



Madeline C. Kimei

Tanzania

- Professional Summary** Arbitrator, mediator and dispute resolution neutral in international and domestic commercial disputes and sits various panels including the European Commission list of arbitrators suitable for appointment as Chairperson in arbitrations under trade agreements to which the EU is a party. Holds several directorships, and is an active member of the ICC International Court of Arbitration serving on the ICC Commission on Arbitration & ADR and as an ambassador of the ICC Africa Commission and currently sitting in a second term as the President of Tanzania Institute of Arbitrators (TIArb).
- Current Employer-Title** iResolve Limited - Founder & Principal Director
- Profession** Advocate of the High Court of Tanzania, Commissioner for Oaths and Notary Public (Bar Admission Roll no. 2248)
- Work History** Founder & Principal Director, iResolve Limited, 2014 – Present; Legal Counsel, National Bank of Commerce Ltd., 2013 – 2015; Acting Head Legal & Company Secretary, Stanbic Bank (Tanzania) Ltd., 2010 - 2012; Manager Legal Services, Stanbic Bank Tanzania Ltd. 2011 - 2012; Legal Counsel, Stanbic Bank Tanzania Ltd., 2010 - 2011; Public Prosecutor Trainee, Resident Magistrate Court at Kinondoni, 2009 – 2010; Legal Trainee, Rex Attorneys, 2006 – 2007.
- Experience** As a neutral having been involved in large and complex disputes as a sole or presiding or co-arbitrator including in technology, construction, sale of goods/services, employment and mining matters. In the corporate and commercial area her experience includes representing and advising various matters relating to breach of contract, transportation, commodities trading, banking, insurance, corporate governance, real estate, construction, telecommunications, mining, construction, and trade. Also providing corporate governance support for MNO's, SMEs, and international non-governmental organisations (NGOs). Worked as ADR specialist to organizations, law firms and advisor to tribunals as an arbitral secretary. Trainer to public and private institutions and a faculty of the International Law Institute –(ILI) Washington for Online Dispute Resolution (ODR) and the Bangladesh International Mediation Society. to have been able to have influenced public policy shaping the development of ADR in Tanzania. Being at the forefront of developing #legaltech solutions to increase participation and reduce the costs of settling legal disputes. Have been involved in designing and

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Neutral ID : 6191062

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implementing dispute resolution legal frameworks and services for government and industry bodies in the Tanzania and globally.

Received various recognitions in the field namely the 2023 ADR recognition award from the Judiciary of Tanzania, Mediation Centre and being listed among 100 Tanzanian Changemakers 2023 due to having a strong passion in advancing the use and credibility of arbitration, mediation, and other ADR mechanisms in Tanzania.

Alternative Dispute Resolution Experience

Arbitrator Appointments (Sole /Co-/ Presiding)

- Co – Arbitrator in a dispute arising from a Mining Surface Drilling Agreement with claim amount to approximately \$12 Million.
- Presiding Arbitrator in a commercial dispute arising under a short-code provision agreement for gaming.
- Presiding Arbitrator in a dispute arising from a commercial sales of vehicle agreement.
- Co -Arbitrator in a international construction commercial dispute based on the Conditions of Contract for Building and Engineering Deigned by the Employer, Multilateral Development Bank Edition (May 2005) published by the International Federation of Consulting Engineers (FIDIC).
- Sole Adjudicator in a dispute arising from a supply contract between state owned organization and a foreign company.
- Sole arbitrator in an ad hoc arbitration in a dispute arising out of a Memorandum of Agreement for the maintenance and servicing of equipment.
- Sole Arbitrator in an ad-hoc arbitration under the UNCITRAL Arbitration Rules (2010) in respect of a contract for training on usage and supply of project management software and implementation under a private-public partnership.
- Sole Arbitrator in an ad-hoc arbitration adjudicating a dispute arising from a breach of bus shelter advertising agreement.
- Sole Arbitrator in a shareholder liability dispute with claim value of \$260,000.
- Sole Arbitrator in an ad-hoc arbitration in respect of an employment related dispute arising from unfair termination.
- Sole Arbitrator in an ad-hoc domestic arbitration of a dispute involving a sugar manufacturer and major beverage company ending in consent award with value amounting to TZS 1, 143, 632,325 (\$494,200).
- Sole Arbitrator in an arbitration of a dispute involving a dispute arising from advertising services contract between a South African entity against a state-owned telecommunication company.

