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HAPPY
Mashujaa Day.

Honouring courage.
Championing justice.

MASHUJAA DAY 2026:
Building Kenya's Future Through Law

Since independence, Kenya has continued to shape its legal framework in response to the country's changing aspirations and development priorities. The Constitution of Kenya, 2010 provides a central foundation for this process while legislative developments continue to influence the environment for investment, innovation and economic growth.

As we mark Mashujaa Day 2026, these developments provide an opportunity to consider how the law can support Kenya's evolving ambitions, create opportunities for businesses and contribute to the country's long-term development.

1. FINANCING KENYA'S DEVELOPMENT

Infrastructure development requires not only substantial capital but also legal frameworks that facilitate investment. The National Infrastructure Fund Act, 2026 establishes a framework for accelerating national infrastructure development through the mobilisation of private capital and other non-traditional sources of financing. Complementing this framework, the Public Private Partnerships Act, 2021 provides a legal basis for private-sector participation in the financing, development and operation of infrastructure projects. The publication of

the PPP (Amendment) Bill, 2026 and draft regulations for public participation signals a further review of the framework governing such partnerships.

Taken together, these developments present an opportunity to mobilise private investment, diversify sources of infrastructure financing and strengthen collaboration between the public and private sectors.

2. MAKING INNOVATION AND NEW INDUSTRIES WORK FOR KENYA

Kenya's economic transformation presents an opportunity to turn research, creativity and technological advancement into productive enterprise. A responsive legal framework supports this process by facilitating participation in emerging markets and providing certainty for businesses developing new products and services.

The Technopolis Act, 2026 provides an institutional framework for the development of technology-oriented centres, supporting Kenya's ambitions in research and innovation. The Virtual Asset Service Providers Act, 2025, together with the draft implementing regulations published in 2026 represent a further step towards establishing a regulatory environment for digital finance. The proposed Intellectual Property Bill, 2026 and Artificial Intelligence Bill, 2026 also signal continued legislative attention to the protection of intellectual assets and the responsible development and use of emerging technologies.

Together, these developments create an opportunity to strengthen Kenya's innovation ecosystem, encourage investment in new industries and enable businesses to develop their ideas with greater legal certainty.

3. PROVIDING FOR THE MANAGEMENT AND CONTINUITY OF WEALTH

Clear legal structures are important to families planning for succession, businesses organising their assets and individuals or institutions establishing charitable or other long-term arrangements. The Trust Administration Act, 2026, provides a consolidated framework for the creation, registration, incorporation and administration of trusts.

The significance of this reform extends beyond succession planning. Effective trust administration supports continuity in asset management, responsible stewardship and the pursuit of long-term family and commercial objectives. In this respect, the law supports not only the creation of wealth but also its orderly management across generations.

4. CONCLUSION

The legal developments discussed above are among the measures shaping Kenya's legal landscape in 2026. While not exhaustive, they illustrate how legislative reform can strengthen the frameworks through which Kenya finances development, supports innovation and promotes the responsible management of assets.

As we celebrate our heroes on Mashujaa Day, these developments offer an opportunity to reflect on the continuing role of the law in advancing Kenya's development aspirations. The task ahead is to ensure that legislative progress is matched by effective implementation, accountable institutions and meaningful public participation.

5. HOW CM ADVOCATES LLP CAN ASSIST

CM Advocates LLP advises businesses, investors and innovators on commercial transactions, investment structuring, intellectual property, technology-related matters, regulatory compliance and trusts. We remain committed to helping our clients navigate an evolving legal landscape and structure opportunities for responsible and sustainable growth.

If you would like to consult on this article or any other related matter, you may contact us through law@cmadvocates.com.

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