

AALCO/60/NEW DELHI (HEADQUARTERS)/2022/ORG 3

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ASIAN-AFRICAN LEGAL CONSULTATIVE ORGANIZATION



REPORT ON THE AALCO'S REGIONAL ARBITRATION CENTRES

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I. Introduction

A. Background

1. At its Thirteenth Annual Session held in Lagos (Nigeria) in 1973, the Asian-African Legal Consultative Organization (AALCO) proposed that in addition to its follow-up of the work of the United Nations Commission on International Trade Law (UNCITRAL) in the field of International Commercial Arbitration, the Organization would also conduct an independent study on some of the more important practical problems relating to the subject from the point of view of the Asian-African region. Accordingly, the Secretariat prepared an outline of the study, which received favourable response from the Member States. The Secretariat thereafter prepared a detailed and comprehensive study and the Trade Law Sub-Committee considered this study during the Fifteenth Annual Session held in Tokyo (Japan) in 1974.

2. At the Tokyo Session, AALCO endorsed the recommendations of its Trade Law Sub-Committee, that efforts should be made by Member States to develop institutional arbitration in the Asian and African regions. Thereafter, the Secretariat, following the mandate of the Tokyo Session, prepared a revised study so as to enable the Trade Law Sub-Committee during the Kuala Lumpur Session, to formulate principles or model rules for consideration. At the Kuala Lumpur Session (Malaysia) held in 1976, the Trade Law Sub-Committee requested the Secretariat to undertake a feasibility study for establishing Regional Arbitration Centres in the Asian-African region, to be placed before the Eighteenth Annual Session of AALCO.¹

3. At the Eighteenth Annual Session, held in Baghdad (Iraq) in 1977, discussions were focused on the Secretariat study titled ‘Integrated Scheme for Settlement of Disputes in the Economic and Commercial Matters’, which envisaged *inter alia*, the establishment of a

¹ The Secretariat's study elaborated the two basic objectives of the AALCO's integrated dispute settlement scheme. In the first place, to establish a system under which disputes and differences arising out of transactions in which both parties belong to the Asian-African and Pacific regions could be settled under fair, inexpensive and adequate procedures. Secondly, to encourage parties to have their arbitrations within the region where the investment made or the place of performance under an international transaction was a country within this region. The conclusions made in the study were in favour of establishment of six sub-regions, namely East Asia, South-East Asia, West Asia, North Africa, East Africa and West Africa. It was, however, pointed out that the scheme could initially work with two Centres and other Centres could be established in the light of experience and volume of work.

network of Regional Centres for Arbitration functioning under the auspices of AALCO in different parts of Asia and Africa so that the flow of arbitration cases to arbitral institutions outside the Asian-African region could be minimized. The Integrated Scheme also represented an effort on the part of the developing countries for the first time to evolve a fair, inexpensive and speedy procedure for settlement of disputes.²

4. At the Nineteenth Annual Session, held in Doha (Qatar) in 1978, AALCO endorsed the Trade Law Sub-Committee's recommendations on the establishment of two Arbitration Centres for the Asian and African regions in Kuala Lumpur (Malaysia) and Cairo (Arab Republic of Egypt) respectively. It was envisaged that the two Arbitration Centres would function as international institutions under the auspices of AALCO with the following objectives:

- (a) Promoting international commercial arbitration in the Asian and African regions;
- (b) Coordinating and assisting the activities of existing arbitral institutions, particularly among those within the two regions;
- (c) Rendering assistance in the conduct of Ad Hoc arbitrations, particularly those held under the UNCITRAL Arbitration Rules;
- (d) Assisting the enforcement of arbitral awards; and
- (e) Providing for arbitration under the auspices of the Centre where appropriate

5. In pursuance to the above decision, an Agreement was concluded in April 1978, between AALCO and the Government of Malaysia in respect of the establishment of a Regional Centre for Arbitration in Kuala Lumpur. A similar Agreement was concluded in January 1979 with the Government of the Arab Republic of Egypt with respect to the establishment of a Regional Centre for Arbitration in Cairo. The Agreements recognized the status of the Centres as intergovernmental organizations and conferred certain immunities and privileges for their independent functioning. The Host Governments also offered suitable premises, financial grants and necessary staff to run the Centres. The Centres adopted UNCITRAL Arbitration Rules with suitable modifications and offered their services to any party whether within or outside the region for the administered arbitration and facilities for arbitration whether *ad hoc* or under the auspices of any other institution.

² AALCC, 'Report of the Seventeenth, Eighteenth and Nineteenth Session held in Kuala Lumpur (1976), Baghdad (1977) and Doha (1978)' available at: <http://www.aalco.int/scripts/view-posting.asp?recordid=4>

6. The success of these two Regional Arbitration Centres prompted the Organization to establish two more Centres, one in Lagos (Nigeria), which was formally inaugurated in 1989. The other Centre established was in Tehran (the Islamic Republic of Iran), in furtherance of which an Agreement was concluded between AALCO and the Government of the Islamic Republic of Iran in 1997 and subsequently ratified by the President of the Islamic Republic of Iran and brought into force on 10 June 2003.

7. A Memorandum of Understanding (MoU) between AALCO and the Government of the Republic of Kenya was signed on 3 April 2006 during the Forty-Fifth Annual Session of AALCO held in the Headquarters in New Delhi to establish a fifth Centre in Nairobi. The Agreement establishing the Nairobi Regional Centre for Arbitration was signed by 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, the Republic of South Africa from 2 to 6 July 2007. On 25 January 2013, the Nairobi Centre for International Arbitration Act came into force. The systems and structures of the Centre were established in 2014-2015 by the inaugural Board of Directors and the Centre's Arbitration and Mediation Rules were published in December 2015. On 5 December 2016, The Nairobi Centre for International Arbitration' (NCIA) was inaugurated. The NCIA is the fifth regional arbitration Centre functioning under the auspices of AALCO and third in Africa after Cairo and Lagos centres.

8. At the Fifty-Seventh Annual Session of AALCO held in Tokyo, Japan (2018) it was resolved that the Secretary-General take an initiative towards establishment of another Regional Arbitration Centre in any interested Member State in the South-African, East-Asian and South-Asian regions in order to serve those regions better. Willingness was shown by the Government of the People's Republic of China to establish a Regional Arbitration Centre in the Hong Kong SAR, the People's Republic of China.

9. Accordingly on 10 November 2021, a Host Agreement was signed between the People's Republic of China and the Asian-African Legal Consultative Organization (AALCO) for the establishment of the Hong Kong Regional Arbitration Centre.³ The Centre

³ Agreement between the Government of the People's Republic of China and the Asian-African Legal Consultative Organization (AALCO) on the establishment of the a Regional Centre for Arbitration in the Hong Kong Special Administrative Region of the People's Republic of China (10 November 2022) <<https://www.aalco.int/agreements/Agreement%20between%20AALCO%20and%20Hong%20Kong%20Regional%20Centre%20for%20Arbitration.pdf>> accessed 1 September 2022

was officially inaugurated on 29 November 2022 and stands united by the ideals of friendship and collaboration with a view to promote the resolution of trade and investment disputes in the Asian-African region.

