

## **EXECUTIVE SUMMARY**

**Dr. Rukia Baruti** is a qualified solicitor in England & Wales and an independent arbitrator. She began working in commercial law firms in the City of London in 1997. In 2006 she joined the international arbitration group at SJ Berwin LLP (later merged with King & Wood Mallesons), where she practiced arbitration and litigation. Since joining SJ Berwin LLP, she has focused on international arbitration and international law. She has two decades of experience in international arbitration and international law, spanning both the practice and training of these fields.

Dr. Baruti's career has included experience in the roles of Counsel, Arbitrator, Secretary to the Tribunal, and counsel in arbitral institutions. She has worked under all the principal international arbitration rules. She is frequently appointed by international arbitration institutions, including the ICC and the LCIA, as a sole arbitrator or panel member.

Dr. Baruti is a thought-leader for diversity in arbitration and a champion for African participation in international law and arbitration. This is reflected in her work at Africa International Legal Awareness (AILA) and the African Arbitration Association (AfAA). She founded the former and co-founded the latter, both of which advocate and promote diversity and the participation of Africans in international law and arbitration.

## **QUALIFICATIONS**

- 2010 – Qualified as an English Solicitor (lawyer)
- 2006 – Qualified as an English Legal Executive (lawyer)

## **RECOGNITION**

- Legal 500 Arbitration Powerlist 2021: Africa
- *The Lawyer* 'Hot 100'
- Accredited Arbitrator, Tanzania Ministry of Constitutional & Legal Affairs

## **RECENT ARBITRATOR APPOINTMENTS**

- Co-arbitrator in a CRCICA arbitration involving a UK company and an Egyptian company in a dispute arising out of an import and export settlement agreement
- Sole arbitrator in an ICC arbitration involving African parties in a dispute arising out of a telecoms agreement;
- Sole arbitrator in an *ad hoc* arbitration involving African parties in a dispute arising out of an engineering and project management agreement;
- Co-arbitrator in an LCIA arbitration involving African parties in a dispute arising from an Exclusivity Agreement, which also raised antitrust issues;
- Co-arbitrator in an LCIA arbitration involving a British Virgin Island company and an Australian company in a dispute arising out of a Service Agreement;
- Co-arbitrator in an LCIA arbitration involving a European company and a State entity in India in a demurrage dispute.

## **PROFESSIONAL ACTIVITIES AND POSITIONS**

### **African Arbitration Association (AfAA)**

Co-founder and Secretary-General

**2018 – Present**

### **Africa International Legal Awareness (AILA)**

Founder and Managing Director

**2017 – 2019; 2011 – 2014**

### **SJ Berwin LLP**

Legal Executive/Solicitor

**2006 – 2010**

## **EDUCATION**

- Ph.D. (Cum Laude Hons), University of Geneva (Sept 2014 – Aug 2017)
- Post Graduate Diploma, Legal Practice Course, BPP Law School (Sept 2009 – Jul 2010)
- Post Graduate Diploma, Institute of Legal Executives, University of Westminster (Sept 2005 - Jul 2006)
- LLB First Class (Hons), Birkbeck College, University of London (Sept 2002 – Jul 2005)
- MA Diplomatic Studies and International Law, University of Westminster (Sept 1998 – Nov 1999)
- Graduate Diploma, International Studies, Birkbeck College, University of London (Sept 1995 – Aug 1996)

## **PUBLICATIONS**

- Book Chapter (2018), *'Human Rights, International Investment Law and Transparency'* (co-author with Laurence Boisson de Chazournes), Research Handbooks in International Law, Edward Elgar Publishing
- Journal of World Trade & Investment 18 (2017), *'Investment Facilitation in Regional Economic Integration in Africa: The Cases of COMESA, EAC, and SADC'*
- TDM April 2017, *'Available Remedies in Investment Arbitration: Is there a need for explicit provision in Investment Treaties'*
- SOAS Online Research, *'Shaping Investment Arbitration: The Experiences of COMESA and SADC'* in *'The Role of African States and Governments in Supporting the Development of Arbitration in Africa'*
- ICCA Congress Series, No. 19 (2017), *'International Arbitration, The Making of a Safe Seat in Africa'*
- BCDR International Arbitration Review June 2015, *'Transparency in Investor-State Arbitration: An Incremental Approach'* (co-authored with Laurence Boisson de Chazournes)
- The European, Middle Eastern and African Arbitration Review 2015, *'Introduction'*
- MIDAA Sept 2013, *'Africa and the Investment Treaty Process'*
- Kluwerblog.com, 4 Nov 2011, *'Is Africa Finally Confronting Its Challenges on Investment Treaty Arbitration'*
- In-House Lawyer, March/April 2009 *'Challenging an award: Subsection 68(2) (d)'*

