

CURRICULUM VITAE

**PROF. FRANCIS D. P. SITUMA
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1. EDUCATION

Fletcher School of Law & Diplomacy, Medford, MA

Ph.D. (1995)

Title of dissertation: "Legal Protection of Biodiversity with Reference to Agricultural and Medicinal Plants".

UNEP/Tufts University Postgraduate Certificate in Environmental Management (1994).

Master of Arts in Law & Diplomacy (M.A.L.D.) (1992) Fields of Study: International Environmental Policy, Public International Law, International Organizations, and International Negotiations and Conflict Resolution.

University of Nairobi, Nairobi, Kenya

Master of Laws (LL.M.) 1987 Majoring in International Environmental Law

Graduate Certificate in Legislative Drafting (CLD) 1981

Bachelor of Laws (LL.B.) 1978

Upper Second Class Honours (Magna cum Laude)

2. PROFESSIONAL EXPERIENCE

(a) Consultancies

2004

Contracted by UNEP's Partnership for the Development of Environmental Law and Institutions in Africa (PADELIA) as Facilitator and Trainer for the Regional Training Course on Legislative Drafting in Environmental Law, held at Arusha, Tanzania, October 18 – 29 2004. Prepared

with Prof. Vincent R. A. C. Crabbe, a Manual on the Drafting of Environmental Law.

- 2004 Contracted by the International Law Institute – Uganda, African Centre for Excellence as Faculty for the seminar on Environmental Law held at Kampala, Uganda, November 8-12, 2004.
- 2001 (Nov./Dec.) Appointed Resource Person/Facilitator for UNEP’s Fifth Global Training Program in Environmental Law, held at Nairobi.
- 2000 Appointed Consultant by UNEP to prepare the third issue of Special Annual Bulletin for Environmental Law in Africa. Work successfully completed.
- 1999 Appointed by the Secretariat of the U.N. Convention on Biological Diversity as a member of the Panel of Experts on Access to Genetic Resources and Benefit Sharing.
- 1998 (Nov/Dec.): Appointed consultant by UNEP to prepare the Keynote Paper for the Conference on Co-operation for the Development and Protection of the Coastal Marine Environment in Sub-Saharan Africa, held at Cape Town, South Africa, November 30 – December 4, 1998.
- 1998 (March/April): Appointed consultant by UNEP to prepare the second issue of Special Annual Bulletin for Environmental Law in Africa. Work successfully completed.
- 1997 (Jan/Feb) Appointed Consultant by UNEP to prepare the first issue of Special Annual Bulletin for Environmental Law in Africa. Work assignment satisfactorily completed.
- 1997 (November/December): Appointed by UNEP as Chief Facilitator of the Training Programme in Environmental Law and Policy for Nigerian Lawyers held at UNEP Headquarters, Nairobi.
- 1997 (June/July): Contracted as a Resource Person at UNEP/UNDP Joint Project Workshop on Incorporation of

Conventions Related to Biodiversity into National Laws held at Maputo, Mozambique.

1996: Appointed Lead Consultant by UNEP/UNDP on the development of environmental standards for Kenya on air, water and soil quality. Work assignment completed, discussed at a national workshop and adopted by the Government of Kenya.

1995 (June): Contracted as a Consultant by the International Programme on the Management of Sustainability, held in Amsterdam, Netherlands and sponsored by the Netherlands Ministry of Housing, Spatial Planning and the Environment, the Environmental Resources Management Group and Consensus Building Institute (USA), and hosted by the Nijenrode University.

1990: Appointed Environmental Law Consultant by the United Nations Environment Programme, Nairobi, Kenya.

(b) Internship

1993 (May-September): Interned with the Environmental Law and Institutions Programme Activity Centre of the UNEP, Nairobi, Kenya.

Worked and wrote Position Papers on Environmental Dispute Avoidance and Settlement, Reporting Systems in the Implementation of Environmental Treaties, Liability and Compensation for Environmental Damage, and Environment and International Trade.

(c) Research and Teaching

(i) Research Interests: Environmental Law, Law of the Sea, Public International Law, Legal Aspects of Conflict Resolution and Crisis Management, Legal Aspects of Natural Resources Management.

