

CURRICULUM VITAE/RESUME

Name: DR. WILFRED AKHONYA MUTUBWA LL.D C.Arb
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EDUCATIONAL QUALIFICATIONS

2017- 2020 Doctor of Laws (LL.D in International Economic Law-
Trade and Investment Dispute Resolution -University
of South Africa)

Research Topic: **ASSESSING THE INSTITUTIONAL
DESIGN OF AN EXPANDED AND DEVOLVED
TRADE AND INVESTMENTS DISPUTE
RESOLUTION SYSTEM OF THE AFRICAN COURT
OF JUSTICE AND HUMAN RIGHTS**

2020 Kenya School of Law
Andragogy and Pedagogical Instruction and
Teaching Methods

2015 to 2016 Master of Law (LL.M) (University of South Africa)
(International Economic Law)

Modules Covered: Foreign Investment Law; Southern
Africa Trade Law; International Economic Law;
Advanced Public International Law (Distinction);
Research Paper (Distinction)

Research Topic: **THE COMESA-SADC-EAC TRIPARTITE FREE TRADE AREA AGREEMENT AND REGIONAL INTEGRATION IN AFRICA: ACHIEVING THE AFRICAN ECONOMIC COMMUNITY DREAM?** (Distinction)

- 2019 (Spring) Advanced Courses in International Commercial and Investment Arbitration under the auspices of a full Scholarship of the Africa Arbitration Academy (London)
- Modules Covered:** Investor-State and Commercial Arbitration in construction, oil and gas and renewable energy with practical lessons from top practitioners and academics in the area. Including in-house training at the London international law firms of: Clifford Chance LLP, Baker Makenzie LLP, Stephenson Harwood LLP, White and Case LLP, Hogan Lovells LLP, Freshfields Bruckhaus Deringer LLP; WilmerHale LLP, Herbert Smith Freehills LLP; CMS Legal; Pinsent Masons LLP, and Allen Overy LLP.
- 2015** 40 Hour Commercial Mediation Course-Chartered Institute of Arbitrators (UK)
- 2016** Post Graduate Diploma in Arbitration (CIArb-UK)
- Modules Covered:** The Law Evidence of Obligations in Arbitration; Evidence; Tort; Procedure from commencement to completion of the Arbitration; Award writing and essentials of a Valid Award
- 2018** Adjudication Course (CIArb-UK)
- 2010-2015-** Chartered Institute of Arbitrators, Associate - Member to Fellowship course
- 2004 to 2006 –** Kenya School of Law
(Advocate Training Program– Diploma in Law)
- 2000 to 2004** Moi University, Kenya
Bachelor of Laws LLB (Honours)
- 1996 to 1999 –** Musingu High School
Kenya Certificate of Secondary Education (KCSE)
- 1988 to 1995 –** Lions Primary School, Kakamega, Kenya Certificate of Primary Education (KCPE)

WORK EXPERIENCE AND POSITIONS HELD

2019-to-date	Vice Chairman of the Chartered Institute of Arbitrators (Kenya)
2019	Recognised as one of the top 50 rising Stars in Arbitration in Africa by Africa Arbitration
2020	Adjunct Lecturer, Kenya School of Law
2017-to-date	Adjunct Lecturer, Riara University Law School
2017- to-date	Adjunct Lecturer, Moi University School of Diplomacy and International Relations
2020	Principal and founding Partner, Mutubwa and Company. Advocates, Arbitrators, Mediators and Adjudicators
2020	Guest Lecturer in Disputes Resolution in Oil and Gas disputes in the LL.M Program at the Strathmore University School of Law
2008 to 2020	Partner in Charge of Dispute Resolution and Strategy at Lubulellah & Associates Advocates
2018	Appointed by the Chief Justice of the Republic of Kenya Member of the Task Force for the Implementation of ADR (Court Annexed Mediation)
2018-to date	Associate Editor of the Alternative Dispute Resolution Journal published by CIArb Kenya
2019	Fellow of the Africa Arbitration Academy
2019 to date	Member of the Association of Young Arbitrators (AYA)
2019 to date	Associate Editor of the Journal of cmsd (Dr Kariuki Muigua- Editor in Chief)
2015 to date	Tutor in Arbitration and Mediation at the CIArb
2018 to date	Module Director, Introduction Course and Module 2
2018	Construction Adjudicator
2015-2016	Accredited Mediator CIArb UK and Kenya Judiciary
2010 to date	Arbitrator

