



UNIVERSITY OF NAIROBI

CITATION ON

**HON. JUSTICE PROFESSOR J.B. OJWANG,
LL.B,LL.M(Nairobi), Ph.D(Cantab), FKNAS,CBS,
Justice of the Supreme Court of Kenya**

ON HIS CONFERMENT OF

THE DEGREE OF

DOCTOR OF LAWS (D.LL)

OF THE

UNIVERSITY OF NAIROBI

ON

4TH SEPTEMBER,2015

HON. JUSTICE PROFESSOR J.B. OJWANG,
LL.B,LL.M(Nairobi), Ph.D(Cantab), FKNAS,CBS,
Justice of the Supreme Court of Kenya

It was a tortuous pathway, that brought Jackton Boma Ojwang from the Quaker rural Primary School at Anjego in Suna, Migori, through Secondary Schools, to the University of Nairobi; scaling on to the illustrious University of Cambridge in England; being only the third Kenyan national to occupy the Law Professorial Chair at the University of Nairobi; and ascending to the ultimate judicial posting, as a Justice of the Supreme Court of Kenya.

Anjego Primary School had been established by migrants from the populous hills of North Maragoli, in Western Kenya; and coinciding with their relocation, was that of Eliakim Ojwang, son of Ombewa, who was sired by Obara, a son of Masogo who, for his part, was the son of Odera. Being of a somewhat inflexible demeanour, Eliakim was departing Nyakach, slightly to the South of Kisumu, apparently in protest at the oppressions of settled cultural observances. He was seeking an abode in new lands, such as Migori, with larger freedom of social directions and family life.

Jackton Boma Ojwang, born in 1950 following the family relocation, was enrolled at the Quaker school, where he sat the Competitive Entrance Examination, which held the key to

Intermediate School, Standard Five. By sheer coincidence, Osogo Primary School in neighbouring Kanyamkago, was at this juncture elevated to Intermediate School; and Ojwang was part of its initial intake. He made consistent progress and, in 1964, obtained double-A grades in English and Arithmetic, with a C+ in “general subjects”, gaining admission to Homa Bay High School, some 50 miles away, by the shores of Lake Victoria. Once again, Ojwang had a successful four-year stint and, in 1968, obtained a First Division grade in the Cambridge School Certificate examinations. He won admission to the more-distant Thika High School, where he was again successful, gaining admission in 1971, to the pioneering Law Class of the University of Nairobi. Here again, he was successful, being the sole graduate in 1974, to earn the Upper Second Class Honours LL.B. degree.

That, precisely, was the dawn of an academic career for Ojwang. He alone was admitted to the Master of Laws course, and he completed and graduated in 1976, after which, on August 3, 1976 he was appointed Lecturer in Law. He thereafter, in September, 1978, secured the Commonwealth Research Scholarship, and proceeded to Downing College, in the University of Cambridge, England.

The Cambridge experience was a turning-point in Ojwang’s scholarly career. A ready access to precious academic resources, and the opportunity to share ideas with committed scholars and researchers, inclined Ojwang to the path of scholarship, as the ideal career choice. Though exclusively a research student, Ojwang took time to sit voluntarily in undergraduate classes, conducted by some of the most distinguished law and governance scholars: such as the jurisprudence expert, R.W.M. Dias; and Professor Walter Ullmann who specialized in medieval history and

jurisprudence. He was also able to attend at distinguished professorial lectures: such as one by Professor Patrick Atiyah, on the law of contract.

But the vital segment in Ojwang's appreciation of the broader context of legal scholarship, was the experience of dedicated supervision by the dynamic and indefatigable Basil Spyridonos Markesinis. This distinguished comparatist and public lawyer, posed the crucial challenge that opened out Ojwang's perspectives in legal inquiry. It was Markesinis' settled conviction – and an eminently valid one – that a balanced perception of legal phenomena, must transcend insular institutional orientations. Thus, an inquiry such as Ojwang's, which sought to illuminate governance schemes in the context of the East African experience, ought to relate directly to relevant developments elsewhere. And his recipe was that Ojwang's study should incorporate the comparative lesson from West Africa, with models derived from French constitutional law. So Ojwang was sent over to the Université de Paris I, at Panthéon-Sorbonne, and thereafter to Abidjan, in the Côte d'Ivoire. And Ojwang was so much the better for it – not only in terms of the objective foundations of research, but also as regards the breadth of inquiry.

All of Ojwang's works which have now been synthesized to generate a definite thesis in law – and one of practical utility – have proceeded against such a background of scholarship. Its special contribution is to reappraise the workings of the dispute-settlement system, and to guide the judicial set-up on the strengths of the common law system, as juxtaposed with the imperatives of the progressive constitutional order which is destined to be the trend, in a revitalized African governance system.

Professor Ojwang's Doctor of Laws Thesis is built upon the essential theme drawn from a large number of works, including singly, as well as collectively-authored books, journal-articles, and analyses published nationally and internationally.

Professor Ojwang is the holder of the University of Nairobi Staff Merit Award (October 16, 2001); a Fellow of the Kenya National Academy of Sciences; Chief of the Order of the Burning Spear (CBS) (December 11, 2012); and the East African Law Society Senior Lawyer of the Year Award, 2013, "for an outstanding and distinguished legal and judicial career." He served the University of Nairobi continuously from 1976 to 2003, being the Dean of the University's Law School from 2000 – 2003; and on 28th October, 2003 he took his position as a Judge of the High Court, at which post he served in both Nairobi and Mombasa – bringing his resource in scholarship to bear on the constitutional task of dispute-resolution, and delivering many landmark judgments covering different spheres such as: civil law; constitutional law; commercial law; admiralty law; criminal law; family law; law of probate and administration of estates. He was thereafter, on June 16, 2011 appointed one of the seven Justices of the Supreme Court. While serving in this capacity, Professor Ojwang has published two definitive works of scholarship: *Ascendant Judiciary in East Africa* (2013); and *The Common Law, Judges' Law* (2014).

Professor Ojwang is married to Collette Suda, and their family comprises five children.

MADAM CHANCELLOR, I am greatly privileged to request you to confer the degree of Doctor of Laws (D.LL) of the University of Nairobi, upon Professor Jackton Boma Ojwang.

**LADIES AND GENTLEMEN, HON. JUSTICE
PROFESSOR JACKTON BOMA OJWANG.**