



ABDIKADIR & ABDIKADIR

Company Profile

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In **Brief**

Our willingness and ability to understand our clients' businesses and the markets where they operate, coupled with our considerable expertise in putting a client's case to the authorities, sets us apart.

Discover how we make an impact through the work that we do

Contents

Introduction

In brief	02
Word from our Partners	04

The Firm

About the Firm	06
Mission Vision Values	08

Our Team

Introduction	10
Abdikadir H. Mohammed	12
Abdikadir H. Sheikh	13
Felix Muyove	14
Swaleh Kanyeki	15
Samira Ally	16

Our Areas of Practice

Corporate & Commercial Law	20
Islamic Banking	21
Conveyancing & Real Estate	22
Aviation Law	24
Dispute Resolution	26
Arbitration	27
Government Relations	28
Intellectual Property	29
Insurance	30
Taxation Law	31
Charitable Trust	32
Oil & Gas	33
Mergers & Acquisitions	34
Wealth Management, Trusts & Estates	35
Environmental Law	36
Project Finance, Infrastructure & Construction	38



Word from our Partners

"We consider Honesty and Integrity to be more important today than ever in an environment and a nation where honesty and integrity have become just words and bravado, and it is our priority as a firm to invest in our people and their skills to be professional and have the highest levels of integrity.

Our aim is to set the benchmark we put strong emphasis on our clients' needs and provide them tailor-made solutions for their legal problems for professionalism and integrity"





About The Firm

Abdikadir & Abdikadir is a full service law firm specializing in Corporate, Commercial & Company Law, Conveyancing & Real Estate Law Banking & Finance Law, Mergers and Acquisitions, Capital Markets and Securities Law, Environmental Law, Insurance Law, Intellectual Property Law and Company Secretarial Services. We provide clear and practical advice based on an in depth analysis and knowledge of the legal, regulatory and commercial environment within which our clients operate and always with an insightful understanding of the Client's overall objectives.



Our Core Values



We value integrity, ethics, excellence, team work and success both of our clients and our law practice in general. We also believe in treating our clients with utmost respect and faith. We grow through creativity, invention and innovation.

We integrate honesty integrity and business ethics into all aspects of our business functioning, and above all we take pride in Client satisfaction.



ABDIKADIR & ABDIKADIR



our **VISION**



To excel in client representation through continuous and integral team development and in the process contributing to the well-being of our Society and community.



