

## **CURRICULUM VITAE**

### **OF FAUZ A. TWAIB**

- 1. Names:** **Fauz Abdallah TWAIB**
- 2. Date and Place of Birth:** 21<sup>st</sup> March 1960, Bagamoyo, Tanzania.
- 3. Academic Qualifications:**
  - (a) February 1997: Doctor of Laws (Dr. Jur.), University of Bayreuth, Germany (Majoring in the Legal Profession, Land Law and Public International Law).
  - (b) January 1991: Master of Laws, Queen's University, Kingston, Ontario, Canada (Majoring in International Humanitarian Law, International Business Law and Jurisprudence).
  - (c) August 1988: Bachelor of Laws (Hons), University of Dar es Salaam.
  - (d) July, 1979: Grade "A" Teaching Certificate, Dar es Salaam College of National Education, Dar es Salaam, Tanzania.
- 4. Languages:**
  - a) Swahili—fluent spoken and written.
  - b) English—fluent spoken and written.
  - c) German—Working knowledge.
- 5. Positions and Experience:**
  - 5.1. Current Positions:**
    - (a) Partner and Head, Litigation and Arbitration Practice, Rex Advocates, Dar es Salaam.
    - (b) Advocate of the High Court of Tanzania, Commissioner for Oaths and Notary Public.
    - (c) Advocate of the High Court of Zanzibar.
    - (d) Arbitrator, Tanzania Institute of Arbitrators.
    - (e) Retired Judge of the High Court of Tanzania (effective 21 March 2020).
    - (f) Member, Board of Trustees of the Tanzania Law Reports, The Judiciary of Tanzania (effective 2014).

- (g) Instructor in Professional Practice and Ethics (effective April, 2008), and Criminal Procedure and Practice, Law School of Tanzania (Part-Time) (effective January, 2020).
- (h) Member and Vice-Chairman, Governing Council of the Institute of Judicial Administration, Lushoto (effective October, 2020).

## **5.2. Former Positions:**

- a) Judge of the High Court of Tanzania (June 2010 – March 2020)
- b) Judge in Charge, High Court of Tanzania (February, 2016 to March 2019: Judge in Charge, Mtwara Zone; Judge in Charge, Moshi Zone (April-December, 2019); and since December, 2019: Judge in Charge (Special Assignment, Main Registry, Dar es Salaam).
- c) Chairman, Tanzania Tax Revenue Appeals Tribunal (September 2010 to September 2016).
- d) President, East African Magistrates and Judges Association (November 2011 to October 2013).
- e) President, Tanganyika Law Society (February 2008 – February 2010).
- f) Member, Law School of Tanzania Practical Training and Examinations Committee (representing the Tanzania Judiciary) (January 2012 – March 2020).
- g) Member, The Judiciary Rules Committee, The Judiciary of Tanzania (2014 – March 2020).
- h) Member, The Training Committee, The Judiciary of Tanzania (July 2016 – March 2020).
- i) Senior Partner and Head of the Department of Corporate and Commercial Law, M.A. Ismail & Co., Advocates, Dar es Salaam (effective June 1997).
- j) Advocate, High Court of Zanzibar (effective September 1999) (currently non-practising).
- k) Arbitrator and arbitration counsel in several arbitration proceedings, local and international (1994 to 2010).
- l) Member of the Governing Council of the East African Magistrates and Judges Association (October 2013 to October 2015).
- m) Member of the Council of the Tanganyika Law Society (February 2006February 2008 and again February 2010 to date).
- n) Member of the Board of the Law School of Tanzania (July 2007-June 2010).

