

Prof. Tomasz P. MILEJ
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Education

7 February 2014	Postdoctoral degree “ Habilitation ” (Dr. iur. habil.) at the University of Cologne (Universität zu Köln)
13 November 2006	Doctoral exam for PhD-degree (Dr. iur.) at the University of Cologne.
October 2002	German Academic Exchange Service (DAAD) honors for outstanding achievements of foreign students at German Universities (awarded by the European University Viadrina in Frankfurt/Oder)
August 2002	Diplôme d’Université en Intégration Européenne (University Diploma on European Integration), Université Jean Moulin Lyon 3, France, Faculté de Droit, final grade: 15/20
October 1995 – January 2002	Studies of German Law at the European University Viadrina in Frankfurt/Oder. First State Exam in the Federal State of Brandenburg in February 2002, passed with honors (9,34 marks), majoring in Public International Law and European Law
May 2000	LL.B & LL.M. degree. European University Viadrina in Frankfurt/Oder.
October 1995 – May 2000	Studies of Polish Law at the Adam Mickiewicz University in Poznań (Poland). Master of Laws degree (Magister prawa).

Professional Experience

May 2016 to date	Professor at the Kenya University School of Law.
2014 – 2019	Professor of the University of Zielona Góra (Poland)
2014 – 2016	DAAD long-term lecturer at the Tanzanian-German Centre for Eastern African Legal Studies (TGCL) at the University of Dar es Salaam, and DAAD representative for Tanzania
November 2003 – February 2014	Researcher (wissenschaftlicher Mitarbeiter) at the Institute for Eastern European Law/Chair for Constitutional Law, European Law and Comparative Law University of Cologne
October 2001 – October 2002	Junior Researcher (wissenschaftliche Hilfskraft), European University Viadrina, Frankfurt (Oder), Germany
Further experience	Member of various DAAD scholarship selection commissions, curriculum development at the TGCL, Univ. of Cologne and KU (Chairman of the School Development Committee), Project proposals

Selected Publications

(Translations of publications titles in German and in Polish into English in italics)

Books:

Entwicklung des Völkerrechts durch internationale Gerichte und Sachverständigengremien (*Development of Public International Law by International Courts and Expert Committees*), Habilitation thesis, Berlin-Boston 2014, pp. 712

Polnisches Staatsrecht - Polskie prawo konstytucyjne (*Polish constitutional law*), Grundriss des polnischen Rechts, Band 20, Warsaw 2009, pp. 215 (jointly with B. Banaszak)

Rechtsprechung als Dialog. Zur Entwicklung des Rechts auf ein faires Strafverfahren in der polnischen Verfassungsrechtsprechung mit Blick auf die Entscheidungspraxis des EGMR und ausländischer Verfassungsgerichte (*Case-law as a dialogue. On development of the right to a fair criminal trial in the Polish constitutional case law taking into account of the case-law of the European Court of Human Rights and foreign constitutional courts*), PhD-Thesis, Berlin 2007, pp. 297.

Chapter in Books:

Staatshaftung in Polen (*Public Liability in Poland*), [in:] Oliver Dörr, Staatshaftung in Europa (Public Liability in Europe), de Gruyter Verlag, pp. 465-507, Berlin-Boston 2013.

Rechtsquellen des Völkerrechts (*Sources of Public International Law*), [in:] Wolff Heintschel von Heinegg, Casebook des Völkerrechts, München 2005, pp. 71- 165.

Edited volumes:

Agnieszka Bień-Kacała/Lóránt Csink/Tomasz Milej/Maciej Serowaniec (eds.), Liberal constitutionalism - between individual and collective interests, Torun 2017, pp. 277

Bogusław Banaszak/Tomasz Milej/Carmen Schmidt (eds.), Verfassungsrechtsprechung in der Republik Polen. Dokumentation und Analyse grundlegender Entscheidungen des Polnischen Verfassungsgerichts 1995 – 2010 (*Constitutional Justice in the Republic of Poland. Documentation and Analysis of the Polish Constitutional Tribunal's leading cases*), pp. 600, Institut für Ostrecht and Books on Demand 2014

Ralf Alleweldt/Petja Dimitrova/Jeanine Drohla/Tomasz Milej (eds.), Human Rights and the Rule of Law in Europe Beyond the Union, Cracow 2004, pp. 523

Articles in edited volumes:

Reclaiming African Agency: The Right to Regulate, the Investor-State Dispute Settlement and the “Africanisation” of International Investment Law, forthcoming [in:] R. Hofmann, J. Scheu, S. Schill, Ch. Tams (eds), Investment Protection, Human Rights, and International Arbitration in Extraordinary Times (Nomos, 2021), available at https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3839434

African and European legal regimes for intra-continental migration: Towards an Afro-European integration scheme, [in:] J. Laine, I. Moyo and Ch. Changwe Nshimbi (ed.) Expanding Boundaries: Borders, Mobilities and the future of Europe-Africa relations, Routledge 2020, pp. 103 – 118

Legal Harmonisation in Regional Economic Communities – the case of the European Union, [in:] Hamudi I. Majamba/Richard F. Oppong/Ulrike Wanitzek/Johannes Döveling (eds.), *Eastern African Common Legal Space in Economic Law: State of the Art and Future Perspectives, with Consideration of the European Experience*, TGCL Series 5, LawAfrica 2018, pp. 139-153.