(i) Asian International Arbitration Centre (AIAC), Malaysia

10. AALCO's first Regional Centre for Arbitration was established in Kuala Lumpur, Malaysia in March 1978. This was considered as an important landmark in the movement for promoting Asian-African solidarity in international legal matters and economic relations. The Centre was established for an initial period of three years by a formal exchange of letters between the Malaysian Government and the then AALCC. The Centre was formally inaugurated by the then Rt. Hon'ble Tun Hussein Onn, Prime Minister of Malaysia on 17 October 1978.

11. Subsequently, an agreement was signed between the Government of Malaysia and the then AALCC relating to the Regional Centre for Arbitration in Kuala Lumpur (RCAKL) on 29 July 1981.⁴ Thereafter, the Headquarters Agreement for Kuala Lumpur Centre for International Commercial Arbitration was signed on 10 August 1989.⁵

12. In order to formalize the continued functioning of the RCAKL, with effect from 1 January 1992, an Agreement between AALCO and the Government of Malaysia relating to the Kuala Lumpur Regional Centre for Arbitration as it was then called was signed on 14 February 2004.⁶

13. The Centre offers facilities and assistance for the conduct of arbitral proceedings, including the enforcement of awards made in the proceedings held under the auspices of the Centre. The Rules for arbitration under the auspices of the Centre are the UNCITRAL Arbitration Rules of 1976 with certain modifications and adaptations. Other main functions

⁴ This agreement was signed by the then Minister of Commerce and Industry H.E. Tengku Ahmad Rithauddeen on behalf of Malaysia and for AALCC the then Secretary-General Mr. B. Sen.

⁵ It was signed by the then Attorney-General of Malaysia H.E. Tan Sri Abu Talib Bin Othman and Mr. F. X. Njenga, the then Secretary-General, AALCC.

⁶ This agreement was signed by H. E. Datuk Seri Utama Dr. Rais Yatim, Minister at the Prime Minister's Department and Amb. Dr. Wafik Zaher Kamil, the then Secretary-General of AALCO.

of the Centre are to promote international commercial arbitration in the Asian-Pacific region and to render advice and assistance to parties who may approach the Centre.

14. Apart from these services, the Centre also provides other options for the settlement of disputes such as mediation/conciliation under the Conciliation Rules of the Centre. The Centre, realizing the growing importance of intellectual property in the arena of Information and Communications Technology, also administers international and domestic “.my domain” name dispute resolution service, provided by the Malaysian Network Information Centre (MYNIC), which administers the “.my domain”. All domain name disputes are governed and administered in accordance with MYNIC’s Domain Name Dispute Resolution Policy (MYDRP), Rules of the MYDRP and RCAKL Supplemental Rules.

15. Recently, in order to best reflect the status of the Centre in accordance with its enlarged scope, the Centre was rebranded as the Asian International Arbitration Centre (AIAC) formalized by a supplementary agreement entered into between AALCO and Malaysia on 7 February 2018.⁷

(ii) Cairo Regional Centre for International Commercial Arbitration (CRCICA), the Arab Republic of Egypt

16. The first Regional Arbitration Centre in the African region, the Cairo Regional Centre for International Commercial Arbitration (“CRICA”) was established in January 1979. The Centre was established for an initial period of three years by a formal exchange of letters between the Government of the Arab Republic of Egypt and AALCO. In 1983, another agreement was concluded between AALCO and the Government of the Arab Republic of Egypt for granting a permanent status to the Cairo Centre.

17. The Cairo Centre offers specialized services to settle trade and investment disputes, through arbitration. It also includes Alternative Dispute Resolution (ADR) techniques such as conciliation, mediation and technical expertise. Apart from this, the Centre also offers advice

⁷ Supplementary Agreement between the Government of Malaysia and the Asian-African Legal Consultative Organization (AALCO) relating to the Regional Centre for Arbitration in Kuala Lumpur (7 February 2018) <<https://www.aalco.int/Supplimentary%20Agreement%20between%20Malaysia%20and%20AALCO%20on%207%20January%202018.pdf>> accessed 1 September 2022

to parties to international commercial and investment contracts regarding drafting these contracts, promote arbitration and other ADR techniques in the Afro-Asian region through the organization of international conferences, seminars and training programmes for international arbitrators and legal scholars from the Afro-Asian region by the Centre's Institute for Arbitration and Investment. The Cairo Centre follows the UNCITRAL Arbitration Rules with certain modifications.

18. Apart from this, the Cairo Centre had also established the Institute of Arbitration and Investment in 1990; the Institute of Arab and African Arbitrators in the Arab Republic of Egypt in 1991; the Centre's Maritime Arbitration Branch in Alexandria, which deals exclusively with maritime disputes in 1992; the Cairo Branch of the Chartered Institute of Arbitrators of London in 1999; Alexandria Centre for International Arbitration in 2001; and a Mediation and ADR Centre as a branch of the Cairo Centre to administer commercial arbitration and other peaceful non-binding means of avoiding and settling trade and investment disputes in 2001.

(iii) Regional Centre for International Commercial Arbitration-Lagos (RCICAL), the Federal Republic of Nigeria.

19. In 1980, an Agreement was concluded with the Government of the Federal Republic of Nigeria for the establishment of a third Centre in Lagos. The Centre was formally inaugurated in March 1989. On 26 April 1999, the then Attorney General and Minister of Justice, on behalf of Nigeria and the then Secretary-General of the AALCC, had signed an Agreement in this connection. Since then, the Centre has been put into operation on the basis of its own human resource and capital.

20. The Centre is today a beehive of activities providing venues for both domestic and international arbitration in economic and commercial matters in Africa South of the Sahara, particularly, the West African Sub-Region. On 7 February 2006, the then Secretary-General of AALCO, inaugurated the Advisory Committee of the Regional Centre for International Commercial Arbitration, Lagos. Also present on the occasion were Hon'ble A.G. Karibi-Whyte, CFR (Rtd.), Justice of the Supreme Court of Nigeria, Mrs. Eunice Oddiri, Director of the Centre, Members of the Advisory Board and many other dignitaries.

21. RCICAL is not for profit and is established primarily for the purpose of providing Alternative Dispute Resolution (ADR) methods to Litigation for the settlement of commercial disputes arising from International commercial transactions between parties engaged in trade, commerce and investments within and outside the African region. Such (ADR) methods include Arbitration, Mediation, Conciliation etc. The RCICAL is an autonomous International arbitral institution which has its seat in Lagos. The Headquarters Agreement in relation to RCICAL is a treaty signed in 1999 between AALCO and the Federal Government of Nigeria, as the host country.

