****

**A BASIC COURSE ON COMPLIANCE AND REGULATION OF ARBITRATION, CONCILIATION, AND MEDIATION PRACTICE IN TANZANIA:**

**PROGRAMME**

**Dodoma,**

**May 4th -5th, 2021**

**DAY 1: 4th May 2021**

|  |  |  |
| --- | --- | --- |
| **Time** | **Event** | **Responsible** |
| 08:45 – 9:15am | Registration | All |
| 9:15 – 9.25am | Introductions  Overview of TIAC | Mr. Alphonce Gura – TIAC Managing Director |
| 9.25 – 9.40am | Welcoming Remarks | Dr Edward Gamaya Hosea – TLS President |
| 9.40 – 10.10am | State Policy Considerations for Regulating the Arbitration sector | Mr. Griffin Mwakapeje |
| 10.00 – 10.30am | **Tea Break/Group Photo** | All |
| 10.30 – 11.00am | Overview of the New Arbitration Act (sharing Tanzania’s experience on previous Arbitration Law Regime) | Dr. Clement Mashamba |
| 11.00 – 11.20am | Consequential Amendments (CPA CAP 20; CPC CAP 33; PPP Act CAP 103 & Natural Wealth and Resources (Permanent Sovereignty) Act CAP 449) | Dr. Clement Mashamba |
| 11.20 – 11.35am | Overview of the Changes in Court Powers relating to Arbitration and Mediation in Tanzania | Dr. Clement Mashamba and Griffin Mwakapeje |
| 11.35 – 12.00am | Establishment, Management and Operations of the Tanzania Arbitration Centre – TAC | Mr. Griffin Mwakapeje |
| 12.00 – 12.10pm | Regulation of other ADR and arbitration institutions | Mr. Griffin Mwakapeje |
| 12.10 – 13.00pm | **Plenary Discussions** | Moderator/Panelists/Participants |
| 13.00 - 14.00pm | **Lunch Break/End of Day 1** | All |
| 14.00 – 15.00pm | Consultations on accreditation and registration of practitioners | TIAC |

**DAY 2: 5th May 2021**

|  |  |  |
| --- | --- | --- |
| **Time** | **Event** | **Responsible** |
| 08:45 – 9:15am | Registration | All |
| 09.15 – 09.30am | Establishment of the Office of Registrar (Purpose, Powers and Functions) | Mr. Dunstan Shimbo |
| 09.30 – 09.50am | Accreditation of Practitioners (Reconciliation, Negotiation, Mediation and Arbitration) | Mr Dunstan Shimbo |
| 09.50 – 10.20am | Regulating Conduct of Practitioners (Reconciliators, Negotiators, Mediators and Arbitrators) | Mr. Dunstan Shimbo |
| 10.20 - 11.00am | **Plenary Discussion** | Moderator/Participants/Panelists |
| 11.00 – 11:20am | **Tea Break** | All |
| 11.20– 11.50am | Regulating Fees and Other Costs of Arbitration, Mediation, Negotiation and Conciliation | Dr Clement Mashamba |
| 11.50 – 12.10am | Regulating Foundation Courses for Arbitrators and continuing education and competency for Arbitration and Mediation practitioners | Dr Clement Mashamba |
| 12.10 – 13.00pm | General Q&A and Plenary Discussions | Moderator/Panelists/Participants |
| 13.00 – 13.10am | Vote of Thanks | Chapter Convenor |
| 13.10 – 14.10pm | **Lunch Break/End of Day 2** | All |
| 14:10 – 15.00pm | Consultations on accreditation and registration of practitioners | Office of Registrar/ TIAC |

**PANELISTS:**

**Dr. Clement Julius MASHAMBA**

**Dr. Clement Julius Mashamba** is currently an Adjunct Senior Lecturer/Professor in Law – University of Iringa, Tanzania; a Part-time Senior Lecturer in Law at the St. Augustine University of Tanzania; He is also an external examiner of LL.M. and Ph.D. students at the University of Western Cape, at Bellville, Cape Town, South Africa; Fort Hare University, South Africa; the Open University of Tanzania; and Ruaha Catholic University, Tanzania. As a scholar, Dr. Mashamba has hundreds of publications including books, journal articles, chapters and reviews under his authorship.

**Dr. Mashamba** holds a doctoral degree (PhD) in International Comparative Juvenile from University of Witwatersrand, SA and Open University of Tanzania. **Dr. Mashamba** has served as the Solicitor-General of Tanzania (April 2018 to July 2020). Over this period, **Dr. Mashamba** has been representing the Government in domestic and international courts as well as tribunals in matters relating to international arbitration and alternative dispute resolution, international human rights law and international law.

