

PROFILE

PROF. KIARIE MWAURA
PhD (Wolv), LLM (Staffs), LLB (UoN),
FCS, FHEA, CTAJ, Governance Auditor, Advocate



Prof. Kiarie Mwaura is a fellow of the Institute Certified Secretaries (ICS) and the immediate former dean of the University of Nairobi's School of Law, where he is also a full professor of corporate governance and law. He is a certified governance auditor, who has published widely in the area of corporate governance and corporate law and who has served on the boards of the Transport Licensing Appeals Board and National Council for Law Reporting. Previously, he has worked as the Vice Chancellor of Riara University and as Director of the International Erasmus (European Exchange) Programme at Queen's University Belfast, where he also taught law between 2002 and 2009. Before joining Queen's, he worked as a visiting lecturer at the University of Wolverhampton.

His expertise in corporate law and governance has seen him serve as the Editor in Chief of the Governance Journal, which is published by the Institute of Certified Secretaries and the only key journal on corporate governance in Africa, and an expert researcher for the International Commission of Jurists' Expert Legal Panel on Corporate Complicity in International Crimes. In the latter role, he explored the role of corporate structures in determining liability within corporate groups. Additionally, he has served as a consultant on corporate governance for a variety of local and international organizations, including: Financial Sector Deepening Trust (FSD); Savings and Credit Cooperative Societies Regulatory Authority (SASRA); Institute of Directors; Institute of Certified Secretaries;

Safaricom; Kenya Power and Lighting; Kenya Reinsurance; BAT; Nairobi Hospital; Energy and Petroleum Regulatory Authority; Cooperative University; Kenya Accountants and Secretaries National Examination Board; Strathmore Board of Trustees; the Law Society of Kenya; Champions of Governance Award; Training and Consultant Associates (TCA); Lewis Kamau & Associates; and Munyao Muthama & Kashindi Advocates.

Towards the realization of goals and development objectives of transforming the country into a middle income industrializing nation with a high quality of life and a clean environment, he has forged effective partnerships and working relationships with a myriad of organizations, including: Transform Kenya Awards; Global Campus of Human Rights; European Inter-University Centre for Human Rights and Democratisation (EIUC); International Finance Corporation (World Bank); Oxfam International; Foreign Service Institute (Ministry of Foreign Affairs); Kenya Association of Manufacturers; Kenya School of Government; Institute of Certified Secretaries; Kenya Education Management Institute; Kenya Primary School Heads Association (KEPSHA); Africa Road Watch; Capacity Development Institute; Murang'a County Initiative; Nairobi County Government; Nyeri County Government; and County Government of Nyamira.

In pursuit of the UN Sustainable Development Goals of eradicating poverty and promoting economic growth, good health, peace, equality, and inclusive education, he serves as Chairman of the Murang'a County Initiative (MCI) Steering Committee that strengthens effective formulation and implementation of policies and programmes of MCI, an organization of professionals and business leaders involved in enhancing the quality of life in Murang'a County by promoting: education; agriculture; infrastructure; health; water and sanitation; tourism and culture; ICT; security; investment and industrialization; governance and leadership; youth, sports & the arts. Since its inception in 2010, MCI has given full secondary school scholarships to more than 300 bright and needy students.

On the trail of equality of opportunity and good relations, he served as the Secretary General for the Northern Ireland Council for Ethnic Minorities (an NGO that promotes equality of opportunity, peace, and reconciliation in the transitional society of Northern Ireland) and director of the African and Caribbean Support Organization for Northern Ireland (an organization that works to promote tolerance, multiculturalism, and peaceful co-existence in Northern Ireland through dialogue, art, culture, and music).