(iv) Tehran Regional Arbitration Centre (TRAC), the Islamic Republic of Iran

22. On 3 May 1997, an Agreement was concluded between the Government of the Islamic Republic of Iran and AALCO for the establishment of a Regional Centre for Arbitration in Tehran. At the AALCO's Forty-Second Annual Session in Seoul (the Republic of Korea), the Delegate of the Islamic Republic of Iran informed that the agreement has been adopted and that all the legal procedures applicable in the Islamic Republic of Iran for the ratification of the said Agreement were completed.

23. On 31 January 2005, the President of the Islamic Republic of Iran endorsed the Agreement for implementation and the then Secretary-General of the AALCO subsequently approved the TRAC Rules of Arbitration.

(v) Nairobi International Arbitration Centre (NIAC), the Republic of Kenya

24. It may be recalled that during the Arusha (the United Republic of Tanzania, 1986) and Bangkok (Thailand, 1987) Annual Sessions of AALCO, the representative of the Republic of Kenya had requested AALCO to consider the feasibility of establishing a Regional Arbitration Centre in Nairobi to serve the countries in Eastern and Southern Africa. The African, Caribbean and Pacific Group of States (ACP) Secretariat had also approached the AALCO Secretariat for relevant information about the establishment and working of the AALCO's Regional Centres with a view to considering the possibility of establishing such a Centre in Nairobi. At about the same time, the Preferential Trade Area for Eastern and Southern African Countries (PTA) had also sought technical assistance for establishing an Arbitration Centre to serve the countries in those parts of Africa. The PTA Centre for

Arbitration was set up in Djibouti on 21 November 1987 to function under the auspices of the PTA Federation of Chambers of Commerce and Industry.

25. During the Thirty-Second Annual Session in Kampala (Uganda 1993), the Head of the Delegation of Tanzania expressed the view that the PTA Centre in Djibouti had not negated the need for a Centre in Nairobi and suggested that the Secretariat should pursue the possibility and modalities for the establishment of a Centre in Nairobi. Consequently, the then AALCO Secretary-General, H. E. Mr. Frank X. Njenga had approached the Governments of Kenya, Uganda and Tanzania with a view to ascertaining the extent of material assistance and back-up support that could be provided by them for the establishment of a Centre in Nairobi which appeared to be an apt location to cater to the needs of the States in the Eastern and Southern parts of the African continent. Accordingly, at the Thirty-Third Annual Session held in Tokyo (Japan, 1994), a proposal was put before the Leaders of Delegations of Member States for the establishment of additional Centres in Tehran and Nairobi.

26. Further 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, the Republic of Kenya.

27. 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, the Republic of South Africa from 2-6 July 2007.

28. On 25 January 2013, the Nairobi Centre for International Arbitration Act came into force. The systems and structures of the Centre were established in 2014-2015 by the inaugural Board of Directors and the Centre's Arbitration and Mediation Rules were published in December 2015.

29. The Nairobi Centre for International Arbitration was thereafter inaugurated on 5 December 2016. It is hoped that the AALCO's fifth Centre will effectively cater to the needs of States in the East and Southern African region.

(vi) Hong Kong Regional Arbitration Centre

30. The Hong Kong Regional Arbitration Centre was established recently by a Host Agreement signed between the Government of the People's Republic China and AALCO. The Centre was officially inaugurated on 25 May 2022, by Ms. Teresa Cheng, Secretary for Justice, Hong Kong Special Administrative Region, the People's Republic of China. At the inauguration it was stated that the Centre was unique in the sense that not only would it seek to integrate itself into AALCO's dispute settlement system, but also promote the growth and effective functioning of arbitration institutions and other alternative dispute resolution services, including online dispute resolution. It was stated that the Department of Justice, Hong Kong SAR, the People's Republic of China looked forward to working with the centre and the legal and dispute resolution community to promote Hong Kong as an international legal and dispute resolution hub.

B. Activities of the Centres

31. Although in the beginning, the promotional activities of AALCO's Regional Arbitration Centres were primarily carried out by AALCO, in view of the experience accumulated over the years and the contacts established by these Centres with Governments, governmental agencies and international institutions, such promotional activities are now mainly carried out by the Centres themselves. Such promotional activities are highlighted in the Reports of the Directors of the respective Centres.

32. It is a matter of great satisfaction that, over the years, there has been considerable increase in the number of cases, both international and domestic, referred to AALCO's Regional Arbitration Centres. The types of cases include oil contracts, insurance, intellectual property, construction contracts etc., and involve both public and private sectors. The resolution of commercial disputes by other Alternative Dispute Resolution (ADR) methods such as Mediation and Conciliation under the Rules of AALCO Centres is another option being favoured by the Parties.

33. An important function of the Directors of AALCO's Arbitration Centres has been to act as an Appointing Authority in such arbitrations. The Centres have been organizing international conferences, seminars and training courses in their respective regions. In

addition, the Directors of the Centres have actively pursued the conclusion of Cooperation Agreements with other arbitration institutions.

34. With a view to enhancing the role and activities of the AALCO Regional Arbitration Centres, the Secretary-General would like to urge the Member States to fully support the growing activities of these Centres and consider making financial contributions to help in the implementation of their plans and activities. Further, in this context, two concrete suggestions for consideration of Member States are as follows:

(i) The Member States may consider designating a body, for example, the national chamber of commerce or other industrial promotion organizations to be associated with the AALCO Regional Arbitration Centres as the Liaison Agency within the country, with a view to promoting the activities of AALCO's Regional Arbitration Centres.

(ii) Whilst entering into contracts on behalf of the Government, Public Corporations and other Government Undertakings, consideration may be given to incorporate an arbitration clause for settlement of disputes under the arbitration rules of AALCO's Regional Arbitration Centres.

35. Such encouragement from the Member States would also go a long way in supporting the work of AALCO's Regional Arbitration Centres.

36. In spite of the severe difficulties faced due to the emergency measures imposed by many States for controlling the spread of the COVID-19 epidemic, the arbitration centres have performed their functions to the extent possible. It is commendable that in spite of severe constraints all efforts were made by the Centres maintaining the continuity of work and the smooth functioning of the Centres. The following part of this Secretariat Report places for consideration the Report of the Directors of the Asian International Arbitration Centre (AIAC), and the Nairobi International Arbitration Centre (NIAC), shedding light on the details of the activities of the Centres in the year 2021-2022.

II. Report on the activities of the Asian International Arbitration Centre 2021-2022

About the AIAC

37. The Asian International Arbitration Centre (Malaysia) (“AIAC”), formerly known as the Kuala Lumpur Regional Centre for Arbitration (“KLIRCA”), was established in 1978 pursuant to a Host Country Agreement between the Government of Malaysia and the Asian-African Legal Consultative Organization (“AALCO”). The AIAC is led by its Director, Tan Sri Datuk Suriyadi bin Halim Omar.

