



**PRINCIPLES FOR THE ESTABLISHMENT AND OPERATION OF  
OFFICES OF LEGAL COUNSEL IN PARLIAMENTS IN AFRICA  
(THE NAIROBI PRINCIPLES)**

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*We, the participants representing the Offices of Legal Counsel of the Parliaments<sup>1</sup> of the countries and the regional organization listed in the Appendix hereto, attending the Inaugural Africa Colloquium of Legal Counsel to Parliaments at the Safari Park Hotel in Nairobi, Kenya from 27th to 31st October 2011:*

1 The word “parliaments” includes legislatures by whatever name they are referred to in the various jurisdictions in Africa.

**RECOGNIZING** *that parliaments are the supreme law-making organs in our various jurisdictions;*

**AWARE** *that parliaments in Africa have traditionally relied on the Executive arm of Government for the provision of legal services;*

**NOTING** *the importance of the principles of separation of powers and the independence of the different arms of Government:*

**COGNIZANT** *that the separation of powers and the independence of the arms of Government is fundamental for good governance and for the principles of democracy to thrive;*

**APPRECIATING** *the need for African parliaments to have sound, professional and independent legal advice at their disposal:*

***AWARE** that it is good practice for parliaments to have independent legal advice:*

***ACKNOWLEDGING** that there is a wealth of experience to be shared from the different African jurisdictions on the provision of legal services to parliaments:*

***CONSCIOUS** that a number of African parliaments have sought to assert their independence and separation from the Executive by engaging in-house legal counsel to provide independent legal services to Parliament:*

***AWARE** of the need for the Offices of Legal Counsel in African parliaments to operate within a framework of clear and widely accepted norms, ethical standards and best practices:*

***NOW THEREFORE**, adopt the following Principles for the Establishment and Operation of Offices of Legal Counsel in Parliaments in Africa (the Nairobi Principles):*

### **1. Principle of Autonomy**

- a) It is desirable that parliaments establish Offices of Legal Counsel that are distinct and separate from those of other arms of Government.
- b) The Offices of Legal Counsel should operate in an environment free from inappropriate or unwarranted interference in their professional work so as to enable them to offer impartial advice or services.

### **2. Principle of Integration**

- a) The Office of Legal Counsel should be established as a core and permanent component in the structure of the Parliamentary Service.
- b) The Office of Legal Counsel should be integrated into the overall staffing of the parliamentary service and its personnel should be considered on equal basis for training and other staff development programmes.
- c) It is desirable that parliaments facilitate mutual support and cooperation between the Offices of Legal Counsel and other offices in the parliamentary service.
- d) The parliamentary service should be organized in a manner that enables the Office of Legal Counsel to report directly to the chief executive of the service and to head of the Parliament.

### **3. Principle of Capacitation**

- a) Legal counsel serving in parliaments should be qualified legal practitioners and should be recruited on merit.
- b) Parliaments should facilitate the continuing legal education, training and professional development of their legal counsel.
- c) The Office of Legal Counsel should be provided with the human and material resources necessary to discharge its mandate effectively.
- d) The conditions of service of legal counsel to parliaments should be adequate and competitive in order to attract and retain the best legal professionals.

### **4. Principle of Cooperation**

- a) Parliaments should facilitate cooperation, collaboration and benchmarking among their Offices of Legal Counsel and those of other jurisdictions.
- b) Office of Legal Counsel should collaborate with other Offices of Legal Counsel in other jurisdictions.
- c) Offices of Legal Counsel should organize and participate in conferences, colloquia, attachments and exchange programmes with their counterparts from other jurisdictions in order to share their knowledge, experiences and best practices.

### **5. Principle of Inter-linkage**

In furtherance of their mandates, Offices of Legal Counsel should endeavour to create appropriate working networks and inter-linkages with other public

sector partners, relevant professional associations as well as with other stakeholders in the legislative process.

### **6. Principle of Public Service**

The Office of Legal Counsel and each legal counsel must always be cognizant of, and operate with the understanding that they are in a fiduciary relationship with the public to whom they owe the highest quality of services.

## **7. Principle of Mentorship**

a) Due to their learning, training and experience, legal counsel to parliaments are repositories of a wealth of knowledge. It is good practice for Offices of Legal Counsel to adopt a policy of mentorship by providing pupillage, internship, apprenticeship or other such opportunities to learners in the legal profession.

b) The Offices of Legal Counsel shall promote a policy for the recruitment and the terms of engagement of pupils, interns or apprentices.

## **8. Principle of Professionalism**

a) Legal counsel shall maintain the honour and dignity of the legal profession and shall observe the rules of professional ethics and carry out their duties with integrity.

b) Offices of Legal Counsel to parliaments are apolitical offices that serve in an impartial and non-partisan manner.

## **9. Principle of Constitutionalism**

The Office of Legal Counsel and each individual legal counsel shall cultivate and foster a culture of constitutionalism and adherence to the rule of law.

## **10. Principle of Outreach**

Offices of Legal Counsel shall be mindful of the welfare of the community and the society at large and shall endeavour to engage in outreach and social

responsibility programmes within and outside Parliament. These programmes may include public education and awareness programmes, *pro bono* legal aid and other charitable projects.

## **11. Principle of self-assessment**

Offices of Legal Counsel shall regularly-

- (a) conduct a self-assessment of the quality, effectiveness and efficiency of the legal services offered; and
- (b) assess their adherence to the principles set out above for the establishment and operation of Offices of Legal Counsel in Africa.

**Dated at Nairobi, this 29th day of October, 2011**

## **APPENDIX**

### **COUNTRIES AND THE REGIONAL ORGANIZATION REPRESENTED AT THE INAUGURAL AFRICA COLLOQUIUM OF LEGAL COUNSEL TO PARLIAMENTS**

- 1. Angola**
- 2. Botswana**
- 3. East African Community**
- 4. Ghana**
- 5. Kenya**
- 6. Rwanda**
- 7. Seychelles**
- 8. South Africa**
- 9. Tanzania**
- 10. Uganda**
- 11. Zambia**