

Law and the Public Interest

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This volume contains the proceedings of the first of a series of seminars initiated in 1985 by the Faculty of Law of the University of Nairobi. The series focussed on some of the main areas of teaching, research and dissemination of legal thought. Of the several seminar proposals prepared by the Faculty, the first to attract the interest of donors and participants was the one on "Law and the Public Interest".

Realizing the fact that development in Africa is primarily state-directed and that the state generally intervenes in the interest of its citizens through the device of law, the purpose of the seminar was to consider, through specific examples, the role of law in promoting and safeguarding the public interest. Public interest here refers to a whole set of developmental matters set to benefit people socially, economically, culturally and in other related senses.

The wide range of subjects covered by this volume and underlining the main development issues in Third World countries are: agrarian reform, commerce and industry, petroleum exploration, environmental management, public health, and population. In all these areas the functioning of law for the purpose of public interest is analysed. This is done by introducing a historical perspective describing the role of law and its administration from the colonial period till nowadays and/or by a comparison of legislative measures in different African countries and their effects for the aim of enforcing public interests. It is as well examined how law works through different social and economical structures of societies and different value systems.

It is evident that it is impossible to study in detail and in an exhaustive manner the whole range of issues described above in the framework of one single conference. But what the conference was able to do and what is presented by this volume is to give an idea of the main problems of supporting and guiding the development of a country by the use of law, to make suggestions for the improvement of its effectiveness but also to outline the limits of a law directed development. This can provide the basis for more specialized discussions and examinations on important topics such as population and resource management and give scholars as well as policy makers and administrators useful stimulations for their work and research.

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