38. The AIAC is a not for profit, non-governmental arbitral institution, recognized as an international organization under the domestic laws of Malaysia. By virtue of such recognition, the AIAC is also afforded immunities and privileges by the Government of Malaysia. Situated in one of Malaysia’s most iconic and heritage buildings, Bangunan Sulaiman, the AIAC is a trusted provider of alternative dispute resolution (“ADR”) services in the Asian region. The Centre was the first in the world to adopt the UNCITRAL Rules for Arbitration as revised in 2013 and has its own suite of AIAC Arbitration Rules covering varied forms of arbitrations including conventional and *Shariah*-based arbitrations.

39. On 1st August 2021, the AIAC was pleased to launch its all-new and improved AIAC Arbitration Rules 2021. This launch marked another milestone in the AIAC’s continuous growth and vision, delivering on its commitment to serve the global arbitration community innovatively through its products and services. With no changes made to the fee structure and a wider range of sophisticated and tailored provisions to govern the efficient conduct of arbitration proceedings in the offering, the AIAC Arbitration Rules 2021 stands markedly as a comparable and competitive product reflecting contemporary international standards and practices on the global stage.

40. On 1st December 2021, the AIAC successfully launched its revised and improved AIAC i-Arbitration Rules 2021. The AIAC i-Arbitration Rules 2021 is a set of procedural rules covering all aspects of the arbitration process that are *Shariah* guided and suitable for the arbitration of disputes arising from commercial transactions premised on Islamic principles. The revised rules reflect the AIAC’s continuous effort to promote greater efficiency to the Islamic arbitration framework, while remaining faithful to the ethos and principles of *Shariah*.

41. The AIAC is also the sole administrative authority for domestic statutory adjudication proceedings under the Construction Industry Payment and Adjudication Act 2012 (“CIPAA”) and it has also developed the AIAC Adjudication Rules & Procedure to assist in the administration of adjudication proceedings. The AIAC additionally, administers mediations under its very-own AIAC Mediation Rules. Further, the AIAC also provides domain name dispute resolution services as one of the four offices of the Asian Domain Name Dispute Resolution Centre (“ADNDRC”) to resolve generic top-level domains (“gTLDs”). The AIAC has also been appointed by the Malaysian Network Information Centre Berhad (“MYNIC”) country code top-level domains (“ccTLDs”).

42. Apart from the provision of institutional support for domestic and international arbitration and other ADR proceedings, the AIAC offers hearing facilities and ancillary administrative services to tribunals operating ad hoc or under the auspices of another institution. The AIAC also publishes guides and circulars to facilitate the use and understanding of its rules. Additionally, the AIAC is also an official Court of Arbitration for Sport (“CAS”) and Permanent Court of Arbitration “(PCA)” alternative hearing centre.

43. In its continuous efforts in capacity building and disseminating information on ADR, the AIAC organises various courses and forums on the different avenues of ADR. A key platform for the AIAC’s capacity building initiatives is the AIAC’s Young Practitioners' Group (“AIAC YPG”) which brings together dispute resolution practitioners below the age of 40 and students interested in building their careers in the fast-growing and dynamic field of ADR.

Events organised by the AIAC from November 2021 until June 2022

44. The AIAC continued to provide and host a range of events centred on capacity building and disseminating information on ADR. The key events are highlighted and summarised below:

i. Official Launch of the AIAC Academy

The AIAC started 2022 on a high with the launch of the AIAC Academy which was officiated by The Honourable Datuk Wira Hajah Mas Ermieyati Samsudin, Deputy Minister in the Prime Minister’s Department (Parliament and Law) at Bangunan Sulaiman, Kuala Lumpur on 11th January 2022. Approximately 70 participants including members of the AIAC Academy

Faculty Board, AIAC Academy Tutor Panel, judges, ADR practitioners, private sector professionals, and government officials attended the launch physically at the AIAC's Bangunan Sulaiman. The launch, which was carried out in a hybrid setting, also saw a global audience of more than 250 participants tuning in virtually via the AIAC's Zoom platform. The AIAC Academy is an extension of the AIAC's offering of ADR products and services, being the focal point for all AIAC courses, workshops and certification programmes. It is also in line with the AIAC's capacity-building mandate and aspiration to ensure continuous and sustainable development in the field of ADR and beyond. As part of the launch event, a panel discussion titled, "To Learn and Re-learn: Continuing ADR Education as the Way Forward" was organised. The Director of the AIAC has appointed Tun Mohamed Raus bin Sharif, former Chief Justice of Malaysia, as the non-executive Rector of the AIAC Academy who will advise and work alongside the AIAC and the Faculty Board for future initiatives.

ii. Launch of the Commentaries to the AIAC Rules 2021

It was another significant milestone for the AIAC with the launch of the Commentaries for both the AIAC Arbitration Rules 2021 and the AIAC i-Arbitration Rules 2021 at Bangunan Sulaiman. The Commentaries are a thorough assessment and explanation of both Rules to assist ADR practitioners and stakeholders in conducting arbitration matters using the respective Rules. Officiated by Tun Arifin bin Zakaria, Chairman of the AIAC Advisory Council together with the Director of the AIAC, the event was attended by prominent ADR practitioners and industry experts based in Malaysia. The event was also attended by virtual attendees from all around the world, through the AIAC's Zoom and Facebook live platforms. Following the launch, a networking session was held where the attendees managed to speak directly to the AIAC team that drafted the Commentaries as well as the contributors of the publication. These Commentaries are now available to ADR practitioners and sitting judges to better understand the scope and applicability of the AIAC Rules.

iii. AIAC Mooting Workshop

In conjunction with the 6th AIAC Pre-Moot 2022, the AIAC in collaboration with the AIAC YPG scheduled three mooting workshops to help participants prepare for the competition. All sessions were led by experienced speakers.

iv. AIAC YPG Conference 2022

The AIAC YPG had the pleasure of organising the AIAC YPG Conference 2022 in conjunction with the 6th AIAC Pre-Moot on 17th March 2022. The topic of this conference was, “Current State of International Trade and Arbitration: Has the Dust Settled?”. Prof. Dr. iur. Ulrich G. Schroeter who delivered the keynote address, shared his views on the ongoing difference between international trade and arbitration. The topic of the first session was titled, “Threading the Needle: Contracts and International Commercial Arbitration” and the second session featured the topic, “Appointment of Arbitrators in Multi-party Arbitration: To Appoint or Not to Appoint?”. The AIAC YPG Conference concluded with a “Hot Debate” session.

v. 6th AIAC Pre-Moot 2022

Between 18th - 20th March 2022, the AIAC successfully conducted the 6th AIAC Pre-Moot. 146 teams from around the world virtually participated in the competition, together with 269 local and international arbitrators, who served as judges and shared their valuable advice, feedback, and mentorship for the benefit of the participants. The event was aimed at helping the participants prepare for the highly anticipated 30th Willem C. Vis International Commercial Arbitration Moot in Vienna and the 19th Vis (East) Moot in Hong Kong. From the many competing teams, the University of Hamburg was announced as the Champion.

vi. Outreach in Vienna

This year’s premier mooting competition was especially significant to the AIAC as the AIAC Arbitration Rules 2021 was selected as the arbitral rules of reference for the 29th Vis Moot (Vienna) and 19th Vis East Moot (Hong Kong). The Director of the AIAC attended the competition in Vienna, while the Deputy Director of the AIAC served as the presiding judge for the Hong Kong

finals. The AIAC also served as an official “Social Bubble” where two social events in conjunction with Vis Moot Vienna were held in Kuala Lumpur.

