

Dr. Francis Kariuki CV

POSTAL ADDRESS: P.O BOX 3259-00200, Nairobi.
PHONE NO: +254726 420251
EMAIL: *kariukifrancis06@gmail.com*

A: ACADEMIC QUALIFICATIONS

2016-2019: University of the Witwatersrand, South Africa, PhD.
2014: Kenya School of Law, Post-graduate Diploma in Law.
2013: University of Nairobi, School of Law (LLM).
2006 – 2010: University of Nairobi, School of Law (LLB)-Honours.

B: HONOURS AND AWARDS

1. Recipient of the Young Arbitrator of the Year by the Chartered Institute of Arbitrators (Kenya) Branch on 3rd December 2021.
2. Recipient of the 8th CB Madan Prize as part of the post-doctoral legal scholars of the University of Nairobi for commitment and outstanding scholarly contribution to constitutionalism and the rule of law on 8th December 2020, Nairobi.
3. Recipient of the Collaborative Research award together with Beatrice Kioko and Linet Muthoni on research entitled "*In Search for an Alternative Conceptual and Methodological Framework in Law School Teaching and Scholarship*" on 25-29 October 2015, in Segovia, Spain.
4. Awarded a University of Nairobi Scholarship to undertake an LLM course in 2012.

C: PROFESSIONAL QUALIFICATIONS

1. Advocate, High Court of Kenya.
2. Accredited Arbitrator.
3. Accredited Mediator.

D: ASSOCIATION WITH PROFESSIONAL BODIES/ORGANISATIONS

1. Fellow of the Chartered Institute of Arbitrators (FCIArb).
2. Member of the Law Society of Kenya.
3. Member of the Strathmore Dispute Resolution Centre (SDRC).
4. Accredited Mediator with Facitit8.
5. Accredited Mediator with the Mediation Accreditation Committee (MAC) in the Kenyan Judiciary.

6. Member of the Nairobi Center for International Arbitration-Accredited as a mediator and arbitrator.
7. Associate Board Member, Human Rights Agenda (HURIA) since 2019 to date.
8. Member of the Kenya Private Sector Alliance (KEPSA's) Land and Physical Planning Sector Board since 2018 to date.
9. Member of the Board of Management of Catholic Diocese of Ngong Township Secondary School since 2015 to date.

E: PROFESSIONAL COURSES ATTENDED

1. Attended a WIPO-WTO colloquium for teachers of intellectual property organized by WIPO and WTO in Geneva on 17th -29th June 2019.
2. Attended an Advanced Human Rights Course on Indigenous Peoples' Rights at the University of Pretoria on 24th -28th September 2018.
3. Attended a course on International Environmental Law and Trade organized by the Nairobi International Law Institute, University of Nairobi and Widener University on 24th June-24th July 2013.
4. Attended a Module 4 Course on Award Writing organized by Chartered Institute of Arbitrators (K) on 19th July 2018 and 14th September 2018.
5. Attended a Module 3 Course on Domestic Arbitration: Practice Procedure, Drafting and Deciding organized by Chartered Institute of Arbitrators (K) on 14th August and 2nd October 2015.
6. Attended a 40-hour Mediation training organized by Strathmore Dispute Resolution Centre and facilit8 on 17th June to 23rd June 2015.
7. Attended a Module 2 Course on the Law of Arbitration in October and November 2013 organized by Chartered Institute of Arbitrators (K).
8. Participated as a Sit-in tutor in the Entry Course into Arbitration course organized by the Chartered Institute of Arbitrators on 29th & 30th August 2013 at Strathmore University.
9. Attended an Entry Course in Arbitration & ADR organized by Chartered Institute of Arbitrators (K) on 25th & 26th April 2012.
10. Attended an Introduction to Mediation course organized by Chartered Institute of Arbitrators (K) on 1st November 2012.

F: PROFESSIONAL TRAININGS OFFERED

1. Trained the COMESA Judges and staff in arbitration on 14th-16th January 2022.

2. Has been training on ADR for the Chartered Institute of Arbitrators (Kenya) since 2012. Some of the courses I train are:
 - ✓ Entry Course in Arbitration & ADR;
 - ✓ Module 1 Course on Law of Obligations: Contract, Tort & Evidence;
 - ✓ Module 2 Course on the Law of Arbitration;
 - ✓ Introduction to Mediation.
3. Has been training several parastatals with the Strathmore Dispute Resolution Center since 2014 on ADR.
4. Trained the COMESA Judges and staff in ADR & Arbitration on 20th June 2018.
5. Trained the Judges and staff of the African Court on Human and Peoples' Rights on ADR in Arusha, Tanzania on 16th-18th September 2019.
6. Trained KETRACO staff on 'Dispute resolution and management in delivery of land for infrastructure development' on 26th February 2019 in conjunction with the Land Development and Governance Institute (LDGI).

