



First / Given Name:	SAMUEL MBIRIRI
Family / Surname:	NDERITU
Post-Nominals:	FCIArb, FMIArb, FAMINZ, Advocate, Commissioner for Oaths & Notary Public
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Nationality:	KENYAN

EDUCATION

- **International Chamber of Commerce (ICC) Institute** (17th June 2019) Certificate course on; Drafting Enforceable Awards.
- **International Chamber of Commerce (ICC) Institute** (20th June 2018) Certificate course on; The conduct of the proceedings and case management.
- **Chartered Institute of Arbitrators, London** (March 2018) - Diploma in Domestic Arbitration.
- **Chartered Institute of Arbitrators, London** (16th November 2015) - Accredited Mediator Certificate.
- **Africa International Legal Awareness, London** (5th – 9th September 2016) – Certificate in Investment Treaty Law and Arbitration.
- **Chartered Institute of Arbitrators, London** (9th January 2014) - Advanced Certificate in Arbitration.
- **Kenya School of Law, Nairobi** (January 2009 – June 2010) - Diploma in Legal Practice.
- **Makerere University, Uganda** (August 2004 – June 2008) – Bachelor of Laws Degree.
- **Kenya School of Professional Studies, Nairobi** (2001 – 200 - Diploma in Law.
- **Kagumo High School** (1993 – 1996) – Kenya Certificate of Secondary Education

POSITIONS HELD

CURRENT:

1. **Chairman**, Chartered Institute of Arbitrators, Kenya Branch
2. **Board Member**, International Chamber of Commerce, Kenya National Committee

3. **Board Member**, Online Dispute Resolution (ODR) Africa
4. **Member**, ICC Commission on Arbitration & ADR, Kenya Chapter
5. **Member**, Judiciary of Kenya Taskforce on Traditional, Informal and Other Mechanisms Used to Access Justice In Kenya
6. **Member**, Journal Editorial Committee, Law Society of Kenya Committee on Continuous Professional Development

PREVIOUS:

7. **Vice-chair**, Chartered Institute of Arbitrators, Kenya Branch (May 2017 – May 2019)
8. **Member**, Ministry of East Africa, Labour & Social Protection Working Party on the operationalization of the Conciliation / Mediation Commission (2017 – 2019)
9. **Chair**, Legal Sub-Committee, CI Arb Kenya (June 2015 – June 2017)
10. **Member**, Law Society of Kenya Committee on Continuous Professional Development
11. **Member** of the editorial committee of 'Alternative Dispute Resolution', a bi-annual Journal of the Chartered Institute of Arbitrators, Kenya (March 2013- Feb 2015)

PROFESSIONAL ACCREDITATIONS

1. **Fellow – Mediation & Arbitration**, Chartered Institute of Arbitrators, **United Kingdom**
2. **Fellow**, Malaysian Institute of Arbitrators, **Malaysia**
3. **Fellow - Mediation & Arbitration**. Arbitrators' and Mediators Institute of **New Zealand**
4. **Counsel** - The Astana International Financial Centre Court (**AIFC Court**) and International Arbitration Centre (**IAC**), **Kazakhstan**.
5. **Fellow**, Center for Alternative Dispute Resolution, **Kenya**
6. **Accredited mediator**, Judiciary, Republic of **Kenya**
7. **Advocate**; High Court of **Kenya**
8. **Commissioner for Oaths**
9. **Notary Public**

PROFESSIONAL DISPUTE RESOLUTION EXPERIENCE

I have been appointed Arbitrator and Mediator severally and have also acted as counsel in several mediations, arbitrations, advised parties and assisted parties file claims in domestic and International arbitration. Below are some select cases I have dealt with in ADR.

