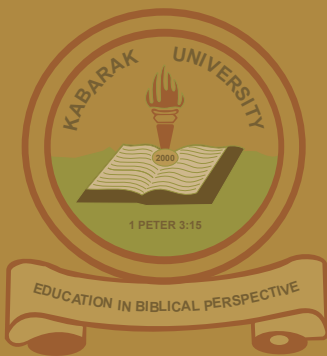


# Avid Readers' Forum

## ACTIVITY REPORT

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2019 - 2024



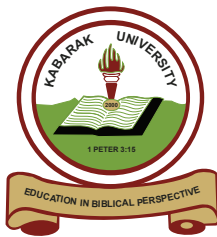
Kabarak University  
School of Law

September 2024  
Quinquennial Anniversay

## **Avid Readers' Forum Activity Report**

**2019-2024**

**Volume 1(2024)**



*Avid Readers' Forum*

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Kabarak University  
School of Law

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*Avid Readers' Forum*

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## Preface

### *Avid Readers' Forum: The Voyage.*

In 2019, I proposed starting a forum for reading and discussion to impact students and faculty members at Kabarak Law School and cultivate a culture of reading and discourse. Initially, I believed that only a few people would join the Avid Readers' Forum (ARF) on this voyage. My belief was not unfounded; many students had a fluctuating relationship with knowledge then. ARF was meant to change this trend. However, looking back, the impact has been even greater, reaching beyond students and faculty members.

The objective of ARF was to trade in the acquisition and sharing of knowledge in law, current affairs and governance. Those who would be proud of acquiring such knowledge were free to board. Especially my students. Since the ship sailed, I am pleased that ARF has achieved this objective over the last five years without fail. I have witnessed my students participate in every forum. Not as passive ones but as creators of knowledge and ardent dispensers. This has been the case from our first session on African poverty to our forty-seventh session on people's voice versus party politics in Kenya.

During the course of forty-seven sessions, the ARF has consistently organised and hosted meaningful conversations within the academic community, the wider legal sphere, and society at large. It is noteworthy that both ARF members and the general public eagerly anticipate and actively participate in these discussions, as reflected in the significant audiences that ARF attracts. As a consequence of this growing interest, it is now evident that ARF has a responsibility to the public to disseminate knowledge on a wide range of topics, including current affairs, governance, and various other pertinent matters, without exception. ARF does not intend to abort this sail any time soon.

For five consecutive years, the vessel's relentless captains, mates, and pilots have propelled ARF to achieve the milestone of sharing ideas, sparking debates, and formulating solutions for possible change in governance and society in Kenya and the wider African region. I want to express my gratitude to them.

First, I want to acknowledge the captains. I want to express my sincere gratitude to Kabarak University Management for allocating university resources to support the ARF course. Led by the Vice Chancellor, Professor Henry Kiplangat, I thank you again, and may blessings abound. The leadership of Kabarak Law School has also played a significant role in steering this course. I would need an entire lifetime to thank them. Headed by the Dean, Professor John Osogo Ambani, I thank you very much.

The pilots of this vessel occupy positions of great influence. They have been the guiding lights, selflessly volunteering their time, orchestrating ARF events, and ensuring the seamless operation of the vessel. Some have even ventured below deck, embracing the oil and grease of the engine room, all to ensure that every part functions at its peak. From the faculty, Joseph Omollo, Lucianna Thuo, Julie Matoke, Jeane Okumu and Sam Ngure. I am happy that the reward you received from your volunteerism is fulfilment in sharing and acquiring knowledge. Student Coordinators across different years also fall into this category. Melody Yego, Golo Bokao, Marion Joy Onchngwa, Sylvia Nyanchama and Ruth Jebet have proven to be skilled and untiring. Coincidentally, the student coordinators have been women. It speaks volumes to their dedication and care in the stellar execution of their work.

Third, a crew of students always work in the engine room. Their sweat in carrying heavy instruments and managing the venue makes ARF events seem spectacular to the global audience. Their faces are rarely seen unless they fix a faulty light bulb in one of the sessions. Some of the students in this group

include Stanley Mayaka, Jesse Thaiya, Brian Kibet, and Elvis Soita, among others. I express my gratitude to this group of students and some former students.

Finally, I would like to express my immense gratitude to all those involved in this voyage. This includes ARF members, the students, our global audience, our partners across different sessions, our leader readers, our panel discussants, and many others. Your contributions have left a lasting impact and have taken us one step closer to finding solutions to the issues affecting our society.

Though the glamour and glory above are evident, I must share startling news: we've barely crossed two leagues on this voyage, with countless miles left to traverse in the years ahead. Our fulfilment lies in steering this ship, holding the sail, and joining others in this eternal knowledge acquisition and sharing journey. For only an informed society can be a powerful society.

### ***Avid Readers' Forum: The Quinquennial Report***

In the period between September 2019 and September 2024, ARF hosted a total of forty-seven sessions covering various topics. This report contains summaries of these sessions. Some sessions were led by a designated reader who facilitated discussions on specific reading material, while others took the form of panel discussions involving experts, authors, students, and subject heads discussing emerging issues. In 2019, our sessions were conducted in person. In 2020, we transitioned to virtual discussions on Zoom, and from 2021 to 2024, most of our sessions have been conducted in a hybrid format, accommodating both physical and virtual audiences.

This Quinquennial Report is divided into three sections. The first section provides summaries of the sessions held between 2019 and 2024. The second section features essays on ARF written by its members. The third section

contains messages from ARF members sharing their experiences and opinions as it celebrates its fifth anniversary.

Kadima Cedric spearheaded this project to develop this Quinquennial Report, assisted by our students: Oyugi Emmanuel Miller, Ian Dancan Ekisa, Hiltruda Nyokabi Gichanga, and Stanley Mayaka. May God bless the works of your hands.

To all our readers, reviewers and members of ARE, welcome!

**Mr Elisha Zebedee Ongoya**

*Convener, Avid Readers' Forum*

*Senior Lecturer, Kabarak University School of Law*

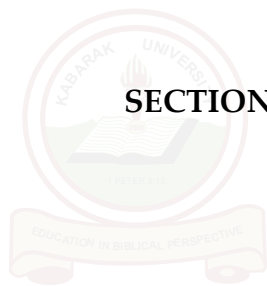
*Advocate of the High Court of Kenya*



*Avid Readers' Forum*

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## **SECTION A: FORUM SUMMARIES**

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# *Avid Readers' Forum*

**YEAR 2019**

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Kabarak University  
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## Forum 1

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Date: 9 October 2019  
Topic: Duncan Kennedy, 'African Poverty'  
Lead reader: Mr Joseph Agutu Omollo



### Summary

The Avid Readers' Forum convened for its inaugural session to delve deep into the complex socio-economic challenges perpetuating poverty across Africa. The engaging discussion centred on Kennedy's in-depth analysis, exploring the historical and structural factors contributing to this persistent issue. These factors included the enduring

impacts of colonial legacies, economic dependency, and the unequal dynamics of global trade relations. Participants engaged in a thought-provoking debate around Kennedy's critique of international development policies, questioning whether such interventions have effectively alleviated poverty or, rather, reinforced existing inequalities. The Forum also interrogated alternative strategies for economic empowerment and sustainable development in Africa, emphasising the urgent need for homegrown solutions and policy reforms that prioritize the needs of the continent's most vulnerable populations.

Furthermore, the discussion encompassed a comprehensive exploration of the role of governance, the pervasive impact of corruption, and the crucial significance of robust legal frameworks in addressing poverty and fostering equitable growth in Africa.

*Audience keenly following during the inaugural session*



## Forum 2

---

Date: 23 October 2019  
Topic: Amy L Chua, 'Markets, Democracy, and Ethnicity: Towards a New Paradigm for Law and Development'  
Lead reader: Mr Elisha Ongoya

### Summary

Mr Elisha Ongoya led a thought-provoking Forum discussing Amy L Chua's work, 'Markets, Democracy, and Ethnicity: Toward a New Paradigm for Law and Development'. The Forum explored the relationship between economic liberalisation, democratic processes, and ethnic tensions in developing nations. The discussion focused on Chua's argument that pursuing both marketisation and democratisation simultaneously can worsen ethnic conflicts in certain societies. Case studies from different countries were examined, and participants debated the value of Chua's proposed solutions, emphasising the need for a more nuanced approach to economic and political reforms. The Forum also addressed how law can mediate these tensions and promote inclusive development.



The audience also engaged in discussions about balancing economic growth with social stability and ethnic harmony, considering the impact on policy-makers and development practitioners. The discussion concluded with reflections on the relevance of Chua's paradigm to contemporary global challenges and its potential application in diverse contexts, particularly Kenya.



### Forum 3

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Date: 13 November 2019  
Topic: Max Weber, 'Politics as a Vocation'  
Lead reader: Ms Lucianna Wambui Thuo



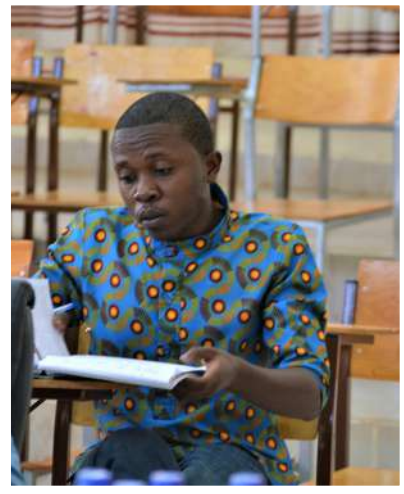
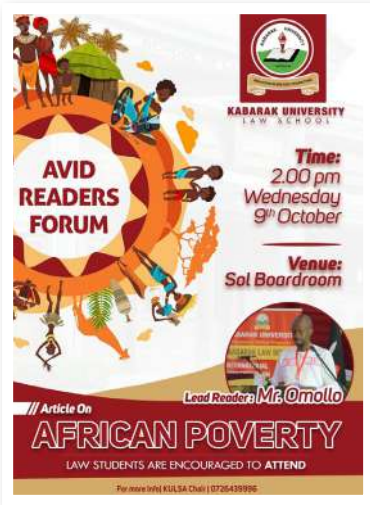
#### *Summary*

The Forum focused on Weber's important study of political leadership and the ethical aspects of political life. The discussion centred around Weber's differentiation between the ethics of conviction and the ethics of responsibility and how these concepts impact the behaviour and decision-making of politicians. Participants delved into Weber's analysis of the

professionalisation of politics, considering how modern political leaders manage the tensions between moral ideals and practical governance. The Forum also explored Weber's ideas on the role of charisma, tradition, and legal-rational authority in shaping political authority and legitimacy. Additionally, the discussion addressed the relevance of Weber's insights in contemporary politics, particularly how his ideas apply to current issues of leadership, power dynamics, and the challenges of maintaining integrity in political office.



*Active participants during the 3rd forum*



*Mr Edmond Shikoli being part of the audience during Forum 1*



*Some of the participants in Forum 1*



*Part of the audience that formed part of the inaugural session - Forum 1*



*Audience during the inaugural session - Forum 1*



*Elisha Ongoya sharing his remarks in the inaugural session - Forum 1*



*Mr Elisha Ongoya actively participating during Forum 3*



*Part of the audience - Forum 3*



*Part of the audience following the discussion during Forum 3*

**KABARAK UNIVERSITY**  
LAW SCHOOL

2<sup>nd</sup> Article **AVID READERS FORUM**

**MARKETS  
DEMOCRACY  
— AND —  
ETHNICITY**

LAW STUDENTS ARE ENCOURAGED TO ATTEND

**Lead Readers:** Mr. ELISHA ONGOYA  
Ms. JULIE MATOKE

23<sup>rd</sup> October 2pm | SQL Boardroom

For more information : KULSA Chairperson | 0726 439 996

**KABARAK UNIVERSITY**  
LAW SCHOOL

**AVID READERS FORUM**

3<sup>rd</sup> Article

**POLITICS  
AS A VOCATION**

Lead Reader : **Lucianna Thuo**

13<sup>th</sup> November 2pm  
SQL Boardroom

For more information : KULSA Chairperson | 0726 439 996



Kabarak University  
School of Law



# *Avid Readers' Forum*

**YEAR 2020**

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Kabarak University  
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## Forum 4

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Date: 31 January 2020  
Topic: Max Weber, 'Science as a Vocation'  
Lead readers: Ms Bokao Golo & Jason Oanga

### *Summary*

B Golo and J Oanga delved into Max Weber's influential work, 'Science as a Vocation'. The Forum provided an enlightening exploration of Weber's perspective on the essence of scientific inquiry and the societal role of scientists. The participants engaged in a lively debate surrounding Weber's differentiation between science and value judgments, pondering that science can offer means to achieve ends but may not dictate the ends themselves. The discourse also delved into 'value-free' science and its potential implications for academic freedom and researchers' ethical obligations. Moreover, the conversation encompassed Weber's viewpoints on the specialisation within scientific disciplines and its effects on the broader pursuit of knowledge.

The Forum also addressed the challenges scientists face in navigating institutional pressures, funding constraints, and societal expectations. Participants reflected on the relevance of Weber's ideas in the contemporary scientific landscape, considering issues such as interdisciplinary research, the commercialisation of science, and the role of scientists in public policy debates.

## **Forum 5**

---

Date: 9 February 2020  
Topic: Julius K Nyerere ‘Ujamaa - The Basis of African Socialism’  
Lead reader: Ms Mariam Lewinsky

### **Summary**

M Lewinsky led an engaging discussion on Julius K Nyerere’s ‘Ujamaa – The Basis of African Socialism. The Forum focused on Nyerere’s vision of African socialism based on traditional communal values and practices. Participants explored the concept of “Ujamaa,” or familyhood, as a basis for social and economic organisation in post-colonial Tanzania. The discussion also looked at Nyerere’s criticism of capitalist and European socialist models, advocating for an authentically African approach to development.

Attendees debated the practical implications of Ujamaa policies, such as collective agriculture and nationalising key industries. The Forum also addressed the challenges faced in implementing Nyerere’s vision, including community resistance and economic difficulties. Participants reflected on Ujamaa’s legacy in contemporary African politics and development strategies, considering its successes, shortcomings, and enduring influence on debates about African identity and self-reliance in the global economy.

## Forum 6

---

Date: 16 February 2020  
Topic: Fixing a Definite Number of Years on Life Sentence: Francis Karioko Muruatetu & Another v Republic (2017) eKLR  
Lead reader: Ms Atieno Keziah

### **Summary**

Ms Keziah facilitated an engaging and insightful discussion on the significant legal case of Francis Karioko Muruatetu & Another v Republic (2017). The Forum thoroughly analysed the Kenyan Supreme Court's ruling to deem the mandatory death sentence unconstitutional and its potential impact on life imprisonment sentences. Participants delved into the intricate rationale behind the Court's decision, highlighting the emphasis on the necessity of judicial discretion in sentencing and the crucial consideration of unique individual circumstances.

The in-depth discussion also thoroughly examined the intricacies of putting the ruling into practice. This involved a careful consideration of the necessity to review existing life sentences and the development of clear guidelines for determining appropriate sentence lengths. The forum engaged in a lively debate regarding the delicate balance between retribution, rehabilitation, and ensuring public safety within sentencing policies. Furthermore, the participants delved into broader issues surrounding criminal justice reform, including the challenges of prison overcrowding and the effectiveness of long-term incarceration. Reflecting on the potential impact of the ruling on future cases, the Forum also highlighted its profound significance for human rights and the rule of law in Kenya.



## **Forum 7**

---

Date: 23 February 2020  
Topic: Building Bridges Initiative Report, Chapters 1-3  
Lead reader: Mr Mark Munube

### **Summary**

Mr M Munube led an engaging discussion on the first three chapters of the Building Bridges Initiative (BBI) Report. The Forum focused on the Report's analysis of Kenya's national ethos, constitutional and institutional reforms, and national unity. Participants debated the BBI's proposals for addressing historical injustices, ethnic tensions, and political polarisation. The discussion also covered controversial issues such as expanding the executive and creating new positions like the Prime Minister and Leader of the Official Opposition.

The potential impacts of these reforms on governance, representation, and accountability were explored. The Forum also addressed the Report's recommendations for promoting national values, ethics, and civic responsibility. Participants critically examined the feasibility and potential consequences of implementing the proposed changes, considering supporters' arguments for increased inclusivity and critics' concerns about power consolidation and resource allocation.

## **Forum 8**

---

Date: 29 February - 1 March 2020  
Topic: Building Bridges Initiative Report, Chapters 4-11  
Lead reader: Ms Bokao Golo

### **Summary**

Ms B Golo led a comprehensive discussion on chapters 4-11 of the Building Bridges Initiative (BBI) Report. The Forum discussed the Report's recommendations on various aspects of Kenyan society, including devolution, shared prosperity, corruption, and national security. Participants examined proposals for strengthening county governments, enhancing revenue allocation, and promoting regional economic development.

The discussion delved into various contentious issues, including forming regional economic blocs and the sustainable management of natural resources. Attendees engaged in lively debates on the Report's proposed strategies for combating corruption, which involved strengthening oversight institutions and increasing transparency in public procurement.

Furthermore, the Forum explored recommendations to bolster national security, tackle youth unemployment, and enhance public service delivery. Participants critically assessed the potential impacts of these proposals on Kenya's political landscape, economic advancement, and social harmony. They carefully considered both the opportunities and challenges presented by the ambitious reform agenda of the BBI.

## **Forum 9**

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Date: 21-22 March 2020  
Topic: Corona & the Law: Price Gouging in a Pandemic & Rights & Duty-Public Health Act Part V-VI  
Discussant: Mr B Omega

### **Summary**

The timely discussion on legal aspects of the COVID-19 pandemic focused on price gouging and public health measures. The Forum examined the tension between consumer protection and market forces during crises. Participants debated the effectiveness of existing laws in preventing exploitation and ensuring access to essential goods and services. The discussion questioned the legal basis for emergency measures under the Public Health Act, addressing individual rights versus collective safety issues.

Participants at the Forum also discussed issues regarding the proportionality and necessity of restricting movement, enforcing quarantines, and mandating health protocols. They also addressed the challenges of balancing economic concerns with public health imperatives, while considering the impact on vulnerable populations. Additionally, they reflected on the adequacy of Kenya's legal framework in responding to public health emergencies and discussed potential reforms to enhance preparedness and resilience for future crises.

