



Max Planck Institute  
**LUXEMBOURG**  
for Procedural Law

## HARRISON MBORI

Max Planck Institute Luxembourg  
for Procedural Law

[harrison.mbori@mpi.lu](mailto:harrison.mbori@mpi.lu)

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### Professional Experience

- 02/2021 – present      **Research Fellow**, Max Planck Institute Luxembourg for Procedural Law, Department of International Law and Dispute Resolution
- 01/2016 – 08/2019      **Law Lecturer**, Strathmore University, Nairobi, Kenya.
- 01/2017 – 06/2017      **Trainee Advocate**, A.F Gross Advocate, Nairobi, Kenya.
- 06/2015 – 08/2015      **Intern**, Holland and Knight LLP, Washington DC.

### Education

SJD Candidate, Loyola University Chicago School of Law (2019 to date).

LL.M Candidate in International Economic Law and Policy, Academy of International Economic Law and Policy (AI ELPO)-European Public Law Organization (ELPO) Master of Law, (2021).

Postgraduate Diploma in Law, Kenya School of Law (2016).

LL.M. in International Law and Alternative Dispute Resolution, Loyola University Chicago Law School (2015).

Law Degree (LLB), University of Nairobi (2014).

### Publications

#### Book Chapters

(2020) (with James T. Gathii) Reference Guide to Africa's International Courts: An Introduction, in *The Performance of Africa's International Courts: Using International Litigation for Political, Legal, And Social Change* (James T. Gathii ed., Oxford University Press).

#### Articles and Comments on Case Law

(2020) 'Case Commentary on the British American Tobacco v Attorney General of Uganda (EACJ) and GETMA International v The Republic of Guinea (OHADA CCJA)' *African Journal of International Economic Law* (2020).

(2018) (with James T. Gathii) 'Assessing Kenya's Cooperative Model Of Devolution: A Situation-Specific Analysis' *Federal Law Review* 46, No. 4.

(2017a) 'Combating Unjustified Sanitary and Phytosanitary Measures in the African Tripartite Free Trade Area (COMESA-SADC-EAC): SPS-Plus or SPS-Minus?' *Hungarian Journal of Legal Studies* 58, No 4, 409–433.

(2017b) 'Discrete Discretion and Moderate Moderation in Judicial Sentencing: A Commentary on Kenya's Sentencing Policy Guidelines, 2016' *Strathmore University Law Journal* 3, No 3, 90-112.

(2017c) (with Smith Ouma, Cynthia A.M Amutete) 'Engendering Rule of Law in Health Care Delivery in Kenya' *Wisconsin International Law Journal* 35, No. 1, 81-136

(2016a) 'Implementing the Right to Health under the Constitution of Kenya, 2010: A Critical Analysis' *Kenya Law Review* 5, No. 1

(2016b) (with Emmah Wabuke, Smith Otieno) 'The Fission and Fusion in International Use of Force: Relating Unlawful Use of Force and the War Crime of Disproportionate Force not Justified by Military Necessity' *Case Western Reserve University Journal of International Law* 48, No. 1, 303-327.

(2015) 'The Merged African Court of Justice and Human Rights (ACJ&HR) as a Better Criminal Justice System than the ICC' *University of Nairobi Law Journal* 8, No. 1, 118.

### Blogposts

"Exit is the Only Way Out: A Polemic Response to John Nyanje's "Hegemony in Investor State Dispute Settlement: How African states need to Approach Reforms" *Afronomics law* <https://www.afronomicslaw.org/2020/09/10/exit-is-the-only-way-out-a-polemic-response-to-john-nyanje-hegemony-in-investor-state-dispute-settlement-how-african-states-need-to-approach-reforms/> (September 10, 2020).

"Practice meeting theory: Introducing the Symposium on Learning and Teaching International Economic Law through Moot courts" *Afronomics law* <https://www.afronomicslaw.org/2020/04/21/practice-meeting-theory-introducing-the-symposium-on-learning-and-teaching-international-economic-law-through-moot-courts/> (April 21, 2020).

"Existing in the Eternal Twilight Zone of WTO Consistency: The case of the African Continental Free Trade Agreement" *Afronomics law* <https://www.afronomicslaw.org/2019/01/25/existing-in-the-eternal-twilight-zone-of-wto-consistency-the-case-of-the-africa-continental-free-trade-agreement/> (January 25, 2019).

"The Fulcrum for the Invalidation of Kenya's 2017 Presidential Election: Section 83 of the Elections Act" *Oxford Human Rights Hub* <https://ohrh.law.ox.ac.uk/the-fulcrum-for-the-invalidation-of-kenyas-2017-presidential-election-section-83-of-the-elections-act/> (October 18, 2017).

### Conference Presentations

"Sharpening the only Arrows in the Quiver: How African States Can Improve the Use of Trade Remedies" presented at The African International Economic Law Network (AfIELN) Conference Draft Program Strathmore University, Nairobi, Kenya 18 to 20 July, 2019.

### Professional Affiliations

Law Society of Kenya

East Africa Law Society

Society for International Economic Law

## Scholarships and Prizes

Coach of the First Team from Africa to win the John H. Jackson Moot Court on WTO Law (formerly ELSA moot court on WTO law), 2019.

Best Oralist Grand Finals of the African Regional Rounds of the ELSA moot court on WTO law, 2017.

Best Oralist, Semi Finals of the African Regional Rounds of the ELSA moot court on WTO law, 2017.

Best Oralist, Preliminary Rounds of the African Regional Rounds of the ELSA moot court on WTO law, 2017.

Runners-Up 2nd Edition of the Benjamin E. Ferencz Essay Writing Competition, 2015.