He was actively involved in sourcing funding and running of the 2007 Belfast event entitled *“Abolition of Slave Trade – 200 Years: Remembrance, Learning, and Tackling Contemporary Legacies of Slavery”*, which sought to explore ways of using lessons from the abolition of slave trade campaigns to combat present day social injustices and exploitations. His other international and regional engagements include the following:

- Visiting Fellow at Harvard Law School's Human Rights Program, where he investigated the viability of constitutional regulation of corporations as well as the need for clearer parameters of corporate complicity in human rights violations.
- Member of the Inter-University Council for East Africa Committee on Harmonized Criteria for Establishment of Centres of Excellence in the East African Community.
- Member of the Commission for University Education's Committee on the Minimum Criteria for Appointment and Promotion of Academic Staff in Universities in Kenya.
- Quality Assurance Auditor for the Commission of University Education.
- Council of Legal Education's Expert Peer Reviewer of Legal Education and Training Programmes.
- Editor in Chief of the Governance Journal.
<https://www.ics.ke/downloads-center-2/category/7-governance-journal>
- Editorial board member of the Interdisciplinary Journal of Human Rights Law (IJHLR) and the University of Nairobi Law Journal (UNLJ).
- Quality Assurer for the Council of Legal Education, Kenya School of Law, Kabarak University's School of Law, and Jomo Kenyatta University of Agriculture and Technology's School of Law.
- Visiting Scholar at the University of Washington and University of Ghana.

He has worked as Associate Dean (Mombasa Campus), Chair of the Commercial Law Department, and Curriculum Review Coordinator at the University of Nairobi, where he teaches and researches in the areas of Corporate Governance, Law of Business Associations, Business & Human Rights, Constitutional Law, and Research Methods & Writing.

He is a Fellow of the UK Higher Education Academy, a Certified Public Secretary, and an Advocate of the High Court of Kenya, who read law at Queen's University Belfast (Postgraduate Certificate in Higher Education Teaching), University of Wolverhampton (PhD), Staffordshire University (LLM), Kenya School of Law (Legal Practice Diploma), University of Nairobi (LLB), and the Canadian Foundation of Administrative Justice (Certificate in Tribunal Administrative Justice).

Selected Publications

- Deanship Handover Report: A Summary of the Key Milestones Accomplished During the Deanship of Prof. Kiarie Mwaura Between December 19, 2016 and May 4, 2021 (University of Nairobi, 2021)
<http://erepository.uonbi.ac.ke/handle/11295/156024>

- “Reforming the Duties of Directors under the Kenyan Company Law: A Critique” (2019) 30 (4) *European Business Law Review* 617.
- “Access to Justice for Intra Familial Child Sexual Abuse Victims in Kenya: A Mirage?” (2019) 4 (7) *International Journal of Social Science and Economic Research* 4997 (with Mercy Deche and Sarah Kinyanjui).
http://ijsser.org/files_2019/ijsser_04_382.pdf
- “The Double Standards of Childhood in the Kenyan Legal Framework: The Minimum Age of Criminal Responsibility versus Age of Consent.” (2019) *East African Law Journal* 1 (with Mercy Deche and Sarah Kinyanjui).
- “Asserting the Legitimacy of Judicial Power in the Constitution of Kenya: Can Judicial Review of National Security Be Justified?” (2019) 5 (5) *International Journal of Legal Developments and Allied Issues* 125 (with Steve Ouma and Njaramba Gichuki).
- “Reconciling the Constitution and Common Law: A Call to Transform Judicial Review in Kenya (2019) 5 *Commonwealth Law Review Journal* 437 (with Steve Ouma and Njaramba Gichuki).
- “Disqualification of Company Directors: Safeguarding the Public Interest in the Kenyan Investment Market” (2019) 37 *Journal of Law and Commerce* 167.
<https://jlc.law.pitt.edu/ojs/jlc/article/view/160/150>
- “Statutory Protection for Oppressed Minority Shareholders in Kenya: Reflections on the Reforms under the Companies Act 2015” (2018) 15 (4) *International Corporate Rescue* 207.
- “Constitutionalism of Environmental Governance: Towards Sustainable Corporate Responses to Environmental Degradation” (2018) 2 *Jomo Kenyatta University of Agriculture and Technology Law Journal* 27.