**Forum 10**

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Date: 10-11 April 2020  
Topic: Proving murder without the body  
Discussants: Mr J Oanga & B Golo

**Summary**

Ms B Golo and Mr J Oanga led a fascinating discussion on the challenges of prosecuting murder cases without a body. The Forum discussed legal principles and evidentiary standards in such cases, examining precedents from various jurisdictions. The discussion also involved a debate on the types of circumstantial evidence that can be used to establish guilt beyond reasonable doubt, including forensic analysis, witness testimony, and digital evidence.

The participants addressed the role of motive, opportunity, and behavioural evidence in building a case. The discussion included ethical considerations, such as the risk of wrongful convictions and the impact on victims' families. The forum also explored technological advancements in forensic science and their implications for 'no body' murder cases. Participants reflected on the balance between the presumption of innocence and the pursuit of justice, considering strategies for investigators and prosecutors to overcome the unique challenges posed by these cases.

## **Forum 11**

---

Date: 12-13 June 2020  
Topic: The Trite Rights: Freedom of Media & Access to Information  
Discussant: Ms Rebecca Andeso

### **Summary**

Ms Andeso led an engaging discussion on media freedom and access to information during the Forum. The participants examined the constitutional and legal frameworks governing these rights in Kenya and discussed their significance for democratic governance and accountability. The challenges journalists and media outlets faced, including threats to safety, legal harassment, and economic pressures, were debated extensively.

The impact of digital technologies on media landscapes was also addressed, focusing on misinformation, data privacy, and online censorship. Attendees discussed the balance between national security concerns and the public's right to information and examined cases where these rights were contested.

The Forum also delved into the implementation of Kenya's Access to Information Act and its effectiveness in promoting transparency. The participants also discussed strategies for strengthening media independence and enhancing public access to information, including legal reforms and capacity-building initiatives for journalists and civil society.

**Forum 12**

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Date: 18 July 2020  
Topic: Ken Ogotu, ‘The Good, the Bad & the Dictum: Exorcising the Ghost of Anarita Karimi v Republic’  
Lead reader: Mr Elisha Ongoya

**Summary**

Mr Elisha Ongoya led a provocative discussion on Ken Ogotu's analysis of the Anarita Karimi v Republic case. The Forum focused on the impact of this significant decision on Kenya's constitutional jurisprudence and the doctrine of constitutional interpretation. The historical context of the case and its influence on subsequent judicial decisions were thoroughly examined. The discussion addressed the tension between strict constructionism and purposive interpretation of the Constitution and debated the merits and drawbacks of each approach.

The attendees also delved into questions of judicial activism versus restraint, considering the role of courts in shaping constitutional norms. The forum also explored the evolution of Kenya's constitutional jurisprudence since the Anarita Karimi case, highlighting key developments and shifts in judicial philosophy. Participants reflected on strategies for promoting consistency and coherence in constitutional interpretation while allowing for adaptation to changing social and political contexts.

### **Forum 13**

---

Date: 18 July 2020  
Topic: Mark V Tushnet, 'The Constitution outside of Courts:  
A preliminary inquiry'  
Lead reader: Mr Morris Kimuli

#### **Summary**

Mr M Kimuli led a lively discussion on Mark V Tushnet's investigation of extrajudicial constitutional interpretation. The Forum focused on the role of non-judicial actors in shaping constitutional meaning and practice. Participants debated the merits of popular constitutionalism, considering how citizens, civil society organisations, and elected officials contribute to constitutional discourse. The discussion addressed the potential benefits and risks of decentralising constitutional interpretation, exploring consistency, expertise, and legitimacy issues.

Attendees examined case studies of constitutional controversies resolved outside the courtroom, analysing the dynamics of political negotiation and public deliberation. The forum also explored the interaction between judicial and non-judicial constitutional interpretation, considering how these processes influence each other. Participants reflected on strategies for enhancing public engagement with constitutional issues and fostering a vibrant constitutional culture beyond formal legal institutions.

**Forum 14**

---

Date: 15 August 2020  
Topic: The Constitution Outside Courts: Judicial Supremacy  
Lead reader: Ms Racheal Koech

**Summary**

Rachel Koech led an insightful discussion on the concept of judicial supremacy and its alternatives. The Forum delved into the historical development of judicial review and the growing influence of courts as final arbiters of constitutional meaning. Participants debated the advantages and disadvantages of judicial supremacy, considering its impact on democratic governance and the separation of powers. The discussion also explored alternative models of constitutional interpretation, such as departmentalism and coordinate construction, analyzing their potential application in the Kenyan context.

Attendees tackled questions regarding institutional competence, democratic legitimacy, and the protection of minority rights. The forum also addressed the role of public opinion and social movements in shaping constitutional norms outside the courtroom. Participants reflected on strategies for balancing judicial authority with other forms of constitutional interpretation, considering mechanisms for dialogue between courts, legislatures, and the public in resolving constitutional disputes.



## **Forum 15**

---

Date: 29 August 2020  
Topic: D P Moynihan, ‘What do you do when the Supreme Court is wrong?’  
Lead reader: Dr Muthomi Thiankolu

### **Summary**

Dr Thiankolu steered a thought-provoking conversation about addressing perceived errors in Supreme Court decisions, focusing on legal and political strategies. Participants debated the conflict between the finality of court judgments and the need for correction in the legal system. The discussion covered various approaches, such as constitutional amendments, legislative overrides, and judicial reconsideration.

Attendees also examined historical examples of controversial Supreme Court decisions and their long-term impacts on legal doctrine and social change. The forum explored the role of public opinion, academic criticism, and social movements in challenging and potentially reshaping judicial interpretations. Participants reflected on maintaining public confidence in the judiciary while allowing for the evolution of constitutional jurisprudence and ensuring accountability.

## **Forum 16**

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Date: 24 October 2020  
Topic: Constitutional disobedience  
Lead reader: Mr Duncan Okubasu

### **Summary**

The Avid Readers' Forum delved into the intriguing and controversial topic of 'constitutional disobedience', which entails defying constitutional laws under specific circumstances. The participants engaged in a stimulating discussion exploring the notion of constitutions. However, fundamental to legal systems are fallible and may not always align with contemporary societal values or ideals of justice.

The Forum examined the legitimacy and potential consequences of purposefully disregarding unjust or outdated constitutional provisions. Delving into historical and modern instances where constitutional disobedience has instigated significant legal and social reforms, the participants pondered the delicate line between lawful dissent and outright rebellion.

Furthermore, the session addressed the ethical and legal complexities of constitutional disobedience, probing whether it can be morally justified within a democratic society and deliberating on the essential safeguards required to prevent its potential abuse.

## **Forum 17**

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Date: 21 November 2020  
Topic: Jasdeep Randhawa, 'Understanding judicialization of mega-politics: the basic structure doctrine and minimum core'  
Lead reader: Mr Jared Gekombe

### **Summary**

The Forum, led by Mr Jared Gekombe, deliberated the Judicialization of Mega-Politics and the Basic Structure Doctrine. The participants drew on Jasdeep Randhawa's analysis to discuss the impact of judicial intervention in political matters.

The discussion started by revisiting how judicial involvement in politics began with India's First Amendment in 1951, which sought to shield land reform laws from judicial scrutiny. Participants noted that the relationship between the judiciary and the legislature became contentious, leading to the landmark 'Kesavananda Bharati' case 1973. Here, the Supreme Court introduced the Basic Structure Doctrine, which limits Parliament's ability to amend the Constitution, ensuring that its core principles, like democracy and secularism, remain intact.

One central point of debate in the Forum was the balance between judicial power and democratic governance. Some argued that by creating the Basic Structure Doctrine, the judiciary acted as a guardian of constitutional integrity, protecting the people's rights against potential legislative overreach. Others questioned whether this gave unelected judges excessive power over democratic processes.

Comparisons were drawn to other countries like South Africa, where courts similarly play a crucial role in nation-building and policy-making. The forum also discussed Randhawa's critique of Ran Hirschl's theory, which posits that judicialisation occurs only when political elites support it. Many participants agreed with Randhawa that, in India, judicialisation often faced fierce political backlash, as the courts took on the role of safeguarding the Constitution even

in the absence of elite support.

The Forum concluded with reflections on the evolving role of the judiciary in India and Kenya, particularly how it navigates political controversies while striving to maintain its independence and public trust.



## Avid Readers' Forum

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Kabarak University  
School of Law



# *Avid Readers' Forum*

**YEAR 2021**

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Kabarak University  
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**Forum 18**

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Date: 20 February 2021  
Topic: Decolonising Jurisprudence  
Discussants: Dr John Osogo Ambani & Elizabeth O'Loughlin  
Moderator: Ms Lucianna Wambui Thuo

**Summary**

The Forum featured Prof J Osogo Ambani and Elizabeth O'Loughlin as lead discussants. During the session, the participants underscored the significance of enhancing access to international law for local communities. They emphasised the importance of incorporating local languages and cultural values in legal systems, advocating for diversifying language used in legal forums. The discussions delved into the complexities of decolonisation, addressing potential regression risks and highlighting the value of understanding distinct African legal approaches.

The participants engaged in constructive debate regarding the role of traditional African justice methods and the necessity of studying African customs and values. The forum comprehensively examined the decolonisation of various facets of life, including identity, language, religion, and politics. The speakers emphasised the importance of harmonising scholarly pursuits and activism with communities and belaboured the need to prioritise local perspectives in law.

Additionally, the discussion spotlighted the significance of African literature and theories in addressing societal issues instead of solely relying on Western academic writings. The participants recognised the need to critically examine colonialism's impact on legal systems and the centrality of amplifying marginalised voices in the decolonisation process.

## **Forum 19**

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Date: 26 February 2021  
Topic: Dissecting the Supreme Court Judgement in the Mitubell Case  
Discussants: Mr Ian Mwiti; Mr Ochied Dudley & Mr Maurice Oduor

### **Summary**

The Forum discussed the Supreme Court's ruling in the Mitu-Bell Welfare Society v Kenya Airports Authority case. It looked into the Court's interpretation of the right to adequate housing as enshrined in the Constitution, particularly how this right applies to residents of informal settlements.

The discussion panel examined the decision's legal and social implications, emphasising the Court's acknowledgement of the state's duty to protect vulnerable communities from unlawful evictions. The Forum also addressed the broader impact of the judgment on future legal precedents, especially concerning socio-economic rights and public interest litigation. Furthermore, the discussion considered the role of this ruling in shaping governmental policies on housing and urban development in Kenya. The discussants largely acknowledged that the decision is a significant step toward the justiciability of socio-economic rights in Kenya. However, the Court's categorisation of the hierarchy of international law in Kenya was critiqued.

## **Forum 20**

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Date: 20 March 2021  
Topic: Africa and the History of International Law  
Discussants: Dr Tomkeen Mobegi & Mr Harrison Mbori  
Moderator: Ms Lucianna Wambui Thuo

### **Summary**

Dr Mobegi and Mr Mbori led the discussion regarding Africa and the history of international law. They examined Africa's role in international law, discussing its representation and contributions. They discussed the impact of colonialism, the legitimacy of international institutions, and the importance of decolonising international law. The discussants also explored various perspectives, including critical, feminist, and classical realist approaches.

The discussion highlighted the intricacies of international law and the ongoing debates about its impact on the relationships between African states and the global community. The discussants stressed the significance of understanding Africa's history in international law and the need for reform to better reflect African needs and aspirations. Additionally, they addressed the challenges of balancing ideals with real politics and the resistance to change from global capital and neoliberalism. The Forum concluded by emphasising the importance of ongoing efforts towards reform and increased African representation in international law.



## **Forum 21**

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Date: 31 March 2021  
Topic: The Kenya-Somalia Maritime Delimitation Case  
Discussants: Mr John Nyanje; Mr Harrison Mbori; Mr Humphrey Sipalla  
& Ms Azmaira Alibhai  
Moderator: Ms Lucianna Wambui Thuo

### **Summary**

The Forum focused on the complicated legal, political, and economic aspects of the disagreement between Kenya and Somalia regarding their maritime boundary in the Indian Ocean. The case was brought before the International Court of Justice (ICJ) and centred on a 100,000 square kilometre area of sea believed to be rich in oil and gas reserves.

The dispute stemmed from conflicting interpretations of the maritime boundary: Kenya argued for a boundary extending in a straight line eastward from where the two countries' land border meets the coast, following the latitude line. On the other hand, Somalia proposed a boundary based on a central line extending southeastward.

Facilitators John Nyanje, Harrison Mbori, Humphrey Sipalla, and Azmaira Alibhai, along with moderator Lucianna Thuo, analysed the legal arguments presented by both sides, including issues of sovereignty, historical claims, and the application of international maritime law, particularly the United Nations Convention on the Law of the Sea (UNCLOS).

The discussion also covered the potential outcomes of the ICJ ruling, implications for bilateral relations and regional stability, and the precedent it might set for other maritime disputes. The Forum underscored the importance of legal frameworks in peacefully resolving international conflicts, despite the challenges in enforcing the Court's decision.

## **Forum 22**

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Date: 24 April 2021  
Topic: The Future of Women’s Rights from a Third World  
Approaches to International Law (TWAAIL) Perspective  
Discussants: Ms Lizzy Muthoni; Ms Racheal Jepchumba & Melissa Mungai  
Moderator: Ms Lucianna Wambui Thuo

### **Summary**

The discussion, ‘The Future of Women’s Rights from a Third World Approaches to International Law (TWAAIL) Perspective,’ explored the challenges and opportunities for advancing women’s rights within the TWAAIL framework. The conversation focused on reinterpreting international law, which has traditionally been shaped by Western norms, to better address women’s unique experiences and struggles in the Global South.

The panel, featuring Ms Muthoni, Ms Jepchumba, and Ms Mungai, and moderated by Ms Thuo, examined the intersections of gender, race, and colonial histories and how these factors influence the realisation of women’s rights in developing countries. The Forum also discussed strategies for using international law to combat gender inequality while ensuring that these efforts are rooted in local contexts and responsive to the needs of marginalized women. The conversation highlighted the importance of amplifying voices from the Global South in international legal discourses on women’s rights, advocating for a more inclusive and equitable global legal order.

## **Forum 23**

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- Date: 27 August 2021
- Topic: Katiba @11: Appraising the Building Bridges Initiative (BBI) Judgement
- Discussants: Prof Rosalind Dixon; Prof Yaniv Roznai; Prof Richard Albert; Prof Ben Sihanya, Prof Migai Akech; Dr Duncan Okubasu; Mr Dudley Ochiel; Mr Elisha Ongoya, and Dr Gautam Bhatia
- Moderator: Ms Lucianna Wambui Thuo & Silas Kamanza
- Partners: Katiba Institute & International Commission of Jurists - Kenya Section (as part of the 11th-anniversary celebration of Kenya's Constitution)

### **Summary**

The Avid Readers' Forum hosted a comprehensive discussion on the Kenyan Court of Appeal's decision concerning the Building Bridges Initiative (BBI). Throughout the exchange, legal experts meticulously examined the judgment's constitutional implications, shedding light on the intricacies of public participation, amendment processes, and the vital role of institutions in the decision-making process. The debate was rich with analyses regarding the application of constitutional doctrines, the nuanced significance of historical context, and the broader implications of the judgment in the landscape of comparative law.

Additionally, the forum underlined the importance of contextual interpretation of constitutional provisions and meaningful public participation, emphasising their profound societal impact. Discussants also drew attention to the crucial role of civil society in holding political elites accountable and stressed the significance of upholding the Constitution's text, history, and structure. The discussion also catalysed ongoing dialogue on various social media platforms, further fostering public engagement and awareness of constitutional law and governance matters.

## Forum 24

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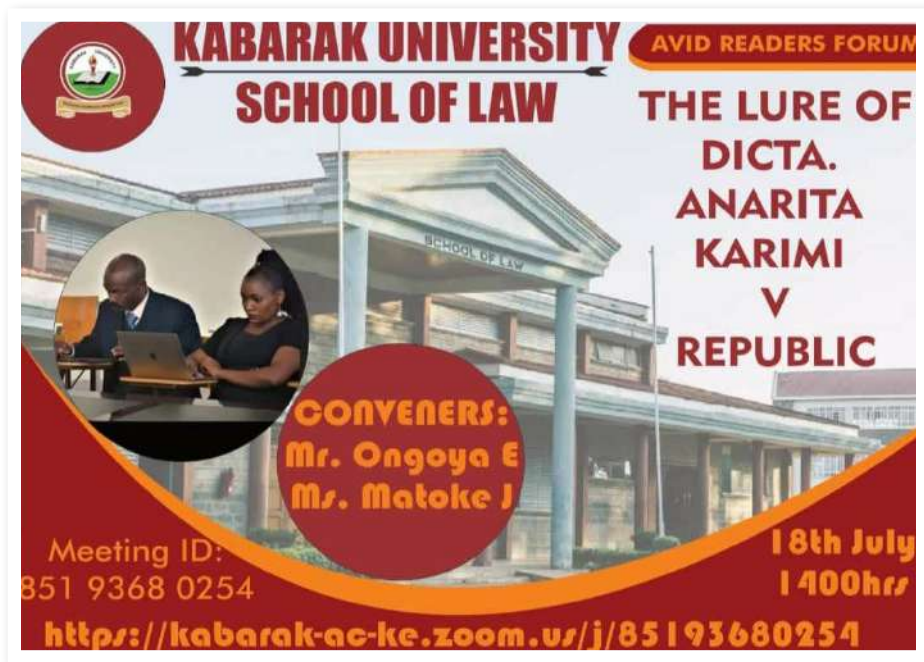
Date: 22 October 2021  
Topic: The Clash of Nations: The Kenya-Somalia Maritime Delimitation Judgement  
Discussants: Dr Nabil Orina; Ms Lillian Wambui; Ms Chepkorir Sambu; Mr John Nyanje & Mr Owiso Owiso  
Moderator: Ms Lucianna Wambui Thuo

### *Summary*

The Forum "The Clash of Nations: The Kenya-Somalia Maritime Delimitation Judgement," held on 22 October 2021, focused on the International Court of Justice's (ICJ) decision on the maritime boundary dispute between Kenya and Somalia. The discussion reviewed the legal arguments presented by both nations, the basis of the ICJ's decision, and its implications for international maritime law.

The discussants delved into the broader geopolitical and economic impacts of the judgment, particularly regarding access to potentially resource-rich maritime zones. The Forum addressed the diplomatic tensions arising from the decision and its potential consequences for regional stability in the Horn of Africa.