our **MISSION**



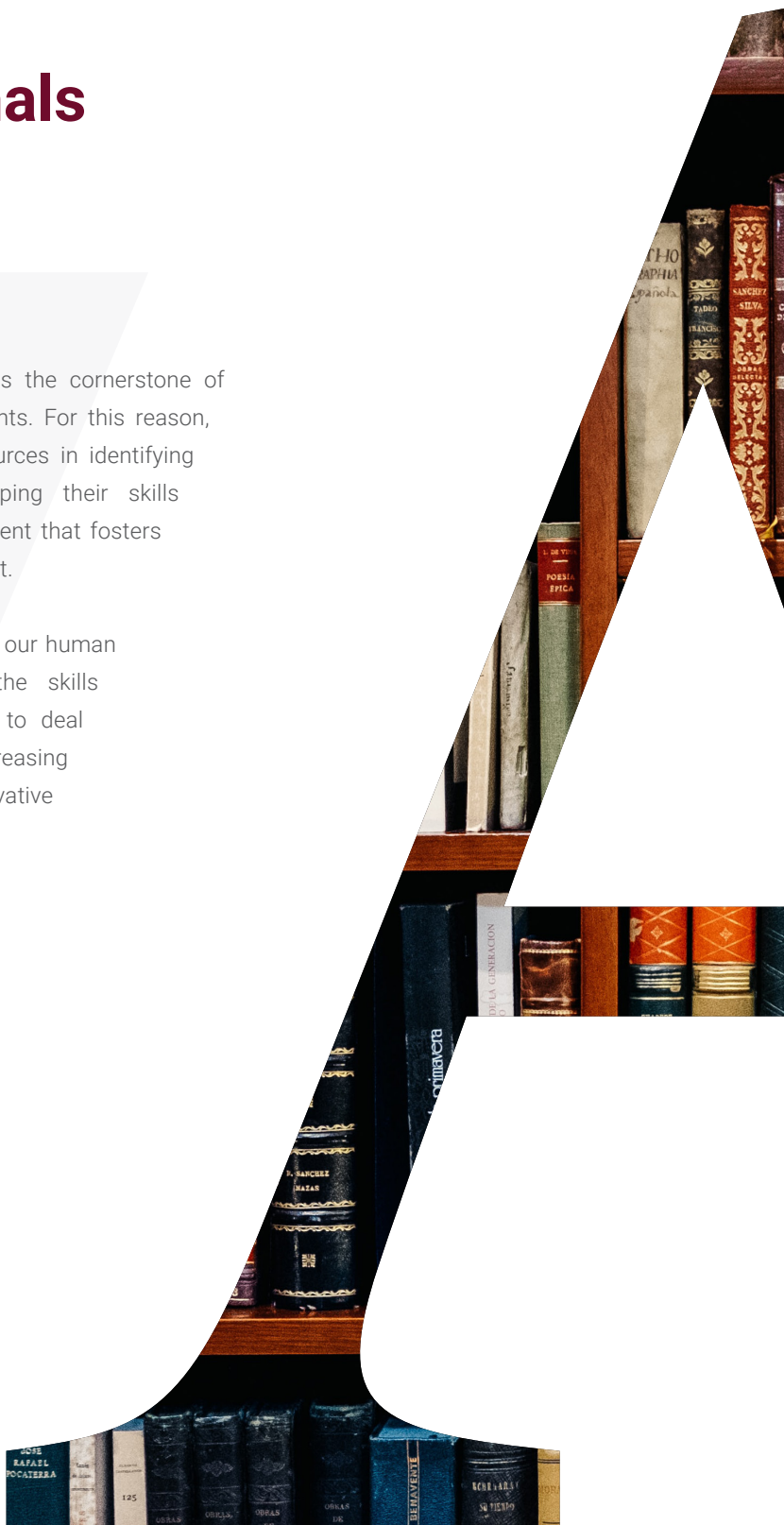
To select our clients according to our expertise, preparation and resources; to clearly identify our clients' needs, expectations and goals and to keep the clients informed of our progress, to win the clients' confidence and recognition for excellent representation. Our ultimate goal is to build long term relationships with our Clients and provide exceptional customer/ client services by pursuing business through innovation and advanced technology.



Our Team of Professionals

The quality of our people is the cornerstone of our ability to serve our Clients. For this reason, we invest tremendous resources in identifying exceptional people, developing their skills and creating an environment that fosters their growth and development.

In ensuring that we invest in our human capital, we in turn develop the skills and competences required to deal with our Clients' ever increasing demand for quality and innovative legal products and services.





“The strength of the team is each individual member. The strength of each member is the team.”

- Phil Jackson



ABDIKADIR & ABDIKADIR



Abdikadir Hussein Mohammed, SC
PARTNER

Currently a Senior Partner with Abdikadir & Abdikadir Company Advocates, he has previously worked at the Executive Office of the President as the Senior Legal Advisor to the President of the Republic of Kenya on Constitutional and Legal matters. He is a member of the Law Society of Kenya as well as Institute of Certified Public Secretaries (CPS). Abdikadir has previously been a partner at the firm of Ahmednasir, Abdikadir & Company Advocates for almost two decades where he was the managing partner before he joined politics where he was elected as a Member of Parliament for Mandera Central in the 2007 general elections.

Abdikadir has vast knowledge and experience in a wide array of areas. Some of his notable accomplishments are as follows:-

1. Led a team of legal consultants in advising the Postal Corporation of Kenya in restructuring, vesting of agents and establishment of the Postal Corporation of Kenya as the Public postal licensee during the restructuring of the giant Kenya Posts and Telecommunications Corporation (KPTC) and split into three (3) corporate entities of Telkom Kenya Limited (telephone), Postal Corporation of Kenya (Postal) and the then Communications Commission of Kenya (Regulator).
2. Expert in corporate reorganization and led the largest review of Kenya's Parastatal sector resulting inter alia in the reorganization of the Agriculture sector from close to 40 entities to less than five (5) and now underway in the financial sector;
3. Undertook a legal audit of the National Hospital Insurance Fund's (NHIF) investments and set up a recovery program for its non-pensioning assets that bore fruits.
4. Chairman of the Parliamentary Select Committee on the review of the Constitution of the Kenya National Assembly which culminated in the Promulgation of the Constitution of Kenya in August 2010.
5. Led a team of consultants made up of bankers, lawyers and officers from the Central Bank of Kenya in reviewing the banking and regulatory environments in Kenya with a view to licensing a banking institution operating on Islamic finance principles. This included visits to the Financial Services Authority (FSA) in the United Kingdom and the Central Bank of the United Arab Emirates.
6. Unique Experience and expertise in Islamic banking and Islamic Contract law including being the lead counsel for the incorporation of the First Islamic bank in Kenya.
7. As a former member of parliament and head of several parliamentary committees gained substantial experience in statutory instruments and interpretations
8. Substantial governmental exposure in general and the regulatory environment in particular having served in all the three arms of government with distinction.