- “Corporate Governance and Investor Protection: Reforms on Directors’ Duties of Care, Skill, and Diligence” *University of Nairobi Law Journal* (in press).
- “A New Judicial Review: Defining the Interface Between Political and Judicial Power in the Constitution of Kenya” *Kenya Law Review* – in press (with Steve Ouma and Njaramba Gichuki).
- “Internalization of Costs to Corporate Groups: Part-Whole Relationships, Human Rights Norms and the Futility of the Corporate Veil” (2012) 11 *Journal of International Business and Law* 85.
<https://scholarlycommons.law.hofstra.edu/jibl/vol11/iss1/5/>
- “The Plight of Minority Shareholders under the Companies Bill 2010: Oppressed or Simply Abandoned and Forgotten?” (2012) *University of Nairobi Law Journal* 1.
- “Constitutional Restructuring of Corporate Governance in State Owned Enterprises: Dynamism or Distraction?” (2012) *Mount Kenya University Law Journal* 37.
- “Horizontality and the Bill of Rights: Defining Parameters of Corporate Complicity in Human Rights Violations” (2011) 7 *Law Society of Kenya Journal* 1.
- “The Status of CSR in Kenya” in Wayne Visser and Nick Tolhurst (eds), *The World Guide to CSR: A Country-by-Country Analysis of Corporate Sustainability and Responsibility*, (Greenleaf Publishing, 2010).
- “Corporate Human Rights Norms and the Clog of Limited Liability within Corporate Groups: Towards an International Convention” *Harvard Law School’s Human Rights Program Working Paper Series*, 2008.
- “The Failure of Corporate Governance in State Owned Enterprises and the Need for Restructured Governance in Fully and Partially Privatized Enterprises: The Case of Kenya” (2007) 31 *Fordham International Law Journal* 34.
<https://ir.lawnet.fordham.edu/ilj/vol31/iss1/1/>
- “The Role of Corporate Structures in Determining Liability within Corporate Groups,” *International Commission of Jurists Report* 2007.
- “Corporate Citizenship and Human Rights: Reality and Prospects of the Proposed Constitutional Changes in Kenya” in Esben Pedersen & Mahad Huniche (eds), *Corporate Citizenship in Developing Countries: New Partnership Perspectives* (Copenhagen Business School Press, 2006) 139.

- “The Digital Divide and CSR in Africa: The Need for Corporate Law Reform” in Wayne Visser et al, *Corporate Citizenship in Africa: Lessons from the Past, Paths to the Future* (Greenleaf Publishing, 2006), 201.
- “Company Directors’ Duty of Skill and Care: A Need for Reform” (2003) 24 *Company Lawyer* 283.
- “Disqualification of Directors in Kenya” (2003) 54 *Northern Ireland Legal Quarterly* 118.
- “How to Raise Corporate Governance Standards” (2003) 2 *Professional Management*, 18.
- “Does Corporate Law Inhibit Social Responsibility?” (2003) 4 *Professional Management*, 22.
- “Regulation of Directors in Kenya: An Empirical Study” (2002) 13 *International Company and Commercial Law Review* 465.

Speaking Engagements

- 2022, “Committee Papers, Minutes and Reports; Promoting Collegiality of Committee Members; and Managing Group Dynamics and Disputes in Committees.” A training delivered at the Institute of Certified Secretaries (ICS) Training on Effective Board Committees at the Lake Naivasha Resort, February 18, 2022.
- 2021, “Rights of Board Members & Board Conflict Management.” A paper presented at the Law Society of Kenya’s Continuous Professional Development Online Programme, July 14, 2021.
- 2020, “Corporate Governance in the Education Sector.” A training session conducted for the Strathmore Board of Trustees at the Gracia Gardens, Nairobi, September 26, 2020.
- 2020, “Corporate Governance Induction for the Council of the Law Society of Kenya.” A training session conducted at Enashipai Resort and Spa, Naivasha, August 28, 2020.
- 2019, “Ethical Leadership as a Link to the 2030 Agenda for Sustainable Development: Economic Growth, Boards of the Future and Innovation.” A paper presented at the International Conference on Leadership, Governance and

Integrity held at the InterContinental Hotel, Kuala Lumpur, Malaysia, August 27 – 30, 2019.