2018 –to-date	Chairman and Convener of the CIArb Property Acquisition Committee
2019 to date	Chairman and Convener of the CIArb Conference Committee
2019-todate	Chairman and Convener of the CIArb Vetting and Appointments Committee
2006 - 2008	Associate Advocate, Lubulellah & Associates Advocates
2009	Member of the Committee on Continuing Legal Education of the Law Society of Kenya

PROFESSIONAL QUALIFICATIONS, RECOGNITIONS AND MEMBERSHIPS

2020	Chartered Arbitrator, CIArb United Kingdom
2020	Member of Taskforce on Review of the CIArb Arbitration Rules
2019	Nominated for the Award of Young African Arbitrator of the year
2019	Council Member of the Association of Professional Societies of East Africa
2019	Member, Pan -African Lawyers Union
2018	Nominated by CIArb for appointment by the Republic of Kenya to the International Centre for Settlement of Investment Disputes (ICSID)
2018	Panel Member, Africa Arbitration Association
2018	Elected Member of the CIArb-Kenya branch committee
2018	Member – International Council for Commercial Arbitration ICCA
2018 to date	Elected Member of the CIArb-Kenya Branch Committee
2018 to date	Member- Steering Committee of the CIArb – Kenya Young Members’ Group

2018	Arbitrator and Mediator on the Nairobi Centre for International Arbitration (NCIA) Panels
2019	Member- London Court of International Arbitration (LCIA)
2018	LCIA/MIAC International Arbitration Panel
2017	I Arb Top 100 Arbitrators in Africa
2016	Member of the Society for International Economic law
2015-	Fellow of the Chartered Institute of Arbitrators
2015-	Chartered Institute of Arbitrators (UK) Accredited Mediator
2015-	Kenya Judiciary Accredited Mediator
2010	Member of Chartered Institute of Arbitrators, London
2008	Commissioner for Oaths
2011	Notary Public
2006	Admitted as an Advocate of the High Court of Kenya
2006 to date	Member-Law Society of Kenya
2006 to date	Member-East Africa Law Society

RESEARCH AND PUBLICATIONS

Books

2021	<i>Commercial and Investment Arbitration from an African Perspective</i> (forthcoming)
2021	<i>Trade and Investment Dispute Resolution in an Integrated Africa</i> (forthcoming)
2021	<i>A Digest of Arbitration cases in Kenya</i> (forthcoming)

Articles in Peer Reviewed Journals

- 2020** Evaluating the Impact of Political Instability and National Security On Foreign Direct Investment in Kenya *JCMSD Vol.4 Issue 3*
- 2020** Impact of Foreign Direct Investment in the Utilization of Natural Resources: Case Study from Kenya *JCMSD Vol.4 Issue 3*
- 2020** Covid-19 And The Regulation of Foreign Investment Law: A Necessary Paradigm Shift *Alternative Dispute Resolution Volume 8 Number 2*
- 2020** Fragmentation of Investment Codes in Africa: The Pan African Investment Code as a Centripetal Continental Force *JCMSD Vol.4 Issue 1 at 22*
- 2020** Is Nairobi a Safe Seat for International Arbitration? A Review of the latest Decision from the Supreme Court of Kenya and its Possible Effects *Nyutu Agrovet Limited –v- Airtel Networks Limited and Another Alternative Dispute Resolution Volume 8 Number 1 at p.55*
- 2019** Martha Karua v Republic of Kenya: A litmus test for the East African Court of Justice’s ever Shifting Supremacy and Jurisdictional Remit *Afronomicslaw November 2019*
- 2019** Regional Economic Integration Agreements in Southern Africa and the World Trade Organisation Guidelines *Afronomicslaw October 2019*
- 2019** ICSID Ad hoc Committee Resets the Test for Annulment of Arbitral Awards: RMS Production Corporation v Saint Lucia (2019) 7 (1) *Alternative Dispute Resolution*
- 2019** Regional Economic Integration Agreements in Southern Africa and The World Trade Organization Guidelines *Journal of cmsd Volume 3(2)*