**Dr. Mashamba** is a Member of the Joint Panel of Arbitrators under the auspices of the Arbitration Foundation of Southern Africa and Southern African Development Cooperation (AFSA/SADC Panel of Arbitrators), as well as a Member of the Panel of Arbitrators under the Tanzania Institute of Arbitrators (TIArb.). He has also been a Member of the African Committee of Experts on the Rights and Welfare of the Child (ACERWC), Addis Ababa, Ethiopia, from July 2010 to 28 February 2021. His other membership in professional associations include: Associate Member, Association of Fraud Examiners (ACFE) (Tanzania Chapter) (since September 2014); Member of the African Network for Prevention and Protection Against Child Abuse and Neglect (Tanzania Chapter) (from September 2016 to date); Member of the Board of Directors of the Centre for Fraud Research and Investigation (CFRI) (from October 2016 – to date); Assistant Editor of the Tanganyika Law Society Law Reports (from 2016 to date); and Member of the Board of Directors of the Women in Law and Development in Africa (WiLDAF, Tanzania Brach) (from December 2020 to date).

**Mr. Griffin Venance MWAKAPEJE**

**Mr. Griffin Mwakapeje** has extensive public service experience, having worked as a senior official for the Government of Tanzania, in the Ministry of Constitutional and Legal Affairs for almost a decade. He is currently the Director of Public Legal Services at the Ministry of Constitutional and Legal Affairs a position he has been serving since 2018. He has also served as Assistant Director of Public Legal Service (20217-2018) as well as well as Public Complaints (2014-2017).

**Mr. Mwakapeje** has incisive focus on legislative and regulatory reforms, operational and strategic public policies in the legal sector, issues management and stakeholder consultation in the legal sector. He has been a key person advising the Minister on the responsiveness, resilience and relevance of the National Legal Framework as well as overseeing negotiations on the legal sector development agreements. As such, **Mr. Mwakapeje** has actively been involved in the development of the new arbitration regime in Tanzania from the its inception to fruition.

**Mr. Mwakapeje** spent his early years of practice as a prosecution State Attorney before moving to the Ministry of Constitution and Legal Affairs. **Mr. Mwakapeje** holds an LL.M in Intellectual Property Law from University of Dar Es Salaam and LL.B (2007) from the same university. Mr. Mwakepeje was admitted as Advocate of the High Court of Tanzania in 2012.

**Mr. Dunstan SHIMBO**

**Mr. Dunstan Shimbo** is currently the Acting Registrar of Reconciliators, Negotiatiors, Mediators and Arbitrators. He also serves as Assistant Director of Public Legal Services at the Ministry of Constitutional and Legal Affairs since July 2020. From 2004 to 2020 Mr Shimbo has worked in various Municipal and District Councils in the country as Head of Legal and Security Unit. Mr. Shimbo has attended various trainings on international trade, commercial arbitration and dispute settlement including the Hague Academy of International Law – Programme on Settlement of African Disputes (2006); Xiamen Academy of International Law in China (2010); WTO Trading Regulations, WTI in Switzerland (2014); Diploma International Arbitration from the Austrian Arbitration Academy (2016); as well as China Legal Professionals Exchange Programme in China (2019). Mr. Shimbo holds LL.B from University of Dar es Salaam (2004) and LL.M from in International Trade and Finance Law from Ruaha University College (2012).

**Mr. Alphonce Marandu GURA**

**Alphonce Gura** is a firm believer in a functional dispute resolution system and justice system. In his early career days, he advocated for legal empowerment as a sustainable approach to resolving justice issues in Tanzanian communities. In a span of nine years he has been at the forefront of re-modelling pro bono as well as paralegal services in Tanzania while actively negotiating for the Bar’s position (through Tanganyika Law Society- TLS) in the Government led legislative changes in the legal aid subsector between 2012 and 2017.

Between 2012 and 2015 Mr Gura represented TLS in the negotiation of the cross-border legal practice under the umbrella of East African Law Society. Similarly, between 2018 and 2020 he has represented TLS in the South African Development Community Lawyers Association (SADCLA) by being part of the SADCLA Pro bono and human rights committees, SADC young lawyer’s network, and taskforce to promote SADC Regional Seat for Commercial Arbitration and Investment Dispute Resolution through SADLCA.

Between 2015 and 2020, **Mr. Gura** has been a key figure in setting up and running of the National Bar’s legislative reform programme which has had tremendous success in half decade. Still, **Mr. Gura** has coordinated, written, edited, and contributed to more than 100 publications on a myriad of themes including legal practice, grassroots community justice, child justice, electoral justice, judicial accountability, criminal justice, and violent extremism. Additionally, he has been the key drafter of a number of regulations for the legal professions between 2012 and 2017 which have had a major national impact. Simply put, his tireless energy and colossal contribution have immensely helped TLS in shaping and changing the legal profession landscape in Tanzania.

**Mr. Gura** graduated with a *Bachelor of Laws Degree (2010)* and *Masters of Laws Degree in Procedural Law and International Legal Practice (2013)* both from the University of Dar es Salaam with a specialization on commercial mediation, international commercial arbitration and domestic arbitration. He has worked with Tanganyika Law Society (TLS) since early 2011, in various positions including acting as CEO of TLS in 2014 for 9 months. Until his appointment as Managing Director of Tanzania International Arbitration Centre (TIAC) in May 2020, **Mr. Gura** was serving as the Business Development Manager of TLS and among the senior most members of the TLS Management team. Mr. Gura brings in a unique blend of knowledge including business development, organisational development, policy and law reform, judicial accountability advocacy as well as regulation of legal professionals and professional association.