

CURRICULUM VITAE: MUTHOMI THIANKOLU

BIO DATA

Nationality: Kenyan

Date of Birth: 2nd February 1982

Marital Status: Married

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SUMMARY OF ACADEMIC & PROFESSIONAL QUALIFICATIONS:

- ◆ LLM (with *Distinction*), University of Warwick.
- ◆ LLB (*Hons*), University of Nairobi.
- ◆ Dip. (*Law*), Kenya School of Law.
- ◆ Advocate of the High Court of Kenya.
- ◆ Member, Law Society of Kenya.
- ◆ Member, East African Law Society.

AREAS OF PROFESSIONAL INTEREST & SPECIALISATION:

- ◆ Constitutional and Administrative Law.
- ◆ Electoral Law & Democratic Processes.
- ◆ Dispute Resolution.
- ◆ Public Procurement Law.
- ◆ Legal Advisory & Consultancy Services.
- ◆ International Economic Law.

CURRENT POSITIONS:

- ◆ Partner, Muthomi & Karanja Advocates.

- ◆ Lecturer, University of Nairobi School of Law.
- ◆ Member, Retirement Benefits Tribunal.
- ◆ Member, Board of Management, Miathene Secondary School.

PAST POSITIONS:

- ◆ Partner, Mohammed Muigai Advocates.
- ◆ Member, Board of Management, Kibuline Secondary School.
- ◆ Member, Meru University College of Science & Technology Council.
- ◆ Associate, Mohammed Muigai Advocates.
- ◆ Lecturer, Kenyatta University School of Law.
- ◆ Legal Assistant, Mohammed Muigai Advocates.
- ◆ Legal Assistant, B M Musau & Company Advocates.

EDUCATION:

Master of Laws (International Economic Law), University of Warwick (2009):

- ◆ The Breton Woods System.
- ◆ Legal Aspects of International Trade and the World Trade Organisation.
- ◆ Comparative Competition Law (International & European Perspectives).
- ◆ Conflicts of Laws.
- ◆ Legal Aspects of International Investment and Transnational Corporations.
- ◆ International Commercial Arbitration (Foreign Investment Disputes).
- ◆ Legal Research & Writing Skills.
- ◆ International Corporate Finance.

LLM DISSERTATION: *Reconciling Incongruous Policy Objectives and Benchmarking Kenya's Public Procurement Law: A Review of the Selex Case.*

Postgraduate Diploma in Law, Kenya School of Law (2007):

- ◆ Accounts.
- ◆ Civil Procedure.
- ◆ Criminal Procedure.
- ◆ Conveyancing.
- ◆ Professional Ethics and Practice.

- ◆ Legal Advocacy & Drafting Skills.

Bachelor of Laws (LLB), University of Nairobi (2005):

Undergraduate studies. Graduated with Second Class Honours, Upper Division.

LLB DISSERTATION: *The Njoya Case; Emerging Issues in Kenyan Jurisprudence.*

SELECTED RECENT CLIENTS:



<http://www.ifc.org>



<http://www.aon.com/kenya/>



<http://www.giz.de/en/worldwide/317.html>



<http://ppoa.go.ke/>



<http://www.qq.com/>



<https://www.tullowoil.com/>



<http://www.nationaloil.co.ke/site/>



<http://nrbcountyassembly.go.ke/>



<http://www.laptrust.or.ke/>



<http://www.cickenya.org/>



equality effect

<http://theequalityeffect.org/>



<http://nyoung.com/>

SELECTED LEGAL CONSULTANCIES:

CLIENT	ASSIGNMENT(S)	YEAR(S)
 <p>— THE PRESIDENCY — OFFICIAL WEBSITE OF THE PRESIDENT</p> <p>http://presidency.go.ke/</p>	Design of the Government and Implementation of the Constitution of Kenya, 2010.	2010
 <p>Commission for the Implementation of the Constitution Utekelezaji wa katiba, jukumu la wote</p> <p>http://www.cickenya.org/</p>	Legislative Reform (<i>Review of the Public Procurement and Assets Disposal Bill, 2014</i>).	2014.
 <p>Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH</p> <p>http://www.giz.de/en/worldwide/317.html</p>	Handbook on Determination of Electoral Disputes in Kenya	2012; 2013
 <p>LAW SOCIETY OF KENYA</p> <p>http://www.lsk.or.ke</p>	Handbook on Determination of Electoral Disputes in Kenya Capacity Building (<i>Continuous Professional Training of Legal Practitioners on developments in Kenyan electoral law and democratic processes</i>)	2012; 2013 2011 to date
 <p>Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) GmbH</p> <p>http://www.giz.de/en/worldwide/317.html</p>	1. Capacity Building (<i>Continuous Professional Training of Judges</i>) 2. Capacity Building (PPOA; PPARB).	2015 2015; 2014; 2013.