EDUCATION

LLM - **Harvard Law School, Harvard University, USA**

LLB - **University of Nairobi, Kenya**

Post Graduate Diploma in Law - **Kenya School of Law**



Sheikh is the Managing Partner at Abdikadir & Abdikadir Company Advocates and is in Charge of the Dispute Resolution department. He is a London trained solicitor and has previously worked with Adam & Company Solicitors, London. He is a member of the Law Society of Kenya, Chartered Institute of Arbitrators and East Africa Lawyers Association. He has been involved in many high profile and ground breaking cases at the High Court, Court of Appeal and the Supreme Court and most recently Sheikh was the lead counsel for Bonten Media Group Limited against Kenya Broadcasting Corporation where Bonten Media Company was seeking over Kenya Shillings Three Hundred Million for breach of contract and damages.

Abdikadir has a vast experience nationally and internationally. Sheikh has represented and advised clients in a wide variety of sectors including construction, education, financial services, Insurance and transport & logistics. His main areas of practice include Alternative Dispute resolution with a special focus on arbitration, civil and commercial arbitration and Litigation, criminal litigation, constitutional and employment law, commercial and corporate law. Based on his extensive experience he has been retained by several multi-nationals, Banks and Finance institutions, Parastatal and statutory corporation and high ranking individuals to advise and/or act in various dispute resolution matters.

Sheikh also has a keen interest in Arbitration practice and has been involved as a party representative in numerous domestic commercial Arbitrations over the years. John is also a professionally qualified Arbitrator in his own right having attained the rank of Member of the Chartered Institute of Arbitrators (MCIArb).

EDUCATION

Bachelor of Laws ,Birkbeck College University Of London, College Of Law of England and Wales,
Diploma In Law ,Kenya School of Law
Member of Chartered Institute of Arbitrators (MCIArb)



Felix Muyove is an Associate Advocate at Abdikadir & Abdikadir Company Advocates in the commercial and Corporate, Conveyancing and Real Estate group with his key practice areas and specialization being Banking & Finance, Commercial and Corporate Law and Conveyancing & Real Estate. He holds a Bachelor of Laws and a Post Graduate Diploma in law from the Kenya School of Law and is currently undertaking his studies towards qualifying as a Certified Public Secretary.

Felix has acted for companies involved in commercial and residential developments during the sale of the properties and engaged in negotiating the contracts between the companies and the various consultants' contractors for various works in the project developments and Corporate Clients in the drawing and perfection of securities.

He has also advised local and international clients in securitizations, debt finance, project finance, real estate joint ventures commercial contracts, due diligence, mergers & acquisition, corporate restructuring and reorganizations from target sectors such as construction, financial services, and manufacturing and industries.

EDUCATION

Bachelor of Laws (LLB), (Hons)

Post Graduate Diploma in Law, Kenya School of Law



Swaleh Kanyeki
CONSULTANT

Apart from being a Consultant with Abdikadir & Abdikadir Company Advocates, Swaleh is a Senior Partner at Swaleh, Mwangi & Company Advocates. He previously served as a Sharia Board member at the Gulf African Bank Limited, one of the pioneer Islamic banks in Kenya. Swaleh holds a Bachelor of Laws degree (LLB – Common Law and Sharia) from the University of Khartoum and a Diploma from the Kenya School of Law. He also holds Master of Laws degree in International Legal Practice from the University of Law (formerly the College of Law) in the United Kingdom.

Swaleh has previously worked as a Director - Legal Affairs as well as Senior Legal Counsel at Emirates Telecommunications Corporation – Etisalat where among other roles he dealt with formulation of the corporation's legal, corporate, business, commercial and investment policies to protect Etisalat interest through prudent and proper legal procedures, compliance and documentation. Swaleh was also in charge of management of M&A, legal due diligence and documentation of various transactions.