- o) Chairman of the Board of Directors, Century Insurance Co. Ltd. (April 2009-June 2010).
- p) Member of the Governing Board, Dar es Salaam University College of Education (a Constituent College of the University of Dar es Salaam) (July 2009-July 2013).
- q) Member of the Special Task Force on the Review of the Civil Justice System in Tanzania, under the Law Reform Commission of Tanzania (May 2007-June 2013).
- r) Member of the Governing Council of the East Africa Law Society (effective February 2008-February 2010).
- s) Member of the Bar Issues Commission of the International Bar Association (May 2008 - June 2010).
- t) Member of the Tax Revenue Appeals Tribunal, Tanzania (January 2009-June 2010).
- u) Co-opted Member of the Council of the Commonwealth Lawyers Association (March 2009-June 2010).
- v) Member of the Council of the Tanganyika Law Society (February 2006-February 2008).
- w) Member of the Committee for the Establishment of the Law School of Tanzania (February 2007-June 2007).
- x) Chairman, Legal Assistance Committee of the Tanganyika Law Society (October 2002 to February 2006).
- y) Member of various Committees of the Tanganyika Law Society, namely:
  - i. The Standing Law Committee (1999 to 2001).
  - ii. The Human Rights Committee (19 to 2001).
  - iii. The Legal Aid Committee (2001-2004) (also served as the Committee's Chairman since 2003).
  - iv. The Special Committee for the Review of the Advocates Ordinance and the Tanganyika Law Society Ordinance (January to August, 2003).
- z) Member, Board of the International Commission on Folk Law and Legal Pluralism (1995-2001).
- aa) Lecturer and Head, Department of Legal Theory, Faculty of Law, Dar es Salaam (1997-1998).
- bb) Director of Clinical Legal Education, Faculty of Law, University of Dar es Salaam (1997-98).
- cc) Part-Time Lecturer in Law, Faculty of Law, University of Dar es Salaam (2000-2007).

- dd) Co-ordinator, ABA-Africa Law Initiative Anti-Human Trafficking Project, Tanzania Chapter (effective January 2005-January 2006).
- ee) Member, Legal Consultancy Services Committee, Faculty of Law, University of Dar es Salaam (1992-1997)
- ff) Chairman, Off-Campus Affairs Committee, Students' Government, University of Dar es Salaam (August–October 1988).
- gg) Secretary, Academic Affairs Committee, Students' Government University Dar es Salaam (1987-August 1988).
- hh) Member, Executive Committee of the University of Dar es Salaam Law Society (1986-87)
- ii) Moderator and External Examiner, Institute of Finance Management, Dar es Salaam, Natural Social Welfare Institute, Dar es salaam and the Institute of Development Management, Mzumbe, Morogoro (1989-1992).
- jj) Legal Researcher, Mchora & Co., Advocates, Dar es Salaam (May 1988–July 1991).
- kk) Researcher, Presidential Commission of Enquiry into Land Matters ("the Shivji Commission") (May 1992-October 1992).
- ll) Assistant Lecturer in Law, Faculty of Law, University of Dar es Salaam (January, 1991–1997).
- mm) Tutorial Assistant in Law, Faculty of Law, University of Dar es Salaam (January 1989–January, 1991).
- nn) Insurance Assessor, East Africa Assessors Ltd., Dar es Salaam (January–July 1985).
- oo) Part-Time Legal Officer, Dar es Salaam Attorneys & Associates, Dar es Salaam (August 1991–September 1992).
- pp) Part-Time Lecturer in International Law, Centre for Foreign Relations, Dar es Salaam (April 1991– September 1992).
- qq) State Attorney Grade III, Attorney General's Chambers, Ministry of Justice, Tanzania (April–December 1988).
- rr) Grade III "A" Teacher, Arusha and Coast Regions, Tanzania (July 1979–December, 1984).
- ss) Lecturer in Law, Faculty of Law, University of Dar es Salaam (February–October 1998).
- tt) National Service, Ministry of Defence and National Service, Tanzania (January 1980–January, 1981).

## 6. Awards and Honours:

- (a) Communication Skills Prize, awarded by the British Council (Student with Highest Performance in Communication Skills) 1985/86, University of Dar es Salaam.
- (b) Dr. Sinare Prize, awarded by Dr. Hawa Sinare (Student with Highest marks in International Trade Law) 1986/87, University of Dar es Salaam.
- (c) University Prize, awarded by the University of Dar es Salaam (Best Final Year Student in the Final Exams) Faculty of Law, 1987/88
- (d) Ministry of Education Prize, awarded by the Ministry of Education (Best Final Year Student in the Faculty of Law, University of Dar es Salaam) 1987/88.
- (e) Award for Distinguished Membership, by the University of Dar es Salaam Law Society, 1986-87.
- (f) The British Council Post-Graduate Scholarship, School of Oriental and African Studies, University of London, England, 1989/90.
- (g) The Dean's Award, School of Graduate Studies and Research, Queen's University, Kingston, Ontario, Canada, 1989-90.
- (h) The Law School Award, Faculty of Law, Queen's University, Kingston, Ontario, Canada, 1989-90.
- (i) University of Toronto Open Doctoral Fellowship, University of Toronto, Canada, 1991-92.
- (j) International Student Differential Fee Waiver Scholarship, University of Toronto, Canada, 1991-92.
- (k) The Law Foundation Scholarship and the Abel Fellowship, Faculty of law, University of Toronto, Canada 1992-93.
- (l) German Academic Exchange Service (DAAD) Scholarship for Doctor of Laws (Dr. Jur.) Studies, University of Bayreuth, Federal Republic of Germany, 1993-97.

