

## **REPORT ON THE ACTIVITIES OF THE NAIROBI CENTRE FOR INTERNATIONAL ARBITRATION (NCIA), 2016-17**

### **A. About NCIA**

1. It may be recalled that during the Forty-Fifth Annual Session of AALCO held at New Delhi (Headquarters) on 3 April 2006, the then Secretary-General of AALCO and the Attorney General of the Republic of Kenya signed the Memorandum of Understanding (MoU) for the establishment of the Regional Centre for Arbitration in Nairobi, Republic of Kenya.
2. In pursuance to the MoU, an Agreement Establishing the Nairobi Regional Arbitration Centre for Arbitration was signed between the then Secretary-General of AALCO and the Attorney General of the Republic of Kenya during the Forty-Sixth Annual Session of AALCO held at Cape Town, Republic of South Africa from 2-6 July 2007.
3. During the Fifty-Fourth Annual Session in Beijing (China, 2015) the Head of Delegation of the Republic of Kenya noted that the Government of Kenya had shown its commitment to establishing a regional centre by enactment of the Nairobi Centre for International Arbitration Act No. 26 of 2013 to establish the Nairobi Centre for International Arbitration (NCIA).<sup>1</sup>
4. NCIA is governed by a Board of Directors of eminent practitioners, consisting of a Chairperson and eleven members, two of whom are from the East African region. The daily affairs of NCIA are managed by a Registrar.

### **B. 1<sup>st</sup> Nairobi International Arbitration Conference, December 2016**

5. The NCIA was officially launched during the 1<sup>st</sup> Nairobi International Arbitration Conference held in December 2016.
6. The Conference attracted wide participation from practitioners in Africa, Asia and Europe with impressive representation from AALCO Secretary General and the AALCO regional Centres. More than 390 participants took part in the two day conference themed ‘investing in Africa: A new frontier in dispute resolution’.

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<sup>1</sup> See, the Report of the Fifty Fourth Annual Session of AALCO, Beijing, People’s Republic of China, 13-17 April 2015, p. 321, available at [www.aalco.int](http://www.aalco.int)

7. NCIA has continued to participate actively in forums organized by partner institutions and other arbitral institutes including the just concluded Cairo Regional Centre for International Commercial Arbitration SOAS Conference held in March, 2017.

## **C. Collaborations**

### **1. Visit by the China Law Society, January 2017**

8. A delegation from the China Law Society accompanied by practitioners from academia and arbitral institutes in China visited the Centre in January, 2017 for discussions on areas of mutual interest and collaboration under the 'One Belt One Road' cooperation.
9. The two delegations also considered the proposal for a Memorandum of Understanding and legal exchange on arbitration practice in the two jurisdictions.

### **2. CAJAC Beijing and CAJAC Nairobi, March 2017**

10. NCIA concluded Memorandum of Cooperation with the Beijing Centre for International Arbitration under the China Africa Joint Arbitration Centre initiative in March 2017.
11. The agreement was concluded at a seminar organized for the launch at the Beijing Centre for International Arbitration and a Symposium on Dispute Resolution of Sino-African Infrastructure Construction project.
12. The joint initiative is aimed at deepening the dispute resolution cooperation for China-Africa parties.

### **3. CAJAC Nairobi and CAJAC Shanghai-Johannesburg, Shenzhen, March 2017**

13. NCIA entered into a proposal for cooperation with **CAJAC Shanghai, and CAJAC Shenzhen**, in March 2017 with a view to extending cooperation on arbitration, training and legal exchange.
14. The proposal was signed at seminar organized at Shanghai and Shenzhen respectively culminating in the launch of the Association of CAJAC institutions based at Shenzhen.

## **D. Educational Activities**

### **1. ICSID practice Seminar, June 2016**

15. In June 2016, NCIA partnered with the Secretariat of the World Bank ICSID in half day training in the practice of ICSID arbitrations conducted by the Secretary General ICSID at Nairobi.
16. The training aimed at supporting the growing number of practitioners involved in investor-state arbitrations under the ICSID regime. Participants were drawn from leading law firms in Kenya and the region.

### **2. Chartered Institute of Arbitrators Kenya Branch - Arbitration Training**

17. NCIA has continued to partner with the Chartered Institute of Arbitrators Kenya Branch in various trainings scheduled by the institute to enhance capacity of the secretariat to offer effective and high quality of services.

## **E. Administration of Disputes**

18. The year 2016 was a momentous year for NCIA as the first request for appointment coincided with the official launch of the Centre. This came in November 2016 in the eve of the 1<sup>st</sup> Nairobi International Arbitration Conference.
19. NCIA has continued to offer its Mediation facilities for use by individual mediators and the pilot project for the Court Annexed Mediation Program.

## **F. Planned activities for the NCIA**

20. This are some of the activities lined up by NCIA for 2017-18
  1. Seminar and Symposium on hot topics in arbitration and the New York Convention.
  2. Training of judges and other practitioners on the UNCITRAL model law jurisprudence and the New York Convention.
  3. Enlist Arbitrators and Mediators on the NCIA Panel
  4. Commence a Young Practitioners Mentorship program in partnership with academic institutions and law firms.

5. Opening up the NCIA Centre inaugural facilities for conduct of hearings and other related procedures at Nairobi.
  6. Promotional Activities and Capacity development and transfer.
21. The Government of Kenya continues to provide support at policy level to advocate Kenya's position with respect to international agreements on arbitration and alternative dispute resolution in particular and in respect to neutrality of NCIA. The Government of Kenya is keen to ensure the arbitration is reserved as dispute resolution process. The focus is to ensure Nairobi Centre becomes the preferred regional and global Centre for resolution of international commercial disputes.