(ii) Positions Held

April 2004 to date: Associate Professor of Law (on promotion), Private Law Department, University of Nairobi

- From 1995 to March 2004 Senior Lecturer, Private Law Department,
University of Nairobi.
- Subjects taught: Public International Law, Law of
the Sea, and Environmental Law.
- I have guided and supervised several Bachelor of
Laws (LL.B.) and Master of Laws (LL.M.) students
and also acted as internal examiner. Currently
supervising two Ph.D. candidates doing research on
the Law of the Sea and Environmental Law
registered with the University of Nairobi.
- 1988-1995: Lecturer in Law, University of Nairobi
Nairobi, Kenya
- 1988/9 & 1996/7: Part-time Lecturer in Environmental Law, School of
Environmental Studies, Moi University
Eldoret, Kenya
- 1994/95: Research Assistant, Fletcher School of Law and
Diplomacy, Medford, MA, U.S.A.
- 1993/94: Adjunct Assistant Professor, History Department at
Bunker Hill Community College, Boston, MA,
U.S.A.
- 1993/94: Research Assistant, Fletcher School of Law and
Diplomacy, Medford, MA, U.S.A.
- 1992/93: Teaching Fellow, History Department at Harvard
University, Cambridge, MA
- 1991/92: Research Assistant, Fletcher School of Law and
Diplomacy, Medford, MA, U.S.A.
- (d) Legal Practice**
- 1983 – 1990 Carried on legal practice as an advocate advising
and representing clients in contentious and non-
contentious matters.

- 1981 - 1983: Worked as the Legal Officer for the Kenya Tea Development Authority, (KTDA), a then State Corporation responsible for the development, manufacture and international marketing of Kenya's tea. Co-ordinated and was responsible for the corporation's legal matters. Nairobi, Kenya.
- 1981 (January) Admitted to the Bar as an Advocate of the High Court of Kenya

3. HONOURS AND AWARDS

- 1994: Awarded the United Nations Environment Programme (UNEP) Fellowship for an International Post-Graduate Course in Environmental Management at Tufts University, U.S.A.
- 1992/93: Awarded the Ford Foundation Fellowship in Public International Law for study at the Fletcher School of Law and Diplomacy, Tufts University, U.S.A.
- 1990/92: Awarded the Norwegian Agency for Development Co-operation (NORAD) Fellowship for study at the Fletcher School of Law and Diplomacy in International Environmental Law, U.S.A.
- 1986/87: Awarded the University of Nairobi scholarship to study for the Master of Laws (LL.M) Degree.
- 1980/81: Awarded the British Commonwealth Secretariat Scholarship for graduate training in Legislative Drafting at Nairobi, Kenya.

4. PUBLICATIONS AND CONFERENCE/SEMINAR PAPERS

"Forestry Law and the Environment," in C. O. Okidi and P. Kameri-Mbote (eds.) Environmental Governance in Kenya: Implementing the Framework Law (East African Education Publishers, Nairobi, 2008).

"Kenya's Treaty Practice in Environmental Law Field," in C. O. Okidi and P. Kameri-Mbote (eds.), Environmental Law Process (forthcoming 2009).

"Management of Transboundary Natural Resources and Poverty Alleviation," A Paper Presented at the Second Symposium for Lecturers Teaching Environmental Law in African Universities, held at Entebbe, Uganda, September 25 – 28, 2006.

“Legal Issues in Transboundary Environmental Management,” A Paper Presented at the Second Kenya National Judicial Colloquium on Environmental Law, held at Mombasa, Kenya, April 17-22, 2006.

“The Precautionary Approach to Environmental Management,” A Paper Presented at the First Kenya National Judicial Colloquium on Environmental Law, held at Mombasa, Kenya, January 10 – 13, 2006.

“Legislative and Institutional Framework for Community Based Natural Resource Management in Kenya”, The University of Nairobi Law Journal 55 (2003)

"Africa's Potential Contribution to the Implementation of International Environmental Law," 10 Transnational Law and Contemporary Problems 385 (2000).

(With G.M. Wamukoya): Environmental Management in Kenya: A Guide to the Environmental Management and Co-ordination Act, 1999 (Centre for Research and Education on Environmental Law, Nairobi, 2000)

“Criminal Law: Kenya”, Supplement 17 of the International Encyclopaedia of Laws – Criminal Law (Kluwer Law International, The Hague, 1999).