- 2019, “Governance Research, Knowledge and Best Practices.” A conference paper presented at the Institute of Certified Secretaries Governance Summit - Governance for an Emergent Knowledge Society held at Sarova Whitesands Beach Resort, Mombasa, November 22, 2019.
- 2019, “Transformative Education for the Future”, Chief Guest’s Speech at the Kandara Sub-County Education and Prize Giving Day, Ng’araria Girls High School, March 30, 2019.
- 2018, “Managing Conflicts within Corporate Boards and Committees.” A training delivered at the State Corporations Advisory Committee’s (SCAC) Training for Board and Committee Secretariat Staff, Panorama Hotel, Naivasha, October 31 and November 2, 2018.
- 2018, “Horizontalty of the Bill of Rights: Eight Years On.” A paper presented at the Law Society of Kenya Annual Conference on *The Rule of Law and Contested Constitutionalism in Post 2010 Kenya: Promises, Progress, Pitfalls and Prospects* held at the Leisure Lodge Beach and Golf Resort, Diani, August 8-12, 2018.
- 2018, “Corporate Governance: Evolution, Global Perspectives, Public Sector, Constitutional Norms, and Stakeholder Management.” A workshop paper delivered at the Kenya School of Law’s workshop on *Corporate Governance for Corporation Secretaries* held at the Pride Inn Hotel, Mombasa, June 22-23, 2018.
- 2018, “Corporate Governance, Research and Practice in Kenya: A Case Study.” A paper presented at the Institute of Certified Secretaries Governance Summit held at Safari Park Hotel, February 12, 2018.
- 2017, “Threat of Public Institutions on Democracy and Electoral Justice.” A paper delivered at the Global Campus of Human Rights Conference on *Democracy under Threat* held at the University of Pretoria, December 7, 2017.
- 2016, “Positional Paper on the Northern Water Collector Tunnel Project.” A paper presented on behalf of the Murang’a County Initiative (MCI) at the Ministerial Stakeholder Engagement Conference on the Murang’a Water Projects, Safari Park Hotel, October 17, 2016.
- 2016, “Effective Governance in Public Institutions.” A workshop paper delivered at the Cooperative University of Kenya’s Council Workshop on *Effective and Transformative University Management*, Lake Naivasha Simba Lodge, September 6, 2016.
- 2016, “The Business Case for Governance Reform: Beyond Simple Compliance & “Box-ticking.” A talk delivered at the Prospectus Capital’s Conference on

Governance and Leadership in Higher Education, Intercontinental Hotel, Nairobi, August 17, 2016.

- 2016, “The Governance Conundrum in Africa’s Higher Education Today.” A talk delivered at the Prospectus Capital’s Conference on *Governance and Leadership in Higher Education*, Intercontinental Hotel, Nairobi, August 17, 2016.
- 2016, “An Overview of the Companies Act 2015.” A workshop paper delivered at the Kenya Accountants and Secretaries National Examination Board’s workshop on *Sensitization on the new Business Laws*, Lake Naivasha Sopa Resort, June 30, 2016.
- 2016, "Evaluating the Performance of Boards of Directors", consultant for a variety of corporate, governmental, and non-governmental organizations.
- 2016, "Corporate Governance for Schools' and Colleges' Boards of Management", trainer for a diverse range of educational institutions.
- 2016, “Report Writing: Purpose, Preparation, Structure, Summaries of Reports, Clarity and Conciseness.” A lecture delivered at the Institute of Certified Public Secretaries’ Sensitization Seminar on the Effective Management of Meetings, Writing of Minutes, Reports and Board Papers, Sarova Panafric Hotel, April 1, 2016.
- 2016, Master of Ceremony at the Murang’a County Initiative (MCI) Scholarships Award Ceremony for 2016 presided over by *Her Excellency the First Lady, Hon. Margaret Kenyatta* at Ihura Stadium, February 19, 2016.
- 2016, “An Overview of the Companies Act 2015 and the Companies (Consequential Amendments) Act 2015.” A lecture delivered at the Institute of Certified Secretaries’ Sensitization Seminar on the New Business Laws, Sarova Panafric Hotel, February 11, 2016.
- 2015, “How to Address Early Childhood Development Education (ECDE) Operational Challenges: Policy Formulation & Legislative Drafting.” A lecture delivered at UNICEF’s Early Childhood Development Capacity Building Conference for County Executives, Kenya School of Government, April 20, 2015.
- 2015, “Nurturing a Culture of Integrity”, Chief Guest’s Speech at the KBA School’s Annual Thanks and Prize Giving Day, April 11, 2015.
- 2015, “County Governments: Early Childhood Development Education, Resource Mobilization, and Development.” A keynote lecture given at the launch of the

