

HON. PROF. JUSTICE ONESIMUS K. MUTUNGI, E.B.S

CURRICULUM VITAE

SUMMARY OF AREAS OF EXPERTISE AND SPECIALISATION

Chancellor	Kenyatta University	August 2010 to July 2013
Chairperson	Tribunal to investigate the Chair of the Truth, Justice and Reconciliation Commission	December 2010 to May 2011
Judge	High Court of Kenya	May 2003 – May 2009

Professor of Law

Areas of specialization: Commercial Law: Business Associations; Insurance Law: Torts. And Human Rights and International Humanitarian Law.

Administrative and Management experience

Apart from teaching and research (see elsewhere) I have risen through the ranks as Lecturer: Senior Lecturer; Associate professor and Full Professor, as well as worked as: Chairperson of Department; Dean of the Faculty; Principal (College of Humanities and Social Services) and Deputy Vice-Chancellor (In Charge of Academic Affairs) all these in the University of Nairobi, Kenya. I have also served as the Chairperson, Standing Committee on Human Rights (Kenya) June 1996 to May, 2003.

Planning and Financial Management

Between 1994 and 1996, I was the Deputy Commission Secretary (Commission for Higher Education, Kenya) where I was in charge of Planning, Budgetary and Financial Management for all Public Universities in Kenya.

Consultancies

As shown elsewhere, I have worked extensively as a legal consultant with the Kenya Government, Local and International Non-Governmental organizations, and the Private Sector, mainly in the area of Legal Reform within economic liberalization. Many of the projects in which I have been a consultant were/are sponsored by International Donor Agencies such as the U.S.A.I.D.: Danish Government; World Bank; CARE; Frederick Ebert Foundation and UNESCO.

QUALIFICATIONS

ACADEMIC

1. **1974** J.S.D. (Yale University Law School, U.S.A.)
2. **1968** L.L.M (Columbia University Law School, New York, U.S.A.)
3. **1967** L.L.B. (Hon's: E.A.) Dar-Es-Salaam, Tanzania
4. **1963** Higher School Certificate A Level
Alliance High School, Kikuyu
5. **1961** G.C.E O.Level, Divison 1 Alliance High School,
Kikuyu
6. **1957** K.A.P.E - African Government School, Kitui.

HONOURS

1. **2012** Doctor of Humane Letters (Honoris Causa)
Kenyatta University

PROFESSIONAL

1. **2001** **Intensive Mediation [Center for Dispute Resolution, Capital University, Law School, Columbus, Ohio, U.S.A.)**
2. **1971** **Advocate of the High Court of Kenya**

EMPLOYMENT RECORD

A. MANAGERIAL APPOINTMENTS

December 2010 **Chair, Tribunal to investigate the Chair of the Truth, Justice and Reconciliation Commission**

August 2010 **Chancellor, Kenyatta University**

May 2003 – May 2009 **Judge of the High Court of Kenya.**

June 1996 – May 2003 **Chairperson, The Standing Committee On Human Rights, (Kenya):-**

- (i) Between June 1996 and March, 2000,I supervised and guided the Committee in investigating, to finality, over 500 Human Rights Violation complaints/petitions;
- (ii) Conducted Educational Human Rights Seminars/Workshops throughout all the 49 Districts.
- (iii) Attended and presented papers on Human Rights issues in both national, regional and international forum including:
 - a. **Developing a Culture of Peace – Sudan, 1999;**
 - b. **Launching of the National Human Rights Commission of Rwanda, 1999;**
 - c. **International Humanitarian Law, sponsored by ICRC – Kenya, 1999;**
 - d. **Appropriate Orientation for the Police and Prison Officers in the Promotion and Protection of Human Rights (United Kingdom), 1998;**
 - e. **Promotion and Protection of Human Rights at the National and Regional Level, Belfast, N. Ireland, 1998;**

f. **Consensus Mobilization in the Establishment of a National Human Rights Educational Curriculum, Kenya** 1998;

May 1994-1996 Deputy Commission Secretary, Commission for Higher Education, In charge of Planning, Budgeting and Administration for all Public Universities in Kenya.

1992 – 1994 Deputy Vice Chancellor, (Academic Affairs), University of Nairobi.

1983 – 1991 Principal, College of Humanities and Social Sciences, University of Nairobi. In charge of administration, academic and financial affairs of the college.

1975 – 1977 Dean, Faculty of Law, University of Nairobi.

1974 – 1983 Senate Representative to University Council, University of Nairobi.

B. ACADEMIC APPOINTMENTS

1977 – 2003 Professor and Chairman, Department of Commercial Law, University of Nairobi.