The AIAC in partnership with the Vis Moot and with the support of Konrad Partners, organised a special pre-Vis event themed, “The AIAC Arbitration Rules 2021: The Vis and Beyond” was scheduled on 8th April 2022 in Vienna. The event was built up as a curtain-raiser to the Vis Moot, where the AIAC Arbitration Rules 2021 was selected, and saw the AIAC’s Head of Legal, Ms. Michelle Sunita Kummar delivered a presentation on the key features of the AIAC Arbitration Rules 2021 as well as the AIAC’s role as an international arbitral institution. This was followed by a panel discussion featuring Mr. Ulrich Kopetzki (Independent Counsel & Arbitrator) and Ms. Kummar, moderated by Mr. Peter Rižnik (Konrad Partners). The event also began with an opening address by Vis Director, Prof. Dr. Stefan Kröll, and a special address by UNCITRAL’s Dr. Judith Knieper.

Following this, a second event in collaboration with the Vienna International Arbitral Centre (“VIAC”), saw a panel discussion themed, “A Meeting of Arbitral Institutions: AIAC & VIAC” held on 12th April 2022. The panel discussion highlighted the role that the AIAC and VIAC has adopted in administering dispute avoidance for its global users as well as share best practices implemented by each institution in dealing with the COVID-19 pandemic. An overview of the AIAC’s and VIAC’s arbitration and mediation framework was also discussed, in addition to its facilities, virtual capabilities and case management framework.

vii. Outreach in London

At the end of April 2022, the AIAC was hosted by 39 Essex Chambers for an event at their offices in Chancery Lane for lawyers and ADR practitioners based in London. The AIAC’s Head of Legal, Ms. Michelle Sunita Kummar provided a presentation on the key features of the AIAC Arbitration Rules 2021 and this was followed by a very engaging Q&A session with the audience.

An AIAC delegation then met with Ms. Catherine Dixon, Director General of the Chartered Institute of Arbitrators (“CIArb”) and her colleagues at the CIArb’s offices in Bloomsbury Square, London. A fruitful discussion on various areas of collaboration and capacity building opportunities were explored.

viii. 2022 AIAC i-Arbitration Learning Series

Following the launch of the pioneering AIAC i-Arbitration Rules 2021, and in line with the AIAC’s commitment to providing affordable accessible platform for ADR education in Malaysia, the AIAC Academy introduced the 2022 AIAC i-Arbitration Learning Series. This interactive programme was designed to equip participants with the necessary skills, knowledge and expertise in relation to Islamic Arbitration. The series was open to anyone with a keen interest in learning more about disputes arising from the Islamic finance sector and Islamic arbitration. From January until May 2022, total of four (4) learning series have been conducted that involved almost 300 participants from Malaysia, Southeast Asia, the Middle East and Europe.

ix. AIAC Continuing Competency Development (CCD) Workshop Series

With a total of ten (10) monthly workshops from February 2022 to November 2022, the AIAC Continuing Competency Development (“CCD”) Workshop Series is designed to be interactive and helpful for both legally trained and non-legally trained individuals who regularly appear and participate in proceedings under the Construction Industry Payment and Adjudication Act 2012. The focussed topics of the CCD Workshop Series were selected with the aim of finessing the ability of AIAC-empanelled adjudicators to deal with all technical, procedural and substantive matters as well as improve their decision drafting technique. Until July 2022, six (6) workshops have been conducted with a total of 784 participants benefiting from this workshop series.

x. Arbitration-In-Practice (AIP) Workshop Series

The AIAC through the AIAC Academy and in partnership with the Chartered Institute of Arbitrators (Malaysia Branch) launched the second edition of the Arbitration-In-Practice (“AIP”) Workshop Series for this year. With a total of

eight (8) monthly workshops conducted from April 2022 to November 2022, the series is aimed at providing continuous practical and professional development training to credited arbitrators. This workshop is also designed in a lecture format with the requirement for advance preparation of case studies as well as breakout discussion with tutors and the conduct of mock exercises on, amongst others, examination of witness, conduct of hearings and drafting of arbitral awards led by selected senior and prominent arbitrators. As of July 2022, four (4) workshops have been conducted with a total of 148 participants from various backgrounds.

xi. AIAC Mediation Skills Workshop Series

The AIAC set up the Mediation Skills Workshop Series as part of its line-up of programmes under the AIAC Academy. In recent times, both domestic and international mediation practice have seen a number of exciting new trends and developments amidst a changing landscape. The advent of virtual mediations has also paved the way for the rapid internationalization of mediation, requiring mediators and mediation practitioners alike to develop a greater and in-depth understanding of the intricacies of mediation as well as the various nuances involved. Under this initiative, the AIAC features a series of workshop relating to the practice and procedures associated with mediation. The workshops were designed to be interactive, with exercises and roleplay to be completed in conjunction with the workshops, to ensure optimum understanding and comprehension of the topics covered. 181 participants participated in the past three (3) workshops between February and May 2022.

xii. AIAC Roadshow 2022

In its effort to further promote ADR, the AIAC conducted two (2) Roadshows in East Malaysia and participated in three (3) Conventions/ Exhibitions on Islamic Arbitration in Kuala Lumpur, Brunei and Penang.

a) AIAC Roadshow 2022 – Sabah (22nd January 2022)

The AIAC in partnership with the Sabah Law Society (“SLS”) organised the first AIAC Roadshow for the calendar year in Kota Kinabalu, Sabah. The event saw a strong participation from lawyers

and ADR practitioners based in Sabah, who were keen to learn more about the key highlights of the AIAC Arbitration Rules 2021, training opportunities under its newly centralised AIAC Academy as well as the advantages of utilising the AIAC's services and facilities. The event concluded with a lively Q&A session and an open discussion with the Director of the AIAC. The SLS and the AIAC are committed to providing greater accessibility to training and practical opportunities to Sabah-based practitioners, for the overall development, applicability and understanding of ADR in this region.

b) Selangor International Halal Convention (SELHAC) 2022 (4th – 6th March 2022)

In its effort to further promote ADR, especially the AIAC i-Arbitration Rules to the domestic ADR community, the AIAC participated in the Selangor International Halal Convention ("SELHAC") 2022 at the Shah Alam Convention Centre. SELHAC which was organised by the Selangor state government is one of the platforms for local halal entrepreneurs to introduce their services to the public. About 100 exhibitors from 40 companies participated in the convention.

c) Brunei Mid-Year Conference and Exhibition (MYCE) 2022 (1st – 4th June 2022)