*Elucidated'*

- In-House Lawyer, December/January 2009 'Confidentiality in International Arbitration'
- Commercial Litigation Journal, November/December 2008 "Justice trumps confidentiality'
- Sans Frontières, Issue 6, 2008 - 'Dubai: An International Arbitration Jurisdiction'
- Sans Frontières, Issue 5, 2007 - 'The social responsibility of lawyers - Instilling a pro bono culture'
- ASA Special Series 29, September 2007: 'Reopening the case after the hearing - to what extent and under what circumstances should it be allowed?'
- Legalweek.com, 26 Oct 2006 – 'Africa: Bringing out the Best'
- Journal of International Arbitration, Vol. 22 (6) 2005 issue: 'Provisions for the resolution of investment disputes within ASEAN: The First Award and its implications for ASEAN's legal framework'

## **CONFERENCES AND COLLOQUIA**

- 'The Future of Investment Arbitration: Challenges to the Legitimacy of "Secret Courts" – Does Investment Arbitration Enhance the Rule of Law?' International Law Summits, 5th Annual Conference on Energy Arbitration and Dispute Resolution in Middle East & Africa, 2022
- 'Accuracy and Usefulness of Witness Testimony', ArbinBrief Episode 8, 2022
- 'Introduction to International Arbitration', Training on "NGOs and Public Interest: Options for Human Rights and Amicus Curiae Interventions in International Investment Arbitrations" Tanzania International Arbitration Centre (TIAC), 2021
- 'An Introduction: The African Arbitration Association,' The Regional Project "Promoting the rule of law and justice in Africa" of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, 2021
- 'Investment Dispute Resolution and the AfCFTA,' The Regional Project "Promoting the rule of law and justice in Africa" of the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH, 2021
- 'Facing Moral and Ethical Dilemmas: What would you", CIArb Nigeria Annual Conference, 2021
- 'The Future of Arbitration in Africa and the role of the AfAA,' Tanzania International Arbitration Centre Launch, 2021
- 'Arbitration trends post Covid-19: Queen Mary University/W&C Survey Findings', Roundtable Panellist during Paris Arbitration Week, 2021
- 'Debate: To foster diversity, should we do away with party appointments for arbitrators?', Cleary Gottlieb Webinar on Africa Outlook: Arbitration Trends during Paris Arbitration Week, 2021
- 'How Investor-State dispute resolution mechanisms under the AfCFTA will interact with similar mechanisms in other regional investment agreements,' Volterra Fietta Webinar on the AfCFTA, 2021
- 'African Continental Free Trade Area (AfCFTA): Impact on arbitral practice,' Chartered Institute of Arbitrators, Kenya Branch 4<sup>th</sup> Annual Conference, Moderator, 2020
- 'The New Arbitration Act: Its Impact (if any) on Arbitrating Future Investor-State Disputes', TIArb Virtual Annual Arbitration Conference 2020, Panellist, 2020
- 'Heeding the Call: Committing to Racial Diversity in International Arbitration', AfAA Webinar, Moderator, 2020