- 2019** Selection of Ghana to host the AfCFTA Secretariat is a Befitting Tribute to Kwame Nkrumah *Afronomicslaw* July 2019
- 2019** Monism and Dualism: The Dilemma in the Application of International Agreements under the South African Constitution (2019) *Journal of cmsd* Volume 3(1) pp.27-37
- 2018** Case Review: *World Duty Free v Kenya Airports Authority* *Alternative Dispute Resolution Journal*
- 2018** Enforcement of Arbitral Awards in Kenya: Statutory and Institutional Bottlenecks (2018) 6(1) *Alternative Dispute Resolution*
- 2017** Court Annexed Mediation in Kenya (2017) 5(2) *Alternative Dispute Resolution*
- 2017** “Court Annexed Mediation in Kenya: The story thus far” published in the ADR Magazine by the CIArb
- 2017** The COMESA –SADC – EAC Tripartite Free Trade Area Agreement and Regional Integration in Africa: achieving the African Economic Community Dream (2017) *Journal of cmsd* vol.1(2)
- 2017** Book Review: Contemporary Issues in Arbitration by Paul Ngotho (2017) 5(1) *Alternative Dispute Resolution*
- 2016** “The Making of an Arbitration Hub: A Critical Appraisal of the Nairobi Centre for International Arbitration Act 2013” *CIArb 2016 The International Journal of Arbitration, Mediation and Dispute Management Vol. 82/No. 2/May (2016)/ Sweet and Maxwell/pp.135-145.*
- 2016** “Finality of Arbitration Awards” Published in *the Advocate*: LSK at page 10.
- 2016** Professional undertakings and Limited Liability Partnerships: A Discordant Couple? Published in *the Advocate by Law Society of Kenya.*

- 2016** Confidentiality in Arbitration under the Constitution of Kenya 2010. An Illusory myth or valid *Attribute (2016) 4 (2) Alternative Dispute Resolution*.
- 2016** The COMESA-SADC-EAC Tripartite Free Trade Area Agreement and Regional Integration in Africa: Achieving the African Economic Community Dream (UNISA LL.M Dissertation).
- 2003-2004-** Moi University Students Magazine Editor – 2003 – 2004
- 2004** Interest Rates and Corporate Failure Assessing Legislative Intervention (LLB Dissertation) (unpublished)

PROFESSIONAL PRACTISING EXPERIENCE

Practitioner in Arbitration, Mediation, Adjudication, Commercial, Civil, Constitutional and Electoral Law in the Law Firm of Mutubwa and Company, Advocates, a leading Law Firm in these areas of law in Kenya, and which acts for a wide clientele of both Public and Private corporations.

I have keen interest in International Economic Law, International Arbitration and International Commercial Law in general. I have attended and spoken in International law and Arbitration Conferences in Mombasa (2014), Livingstone – Zambia (2015), Lagos (2016), Nairobi (2017) Johannesburg (2018), Addis Ababa (2018), NCIA Nairobi; CIArb (Diani) (2018); AAA (Kigali) (2019); AILA (Riara University) (2019); AfIEL (Strathmore University Kenya) (2019); East Africa International Arbitration Conference 2019 (Radisson Blu Nairobi); Association of Construction Project Managers (ACPM) Workshop October 2019; KRA Annual Tax Summit October 2019; CIArb- Kenya 2020; ICARD India 2020.

For the last 14 years, I have prosecuted and defended over 40 domestic and international arbitration cases with substantial values of claims. I have also acted in precedent setting cases in the areas of Elections Law, Land law, Employment and Labour Relations, Arbitration and Commercial Law.

RESEARCH AND TEACHING INTERESTS

1. Public International Law
2. International Economic Law
3. International Commercial and Investment Arbitration
4. Conflict of Laws
5. International Trade and Investment law in Africa
6. International law on Foreign Investment
7. Africa Union and Regional Integration Law
8. The law of Evidence
9. Trial advocacy
10. Arbitration and Alternative Dispute Resolution (ADR)

HOBBIES

Playing Hockey, golf, Acting, Writing Plays and Poems and reading.

REFEREES

1. Dr Kariuki Muigua FCIArb Chartered Arbitrator
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NAIROBI
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2. Prof Babatunde Fagbayibo
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