G: CONSULTANCY PROJECTS AND GRANTS

1. Engaged as a consultant to draft the Nairobi City County Prevention of Violent Extremism Bill 2021 by the Tony Blair Institute for Global Change, 25th October 2021-to date.
2. Engaged as a consultant to review and enhance the Environmental and Social Due Diligence Tool (ESDD) for Kenya Commercial Bank (KCB) in conjunction with KCIC Consulting Limited, July-September, 2021.
3. Awarded a GCRF Small Grant on a project titled "Inclusion, Participation and Development: Implementing Kenya's Protection of Traditional Knowledge and Cultural Expressions Act 2016" jointly with Professor John Harrington of Cardiff University, Jan 2021-July 2021.
4. Engaged as a lead consultant on behalf of Base Titanium to assist in the negotiations, drafting and operationalization of Community Development Agreements (CDAs) for Msambweni, Lunga Lunga and Likoni mining communities in Kwale, Kenya (February-June, 2021).
5. Engaged as a consultant by UNEP to facilitate and support the development of Air Quality Policy and Regulations for the Nairobi City County Government (2019-ongoing).
6. Engaged as a consultant by Open AIR under the 'Indigenous entrepreneurs Theme: case study leader' (23rd September 2019-23rd December 2019).

7. Engaged as a consultant by the United Nations Economic Commission for Africa (UNECA) & African Land Policy Centre (ALPC) as a drafter of the 'Guidelines on Land, Ethnicity, and Conflict in Africa' (24th May 2019-23rd June 2019).
8. Engaged as a lead expert in developing a guide for judicial officers on handling grievances in the extractives sector in Kenya (March 2019).
9. Engaged as a lead expert to review Tullow Oil's community grievance management system in conjunction with two (2) Community Based Organisations in Turkana South and East, 2019.

H: PUBLISHED BOOKS

1. Francis Kariuki, *Handling extractives related grievances in Kenya: A guide for judicial officers* (Extractives Baraza, 2019).
2. Francis Kariuki *et al*, *Property Law* (Strathmore University Press, 2016).
3. Kariuki Muigua, Didi Wamukoya & Francis Kariuki, *Natural Resources and Environmental Justice in Kenya*, (Glenwood Publishers, 2015).
4. Francis Kariuki, *Securing Community Land Rights in Community Forests in Kenya*, (LAP LAMBERT Academic Publishing, 2015), available at <https://www.lap-publishing.com/>.

I: CHAPTERS IN BOOKS

1. "The Politicisation of Land Law Reforms in Kenya in The Post-2010 Era" in Jill Cottrell Ghai, Yash Pal Ghai and Emily Kinama *Katiba 2010-Achievements and challenges*, 2019.
2. "Class Action Arbitrations: Is it the Future of Arbitration in Consumer Disputes in Kenya?" in Rowan Planterose & John Tackaberry QC (eds.) *A Brand New World: The Evolution and Future of Arbitration*, Chartered Institute of Arbitrators, 2019.
3. 'Traditional dispute resolution mechanisms in the administration of justice in Kenya' in ES. Nwauche (ed.) *Citizenship and Customary Law in Africa*, Centre for African Legal Studies, 2020, pp. 33-68.
4. 'Land rights issues in Kenya's extractives sector' in J. Ambani (ed.), *Drilling Past the Resource Curse? Essays on the governance of extractives in Kenya*, Strathmore Press, 2018, pp. 139-168.
5. "Environmental Challenges in Informal Settlements: Case study of Mukuru Slums in Nairobi" in Vasilka Sancin and Masa Kovic Dine (eds.), *International Environmental Law: Greening the Urban Living*, 2016, pp.39-54.

6. Patricia Kameri-Mbote & Francis Kariuki, "Human Rights, Gender and Water in Kenya: Law, Prospects and Challenges," in A. Hellum et al, (eds), *Water is Life: Women's human rights in national and local water governance in Southern and Eastern Africa*, Weaver Press, Harare, 2015, pp.81-117.

