, namely genocide, crimes against humanity, war crimes and the crime of aggression. The Court is complementary to national criminal jurisdictions and plays an important role in advancing accountability and combating impunity for perpetrators of these crimes.

The ICC invites applications from members interested in serving as Commissioner in Charge of Disciplinary Investigations, in the framework of disciplinary proceedings against Counsel before the International Criminal Court (ICC), pursuant to Regulation 149 of the Regulations of the Registry.

Applicants are required to submit the following documents:

1. The candidate's detailed curriculum vitae;
2. A statement of the candidate's proficiency in professional ethics and legal matters;
3. A statement of the candidate's experience in investigating professional misconduct of the type defined in the Code; and
4. A certificate of good standing containing information on any criminal convictions for serious

Accordingly, the Law Society of Kenya (LSK) invites members in good standing who possess experience and demonstrable interest to apply.

Interested members are required to submit their applications through the following form: <https://forms.gle/wdHYUcWDkx3tCk3j6> on or before Friday, 11th September 2026 at 12:00 noon.

Dated: 1st September 2026


FLORENCE W. MUTURI
SECRETARY/CEO

Charles Kanjama, SC (President), Teresia Wavinya (Vice-President)
Tom K'Opere, Vivienne Eyase, Wanjohi Wambugu, (General Membership Representatives)
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CALL FOR EXPRESSION OF INTEREST TO SERVE ON THE ICC DISCIPLINARY BOARD AND DISCIPLINARY APPEALS BOARD



LAW SOCIETY OF KENYA

South C, Off Red Cross Road
P. O. Box 72219-00200
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The ICC Disciplinary Board and ICC Disciplinary Appeals Board are established under the Code of Professional Conduct for Counsel practising before the Court and are responsible for addressing disciplinary matters concerning Counsel practising before the ICC. Members of both bodies are elected for a four-year term from among persons with established competence in professional ethics and legal matters.

The ICC invites applications from members interested in serving as a member of the ICC Disciplinary Board and/or the ICC Disciplinary Appeals Board for Counsel practising before the International Criminal Court (ICC), pursuant to Articles 36 and 44 of the Code of Professional Conduct for Counsel "Code".

Applicants are required to submit the following documents:

1. The candidate's detailed curriculum vitae; and
2. A statement of the candidate's proficiency in professional ethics and legal matters.

Accordingly, the Law Society of Kenya (LSK) invites members in good standing who possess experience and demonstrable interest to apply. Interested members are required to submit their applications through the following form: <https://forms.gle/J2jkhlyGe4ERzXGe9> on or before Friday, 11th September 2026 at 12:00 noon.

Dated: 4th September 2026

FLORENCE W. MUTURI
SECRETARY/CEO

Charles Kanjama, SC (President), Teresia Wavinya (Vice-President)
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OL KALOU PARLIAMENTARY BY-ELECTION REPORT