## 7. Research & Publications:

### 7.1. Published Works:

#### Books:

- (1) *The Legal Profession in Tanzania: The Law and Practice*, Bayreuth, Breitingger, 1997 (African Studies Series, 46) (Thesis in partial fulfilment of the requirements for the Degree of Doctor of Laws, University of Bayreuth, Germany). Reprinted by Law Africa Publishers, Nairobi, 2008.

- (2) *A Casebook on the Tax Law of Tanzania* (Volumes 1 & 2), April, 2018, Law Africa Publishers, Nairobi.
- (3) *Criminal Procedure and Practice in Tanzania: A Case Digest* (co-authored with Daudi P. Kinywafu), April, 2019, Juris Publishers, Dar es Salaam.
- (4) *Criminal Law in Tanzania: A Case Digest* (co-authored with Daudi P. Kinywafu), September, 2020, Juris Publishers, Dar es Salaam.
- (5) Forthcoming (to be published in December, 2020 by Juris Publishers, Dar es Salaam): *Law of Evidence in Tanzania: A Case Digest* (co-authored with Daudi P. Kinywafu), September, 2020, Juris Publishers, Dar es Salaam.
- (6) Forthcoming (to be published in April, 2021 by Juris Publishers, Dar es Salaam): *Professional Practice: Ethics and Etiquette for Legal Practitioners in Tanzania*.

### **Selected Articles:**

- (a) 1987-89: Wrote several articles in the "Law & You" Column of *The Sunday News*, a Tanzanian weekly.
- (b) "The Presentation of Claims in Matrimonial Proceedings in Tanzania: A Problem of Language and Legal Culture", *Afrikanische Arbeitspapiere*, Cologne, 1996, co-authored with Ulrike Wanitzek.
- (c) "Lawyers and the Availability of Legal Services in Tanzania Mainland", in *Law in Africa (Recht in Afrika)* 1998 No. 2 pp. 59-86.
- (d) "The Dilemma of the Customary Landholder: The Conflict Between Customary and Statutory Rights of Occupancy in Tanzania's Land Tenure System", In Debusmann, R., *Land Law and Land Ownership in Africa: Case Studies from Colonial and Contemporary Cameroon and Tanzania*, Bayreuth, Breitingen, 1998.
- (e) "Land Law and the Growth of Human Settlement in Tanzania", *Law in Africa (Recht in Afrika)* 2000 No. 1 pp. 61-90.
- (f) "Land Law and Policy and their Effects on Water Resources: The Case of Kibaya, Kiteto District, Tanzania", paper presented at a workshop on Water Resources Management, University of Siegen, Germany, April, 2005, *Law in Africa (Recht in Afrika)* 2008).
- (g) 2010: "The Judiciary and the Electoral Process: The Role and Responsibility of Judges Towards Society", 2010 *The Tanzania Lawyer Journal*, Vol. 2.
- (h) 2013: "Judicial Ethics: A Conceptual Discussion of the Ethics of Judging", *Journal of Tanzania Women Judges Association*, April 2013.

- (i) 2014: "Justice and Technicalities: A Plea for Changes in the Law and Judicial Approach", *Zanzibar Yearbook of Law*, 2014.