Additionally, the discussion touched on the domestic responses in Kenya and Somalia and the role of international law in resolving such complex inter-state disputes, highlighting the challenges of balancing legal principles with national interests.



**KABARAK UNIVERSITY**  
**SCHOOL OF LAW**

**AVID READERS FORUM**

**THE LURE OF  
DICTA.  
ANARITA  
KARIMI  
V  
REPUBLIC**

**CONVENERS:  
Mr. Ongoya E  
Ms. Matoke J**

Meeting ID:  
851 9368 0254

<https://kabarak-ac-ke.zoom.us/j/85193680254>

18th July  
1400hrs



**KABARAK LAW  
SCHOOL  
AVID READER'S  
FORUM.**

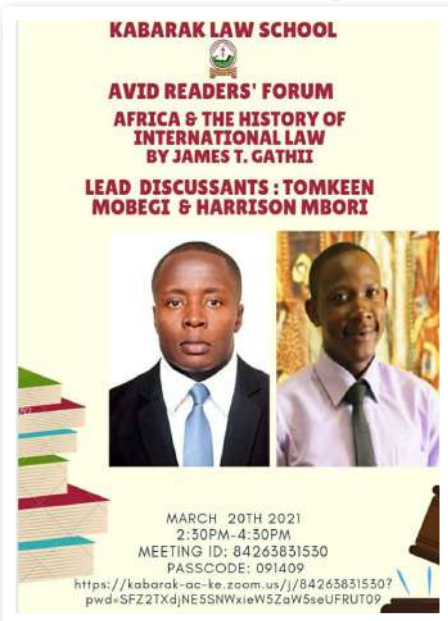
Decolonizing  
Jurisprudence—Elizabeth A  
O’loughlin.



Dr John Ambani

LEAD READER: DR J. AMBANI  
20TH FEB 2021. 2:30PM-4PM

Meeting ID 823 2679 4754





**KABARAK LAW SCHOOL**

**AVID READERS' FORUM**

**AFRICA & THE HISTORY OF  
INTERNATIONAL LAW  
BY JAMES T. GATHII**

**LEAD DISCUSSANTS : TOMKEEN  
MOBEGI & HARRISON MBORI**



MARCH 20TH 2021  
2:30PM-4:30PM  
MEETING ID: 84263831530  
PASSCODE: 091409  
<https://kabarak-ac-ke.zoom.us/j/84263831530?pwd=SFZ2TXdJNESSNWxleWSZaW5seUFRUT09>



# KABARAK LAW SCHOOL

## AVID READERS' FORUM

Maritime Delimitation in the Indian Ocean  
**Kenya vs Somalia ICJ Case**







**Mr. John Nyanja**  
Associate Justice  
High Court of Kenya




**Mr. Harrison Wbooi**  
Associate Professor  
Faculty of Law, Kenya  
Open University of  
Kenya



**Jasmine Wambui Thuo**  
Senior Advocate  
"Law School"




**Amama Akibhat**  
Executive Director  
Kenya Open University  
Nairobi

**Join Zoom Meeting** 

Meeting ID: 817 1161 6173  
Passcode: 575147

**31<sup>st</sup> March**  
Start 2.00 PM - 4.00PM EAT


<https://kabarak.ac.ke/zoom-join-link/>




# KABARAK LAW SCHOOL

## AVID READERS' FORUM


The Future of Women's Rights from a TWAIL Perspective




**Jasmine Wambui Thuo**  
Senior Advocate  
Kenya




**Lizzy Muthoni**  
LLM Grad  
Strathmore University



**Rachel Apichumba**  
LLM Grad  
Kabarak University



**Melissa Mwangi**  
LLM Grad  
Strathmore University  
Africa Centre for Women's Rights  
Kabarak University


**Join Zoom Meeting** 

Meeting ID: 889 3855 5649  
Passcode: 892699

**24<sup>th</sup> April 2021**  
Start 2.00 PM - 4.00PM EAT

<https://kabarak.ac.ke/zoom-join-link/>


Join by Skype for Business  
<https://kabarak.ac.ke/zoom-join-link/>



# KABARAK LAW SCHOOL



## AVID READER'S FORUM

In conjunction with public law conversations



**DISSECTING THE SUPREME COURT JUDGEMENT IN THE MITU-BELL CASE**

**LEAD DISCUSSANTS: MR. IAN MATHENGE AND MR. MAURICE ODUOR**

**Friday 26<sup>th</sup> Feb 2pm-4pm 2021**  
meeting ID 852 3256 4998  
passcode: 285993






KABARAK LAW SCHOOL "AVID READERS FORUM"

## Katiba @ 11: Deconstructing the BBI Judgment





# *Avid Readers' Forum*

**YEAR 2022**

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Kabararak University  
School of Law

**Forum 25**

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- Date:** 08 April 2022
- Topic:** ‘The last word? Unpacking the Supreme Court decision on the Building Bridges Initiative
- Discussants:** Prof Rosalind Dickson; Prof Ben Sihanya; Dr Adem K Abebe; Dr Gautam Bhatia; Ms Christine Nkonge & Mr Ochiel Dudley
- Moderator:** Ms Valentine Khaminwa
- Partners:** International Commission of Jurists—Kenya Section; Katiba Institute; Kenya Human Rights Commission; and the Institute of Legal and Constitutional Research, University of St Andrews.

**Summary**

The Supreme Court of Kenya’s judgement on Kenya’s Building Bridges Initiative (BBI) was the subject of a comprehensive discussion at the Forum. The decision to declare the BBI null and void was a significant milestone for constitutionalism and the rule of law in Kenya. The panel, comprising esteemed legal scholars from Kenya and abroad, analysed the court’s rationale on pivotal issues such as the basic structure doctrine, presidential immunity, and public participation in constitutional amendments.

During the discussion, the complexity of the court’s decision was highlighted, with diverse interpretations of its potential implications for future constitutional amendments. Some perceived the ruling as striking a pragmatic balance between constitutional safeguarding and flexibility, while others argued that it could have displayed more robustness in upholding the Constitution’s fundamental principles. The panel also delved into the broader implications for Kenyan democracy, judicial independence, and the separation of powers. Overall, the decision was a pivotal moment in Kenya’s constitutional development, igniting intellectual discourse and emphasising the significance of civic engagement in governance.



## **Forum 26**

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- Date: 22 October 2022
- Topic: Dissecting the Supreme Court Presidential Election Petition Decision, 2022
- Discussants: Prof John Hudson FBA; Prof Ben Sihanya; Dr Muthomi Thiankolu; Mr JV Owiti; Mr Ochiel Dudley & Ms Lucianna Thuo
- Moderator: Ms Julie Matheka & Ms Valentine Khaminwa

### **Summary**

The ARF hosted a sparkling discussion on the Supreme Court's ruling regarding Kenya's 2022 presidential election. The topic centred on the Court's use of strong language, with varying perspectives on whether it was necessary to express outrage at fraudulent claims. The discussion also explored the role of the Independent Electoral and Boundaries Commission (IEBC) and delved into the controversial "Serena quartet" moment involving four commissioners.

The experts emphasised the importance of recognising that election results are declared at polling stations, not the national tallying centre. They also critically examined unsubstantiated claims of foreign interference discussed the benefits of technology in elections, and exchanged views on the standard of proof in election petitions and potential constitutional reforms, including the possibility of extending the petition filing period.

Furthermore, the Forum addressed concerns about judicial capture, underlining the importance of impartiality in election observation and the necessity for transparency in the electoral process. Speakers underscored the significance of prioritising legal arguments over emotional appeals in judgments and ensuring the integrity of the electoral system.

**Forum 27**

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Date: 02 November 2022  
Topic: Walter Khobe, ‘Presidential veto in the law-making process: The case of Kenya’s amendatory recommendations’  
Discussants: Mr Ian Mwiti; Dr Victoria Miyandazi Mr Maurice Odour  
Moderator: Ms Marion Joy Onchangwa

**Summary**

On 2 November 2022, an interesting Forum titled ‘Presidential veto in the law-making process: The case of Kenya’s amendatory recommendations’ took place. This Forum provided an inclusive deliberation of the intricate dynamics between Kenya’s executive and legislative branches, focusing on Mr Walter Khobe’s paper. Led by Ms Lucianna Thuo and expertly moderated by Marion Joy, the discussion delved deep into the constitutional foundation and real-world implications of presidential veto power. The main emphasis was on how the President’s recommendations for amendments influence the legislative process.

The Forum carefully examined the delicate balance of power between the executive and the legislature, delving into whether the presidential veto acts as a necessary check on parliamentary authority or an overreach of executive power. Intriguing case studies were presented, shedding light on specific instances where the veto was employed in Kenya and assessing its impact on democratic governance and the legislative process.

Furthermore, the Forum sparked spirited debates on potential reforms to ensure that the veto power is exercised transparently with the public interest at heart while preserving the integrity of the legislative process.

**Forum 28**

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Date: 16 November 2022  
Topic: Mitu-Bell Welfare Society v Kenya Airports Authority and two others [2021] eKLR, a discussion based on articles by Mr Ian Mwititi Mathenge, Mr Maurice Odour and Dr Victoria Miyandazi – Kabarak Journal of Law and Ethics, Volume 6(1) (2022) pages 1-52  
Discussants: Mr Joseph Agutu Omollo  
Moderator: Ms Marion Joy Ochnagwa

**Summary**

In this Forum, Mr Joseph Omollo led an engaging discussion on the Mitubell decision (Mitu-Bell Welfare Society v Kenya Airports Authority and two others [2021] eKLR), drawing from the following articles published in the Kabarak Journal of Law and Ethics (KJLE Volume 6(1) (2022) pages 1-52): - Ian Mwititi Mathenge, 'A critique of the Supreme Court's pronouncements on international law and the right to housing in Kenya in Mitu-Bell Welfare Society'; Dr Victoria Miyandazi, 'Setting the record straight in socio-economic rights adjudication: The Mitu-Bell Welfare Society Supreme Court of Kenya judgment'; and Maurice Odour, 'Mitu-Bell Welfare Society redux: A note on the strengths and weaknesses of the Supreme Court judgement'. The discussion focused on the decision's impact on socio-economic rights, housing, and the legal protections for vulnerable communities facing forced evictions, as well as the authors' perspectives on the Supreme Court's decision.

Mr Omollo provided an overview of the Supreme Court's ruling, which addressed the accruing interests in public land occupied by people over a long time, the state's responsibilities, and the constitutional guarantees for housing. The Forum explored the judgment's interpretations, highlighting the challenges and opportunities it presented for developing legal frameworks around social justice in Kenya.

The discussion also presented and appreciated the differing perspectives on the broader implications of the decision, particularly in balancing state

development projects and the protection of individual rights, as well as the position of international law in Kenya. Mr Omollo navigated these themes, encouraging participants to think critically about how the decision shapes the future of socio-economic rights enforcement in Kenya.

The participants actively contributed, asking questions about the Court's role in safeguarding vulnerable populations while promoting national development and how this landmark case might influence future jurisprudence in Kenya.



*Avid Readers' Forum*

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## **Forum 29**

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Date:	15 December 2022
Topic:	The EACJ Decision: Nullification of Kenya - USA Trade Negotiations
Discussants:	Prof Tomasz Milej; Mr Edmond Shikoli; Mr Emmanuel Sebijjo; Ms Jemimah Muyama, & Molly Rwigamba
Moderator:	Mr John Nyanje & Molly Rwigamba

### **Summary**

The decision made by the East African Court of Justice (EACJ) regarding Kenya's trade negotiations with the USA formed the basis of the discussion. The EACJ ruled that Kenya had breached East African Community (EAC) law by initiating free trade agreement negotiations and adopting a memorandum on wheat grain certification without the involvement of other partner states. This decision underscored the importance of incorporating the participation of the private sector and civil society in the EAC integration process.

During the discussion, participants deliberated on the definition of a proposed agreement, the role of the EAC Secretary General, and the challenges faced by Kenya in the EAC. Additionally, they thoroughly examined the potential implications of the ruling on the ongoing EU-EAC Economic Partnership Agreement negotiations.

Consequently, the decision permitted Kenya to engage in individual negotiations with the EU while simultaneously nullifying its talks with the USA, which may potentially result in delayed regional integration. In light of this, experts recommended that African leaders adopt a unified approach to trade issues to prevent undermining existing tariff agreements. The Forum underlined the significance of this ruling for EAC integration and trade relationships with external partners.



# Avid Readers' Forum

**YEAR 2023**

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Kabarak University  
School of Law

### **Forum 30**

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Date: 8 February 2023  
Topic: Migai Aketch, 'The Basic Structure Doctrine and the Politics of Constitutional Change in Kenya: A Case of Judicial Adventurism?'  
Lead reader: Mr Elisha Ongoya  
Moderator: Ms Marion Joy Onchangwa

#### **Summary**

Prof Migai Aketch's paper, 'The Basic Structure Doctrine and the Politics of Constitutional Change in Kenya: A Case of Judicial Adventurism?' sparked a discussion on the judiciary's role in shaping constitutional reforms in Kenya. Led by Elisha Z Ongoya and moderated by Marion Joy, the debate revolved around Kenyan courts' controversial application of the Basic Structure Doctrine, particularly in the context of recent proposed constitutional amendments through the Building Bridges Initiative, which was challenged before courts.

The Forum examined whether the judiciary's invocation of this doctrine represents a necessary safeguard against unchecked constitutional changes or an overstep into the political domain. Participants debated the implications of the Basic Structure Doctrine on Kenya's democratic processes, questioning if it constrains the sovereign will of the people or protects essential constitutional principles from erosion. Furthermore, the discussion explored this judicial stance's broader political and legal ramifications, considering its impact on future constitutional reforms and the balance of power between Kenya's judiciary, the executive, and the legislature.

**Forum 31**

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Date: 22 February 2023  
Topic: Julie Lugulu, 'Gender Discriminatory Nationality Laws and Childhood Statelessness in Africa: A Reflection on Legislative Interpretations'  
Lead reader: Ms Julie Lugulu  
Moderator: Ms Ann Wanjiru Kariuki

**Summary**

On 22 February 2023, Ms Lugulu spearheaded and Ms Kariuki moderated a weighty Forum to address the critical issue of gender-discriminatory nationality laws and their profound impact on childhood statelessness in Africa.

During the discussion, Ms Lugulu emphasised the importance of nationality as a legal bond between individuals and states, underscoring its role in enabling access to various rights. She shed light on the fact that in numerous African countries, nationality laws are discriminatory, particularly against women, resulting in their inability to pass on their nationality to their children on an equal footing with men. This systemic discrimination has contributed significantly to childhood statelessness, leaving countless children without nationality and consequently depriving them of access to fundamental rights.

The discussion highlighted specific instances from countries such as Eswatini, Libya, Liberia, and Sudan, where discriminatory laws exist. Lugulu articulated that these laws conflict with international obligations and contribute to the continuation of statelessness across multiple generations. The forum emphasised the necessity for legal reforms establishing gender-neutral nationality laws. This would enable both parents to grant their children nationality equally, ultimately decreasing childhood statelessness and advancing human rights throughout Africa.



## **Forum 32**

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Date: 3 March 2023  
Topic: Grand Debate on State and Religion  
Discussants: Chief Justice Emeritus Prof Willy Mutunga, Prof J Osogo  
Ambani & Rev Justus Mutuku  
Moderator: Mr Samuel Ngure

### **Summary**

The Grand debate on state and religion saw three notable figures share their views. The debate featured Professor Willy Mutunga, Adjunct professor of public law at Kabarak University and Emeritus Chief Justice, the Dean of Kabarak University Law School, Professor John Ambani, and the Kabarak University Chaplain Rev Justus Mutuku.

The debate centred around the role of religion in the state and the extent to which religion should influence the state's decisions. Rev. Justus Mutuku began by emphasising the need for religious spaces to be inclusive of all individuals, regardless of their beliefs. He urged individuals to examine their interpretations of religious scripture and work to eliminate any biases or prejudices that may exist.

Professor John Ambani added to this perspective, stating that a secular state does not imply the absence of religion. Rather, it is about the existence of various religions co-existing peacefully with one another. He argued that a secular state should not promote one religion over another but rather allow individuals to practice their religion freely.

Professor Willy Mutunga highlighted the significance of the Constitution in this debate. He noted that the preamble of Kenya's constitution mentions God from the onset. However, he emphasised that God is not limited to any particular religion or faith. Instead, the vision of a secular state is based on the principles of humanity, which are universal.

Furthermore, Professor Mutunga argued that religion should not be used to

oppress individuals or groups within society. He emphasised that no religion is more powerful than the other and that all individuals should be free to practice their religion without fear of discrimination or persecution.

The debate on the role of religion in the state has been ongoing for centuries. The views presented by the panelists at Kabarak University Law School highlight the need for inclusivity and respect for individuals' religious beliefs. The principles of a secular state should not infringe on individuals' right to practice their religion freely.

The Grand Debate provided a platform for individuals to explore different perspectives on the role of religion in the state. The views presented by the panellists emphasised the importance of inclusivity and respect for individuals' religious beliefs and the need to create a society where individuals can practice their religion freely without fear of discrimination or persecution.



Avid Readers' Forum

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Kabarak University  
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### **Forum 33**

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Date: 10 March 2023  
Topic: The Supreme Court of Kenya and the LGBTQI Question:  
A Case of Constitutional Piety or Impiety  
Discussants: Mr Charles Kanjama, Ms Emma Ng'ang'a, Mr Ian Mathenge,  
Ms Caroline Kimani & Channel Van der Linde  
Moderator: Ms Lucianna Thuo

#### **Summary**

The Forum held on 10 March 2023, titled 'The Supreme Court of Kenya and the LGBTQI Question: A Case of Constitutional Piety or Impiety', brought together panellists Charles Kanjama, Emma Ng'ang'a, Ian Mathenge, Caroline Kimani, and Channel Van der Linde, with Lucianna Thuo moderating. The discussion focused on the Supreme Court's stance on LGBTQI rights in Kenya, examining whether the Court's decisions aligned with constitutional principles or deviated from them.

Panellists explored the legal and moral dimensions of the court's rulings on LGBTQI issues, particularly in light of Kenya's constitutional framework that guarantees equality, non-discrimination, and human dignity. They analysed whether the Court's interpretation of these rights was consistent with the spirit of the Constitution or if it reflected societal biases and political pressures.