The AIAC also participated in the Brunei Mid-Year Conference and Exhibition ("MYCE") 2022 where new relations were forged between the AIAC and participants of the Islamic community. A host of local and international delegates visited the AIAC's booth to better understand the AIAC's Islamic arbitration framework and shared best practices on incorporating an Islamic Arbitration framework in the Islamic banking and corporate sector. The AIAC delegation was also pleased to visit the Brunei Darussalam Arbitration Centre (BDAC).

d) AIAC Roadshow 2022 – Sarawak (15th June 2022)

During this Roadshow, the AIAC engaged with ADR stakeholders in Sarawak to better understand ways that the Centre can better promote

ADR in the state as well as highlight the recently reinvigorated AIAC Arbitration Rules 2021 and AIAC i-Arbitration Rules 2021. The AIAC also took the opportunity to discuss initiatives with the Advocates' Association of Sarawak and the Sarawak Government to identify and solidify opportunities to grow ADR operations and opportunities in Sarawak. The last day of the Roadshow concluded with an event titled, “Future of ADR in Sarawak” which saw the attendance of more than 100 professionals from diverse backgrounds, including lawyers, engineers, surveyors, in-house counsels, government officials and retired judges. The event started off with opening remarks from the Director of the AIAC and this was followed with keynote remarks by the Deputy Minister in the Premier of Sarawak Department (Law, MA63 and State-Federal Relations). The event was topped off with an engaging panel session on the future of ADR in Sarawak and related matters, which included a lively Q&A session with the audience.

e) The 11th Penang International Halal Expo & Conference (PIHEC) (1st – 3rd July 2022)

The AIAC also participated in the exhibition and conference of the Penang International Halal Expo & Conference (PIHEC). Apart from engaging with key stakeholders in the Islamic business community and halal industry, the AIAC team also met financial institutions and government agencies with a key interest in this area and shared the common goal of promoting the progress and economic development in the halal sector. During the event, the Director of the AIAC also met with the Chief Minister of Penang and other leading government officials from the state.

xiii. AIAC Certificate in Adjudication 2022

The AIAC Certificate in Adjudication programme was held in a virtual setting via the AIAC’s Zoom platform from 26th March 2022 to 30th March 2022, with the final examinations held in-person at the AIAC’s Bangunan Sulaiman in Kuala Lumpur as well as an examination center in Sarawak for East Malaysian candidates. In Malaysia, this certification course is recognized by

the CIPA Regulations 2014 as a necessary qualification to be a CIPAA Adjudicator under the Construction Industry Payment and Adjudication Act 2012. A total of 122 participants participated in this program. A further two intakes have been scheduled for August 2022 (in Kota Kinabalu) and November 2022 (in Kuala Lumpur).

xiv. RICS - AIAC Online Mediation Training Programme

The Royal Institution of Chartered Surveyors (RICS) and the AIAC conducted the online Mediation Training Programme on 22nd February – 3rd March 2022. This practical and intensive course is designed to help participants mediate complex disputes. The programme is recognised by the Civil Mediation Council (United Kingdom) and the International Mediation Institute (“IMI”), and participants who successfully complete this programme may apply for the IMI certification. Successful completion of both Modules during this programme is also recognised by the Chartered Institute of Arbitrators (“CI Arb”) and successful candidates may, as a result, apply to become CI Arb Member.

III. Report on the activities of the Nairobi Centre for International Arbitration (NCIA) for the year 2019-2020

Administration of Disputes

45. The case value by December 2021 had risen to Kenya Shillings Twenty Billion Eight Hundred Million (Kes.20,800,000,000) equivalent to USD 175,094,400.00. The largest single claim recorded is equivalent to USD 42,090,000.00.

46. From its first case in 2016, the Centre has hit now the 100th Case mark for disputes referred under the NCIA Arbitration Rules, representing an upward trend in referral of disputes in the five years since inception of the Rules.

Arbitration and Alternative Dispute Resolution Conferences & Events

47. On the national front and in keeping with the mandate of NCIA to promote the practice of international commercial arbitration and other forms of dispute resolution, the Centre hosted four webinars on divergent thematic areas.

48. The Centre participated in a webinar “Enhancing Access to Justice by Enhancing the Arbitration Institution in Africa” held on 29th, 30th November and 1st December 2021.

49. The Centre’s representative attended the 1st National Annual ICT Practitioner and Governance Conference held on Wednesday 1st December 2021 in Mombasa at the Sarova, Whitesands Beach Resort and Spa.

50. The Centre participated in the AIAC YPG Conference 2022 in conjunction with the 6th IAC pre-moot on 17th March 2022

51. The Centre’s representatives attended the CIArb International Conference on Innovations & Disruptions Today & Tomorrow at Movenpick Hotel on 27th – 29th April 2022.

The Centre's representatives also attended the EAIAC Conference on Resettling for a new age of International Arbitration in Africa: climate change, global partnerships & sustainable development in Kigali on 15th -17th June 2022

52. The Centre participated in the 2022 Pan African Lawyers Union Annual conference in Arusha on 27th – 30th June 2022.

Training

53. The Centre launched its Training Calendar 2021 and leveraged on technology to expand the reach for skills development to grow a talent hub that is quintessential in supporting the arbitration ecosystem. The Training programme entails courses in Arbitration and Mediation running from introduction, Module 1, 2 and 3, with an emphasis on quality of content and excellence in delivery.

Development of a National Alternative Dispute Resolution (ADR) Policy

54. The Centre continued to collaborate with the National Steering Committee for the formulation of the National Alternative Dispute Resolution Policy in Kenya. This collaboration culminated in the development of an expert proposed Alternative Dispute Resolution policy which forms and serves as a unified framework for implementation on ADR in Kenya and is anchored in the Constitution of Kenya 2010 (CoK).

55. The Policy has been forwarded to the Cabinet via a Cabinet Memorandum signed by the Honorable Attorney General and the Cabinet Secretary – National Treasury.

The 2020 Arbitration in Africa Survey Report

56. The 2020 Arbitration in Africa Survey Report of top African arbitral Centres and seats ranked the NCIA among the top five best arbitral Centres in Africa regarding the quality of support facilities and administrative staff. The NCIA ranked 8th among the top ten arbitral Centres in Africa based on the number of arbitration cases administered and Memorandums of Understanding (MoUs) concluded with other arbitration Centres. The report also ranked

NCIA among the top five arbitral Centres in Africa that users indicated they would recommend.

Law Society of Kenya Council pays a courtesy call to NCIA

57. The Law Society of Kenya Council (LSK) that was elected to office in March paid the Centre a courtesy call upon the invitation of the Registrar, the objective of the meeting was for LSK and NCIA to discuss specific areas of collaboration to promote the use of Alternative Dispute Resolution countrywide. During the meeting, the President of the LSK, Mr. Eric Theuri, and the Chairperson of the NCIA, Ms. Jackie Oyuyo Githinji highlighted different partnership opportunities between LSK and the Centre with specific timelines that should be targeted to implement the activities.