1975 – 1977 Associate Professor, Department of Commercial Law, University of Nairobi. Subjects taught: Insurance Law, Torts and Commercial Law.

1971 – 1975 Senior Lecturer, Faculty of Law, University of Nairobi. Subjects taught: Sales Law, Insurance Law. Chairman, postgraduate (LLM) Committee, Faculty of Law University of Nairobi.

1969 – 1970 Lecturer in Law, University of Nairobi. Subjects taught: Torts, Business Law, Commercial law, Insurance Law.

1968- 1969 Special Lecturer: Department of Law. University College, Nairobi: Subjects taught: Torts, Company Law and Partnership: Agency and Sale of Goods Law and Land Law.

1967 Assistant Lecturer, Faculty of Law, University College, Dar-es-Salaam. Subjects taught: torts, Commercial Law.

APPOINTMENT AS EXTERNAL EXAMINER IN LAW

1976 – 1982 University of Dar-es-Salaam
University of Malawi and University of Zambia

1975 Makerere University, Uganda.

CONSULTANCIES

Sept 2009 **Expert Legal Opinion NEDEMAR V: THE REPUBLIC OF KENYA – Arbitration under UNCITRAL RULES.**

Nov – Dec 2000 Draft Regulations for the **Implementation of The National Hospital Insurance Fund (N.H.I.F.) Act of 1998.**

1998 **Reviewed the NHIF ACT (Cap 225) and prepared the New Draft NHIF Bill.** The bill became law in 1998.

April 1995-June 1996 ***Revised the Diary Industry Act (Cap 336)***
Ministry of Agriculture Livestock Development and Marketing sponsored by Royal Danish Embassy. The bill was tabled in Parliament and enacted in 2001.

April 1995-June 1995 ***Review of Co-operative Legislation in light of liberalization and privatization policies in Kenya.***

June 1994-March 1995 ***Review of the Legal Regime Governing the Cotton Sub-Sector in Kenya,*** with ADEC./SOFRECO. The study, which is now finalized, culminated in a Draft Bill which repealed the Cotton Act, (Cap 335), and includes the Cotton Co-operative Unions under the Cotton Industry, in light

of the liberalization and privatization policies currently being implemented in Kenya.

May-July 1993

Restructuring the National Hospital Insurance Fund (NHIF), sponsored by Ministry of Health through the Kenya Health Care Financing Project (KHCFP), and funded by the U.S.A.I.D.

The Legal and Regulatory Framework of the Private Health Care Sector-Kenya's health Care Financing (KHCF) project: for the Ministry of Health of Kenya Government, and sponsored by U.S.A.I.D.

1991-1992

Legal framework within which Small Enterprise professional Service Organizations can be operated in Kenya, with ADEC Limited and sponsored by Frederick Newman Foundation.

1989

(i) ***Government controls and their Impact on the Manufacturing Sector in Kenya***, for Kenya Association of Manufacturers (K.A.M)

(ii) ***Resource Person on Legal Matters, for Centre for African Family Studies (CAFS)*** from 1984-1993.

1988

(i) ***Legal Framework in which Rural Industrialization Policy is administered in Kenya***, for Kenya Association of Manufacturers.

(ii) ***Legal Framework of Price Controls in Kenya; the Grand Idea: The Restrictive Trade Practices, Monopolies and Price Control Bill, 1988.*** Chapters in price Controls, for Kenya Association of Manufacturers.

(iii) **CARE (Kenya)**, Legal Advisor (1981-1987)

(iii) **Legal Advisor – Catholic Relief Services, Kenya Programme** (1981-1987)

1983 – 1984

Legal Consultant, the Njonjo Judicial Commission of Inquiry, Republic of Kenya.

1979 – 1980

Law School, University of Malawi, “Honours Degree Programme”. Prepared and presented the Honours Degree Programme to the University of Malawi which came into force in 1983.

Sept.1975-1992

United Nations Commission on International Trade Law – Africa Group.

RESEARCH AND PUBLICATIONS

(A) Research

- (i) **“The Role and place of Human Rights in the Development of a Culture of peace”** The Kenyan experience – (a paper presented in Khartoum, Sudan September 1999).
- (ii) **“More Honest and Relevant Insurance Industry for African Countries”**. (A paper at Insurance Conference for Eastern and Southern Africa, Kenya, Nairobi, 1978).
- (iii) **“Law and Freedom in Society”**. (Paper presented to the Philosophical Society of Kenya, University College, Kenyatta, 1977) Kenya.
- (iv) **“Company and Partnership Laws and their Propriety in the Africanisation of Commerce and Industry in Kenya”**. (Paper read at the Workshop on Socio-Legal Research at the Kenya Institute of Administration, Nairobi, 1974)
- (v) **“The rights of the Unborn Child and Minors”**. (Paper

presented to the Regional Workshop on the Teaching of Population Dynamics in Law Schools in Africa, at Nairobi, Kenya November 1974 – subsequently published.