EDUCATION

Master of Laws degree in International Legal Practice the University of Law (formerly the College of Law) in the United Kingdom.
Bachelor of Laws degree (LLB) -University of Khartoum
Post-Graduate Diploma - Kenya School of Law.

Samira is a holder of a Bachelor of Laws degree (LLB) from Riara University. She is currently pursuing the Chartered Financial Analyst Course (CFA).

She has previously worked as a Lead Legal researcher for the Kenya Women Judges Association as well as Senior Researcher for Parliament, where among other roles she maintained an overview of the legal framework by providing legal advice. She has vast experience in drafting Commercial, Company and Corporate Law; Conveyancing and Real Estate law; Banking and Finance Agreements.

EDUCATION

Bachelor of Laws (LLB), (Hons) Riara University
Post Graduate Diploma in Law, Kenya School of Law

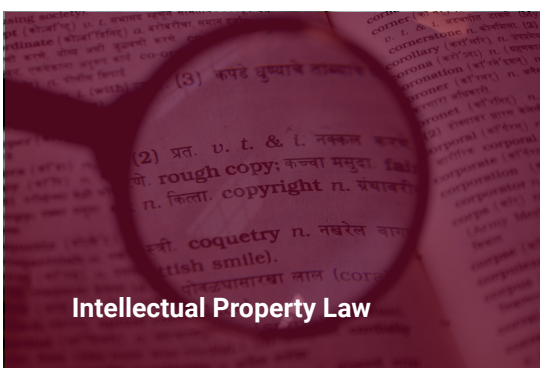
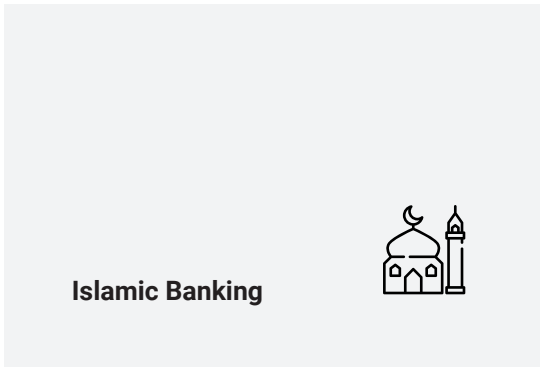


ABDIKADIR & ABDIKADIR

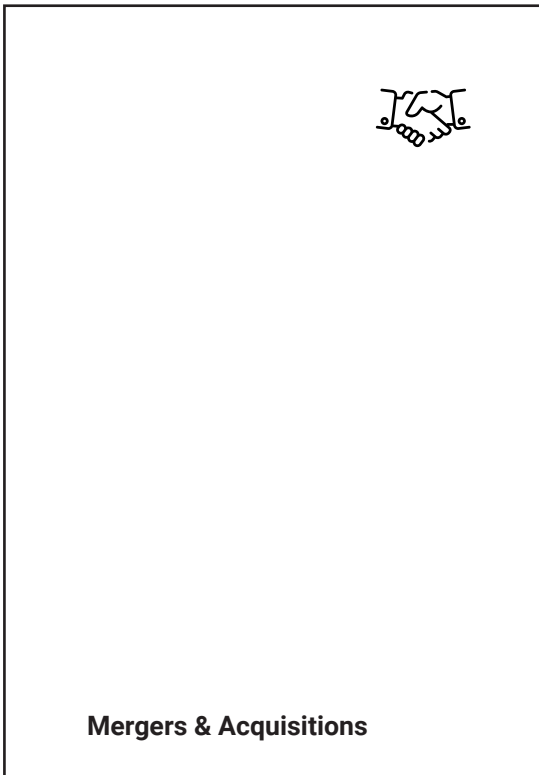
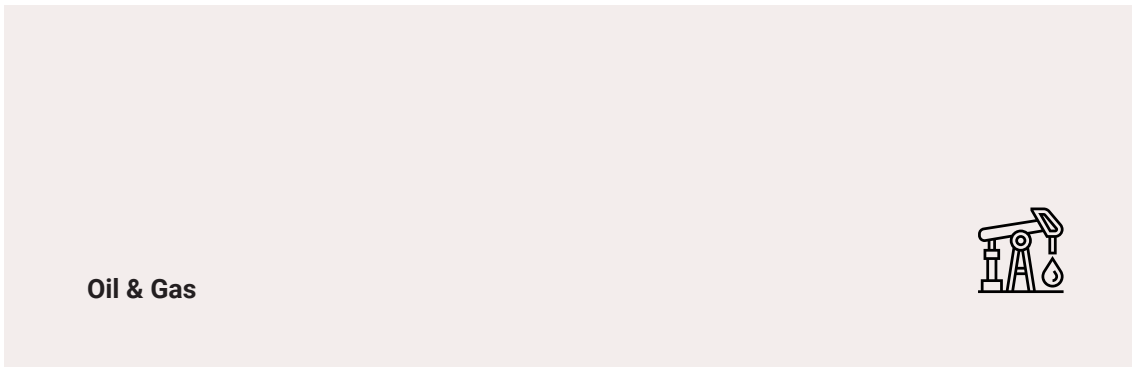
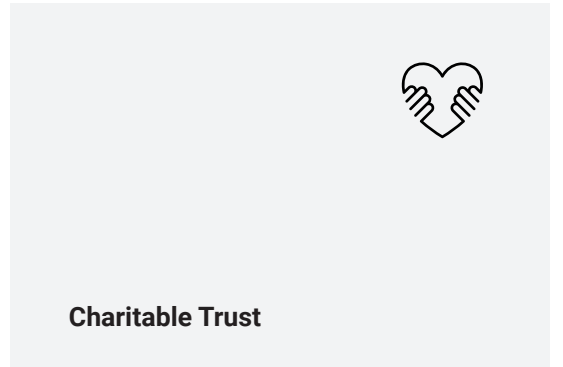
“Individual commitment to a group effort - that is what makes a team work, a company work, a society work, a civilization work.”