Arbitration Counsel:

- Counsel advising a Chinese construction company on a dispute arising from a FIDIC contract.
- Counsel advising the Contractor in a dispute arising under the Procedural Rules for Conciliation and Arbitration of Contracts EDF 1990.

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- Counsel representing the Claimant, an international construction company in a sub-contract construction dispute successfully securing an ex-parte Arbitral Award of \$290,000 plus interest against the power construction company.
- Counsel representing the claimant in an ad hoc arbitration under Tanzanian law regarding a commercial development property dispute against the Lessee with claim value of \$1,000,000 plus.
- Counsel in an ad hoc arbitration arising from a consultancy engagement between a Tanzanian party and an Indian based conglomerate amounting to over \$1,000,000.
- Counsel representing the Claimant a Value-Added Service provider in arbitration proceedings claiming breach of contract and successful in securing an Arbitral Award in its favor amounting to TZS 116, 733, 052 (\$50,000) plus interest against a mobile telecommunications company.
- Counsel representing a gold mining company in a dispute arising from breach of Mining Service Agreement (MSA) with claim value over USD 270,000.
- Counsel representing the claimant arbitration proceedings representing a petroleum supplier in a dispute involving breach of a Fuel Supply Agreement for the petroleum supply to a mining company in Tanzania securing a consent award amounting to \$450,000.
- Counsel representing a petroleum supply company in a debt recovery suit for breach of Fuel Supply Agreement.
- Counsel engaged for Filing of Arbitral Awards including Consent Awards, Domestic / Foreign Arbitral Awards for the recognition and enforcement.

Arbitral Secretary:

- Arbitral secretary in several domestic ad-hoc arbitrations including a 3-member tribunal over a telecommunications dispute arising from a national dealership agreement under UNCITRAL Rules.

Technology Proficiency

Proficient in use of technology and more specically usage of Microsoft Teams; Zoom; WEBEX, Jitsi , GoToMeeting and other meeting platforms. Conducted domain name disputes resolution using electronic means; highly accomodative of technology to save costs and time for the parties. Use of document production softwares, electronic file storage systems (OneDrive, Google Drive) and web-based platforms transcription (Sonix and Rev).

Vast ODR expertise standing in as a Course Facilitator for the International Law Institute (George Washington University) on Practical Aspects of Online Dispute Resolution; Panelist, Jur Webinar, Q&A on "Legaltech" – 2 July 2020 (Livestorm); Designing and facilitating the training program for mediators on ODR for the Enugu State Multidoor Courthouse, Nigeria (Zoom training); Lead Facilitator-ODR training under the Centre of International Dispute Resolution - CIAdr (Bangladesh); Committee Member of the Africa Arbitration Academy Virtual Hearings in Africa Protocol 2020; Facilitator, ODR4AFRICA Webinar Series,

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Episode 1: Introduction to ODR, November 2019.

Education

Africa Arbitration Academy (Diploma in International Arbitration – 2021); Law School of Tanzania (Post Graduate Diploma in Legal Practice - 2011); Bournemouth University, United Kingdom (LLM, Law & Finance – 2008); Coventry University, United Kingdom (LLB – 2006); PEPONI Secondary School, Nairobi, Kenya (IGCSE's, AS Level and A Levels – 2003); Greenacres School, Nairobi, Kenya (2000).

Professional Licenses

- Certificate in International Commercial Mediation and Investor-State Mediation International Law Institute /Georgetown University, September 2021;
- Accredited Mediator and Arbitrator, Registrar, Ministry of Legal Affairs of Tanzania;
- Accredited Commercial and Civil Mediator - Chartered Institute of Arbitrators (London) 2012;
- Certificate in International Investment Treaties & Investor State Arbitration - International Law Institute /Georgetown University December 2017;
- Certificate in Practical use of the 1999 FIDIC conditions of contract (FIDIC Contracts training Module1); Management of claims and resolution of disputes (FIDIC Contracts Training Module 2);
- Certificate in Dispute Management (CDM)- Indian Institute of Arbitrators and Mediators (IIAM);
- Certificate in Conduct & Practice of Arbitrations by the National Construction Council & Tanzania Institute of Arbitrators (DSM) 2011.