Liberal democracy's rocky path – the cases of Kenya and Tanzania, [in:] Agnieszka Bień-Kacała/Lóránt Csink/Tomasz Milej/Maciej Serowaniec (eds.), *Liberal constitutionalism - between individual and collective interests*, Torun 2017, pp. 39-73.

Compatibility of freezing of terror suspects' assets with the EU fundamental rights in the recent case law of the ECJ and the General Court, [in:] Eduard Ivanov/Evgeny Salygin (eds.) *International justice and countering international terrorism* Moscow, 2012, May 13-16 Moscow 2013, pp. 115-127

European Cohesion Policy: objectives, instruments and reality (jointly with Samir Felich), [in:] Tímea Drinoczi/Mirela Zupan (eds.), *Law – Regions – Development*, (conference volume, conference in Pécs/Hungary, 2013, June 14-15) Pécs/Osijek 2013, pp. 15-33

The Position of General Rules of Public International Law in the Polish Legal Order, [in:] Société Française pour le Droit International, *Les Pratiques Comparées du Droit International en France et en Allemagne*, Paris 2011, pp. 289-305

Der *uti possidetis*-Grundsatz und seine Anwendung auf die Staatenzerfallsprozesse im ehemaligen Jugoslawien (*The uti-possidetis principle and its application in the process of the collapse of the former state of Yugoslavia*) [in:] Angelika Nußberger/Caroline von Gall (eds.), *Bewusstes Erinnern und bewusstes Vergessen. Der juristische Umgang mit der Vergangenheit in den Ländern Mittel- und Osteuropas*, Tübingen 2011, pp. 111-131

Polen und die polnische Verfassung angesichts der Integrationsherausforderungen (*Poland and Polish Constitution in the face of integration challenges*), [in:] Antal Ádám (ed.), *Közjogi Intézmények a XXI. Században*, Pécs 2004, p. 41-75 (jointly with Bogusław Banaszak i Agnieszka Malicka)

Articles in Journals:

The right to privacy under the Constitution of Kenya and the criminalisation of consensual sex between same sex adults (jointly with Nicole Treyson Koske), *African Human Rights Law Journal* 2021, vol. 1, pp. 417-440.

International Public Policy, Corruption and Investor to State Arbitration (jointly with Caroline Kago, Fidel Mwaki and Saweria Mwangi), *Manchester Journal of International Economic Law* 2020 vol. 1, pp. 122-140.

Legal Framework for Free Movement of People Within Africa – A View from the East African Community (EAC), *Heidelberg Journal of International Law – Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, 2019, pp. 935-970.

Assessment of Kenya's constitutional framework as a driver for implementation of EAC legislation (jointly with Winnie Cheserem), *The African Review* 2018, vol. 45(2) – Special Issue, pp. 115-153.

Human Rights protection by international courts – What role for the East African Court of Justice?, *African Journal of International and Comparative Law* 2018 vol. 1, pp. 108-129

Striking the Right Balance between the Interests of the Foreign Investors and the Host State – a Case Study of the Tanzania-Germany BIT 50 Years after Its Conclusion, *African Journal of International and Comparative Law* 2017 vol. 1, pp. 1-19

What is wrong about supranational laws? The sources of East African Community law in light of the EU's experience, 75 *Heidelberg Journal of International Law – Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 3/2015, pp. 579-617

Der Kernbestand der Rechte eines Unionbürgers in der neueren Rechtsprechung des EuGH – Potential und Grenzen des Konzepts, *Bayerische Verwaltungsblätter (BayVBl.)* 2015, pp. 361-366

Verfassungsmäßigkeit der Unterscheidung nach dem Merkmal der Staatsangehörigkeit im Bereich der gewährenden Staatstätigkeit (*The constitutionality of the nationality-based distinctions in the area of state benefits administration*), *Neue Zeitschrift für Verwaltungsrecht (NVwZ)* 2013, pp. 687-692

Dyskryminacja rasowa w służbie pokoju? Orzeczenie ETPCz w sprawie Sejdić i Finci jako przyczynek do reformy konstytucyjnej w Bośni i Hercegowinie (*The racial discrimination in the service of peace? The ECHR's Sejdic and Finci case as a starting point for a constitutional reform in Bosnia and Herzegovina*), *Przegląd Prawa Konstytucyjnego* 2012/1, pp. 179-199