- (vi) **“Disparity of Sentences”**. (L.L.M. Thesis at Columbia University Law School, 1968, U.S.A).
- (vii) **“Business Organizations and the Africanisation of Commerce and Industry in Kenya”**. (Doctoral Thesis, J.S.D. at Yale University Law School, U.S.A. – 1974).

(B) Publications/Articles

July – October, 2005 – Task Force on Anti-Terrorism and Human Rights, - NAIROBI, and Arusha. A working Definition of the Term Terrorism.

- 1976**
 - (i) **“The Rights of the Unborn Child and Minors”, a Chapter in law and Population Africa**, (ed.) by U.U. Uche, 1976, E.A.L.B.
 - (ii) **“Choosing a business Organization in Kenya, with particular Emphasis on Small Scale Entrepreneurs”**. E.A.L.J. 1976.
- 1975** **Kadenge Randu V. Republic** – case Note, E.A. L.J. 1975) p. 283.
- 1974** **“The Doctrine of Disclosure in Insurance Contracts and Its Application”. A one-sided Doctrine**. 10 E.A.L.J. (1974, 1975).
- 1973** **“Communication of the Law under conditions of Development”**. The Kenya Case” E.A.L.J. Vol. 9, 1973, II.
- 1971** **“Witchcraft and the Criminal Law in East Africa”**. Valparasio U.L., Review, Vol. 5 1971, 524.

(C) **Books**

July 1999

- (i) **Legal Framework within which Rural Industrialization Operates in Kenya – Chapter in: constraints in Kenya’s Rural Industrialization by Kenya Association of Manufacturers, 1990, Pp 35-50.**
- (ii) **The Legal Framework of Price Controls in Kenya, Chapter in PRICE CONTROLS by Kenya Association of Manufacturers (KAM) 1988, p. 27-34.**
- (iii) **The Grand Idea: The Restrictive Trade Practices, Monopolies and Price Control Bill, 1987. Chapter in PRICE CONTROLS, P. 51 – 55.**
- (iv) **The Legal Aspects of Witchcraft in East Africa, with particular reference to Kenya. 1976, E.A. L.B.**
- (v) **“Insurance Valuation and Premium Rating”.** A comparison between Kenya and Tanzania between the years 1970 – 1976.
- (vi) **“Consumer Protection”.** An Examination and Analysis of the Consumer’s Rights and the effectiveness of the same under the Sale of Goods, Hire Purchase, Price Control and Bureau of Standards Acts, in Kenya.

CONFERENCES/SEMINARS

1 – 2nd October, 2005 -

44th Asia Africa Legal Consultative Organization, Nairobi, Kenya.

- 22nd – 25th Nov. 2000** Participant at the **Conference on Freedom of Expression**, Johannesburg, South Africa.
- 22nd – 29th Oct., 2000** Participant – **28th Session of African Commission on Human and Peoples Rights**, Cotonou-Benin. Presented paper on **“Role of National Human Rights Institutions: Achievements of the Standing committee on Human Rights (Kenya)”**.
- May 2000** **Commonwealth Conference on National Human Rights Institutions** – Presented paper on: **“Limitations of National Human Rights Institutions During National Crisis”**, Sussex, Cambridge, United Kingdom.
- 17th-29th April, 2000** Attended the **56th Session of United Nations Commission on Human Rights**, Geneva, Switzerland.
- March 20th-21st 2000** Chaired: **Consultative Workshop on The National Commission on Human Rights Draft Bill (Kenya)**
- 11th-15th April, 2000** Participant at the **5th Meeting of the International Co-coordinating Committee of National Human Rights Institutions**, Rabat, Morocco.
- July 1999** Seminar on: **Implementation of international Humanitarian Law**, organized by ICRC, Mombasa, Kenya, Presented a paper on **“The Geneva Conventions”**.
- September 1999** Presented a paper at a UNESCO Regional Seminar, Development of a Culture at peace at Khartoum, Sudan. The paper was on **“The Role and Place of Human Rights in the Culture of Peace, the Kenyan Experience”**.

January, 1995

Association of African Universities Colloquium on THE UNIVERSITY IN AFRICA IN THE 1990'S AND BEYOND.