J: PUBLISHED JOURNAL ARTICLES

1. 'Protecting traditional knowledge in Kenya: Traditional justice systems as appropriate sui generis systems' *WIPO-WTO Colloquium Papers (2019)* 91-105.
2. "Harnessing traditional knowledge holders' institutions in realising sustainable development goals in Kenya" (forthcoming, Open AIR Working Paper Series).
3. "Notion of 'Ownership' in IP: Protection of Traditional Ecological Knowledge *vis-a-vis* Protection of T K and Cultural Expressions Act, 2016 of Kenya" *Journal of Intellectual Property Rights*, Vol.24 (2) (2019), 89-102.
4. "Ideological conundrums and technical challenges in protecting traditional knowledge using the intellectual property system" *Journal of conflict management and sustainable development* 3 (2) (2019), 15-32.
5. "Development and Practice of Alternative Dispute Resolution in Kenya," in the *Dutch-Flemish Mediation and Conflict Management Journal*, Vol. 4 (2014).
6. "Alternative Dispute Resolution, Access to Justice and Development in Kenya" *Strathmore Law Journal* (2015), pp. 1-21.
7. "Conflict Resolution by Elders in Africa: Successes, Challenges and Opportunities," *Alternative Dispute Resolution Journal Vol.3 Issue 2* (2015), pp. 30-53.
8. "Safeguarding Environmental Rights in Kenya," *Kenya Law Review*, Vol. IV (2012-2013).
9. Kariuki Muigua & Kariuki Francis "Towards Environmental Justice in Kenya" *Journal of Conflict Management and Sustainable Development*, 2017.
10. "Land Grabbing, Tenure Security and Livelihoods in Kenya" *African Journal of Legal Studies* Vol. 9 (2016), pp. 79-99.
11. "Sustainable Development and Equity in the Kenyan Context," *University of Nairobi, Commercial Law Journal Vol. 7 Issue 1*(2012), pp.26-38. Also available at <http://kenyalaw.org/kl/index.php?id=1906>.
12. "Applicability of Traditional Dispute Resolution Mechanisms in Criminal Cases in Kenya: Case Study of Republic v Mohamed Abdow Mohamed [2013] eKLR," *Alternative Dispute Resolution Journal Vol.2 Issue 1* (2014), pp. 202-228.

13. "Sustainability in the Financial Sector in Kenya," published by the Kenya Bankers Association (KBA) Center for Research on Financial Markets and Policy, *KBA Working Paper Series, WPS/11/15*.
14. "Customary Law Jurisprudence from Kenyan Courts: Implications for Traditional Justice Systems," *University of Nairobi Law Journal, Vol. 8 Issue 1 (2015)*, pp.58-72.

K: PAPERS PRESENTED AT CONFERENCES

1. 'The role of traditional justice systems as appropriate *sui generis* frameworks for the protection of traditional ecological knowledge in Kenya' paper presented at a conference on Engendering Access to Justice for Development in Sub Saharan Africa at the University of Western Cape on 28th to 29th October 2019.
2. 'Protecting traditional knowledge in Kenya: Traditional governance structures as appropriate *sui generis* systems' paper presented at the WIPO-WTO colloquium for teachers of IP in Geneva on 26th June 2019.
3. 'Ownership of traditional knowledge: A challenge in the protection and promotion of traditional knowledge in Kenya' paper presented at a Conference on the Protection of Intellectual Property Rights at the Jomo Kenyatta University of Science and Technology on 13-14 July 2017.
4. "*Challenges facing the recognition and enforcement of international arbitral awards within the East African Community*," paper presented at the Commercial Private International Law in East and Southern Africa conference on 14-15th September 2015 at the Research Center for Private International Law in Emerging Countries, Faculty of Law, University of Johannesburg.
5. "The Role of Elders in Resolving Conflicts in Kenya," paper presented at the CIArb Africa Region Centenary Conference on 15th -17th July 2015 at the Victoria Falls Convention Centre in Livingstone, Zambia.
6. "*Sustainability in the Banking Industry in Kenya*," A paper presented at the 3rd Kenya Bankers Association Annual Banking Research Conference held on 25th -26th September 2014 at Safari Park Hotel, Nairobi.
7. "*Redefining 'Arbitrability': Assessment of Articles 159 & 189 (4) of the Constitution of Kenya*," Paper delivered at the Regional Arbitration Conference held on 25th -26th July 2013, at the Southern Sun, Mayfair, Nairobi.
8. "*Gender Implications of Changing and Co-existing Water Laws and Governance Structures in Kenya*," Presented at an international conference on Gender, Human Rights

and Water Governance in Southern and Eastern Africa: Actors, Norms and Institutions on 25th-26th September 2013 in Gauteng, South Africa.

L: ACADEMIC WORK EXPERIENCE

- Jan 2021- Director, Strathmore University Dispute Resolution Center.
- Oct 2020- Honorary Member of the Nairobi Centre for International Arbitration (NCIA) Journal Committee.
- 2019- Overall Coordinator Attachment Programmes, Strathmore Law School.
- 2015- Appointed a Marker for the Council of Legal Education Bar Examinations series.
- 2014-2020 Library Liaison person, Strathmore Law School.
- 2014- Lecturer, Strathmore University Law School (Subjects taught: Property Law, Evidence Law, Commercial Law, Family Law and Law of Succession).
- 2014- Member of the Strathmore University Editorial Board.
- 2014- Tutors and Examinees in ADR with the Chartered Institute of Arbitrators (CIArb). Courses trained are: Introduction to Arbitration and ADR; Module 1 on Law of Obligations and Civil Evidence and Module 2 on Law of Evidence.
- 2013- Member of the CIArb Alternative Dispute Resolution Editorial Board.
- 2013- Member of the CIArb-Kenya, Legal Sub-committee.
- 2013-2014 Legal Intern, International Environmental Law Research Center (IELRC).
- 2012-2013 Graduate Assistant, School of Law, University of Nairobi.
- 2011-2013 Legal Assistant, Kariuki Muigua & Co. Advocates.