**Dr. Rukia Baruti**  
**W: <https://rukiabaruti.com>**  
**LONDON | UK**

- 'Welcome Remarks,' *The Coming of Age of International Arbitration in Africa*, AfAA, 1<sup>st</sup> Annual International Arbitration Conference, Kigali, 2019
- 'Regional Growth of Arbitration: A Focus on Africa', Panellist, Future of International Arbitration, London 2019
- 'Arbitration News Bulletin from Around Africa' LCIA Africa Users' Council Symposium, Panellist, London, 2018
- 'Arbitrating Investment Disputes in Africa: Are We Any the Wiser?', Panel Chair, Hot Topics in Investment Arbitration, Nairobi, AILA and CIArb Kenya Branch, 2018
- 'Reform of the ISDS Regime and Africa,' Panel Chair, Arbitration in Africa Conference, Abidjan, Africa Legal Support Facility, 2018
- 'Opening Remarks,' Hot Topics in Investment Arbitration, AILA, Lagos, 2017
- 'Are the Current Frameworks for Regional Investment Regulation in COMESA and SADC viable,' Foreign Investment in Africa Roundtable, University of Geneva, Geneva, 2017
- 'Investment Arbitration in Africa – is it a trap or an opportunity? The Pan-African and Regional Perspectives,' Africa & International Arbitration Conference, White & Case, Paris, 2017
- 'Shaping Investment Arbitration: The Experience of COMESA and SADC,' Panellist, SOAS Conference on The Role of African States and Governments in the Development of Arbitration in Africa, Cairo, 2017
- 'A Paradigm Shift in International Investment Law – Rethinking Investment Treaties,' Panel Chair, AILA and University of Geneva Conference, Cairo, 2017
- 'Available Remedies in Investment Arbitration,' Contributor, OGEMID Virtual Seminar on Damages in Investment Arbitration, 2016
- 'Investment Promotion and Protection in the East African Community: Trends and Prospects,' Panellist, AILA and University of Geneva Conference & Training, Dar-es-salaam, 2016
- 'Training and Recognition of African Lawyers – The AILA Project,' Panellist, SOAS Conference on Rethinking the Role of Courts and Judges in Supporting Arbitration in Africa, Lagos, 2016
- 'Arbitration in Africa,' Panel Chair, ICC Africa Regional Conference, Lagos, 2016
- 'Spotlight on Africa: Perspectives on Arbitration', Panellist, ICCA Congress, 2016
- 'Investment Facilitation in COMESA, EAC, and SADC,' Panellist, the University of Geneva and University of Lausanne, 5<sup>th</sup> Expert Seminar on Contemporary Perspectives on International Investment Law, Geneva, 2016
- 'The standards of protection under investment treaties: Is greater clarity required?' Panellist, ICC Paris, 2015
- 'Implications of a Regional Approach to the Regulation of Foreign Investment in Southern and Eastern Africa: The COMESA and SADC Experience,' Panellist, Geneva Talks, Geneva, 2015
- 'Motivations for a Regional Approach in the Regulation of Foreign Investment in East Africa' Panellist, East African Arbitration Conference, Dar-es-Salaam, 2015
- 'Opportunities in Investor-State Arbitration,' Panellist, Chartered Institute of Arbitrators, Nigeria Branch Annual Conference, Lagos, 2014
- 'Striking the legitimate balance between Host-State sovereignty and Investor needs: Perspectives from and regarding Africa', Panel Chair at the ATLAS Atlanta Conference, 2014
- 'International Investment Law: Historical Background, Policy Objectives and Issues,' Trainer, AILA training, London, 2014

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- 'African States and the Use of Investment Arbitration,' Panellist, ICAMA African Roundtable, Abuja, 2014
- 'Investment Arbitration vs. Commercial Arbitration – Differences and Similarities,' Panellist, CILS International Arbitration Symposium, Austria, 2014
- 'Ethical Standards in Investment Arbitration: Challenges in Practice,' Moderator, Lunch Seminar, AAA, Miami 2014
- 'AILA, Its Role and Prospects,' Speaker, Lunch seminar, King & Spalding, New York, 2013
- 'Non-African parties freely select African governing laws but often reject African seats of Arbitration – the need for change? Panellist, Kuramo Conference, Lagos, Nigeria, 2012
- 'Institutional Arbitration in Africa: LCIA/ICC Experience,' Speaker, ALN and Stephenson Harwood Seminar, London 2012
- 'The Regionalization of Investment Treaties' Panel Chair, 19<sup>th</sup> Investment Treaty Forum, London, 2012
- 'Is Africa Confronting Its Challenges on International Arbitration' Speaker, Institute of Cultural Diplomacy Conference on the African Union and Cultural Diplomacy, London, 2012
- 'Getting the Basics Right', Speaker, LCIA African Users' Council Symposium, Accra, Ghana, 2010
- 'Choice of law in arbitration - C v. D,' Speaker, SJ Berwin LLP, London, 2009
- 'Arbitration Awards and Limitation Periods - National Ability SA v Tinna Oils & Chemicals Ltd,' Speaker, SJ Berwin LLP, London 2008
- 'Confidentiality in Arbitration - Michael Wilson & Partners Ltd v Emmott', Speaker, SJ Berwin LLP, London 2008
- 'The social responsibility of lawyers,' Speaker, Commonwealth Lawyers Association Conference, Nairobi, Kenya, 2007
- 'Jurisdiction of the Tribunal - Lesotho Highlands v Impregilo SpA & Ors,' Speaker, SJ Berwin LLP, London 2006

#### **PROFESSIONAL AFFILIATIONS**

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| • Law Society of England & Wales            | • Kigali International Arbitration Centre                        |
| • London Court of International Arbitration | • Cairo Regional Centre for International Commercial Arbitration |
| • Lagos Court of Arbitration                | • International Centre for Arbitration & Mediation Abuja         |
| • Chartered Institute of Arbitrators (UK)   |  |