	3. Public Procurement Decisions Case Digest.	2012; 2013
 http://www.ifc.org	1. Regional Economic Integration (EAC Common Market Score Card). 2. Regional Economic Integration (EAC Business Registration Laws & Sharing of Company Information). 3. Regulatory Reforms for Business Activity in Kenya (Business Licensing Laws Reform).	2013; 2014 2012 2006
 THE RESEARCH FOUNDATION <i>The State University of New York</i>	Capacity Building (Training of Kenyan Parliamentarians on Public Procurement Regulation).	2014
 https://www.tulloil.com/	Regulatory Compliance	2012 to date

SELECTED DISPUTE RESOLUTION ASSIGNMENTS:

CASE	MAIN ISSUE(S)	HYPERLINK (JUDGMENT OR RULING)
<i>Gatirau Peter Munya v Dickson Mwenda Kithinji & 2 others</i>	<ul style="list-style-type: none"> ✓ Gubernatorial Elections ✓ Constitutional Law ✓ Jurisdiction of the Supreme Court 	http://kenyalaw.org/caselaw/cases/view/96314/
<i>Alcon International Ltd v Standard Chartered Bank of Uganda & 2 Others</i>	<ul style="list-style-type: none"> ✓ Regional Integration ✓ Expropriation ✓ Cross-Border Investments ✓ Common Markets 	http://eacj.org/wp-content/uploads/2014/03/Reference-No.-6-of-2010-Judgment-Alcon-International-Limited-Vs-The-Standard-Chartered-Bank-of-Uganda-2-Others.pdf
<i>Gatirau Peter Munya v Dickson Mwenda Kithinji & 2 others</i>	<ul style="list-style-type: none"> ✓ Gubernatorial Elections ✓ Jurisdiction of Court of the Appeal ✓ Constitutional Law 	http://kenyalaw.org/caselaw/cases/view/98071/
<i>R v NSSF Board of Trustees ex p Kikuyu Town Council</i>	<ul style="list-style-type: none"> ✓ Pensions ✓ Statutory Schemes ✓ Mandatory Schemes ✓ Comparable Benefits 	http://kenyalaw.org/caselaw/cases/view/94012/
<i>Maurice Antony Ewing v Equity Bank Limited</i>	<ul style="list-style-type: none"> ✓ Employment ✓ Unfair Dismissal ✓ Unlawful Dismissal ✓ Pension Refunds 	http://kenyalaw.org/caselaw/cases/view/104668/
<i>R v Public Procurement Administrative Review Board ex p Selex Sistemi Integrati</i>	<ul style="list-style-type: none"> ✓ Public Procurement ✓ Termination of Tenders ✓ Judicial Review ✓ Underlying Principles/Objectives ✓ Administrative Review 	http://kenyalaw.org/caselaw/cases/view/55561/
<i>Plethico Africa Ltd v Kenya Medical Supplies Agency</i>	<ul style="list-style-type: none"> ✓ Public Procurement ✓ Evaluation of Tenders ✓ Objective and Quantifiable Criteria 	http://ppoa.go.ke/index.php?option=com_content&view=article&id=281:arb-decision-2010&catid=63:previous-reviews-arb&Itemid=166
<i>Wycliffe Indalu Andieno v Attorney General & 2 Others</i>	<ul style="list-style-type: none"> ✓ Judicial Review ✓ Betting and Lotteries ✓ Constitutional Law ✓ Conservatory Orders 	http://kenyalaw.org/caselaw/cases/view/101362/
<i>C K & 11 Others v Inspector General of the National Police Service & 3 Others</i>	<ul style="list-style-type: none"> ✓ Constitutional Law ✓ Human Rights ✓ Prosecution of Offenders ✓ Gender Based Violence 	http://kenyalaw.org/caselaw/cases/view/89322/

<i>Clement Kung'u Waibara v Bernard Chege & 2 Others</i>	<ul style="list-style-type: none"> ✓ Parliamentary Elections ✓ Qualifications for Parliamentary Election ✓ Constitutional Law 	http://kenyalaw.org/caselaw/cases/view/77643/
<i>William Kabogo Gitau v George Thuo & 2 Others</i>	<ul style="list-style-type: none"> ✓ Parliamentary Elections ✓ Scrutiny & Recount of Votes ✓ Inspection of Documents ✓ Constitutional Law 	http://kenyalaw.org/caselaw/cases/view/54718/
<i>John Kiarie Waweru v Beth Wambui Mugo & 2 Others</i>	<ul style="list-style-type: none"> ✓ Parliamentary Elections ✓ Nullification of Elections ✓ Constitutional Law 	http://kenyalaw.org/caselaw/cases/view/50795/
<i>Francis Gitau Parsimei & 2 Others v National Alliance Party & 4 Others</i>	<ul style="list-style-type: none"> ✓ Elections ✓ Constitutional Law ✓ Civil Practice and Procedure ✓ Alternative Remedies 	http://kenyalaw.org/caselaw/cases/view/82087/
<i>China Jiangxi International (Kenya) Ltd v Parliamentary Service Commission</i>	<ul style="list-style-type: none"> ✓ Public Procurement ✓ Termination of Tenders ✓ Evaluation of Tenders ✓ Responsiveness of Tenders 	http://ppoa.go.ke/index.php?option=com_content&view=article&id=291:arb-decisions-2012&catid=63:previous-reviews-arb&Itemid=166
<i>EpcO Builders Ltd v Parliamentary Service Commission</i>	<ul style="list-style-type: none"> ✓ Public Procurement ✓ Preferences & Reservations ✓ Tender Validity Period ✓ Tender Security ✓ Administrative Review ✓ Res Judicata 	http://ppoa.go.ke/index.php?option=com_jdownloads&Itemid=0&task=view.download&catid=61&cid=878
<i>H Young & Co. (EA) v Kenya Airports Authority</i>	<ul style="list-style-type: none"> ✓ Public Procurement ✓ Preferences & Reservations ✓ Citizen Contractors ✓ Company Law ✓ One-Shareholder Companies 	http://ppoa.go.ke/index.php?option=com_jdownloads&Itemid=0&task=view.download&catid=61&cid=887