EXECUTIVE SUMMARY

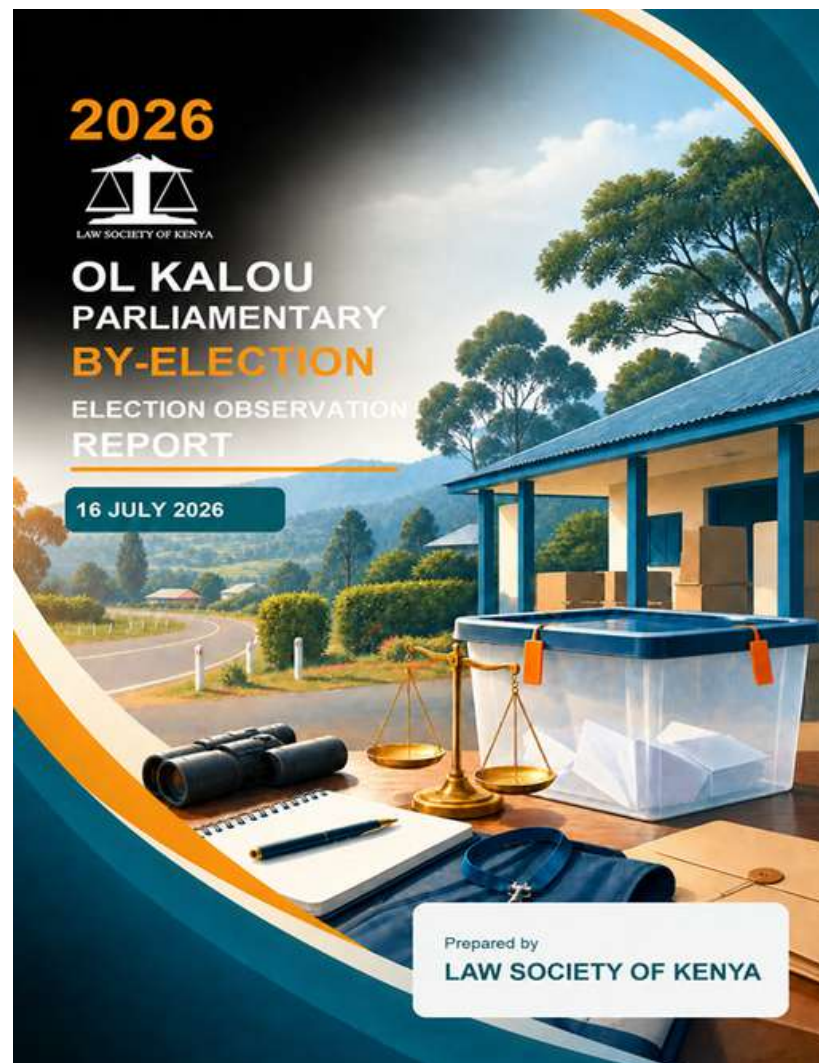
The Law Society of Kenya observed the Ol Kalou Parliamentary by-election held on 16 July 2026 through accredited observers deployed to selected polling centres and routes within the constituency. The mission assessed polling-station readiness, voter identification, access, security, closing, counting, and incidents capable of affecting the freedom, integrity, or credibility of the vote. Its conclusions are based on structured observer records, supporting documents and photographs, and limited public-source material used with clear attribution. The mission was not constituency-wide and does not treat an isolated observation as proof of conditions at every polling station. Polling proceeded in an orderly manner at several observed centres. Mumbi Primary School opened on time, displayed and sealed empty ballot boxes in the presence of agents, had the listed materials and personnel available, and completed closing, counting, and declaration procedures peacefully. Voting at Manyatta Comprehensive Secondary School and Mukindu Primary School was also largely uninterrupted during the observation period. These positive findings show that prescribed procedures could be followed even within a tense wider environment. Material administrative concerns nevertheless affected access to the franchise. Observers reported repeated KIEMS fingerprint failures at Nyaituga, Munyeki, and Huruma, together with a stated ceiling of five complementary identifications before additional approval was required. Some affected voters reportedly left without voting. Separate accounts concerned voters who could not be found in the electronic or certified register despite previous voting or recent registration activity. IEBC should audit the affected records, Form 32A use, KIEMS logs, printed-register checks, escalation instructions, and the relationship between the Voter Verification Portal and the certified register used for the by-election. Security conditions deteriorated around several polling locations. Observer records describe violence around the Mumbi polling area, road barricades, restricted movement, reported armed attacks at Munyeki and Huruma, vehicles without visible registration plates, masked armed persons, and questions regarding the adequacy and neutrality of the police response. The arrest of Allans Ademba after election-related photography and the seizure of equipment also require a clear account of the alleged offence, lawful basis, proportionality, custody, and final case status. Public reporting reviewed for this revision raises a separate and grave accountability concern involving Charles Kamau Karondo, whom the Communications Authority of Kenya identifies as its Board Chairman. NTV's undercover investigation recorded Karondo at campaign events attended by persons later connected through footage and visual analysis to cash distribution and violent confrontations.

[CLICK HERE TO VIEW THE FULL REPORT](#)



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NTV also reported that a masked man emerged from a vehicle in which Karondo was travelling and moved towards a DCP roadshow as a confrontation unfolded. Those circumstances warrant urgent, independent investigation. They do not, on the material presently available, prove that Karondo personally recruited, hired, instructed, or financed the persons involved. No financial record, instruction, witness statement, or official finding establishing personal hiring or financing was identified in the reviewed sources. The central conclusion is that orderly polling at several stations coexisted with administrative barriers, violence, intimidation risks, and serious failures of traceability and public confidence elsewhere. IEBC, NPS, DCI, NTSA, IPOA, ODPP, EACC, relevant appointing authorities, and state-corporation oversight bodies should preserve evidence, investigate promptly, publish findings, and impose lawful consequences where responsibility is established. Public office must never be used as a platform, shield, funding channel, or command structure for electoral coercion or violence.