AS ARBITRATOR

- Arbitrator in a water & sewerage facilities construction dispute between a Kenyan Company and a state corporation where a claim of approximately USD 8.46 Million was filed.
- Arbitrator in a project development and transfer agreement dispute between a university and an international private developer where a claim of approximately USD 5.92 Million, together with interest and costs was made.
- Nominated as an arbitrator in a dispute before the ICC between a Tanzanian contractor and a foreign government in dispute arising out of an agreement to construct a sea wall, storm water drainage, road and kerbs, road promenade and soft landscaping, where the amount in dispute is the sum of USD 4.578 Million
- Arbitrator in a claim for unlawful termination of employment and discrimination at the workplace by an employee against a multi-national shipping company where the claimant sought for statutory benefits, compensation and exemplary damages in a claim of about USD 893, 700.
- Arbitrator in a multiparty arbitration for alleged breach of a marketing and sale of apartments and office blocks agreements in various locations in Kenya. The Claimant sought commissions and royalties in excess of USD 714, 200.
- Arbitrator in a breach of a development and purchase of an off-plan apartment agreement where the claimant sought to recover USD 432, 300 plus interest & costs
- Arbitrator where a wrongful termination claim of approximately USD 235, 000 was made by a Kenyan National against an international logistics company.
- Arbitrator in a maritime dispute between a foreign shipping company and a Kenyan statutory body where slightly over USD 130,000 is sought to be recovered by the Claimant.
- Arbitrator in an office space and carpark development and purchase dispute where the Claimant sought to recover the sum of USD 75, 822 paid as a deposit.
- Arbitrator in medical insurance claim by a patient against his insurer for non-authorization of treatment and dishonor of a claim of approximately USD 52, 290.

AS COUNSEL IN ARBITRATION

- Acting for a main contractor and several subcontractors in a claim against a government entity for non-payment of certified works for designing, constructing and handing over facilities in a tertiary institution. The claim was for certified terms, contractual interest on delayed payments and variation all amounting to approximately USD 7.518 Million.
- Acted for an investor against a contractor in a real estate development project where the contractor had lodged a claim of approximately USD 4.3 Million
- Acted for a petroleum company in a claim of about USD 2.7 Million against a road

construction company for supplies of diesel and bitumen supplied but not paid for.

- Acted for a sub-contractor against the Government of Kenya for breach of an interior design and built sub-contract in a USD 1.92 Million claim.
- Acted for a Respondent in a property transaction dispute where the claimant sought to recover a commission of USD 469, 900/-
- Advised and assisted a Kenyan based telecom company to lodge an ICC Arbitration against a company registered in the Netherlands for breach of contract for sale and delivery of assorted Information Technology equipment.

AS MEDIATOR/COUNSEL IN MEDIATION

- Acted as mediator in a Joint venture estate development dispute between the developer, the land owner and 19 other parties who were purchasers of the properties in a consolidated claim of approximately USD 7.66 Million
- Acted as mediator in a dispute between a hospital and 2 insurance companies where the hospital was seeking to recover unpaid claims of over USD 900, 000 incurred in treatment of the Insurers' clients.
- Acted as mediator in a dispute between a Kenyan land owner and a foreign investor in a bio-diesel production and revenue sharing dispute of approximately USD 98, 500
- Acted as mediator in a dispute between a commercial bank and its customer where the bank was seeking to recover a debt of USD 74, 247.03 being a balance of money advanced to the customer but remained unpaid beyond the agreed timelines.
- Acted as mediator in a dispute valued at USD 57, 000 between purchasers/developers and members of an extended family (clan) who were claiming ownership of property the alleged was held under trust for them by the registered owners/sellers
- Acted as mediator in a dispute in a claim for wrongful termination of an employment contract where compensation of USD 2, 450 and other remedies under the Kenyan Employment Act, 2007 were sought.
- Acted as mediator in 2 family disputes arising out of a succession matter where parties could not agree on the rightful beneficiaries and the agreed mode of distribution.
- Acted as counsel in a mediation for a private land owner in a dispute regarding title and ownership of land in a claim made on the land by a quasi-government agency.
- Acted as counsel for a wife, her family in a dispute regarding recognition as a co-wife and distribution of an estate of a deceased husband.

Beyond my experience in ADR, I have since my admission to the bar in 2011 represented persons, both natural and corporate, in our national courts up to the Supreme Court of

Kenya and in various tribunals.

PANEL ADMISSIONS

1. **Arbitrator/Mediator** - Chartered Institute of Arbitrator, Kenya Branch
2. **Counsel** - The Astana International Financial Centre Court (**AIFC Court**) and International Arbitration Centre (**IAC**), **Kazakhstan**
3. **Arbitrator**, Nairobi Center for International Arbitration
4. **Accredited mediator**, Judiciary of Kenya.