SELECTED PUBLICATIONS, PAPERS AND WORKSHOP PRESENTATIONS:

- ◆ Muthomi Thiankolu, 'Standards of Review and Resolution of Electoral Disputes in Kenya: A Review of the Jurisdiction of the High Court; The Court of Appeal; and the Supreme Court' in Collins Odote and Linda Musumba (eds), *Balancing the Scales of Electoral Justice: Resolving Disputes from the 2013 Elections in Kenya and the Emerging Jurisprudence* (IDLO 2016).
- ◆ Muthomi Thiankolu, 'Resolution of Electoral Disputes in Kenya: An Audit of Past Court Decisions' in Godfrey Musila (Ed), *Handbook on Election Disputes in Kenya: Context, Legal Framework, Institutions and Jurisprudence* (Law Society of Kenya 2013).
- ◆ Attiya Waris and Muthomi Thiankolu, 'International Commercial Arbitration in Kenya' in Githu Muigai (Ed), *Arbitration Law and Practice in Kenya* (Law Africa 2011).
- ◆ Muthomi Thiankolu, 'Reconciling Incongruous Policy Objectives and Benchmarking Kenya's Public Procurement Law: A Review of the Selex Case' [2011] 11 (4) *Journal of Public Procurement* 451.
- ◆ Muthomi Thiankolu, 'Landmarks from El Mann to the Saitoti Ruling; Searching a Philosophy of Constitutional Interpretation in Kenya' [2007] 1 *Kenya Law Review* 188.
- ◆ Muthomi Thiankolu, 'The Constitutional Review Cases; Emerging Issues in Kenyan Jurisprudence' [2005] 2 *East African Law Journal* 122.
- ◆ Muthomi Thiankolu, 'Reconciling Incongruous Policy Objectives and Benchmarking Kenya's Public Procurement Law: A Review of the Selex Case' (LLM Dissertation, University of Warwick 2009).
- ◆ Muthomi Thiankolu, 'The Njoya Case: Emerging Issues in Kenyan Jurisprudence (LLB Dissertation, University of Nairobi 2005).
- ◆ Muthomi Thiankolu, 'The Standard of Appellate Review in Kenya: A Review of the Jurisdiction of Court of Appeal and the Emerging Jurisprudence' (Court of Appeal of Judges' Conference, Mombasa, June 2015).
- ◆ Muthomi Thiankolu, 'The Public Procurement and Assets Disposal Bill, 2014: Analysis of Selected Provisions and their Implications' (Budget and Appropriations Committee of the National Assembly Workshop, Mombasa, August 2015).
- ◆ Muthomi Thiankolu, 'Landmark Moments in Kenya's Electoral Jurisprudence' (Law Society of Kenya Continuing Professional Development Seminar, March 2014).

- ◆ Muthomi Thiankolu, 'Lessons from Kenyan Case Law on Public Procurement-A Critical Discussion of Selected PPARB, High Court & Court of Appeal Decisions' (Public Procurement Administrative Review Board Workshop, Mombasa, August 2014).
- ◆ Muthomi Thiankolu, 'Rationale for Regulating Public Procurement and the Policy Objectives underlying Kenya's Public Procurement Law' (Law Society of Kenya Continuing Professional Development Seminar, Nairobi, September 2013).
- ◆ Muthomi Thiankolu, 'Judicial Review of the Public Procurement Administrative Review Board's Decisions' (Public Procurement Administrative Review Board Workshop, Mombasa, November 2013).
- ◆ Muthomi Thiankolu, 'Developments in Kenyan Electoral Jurisprudence' (National Council for Law Reporting Continuing Professional Development Seminar, Nairobi, January 2011).

REFEREES:

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Dated at Nairobi this.....**27th**.....day of.....**February**.....2016



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MUTHOMI THIANKOLU