[CLICK HERE TO VIEW THE FULL REPORT](#)



THE ADVOCATE MAGAZINE

The Advocate

The Advocate Magazine Vol 1 Issue 18 - Annual Conference Edition 2026

Inside the Presidency
Q&A with Mr. Charles Kanjama SC
- President Law Society of Kenya.

Business Unusual
Legal Practice in the Era of Artificial Intelligence

Electoral Justice in Kenya
Safeguarding Democracy or Chasing an Ideal?

Alternative or Appropriate Dispute Resolution?
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THANK YOU!





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Greetings!

Thank you for joining us at the **Law Society of Kenya (LSK) Annual Conference 2026**, where **Unicaf** had the opportunity to highlight its commitment to supporting the continued academic and professional development of legal professionals. As part of this commitment, we are delighted to offer you a **guaranteed 87% scholarship** on eligible online **Master's degree programmes** from Unicaf's reputable partner universities in the UK:

- **The University of East London**, rated University of the Year 2025 in Teaching Quality by the Sunday Times Good University Guide.
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Best regards,
The Unicaf Team



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CIARB KENYA BRANCH- TAKUKA 2026



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Kenya Branch

P r e s e n t

TAKUKA 2026

CONFERENCE

AFRICA DECIDES:

Sovereignty, Innovation & the Future of Dispute Resolution



Diamond Leisure Lodge
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5th to 9th October 2026



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KENYA SCHOOL OF LAW- PUBLIC PROCUREMENT: LAW, POLICY AND PRACTICE

TRAINING NOTICE



THE KENYA SCHOOL OF LAW

COURSE: PUBLIC PROCUREMENT: LAW, POLICY AND PRACTICE.

(3 LSK CPD POINTS)

DATE: 30th Nov – 4th Dec 2026

VENUE: Naivasha

THEME: *e-Procurement in combating corruption and collusion*

ABOUT THE COURSE

Public procurement regulation in Kenya has undergone tremendous changes especially, in the post-2010 Constitutional dispensation, and particularly from 2015. The changes have involved both legal and policy shifts, including enshrining public procurement issue into the Constitution of Kenya 2010.

From the era of “no regulation” spanning the period from pre-independence days to the year 2001, the public procurement regime has been transformed incrementally through the law, climaxing in its recognition in the Constitution of Kenya 2010. Article 227 of the Constitution sets the policy and tenor of public procurement regulation by declaring boldly the policy guidelines and the objectives to be attained through public procurement, which accounts for about 20-30% of the gross domestic product (GDP).

In accordance with the *Sixth Schedule* of the Constitution of Kenya 2010, Parliament passed the *Public Procurement and Asset Disposal Act*, No. 33 of 2015 to align the procurement function to the Constitution and Government policies. The new law was assented to on 18th December, 2015 and took effect on 7th January 2016. The Cabinet Secretary for National Treasury subsequently gazetted the *Public Procurement and Asset Disposal Regulations 2020* on 22nd April 2020 (Legal Notice No. 79 of 2020), but the Regulations took effect in July 2020. Further, there is the National Public Procurement and Disposal Policy 2020 that provides broad framework for public procurement in Kenya.

‘PUBLIC PROCUREMENT: LAW POLICY & PRACTICE’ is a 5-day course conceptualized and developed by the Kenya School of Law in response to unmet needs in the public procurement sub-sector. The goal of the course is to empower the participant by appreciating the legal and regulatory framework, the crucial changes introduced through legislation and through policy guidelines, as



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KENYA SCHOOL OF LAW- MAINSTREAMING ESG PRACTISE IN PUBLIC SECTOR INSTITUTIONS

TRAINING NOTICE



THE KENYA SCHOOL OF LAW

COURSE: **MAINSTREAMING ESG PRACTISE IN PUBLIC SECTOR INSTITUTIONS**

(3 LSK CPD POINTS)

DATE: 2nd- 6th November, 2026
VENUE: Naivasha
THEME: *ESG essentials for Public Officials*

ABOUT THE COURSE

In the Kenyan public sector, Environmental, Social, and Governance (ESG) is no longer an elective "corporate social responsibility" initiative. It is a fundamental legal requirement anchored in the Constitution of Kenya 2010, the Mwongozo Code, and the Climate Change Act.