The conversation addressed the tension between traditional values and modern human rights principles, questioning how the court balances these competing interests. Panelists also discussed the broader implications of the Court's decisions on LGBTQI rights for Kenya's legal landscape, societal attitudes, and international reputation.

The Forum highlighted the need for ongoing dialogue and legal reforms to ensure that the rights of all Kenyans, including those in the LGBTQI community, are respected and protected. The session concluded with calls for greater public awareness and judicial responsibility in addressing sensitive identity and rights issues. Other notable figures who weighed on the topic for

discussion included The Director of the Centre for Human Rights, Prof Frans Viljoen and the Dean of Kabarak Law School, Prof John Osogo Ambani.



## Avid Readers' Forum

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Kabarak University  
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**Forum 34**

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Date: 22 March 2023  
Topic: Willy Mutunga, 'Feminist Masculinity: Advocacy for Gender Equality and Equity'  
Lead reader: Chief Justice Emeritus Prof Willy Mutunga  
Moderator: Ms Marion Joy

**Summary**

During the engaging discussion, former Chief Justice Willy Mutunga delved into the intricate nuances of feminism and gender equality, reflecting on key themes from his profound scholarly work, 'Feminist Masculinity: Advocacy for Gender Equality and Equity.' Prof Mutunga defined feminism as a vital social movement that traces its origins, intellectual underpinnings, and political significance to the rich tapestry of women's history and activism.

Professor Mutunga delivered a stirring message to the audience, highlighting the fundamental equality of boys and girls, men and women, across various aspects such as the economy, society, and politics. He passionately championed the feminist movement, aiming to eradicate women's oppression and exploitation and secure women's liberation. Finally, Mutunga proposed an essential role for boys and men in advancing gender equality, emphasising the positive impact on the entire society.

**Forum 35**

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Date: 27 September 2023  
Topic: Thabo Mbeki, 'I am an African' and Pixley Seme, 'The Regeneration of Africa'  
Lead reader: Mr Kelly Malenya  
Moderator: Ms Sylvia Nyanchama

**Summary**

On 27 September 2023, a weighty Forum focused on Thabo Mbeki's 'I am an African' speech and Pixley ka Isaka Seme's 'The Regeneration of Africa' address. Mr Kelly Malenya presented these influential speeches, and Ms. Silvia Nyanchama moderated the discussion. The event sparked a deep conversation about African identity, unity, and revival.

Mbeki's speech celebrates Africa's diverse heritage and emphasises the need for self-determination, while Seme's address advocates rejuvenating African societies and rejecting colonial ideologies. The forum explored how these historical perspectives resonate in contemporary Africa, touching on decolonisation, Pan-Africanism, and socio-economic development. The conversation addressed current challenges facing Africa and the role of young Africans in continuing the legacy of regeneration and fostering a collective African consciousness.

## **Forum 36**

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Date: 18 October 2023  
Topic: Thabo Mbeki, 'The potential of African Students in light of the recent events in Tunisia, Egypt, and Lybia'  
Lead reader: Mr Joseph Agutu Omollo  
Moderator: Mr Jesse Thaiya

### **Summary**

On 18 October 2023, a fetching Forum was held, with Mr Omolo Joseph Agutu at the helm and Jesse Thaiya moderating. The discussion probed into the potential of African students, especially in the wake of recent events in Tunisia, Egypt, and Libya, as highlighted in an article by Thabo Mbeki. The participants emphasised the critical role of student activism in shaping the political and social dynamics of Africa, drawing compelling parallels with the revolutionary movements in North Africa.

The role of young Africans in advocating for democracy, social justice, and economic reform was emphasised, along with the challenges they faced in oppressive regimes. The conversation explored the responsibility of African students to harness their energy and intellect to drive positive change, engage in leadership, and contribute to the continent's development. The Forum also discussed the importance of education, critical thinking, and solidarity among African youth in addressing contemporary issues

**Forum 37**

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Date: 18 October 2023  
Topic: Constitutional Identity in Kenya and India: The Great Southern Conversation  
Discussants: Chief Justice Prof Willy Mutunga & Dr Gautam Bhatia  
Moderator: Ms Lucianna Thuo

**Summary**

On Friday, 27 October 2023, the Avid Readers' Forum held a conversation under the title Constitutional Identity in Kenya and India; The Great Southern Conversation at the Bethel Auditorium, Kabarak University. The lead discussants were Prof Willy Mutunga, Adjunct Professor of Public Law and Chief Justice Emeritus, and Dr Gautam Bhatia, a constitutional law scholar from Jindal University. The event was moderated by Ms Luciana Thuo, Lecturer, Kabarak Law School.

Dr Bhatia introduced the discussion and noted that rights are used as a mechanism of social transformation. He underscored that human rights can be used to evaluate how transformative a constitution is. In addition, he noted that a transformative constitution addresses the prevailing needs of a particular legal system. The primary reference material for the debate was Dr Bhatia's article, 'India: A Constitution in Search of an Identity'.

Prof Mutunga noted the features of a transformative constitution, including democratisation of the executive and equal distribution of political power. He provided great insights to the audience, stemming from his experience in the struggle for political freedom, his clamour for political change, and his tenure as Chief Justice. On the Constitution of Kenya 2010, he described it as a beautiful baby that has been left to child traffickers. Further, he stated the importance of history in interpreting the Constitution. He concluded that the 2010 Constitution is activist, and having activist judgments is just a reflection of the Constitution itself.

In conclusion, Ms Thuo asked about the next step in the global south conversations on constitutional identity. Prof Mutunga advocates for a Pan-



African and a broader Global South movement in the judiciary and engages with judgments from other global south states, following the similarity in historical constitutional progressions. Dr Bhatia hailed Kenya for involving other Global South scholars as amici in its judicial matters, which is the true spirit of Global South constitutional conversations. He advocates for a shift from the ‘perceived gold mines of comparative constitutional law’ in the north to more south-south events.



Avid Readers' Forum

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Kabarak University  
School of Law

**Forum 38**

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Date: 15 November 2023  
Topic: Yaniv Roznai & Duncan Okubasu, 'Stability of Constitutional Structures and Identity Amidst Political Settlement: Lessons from Kenya and Israel'  
Lead reader: Mr Samuel Ngure  
Moderator: Ms Ruth Jebet

**Summary**

The Forum delved into the dynamics of constitutional stability and national identity in the context of political settlements. Drawing insights from Kenya and Israel, as elucidated in an article by Yaniv Roznai and Duncan Okubasu, the discussion dissected the elaborate challenges inherent in upholding constitutional integrity while navigating complex political agreements within the two nations.

The discussion, which focused on Kenya, delved into the various challenges arising from electoral disputes, ethnic tensions, and power-sharing agreements, particularly evident after the 2007-2008 post-election violence. It explored how constitutional reforms and devolution played crucial roles in stabilising the country while addressing persistent issues related to identity politics and regional representation. The conversation about Israel honed in on the intricate nature of the country's identity as both a Jewish and democratic state amidst ongoing conflicts with Palestine and internal political divisions.

The forum compared the two countries, exploring how constitutional frameworks can be resilient or fragile in political transition and how identity politics can destabilise or strengthen national unity.

**The EACJ Decision: Nullification of Kenya - USA Trade Negotiations**

15th December 2022  
2:00 - 3:30 PM EAT Online via Zoom

*Hosted by EALS and Kabarak Law School Avid Readers' Forum*

**JOHN NYANJE**  
 Doctoral Research Fellow, Multisite Cluster for Africa, University of Bayreuth and Leibniz University Hannover  
**MODERATOR**

**TOMASZ MILEJ**  
 Law Professor, Kenyatta University, School of Law - Kenya

**EDMOND SHIKOLI**  
 Lecturer, Kabarak Law School - Kenya

**EMMANUEL SEBILJO**  
 Dean, Faculty of Law at the International University of East Africa - Uganda

**JEMIMAH MUYAMA**  
 International Trade Law Expert - Uganda

**MOLLY RWIGAMBA**  
 CEO, Private Sector Federation - Rwanda

**How to Register**  
 Register in advance for this webinar on the link below  
[bit.ly/KAB-EALS-WEBINAR](https://bit.ly/KAB-EALS-WEBINAR)  
 Once you register, a confirmation email containing information about joining the webinar will be sent to you.

Avid Readers' Forum, Kabarak University School of Law

**The Supreme Court of Kenya and the LGBTQI Question: A Case of Constitutional Piety or Impiety?**

**PANELISTS**

Luciana Thui, Lecturer, Kabarak Law School (Moderator)

Charles Karanja, Senior Counselor

Emma Ng'anga, Advocate

Ian Mwangi, Advocate

Caroline Kimani, Lawyer

Chanel van der Linde, Project Officer SOGIESC, Center for Human Rights

**Friday, 10 March 2023**  
 2:30 pm - 5:00 pm (EAT)

Centre for Human Rights, Kabarak University

**Avid Readers Forum- internal**

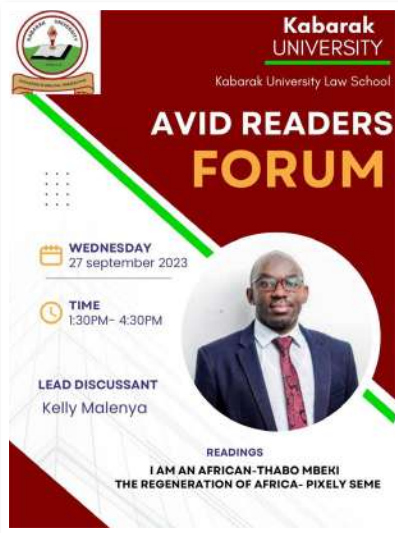
Article to be discussed:

1. Thabo Mbeki's Speech- I am African.
2. Speech by Pixely Seme- The regeneration of Africa

**Wednesday, September 27 2023**  
 1:30pm - 4:30pm.

**Venue: School of Law, BOARDROOM.**

**Lead Discussant: Kelly Malenya**



Part of the audience during Forum 34



Prof John Osogo Ambani, Dean Kabarak Law School giving his welcoming remarks.



Mr Elisha Ongoya addressing the audience



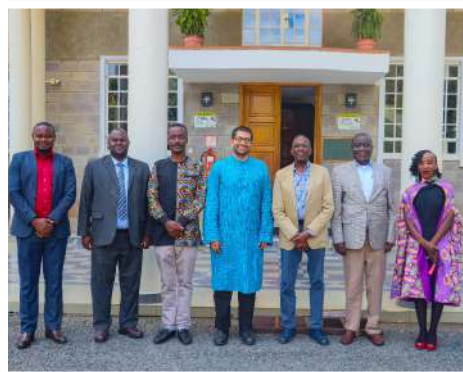
*Dr Gautam Bhatia (left) and Prof Willy Mutunga, Chief Justice Emeritus - the discussants during Forum 36 on Constitutional Identity in Kenya and India*



*Prof Willy Mutunga, Chief Justice Emeritus*



*Dr Gautam Bhatia, Constitutional lawyer and comparative constitutional law scholar*



*From left, Mr Jared Gekombe, Dr Anthony Somba, Prof John Ambani, Dr Gautam Bhatia, Prof Willy Mutunga, Prof John Ochola and Ms Lucianna Thuo during a photo session before commencement of Forum 37*



*Part of the team heading to the Bethel Auditorium for Forum 36*



*Dr Gautam Bhatia (left) receiving a present from Prof John Ochola, Deputy Vice Chancellor (Academic and Research) (right))*



# Avid Readers' Forum

**YEAR 2024**

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Kabarak University  
School of Law

## **Forum 39**

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Date: 24 January 2024  
Topic: Obiora Chinedu Okafor & Maxwell Miyawa, 'Africa as a 'Theater' of International Law and Development: Knowledge, Practice and Resistance'  
Lead reader: Mr Kelly Malenya  
Moderator: Mr Elvis Soita Shitanda

### **Summary**

The Forum focused on the theme 'Africa as a 'Theater' of International Law and Development', based on a paper authored by Obiora Chinedu Okafor and Maxwell Miyawa. The discussion delved into the multifaceted role that Africa plays in the global legal and development arena. It highlighted how the continent often becomes a testing ground for new ideas, is subject to external intervention, and serves as a site for resistance against various forms of influence.

The Forum also considered analysing how international law has historically been applied to Africa, predominantly from a Western-centric perspective. This historical application has significantly influenced the continent's development trajectories, particularly emphasising how global financial institutions, international trade agreements, and foreign aid have played pivotal roles in shaping Africa's socio-economic environment. It was highlighted that these influences have sometimes led to the neglect of local needs and priorities, impacting the continent's overall development.

Additionally, African resistance to these external influences was discussed, highlighting how African states, scholars, and activists have challenged and redefined international law to serve the continent's interests better. The role of knowledge production and indigenous practices in resisting and reshaping international development agendas was emphasised.

The session underscored the importance of a more equitable and inclusive approach to international law and development, advocating for African agency and leadership in determining the continent's future within the global order.

**Forum 40**

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Date: 21 February 2024  
Topic: Women and the Death Penalty in Kenya: Essays on the Gender Perspective of the Death Penalty  
Discussants: Ms Kenaya Komba; Mr Alex Tamei & Ms Patricia Chepkirui  
Moderator: Ms Shekinah Bright

**Summary**

The Forum focused on the specific challenges and issues encountered by women in Kenya's criminal justice system, particularly regarding the death penalty. The discussants probed into the disproportionate impact of the death penalty on women, taking into account both legal and socio-cultural factors. They highlighted how gender biases often lead to harsher judgments for women on death row, driven by stereotypes about their roles as caregivers and moral figures. The discussion also outlined how women's socio-economic vulnerabilities, such as poverty and lack of access to quality legal representation, contribute to their presence on death row.

The Forum discussed the relationship between gender, law, and human rights, raising thought-provoking questions about whether the death penalty is a just and efficacious form of punishment, particularly in the context of women. The discussants provided profound insights into the necessity of enacting legal reforms that are attuned to gender-specific issues, underscoring the imperative to tackle underlying challenges such as domestic violence, mental health, and social pressures that may propel women into conflict with the law. The session fervently advocated for more empathetic alternatives to the death penalty, championing restorative justice approaches tailored to the unique circumstances of women.



## **Forum 41**

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Date: 13 March 2024  
Topic: Refugees and Asylum Seekers' Access to the Right to Work in Kenya: Barriers and Prospects  
Lead discussant: Mr Ferd Moyomba  
Moderator: Ms Sylvia Nyanchama

### **Summary**

On 13 March 2024, an insightful forum centred around the crucial topic of 'Refugees and Asylum Seekers' Access to the Right to Work in Kenya'. Mr Moyomba, a distinguished figure from the Center for Policy and Migration (CPM), led the discussion. Throughout the discussion, the participants discussed the myriad challenges that refugees and asylum seekers encounter in their endeavours to secure employment opportunities within Kenya, despite the existence of both international and domestic legal frameworks that unequivocally acknowledge their fundamental right to work.

The Forum highlighted the legal and bureaucratic obstacles that prevent refugees from joining the labor market. These barriers include challenges in obtaining work permits, restrictive policies, and a lack of recognition for their qualifications and skills. Mr Moyomba also discussed the social and economic impacts of these barriers, highlighting how they lead to poverty and marginalisation within refugee communities.

The discussion also addressed the wider implications for Kenya's economy and society. The audience also emphasised the importance of inclusive policies that enable refugees to make meaningful contributions to the workforce. They discussed potential reforms to enhance refugees' access to employment, such as streamlining work permit processes, strengthening legal protections, and raising public awareness about the advantages of integrating refugees into the labour market.

**Forum 42**

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Date: 20 March 2024  
Topic: Thomas Babington Macaulay on copyright law  
Lead discussant: Mr Guto Mogere  
Moderator: Ms Sylvia Nyanchama

**Summary**

Mr Guto facilitated a discussion about two important speeches by Thomas Babington Macaulay on copyright law, delivered in the House of Commons in 1841 and 1842. Macaulay was against extending copyright terms. He argued that longer terms would benefit publishers at the expense of authors, reduce readership by increasing book prices, and lead to more piracy. He criticised the proposed laws for potentially limiting public access to knowledge and promoting illegal copying due to high costs.

Mr Guto praised Macaulay's oratorical skills, noting his use of elegant language, respect, and effective persuasion. He emphasised that successful advocacy relies on clear, respectful communication rather than confrontation. He encouraged the attendees to enhance their reading habits and critical thinking to improve their advocacy skills. He underscored the importance of understanding the principles behind laws and their impact on society.

Mr Guto concluded by reflecting on how modern copyright laws still grapple with issues Macaulay raised, such as balancing author compensation with public access and the risk of piracy.

### **Forum 43**

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Date:	19 June 2024
Topic:	Accountability in Public Finance in Kenya: Analysing the Supreme Court of Kenya's decision in Institute for Social Accountability & Another v National Assembly & others' (The Constituency Development Fund Case)
Lead discussant :	Mr Wachira Maina; Mr Ochiel Dudley; Ms Wanjiru Gikonyo & Mr Elisha Ongoya
Moderator:	Ms Marion Joy
Partners:	Ms Wanjiru Gikonyo

#### **Summary**

During the discussion, the Focus was on the far-reaching effects of the Supreme Court's decision, which found the Constituency Development Fund (CDF) unconstitutional. The discussants delved into a detailed analysis of the Court's decision, emphasising its potential to improve accountability and transparency in public financial matters significantly. Moreover, they explored how the ruling bolstered the fundamental principles of the separation of powers, particularly by highlighting the role of Parliament in allocating funds and the executive's responsibility in executing development initiatives.

The conversation also addressed the decision's impact on grassroots development and the future of public finance management in Kenya. Panelists highlighted the importance of ensuring public funds are used effectively and within the legal framework. The forum called for reforms to ensure that development funds are distributed equitably and managed with greater accountability. The role of civil society in monitoring the use of public funds and advocating for transparency was emphasised throughout the session.

**Forum 44**

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Date	3 July 2024
Topic	Accountability in Sovereign Debt Analysing Kenya's proposed debt swaps: With a focus on 'In the matter of Treaty for the Establishment of the EAC: Euginia Wanjiru Gikonyo v The Attorney-General of the Republic of Kenya
Lead discussant	Prof James Gathii; Prof Attiya Waris; Dr Harrison Mbori & Ms Ivy Gikonyo
Moderator:	Ms Marion Joy
Partners:	Afronomicslaw & Ms Wanjiru Gikonyo

**Summary**

The Avid Readers' Forum convened a provocative session to interrogate Kenya's sovereign debt and debt swaps. Central to the discussion was the unanimous call for a higher degree of transparency and accountability in this domain. Several distinguished speakers raised concerns about the dearth of public disclosure concerning debt arrangements, particularly referencing the proposed food security swap with the World Food Program.