“Urban Environmental Problems in Kenya,” in R. Obudho (ed.) Environment and Development in Kenya: Urbanization and Management of Kenya’s Urban Centres in the 21st Century (Kenya National Academy of Sciences, Nairobi, 1999).

“Domestication of Conventions Related to Biological Diversity,” 1 Port Harcourt Law Journal, 1 (1999)

“International Environmental Law: Emerging Concepts and Principles,” University of Nairobi Law Journal, Issue No. 4, 1997.

“Garbage Imperialism: Transboundary Movements of Hazardous Wastes and International Law”, 5 Kenya National Academy Journal Series C 39 (1999).

“Environmental Impact Assessment: its Genesis, Evolution, Legal and Institutional Aspects and Relevance to Kenya,” in Mwakio P. Tole (ed.) Environmental Impact Assessment in Kenya: Theory and Practice (Academy Science Publishers, Nairobi, 1997), p. 1.

“The Efficacy of International Environmental Law – A Personal Reflection,” 2 ILSA Journal of International and Comparative Law 61 (1995).

(With Joy Asiema) “Indigenous Peoples and the Environment: The Case of the Pastoral Maasai of Kenya,” 5(1) Colorado Journal of International Environmental Law and Policy 149 (1994).

“Global Environmental Accountability: Challenges for the 21st Century”, A paper presented at the annual Ward, Kershaw and Minton Environmental Law Symposium held at the University of Maryland, USA, April 28, 2000.

“A Review of the Current and Proposed Legal and Institutional Frameworks for the Development and Protection of the Marine and Coastal Environment of Sub-Saharan Africa,” A Keynote Paper prepared for the Conference on Co-operation for the Development and Protection of the Coastal and Marine Environment in Sub-Saharan Africa, held at Cape Town, November 30-December 4, 1998.

“Measures for the Regulation of Access to Genetic Resources and Benefit Sharing in Kenya,” A Keynote Paper presented at the WWF/Government of Kenya National Workshop on Access to Genetic Resources and Benefit Sharing in Kenya held at Nairobi, February 19-20, 1998

“Legal Framework for Conservation, Ownership, Access and Utilization of African Biodiversity: Medical Plants and Food Crops,” A paper presented at the OAU Scientific Technical and Research Commission/Kenya Industrial Property Office/Development Partners workshop held at Nairobi, April 13-16, 1997.

Global Climate Change: The Third World Perspective, A paper read at the UN Association of Greater Boston Conference on the Greenhouse Effect – International and Domestic Reactions to Global Warming, held at the Boston College on April 27, 1991.

Environmental Law Administration and Working Conditions, A paper presented at the International Labour Organization/Federation of Kenya Employers Seminar on General and Working Environment, held at Nairobi, Kenya on September 25-29, 1989.

The Environmental Problems of Nairobi, A paper presented at the first International Conference on Urban and Spatial Planning of Nairobi, held at Nairobi, Kenya, on December 13-17, 1988. (Published in 7(1/2) African Urban Quarterly 167 (1992).

Legislative Protection of the Working Environment in Kenya with Special Reference to Industry, An unpublished thesis submitted to the University of Nairobi in partial fulfillment of the requirements for the degree of Master of Laws (LL.M) 1987.

5. OTHER RESPONSIBILITIES

August 2008 Appointed External Examiner, Faculty of Law, Jomo Kenyatta University of Agriculture and Technology.

August 2008 External Examiner, Master of Laws (LL.M.) degree dissertations, School of Graduate School, Makerere University.

June 2008	External Reviewer of Publication of Dr. Hamudi I. Majamba, Faculty of Law, University of Dar-es-Salaam.
May 2008:	Appointed Chairman, Department of Private Law, School of Law, University of Nairobi
June 2007 to date	External Examiner, Faculty of Law, Catholic University of Eastern Africa
June 2007 to date:	External Examiner, Faculty of Law, University of Dar-es-Salaam, Tanzania.
Nov. 2003 to Oct. 2005	Director of the Legal Services Department at National Environment Management Authority (NEMA) (on leave from the University of Nairobi)
July 2005	Appointed member of the Institutional Biosafety Committee, University of Nairobi. The Committee is charged with the oversight and ensurance of compliance with national and international biosafety regulations by University of Nairobi related/associated institutions and persons involved in research and development
2005 (November)	External Examiner, Department of Business Studies, Daystar University, Nairobi.
2002 to date	External Examiner, School of Law, Moi University, Eldoret, Kenya.
2001 to date	Member of the Council of Legal Education, the statutory body responsible for the control and regulation of legal education in Kenya.
2003 to 2006	External Examiner, Faculty of Law, Tumaini University, Iringa, Tanzania.
2000 - 2002	Chairman of the Finance and Budget, Faculty of Law, University of Nairobi.
2000 to date:	Resource Person for the Commission for Higher Education. In that capacity, I have: <ul style="list-style-type: none"> (a) Evaluated the draft Charter and Statutes of the proposed Kenya Highlands Evangelical University, Kericho, (May, 2000);

