

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

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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