CORE AREAS OF FOCUS / EXPERTISE

Mediation, Arbitration and litigation of;

1. Commercial & and financial disputes
2. Construction and infrastructure development claims
3. Land, Real Estate/property Development disputes
4. Energy & related infrastructure disputes
5. Public Procurement Disputes
6. Employment & labour

PUBLICATIONS

1. Mbiriri Nderitu, *Mediation and the Role of Women in Peace and Security*, *The Journal of Conflict Management and Sustainable Development*, Volume 1(1) (2017) available at, <https://journalofcmsd.net/wp-content/uploads/2017/10/FINAL-Nderitu-Mbiriripdf.pdf>

SPEAKING & TUTORING ENGAGEMENTS

SELECT SPEAKING ENGAGEMENTS

- 5th March 2020 – presented a paper on ‘**A case for Cross-border Partnerships & Collaborations, Institutional Perspective**’, at the Nairobi Center for International Arbitration biennial International Arbitration Conference, Mombasa, Kenya.
- 18th November 2019 – panel discussant on ‘**International Arbitration in East Africa, Kenya Experience**’ in the Dubai Arbitration week seminar at Addleshaw Goddard, Dubai.
- 7th November 2019 – Presented a paper on **Arbitrability and public policy**

Consideration in the enforcement of foreign awards in Kenya at the CIArb Nigeria International Arbitration Conference, Lagos, Nigeria

- 28th August 2019 – panel discussant in a seminar on ‘**Handling Expert Witnesses in Arbitration**’ organized by the Africa Legal Network (ALN Academy), Nairobi.
- 29th May 2019 - Presented a paper entitled ‘**Opportunities for Advocates in ADR**’ at a Law Society of Kenya CPD Seminar, Panari Hotel, Nairobi, Kenya.
- 26th October 2018 – presented a paper on ‘**Effective Advocacy in Arbitration; a Kenyan perspective**’ at a Law Society of Kenya CPD Seminar, Homabay, Kenya
- 10th October 2018 – invited by the Judiciary of Kenya to present a paper on ‘**Alternative Dispute Resolution in Communications and Technology Disputes**’ at Communications and Multimedia Appeals Tribunal retreat in Naivasha, Kenya.

TUTORING ENGAGEMENTS

- 26th October – 23rd November 2020 – **Commercial Mediation Training**, Chartered Institute of Arbitrators, Kenya Branch, Nairobi
- 19th – 20th October 2020 – **Tutor, Introduction to Arbitration**, Tanzania Institute of Arbitrators, Dar es Salaam, **Tanzania**
- 16th – 17th October 2019 – **Tutor, The Law, Practice & Procedure of Arbitration**, National Construction Industry Council, Lilongwe, **Malawi**.
- 14th – 15th October 2019 – **Tutor, Introduction to Arbitration**, National Construction Industry Council, Lilongwe, **Malawi**
- 10th - 11th October 2019 – **Tutor, Introduction to Arbitration**, Chartered Institute of Arbitrators, Kenya Branch, Mombasa, Kenya.
- 29th – 30th August 2019 – **Tutor, Introduction to Arbitration**, Chartered Institute of Arbitrators, Kenya Branch, Kisumu, Kenya.
- 11th– 16th April 2019 - **Tutor, 40 Hour Commercial Mediation**, Chartered Institute of Arbitrators, Kenya Branch, Nairobi
- 12th - 17th April, 2018 - **Tutor, 40 Hour Commercial Mediation**, Chartered Institute of Arbitrators, Kenya Branch, Nairobi
- 20th – 24th November 2017- **Tutor, 40 Hour Commercial Mediation**, Chartered Institute of Arbitrators, Kenya Branch, Nairobi
- 16th – 17th August, 2017, **Tutor, Introduction to Arbitration**, National Construction Industry Council Lilongwe, Malawi
- 25th – 29th April 2017- **Tutor, 40 Hour Commercial Mediation**, Chartered Institute of Arbitrators, Kenya Branch, Nairobi

- 16th – 22nd November 2016 - Tutor, 40 Hour Commercial Mediation, Chartered Institute of Arbitrators, Kenya Branch, Nairobi
- 7th October 2016 – Tutor & examiner, Introduction to Arbitration, Chartered Institute of Arbitrators, Kenya Branch, Nairobi, Kenya.

LANGUAGES

1. English – spoken and written
2. Swahili – spoken and written

PROFESSIONAL MEMBERSHIPS

1. Chartered Institute of Arbitrators, London
2. Malaysian Institute of Arbitrators, Malaysia
3. Arbitrators' and Mediators Institute of New Zealand
4. The Astana International Financial Centre Court (AIFC Court) and International Arbitration Centre (IAC), Kazakhstan.
5. East Africa Law Society
6. Law Society of Kenya

Dr. Kariuki Muigua, C. Arb

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Lady Justice Jacqueline N. Kamau, C. Arb

Judge, High Court of Kenya at Nairobi,
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OTHER REFEREES TO BE PROVIDED ON REQUEST