This introductory course is designed for legal professionals in seeking to understand the rapidly growing field of Environmental, Social, and Governance (ESG) and its implications for legal practice. As businesses and investors increasingly prioritize sustainability and ethical considerations, a strong grasp of ESG principles, frameworks, reporting obligations, due diligence, and risk assessment is becoming indispensable for lawyers advising clients across all sectors.

This course will provide a comprehensive overview of the ESG landscape, equipping participants with the foundational knowledge and practical insights needed to navigate this evolving area of law.

COURSE CONTENT

The course will introduce to the participants the foundational legal and regulatory framework for public sector ESG. Participants will also learn ESG due diligence especially in PPPs and procurement, risk assessment and reporting obligations under the legal framework.

INTENDED OUTCOMES

By the end of the course, participants will gain an understanding of the key local and international drivers shaping ESG, the relevant legal and regulatory frameworks in Kenya, and the lawyer's



NOTICE

NOTIFICATION OF UPCOMING EVENT FOR CONTINUING PROFESSIONAL DEVELOPMENT POINTS



Strathmore University

Dispute Resolution Centre

OUR REF: SDRC/LOI/0125

YOUR REF: TBA DATE: 12th August 2026

LAW SOCIETY OF KENYA

Lavington, Opposite Valley Arcade, Gitanga Road
P.O. Box 72219 - 00200
Nairobi, Kenya

Dear CPD Department,

RE: NOTIFICATION OF UPCOMING EVENT FOR CONTINUING PROFESSIONAL DEVELOPMENT POINTS

The Strathmore Dispute Resolution Centre (SDRC) remains committed to advancing Mediation and Alternative Dispute Resolution (ADR) practices in Kenya. As part of this mission, we regularly organize training aimed at enhancing the capacity of mediators and legal professionals.

We are pleased to inform you that SDRC will be hosting a 4-days Sports Dispute Resolution Training on 27th–30th October 2026. The event will offer 2 CPD points for members of the Law Society of Kenya (LSK).

We kindly request the LSK to:

- Award two (2) CPD points to advocates who participate in the sessions.
- Circulate the event poster among its members to encourage participation.

We value the continued collaboration between SDRC and the Law Society of Kenya and appreciate your support in disseminating this information.

Thank you for your consideration. We look forward to your positive response.

Kind regards,

George Gitau
Strathmore Dispute Resolution Centre(SDRC)



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2LSK CPD POINTS

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2026.

SPORTS DISPUTE RESOLUTION TRAINING

 27th - 30th October 2026.

 Mode: Virtual

 Registration link
<http://tiny.cc/sdregistration>

COST:
Ksh. 35,000/ USD 268

For more information contact: +254 (0)708045000 (Khayran Noor)
or +254 (0)712206463 (George Gitau) email: sdrc@strathmore.edu



Strathmore University
Dispute Resolution Centre



NEWS SEGMENT

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COUNCIL DECISIONS ON THE 24TH AUGUST 2026

The Council Decisions on applications taken on 24th August 2026 for admission to the Roll of Advocates, Practicing Certificates, Notary Public and Commissioner for Oaths and Admission petitions can be accessed on the link, [Click Here](#).



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LAW SOCIETY OF KENYA



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LAW SOCIETY OF KENYA

ADVERTISEMENT: VACANT POSITION

The Law Society of Kenya (LSK) is a Premier Bar Association with membership of all advocates in Kenya. The Society seeks to recruit suitable candidate for the following vacant position to enhance its service delivery:

S/No.	POSITION	DEPARTMENT	JOB GRADE	POST
1.	Assistant Program Officer - Research	Parliamentary Affairs & Legislative	LSK-5	1

ASSISTANT PROGRAM OFFICER - RESEARCH

Key Responsibilities:

- Register and process legislative instructions and Bills;
- Conducting legal research, reviewing legislative instruments and policy papers to support compliance and identify key regulatory implications;
- Assist in preparing draft memoranda, notices and briefs;
- Coordinate member input and stakeholder submissions;
- Maintain legislative tracker and Directorate records;
- Assist in committee and stakeholder engagements;
- Prepare minutes, reports and legislative documentation;
- Provide technical and logistical support to Directorate operations;
- Any other duties as may be assigned from time to time.