MoU between the Nyeri County Government and Kenya School of Government/Riara University, Green Hills Hotel, March 2, 2015.

- 2015, “Beyond Graduation and the Practice of Lifelong Learning”, Chief Guest’s Speech at the Murang’a Teachers College Graduation Ceremony, February 20, 2015.
- 2015, Master of Ceremony at the Murang’a County Initiative (MCI) Scholarships Award Ceremony for 2015 presided over by *Her Excellency the First Lady, Hon. Margaret Kenyatta* at Ihura Stadium, February 13, 2015.
- 2014, “County Government of Nyamira & Early Childhood Development Education (ECDE): Challenges & Opportunities.” A keynote speech given at the first Nyamira County Government (ECDE) stakeholders’ conference and induction workshop for ECDE teachers at Rangenyo Girls High School (Nyamira), December 19, 2014.
- 2014, “The Role of Personal Initiative in Achieving Success”, Chief Guest’s Speech at the Annual Speech & Achievement Recognition Day of Oshwal Academy Senior High, September 6, 2014.
- 2013, “Personalizing the Millennium Development Goals”, Chief Guest’s Speech delivered at the Pelimander International Annual Lincoln Summit for High School Students, Panari Hotel, December 14, 2013.
- 2014, “Holistic Education and the Realization of One’s Full Potential”, Chief Guest’s speech at the Prize Giving Ceremony at the Hospital Hill School, September 6, 2014.
- 2013, “Creating and Maintaining Child Friendly Schools.” A keynote speech given at the Kenya Primary School Heads Association’s (KEPSHA) 9th Conference on *Translating the Basic Education Act 2013 into a Child Friendly Education System for All* at Sheikh Zayed Children Centre (Mombasa), September 4, 2013.
- 2013, “Transforming the World through Education.” A speech given at the Riara University’s Dedication Service, November 2013.
- 2013, “Current Labour Market Gaps: Priorities for Human Resource Development.” A speech given at the Stakeholders’ Workshop for Business and Human Resource Professions, Riara University, April 2013.

- 2013, “Future of Technology.” A speech delivered at a ceremony marking the signing of MoU between IBM and Riara University, March 2013.
- 2012, “Company Directors’ Course: Establishing Good Corporate Governance”, Training and Consultant Associates (TCA), Trainer, Voyager Beach Resort, Mombasa, December 5-7, 2012.
- 2012, Savings and Credit Cooperatives (Sacco) Corporate Governance Training for Boards of Directors under the Financial Sector Deepening Trust (FSD) & Sacco Societies Regulatory Authority (SASRA) sponsored Sacco Governance Reform Project, Trainer, Bontana Hotel, Nakuru, May 22-25, 2012 and KUSCO Centre, Upper Hill, Nairobi, May 16-17, 2012.
- 2011, “Private Sector, Environmental Governance and the Constitution: Developing Effective Corporate Policy Responses to Environmental Degradation.” A paper presented at the UNDP sponsored workshop on Climate Change, Environment and Conflicts in Africa, Travellers Resort, Mombasa, December 4, 2011.
- 2011, “Effective Curriculum Development for Short Professional Development Courses”, Kenya School of Law’s Midterm Review of Academic Programmes & Validation of Research Policy, Discussant, Nairobi Safari Park Hotel, September 21-23, 2011.
- 2011, “Corporate Governance Training for the Public Procurement Oversight Authority”, Kenya School of Law’s Continuing Professional Development Programme, Trainer, Voyager Beach Resort, Mombasa, May 18, 2011.
- 2010, “The New Bill of Rights and its Implications for Business”, Institute of Director’s Forum for Employers and Businesses, Trainer, Sarova Panafric Hotel, Nairobi, October 12, 2010.
- 2010, “Horizontality of the Bill of Rights: The Place of the Legal Profession in Defining Parameters of Corporate Obligations and Complicity in Human Rights Violations.” A paper presented at the Law Society of Kenya’s Annual Conference - Digesting Kenya’s Constitutional Moment: The Place of the Legal Profession in the Post-2010 Referendum, Leisure Lodge Resort, Mombasa, August 19-20, 2010.
- 2008, “Corporate Human Rights Norms and Corporate Groups: A Critique of the 2008 Report of the UN Special Representative on Business and Human Rights.” A paper presented at the School of Law, Queen’s University Belfast, December 12, 2008.
- 2008, “Corporate Human Rights Norms and the Clog of Limited Liability within Corporate Groups.” A paper presented at the International Centre for Corporate

