

CONTEXT OF SPEECH BY MR. B.M. GECAGA, CHAIRMAN OF COUNCIL OF  
UNIVERSITY COLLEGE, NAIROBI, ON THE OCCASION OF THE INAUGURATION  
OF THE FACULTY OF LAW ON THE 20TH JULY, 1970

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The Hon. Attorney-General, Ladies and Gentlemen,

I should like, first of all, to extend a warm welcome to you all and to thank you for accepting our invitation to attend the ceremony this afternoon for the inauguration of the Faculty of Law at University College, Nairobi.

Law is as old as Man himself. One of the first edicts issued by the Maker to Adam and Eve was "Thou shalt not eat of the fruit of this tree". But for reasons which are known to all of you Adam and Eve disobeyed this command with dire punitive consequences to themselves. When they came face to face with God, Adam, rather ungallantly, blamed Eve who, in turn, blamed the Serpent. Perhaps the felony of receiving stolen goods was unknown in those days and certainly even today, although I stand to be corrected by the Attorney-General, I am now aware that deceit by a Serpent or any other reptile is a recognised defence against larceny in this or any other civilised country. Be that as it may, however, we may today reflect, perhaps with a touch of disappointment, that had Adam

and his better half obeyed their Maker's law, we, their descendants, might not have to toil and labour for our daily-bread - or even for our examinations! In that event, of course, the question might be what should we do with such unlimited amount of leisure time? Within the context of Adam and Eve's story, such a question may be seen as a jest; and yet within the context of today's scientific world, the question strikes a serious note. In the light of the great strides of discovery and development which science and technology continue to achieve for mankind with an ever increasing velocity, it is not difficult to predict that the question of how best to utilize the leisure time of the working man and woman, may pose a serious problem within our lifetime - certainly in the so-called highly developed countries.

However, that is a problem for the sociologists and *psychologists* physiologists! But whatever the result, I think you may agree that it is difficulty to conceive of an orderly world or society in which law can be dispensed with, for without law anarchy is the alternative, and it is one which, I am sure, many of us would dread to contemplate. Those of you who are Law students may take some comfort in the thought that when you qualify, you will belong to one of the most ancient and esteemed professions and, further, that you are unlikely, upon qualification, ever to become unemployed for

lack of work because, again, crime and dispute between man and man date back to the earliest days of Cain and Abel and as far as one can judge from all available evidence, are likely to persist indefinitely so long as the nature of Man remains what it is. But notwithstanding the well-accepted doctrine of precedent in the legal profession, we must not, I suggest, allow our minds always, or even too often, to live in the past. We live in a changing world and even the Law must take cognizance of change so as to meet adequately the needs of the present.

It is no secret that in the days prior to Independence in East Africa, the study of Law by the indigenous people of this country was not encouraged by the Colonial rulers - in fact it was positively discouraged; one of the arguments for this negative attitude being that lawyers are trouble-makers. Countries like India were cited where the leadership and actions of lawyers like Ghandi and Nehru had caused the then rulers and administrators many a sleepless night. But as in every sphere of study, Kenyans were not daunted by these discouragements and a few of us were, by some means or other, able to find our way to Britain to study law. They were few indeed, and that short list of the pioneer Kenyan African lawyers includes the distinguished holders of the high offices of the Chief Justice, the Attorney-General and the current President of the Law Society who was

at one time on the academic staff of this College and whom we are delighted to see at this ceremony this afternoon.

I submit to you, Ladies and Gentlemen, that by no stretch of ~~the~~ imagination can any of these gentlemen be fairly described as a "trouble maker". Their several functions, in company with other lawyers, blend in the one prime objective: namely, to up-hold the rule of law under which law and order are maintained and justice dispensed with impartiality to all who come before our Courts of Law irrespective of their status or station in life.

I am sure you will share my regret at the absence on this occasion of His Lordship, the Chief Justice, occasioned by unavoidable official commitment. Mr. Kitili Mwendwa is the Chairman of the Council of Legal Education and in that capacity has played a most useful and helpful part in the formation of the new Faculty of Law at this College. His creditably high attendance at meetings of the Faculty's Planning Committee, of which he was a member, bears witness of his deep interest in and concern for laying a proper and firm foundation for the training of lawyers in this country, whose task and duty it will be, in future years, to ensure that

through the rule of the law, justice is done to all men.