Qualifications & Skills

- A Bachelor of Laws Degree (LLB.) from a recognized university and a post-graduate diploma from the Kenya School of Law;
- An Advocate of the High Court of Kenya with a minimum of three (3) years post-admission experience and hold a current Practicing Certificate;
- Excellent knowledge of legislative drafting and parliamentary processes;
- Dynamic, self-motivated with excellent interpersonal skills knowledge of current legislative trends;
- Experience in planning, administration, management and monitoring of programs;
- Demonstrate ability to initiate donor funding proposals, administer and manage donor funds and grants;
- High degree of professional ethics and personal integrity; and
- Excellent analytical writing, oral presentation, organizational and computer skills

Important Notice:

Any form of canvassing will lead to automatic disqualification from the recruitment process.

How to apply:

Applications should be submitted through e-mail recruitment@lsk.or.ke quoting the job title on the subject, to reach us not later than **Monday, 14th September, 2026 at 5:00pm**. All documents (Cover Letter, CV and credentials) **MUST** be in a single PDF file.

LSK is an equal opportunity employer, women and persons who are abled differently are encouraged to apply.

Only shortlisted candidates will be contacted.

The Secretary/CEO
Law Society of Kenya
South C, Off Red Cross Road
P.O Box 72219 – 00200
NAIROBI.



KATIBA@16: THE CONSTITUTION HAS CREATED A NEW KENYAN CITIZEN

By Sophie Kaibiria, Advocate of the High Court of Kenya and Executive Director- FIDA

Sixteen years after the promulgation of the Constitution, perhaps its greatest achievement is that Kenyans have begun to understand that government is accountable to them – and its greatest unfinished business is ensuring that institutions actually respond to that power. The starting point being the Sovereignty of the people in Article 1. The exploration of this article was initially present at the onset of devolution, and there the issue of public participation and civic engagement was explored. Civic participation then was a new concept that everyone was exploring in terms of the extent of sovereign power belonging to the people. Key concepts on participation were explored by the civil society organisations and supported by developing partners. At that juncture, the governance structures of the devolved system were in transition, redefining the model of operations from a closed-door approach to a participatory approach, and many officers were at a loss on how to shift their mindsets and culture. Fortunately, during this stage, the Constitution for the People gained attention from the people in developing a connection between the state and the citizen. Civic engagement moved from being a concept to a reality. Participation in local governance during the budgeting process, community development initiatives, and public-centered programs has been a constant indicator of inclusion.

Participation as a sovereign right of the people was further boosted by the education exposure that Kenyans benefited from due to the free basic education policy. This factor elevated the awakening of rights conversation vis-à-vis government services. One can rightly point out that the Gen Z movement was born out of this awakening that was forming from 2010. The push for accountability and good governance has resulted from a knowledge-based citizen-led review of the governance structures as propelled by the Katiba@16. This generation that is demanding accountability today is, in many ways, a child of the 2010 Constitution.

The other key benefit from the Katiba was the recognition of women and special interest groups as a population that should be recognised and positioned to benefit from national opportunities. This was considered an affirmative action provision that would ensure there is equality and equity in resource sharing. The indicators for this provision would therefore ensure a more inclusive government from the national to the county level as well as gender balance in constitutional offices. Have women and marginalised groups acquired meaningful power, or merely constitutional recognition? The power of agency for women and other marginalised groups has not had measurable impact in key representation; the indicator is still a miss with Katiba@16.

Importantly, Kenya has become better at declaring constitutional rights than at ensuring that those declarations are obeyed. This has been presented by the expansion of public interest litigation, with key jurisprudence being developed. The opening up of the court to the people has made the Judiciary shift to being a trusted institution, the challenges of enforcement of court orders notwithstanding.



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The challenge has, however, led to the question of respect for independent institutions. The institutions were established to ensure that the sovereignty of the people is guarded at every stage. The institutional capabilities of office holders have equally been questioned in upholding the spirit of Katiba@16 due to how their undertakings are negatively affecting the people.