Emphasis was placed on the potential risks associated with debt swaps, including the covert nature of certain loans and the limited level of public oversight. Furthermore, the forum meticulously explored the efficacy of debt swaps for African nations grappling with governance crises, underscoring the paramount importance of initiating citizen debt audits to ensure informed decision-making and responsible economic management.

The discussants criticised external entities proposing debt swaps and carbon credits to solve debt and climate crises. They urged the consideration of local interests. The discussion also examined the challenges of obtaining transparency in debt transactions, the consequences of debt default, and the role of credit rating agencies. Panelists advocated for strategic negotiation approaches, including debt cancellation tied to historical responsibility, and emphasised the need for reforms in the international financial architecture. The

Forum concluded by stressing the importance of addressing root causes and ensuring public participation in debt-related decisions.



## Avid Readers' Forum

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Kabarak University  
School of Law

**Forum 45**

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Date	5 September 2024
Topic	Accountability of Debt Contracts in Kenya
Lead discussant	Mr Evans Ogada; Ms Diana Gichengo & Ms Wanjiru Gikonyo
Moderator:	Ms Marion Joy
Partners:	Ms Wanjiru Gikonyo

**Summary**

On Thursday, 5 September 2024, the Avid Readers' Forum hosted a momentous webinar for its fifth-anniversary celebrations. In partnership with Ms Wanjiru Gikonyo, the webinar focused on the accountability of debt contracts in Kenya and was part of a series of discussions on public finance accountability. The discussion centred on the increasing national debt and a constitutional petition by the Kenya Human Rights Commission and The Institute of Social Accountability (TISA) cited as Kenya Human Rights Commission & Wanjiru Gikonyo-V-CS National Treasury and Planning & Attorney General (Constitutional Petition/E179/2022), challenging the government's failure to disclose public debt information and emphasizing the importance of accountability in debt procurement and management.

The main discussants, each a respected figure in their respective fields, were Mr Evans Ogada, an Adjunct Lecturer of Law at the University of Nairobi and Advocate of the High Court of Kenya; Ms Diana Gichengo, a well-known human rights activist currently working at TISA as the National Coordinator while at the time of instituting this case, she was at the Kenya Human Rights Commission; and Ms Wanjiru Gikonyo, an advocate for constitutionalism and a supporter of participatory devolved governance. Marion Joy Ochangwa, a lawyer and Graduate Intern at Kabarak Law School, moderated the discussion.

Ms Wanjiru Gikonyo started the conversation by addressing the current debt issue in Kenya, presenting it as a political issue coupled with corruption rather than solely a legal issue. Thus, despite prescriptive legislation, there is no political goodwill on the accountability of debt contracts. She emphasized the

need for institutional accountability, suggesting that greater involvement from entities like Parliament might be necessary. In addition, she highlighted that if bodies like Parliament fail to fulfill their obligations in essential areas like public finance, citizens have other options to pursue, such as public interest litigation in courts, exercising their rights to protest, and submitting petitions.

Mr Evans Ogada expanded on the legal foundations of the petition, pointing out that it draws from Kenya's Constitution, particularly the Preamble, which reflects the values of the Kenyan people. He highlighted key constitutional provisions, including Articles 1, 2, 3, and 10, emphasizing sovereignty, constitutional supremacy, and the principles of good governance. He also referenced Chapter 6 on Leadership and Integrity, Article 201 on public finance principles, and the Access to Information Act as crucial in regulating debt transparency. He argued that public participation in governance is essential, and access to information empowers citizens to hold the government accountable.

Ms Diana Gichengo highlighted the importance of linking human rights and debt contracts while advocating for increased accountability. She emphasized the state's obligation to promote, protect, and fulfill human rights as stated in Article 21 of the Constitution. She stressed that the state's obligations extend to socio-economic rights outlined in Article 43 of the Constitution, emphasizing that these rights can only be realized with sufficient financial resources. She pointed out that excessive debt servicing negatively impacts finances and budget allocations for essential services such as health and education, limiting the realization of people's rights. For instance, allocations that could have been used for health and education are redirected to debt servicing. Therefore, she urged greater accountability in debt contracts and financing to guarantee people's rights. Furthermore, while advocating for greater accountability, she emphasized responsible borrowing in line with domestic laws and criticized Parliament for insufficient oversight of debt servicing.

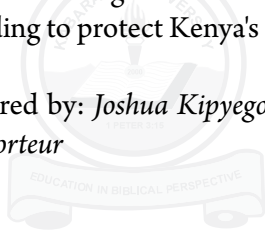
The audience, actively engaged in the discussion, raised several important concerns. One participant questioned the conflict between confidentiality clauses in debt contracts and the constitutional requirement for openness and transparency. Mr Ogada responded that confidentiality cannot override statutory obligations, and the state must justify non-disclosure. Another

question addressed the concept of odious debts. Mr Ogada explained that while it has not yet evolved into a legal principle, it could be a future remedy for holding officials accountable for unconstitutional debts.

Concerns were also raised about enforcing court orders, with the discussants emphasizing the importance of continued advocacy and activism despite challenges. In conclusion, the panel underscored that effectively addressing the issue of public debt in Kenya requires a comprehensive strategy that includes legal frameworks, active public involvement, and strong institutional oversight. They unanimously agreed that governance based on democratic principles is crucial to maintaining transparent debt management practices.

They also stressed the importance of fostering collaboration among key stakeholders, such as government bodies, financial institutions, and civil society, to promote greater accountability. Ultimately, it was stressed that citizens must remain vigilant and continue to advocate for responsible borrowing and spending to protect Kenya's future.

Prepared by: *Joshua Kipyego Fwamba, Student, Kabarak Law School & Session Rapporteur*



Avid Readers Forum  
Kabarak University  
School of Law



**Forum 46**

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Date	5 September 2024
Topic	Fulfillment of the Promise of Economic and Social Rights (Article 43, Constitution) in Kenya
Lead discussant	Dr Jill Ghai; Dr Victoria Miyandazi; Dr Gautam Bhatia & Mr Ian Mathenge
Moderator:	Ms Ruth Jebet

**Summary**

The Avid Readers' Forum held a significant webinar focused on the fulfilment of economic and social rights as outlined in Article 43 of the Kenyan Constitution. The panel featured distinguished experts: Dr Gautam Bhatia, a renowned constitutional lawyer and comparative constitutional scholar; Dr Victoria Miyandazi, a constitutional researcher from St Andrews University; Dr Jill Ghai, co-founder of the Katiba Institute and an advocate in education, gender studies, and human rights; and Mr Ian Mathenge, an associate at Gibson, Dunn & Crutcher LLP. Ruth Jebet, a law student at Kabarak Law School, moderated the discussion.

Dr Victoria Miyandazi initiated the discussion by contextualising socio-economic rights in Kenya, reflecting on historical inequalities where development was concentrated among those in power. She discussed how these inequalities prompted the inclusion of socio-economic rights in the 2010 Constitution, framing law as a tool for emancipation. Dr Miyandazi highlighted the courts' role in implementing Article 43, noting their focus on positive duties rather than the state's negative obligations.

Mr Mathenge analysed the challenges faced in implementing socio-economic rights, attributing many issues to government projects driven by personal or political motives rather than genuine needs. He categorised approaches to fulfilling these rights into economic, socio-political, and human rights-based approaches. He critiqued policies like the Affordable Housing Fund and New Education Funding Model for neglecting human rights in favour of legacy projects. He stressed the importance of Article 10(b) of the Constitution,

which mandates state officers to uphold national values and human rights in policy-making.

Dr Gautam Bhatia focused on the right to housing and land issues, particularly through the lens of the Mitu-Bell, Satross Ayuma and Musembi decisions. He praised the courts for addressing procedural issues related to eviction but disapproved of their reluctance to tackle broader historical injustices related to landlessness. Bhatia explored historical land ownership regimes and their impact on current land issues, linking these to the push for a new constitution.

Dr Jill Ghai discussed gaps in implementing health rights, particularly mental health, criticising the government for failing to adopt a human rights-based approach. She highlighted poor planning and inadequate public engagement and urged mass education on progressive realisation. Dr Ghai emphasised that both institutions and the public need to understand the jurisprudence around Article 43 and align with international standards of accessibility, affordability, adaptability, and quality (the 3A's + Q).

The audience actively participated, raising concerns such as Kenya's readiness for an equality and non-discrimination bill. Arising from the audience's question, Dr Miyandazi affirmed Kenya's readiness and proposed that the Katiba Institute draft an equality bill with substantive provisions. Another concern was the role of courts in ensuring compliance with Article 43 orders. The discussants noted that the Mitu-Bell case set a precedent in how courts can intervene in ensuring the full realization of socio-economic rights by the use of emerging remedies like structural/supervisory interdicts. Mr. Mathenge suggested that courts should adopt a more inquisitorial approach to ensure compliance, while also acknowledging the limitations of judicial interventions.

The discussants concluded that addressing the implementation of socio-economic rights in Kenya requires a comprehensive approach involving public engagement and the active participation of the Judiciary and Executive branches of government. They agreed that a human rights-based approach, emphasising the protection and promotion of human rights, is essential for social justice, development, and governance. Additionally, it was mentioned that enhancing public awareness of Article 43, strengthening the courts' role

in progressive realisation, and utilising remedies like structural interdicts are crucial steps. Lastly, one of the discussants noted that the involvement of Parliament in legislation and oversight will be vital in fulfilling the promises of Article 43 and advancing socio-economic rights. The session was genuinely timely, enjoyable, and enriching.

Prepared by: *Youngreen Peter Mudayi, Student, Kabarak Law School & Session Rapporteur*



*Avid Readers' Forum*

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Kabarak University  
School of Law

**Forum 47**

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Date: 18 September 2024  
Topic: Democracy at Odds: The People's Voice vs Party Politics in Kenya  
Discussants: Hon Gitobu Imanyara & Ms Lucianna Thuo  
Moderator: Ms Marion Joy Onchangwa

**Summary**

The Avid Readers' Forum hosted the third webinar in a series for its 5th Anniversary celebrations on Wednesday, 18 September 2024. During the webinar, the effectiveness of constitutional democracy was the centre of discussion, as was the priority conflict between the people's voice and party politics in Kenya and the remedies available to the people to address these issues.

The discussants were Hon Gitobu Imanyara, a human rights lawyer, journalist, and former Member of Parliament for Central Imenti, and Ms Lucianna Thuo, an Elections Law and Governance Specialist, Conversation Strategist, Legal Consultant, and Author. It was moderated by Ms Marion Joy Onchangwa, a lawyer and graduate assistant at Kabarak University, who filled in for Mr Samuel Ngure, who could not attend as he was indisposed. Unfortunately, Professor Githu Muigai, who was also expected to contribute to the conversation, sent his sincere regrets.

Hon Gitobu Imanyara began the discussion by stating that party politics has failed, and there is a need to accept this and find a solution. He also pointed out that Kenya has not been able to develop a sense of nationhood like its peers, such as Tanzania, did after gaining independence from colonial rule. Instead, tribal politics, which the colonialists used to divide Africans, continued even after independence in the form of a single-party state. The introduction of multipartyism was organised along ethnic lines to the extent that representatives were mainly concerned with whether their community would benefit. Over the past fifteen years, multipartyism has become 'multi-ethnic'. Hon Imanyara

emphasised the need for a new approach to enjoying multiparty democracy.

Ms Lucianna Thuo discussed the challenges people face in engaging with an unresponsive government in Kenya. She highlighted factors such as ethnicity, age, marginalisation, and gender that exclude certain groups from political participation. She emphasised the right of citizens to be involved in political affairs and the responsibility of taxpayers to support citizens' entitlement to demand a voice in governance. Ms Lucianna also pointed out that participation in governance goes beyond just voting in elections, as stated in Article 1. She expressed concerns about the ineffectiveness of the right to petition due to the lack of serious public participation. She stressed the importance of the Judiciary in safeguarding the people's voices. However, she noted that citizens must take action when the Judiciary's independence is threatened. She discussed various avenues for holding the government accountable, including peaceful protests, referendums, petitions, and recalls, citing articles 1, 19(3), and 104 of the Constitution. Additionally, she delved into the challenges posed by the Elections Act and the County Government Act in exercising the right to recall, specifically sections 45(1)(b)(ii), 45(2)(3), 45(6), 46(1)(b)(ii) and (c), and 48 of the Elections Act. She noted that some of these sections were successfully challenged in Constitutional Petition E209 of 2016 by Katiba Institute (Katiba Institute and Another v AG and Another [2017] eKLR), leading to amendments to the County Government Act, while amendments to the Elections Act are still pending.


The moderator and the attendees were actively engaged in the discussion, raising several crucial concerns. The moderator questioned how the government could maintain its legitimacy, given the recent events in the nation. Hon Imanyara responded by first establishing that the government's culture of impunity could be attributed to the people's lack of awareness of the Constitution. He suggested establishing a system of forums to educate the masses, from including the constitution in school syllabuses for children to translating the constitution into local languages for adults to familiarise themselves with it. He also addressed the compromised state of the legislature due to party politics, which has made it unable to check the Executive. This discussion was put in context with the debate on dual representation by parliamentarians, where the legislators exist to serve two conflicting interests and, at some point, have to choose between loyalty to the party or honouring the constitution by representing the voice


of the people in decision-making. Hon Imanyara emphasized that often, party loyalty prevails over the interests of the people who elected them. Therefore, he concluded that it is up to the people, including the audience, to protect constitutional values.

Ms Lucianna acknowledged that the Government was no longer in control of the narrative and that the organisation of the people, including the audience, would play a crucial role in shaping the society the people desire. She explained the Kenyan political trend, stating that an organised minority rules over a disorganised majority. She noted that to address or avoid this problem, there should be an elaborate plan by the majority towards the government they desire, and there should be a way to create accountability for corruption. Without these measures, the governability of the nation could not be guaranteed. However, with the active participation of the audience and others, a positive change is not only possible but also hopeful.

In conclusion, the panel's consensus was that the failure lies not with the Constitution but with our failure to uphold it. They unanimously emphasised the need for meticulous and comprehensive planning to actualise the populace's collective socio-political aspirations and change the existing state of affairs. It was acknowledged that the original vision of multiparty democracy had not been realised as anticipated. Consequently, there is a recognised imperative to revisit and critically assess the 2010 Constitution in the context of multiparty democracy, mainly focusing on representation's role in realising democratic ideals.


Prepared by: *George Webo Skem, Student, Kabarak Law School & Session Rapporteur*

 **Avid Readers' Forum**  
Kabarak University  
School of Law

 **MR KELLY MALENYA**

 **WEDNESDAY**  
**24 JANUARY**

 **TIME**  
**1:30 PM**

 **SOL BOARDROOM**

**AFRICA AS A 'THEATRE' OF INTERNATIONAL LAW AND DEVELOPMENT: KNOWLEDGE, PRACTICE AND RESISTANCE**  
**OBIORA CHINEDU OKAFOR & MAXWELL MIYAWA**

*Acquisition of Knowledge is Our Pride*

 **Avid Readers' Forum**  
Kabarak University  
School of Law

**PANELISTS**

 **KENAYA KOMBA**

 **ALEX TAMEI**


 **PATRICIA CHEPKIRUI**





 **SOL BOARDROOM**  **1:30 PM-4:00PM**  **21ST FEBRUARY**




**WOMEN AND THE DEATH PENALTY IN KENYA: ESSAYS ON THE GENDERED PERSPECTIVE OF THE DEATH PENALTY**

*Acquisition of Knowledge is Our Pride*

 **Avid Readers' Forum**  
Kabarak University  
School of Law

 **PANELIST**  
**FERD MOYOMBA (CPM)**  
**LAW LECTURER**  
**MOUNT KENYA UNIVERSITY**



 **SOL BOARDROOM/ZOOM**  **1:30 PM-4:00PM**  **13 MARCH 2024**

**REFUGEES' AND ASYLUM SEEKERS' ACCESS TO THE RIGHT TO WORK IN KENYA: BARRIERS AND PROSPECTS**

*Acquisition of Knowledge is Our Pride*

 **Avid Readers' Forum**  
Kabarak University  
School of Law

 **GUTO MOGERE**  
**PARTNER, MOHAMMED MUGAI LLP**



 **SOL BOARDROOM**  **20 MARCH 2024**  **1:30 PM-4:00PM**

*Acquisition of Knowledge is Our Pride*



## Avid Readers' Forum

Kabarak University  
School of Law



# Accountability in Public Finance in Kenya

Analysing the Supreme Court of Kenya's decision in 'Institute for Social Accountability & Another v National Assembly & others' (The Constituency Development Fund Case).



**Mr. Wachira Maina**  
Public finance expert, advisor of governments and organisations on matters of governance, and Senior Lecturer at Kabarak Law School.



**Mr. Ochiel Dudley**  
An Advocate of the High Court of Kenya and recipient of the International Commission of Jurists - Kenya, 2023 Jurist Of The Year Award



**Ms. Wanjiru Gikonyo**  
An advocate for good governance, civil society actor, and founder of The Institute for Social Accountability (TISA)



**Mr. Elisha Ongoya**  
An Advocate of the High Court of Kenya, a governance expert, and Senior Lecturer at Kabarak Law School.