M: SUPERVISION OF UNDERGRADUATE DISSERTATIONS

I have supervised over 70 undergraduate students at Strathmore University since 2014 in my areas of expertise (ADR and Property Law).

O: SUPERVISION OF LLM DISSERTATIONS

1. Wu Pengfei, "CEO dismissal and CEO employment rights under the Employment Act-An analysis of typical Kenyan Court judgments" (2020-successfully defended).
2. Connie Ngachu, "Balancing the Rights of the State and Investors in the Upstream Petroleum Industry in Kenya through Arbitration" (2020-successfully defended).
3. Castro Kevin Ojwang, "An Evaluation of Kenya's Profit Petroleum Fiscal Regime under the Petroleum Act 2019 and the Contractual Implication of migrating from DROP to R-factor" (2020-2021) (completed).

4. Mark Mathenge, "Mediation: A Means of Resolution of Grievances Faced by the Turkana Community as a Result of Upstream Oil Activities" (2019-2020) (completed).
5. Jane Mami Kimori, "Mediation: Expediting Dispute Resolution in Kenya's Banking Sector" (2020-ongoing).
6. Edith Jepkemei Kimeto, "Determining Just Compensation in the context of Compulsory Acquisition of Land in Kenya; The Case of Community Land" (2021-ongoing).

P: INTERNAL EXAMINATION OF LLM THESIS AT STRATHMORE UNIVERSITY

1. Sarah Omariba, "Factors Affecting Access To Government Procurement Opportunities By Minority Groups In Kenya: Eligibility And Registration Requirements" 2020.
2. Shikuku Felyn Nekesa, "Examining the Efficacy of Kenya's Corporate Leniency Programme in the context of Competition Law" 2020.
3. Victor Bett, "Environmental Regulatory Approach of The Upstream Oil and Gas Emerging Industry in Kenya: An Appraisal of The Polluter Pays Principle" 2020.
4. Gakii Kaburu, "A Review of Kenya's Public Private Partnerships Legal Framework for Implementing Infrastructure Projects by County Governments" 2020.
5. Nathan Munga, "Delivering Public-Private Partnership Infrastructure Projects in Kenya; the Quest for Efficient Compulsory Land Acquisition Processes" 2020.
6. Sandra Nyanchama, "Critical Assessment of Public Participation in Environmental Impact Assessment Process In the Petroleum Industry in Kenya" 2021.
7. Mercylene Wanjiru Njoroge, "An Analysis of the Legal, Legislative and Policy Framework on Compensation for Compulsory Acquisition of Community Land, 2021.
8. Caroline Buyaki, "Consumer protection in Kenya in the age of decentralized virtual currency" 2021.
9. Mohammed Bulle, "Assessment of Tax Incentives for Contractors in Kenya's Upstream Oil and Gas Legislative Framework" 2021.
10. Mildredtinnah Adongo, "Kenya's Oil and Gas Industry Local Content Framework: An Analysis of Sections 50, 51 And 52 of the Petroleum Act 2019" 2021.
11. Daisy Karimi Ndwiga, "Fintech Lending in Kenya: An Analysis of the Gaps in Consumer Protection Regulation" 2021.
12. Rose Ndanu Mkalama, "Kenya's Legal Framework for Local Content in Oil and Gas: A Case for A Community Centered Approach" 2021.

13. Victor Kipchirchir Kirui, "Resolving the Disputes between the Investor and the Local Communities in the Oil and Gas Sector Through Mediation" 2021.
14. Lynda Mwisiwa Mkalama, "Advancing Transparent Disclosure in Petroleum Governance: A Comparative Study of the Transparency Provisions in the Model Petroleum Agreements in Kenya and Nigeria" 2022.

Q: EXTERNAL EXAMINATION OF LLM THESIS

1. Candidate number 417391, School of law, University of the Witwatersrand.
Research Topic: "The Protection of Traditional Medical Knowledge: South Africa's Legal Framework".

R: REFEREES

1. **Prof. Ambreena Manji**
Cardiff University Law School
Email: ManjiA1@cardiff.ac.uk
2. **Dr. Kariuki Muigua**
University of Nairobi.
P.O. Box 3259-00200
Nairobi
Email: muigua@kmco.co.ke
Tel. 0722789890
3. **Mr. Raphael Ng'etich**
P.O. BOX 59857-00200
Nairobi
Email: raphael.ngetich@yahoo.com
Tel: +353 87 108 538