- (b) Prepared a Legal Opinion on the Student Admission Policies of Daystar University and Scott Theological College, (August, 2001);
- (c) Evaluated –
- (i) Rules and Regulations Governing Student Conduct of the Proposed Strathmore University;
 - (ii) Terms and Conditions of Service for Teaching Staff of the proposed Strathmore University;
 - (iii) Rules and Regulations on Staff and Student Discipline and Academic Affairs of the proposed Gretsia University;
 - (iv) Draft Statutes of the Africa Nazarene University;
 - (v) Draft Statute of the Aga Khan University and
 - (vi) Rules and Regulations Governing the Conduct and Discipline of Staff and Students of the Aga Khan University (June, 2002);
- (d) Prepared a Legal Opinion on the proposed Variation of the Charter of the United States International University, Africa (October, 2002)
- (e) Evaluated the draft Charter of the Kenya Methodist University, (February, 2003).
- (f) Evaluated the draft Charter of the Pan African Christian University (February 2003);
- (g) Evaluated the Rules and Regulations Governing Student and Staff Conduct of the proposed Presbyterian University of East Africa (March 2003);

- (h) Evaluated the Rules and Regulations Governing Student and Staff Conduct of the proposed Great Lakes University of Kisumu (March 2003);
- (i) Evaluated the proposed Bachelor of Laws (LL.B.) Degree Curriculum for the Catholic University of Eastern Africa (April 2004);
- (j) Visited and prepared a Site Inspection Report on the Faculty of Law, the Catholic University of Eastern Africa (October 2005);
- (k) Re-evaluated the proposed Bachelor of Laws (LL.B.) Degree Curriculum for the Catholic University of Eastern Africa (August 2007);
- (l) Evaluated the proposed Bachelor of Laws (LL.B.) Degree Curriculum for the Africa Nazarene University (January 2008);
- (m) Evaluated the proposed Bachelor of Laws (LL.B.) Degree Curriculum for the proposed Inoorero University (October 2007);
- (n) Evaluated the proposed Bachelor of Arts (B.A.) Degree in Criminal Justice Curriculum for the United States International University, Africa (October 2008).

1999 - 2002	Chairman, Department of Private Law, University of Nairobi.
1995 to date	Member of the Humanities and Social Sciences Specialist Committee of the Kenya National Academy of Sciences.
1995 to date	Co-Editor of the Editorial Board of the <u>Kenya Journal of Sciences</u> , Series C.
1993 to 1995	Church Deacon at the Clarendon Hill Presbyterian Church, Somerville, Massachusetts, U.S.A.
1989 to date:	Church Deacon at the Presbyterian Church of East Africa, St. Andrews Parish, Nairobi, Kenya.

- 1989/90 Faculty of Law Representative to the College Academic Board of the College of Humanities and Social Sciences, University of Nairobi, Kenya.
- 1989/90 Chair of the Faculty of Law Examinations Committee responsible for the scheduling and administration of University Examinations at the Faculty.

6. PROFESSIONAL AFFILIATIONS

Member of the following Professional bodies:-

- ◆ IUCN Commission on Environmental Law
- ◆ American Society of International Law
- ◆ African Bar Association
- ◆ The Law Society of Kenya

7. OTHER BACKGROUND INFORMATION

- Date of Birth:** August 20, 1954
- Nationality:** Kenyan by birth
- Marital Status:** Married with three children

Primary and High School Education

- 1962-1968 Sivilie Primary School (Certificate of Primary Education)
- 1969-1972 Chebuyusi Secondary School (Ordinary Level, Division One)
- 1973-1974 Friends School, Kamusinga (Advanced Level, 3P 1s).
- Languages:** Proficient in English, Kiswahili and Luhya
- References:** Available on request