- Vince Lombardi





Our Areas of Practice





Corporate & Commercial Law

We provide advice and legal services to several blue chip companies, state corporations and small & medium sized enterprises. We also advise corporations with subsidiaries on how best to structure their holdings. We have recently advised an insurance company on how best to incorporate a holding company out of Dubai, United Arab Emirates for purposes of exercising control and management over all its subsidiaries within the region. We have extensive experience in the Joint Ventures; mergers & acquisitions ;corporate restructuring, take overs, privatization ,competition law, financial and regulatory law, disposition and consolidation of business, stock and asset purchases, sale of publicly and privately held companies.

The firm also provides counselling to businesses and assists business owners and management in evaluating and responding to extraordinary corporate transactions. We offer advice and services on a full range of commercial agreements ranging from Construction Agreements; Sale of Goods Agreements; Supply of Services Agreement; Procurement Agreements; Consultancy Agreements; Project Management Agreements; shareholders agreement, Share Purchase agreements, Manufacturing Agreements among others across a number of industries.





Islamic Banking

We are equipped to handle both conventional banking transactions as well as Shariah compliant commercial transactions. Islamic finance is one of the fastest growing financial sectors not only in Kenya but globally as well. One of the key strengths of our Islamic finance practice is our ability to combine our technical knowledge of the Kenyan laws in conventional and Islamic finance transactions with our in depth understanding of the principles of shariah acquired through our deep knowledge on Islamic and shariah law. Our knowledge and insight would enable our clients to successfully navigate the complexities surrounding these structures. We have deep relationships with the leading Islamic banks.

We have extensive experience in structuring, documenting, negotiating complex transactions and developing innovative shariah - compliant techniques, including in relation to Murabaha, Ijara, Wakala, Istisna, Salam, Mudaraba, Musharaka and other structures including Sukuk.





Conveyancing & Real Estate Law

The global real estate industry is evolving in response to the changing needs of property investors and users. New investors are moving into real estate from the other investment areas, bringing with them fresh ideas and diverse requirements. We offer market-leading advice across a range of practice areas where real estate is at the centre of the transaction. We are able to assist our clients navigate the complexities of the markets in which they currently or plan to operate. They will grow to trust us to manage the intricacies of their transactions and disputes, synthesizing legal and commercial knowledge to provide them with counsel that translates into successful outcomes. The firm represents regional, national, international, real estate investors and developers in bringing sound and commercial solutions that add value to all stages of a project including acquisitions, sales, project development, leasing and financing.