Discussant of the paper on: ***SUSTAINABILITY***, at Maseru, Lesotho.

June 1989

XIV World Congress on: Gerontology, presented a paper on ***Impact of Aging in Developing Countries; model of Domiciliary Care, "Kenyan Experience"*** at Acapulco, Mexico.

September 1988

UNCITRAL Seminar on International trade Law. Discussant on: ***"Carriage of Goods by Sea" (Hamburg Rules)*** at Maseru, Lesotho, Seminar on "The Development of Environmental Law. Presented a paper on: ***"Need for Comprehensive Environmental Legislation in Kenya" at Mombasa, Kenya.***

April-May 1984

34th Annual Conference on Aging. Presented a paper on: ***"Social-economic changes and their impact on the status of the elderly people in Africa"***. Washington DC, U.S.A.

November 1983

Workshop on Aging. Presented a paper on: "The Legal Aspects of Aging in Kenya: A case for comprehensive social security for the elderly" at Nyeri, Kenya.

July-August 1982

United Nations World Assembly on Aging. Representing Kenya Government and the Non-Governmental Organizations in Kenya – Presented a paper on ***"Aging in Developing Countries – A response to the UN plan of action on Aging"*** at Vienna, Austria.

April 1975

Represented Kenya at United Nations **Conference on International Trade Law**, Geneva, Switzerland.

November, 1974

Regional Workshop on **Teaching of Population Dynamics in Law Schools in Africa**, Presented a paper on: **“The Rights of the unborn Child and Minors”** at Kenyatta conference Centre, Nairobi.

June 1974

Workshop on Socio-Legal Research. Presented a paper on **“Company and partnership Laws and their propriety in the implementation of the Africanization of commerce and Industry in Kenya”** at Kenya Institute of Administration, Nairobi, Kenya.

April 1973

Presented a paper on **“The Available Sources of Capital to the African in the Africanization of Commerce in Kenya”** at Valparasio University Law School Indiana, U.S.A.

February 1973

Annual Meeting of the American Society of International Law, Startler Hilton, Washington, DC, U.S.A.

STUDY TOURS

May – June 1996

Leader, Government of Kenya sponsored Study Tour Group on: **Financial Management at Institutions of Higher Learning. Sponsored by the World Bank. Countries visited: United Kingdom: France, and the Netherlands**

1987 – July/August

Chairperson and Leader, Delegation of the Study Group: ***Towards The Establishment of the Institute for Diplomacy and International Studies:*** University of Nairobi. Visited: Nigeria, Cameroon, Britain, France, Egypt and U.S.A.

PROFESSIONAL MEMBERSHIP

1. Law Society of Kenya
2. American Society of International Law
3. Society of Teachers of Public Law.

OTHER MEMBERSHIP AND APPOINTMENTS

- 1996 – 2003** Chairperson – The Standing Committee On Human Rights (Kenya).
- 1988 – 1990** Chairperson, Education and Social Services Committee, Nairobi City Commission.
- 1988** Commissioner, Nairobi City Commission.

VOLUNTARY SERVICES

- 1996- 2003** Legal Advisor, CHUNA Co-operative Society, University of Nairobi.
- 1982-1996** Member Board of Governors, Helpage Kenya Limited.
- 1986-1992** Chairperson and Member of Board of Governors, Mulango Girls Secondary School.
- 1980 – 1990** Member, Board of Governors, Alliance High School.
- 1980 – 1986** Chairperson, Board of Governors, Alliance High School, Old Boys Club.
- 1981 – 1985** Chairperson, Kenya National Council of Social Services
- 1979 – 1980** Legal Advisor, Kenya National Council of Social Studies.
- 1976 – 1980** Member, Family Planning Association of Kenya.
- 1973 – 1976** Member, Board of Governors, Mutomo Girls Secondary School.

1970 – 1972

Warden Halls of Residence, Hall 9, University of Nairobi.

COUNTRIES VISITED

- AFRICAN REGION** Botswana, Cameroon, Egypt, Lesotho, Malawi, Nigeria, South Africa, Sudan, Tanzania, Uganda, Zambia, Zimbabwe, Rwanda.
- EUROPE** Austria, Belgium, France, Germany, Great Britain, Ireland, Netherlands, Switzerland, Sweden.
- U.S.A.(STATES)** California, Colorado, Connecticut, Indiana, Kansas, Michigan, Maryland, New Jersey, New Mexico, New York, Texas, Wisconsin.
- NORTH AMERICA** Canada
- LATIN AMERICA** Caribbean Island's – (Barbados, Jamaica), Mexico.
- ASIA** China, India.

Signed:.....

Date.....