I said a little earlier that we must not live in the past and certainly neither our Uhuru Government nor we at University College, Nairobi, have allowed ourselves to live in the past. At Independence one fact which became painfully clear was the shortage of trained man-power in the field of law to meet the requirements of a new Kenya in terms of both Government needs, needs in the commercial sector and in private practice. Realising this shortage, the Kenya Government established a Kenya School of Law to train lawyers through a system not dissimilar to that applicable in the Inns of Court in Britain. The University, also, has had a Department of Law existing in the Faculty of Commerce charged mainly with the duties of giving service courses to students of the Faculty of Commerce and other faculties whose professional requirements dictate some acquaintance with the aspects of the Laws of Kenya. It was the University's view that the services provided by these institutions and the Faculty of Law at Dar-es-Salaam, useful as they were, would not entirely meet the needs of Kenya; hence the proposal which this College made to the Government for the formation of a Committee to plan the setting up of a Faculty of Law at University College, Nairobi. On that Committee we received great

support from the Attorney-General

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support from the Attorney-General's Department, including the Attorney-General himself and the Registrar General, the Kenya School of Law and, as I have said, the Chief Justice, as well as from the representatives of our sister colleges at Makerere and Dar-es-Salaam.

The Planning Committee's proposals which have now been accepted by the University and approved by the University of East Africa Senate, have led to the founding of the Faculty of Law. In this Faculty it is proposed that the academic training of lawyers will now be the responsibility of the University, whilst the Kenya School of Law will phase out its remaining students in preparation to taking up a different role, namely, that of giving professional training to intending practising lawyers after they have received their academic training in the Law Faculty. In the structure of the courses to be offered, we have endeavoured to ensure that the orientation will be such as will meet the needs of our country whilst, at the same time, maintaining a high standard of legal expertise.

Students admitted this year include a first-year class of 40, and a second year class of 15 - the latter comprising those students who will be transferring from the Kenya School of Law and in whose selection

in 1969 members of our

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in whose selection in 1969 members of our Department of Law here in Nairobi participated. The Faculty, like most new developments in the University College, starts without a home of its own and we hope that the Kenya Government and other donors, including the Law Society, who have assisted us in the past, will give sympathetic consideration to our request for this need. Some gratifying interest has already been generated in the founding of the Faculty of Law, for we have already received books from the International Legal Centre, New York and a large number of studies of law reports and legal reference work have been purchased from a British grant. Staff recruitment is also proceeding apace. Two professors have been appointed, and it is hoped that one of them will arrive in Nairobi in October and take up his post as Professor of Public Law, and that similarly the Professor of Jurisprudence will arrive shortly thereafter. Members of staff in the Department will be transferred to the new Faculty, and out of the establishment of 13 posts provided for in the 1970/71 estimates, nine posts have already been filled - six of these by Kenyans.

All this would not have been achieved without the willing participation of the Planning Committee among whom, Mr. Njonjo, the Attorney-General, has played a leading part. We hope that his interest in the Faculty, as well as that of the Chief Justice, will continue and that

we shall in the future, as in the past, not only enjoy their personal support but also that of members of their respective departments.

It is particularly gratifying that the Attorney-General, Mr. Charles Njonjo, has accepted our invitation to inaugurate our new Faculty of Law at this College - I had hoped to be able to say University of Nairobi but, as we all know, while the arm of the law may be long, the Government machine sometimes grinds less fast than we should like, and so the University of Nairobi Bill, 1970, is yet to gain passage through Parliament. When it does, we hope that much of the very careful preparatory work done by the Council and Academic Board of this College in the formulation of a suitable constitution for the new University will be preserved.

In his capacity as Attorney-General, Mr. Njonjo wears many hats, the main one being Chief Legal Advisor to the Kenya Government and head of its legislative arm. As you may know he is also the Chief Public Prosecutor; of course, he is, by virtue of his office, a Member of Parliament.



Despite ~~the~~ many problems and obstacles, Kenya has, since Independence, evolved a Constitution which is worthy of great praise. In the formulation and shaping of that Constitution, it is Mr. Njonjo's hand which has provided the guiding principles. It is fortunate indeed, that we have a person and lawyer of Mr. Njonjo's calibre at the helm of our country's legal system.

We, at University College, Nairobi, are singularly honoured today by your presence, Mr. Njonjo, to participate in this ceremony. It gives me great pleasure, therefore, to invite the Attorney-General to inaugurate our Faculty of Law.

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