Social Responsibility 6th Annual Symposium – “Sphere of Influence/Sphere of Responsibility: Multinational Corporations and Human Rights”, Nottingham University, November 7, 2008.

- 2008, “Power Sharing Models in Kenya and Rwanda.” A paper presented at the New Ireland Group’s Political Circle, Stormont Parliament Building (Northern Ireland), June 10, 2008.
- 2008, “Human Rights, Violence and the Elections in Kenya.” Public Lecture, Harvard Law Schools’ Human Rights Program, Pound Hall, Harvard University, January 9, 2008.
- 2008, “The Elections in Kenya: Ethnicity, Violence, and Human Rights Implications,” Public Lecture, Massachusetts Institute of Technology (MIT), Maclaurin Building, January 18, 2008.
- 2007, “Constitutional Ascription of Corporate Human Rights Obligations”, Speaker, Harvard Law Schools’ Human Rights Program, Lewis Hall 27, Harvard University, November 17, 2007.
- 2007, “Beyond Access: Harmonization of Legal Framework to Bridge Digital Divide in Developing Countries.” A paper presented at the 10th Anniversary Conference of the Centre for Globalization entitled “Global Digital Divide: A Legal Postscript to the World Summit on Information Society”, Scarman House, University of Warwick, September 17, 2007.
- 2007, “Digital Divide in the Digital Age.” A paper presented at the 22nd Annual British and Irish Law Education and Technology Association (BILETA) Conference, Speaker, University of Hertfordshire, April 16-17, 2007.
- 2007, “Minority Rights and Protection: International Standards and the Bill of Rights for Northern Ireland.” Session Chair at NICEM’s Annual Human Rights and Equality Conference, Wellington Park Hotel, Belfast, January 12, 2007.
- 2006, “Corporations and Human Rights.” Lecture, School of Law, University of Washington, Seattle, April 25, 2006.
- 2006, “African Development: What Role for Business?” Chair for the Legal Issues and Social Responsibility Stream of the International Academy of African Business and Development Conference, Ghana Institute of Management and Development, Accra, between May 23-27, 2006.
- 2005, “Human Rights, Development and Corporate Social Responsibility.” Speaker at the Republic of Ireland’s Department of Foreign Affairs Conference, Croke Park, Dublin, June 11, 2005.

- 2004, “Corporate Citizenship: The Changing Legal Perspective in Kenya.” A paper presented at the Inter-Disciplinary CSR Research Conference of International Centre for Corporate Social Responsibility, Nottingham University Business School, October 22-23, 2004.
- 2003, “Directors’ Role in Social Responsibility: How Enabling Is the Law? A paper presented at the Second East African Conference on Philanthropy and Volunteerism, Kenya School of Monetary Studies, Nairobi, July 11-13, 2003.

Kiarie Mwaura
Professor of Law
Faculty of Law
University of Nairobi
PO Box 30197 – 00100
Nairobi.
mwaura.advocate@gmail.com;
kiariemwaura@uonbi.ac.ke