**19** JUNE 2024  
VENUE: ZOOM  
TIME: 2: 00 PM TO 4: 30 PM EAT



# Avid Readers' Forum

## Kabarak University



## Avid Readers' Forum

Kabarak University  
School of Law



# Theme: Accountability of Debt Contracts in Kenya



**Ms. Wanjiru Gikonyo**  
Member of Parliament and Executive Director of the Institute for Social Accountability (TISA)  
**Tuesday**



**Ms. Diana Gichengo**  
Parliamentary Counsel, The National Assembly  
**Tuesday**



**Mr. Wachira Maina**  
Executive Director and Senior Lecturer, Kabarak University School of Law  
**Parade**



**Mr. Evans Ogada**  
Senior Lecturer, Institute for Social Accountability  
**Parade**

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Date: Thursday 5 September 2024  
Time : 2:00 pm - 4:00 pm  
Venue:  



**Marion Joy**  
Moderator

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## Avid Readers' Forum

Kabarak University  
School of Law



# Theme: Fulfilment of the Promise of Economic and Social Rights (Article 43 of the Constitution) in Kenya



**Dr. Gautam Bhatia**  
Constitutional lawyer and corporate compliance law expert  
**Parade**



**Dr. Victoria Miyandazi**  
Judge Fellow in legal and constitutional research, @Kenya College  
**Parade**



**Mr. Ian Mathenge**  
Associate Counsel, Dean & Counselor CP  
**Parade**

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Date: Wednesday 11 September 2024  
Time : 2:00 pm - 4:00 pm  
Venue:  



**Ruth Jebet**  
Senior Lecturer, Law School  
Moderator

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## Avid Readers' Forum

Kabarak University  
School of Law



### Accountability in Sovereign Debt

#### Analyzing Kenya's Proposed debt Swaps

With a focus on, *'In the Matter of Treaty for the Establishment of the EAC: Eugenia Wanjiru Gikonyo v The Attorney - General of the Republic of Kenya'*

3

JULY  
2024

TIME: 2: 30 PM EAT

VENUES:

ZOOM- [HTTP://TINY.CC/DEBTSWAP](http://tiny.cc/debtswap)

YOUTUBE- KABARAK LAW SCHOOL CHANNEL



Prof. James T Gathii

Founding Editor of Afronomicslaw, Wing-Tat Lee Chair in International Law at Loyola University Chicago School of Law, and Co-Editor-in-Chief of the African Journal of International Economic Law



Prof. Aitiya Waris

United Nations Independent Expert on Debt and Human Rights



Dr. Harrison O Mbori

Postdoctoral Researcher at the University of Luxembourg and Lecturer at Kabarak Law School



Ms Ivy Gikonyo

Project Officer at the Centre for Human Rights, and PhD Candidate at the University of Pretoria, studying Kenya's Foreign Debts



MODERATOR  
Ms Marion Joy

Lawyer and Co-coordinator of the Avid Readers Forum



Avid Readers' Forum

Kabarak University



## Avid Readers' Forum

Kabarak University  
School of Law

### Democracy at odds: The people's voice vs party politics in Kenya



Lucienna Thuo

Executive Case Specialist

Panelist



Prof Githu Muigai

EGH, SC. C, Arb  
Honorary General Director  
Junior Partner, Makenzie Magesi LLP

Panelist



Hon. Gitobu Imanyara

Attorney & Senior Member of Parliament

Panelist



Moderator

Mr Samuel Nguni

Lecturer, Kabarak Law School

ARF@

5

ANNIVERSARY

DATE

WEDNESDAY  
18.09  
2024

TIME

2:00PM  
~4:00PM

EAT

Venue: YouTube

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## Avid Readers' Forum

Kabarak University  
School of Law

### Religion and its influence on state and governance



Prof Willy Mutunga

Chief Justice of the Republic of Kenya  
Centra University & Adjunct Professor of Law at Kabarak University Law School

Panelist



Rev Justus Mutuku, Ag.

Pastor, Kabarak University

Panelist



Ms Adeline Jeptoo

Member - Students, Kabarak Law School and President, Kabarak University Law Student Association

Moderator



Moderator

Ms Adeline Jeptoo

Member - Students, Kabarak Law School and President, Kabarak University Law Student Association

ARF@

5

ANNIVERSARY

DATE

WEDNESDAY  
25.09  
2024

TIME

2:30PM  
~4:00PM

EAT

Venue: YouTube

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## **SECTION B: ESSAYS**

## **Of Small Things Executed in a Big Way: Reflections of the Founding Convener of the Avid Readers' Forum**

*Elisha Zebedee Ongoya,  
Senior Lecturer, Kabarak University School of Law*

### **Introduction**

This year marks the first quinquennial celebrations of the Avid Readers' Forum at the Kabarak University School of Law. The idea of having formal celebrations to mark five years of the Avid Readers Forum was a brain child of Mr Cedric Kadima, a Kabarak University alumnus and a founder member of the Avid Readers' Forum. It was actually Mr Kadima whom in the year 2019, I requested to craft a brief concept note that would inform the operationalization of the Avid Readers' Forum. Judged in the frame of his generation, history will be very kind to Mr Kadima. He was on this occasion, as he has always been, obedient. He crafted the concept note. Five years later, that simple concept note that was barely half-a-page in length has yielded the grand project that we now call the Avid Readers' Forum.

It is a time to look back and respond to a simple question, that is, where did the Avid Readers' Forum originate from?

One afternoon on 5th September, 2019, I was having lunch with young men and young women at Kabarak University. An idea was born. This was at the cafeteria at the Moi High School, Kabarak not far off from the location of the School of Law, Kabarak University. This cafeteria has a rather pejorative pet name among members of the Kabarak University School of Law – it is called *chafua chafua*. The practice of having unsophisticated lunches and tea sessions with learners is a tradition that I have built over the years of my teaching at Kabarak University.

The primary objective of these lunches and tea-taking sessions is to provide an opportunity for me to mentor students and budding academics informally. It is founded on the Swahili saying “*ndege hula wakisema*”. On this occasion, five years ago, I shared an idea with the young people on the table. I recall that Cedric Kadima was at that table. I am not sure if Julie Kemunto Matoke was also at that table. I recall that I was later to discuss this idea with Julie Matoke

in Nairobi's Ndemi Place. The idea was in two parts. First, we had to roll out a series called The Avid Readers Series. Second, we were to roll out the Students' Dialogue Series. The first idea has survived and grown. The second idea started off but died at infancy. As we look back five years later, we must reflect on a number of questions:

- (a) What was the idea behind the *Avid Readers' Forum*?
- (b) What was the idea behind the *students' dialogue series*?
- (c) How is the Avid Readers' Forum structured
- (d) What has been the secret behind the survival of the *Avid Readers' Forum*?
- (e) What are the key successes of the *Avid Readers' Forum*?
- (f) What is the future of the *Avid Readers' Forum*?

### **The idea behind the Avid Readers' Forum**

After about a decade of teaching in institutions of higher learning, I had become accustomed to accusations that the standards of legal education in Kenya were deteriorating. The particulars of this accusation were multifaceted. One of the facets of this claim was that today's learners in the legal academy do not read. They do not read statutes. They do not read case law. They do not read journal articles. They do not read books. They do not even read classroom notes. Perhaps, they only read social media posts. As an insider, I don't think that the claim was totally without merit. The idea behind the Avid Readers' Forum was to change this trend.

It was to provide learners with an opportunity to read. The reading was to be outside the formalities of a formal classroom. The reading was to be voluntary. The reading was to be exciting (I have always wondered how this can be actualized in the real world save that Kindergarten teachers are more innovative in this area than their higher learning counterparts). So, 5 years ago, I declared that we were going to 'stimulate intellectual dialogue and reach for a more transformed campus'. This was going to be achieved through the Avid Readers' Forum. Don't get this twisted. These ideas were not as clear as they sound today. They were simple ideas whose mode of execution I wasn't even clear about in my mind.

What is sure is that I suggested that I would source journal articles, circulate them among learners and teachers, then identify a Lead Reader to lead a discussion on the reading on an appointed date at an appointed time. I tasked Ms Julie Kemunto Matoke to co-ordinate execution of the forums. I also tasked Mr Kadima to take a lead. I am aware that Ms Matoke brought on board Ms Golo Bokao to co-ordinate students in execution of this exercise.

The first Lead Reader was Mr Joseph Agutu Omolo – a very encouraging budding academic. He may not remember this, but when I shared the first article for his reading in order to lead our discussion on 9 October 2019, he responded by asking how I knew that he would have been fascinated by this reading or something to that effect. I responded that as a parent, I knew the capabilities and interests of all my children. That when I see some of them playing with timber, I would know that I have a carpenter in the making. The reading was an article entitled African Poverty by Duncan Kennedy. On the appointed date, we converged in the School of Law Boardroom and listened to Mr Omolo pontificate over what this author had written and what lessons we could gather from the said article. The attendance at the event was not that good. By rough estimates, we had about 15 attendees. We were determined to progress.

The second session was on 23 October 2019. I was the Lead Reader. The reading on this occasion was an article entitled *Markets, Democracy, and Ethnicity: Toward a New Paradigm for Law and Development* by Amy L. Chua. On 13 November 2019, Lucianna Thuo was the Lead Reader of the article entitled *Politics as a Vocation* by Max Weber. This was 100 years since Max Weber had delivered the lecture, politics as a vocation somewhere in Germany. This is how we closed the year 2019. By this time, there was an emerging cadre of students who were regular attendees at these forums.

Early in the year 2020, Lead Readers of the forums were students. Among the notable Lead Readers early in 2020 were B. Golo & J. Oanga, M. Lewinsky, Atieno Kezia, Mark Munuhe to mention but a few.

In March 2020, the Covid-19 pandemic got into Kenya's territory. Restrictions

were enforced. Institutions of learning closed. The Avid Readers' Forum was dealt a blow. This blow has turned out to have been a blessing in disguise. Kabarak University under the stewardship of Prof Kiplagat, the indefatigable and ever-innovative Vice-Chancellor, introduced online modes of learning and teaching. Within this context, the Avid Readers' Forum began holding sessions online through the Zoom platform.

It is this moment of disaster that made Avid Readers' Forum a huge phenomenon with a global reach. Initially, with the advent of these online sessions, participants from within and outside the university would log into our events and listen in. This was shocking because in all fairness, this new audience was never in our original plans. Five years later, the Avid Readers' Forum boasts of a reliable audience and reading panelists across virtually all continents. Scholars from Europe, India, Australia, and the United States to mention but a few have actively participated as discussants or members of the audience in our forums.

### **The idea behind the students' dialogue series**

Together with the idea of having the Avid Readers' Forum, there was another idea. This was the idea of having the Students Dialogue Series. This was supposed to be a forum organized and run by students. They were to identify thematic areas for discussion. The discussions were to take the form of a debate. The issues to be discussed were to be largely social issues revolving around their life and experiences on campus. I know for a fact that a number of sessions were held through the year 2019. However, due to poor succession planning, this idea fizzled out. I hope that someday, this idea will be re-born with better clarity of thought.

### **The Structure of the Avid Readers' Forum**

Over the last five years, the Avid Readers' Forum has not operated with a very clear organogram. I have retained my role as the convener of the forum. I have been supported by a team of talented conversation moderators such as Lucianna Thuo, Julie Matoke, Marion Joy Onchagwa and Sylvia Nyanchama. At some point we have outsourced people like Valentine Khaminwa and Julie

from ICJ to moderate our conversations. It has been very satisfying to sit back and see these talented moderators manage deeply intellectual conversations particularly on occasions when we have had panel discussions.

Over time, the students have identified one among their number to serve as a student coordinator of the forum. There was Golo Bokao. Then we had Marion Joy Ochangwa. Thereafter we had Sylvia Nyanchama and Ruth Jebet. These budding intellectuals have demonstrated leadership and commitment in a manner that can only be admired by anyone with a capacity to admire.

Then we have the technical people who always set up sound systems, and take photographs or do video recordings of our sessions. People like Stanley Mayaka and Elvis Soita have thrived in this area. The forum has also benefited from a forum of class representatives/class presidents whose role is to inform their respective class members of upcoming events. They circulate readings to their class members through the available communication channels. They also mobilize their members to attend the forums. These structures have evolved organically over time. I think a time has come when we can now distill a formal organizational structure of the Avid Readers' Forums from this organic construct.

The Avid Readers Forum operates in two models. There is a model that we call "Avid Readers External". Then there is the model that we call "Avid Readers Compact". Context is important here. When we rolled out the Avid Readers Forum was conceptualized, it was a small internal readers club at Kabarak University School of Law. Over time, and with the advent of online meeting technology, the Avid Readers Forum grew. It attracted what we now regard as our global audience. Because of this huge audience, student participation tended to move towards that of a listening audience. Greater attention tended to go towards the established scholars and jurists who log in or participate as panelists.

We have retained this platform which we call "Avid Readers External". We also made a decision to return the small physical meetings at the school of law boardroom where students can meet and discuss their readings without the participation of the global audience. It is this version that we called "Avid

Readers Compact”.

### **The secret behind the survival of the Avid Readers’ Forum**

The secret behind the survival and success of the Avid Readers’ Forum has been the near-spiritual commitment of the various volunteer role players to the forum. As a convener, I regard myself as blessed to be surrounded by young men and women who are willing to put their physical and intellectual muscles at play to secure success of this idea. It is this commitment that has been the driving fuel for the Avid Readers’ Forum. Even on occasions when there have been incentives to despair, I have looked back at this team of volunteers and regained my energy to keep going. Then there is the team of men and women who have always been willing to be Lead Readers of our readings or discussants at our panel discussions. These too have given us reasons to keep going. Then there are our supporters who keep supporting us materially, as well as with their time and talent.

Prof Willy Mutunga once bought for us tea and snacks for us to hold a conversation as we ate! Jared Gekombe has always supported our ICT function by setting up virtual meeting links and being on standby to trouble shoot in case of any malfunction. There have also been students willing to design our posters which advertise our events. All these people have served us free of charge!

### **The key successes of the Avid Readers’ Forum**

The *Avid Readers’ Forum* has had a number of success stories that I am going to narrate here. The most important aspect where the Avid Readers’ Forum has succeeded is that it has bred a cadre of young men and women who regard reading as exciting and appealing. These young men and women who are always asking when the next session of the Forum shall be held have helped in stimulating intellectual dialogue and reaching for a more transformed campus. As the convener of the Forum, I am increasingly getting the feeling that we are giving learners a campus experience in intellectual terms. Learners are engaged in experiential learning through this Forum. This is in tandem with the dream of the University to institutionalize Twenty-First Century methods of teaching.



The second success story for this Forum is that it has generated leaders. I have seen young students show and grow their leadership traits by playing leadership roles at the Avid Readers' Forum. Whether they be class representatives coordinating their peers to the Forum, Student coordinators of the Forums, technical "engineers" managing sound, or simply students passing around a microphone in our meetings, I have seen the emergence of leaders.

The third success is the evolution of Moderators. Those that I sometimes call programme directors. These specialists in keeping the conversation in focus have also grown over time. I take pride in the fact that people like Lucianna Thuo emerged from being moderators at the Avid Readers' Forum to significant roles like moderating the University's graduation ceremonies! This is growth. This is impact.

The Avid Readers' Forum has also attracted partnerships with like-minded personalities and institutions. The International Commission of Jurists-Kenya Section has partnered with us. The Institute for Social Accountability has partnered with us. Civil Society personalities like Wanjiru Gikonyo have partnered with us. To us, this has been no mean fete.

The Avid Readers' Forum has also played a critical role in marketing the university to the outside world. Kabarak University School of Law has students from the larger Eastern, Central and West African regions. It requires visibility for a law school that is barely one and a half decades old to experience this market reach.

### **In Conclusion - The future of the Avid Readers' Forum**

We must now ask the hard question. What is the future of the Avid Readers' Forum. The optimist that I am has no hesitation in declaring that the future of the Avid Readers' Forum can only be bright.

Cautiously though, the Avid Readers' Forum must confront the next five years differently from the way it has handled the past five years. It must institutionalize itself better. We need a proper structure anchored on formal university structures. To this end, I suggest that the Office of Convener be

abolished and the same be replaced by a formal Coordinator appointed by the Dean and answerable to the office of the Dean. This Coordinator should serve for a definite term, subject to renewal. The Coordinator then needs to have some latitude in constituting an Avid Readers' Co-ordination Committee from among the members of the faculty. The Student Coordinator also needs to be appointed by the Coordinator for a period of one year, subject to renewal. It is this Student Coordinator who will be the link between this Committee and the Avid Readers' Class Representatives Forum. We can then retain the institution of Avid Readers' Class Representatives Forum whose membership is *ex officio*. Belonging to this institution will be dependent on one serving as a class representative.

It these reforms are undertaken slowly but incrementally over the next couple of years, the next quinquennial celebrations of the Avid Readers' Forum in 2029 will be even more exciting marked by greater stories to be told. For now, let me pen off with the words, *tusomeni jameni!*

And finally, lest we forget here are the words that Cedric Kadima wrote to me through the WhatsApp platform on 4 June 2024 at 10:06PM EAT to suggest a quinquennial celebration of the Avid Readers' Forum:

*Good evening Mzee. I hope you are grinding well.*

*Come 5 September 2024, ARF will turn 5 years old. I think it has achieved its purpose significantly and even impacted the country, EAC, the continent and the globe from its activities.*

*I propose we hold 5 special events between 5 September and 5 October 2024; based on different thematic readings (to be guided). Additionally, I can volunteer to lead a team in developing a publishable pamphlet to celebrate the 5 years. Information to be included could include a summary of our past events, notes from members, and captions from friends of ARF from all over the world.*

*Further, between 5 September and 5 October 2024, we can purpose to have at least 10 members of ARF write blogs on the thematic areas that will be discussed in that period. We can have the thematic areas as early as possible to prepare the blogs in*

*advance.*

*Lastly, if we get sufficient funding, we can conclude the celebration with a morning breakfast or a dinner. Hata kama ni chapati na maharagwe! Ni maoni tu.*



*Avid Readers' Forum*

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Kabarak University  
School of Law

## **Recollections of different unwritten treasures of the Avid Readers' Forum**

*Cedric Kadima*

*An avid reader and trained lawyer*

Uncommon of an Avid Reader, this writing has five distinct and unrelated sections. However, I wouldn't be surprised if you identify some correlation among all or any of them! It is a recollection of the pieces that formed the foundation for the Avid Readers' Forum across different timelines.

### **Frustration and lamentations**

At times, frustration births great ideas. In the early 19th Century, students at the University of Oxford faced restrictions on the topics they could discuss and the opinions they could express. Frustrated by this, a group of twenty-five young men met in late 1822 and created a set of rules for a society where they could freely express their ideas. The 'United Debating Society' was founded in March 1823 and has since become known as the Oxford Union Society, one of the most prestigious debating societies worldwide.

