

**PROF. GITHU MUIGAI, EGH, SC
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Arbitration Profile



Prof. Githu Muigai, SC, C. Arb is a proficient and highly regarded Arbitrator based in Nairobi. He holds an LLB and a PhD from the University of Nairobi, an LLM from the Colombia University Law School and a Diploma in law from the Kenya School of Law.

He is a Chartered Arbitrator of the Chartered Institute of Arbitrators (CIArb), United Kingdom and Kenyan chapters. Prof. Muigai is also a member of the Permanent Court of Arbitration (PCA) and a redesignate to the International Centre for Settlement of Investment Disputes (ICSID) panel of Arbitrators and of Conciliators.

Currently, he is the Vice President of the London Court of International Arbitration (LCIA) African User's Council. Prof. Muigai is a member of the International Chamber of Commerce (ICC), Africa Arbitration Association (AAA), Kigali International Arbitration Centre (KIAC) and the Nairobi Centre for International Arbitration (NCIA) amongst several other institutions around the globe.

He has over 35 years' experience in handling arbitral proceedings domestically, regionally and internationally pursuant to various arbitration rules including but not limited to the PCA Rules, ICSID Rules, ICC Rules, UNCITRAL Rules, LCIA Rules, the CIArb Rules and the NCIA Rules.

On numerous occasions, Prof. Muigai has been appointed as either the President of the arbitral tribunal or as a sole arbitrator in arbitral proceedings and he continues to be retained as counsel for either disputing party in international arbitral proceedings.

Over the years, Prof. Muigai has been commended for his exceptional and extensive knowledge by institutions, parties and counsels. He was most recently recognized by The Lawyer Africa as Kenya's leading arbitrator.

EDUCATION

- Doctor of Philosophy (PhD), University of Nairobi, 2001
- Master of Laws (LLM), Columbia University Law School, New York, 1986.
- Chartered Arbitrator of the Chartered Institute of Arbitrators (C.Arb)
- Diploma in Legal Practice, (Dip Law), 1985. Kenya School of Law.
- Bachelor of Laws, (LLB. Hons), University of Nairobi, 1984.

MEMBERSHIPS

Membership in Legal Societies:-

- a) Law Society of Kenya;
- b) East African Law Society;
- c) International Commission of Jurists;
- d) International Bar Association;
- e) Commonwealth Lawyers Association; and
- f) African Bar Association.

Membership in Arbitration Institutions:-

- a) Chartered Institute of Arbitrators, UK & Kenya Branch;
- b) Permanent Court of Arbitration, The Hague;
- c) London Court of International Arbitration, UK;
- d) Republic of Kenya designate to the ICSID panel of Arbitrators.
- e) International Chamber of Commerce;
- f) Africa Arbitration Association;
- g) Kigali International Arbitration Centre; and
- h) Nairobi Centre for International Arbitration.

SELECT INTERNATIONAL ARBITRATION EXPERIENCE

- Permanent Court of Arbitration (PCA): PCA Case No. AA922 – Cassius Mining Limited vs. Government of the Republic of Ghana
- Permanent Court of Arbitration (PCA) Case Numbers AA884, AA885, AA886, AA887 & AA888- Prism Construction Co. Ltd vs. The Government of South Sudan
- London Court Of International Arbitration (Lcia): Arbitration No. 27119/Ab/Cpb - Tatu City Limited vs. Ongata Works Limited;
- International Centre for Settlement of Investment Disputes (ICSID) Case No. ARB/17/33- Ecodevelopment in Europe AB and Ecoenergy Africa AB vs. United Republic of Tanzania – Annulment Proceedings
- ICSID Arbitration- Mera Investment Fund vs. The Republic of Serbia – Annulment proceedings (ICSID CASE NO.17/2);
- ICSID Arbitration- International Centre for Settlement of Investment Disputes (ICSID) Tribunal Cortec Mining Kenya Limited, Cortec Pty Limited and Stirling Capital Limited vs. Republic of Kenya (ICSID Case ARB/ 15/29);
- ICSID Arbitration- WalAm Energy Inc. vs Republic of Kenya (ICSID Case No. ARB/15/7);
- London court of International Arbitration (LCIA): Iberdrola Ingenieria SAU, Spain vs KETRACO LCIA Arbitration; (LCIA No. 163443);
- LCIA Arbitration: Cluff Geothermal/ Great Rift Drilling vs Geothermal Development Corporation (LCIA No. 173647);
- International Chamber of Commerce (ICC): Kinangop Wind Park Limited vs Government of the Republic of Kenya (ICC No. 21728/TO);
- Kigali International Arbitration Centre (KIAC) Fintech International v Republic of Rwanda (KIAC ARB NO. 2018-2019/92); and
- International Chamber of Commerce (ICC) Tatu City Limited v Ongata Works Limited – Ongoing (Acting as counsel) (ICC 27119/AB).

Role as Counsel

- Wandia Construction Limited vs. Golf Course Hotel Limited; and
- International Arbitration Center London (IAC): KU Railways Holdings Limited & Another vs. Republic of Kenya & Another (Counsel for the Respondent).