58. They both recognized that arbitration and mediation formed part of a growing market which currently has untapped potential and was in no way encroaching the traditional markets for legal practioners. They noted that ADR was a compliment to litigation and not a competitor as some would have thought especially far off counties away from the city of Nairobi.

59. During the meeting, LSK Council members requested the Centre to come up with curricular for capacity building for interested parties and mentorship between new and experienced practitioners. They also noted the existence of what they considered to be quack ADR practioners in the market hence the need for greater quality assurance to ensure that those practicing ADR have verifiable qualifications and competences through practitioner accreditation.

60. During the meeting, the President of LSK Mr. Eric Theuri identified three areas of collaboration with the Centre. The first one he observed was collaboration on ADR Training Curriculum. The President stated that in addition to regular CPD trainings, master seminars for specialized and expanding fields such as international investment should be developed. He stressed the need of having training that is sensitive to market demands and capable of generating revenue for practitioners.

61. The second area that he identified was the development and maintenance of quality standards in mediation and arbitration. The President noted that need of having a common framework and ethos that governs activities in certain areas of ADR, such as arbitration. The President's third area of focus was panel listing. The President was keen to know more about the methods used in interviewing, choosing and appointing members to the NCIA panel.

62. In response to the President's observations and requests, the NCIA Board Chairperson Ms. Jackline Oyuyo noted that ADR training had been given four slots on the LSK CPD Calendar, and NCIA would supply technical assistance in this respect. She noted that these sessions are insufficient because they often consist of one-day lectures that provide little time for members to learn useful ADR skills. Moving forward, she proposed that the Centre will provide subject-specific trainings on topics that may be the subject of disputes, such as ADR and corporate governance, further noting that ADR as a stand-alone topic for training was not appealing.

63. While updating the meeting on the status of the national ADR policy, the Chairperson reported that the Attorney-Office General's (OAG) had formed a committee to develop a national ADR strategy. The Committee had generated a report, which was forwarded to the Attorney General, who had submitted a memo to the Cabinet but was yet to be scheduled for debate by parliament. In this regard, the Chairperson requested LSK's support in drafting and creating sound legislation. She requested the council to rally the LSK fraternity to support the policy to pass in Parliament. The bill is expected to address topics that have dominated debates such as the regulation of ADR practitioners' conduct, the creation of a national ADR council, mediator and arbitrator credentials, and areas for judicial involvement.

64. On panel listing, the Chairperson explained the procedures for empanelment for the domestic and international mediation panels, as well as the domestic and international arbitration panels. She noted that for those interested, the procedure for joining any of these panels is available on the NCIA website. She further observed that the applicant's experience and training are the most crucial factors to evaluate throughout the recruiting process. The candidate is also required to submit supporting documentation demonstrating that they have been nominated by various organizations and have already presided over arbitration or mediation proceedings.

65. She added that if the Board is not satisfied with an application, it may be deferred, with the applicant encouraged to get additional experience and reapply when the opportunity arises. If the application is successful, it is submitted to the NCIA full Board for further review and approval.

66. On the uptake of ADR by Country Branches, the LSK Council requested the Centre to consider expanding outreach services of ADR to country branches. On this the Registrar agreed with the council that the national branches are critical to achieving NCIA's goal of spreading ADR throughout the country. He observed that due to the slow uptake of ADR by counties outside Nairobi, the Centre had put in place a strategy to work with the county governments to fulfil its mandate through the county awareness programmes and requested the Council to partner with the Centre in spreading the ADR gospel to the counties.

67. On mentorship between young and seasoned practitioners, the Council observed that the creation of a mentorship program between young and seasoned practitioners was important noting the common perception of ADR being a career choice for retired lawyers and judges. The Chairperson of the Board noted that the trend had shifted significantly with many young practitioners are now turning to ADR full-time. A unique action point was set for this area to bridge the gap between old and new practitioners.

68. On the NCIA's training curriculum the council requested to understand the key differentiation between what the Centre was offering in comparison with what other ADR trainers were offering. To this, the Centre's Chairperson Ms. Oyuyo explained that NCIA's programs are market-responsive and government-backed which provides quality assurance of the services offered.

NCIA Board members and the Registrar/CEO follow proceedings during the meeting

69. The meeting concluded on a promising note, with the LSK Council and the NCIA Board committing to work together to position Kenya as a competitive and attractive hub for ADR.

NCIA Board Pays a Courtesy Call to the Honorable Chief Justice

70. The NCIA Board recently paid a courtesy call to the Kenyan Honorable Chief Justice Martha Koome at her office based at the supreme court building in Nairobi. During the meeting held on 24th June 2022 the Board was received by the Chief Justice who thanked them for finding time to visit the judiciary.

71. In her remarks, the NCIA Board Chairperson Ms. Jackie Oyuyo presented the Centre's position to enhance access to justice through interventions that would support and enable arbitration in partnership with the judiciary. These included specialists arbitration lists, specific arbitration practice rules and notes, and a proposal for a framework to expedite procedures for NCIA-NIFCA related disputes.

72. In her remarks, the Honorable Chief Justice noted that the mandate of the Centre and that of the Judiciary were intrinsically tied together adding that the two institutions existed to offer adjudicatory services to clients and as such had a lot in common. She commended the Directors and the Registrar for their effort to position Nairobi as a preferred regional center for international commercial arbitration. She noted the role that the Centre was playing in ensuring the uptake and mainstreaming of local mediation services and other ADR services.

73. She reiterated that the economic activity of any nation is paramount to its success and as such, the adjudicatory services are pivotal in ensuring that there is a conducive business environment for commerce to thrive. *'We are clear in the Judiciary that we need to play our part in creating a conducive business environment by offering adjudicatory services that are efficient, effective, prompt and cost effective'* noted the Justice Koome.

74. She noted that ADR services ought to be objective and consistent so that there is predictability in terms of the limits of rights and duties of all persons including business entities. *'The judiciary's vision of social transformation through access to justice has clearly prioritized certain activities within the commercial justice sector to ensure that we can support an economy that is as vibrant and as robust as ours'* noted the Chief Justice in her remarks.

75. She observed that the Judiciary's initiatives were geared towards creating a judiciary that is issuing decisions that result in socially just outcomes. A Judiciary that is assisting in the establishment of an egalitarian state that prioritizes the welfare of all persons. She added that as provided for within the Constitution the Judiciary should be a strong institution that is independent, accessible, efficient and protects the rights of all especially the vulnerable.

NCIA Continues to implement its Training Calendar

76. Pursuant to Section 5 of the NCIA Act 2013, the Centre is mandated to provide training and accreditation programs for Mediators and Arbitrators and to educate the public on arbitration as well as other Alternative Dispute Resolution (ADR) mechanisms. In execution of this mandate, NCIA is now offering accredited Training Programs for both Mediation and Arbitration geared towards the promotion of ADR as a dispute resolution process of choice for members of the Public and build capacity for upcoming ADR Practitioners.