## **7.2. Selected Unpublished Works:**

- (k) 1989/88: Third Year LL.B Compulsory Research Paper: "Tanzania's Import and Export Trade: A Critical Appraisal of the Legal Framework and Practice for Carriage of Goods by Sea"—Co-authored with Anthony Kombo.
- (l) 1989: "The Deportation Ordinance, Cap 38, and its Application in Colonial Tanganyika", Mimeo, UDSM.
- (m) 1989: "The Legal Enforcement of Morals: An Appraisal of the Hart-Devlin Debate", Paper presented at a symposium on the Jurisprudence and Philosophy of the Enforcement of Morality by Criminal Law, December 1989, Queen's University, Kingston, Ontario, Canada.
- (n) 1991: Master of Laws Thesis: "Towards a Humanitarian Approach: An Enquiry into the Nature and Function of International Refugee Law", submitted in January 1991, to the Faculty of Law of Queen's University, Canada.
- (o) 1996: "The Three Pillars in Commonwealth Africa: The Doctrine of Separation of Powers in Emerging African Democracies", paper presented at a Workshop on Multi-Party Democracy in Africa, University of Heidelberg, Germany, September 1996.
- (p) 2006: "Legal Empowerment of the Poor: Access to Justice and Rule of Law", paper presented at the National Consultative Conference organised by the International High Level Commission on Legal Empowerment of the Poor, Dar es Salaam 29<sup>th</sup> November 2006.
- (q) 2007: "The Code of Conduct and Ethics for Legal Professionals in Tanzania: An Overview", Paper presented at a Conference on Professional Ethics in the Legal Sector held at the Kilimanjaro Kempeski Hotel, Dar es Salaam, March 2007.
- (r) 2008: Case Study on the Formalization of Property for Poverty Reduction in Tanzania: A Pilot Initiative by the Property and Business Formalization Program (MKURABITA)", Consultant's Report presented to the United Nations Development Program, Dar es Salaam Office.
- (s) 2014: "The Role of the Legal Profession in Promoting Constitutionalism and Inclusive Electoral Processes", paper presented at the Annual General Meeting of the East Africa Law Society, Zanzibar, April, 2014.
- (t) 2014: "The Sentencing Process: Basic Considerations" and "Judgement Writing: Basic Considerations", Papers presented to a Workshop of Judges and Magistrates

organized by the Zanzibar Judiciary and the Zanzibar Legal Sector Reform Programme, Zanzibar, 2014.

- (u) 2016: (1) "Arbitration: Basic Principles"; and (2) "The Arbitration Process and the Role of the Courts", presentations made to a Workshop of Judges of the High Court and the Court of Appeal of Tanzania, Arusha, January 2016, and the Half Annual General Meeting of the Tanganyika Law Society, August, 2016.
- (v) 2017: "The Tanzania Tax Dispute Settlement System", presentation made at the Annual General Meeting of the Tanganyika Law Society, Arusha, March, 2017.
- (w) "Justice and Technicalities: A Comparative Overview of Judicial Approaches in East Africa", a revised paper earlier published as "Justice and Technicalities: A Plea for Changes in the Law and Judicial Approach", in the *Zanzibar Yearbook of Law*, 2014.
- (x) "Constitutional Revision and Judicial Review: Which Way for Tanzania?" Paper presented at a workshop of Judges of the High Court and the Court of Appeal, Arusha, 15 November 2012.
- (y) "Practice and Procedures in Constitutional Rights Litigation", paper presented at a training of Judges on constitutional litigation and the use of ICT in the Administration of Justice, Arusha, 19 March 2018.
- (z) 2018: "The use of Expert Evidence and Amicus Curiae Opinion in Constitutional Rights Litigation", paper presented at a training of Judges on constitutional litigation and the use of ICT in the Administration of Justice, Arusha, 20 March 2018.
- (aa) Mimeo: "Maintaining a Balanced View: The Scope and Limits of the Independence of the Judiciary and Freedom of the Press" (to be published in 2021) (earlier version presented at a Joint Forum of the Judiciary and the Media in Tanzania, held at the Mwalimu Nyerere International Conference Centre, Dar es Salaam, 4th December 2014).

## **9. Professional Membership:**

- Member:
- The Tanganyika Law Society (once served as its President).
  - The East African Magistrates and Judges Association (once served as its President).
  - The Tanzania Institute of Arbitrators.
  - The East Africa Law Society (once served as a member of its Governing Council).
  - The SADC Lawyers Association.



The Commonwealth Lawyers Association (once served as a Co-opted Member of its Governing Council).

The International Bar Association (once served as a Member of its Bar Issues Commission).

Retired Judges Association of Tanzania.

**10. Referees:**

1. Hon. Mohamed Chande Othman, retired Chief Justice of Tanzania.  
Email: [mwamady@gmail.com](mailto:mwamady@gmail.com); Mobile: +255 777 511 290.
2. Hon. Fakh Jundu, Retired Principal Judge of the High Court of Tanzania.  
Email: [jundu2007@yahoo.com](mailto:jundu2007@yahoo.com); Mobile: +255 754 846 746.
3. Adv. Mtango Jotham Lukwaro, Former President and Founding Member of the Tanzania Institute of Arbitrators. Mobile: +255 754 496 158; +255 084 496 158.

**DECLARATION:**

I, Fauz Twaib, hereby declare that all that is stated above is true and correct.



Fauz A. Twaib

24<sup>th</sup> November, 2020