In 2019, Elisha Zebedee Ongoya repeatedly asked students, 'What fascinates you the most as a student?'. He often lamented that many students had never heard of "Steve Biko", "Hastings Wilfred Opiya Okoth-Ogendo", or "the Concept of Law". Additionally, most students could not name their Deputy Governors or their areas' Members of Parliament. He would often dismiss classes prematurely because students had failed to prepare by going through the assigned readings. The man was frustrated. At some point, he withdrew from teaching a class because of this "reading sickness". Other faculty members, including Lucianna Wambui Thuo, had also lamented about this inability of students to read. This growing frustration with the inability of students to read and have informative discussions occasioned a meeting that formed "the Avid Readers' Forum in 2019".

### **Pen, paper, food and the vision.**

You're probably familiar with the saying, 'A man who calls his kinsmen to a

feast does not do so to save them from starving. They all have food in their own homes. When we gather together in the moonlit village ground it is not because of the moon. Every man can see it in his own compound. We come together because it is good for kinsmen to do so.' (Chinua Achebe, *Things Fall Apart*). When I was interning at Kabarak Law School, Elisha Ongoya, Joseph Omolo, and Elijah Njagi occasionally invited me for lunch at the Moi High School, Kabarak cafeteria. Perhaps my seniors did this, and they thought 'it was good to do so' as Chinua thought. Little did they know that, in fact, they were also saving me from staving in addition to the enlightening conversations. During our meet-ups, Elisha Ongoya always insisted that I carry a pen and paper, as he had valuable ideas and information to share. He believed they could be forgotten if no one wrote them down.

On 5 September 2019, as we made our way to lunch at Moi High School, Kabarak, I again had my hunger, pen and paper ready. We each ordered 'beans and chapati(s)', and he added tea for himself, like an elder, on top of the two chapatis. Again, essentially, he lamented how some of his students were disinterested in reading and were unable to sustain a meaningful discussion. His face was full of nothing but frustration. Well, had he concentrated more on the chapatis, as I did, just like a comrade should, he wouldn't have been so frustrated. At the time, as a problem, disinterest in reading and discourse was alien to me. It's still alien to many. With my friends, Lawrence Kiptanui and Masinde Dolphin, we had been running a book club since December 2018.

We would buy a book every month, read it, and meet at a restaurant in Nairobi to discuss and share our thoughts. We would meet once or twice a month. Also, in our final year, 2018, we had an idea to have a meet-up breakfast to read court decisions and discuss their impact. This never came to fruition because of our schedules. Nonetheless, I continued to involve myself in the discussion to solve students' disinterest in reading and having meaningful discussions.

Out of the discussion, Elisha Ongoya suggested a forum where interested students would come together, share material, read and discuss it. "The Avid Readers' Forum". I put that down on paper before taking another bite of my chapati! He envisioned that even if only ten students joined the forum, he would have achieved something "greater in his life". He insisted that the endeavour

must be used to instill a sense of pride in the members. That is, the acquisition of knowledge is something worth being proud of. So far, the forum had two members, Mr. Elisha Ongoya and myself.

As we waited for more tea, Rahab Mureithi Wakuraya and Ronald Allamano Ong'udi joined us. More tea came. When Rahab and Ronald heard of the idea of the forum, they both joined in lamentations and welcomed the idea of a forum for reading and discourse. They offered to be part of the forum. That is how membership was extended from students only to members of faculty. Ultimately, I was tasked to develop a concept note for the "Avid Readers' Forum". With this, Ongoya volunteered other names of staff members who would most likely have an interest: Edmond Shikoli, Sandra Soi, Julie Matoke, and Jared Gekombe. I put their names down on paper and took a sip of my tea. We parted on the agreement that Ongoya would recruit members of staff while I would recruit students.

### **Hand on the plough**

By midnight on 5 September 2019, Joseph Omolo and Edmond Shikoli joined as additional members. After Shikoli read the concept note, he said (add Shikoli's voice and diction, for effect), 'My hand is on the plough. I have no intentions of looking back.' This statement spoke for most of us. I strongly recommend an ARF award to Shikoli for this powerful and impactful statement. About two weeks later, seventy-three (73) students wanted to join the Avid Readers' Forum. It was overwhelming, as we had expected only ten (10).

Our first reading material for discussion was 'African Poverty' by Duncan Kennedy. One man prides himself as the inaugural and lead reader of the Avid Readers' Forum since 9 October 2019. Even if I don't mention him in this sentence, you would know him because he holds that privilege dearly. To appreciate his cherished occasion, he now holds the Avid Readers' Forum award in recognition of his outstanding role as the inaugural Avid Reader. As of August 2024, 42 other outstanding lead readers and discussants have existed since 2019. There are more to come. Yet, their pride will be unmatched to that of this man.

### **Many thanks to *watu wa mkono***

Several individuals have played a crucial role in the Forum in the past. In 2019, Melody Yego volunteered as the Student Coordinator, followed by dedicated members such as Racheal Jepchumba and Maria Golo Bokao. As the responsibilities grew, Julie Kemunto Matoke became the Faculty Coordinator. Lucianna Wambui Thuo has consistently contributed to the ARF's success, showcasing exceptional moderation skills and fostering informative discussions in numerous sessions without fail when required.

Several influential members who contributed to the rise of ARF included Marion Joy Onchangwa and Stanley Omwamba Mayaka. Stanley, known for his exceptional videography and photography skills, captured and shared vibrant ARF events with the world. He always had a cable missing at the last minute as part of his mysterious yet exceptional expertise. All always went well. When ARF shifted to virtual sessions on Zoom, we gained prominence but also attracted unwanted attention from malicious onlookers. Jared Gekombe, a commanding figure resembling a District Commissioner (DC), was always vigilant in upholding our Zoom sessions' integrity, swiftly dismissing intruders who attempted to disrupt the proceedings. He dismissed malicious intruders without appeal. For this role, ARF awarded him in the year 2022. His award should have been named the 'Defender 110' to complete his authoritative appearance of a DC. A heartfelt thank you to all these individuals, as well as to others who have similarly contributed and are not mentioned here!

### **The future: Taking care of the vision**

When I brought pen and paper to a meeting with Ongoya in 2023, the structure of ARF was reorganised and formalised into a document submitted to the School of Law governing bodies. The reorganisation included a Faculty Coordinator reporting to the Dean's Office, a Student Coordinator who would assist the Faculty Coordinator and a proposed budget allocation for the Forum. Same restaurant, but with 'githeri', for variety.

Over time, the organisation of ARF has gained influence and impact. It has

become a beacon of positive change in reading and discourse culture among students and staff members. Their collective efforts have turned the vision of ARF into a reality, leaving a lasting legacy for future generations. ARF sessions have reached world-class conference standards and have attracted attendance of close to one thousand people. It is evident that the vision of ARF has extended beyond students and faculty members, as members of the general public now attend ARF sessions to access shared knowledge. At many events, we have had senior academics, superior court judges, magistrates, lawyers, teachers, historians, and other notable individuals from various fields attending our sessions. ARF has genuinely become a beacon of ideas.

I hope that this trend continues indefinitely. It is worth noting that no other institution on the continent hosts regular reading and discussions as frequently as ARF. Our only competition is an institution in the North of the African Continent with a history of 200 years. Individuals like Elisha Zebedee Ongoya, who have remained committed to this vision, are the eternal champions of ARF. Prof. John Osogo Ambani, the Dean of Kabarak Law School, has also been a supporter. Hongera!



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Kabarak University  
School of Law



## **Mzee Ongoya, a noble idea and I**

*Julie Kemunto Matoke*

*(Member of the Avid Readers' Forum, Teacher and Practitioner of the Law at Kabarak Law School)*

The Late retired Justice Ruth Bader Ginsburg of the American Supreme Court once said that, 'reading is the key that opens doors to many things. Reading shaped my dreams, and more readings made me make my dreams come true.' My love for reading was inculcated in me by my old man who introduced me to a public library, the Kenya National Library, where he enrolled me as a member. I have read many books which have given me a front row seat in life, literally, and through book-travel. I have been nurtured to love reading. I have met many people who have gifted me books because they have known of this love. They say if you can read, you make up 66% of the literate people in sub-Saharan Africa as of 2023. Until the time when the Avid Readers' Forum (ARF) was founded, I had never belonged to a community of readers and so the story begins of this noble idea.

If you happen to know "Mzee" (Elisha Zebedee Ongoya aka Joseph Lule) well, like me, you will know that his often-radical ideas on various projects and topics are always dispatched with words of wisdom over a cup of tea or a hearty African meal. He did not disappoint on the idea of the Avid Readers' Forum. The setting was at Ndemi Place and as usual, the place was inundated with lots of food and words of wisdom.

Just a few weeks before my conversation with Mzee, we had been attending a forum themed "The Hut" at Strathmore Law School on the invitation of Dr. Ambani (presently, Prof Ambani and Dean, Kabarak Law School). "The Hut" was a beautiful forum and from our experience with it, we learnt and picked our lessons that led to the birth of the "Avid Readers' Forum". A classic case of peer pressure put to a good use!

After one of our many visits, I mentioned to Mzee that we should bring a similar culture to our school. He agreed but he said, ours will be different and better. It

would be a family convergence of people with similar ethos, values and passion for reading owned by all of us at the law school. He then went ahead to give the vision which most of you know, by now, was never presented in a PowerPoint Presentation form or with notes for future reference (we have all accepted, Mzee suffers from an acute case of aversion to technology and formalities). Seeing that I liked the idea, I quickly grabbed the opportunity and said I would volunteer to host the ARF with him. That is how it almost all began.

Whenever new projects are implemented, resources are always key and if you have no budget then you look to those around you. You quickly mobilise your “kitchen cabinet” to render resources needed in support and to make a noble idea come into being. We had a call to discuss progress and Mzee, volunteered that our first reader would be our own JA (Joseph A. Omolo). Having learnt later that as at this time Mzee had not spoken to JA about this, it would perhaps be more accurate to say that our first reader was appointed by way of a decree by Mzee, and he obliged.

On 9 October 2019, we had our inaugural forum, where we read and discussed our first article which was Duncan Kennedy’s “African Poverty”. It was very paradoxical, reading and discussing a non-legal text at a Law School forum. It was a short exciting read and by all means our JA did a fantastic job with it. For this role, he received ARF’s first appreciation award.

After our first run, the forum attracted various speakers and a growing audience that consistently showed up. The subsequent speakers I hosted included Mzee himself, William Aseka Oluchina, Lucianna Thuo (who by the way was our first female volunteer speaker and later played a significant role as a moderator for ARF events), Muthomi Thiankolou and Duncan Okubasu among others. We quickly learnt to rely on our networks and their interests in the new areas we explored in our readings. Luckily for us, none of our speakers nor the audience ever failed to show up. It was always a full house with a presentation and then open discussion.

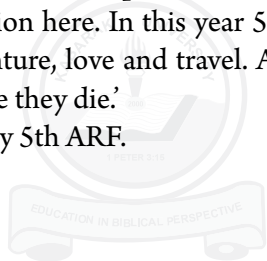
This was the clearest testament on the value of the initiative that kept us going even in the face of challenges. The ARF grew by bounds and huge milestones and soon we moved from hosting the sessions on Saturday afternoons in the wake of the Covid-19 pandemic to a constant of a few Wednesdays in the

semester. We had many volunteers from students to lecturers to other speakers whom we never compensated but who strongly believed in the passion for reading and the importance of inculcating a reading culture in the younger generation.

In the 3 years that I served as lead host of ARF, I learnt three important things that: a noble idea does not need much to begin; that there is beauty in wholesome reading because we need other facets of knowledge to be complete human beings and better lawyers; and that great friendships, mentorships and engagement are borne from such Forums.

This year ARF turns 5. In astrological science, 5 is believed to be a year of adventure, love and travel. I am a better person because of ARF. My mentee Gloria Harriet (RIP) was better because she started showing up at ARF and became a better person and student and so did many other people that I cannot mention here. In this year 5 and beyond, I wish ARF the very best and more adventure, love and travel. After all they say, 'a reader travels a thousand lives before they die.'

Happy 5th ARF.



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## **Avid Readers, Carrots and Pushing Back the Frontiers of Knowledge**

*Rachael Jepchumba Kipkoech*

*Master's student in Research and Innovation in Higher Education at the Erasmus Mundus.*

There was a time in my life when I was fascinated with picking carrots, the reason being the excitement that came with not knowing what was beneath and, more importantly, the power to find out by just pulling them out of the ground.

When I joined law school, I wanted to get a first class, and this was the dream: getting those deafening claps at the end of the four years, becoming the best. I got it after spending my entire year in the library, reading and re-reading my class notes. There was no way I could not get all As—that is what I tell myself right now. I remember when I got my first-year transcript. I had an average of 71, and I was depressed. I questioned myself deeply on what I had achieved, and I realised that I had become hollow. It was as if my legs were tied to an anchor, and I could only go down, and as much as I tried to go to the surface, I could only reach a certain height. Such an opposite reaction.

It was at this time that I started searching for the spirit of education, and I then vowed to read widely. It was not easy teaching myself how to study in such a way that would satisfy something beyond getting As. In the conventional sense, what is better than a student who gets a first class? What was this “more” that I was searching for? I did not know.

Second year was me in my revolutionary self, reading literature, law, philosophy, poems, music, and watching documentaries alongside catching up with classwork. When exams came, it was tough. I did not know how to use this to my advantage (I now know), and that, coupled with reading less classwork (lack of balance), caused my grades to drop. This weighed on me because I thought I was on the right track—I was becoming what, according to me, was an ideal student.

The question I was asking myself was: was what I was doing worth it? Why not

just get a first class? It's not that bad. It is not like the worst thing that could happen to me in law school.

It's funny now, but it was not then because I had to wake up every morning and question my purpose in law school. I have never felt so empty in life. I must say it was the hardest point in my life. Then, one Sunday, I woke up and wanted to end my misery, so I texted my dad and said I was quitting law school. He asked me to go home, and we talked, and I decided to give law another chance. For those who are thinking I was pressured to do law, that was not the case. I wanted to do law since I was six. My dream at the time was to start my own foundation called RJK (from my initials) "Rights for Junior Kenya." And although I am passionate about education right now, law was the best foundation for starting my academic career.

I always like to say Avid Readers' Forum was created for me, just to be cocky. The reason being, it started during this time in my life, and it provided an alternative to studying legal stuff. It was small at the time. I could not miss any session. It was a family to me, and just listening to diverse views and perspectives was inspiring. I found what I was looking for and more. What is interesting is that it inspired my research area in education, something that I did for my undergraduate thesis and will do for my master's and PhD.

My current read is a book by Olúfemi Táíwò, "Africa Must Be Modern: A Manifesto" (it's an easy and hard-to-read book). Easy because of the way it has been written, and hard because it is too honest. Anyway, he explains the importance of pursuing knowledge for its own sake. This is what Avid Readers taught me: just pursuing knowledge for its own sake. This art has since become my "smart"; it has helped me chart my own career path, creating my own niche (still in the process). More importantly, it loosened the anchors on my feet—I could float.

What I mean when I say I could float is, I became critical of the things I was reading and my environment, but also it was the first time I could see myself beyond the confines of doing law and becoming a lawyer. To me, it was simple: if I could read anything, I could become anything (not at the professional level—papers and stuff) ...just for the sake of it. It even made me critique the education I was receiving, and this inspired me to apply for my current master's program.

The interesting thing about my application for my current master's is that I applied for it before I graduated (with my provisional results), and I had not finished my dissertation. For those who know Erasmus Mundus, know that it is a very competitive scholarship. Looking back, what made me this bold is my journey in law school, and especially the influence of Avid Readers, and I could not have made it without the amazing recommendations from my teachers who knew me through Avid Readers. In short, what Avid Readers gave me is this internal confidence that I can sum up with a line from Tracy Chapman's "Fast Car": "I had a feeling that I belonged, and I had a feeling that I could be someone." Maybe, after all, this is the spirit of education I was searching for.

The acquisition of knowledge has been a lifelong passion for me, and I consider it the greatest skill I have gained from being an avid reader. I like to describe this process as a "hunt" for knowledge—similar to what Freddie Mercury once referred to as "musical prostitution." However, I do not mean this in the conventional sense. Instead, I use "intellectual prostitution" to echo Freddie's idea of refusing to limit himself to one music genre. For me, it's about embracing a relentless pursuit and open receptiveness to all forms of knowledge, with the ultimate goal of building and creating something meaningful. This is my story.  
Carrots.

## ***People who move the world***

*Nyanchama Sylvia*

*A law student at Kabarak University*

It is the expectation of any person that a member of the Avid Readers' Forum (ARF) was or has always been an avid reader. Allow me to greatly fail to meet your expectations. This writing, unlike the others that may focus on the journey of the ARF, focuses on my personal journey through the Avid Readers' Forum: from being a not-so-lover of reading, to my "Damascus moment" of joining ARF, and becoming a moderator of the forum.

I joined Kabarak Law School in the month of September 2020. Since it was at the height of the COVID pandemic, most of our classes were online. Fortunately for me, one could easily evade answering questions and responding during the classes. Thus, in situations where you had not properly prepared for the class or gone through all the reading assignments, the option of feigning network failure was always a go to option.

First forward to the year 2022, I joined my Devolution and Governance class. It was led by the one and only, Mwalimu Elisha Ongoya. So, for those who have had the honour of studying the unit, you would understand the necessity of extensive reading that is needed. In one of our classes, Mwalimu sent a pretty lengthy assignment, although I do not consider it lengthy at the moment. In the next class, I do not remember any member of the class who had read everything. He questioned why nobody had read all the work and a "suicidal" member hastily spoke what was in my mind, 'Because they were innumerable and lengthy'. I was silently hoping that they would add, "and boring" to that list. Disappointedly, Mwalimu asked 'If you can't read all the numerous pages as a lawyer, which other profession do you expect to read all of that?' He left the class and challenged us to read at least one case law each day, which, while the motivation was still on fire and clear in my heart and mind, I did. Until the rains of fatigue caught up with me.

A semester later, in my Jurisprudence class, still being led by Mwalimu, I got

spotlighted. The happenings of that class might be dusty and cloudy to many, but to me, it was my “Damascus moment”. He asked whether any of us wanted to be teachers of law in the future. I confidently raised my hand. It was probably the only hand at that moment. He stared through me and inquired whether I had read a course book for any unit, cover to cover. I hesitated! This was because I knew that I had achieved no such feat. He could tell that I was about to lie. Now, Mwalimu is one person that you cannot lie to, and even if you succeed at any point, he will still later on catch you. How and why, is a mystery I say, as he is not a prophet. The man does possess the name of the father of two disciples of Jesus in addition to the name of a prophet!