Our expertise includes title matters, construction law, Structuring of Real Estate Projects; Structuring and advise on various real estate contractual agreements e.g. Joint Venture Agreements and Shareholders Agreements; residential and commercial developments; Leases; Commercial and Farmland Leases; Land Use and Planning



REAL ESTA



including Change of Use, Extension of Use and Leasehold interests, Amalgamation and Subdivision of properties on behalf of Land Owners, lease negotiations, leases and licenses. And general conveyancing. The Firm further acts for some of the leading conventional as well as shariah compliant financial institutions in Kenya Our lawyers serve not only as strong advocates, but also as skilled negotiators in bringing complex transactional relationships to the point of closure, and in ensuring consistent and practical advice for ongoing client real estate needs. The firm represents both corporate and individual clients in real estate acquisitions as well as disposals; advice on real estate development; project finance and investments opportunities.

One of the firm's true strengths in real estate practice is our ability to render meaningful and significant business advice, coupled with counsel on the myriad of issues which typically arise.

We handle all kinds of conveyancing and commercial property briefs across all land regimes in Kenya.





Aviation Law

Aviation law is one of the most complex branches of law. This is due to among other things, the globalization of aviation, the numerous countries involved, commercial and business interests and overlapping requirements. We have the necessary expertise in the field of aviation corporate transactions, commercial agreements, development of aviation infrastructure and legal and regulatory requirements for aircraft operations. Our aviation practice spans various aspects of the industry including regulation and compliance both at national and international levels, air traffic rights, transactional advice and support including drafting and review of contracts, litigation, legal audits, and compliance and due diligence within the aviation practice.

The firm has handled a number of aviation matters and are experienced in aircraft regulatory, operation and finance matters including drafting and reviewing aircraft and engine finance and operating leases, Letters of Intent(LOI); wet and dry leases; advising on, drafting and reviewing legal documentation for the purchase of new aircraft; de-registration of a used aircraft and subsequent registration in the Kenya Aircraft Register, or with a relevant aircraft registry; incorporation of a special purpose vehicle to own a new aircraft for off-balance sheet purposes; establishing a Purpose





Trust by which an offshore trustee will hold the shares of the Special Purpose Vehicle; advising on, drafting and reviewing security documentation for the financing of the purchase of new aircraft and registration of the security documentation under the relevant convention and related protocol at the International Registry in Ireland; advising on the Kenyan aviation regulatory framework including commercial and technical licensing as well as on international air law conventions and International Civil Aviation Organization ("ICAO") Standards and Recommended Practices; advising on mobile equipment on matters specific to Aircraft Equipment; advising on commercial co-operation agreements such as code shares, blocked space or seat, joint ventures and aviation services agreements such as ground-handling, catering, cargo consolidation, reservation systems and general sales agency contracts; advising on Bilateral and Multilateral Air Services Agreements.

The aviation industry is dynamic and is set to keep growing due to constant advancements in the sector. We are always keeping abreast of the developments in this field to enable us offer the necessary legal assistance and support to our clients.





Dispute Resolution

Our dispute resolution practice group actively pursues all avenues of dispute resolution available to advise clients on a wide range of contentious matters including banking litigation, highly complex commercial disputes, constitutional law, election petitions, environmental litigation, employment and labour law, family law, medical malpractice, public procurement and property disputes. The firm has wide range of experience in both civil and criminal litigation in all classes of Courts in Kenya in cases arising out of contract, Land and property matters, Leases, commercial transactions, agency, motor accidents, industrial and labour matters, election Petitions, take-over, acquisitions, administrative decisions and excesses in the realm of administrative/public law, constitutional law and References, criminal law, family law –including petitions for divorce, maintenance, alimony, custody of children, secured provisions, enforcement of children's rights under the Children Act, Adoption proceedings and related matters, probate and Administration causes and Management of estates, workman compensation and Labour matter, insurance, and Public procurement and disposal matters.