Professional Associations

Member, London Court of International Arbitration (LCIA) User's Council; Member, International Chamber of Commerce (ICC) International Court of Arbitration – Paris; President, Tanzania Institute of Arbitrators (TIArb) (June 2019 – to date); Secretary/Member of the East Africa Law Society, ADR Committee; Member of the Accreditation Panel (Neutrals), Ministry of Constructional and Legal Affairs Tanzania'; Member, Africa Users Council, Singapore International Arbitration Centre (SIAC); Ambassador, ICC International Court of Arbitration, Africa Commission 2021-24; Member, Lagos Chamber of Commerce International Arbitration Centre, Court of Arbitration; Director, Tanzania International Arbitration Centre (2020 – to date).

Recent Publications & Speaking Engagements

- 2024: Panelist, World IP Day 2024, IP Disputes & ADR; Panelist, ADR Stakeholders Recognition Award, Why not Mediation? Judiciary of Tanzania - Dar es Salaam; Facilitator, Webinar on Contract Management: Dispute Resolution and Arbitration in Tanzania, Tanganyika Law Society; ICC Training Workshop Tanzania (Feb 24);
- 2023: Panelist, Diversity and inclusion: from the ground-up – Africa Arbitration Association – Cape Town (Oct 2023); Facilitator, ADR Spectrum, Bangladesh Int' Mediation Society, Mediation & Multiculturalism Domestic and International

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Challenges, November 2023 - Dhaka, Bangladesh; Moderator, a dialogue with former Chief Justices on the past, present, and future outlook of the Southern and Eastern Africa region judiciaries at the Southern and Eastern Africa Chief Justices' Forum (Oct 23); Empowering Women in Arbitration: Breaking Barriers, shaping the future, East African Law Society; Panelist, Tanzania: Development, Business Environment and Investment Climate - Toastmasters East Africa Corporate Innovation & Leadership Summit (July 2023).

- 2022: Panelist, Reform of The Legal Framework for International Arbitration in Tanzania, Dubai Arbitration Week, Regional Perspectives: Recent Developments in MENA & East Africa - November 14-18, 2021; Panelist, ICC Kenya – Equality and Diversity in the Arbitration Community: Time for a Change, Impact of Women in Arbitration across Africa - 23 September 2022; Panelist, East Africa Law Society, Webinar on "The state of Institutional Arbitration in EA", 20 September 2022; Speaker at the 9th Annual Governance Forum on "Corporate Governance & Conflict/Dispute Resolution", Institute of Internal Auditors – Arusha -September 2022.; Panelist, Mitigating the risk of crude oil pipeline construction projects: EACOP Pipeline Project, July 2021;

- 2020: Speaker, Masterclass in Arbitration Law, Evolution of Arbitration and Future Trends (Symbiosis Law University ADR Society) – 26 September 2020; Moderator, East Africa International Arbitration Conference - Career Day – 26 August 2020; Panelist, Africa-Asia Mediation Association (AAMA) -Thailand Arbitration Centre (THAC), Challenges in Conducting Online Mediation – 25 August 2020; Convener, Africa-Asia Mediation (Virtual) Conference 2020, Supreme Court of Bangladesh, Dhaka 23 August 2020; Convener, Tanzania Institute of Arbitrators (TIArb) Annual Arbitration Conference – 7 August 2020; 2nd KIAC Webinar Knowledge Sharing Session, Practical Tips for Online Mediation -3 July 2020 Speaker, EAIAC Webinar Series, The New Arbitration Act and Lessons - 17 June 2020; Panelist, ODR/Virtual Arbitration in Africa, Kovise Foundation Conflict Resolution International (KFCRI), 8 May 2020 (Zoom Webinar)2020 Panelist, on the Covid19: Commercial Risk Mitigation and Efficient Dispute Resolution in Africa hosted by Cliffe Dekker Hoefer 16 April 2020; Panelist, Virtual Alternative Dispute Resolution in a post-covid19 era, The African Catalyst, 7 May 2020 (Youtube Livestream); Moderator, Panel on Arbitration and Arbitral Institutions in Africa, 2nd Annual NCIA International Arbitration and ADR Conference, Nairobi Centre for International Arbitration, Mombasa, 4-6 March 2020

Citizenship Tanzania
Languages English

Compensation

Hearing:	\$550.00/Hr
Study:	\$450.00/Hr
Travel:	\$300.00/Day

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Cancellation: \$500.00/Day
Cancellation Period: 14 Days
Comment: Additional costs shall be chargeable for any expenses or costs incurred in connection with the services.

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