Zur Verfassungsmäßigkeit der Umsetzung des Gemeinschaftsrechts durch dynamische Verweisungen und Rechtsverordnungen (*On the constitutionality of [European] Community law by dynamic reference clauses and governmental regulations*), *Europarecht* 4/2009, pp. 563-577

Von Kudla bis Scordino. Die polnischen Rechtsbehelfe gegen die Verletzung des Rechts auf ein faires Verfahren innerhalb angemessener Frist in rechtsvergleichender Perspektive (*From Kudla to Scordino. The Polish remedies against violations of the right to a trial within a reasonable time in a comparative perspective*), *Osteuropa-Recht* 2006, pp. 337-363

Erozja kompetencji parlamentów narodowych wskutek integracji europejskiej i próby jej przeciwdziałaniu na przykładzie parlamentu Republiki Federalnej Niemiec (*The erosion of power of the national parliaments as a result of the European integration and efforts to counter-balance it: The German experience*) *Studia Prawno-Ekonomiczne - Studies in Law and Economics* 2005, vol. LXXII, pp. 21-53 (jointly with Jasmin Schlenzka)

Gemeinschaftsrecht vor dem polnischen Richter (*Community Law and the Polish judge*), *Osteuropa-Recht* 2004, pp. 418-435

Internet publications/Blog articles:

Slaughtering Kenyan Public Universities with a Blunt Knife: The New IMF Loan Conditionalities, blog article on Afronomicslaw.org, 2021

<https://www.afronomicslaw.org/index.php/category/analysis/slaughtering-kenyan-public-universities-blue-knife-new-imf-loan-conditionalities>

A Venue or a Decision Maker? The Constitutional Function of African Regional Courts, blog article (book symposium) on Afronomicslaw.org, 2021

<https://www.afronomicslaw.org/index.php/category/analysis/venue-or-decision-maker-constitutional-function-african-regional-court>

Pandemic, Solidarity and the Foundations of International Law, blog article on Afronomicslaw.org, 2020

<https://www.afronomicslaw.org/2020/05/26/pandemic-solidarity-and-the-foundations-of-international-law/>

East African Court of Justice: a midwife of the political federation? The new case-law on the remedies awarded by the Court, peer reviewed blog article on Afronomicslaw.org, 2019

<https://www.afronomicslaw.org/2019/10/22/east-african-court-of-justice-a-midwife-of-the-political-federation-the-new-case-law-on-the-remedies-awarded-by-the-court/#>

Ethnicity Issues in Lithuanian-Polish Relationships (eds. jointly with Vaidotas A. Vaicaitis and Samir Felich), internet publication by the University of Vilnius, Lithuania, 2013

http://www.tf.vu.lt/wp-content/uploads/2013/11/Seminaras-diskusija_Ethnicity-issues-in-Lithuanian-Polish-relationships_Pranešimų-rinkinys.pdf

Human and Minority Rights in Violent Ethnic Conflict. Report compiled in the frame of the FP 6 project (European Union) “Human and Minority Rights in the Life Cycle of Ethnic Conflicts”, internet publication by the European Academy in Bolzano, Italy (EURAC), 2007, pp. 50 (jointly with Nina Baltic):

<http://www.eurac.edu/en/research/institutes/imr/Documents/SyntheticReport.pdf>

Case-law comments:

European Court of Human Rights, judgment of 30.10.2012 (P. and S. vs. Polen), Osteuropa-Recht 2012, pp. 116-119

Polish Highest Court, judgment of 29.10.2010 (Winicjusz Natoniowski – Immunities of states), Osteuropa-Recht 2011, pp. 104-107

European Court of Human Rights, judgment of 16.7.2009 (Wojtas-Kaleta vs. Poland), Osteuropa-Recht 2009, pp. 428-429

European Court of Human Rights, judgment of 20.3.2007 (Alicja Tysiąc vs. Poland), Osteuropa-Recht 2007, pp. 360-363

Book reviews:

Decheva, Maria, Europäisierung des bulgarischen Verfassungsrechts infolge des EU-Beitritts. Eine Untersuchung im Lichte der deutschen Erfahrungen, Baden-Baden 2010, Osteuropa-Recht 2012, pp. 73-76

Helen Keller, Daniela Thurnherr, Taking International Law Seriously. A European Perspective on the U.S. Attitude Towards International Law, Bern 2005, Osteuropa-Recht 2006, pp. 418-421

Christophe Hillion (ed.), EU-Enlargement: A Legal Approach, Oxford 2004, Osteuropa-Recht 2005, pp. 421-422

Xavier Boissy, Séparation des pouvoirs: oeuvre jurisprudentielle. Sur la construction de l'Etat de droit postcommuniste. Préface de Slobodan Milacic, Bruxelles 2003, Osteuropa-Recht 2005, pp. 264-266.

George Bermann/Katharina Pistor (eds.): Law and Governance in an Enlarged European Union. Essays in European Law, Hart Publishing, Oxford and Portland, Oregon 2004, Osteuropa-Recht 2005, pp. 263-264.

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