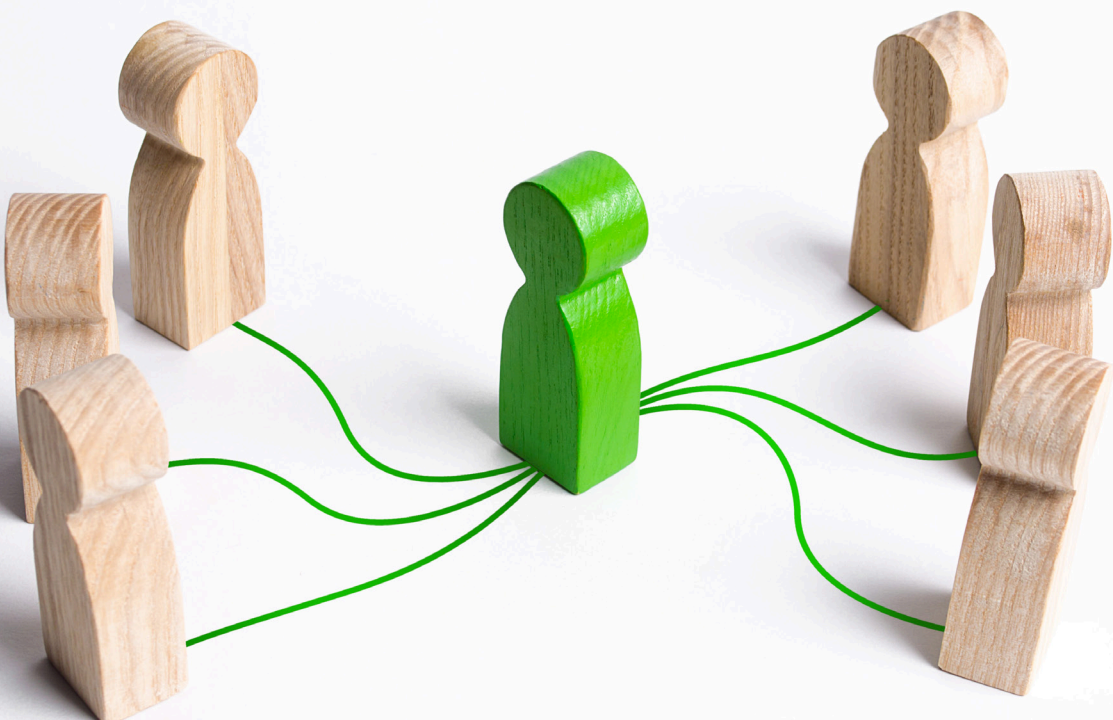


Arbitration

Our firm recognizes the usefulness of Arbitration as an increasingly popular mode of resolving commercial disputes. One of our partners is an arbitrator (registered with the Chartered Institute of Arbitrators).

We undertake work in arbitration including advising clients in all aspects of Arbitration, provisions of Arbitration Act, and representing clients before arbitral tribunals. We also preside over arbitrations (as arbitrator) as and when called upon in appropriate commercial transactions. We have experience in the area, having handled arbitration involving entities such as government owned companies in the energy sector, a leading local authority, various building construction companies and disputes touching on consultancies, especially in the Building construction sector.

The partner in charge of Arbitration attends seminars, workshops and continuing education programmes with a view to keeping abreast with current developments in this field.





Government Relations

We know best how Government works and we will be in a position to deal with all issues arising therefrom. We will strive to be at the center of our clients' contact and business with the Government be it the National or the various County Governments.

We are also be able to be the link between the government and our clients in terms of policy making in the areas of concern for our various clients. This may include laws and regulations relating to the various sectors our clients are involved in.





Intellectual Property Law

Intellectual property (IP) refers to creations of the intellect for which a monopoly is assigned to designated owners by law. Some common types of IP rights are copyright, patent, industrial design, trademark and trade secrets. The firm is positioned to guide individuals and businesses with domestic concerns, simultaneously networking with international agents to provide comprehensive service to clients with transnational interests and global IP portfolios. This approach has enabled the IP Group to advise clients in procuring, licensing or enforcing IP in these parts of the globe.





Insurance Law

This is the practice of law surrounding insurance. At Abdikadir & Abdikadir, we handle briefs and give advice to insurance companies in terms of their contractual obligations as well as general restructuring in order to maximize profits and reduce costs.





Taxation Law

We have represented taxpayers on taxation law issues. Taxation complexities impact every economic sphere, beginning locally and expanding to include global economies. The firm's advocates are familiar with an increasing complex array of statutes, regulations and case law pertaining to taxation law. We review any emerging tax laws and advise our clients accordingly. We ensure that advices to clients on tax matters are up to date, recent and an important tool in their tax planning. Every decision a corporation or individual makes can have tax implications. As such we are in a position to advise and mitigate any potential losses and risks that taxation may bring forth.





Charitable Trust

We offer legal expertise to charitable trusts and NGO's conducting programmes in Kenya. Having been involved in the setting up and maintenance of numerous entities locally. The firm is well placed to provide the necessary guidance to potential clients in this specialized area. We assist clients to navigate through the regulatory framework governing non-profit organizations which is often unpredictable by assisting them with registration and incorporation of Non-Governmental Organizations(NGO'S),Public Benefit Organizations(PBO's),international organisations,Civil Society Organisations, Foundations and trusts and Companies Limited by Guarantee.

