The Unique Role of Kenya Law – A State Sponsored LII in Kenya

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KENYA LAW
Where Legal Information is Public Knowledge
Brief History

• Provision of Case Law in Kenya
  – Has been erratic since pre-colonial times
  – Borne out of individual effort

• Laws of Kenya
  – Lack of consistency in compilation
  – Lack of capacity

• Other government information
  – Lack of clarity on information to be shared
NCLR ACT, 1994

- Clear need for agency to collect public legal information
- Public funded model chosen
- Secretariat established in the year 2001
- Delinked from Judiciary in 2004
The Institution

• The National Council for Law Reporting, ("Kenya Law") is a semi-autonomous state corporation in the Judiciary.

• Leadership & Governance – A Council of non-executive members chaired by The Chief Justice/President of the Supreme Court

• Management - A Secretariat managed by a Chief Executive/Editor
Mandate of Kenya Law

• To monitor and report on the development of jurisprudence through the publication of the Kenya Law Reports and related publications
• To revise, consolidate and publish the Laws of Kenya – from 2009
• To perform such other functions as may be conferred by statute
Features of Kenya Law

• Semi-autonomous State Corporation with a non-executive board
• Body under the Judicial arm of government
• Service state corporation with public service objectives
• Judicial decisions are sent to Kenya Law
• Law Revision mandate
• Produces official law reports
• Produces official laws of Kenya
Challenges of State Funded LII

- Political will to establish
- Publicly funded institution
- High Cost of establishment and continuous expenditure
- Requires support of all players to access information
- Sensitization required
Benefits of a State Funded LII

- Easier access to public information
- Public service oriented
- LII concentrates on core mandate – funding by government
- Use and reuse of information
- Establishment does not rely on viability
- Provides basic information that may be improved on
Benefits of a State Funded LII

• Allows government leeway to establish standards
• Provides credible/balanced information
• Enables social/political transformation
• Reverse effect on the rest of Government agencies
• Promotes public participation
Conclusion

• Public funded LIIs serve the greater public good
• Information provided spurs other sectors of the knowledge/legal industry
• The right to access information is better realized through a public body
• Public legal information is part of the common heritage of mankind