He once asked me the name of the author of a famous international law course book and I did not know or could not remember the answer. Another student answered it. Mwalimu looked at me and asked, ‘Would you still want to be a teacher of law without being able to read?’ That was a life changing question for me right there. I promised myself there and then, to nurture a reading culture and to be a teacher of law, just to show Mwalimu that I had changed. The problem is never the starting of a habit, it is the consistency and keeping up of the habit that, you may not waste away. This can be achieved by joining a book club or the Avid Readers’ Forum.

My first ARF session was led by Mwalimu Ongoya on an article written by Prof Migai Aketch titled ‘The Basic Structure “Doctrine” and the politics of Constitutional Change in Kenya: Case of Judicial Adventurism?’. With just a handful of participants, the session was intriguing and extremely interesting. I remember listening to students chipping in with their opinions on the article and I thought to myself, that I could do the same. It was not that hard, I just had to read. ARF was the perfect place to nurture a reading spirit with other people who seemed to love to do the same.

In September 2023, I took over the student organiser mantle from Marion Joy. On the 27 September 2023, I moderated the very first session for that semester. It was also my first ever moderation. The lead discussant was Mr Kelly Malenya who led us through two speeches, namely, ‘I am an African’ by Thabo Mbeki and ‘The Regeneration of Africa’ by Pexley Seme. The two pieces were both non-legal reads that intrigued the students and challenged them to seek to



understand the African reality so that they could change the continent for the better. During that discussion, we had students from different schools, unlike the previous sessions where only law students would attend.

An unforgettable occasion occurred during one of the discussions that we had later on in the semester. A bold student asked the question ‘So what?’, ‘So what that we are having these discussions yet we lack the ability to implement or rather change the reality of things?’ If I was to answer I would say, so that as students we would study and understand current developments in the legal and non-legal sector. So that it would open our minds and enable us to engage critically such that when we get the chance to make the change we would already be a step ahead.

When it comes to my favourite session, I would mention one that was led by Mr Guto Mogere where he discussed two speeches made by Thomas Babington Macaulay on Copyright. In his discussion he brought out the aspects of being a great lawyer. These included reading extensively (meaning we were a step ahead as the ARF members), elegance in linguistic skills, and having courtesy - learning the art of advocacy. Notably too, Lady Justice Ong’undi, was in attendance, and she opined that to be a great lawyer, one has to develop a habit of reading good quality material widely.

In conclusion, ARF as part of my law school journey has been a sanctuary of intellectual growth and safehold for my opinions on different legal matters. The takeaways from organising the sessions, to having anxiety on whether they would be successful, to cultivating my moderation skills and confidence, will always remain close to my heart. One of my silent prayers after every session would be that the discussion has made an impact on one or many of the participants and that it would largely help the world be a better place. I know it did for me!

As the Forum turns Five, I pray that it remains a beacon of ideas and positive change in reading and discourse of information to the wider globe. I hope it one day helps to move the world. Happy fifth anniversary Avid Readers Forum!

**SECTION C: WORD SEGMENT & MEMBERS TRANCHE**

## Word Segment

Mr Elisha Zebedee Ongoya, *Senior Lecturer, Kabarak University School of Law and Advocate of the High Court of Kenya*

The greatest experience for me of ARF has been the realisation that a small idea, properly nurtured, can grow into an impactful practice. When I look back to the year 2019 when the idea of starting ARF was mooted, and when I experience ARF attracting significant audience and interest locally and globally, I am really encouraged. ARF has enabled me to experience the intellectual side of my students fully. It has given my students an opportunity to be co-creators and dispensers of knowledge. In short, ARF has contributed to my sense of fulfilment as a teacher.

Ms Ruth Jebet Kiplagat, *Law Student at Kabarak University*

Reading books (both fiction and nonfiction) has always been my hobby. However, when I joined Kabarak Law School in September 2021, I was afraid I would be required to read 1,000 academic voluminous books in short periods and provide feedback in the same amount of time. So far, I have read numerous resources, but my approach to the articles and books has not been of apprehension but rather curiosity and enthusiasm. The ARF has contributed greatly to this change of perception, and I am thus immensely grateful for it and privileged to participate in organising its events. Long live the ARF!

Mr Kadima Cedric, *Lawyer*

ARF is a significant institution. Its commitment to advancing knowledge has never wavered. Compelling ideas one may not encounter in a boardroom, courtroom, classroom, or staffroom find a home at ARF. It has cultivated uncompromised principles such as fair debate, intellectual freedom, and openness. I have witnessed prestigious institutions worldwide hosting great platforms for discussion and debate, but none has been greater than ARF. This is where I belong. Yet, my watch at ARF has just begun.

Ms Nyanchama Sylvia, *Law Student at Kabarak University*

Happy five years Avid Readers' Forum! Over the past five years, this forum has been an abode for thoughtful debates, in-depth interpretation of legal issues and the exchange of diverse ideas. I am genuinely grateful to be part of this celebration and look forward to even more engagements and contributions to this Forum's success. Here's to more stimulating discourse and discovery in the legal sphere.

Mr Soita Shitanda, *Law Student at Kabarak University*

I joined the forum in my first year, the first semester, in 2022. The Forum has provided me with both personal and intellectual growth. It has enhanced my legal knowledge and given me different insights into the legal field. It has also enabled me to develop critical thinking skills by analysing the engrossing legal texts and cases discussed in the forum. Moreover, the forum organises discussions and debates that enhance communication skills and act as a platform for like-minded individuals to meet and deliberate on interesting topics. Since joining, I have met different wonderful people who may be beneficial for future career opportunities.

Lucianna Thuo, *Consultant*

For it to grow into a global discourse on governance. ARF is well respected. With consistent effort, it can be the thought leader on governance in Africa and globally.

Mr Stanley Mayaka, *Kabarak Law School Media Department*

The Avid Readers' Forum has been quite informative and educative. The discussions trigger critical thinking on legal issues arising from new jurisprudence in our courts and legal practice. I hope this platform will allow learners to engage in discussions within our legal practice. Cheers to the founder and patron, Mwalimu Eisha Ongoya, for his vision concerning this Forum. It has been a success!

Ms Kemunto Matoke, *Lecturer/Advocate of the High Court of Kenya*

"A reader lives a thousand lives before they die"

Dr Victoria Miyandazi, *Lecturer and Advocate of the High Court of Kenya*

I have attended several ARF events and sessions and found them to be well-organised, informative, and engaging. The sessions often focus on current events, particularly in Kenya, and feature timely commentary from legal experts that help inform and shape public conversations. One of the events—a book launch for my work on Equality in Kenya's 2010 Constitution—was co-hosted by the ARF and attracted over 300 attendees. The discussions were lively and expertly moderated. I wish the ARF continued success in the future!

Ms Marion Joy O, *Advocate Trainee at the Kenya School of Law*

I remember when Mr Elisha Z Ongoya announced that he was forming a group for lovers of knowledge. Those who wished to join the group were to contact Mr Cedric Kadima. We were at the Anti-corruption Conference hosted by Kabarak Law School in 2019. I can't believe it's been five years. Wow!! Congratulations, ARF!

ARF has been life-changing for me. It has given me the incredible honour of learning from and moderating discussions. Because of the experience gained at the ARF, other people have trusted me to moderate other forums. That experience has hugely impacted my life and career.

I am honoured to have been part of this life-changing Forum. Long live ARF!

Ms Daisy Biwot, *Trainee Advocate, G&A Advocates LLP*

I have found the Avid Readers' Forum (ARF) to be a platform for diverse, interesting, and thoughtful engagements. The panel discussions are a mind-blowing experience and extremely enriching. My horizons have broadened so much! Undoubtedly, all avid readers have a renewed commitment to acquiring knowledge as the Forum marks five years of existence. Long Live ARF!

Mr Musungu Onesmus, *Advocate of the High Court of Kenya*

Being in the Avid Readers' Forum is a wonderful and eye-opening experience, knowledge-wise. I have grown academically and been updated on the current state and progressiveness of our jurisprudence. The mentorship from our seniors has been a pathway into the legal sphere, making integration into the legal industry a welcoming experience. God bless the Avid Readers' Forum.

Adv Eliud Sydney Valentine, *Advocate of the High Court of Kenya*

The Avid Readers' Forum has provided a platform for upcoming legal practitioners to sharpen their skills in preparation for the bumpy road of legal practice.

Ms Bokao Boru, *Advocate of the High Court of Kenya*

When I first joined the Avid Readers' Forum, it was a small group of book lovers and curious learners meeting in the School of Law Boardroom under the stewardship of our lecturers. Our weekly gatherings were filled with thoughtful discussions and lively debates.

However, the COVID period brought our discussions to a whole new level. Our group quickly adapted to virtual meetings, which kept us connected and invigorated our debates, allowing us to include guest speakers who could not join us in person. Now, five years later, it's gratifying to see how the Forum has evolved into a global community. I'm proud to be part of this dynamic, ever-growing group, and I look forward to seeing where our journey takes us next.

Mr Dennis Onyango, *Student at Kabarak University*

I have personally participated in the Avid Readers' Forum, a vibrant community fostering connections through shared literary interests in law.

The forums offer unique opportunities to explore diverse perspectives, discover new authors, and engage in enriching discussions that broaden the mind. As ARF celebrates five years since its inception, it is clear that this community has become a haven for avid readers to connect, share, and grow together. Here's to many more years of intellectual growth, camaraderie, and the joy of reading! Congratulations on this milestone.

impacts their legal education.

Ms Hiltruda Nyokabi Gichanga, *Law Student at Kabarak University*

My experience with ARF has been transformative, offering a platform for intellectual growth, networking, and advocacy. ARF has consistently created spaces for critical discussions on key issues affecting Africa and the world, fostering collaboration among scholars, policymakers, and activists. As ARF celebrates five years, I commend its dedication to amplifying African voices and advancing innovative solutions to the continent's challenges. I look forward to continued engagement with ARF, contributing to its mission of empowering individuals and shaping progressive policies. Here's to many more years of impactful work and collective progress!

Ms Joy Chebet, *Student, Kabarak Law School*

Congratulations to the Avid Readers' Forum for reaching the incredible milestone of 5 years! Over the past half-decade, this forum has become a beacon for aspiring legal minds, offering a treasure trove of knowledge, support, and camaraderie. I am happy to have experienced 3 out of the five incredible years. To all the passionate readers and contributors, thank you for making this space an invaluable resource. Here's to many more years of insightful discussions, shared wisdom, and academic success. Keep turning the pages and pushing the boundaries of legal thought. Cheers to the next chapter!

David Arita, *Law Student at Kabarak University*

ARF is instrumental in providing mentorship and a platform for harnessing intellectual nourishment and thought-provoking ideas, especially in the legal arena. Owing to ARF, I have been graced with the opportunity to learn a lot and interact with profound individuals in the legal line of work. All I can say to ARF is to keep the fire burning!

Ms Hildah Chepkemoi, *Law Student at Kabarak University*

Since I joined Kabarak Law School, I have seen that ARF is an active and interactive space, providing a space for insightful thoughts and educative sessions incorporating our able and excellent lecturers and other distinguished hosts on talks on the daily updates and a way forward in the issues arising. With the continued energy-propelling education in this manner, I am certain that ARF will be graded as an excellent and expansive space. It's not only for all curious and determined students but also a platform that significantly

Mr Karol Antony Muma, *Law Student*

As Avid Readers' Forum celebrates its fifth anniversary, it thrives as a hub for insightful legal discussions and solution-driven dialogue. Your legal expertise and perspective would be a valuable addition to the community. This milestone is an invitation to reflect, engage, and contribute to the forum's ongoing journey. Join us as we shape the next chapter of this vibrant legal community.

Nabintu wa Nciko, *LL.B Student at Kabarak University/ Coordinator Kabarak Press Faith and Environment/ Editor Kabarak Law Review/ 5 Rights Youth Ambassador/ Committee Member Avid Readers*

When I joined Avid Readers' Forum, I had no idea what awaited me - the kind of mentorship I would receive or how deeply it would impact my life, worldview, and professional career choices. Listening to the storytelling of Avid Readers' invitees made me feel blessed. My uncertainty about the future vanished because the first thing being an Avid Readers teaches you is that the future is to be planned with hard work, beliefs, hope, and, most importantly, long-lasting friendships with people who are ready to speak up your name in a room empty of opportunities. After all, they know how reliable you are. Every day, I learn and apply these lessons, which have helped me tremendously, and I continue to do so.

Mr Oyugi Emmanuel Miller, *Law Student at Kabarak University*

I joined the Avid Readers' Forum when I joined Kabarak University in 2022. Since then, it has been an insightful experience. I have learnt through the readings and discussions we have heard. It has opened my mind to many more things beyond classroom learning. I have also had the opportunity to meet and interact with great minds. It has been a good space for learning. I am so grateful for this opportunity.

Mr Victor Angima, *Law Student at Kabarak University.*

Avid Readers' Forum is great. I am very grateful to be a member of the ARF at the beginning of my journey to becoming a top litigator. Having attended a few sessions, I am really eager to be part of the forum and will be ready to take part in its activities voluntarily. I am sure that as time goes by, I will gain enough skills as a member of this great forum. Here's to a quinquennial of great achievements; may it continue to manifest with growth.

Ms Victoria Ogochukwu Okeke, *Law Student at Kabarak University*

I joined the Avid Readers' Forum when I joined Kabarak Law School in 2022. Since then, it has been an insightful experience for me. I have learnt through the readings and discussions we have heard. It has opened my mind to many more things beyond classroom learning. I have also had the opportunity to meet and interact with great minds. It has been a good space for learning. I am so grateful for this opportunity.

Ms Nangami Jemmimah, *Law Student at Kabarak University*

Participating in the Avid Readers' Forum has deepened my appreciation for diverse literary genres. Engaging in thoughtful discussions, sharing insights, and discovering new authors have enriched my reading experience, fostering a strong sense of community and a passion for lifelong learning. This collective exchange of ideas has not only enhanced my reading experience but also reinforced the importance of diverse viewpoints and critical thinking in understanding complex narratives.

Ms Esther-Blessing Nasimiyu, *Law Student at Kabarak Law School*

ARF has been invaluable to my pursuit of knowledge. I have gained lessons, some that made me seem remarkably more intelligent and some that I will hold dear for a long time. The conversations, steered by the best in diverse fields, have been insightful and provided wonderful learning opportunities. ARF enriches its readers and plays a significant role in shaping future professionals. It strives to enhance critical and analytical skills, a commitment evident in its successful alumni and reflected in all its members. I am immensely grateful to the forum convenors for ensuring consistency and vibrancy, the discussants who have steered thrilling conversations, and all the attendees for making ARF a home.

Mr Wesley Okoth, *Trainee Advocate Kenya School of Law*

This is where I developed my reading culture. This is home for me.

Sir Ibraoty Botechia, Student, Kabarak Law School

ARF is home, and it gives intellectuals space to share their thoughts.

Viva ARF!



Readers' Forum  
Kabarak University  
School of Law





*Avid Readers' Forum*  
*Members' Tranche*

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Kabarak University  
School of Law

## AVID READERS' FORUM AWARDS

Throughout the years, the Avid Readers' Forum has consistently acknowledged and celebrated the exceptional efforts and contributions made by its members in steering and enriching the Forum's activities. This recognition extends to both the dedicated students and esteemed faculty members who have played pivotal roles in the Forum's success and vibrancy.

The following members were recognised between 2019 and 2024 for their exemplary contributions: -

Avid Readers' Forum Award in recognition of the outstanding role as Inaugural Lead Reader of the Avid Reader (2019).

*Joseph Agutu Omolo*



Avid Readers' Forum Award in recognition of outstanding Visionary Leadership and Sacrifice as the Convener of the Avid Readers' Forum (2023)

*Elisha Zebedee Ongoya*



Avid Readers' Forum award in recognition of the outstanding role in logistical and technical support for ARF webinars (2023)

*Jared Gekombe*



Avid Readers' Forum Award in recognition of exemplary participation and contribution to the Avid Readers' Forum, 2022-2023.

*Gloria Adenyi*

*Morris Henry Mutuku*

*Barrack Onyango*

*Jabez Michael Oyaro*

*Koome Joshua*

*Erick Ileri*

*Stanley Mayaka*

*Brian Kibet Taita*

*Marion Joy O*

*Daniel Wachira Mutua*

*Elsie Kemunto Morara*

*Esther Boyani Nyabuto*

*Ruth Jebet*

*Nyanchama Sylvia Nyaberi*

Avid Readers' Forum

Kabarak University  
School of Law

*Thaiya Jesse Wallace*

*Haki Patience Joy*

*Elvis Soita Shitanda*

*Arita King David*

*Elvis Mogesa Ongiri*

*Kipkorir Caleb*

*Miriam Rosasi*

*Michelle Aseka Christine*

*Megan Tess*

*Marion Bii Chepkemoi*

*Carson Kiburo Kibet*

Avid Readers' Forum Award in recognition of exemplary organisation of the  
Avid Readers' Forum, 2022-2023

*Carson Kiburo Kibet*

*Marion Joy O*

*Stanley Mayaka*

*Brian Taita*

*Avid Readers' Forum*

Kabarak University  
School of Law



*Ms Lucianna Thuo (Left) and Ms Julie Matoke (right) presenting an award to Mr Elisha Ongoya (centre) for his visionary leadership and sacrifice as the convener of the Avid Readers' Forum in 2023*



*Gloria Adenyi*



*Morris Henry Mutuku*



*Jabez Michael Oyaro*



*Koome Joshua*



*Erick Ireri*



*Brian Taita Kibet*



*Marion Joy O*



*Daniel Wachira Mutua*



*Elsie Kemunto Morara*



*Esther Boyani Nyabuto*



*Ruth Jebet*



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*Miriam Rosasi*



*Michelle Aseka Christine*



*Megan Tess*



*Marion Bii Chepkemoi*

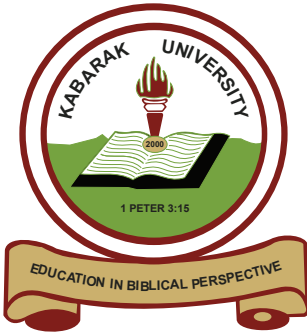


*Carson Kiburo Kibet*



*Julie Matoke, Elisha Ongoya and Lucianna Thuo, the engines of the Avid Readers' Forum*





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