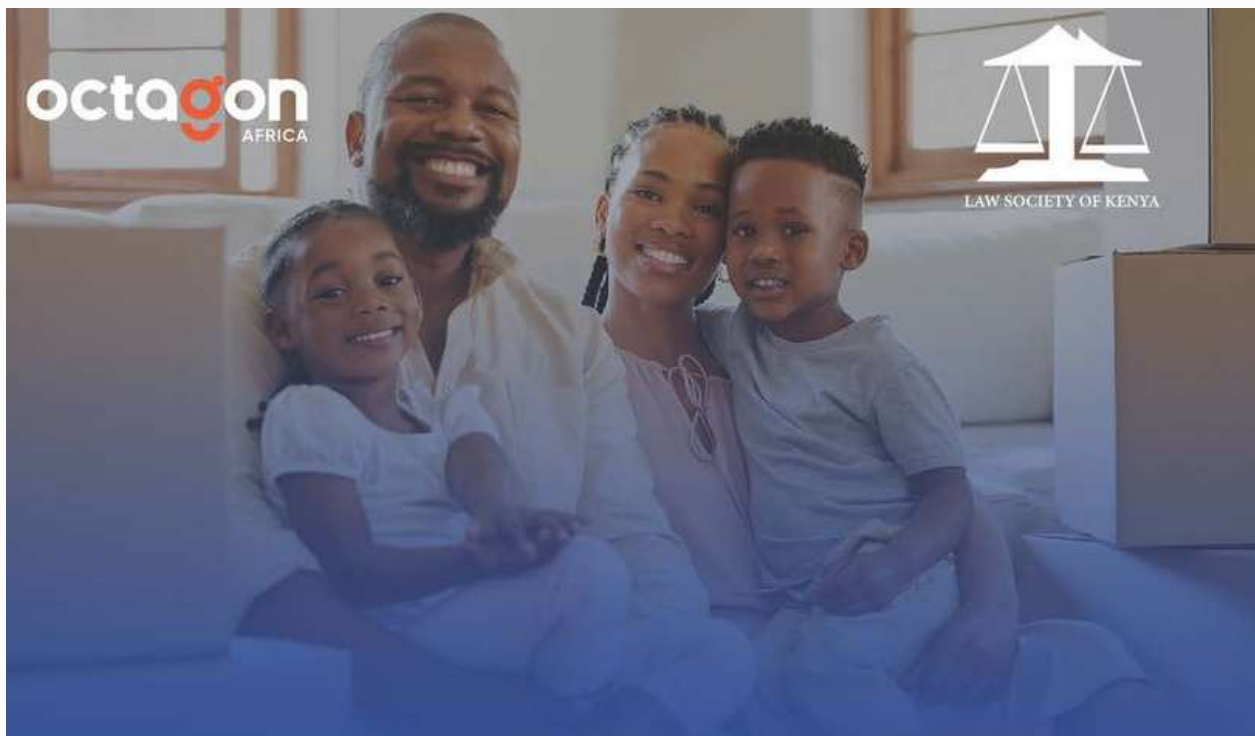
Institutional accountability has to support the power of the people for the spirit of the Constitution to be fully implemented. Power to the people and for the people should be the constant banner for every institutional holder. The reform agenda that is periodically voiced out due to political disagreement should not find a place in the Constitutional conversation since that is not for the people. At 16, the question is no longer whether Kenyans understand the Constitution. Increasingly, they do. The harder question is whether those entrusted with public power have understood that the Constitution changed the relationship between the citizen and the State. Kenya's constitutional journey will succeed not when citizens stop demanding accountability, but when demanding accountability becomes unnecessary because institutions routinely deliver it.

Currently, real-time checks for accountability are, for example, the increased civic engagement in the budget-making process to the point that the government has strategically moved to disseminate key budgetary decisions ahead of the adoption of the annual estimates. This, by itself, is a result of a sustained move towards adopting a participatory approach in government decision-making to ensure that government expenditure upholds good governance. The scarcity of resources and economic opportunities has also contributed to people-led scrutiny of the actions of key institutions and leaders with a view to deciphering how they are supporting improved socio-economic outcomes at an individual level. One cannot fail to realise that indeed the lived realities of each Kenya is a contributor to how the Katiba can and will be implemented. One of these realities is what is being presented in the health services. In the 2021 Landmark Case of Mitu-Bell Welfare Society v Kenya Airports Authority & 3 others [2021] KESC 34 (KLR), the Supreme Court noted that the realisation of the socioeconomic rights should be progressive. The progression was further qualified to the State having to show some effort towards ensuring the rights through either policies, laws or programs. The reality of this progressive realisation can be argued, therefore, to be what the State is grappling with when it comes to the provision of Universal health coverage. This is from the planning to the roll-out of the critical service. The process has resulted in the state being checked factually and realistically by the citizens who have been demanding efficiency and accessibility of services. The lived realities of the people are therefore shaping how the government is servicing the health sector, and in fact, more and more citizens are at the forefront in calling for systemic efficiencies. This is a clear example of the real people power at Katiba@16.



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- ✓ Personal Accident cash rider for principal member to cover accidental death.
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- ✓ Free Member training webinars.
- ✓ Free health talks and medical camps.
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