We assist clients to navigate through the regulatory framework governing non-profit organizations.





Oil & Gas

We help private and public sector oil, gas and petrochemical industry participants achieve efficient and innovative solutions to their legal, regulatory and structural challenges. We are experienced in strategic joint ventures, project development and financing, reserve-based lending, asset finance, Islamic finance, product sales, intellectual property, capital markets, trade, competition law, real estate, dispute resolution and construction & engineering as matters arising across every stage of the oil and gas value chain.

Our services include oil and gas transaction and contract services, representation both at the County and the National governmental administrative agencies, environmental permitting, compliance and corporate management.





Mergers & Acquisitions

Abdikadir & Abdikadir is a well established legal advisor in Kenyan Mergers and Acquisition transactions. Partners in the Firm have advised on a wide variety of mergers, acquisitions and disposals of companies, shareholdings, businesses and assets.

Lawyers in the Firm have also successfully dealt with some of the most complex of Mergers and Acquisition transactions in Kenya and advise both local and multi-national and regional organizations on the structuring and implementation of both private and public mergers and Acquisitions (including advising on the relevant capital markets and regulatory authority requirements) and legal advisory on listings, capital raisings, take-overs, mergers, reconstructions, demergers and acquisitions of companies and institutions.





Wealth Management, Trusts & Estates

Transferring property to family members and other beneficiaries has become increasingly complex, and the firm has an established specialized practice in estate planning, estate and trust administration and charitable planning to assist our clients.

We have comprehensive knowledge of the applicable tax laws as well as the ability to evaluate the financial considerations and the legal consequences of proposed transactions. We assist individuals and family businesses in designing and implementing a desired plan, including drafting wills, trusts, property and healthcare powers and other related documents. We handle the management and settlement of trusts and estates including preparing estate tax returns and allocation of assets.





Environmental Law

Environmental Law is concerned with the collective body of rules and regulations, orders and statutes, constraints and allowances that are all concerned with the maintenance and protection of natural resource. The Firm advises clients on compliance with the Environmental Management and Coordination Act, 1999, the most significant environmental legislation in Kenya, which is frequently overlooked in commercial transactions.

This was enacted to create a framework for sustainable environmental management by establishing national environmental principles and creating cohesiveness in the activities of various government and environmental agencies that deal with the protection of different aspects of the environment. The firm is better placed to advice on environmental audit and environmental impact assessment requirements under the Environmental (Impact Assessment and Audit) Regulations, 2003, and in relation to compliance and regulatory requirements under other environmental laws and regulations (the Physical Planning Act, the Mining Act and the various Acts dealing





with land use, land tenure and land titles in Kenya and the Wildlife Conservation and Management Act). The Firm has acted for international corporations, corporate clients and environmental conservancy organizations in relation to their environmental compliance obligations in the field of petroleum, major mining activities along the Kenyan Coast and on the establishment of project financed power stations.

The knowledge and experience gained by the Firm in this area of law ensures that clients take environmental risks and considerations into account in plan-ning their projects and limit those risks through proper transaction structuring and compliance.

We are well placed to advice on environmental audit and environmental impact assessment requirements.





Project Finance, Infrastructure & Construction

Abdikadir & Associates Project Finance, Infrastructure and Construction Practice focuses on providing advisory on large scale infrastructure project development in Africa. The Practice has extensive experience on a range of complex transactions relating to social and hard infrastructure development in the public and private realms.

Our sector experience spans the housing, roads, ports, railways, logistics, and energy and telecommunication sectors. We advise on a wide range of matters for these projects including Public Private Partnerships (PPPs) feasibility studies, joint ventures structuring, project financing, infrastructure development & privatizations, legal due diligence, institutional and governance design.

Our experience in projects development ranges from Project Conceptualization, Feasibility studies, Project Institutional and Governance Arrangements, Drafting and Negotiating Project Agreements, Project and Corporate Finance, Project Approvals and Licensing, and Contract Management.

We advise various multi-national clients including state corporations, private equity funds, banking and insurance companies, real estate developers, Development Finance Institutions (DFIs), Multilateral Finance Institutions (MFIs) and Governments on projects and projects financing.

We are able to anticipate and understand issues and problems that may arise during the course of a project and find constructive solutions to them thus providing our clients with a fully integrated service on all aspects of the project work, drawing on the projects team specialist skills in all the relevant parts of the law.





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Get in Touch



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