SELECT DOMESTIC ARBITRATION EXPERIENCE

- Co-Arbitrator – In the matter of Arbitration between Nectel (K) Ltd and Eastern African Trade & Development Bank (P.T.A) (Kenya) (Dispute over Loan Agreement), 2010
- Thomas K Bett vs Kenya Coast Office Savings Bank (ad hoc arbitration) **Nairobi Centre for International Arbitration**
- Sole Arbitrator - Kasas Limited v Kenya Airport Authority (NCIA Case No. DIS/ARB/06/21);
- Sole Arbitrator - Alpha Grain Ltd & 24 Other Millers vs. Ministry of Agriculture and Livestock Development (NCIA Case No. DIS/ARB/29/3); and
- Sole Arbitrator- Angela Ndambuki vs Kenya National Chamber of Commerce (NCIA Case No. DIS/ARB/03/18).

Chartered Institute of Arbitrators (CIArb) Kenya

- Sole Arbitrator - Lemna International Inc. vs National Housing Corporation;
- Sole Arbitrator - Ultimate Engineering Limited vs. British Engineering Services (Europe) Limited;
- Sole Arbitrator - Gilbi Construction Company Limited vs. Chania Gardens Limited;
- Sole Arbitrator - Gulf Fabricators Limited vs. Jaramogi Oginga Odinga University of Science & Technology (Dispute over construction works at the University);
- Sole Arbitrator - Hoggers Limited (Under Liquidation) vs. Famous Brands Franchising Kenya Limited (Dispute surrounding the purchase of a franchise);
- Sole Arbitrator- Company for Habitat and Housing Africa (“Shelter Afrique”) vs. Glenwoods Gardens Limited (dispute surrounding a breach of a joint venture agreement and corresponding financing agreement); and
- Sole Arbitrator – Delta Investments Limited vs. Tofinal Developers Limited & Another.

MEDIATION EXPERIENCE

- Mediation on the Bill of Costs payable to Kimatta & Co. Advocates- Advocate for The Retired Teachers in Nakuru Civil Suit No. 65 of 2006; Nakuru Civil Appeal No. 300 of 2009; Supreme Court Application No. 38 of 2014; Court of Appeal Civil App No. 18 of 2013; Nakuru HCJR No. 18 of 2012; and
- Nakuru HCJR No. 07 of 2012: Claim for costs at the High Court, Court of Appeal, Supreme Court and attendant execution proceedings. Settlement reached and consented executed between the parties herein.
- Mediation on Civil Appeal No. 32 of 2014 (Hon. Attorney General -Vs-Orbit Chemical Industries Limited : Claim for general damages, Loss of income, rent and/or mesne profits at the rate of from the date of the registration of Caveat until the date of its removal;
- Mediation on Asset Claim by Kerio Valley Development Authority (KVDA) against KENGEN over the Turkwel Multipurpose Project: dispute/claim by KVDA against KENGEN for the compensation over the acquisition and use of Turkwell Multi-Purpose Project.
- Mediation on the Civil Appeal -Civil Application No. 5 Of 2014 Between the Kenya Civil Aviation Authority and the African Commuter Services Limited: Claim for 2.1 Billion inclusive of interest as awarded by Court. Negotiating Committee reached a settlement.
- Mediation in Nairobi HCC No. 1655 of 1986 -Halal Meat Products Limited – Vs- The Attorney General: claim for the total decretal amount inclusive of interest and costs of Kshs. 5.4 billion. Settlement reached.
- High Court Constitutional Petition No. 252 of 2016: The Council of Governors Vs. The Attorney General & Five Others: A court ordered mediation on a petition filed by the Council of Governors filed a petition against the AG and five others around the issue of division of revenue with regard to the national government and county government.

AWARDS & CITATIONS

- Arbitrator of the Year, Chartered Institute of Arbitrators – Kenya (2023)
- Lawyer of the Year, Nairobi Legal Awards (2023)
- African Arbitrator of the Year, Africa Arbitration Awards, (2023)
- Litigation Hall of Fame, the Lawyer Africa (2023)
- Presidential Honour - Elder of the Order of the Golden Heart (E.G.H)
- Senior Counsel (SC) - Law Society of Kenya
- Roll of Honour - Special accolade for a distinguished Member of the Bar, Law Society of Kenya Ford Foundation Fellow (1986)
- Fulbright Scholar (1985 - 1986 U.S.A.) University of Columbia
- Winner of the Gandhi Smarak prize for best final year student, University of Nairobi (1984)
- Winner of the Kaplan and Stratton Advocates, prize for the best final year Student (1984)
- Winner of the Hamilton, Harrison, and Mathew's prize for best graduating Student (1984)
- Winner of the Hamilton, Harrison, and Mathews Advocates Prize for best Law Student(1981)

SELECT PUBLICATIONS

- Editor "Handbook of Arbitration in Kenya", LawAfrica 2025
- "Power, Politics and the Law: Dynamics of Constitutional Change in Kenya 1887 – 2022", Kabarak University Law Press 2022
- An article in the book Where is Kenya – 50 Years since Independence, Footprints Press, 2013.
- "Arbitration Law and Practice in Kenya", LawAfrica 2011
- "The Law of Contempt of Court in Kenya" in the Advocate, Journal of the Law Society of Kenya, February 2006.
- 'Towards a theory of Constitutional Amendments,' in the East African Journal of Human Rights, 2004.
- "Jomo Kenyatta and the Rise of the Ethno-Nationalist State in Kenya," in Bruce Berman (Ed.), Ethnicity and Democracy in Africa, Ohio University Press, 2003.