77. In the month of June 2022, the Centre organized a 40 Hour Mediation Training which is an advanced and intensive five-day course, aimed at equipping participants with practical core skills of Mediation. This is achieved through practical drills in active listening, negotiations and conflict resolution skills. The course takes a theoretical and practical approach using teaching aids such as handbooks, visuals, a PowerPoint Presentation and role plays. The final assessment is done on the practical skills acquired and the principles of mediation.

78. At the request of the Kenya Ports' Authority (KPA), the Centre successfully had the 4th Cohort of the 40 Hour Mediation Training at the Crowne Plaza Hotel, Upper Hill, Nairobi, from 13th and 17th June 2022. The training participants were drawn from the Ethics & Integrity Department of KPA. There was also a participant from a County Government. The Registrar/ CEO and the trainer of the course who graced the opening ceremony was Ms. Gladys Wamaitha, a member of the NCIA Training Faculty and an experienced Mediator in training and practice.

79. Participants who successfully completed the 40 Hour Mediation Training are eligible to join the Centre's Panel of Mediators as well as the Court Annexed Mediation Program as

Certified Professional Mediator (**CPM, (NCIA)**). They will also be eligible for further training, Module 2 (Law of Obligations) Training.

NCIA hosted a team from Kenya Private Sector Alliance

80. NCIA recently hosted a team from the Kenya Private Sector Alliance, KEPSA to discuss areas of partnership with the Centre. KEPSA is the apex body of the private sector in Kenya that aims to drive economic development through improvements of the business environment by addressing cross-cutting business issues, driving investment and addressing social- economic issues with partners. It brings together business associations and corporate bodies both large, SMEs and startups to speak in one voice and working closely with Government and other stakeholders in structured public private dialogue platforms and other engagement mechanisms.

81. While receiving the visitors, the Registrar expressed his gratitude for the intended partnership noting that a partnership between the two organizations was important to ensure facilitation and support of KEPSA membership to ease their doing of business through the application of ADR mechanisms when resolving disputes. He noted that ADR mechanisms are key for business continuity and sustainability observing that the Centre was committed to ensuring that KEPSA membership received value through the partnership by providing the support necessary to ensure that disputes are resolved quickly which is a fundamental element in the ease of doing business.

82. He noted the importance of working together through an MOU that will create a partnership framework between the Centre and KEPSA. The purpose of the Memorandum of Understanding he noted will be to provide a general framework to govern cooperation between KEPSA and NCIA, towards promoting sensitization of Mediation as an alternative dispute resolution mechanism to KEPSA stakeholders. The two organizations also agreed to work together to facilitate and provide venues for mediation to KEPSA members.

83. The Centre will continue to develop structured awareness and sensitization programmes on ADR for KEPSA members while at the same time identifying opportunities to deepen the renewed partnership and operationalize the other terms of the MOU.

NCIA participated in the East Africa International Arbitration Conference in Kigali

84. NCIA participated in this year's East Africa International Arbitration conference held on 17th June 2022 in Kigali, Rwanda. The awards set out to celebrate, recognize and honor outstanding practitioners and leaders in the Africa arbitration ecosystem. The NCIA Registrar/CEO Mr. Lawrence Muiruri presented a paper titled '*Tracking Climate Action in Arbitration in Africa.*' Notable speakers during the event included Prof. Githu Muigai, Kenya's former Attorney General, Prof. Kofi Abotsi, Partners Axis legal, Ghana and Paul Jean Le Cannu, Senior Counsel, ICSID, USA among many other prominent speakers.

85. The theme of this year's event was '*Resettling for a New Age of International Arbitration in Africa: Climate Change, Global Partnership's & Sustainable Development.*' and was aimed at recognizing practitioners in various categories that included Leading Arbitrator Service Provider, Innovation in Arbitration, Leading Case Counsel Team, Young African Arbitrator of the year and African Arbitrator of the year. The awards reflected this year's theme and was aimed at building on what has already been achieved in the African Arbitration ecosystem.

86. During the awards, Kenyan leading arbitrator Dr. Kariuki Muigua, PhD and his son James Ngotho Kariuki, FCI Arb were voted the African Arbitrator of the Year 2022 and Africa's Young Arbitration Practitioner of the Year 2022 Award Winners respectfully. The duo scooped the prestigious alternative dispute resolution (ADR) awards beating other competitors from Egypt, Mauritius, Ethiopia, Nigeria and Kenya. Dr. Kariuki Muigua is the Managing Partner at Kariuki Muigua & Co. Advocates while James Kariuki is an Associate at DLA Piper Africa, Kenya (IKM Advocates). The win by the duo is a culmination of commitment to excellence in Arbitration practice.

87. The winner of African Arbitrator of the Year 2022 Award Dr. Kariuki Muigua, PhD is ranked one of the top 6 arbitrators in Kenya by the authoritative Chambers and Partners law directory. He is an avid arbitrator of twenty (20) standing. He is one of the elite Arbitrators in Kenya who has attained the highest rank of Chartered Arbitrator (C. Arb) and was elected unopposed as the Africa's Trustee of the Chartered Institute of Arbitrators, making him the official leader of arbitration in Africa.

88. In addition, Dr. Kariuki Muigua is a Senior Lecturer of Law at the University of Nairobi Faculty of Law and is also the author of the three leading books on Arbitration, Mediation and ADR in Kenya including *Settling Disputes Through Arbitration in Kenya*, the leading arbitration textbook and practice guide now in its 4th Edition. Dr. Kariuki Muigua heads a team of top Litigation and ADR Practitioners. He was the winner of Chartered Institute of Arbitrators (Kenya) Branch Lifetime Achievement Award and ADR Practitioner of the Year at the Nairobi Legal Awards in 2021. On the other hand, James Kariuki, FCI Arb is the Chairperson of the Young Members Group (YMG) of the Chartered Institute of Arbitrators (CI Arb) and one of the leading Dispute Resolution Lawyers in Kenya.

NCIA launched its Inaugural Journal

89. The Centre launched its inaugural journal on 17th February 2022. During its launch, the NCIA board Chair Ms. Jackie Oyuyo noted that the journal would provide a platform for scholarly discourse on pertinent issues relating to the reform of the investor-state dispute settlement regime (ISDS) which would allow foreign investors to sue host states through investment arbitration.

90. She noted that the ISDS regime was on the spotlight with commentators advocating for and against its legitimacy. She further observed that participants of the debate disagreed on the value and fairness of the mechanism, with ISDS now a reform topic in both host states as well as capital-exporting states. ‘It is our hope, therefore, that our journal provides a forum to interrogate and contribute to that debate’ she noted.

91. She went further to observe that most new ISDS cases derived from treaties signed at least 15 to 20 years ago, rather than those ratified in recent years. The most important reform effort lied not with future treaties but with existing treaties. Even if all newly negotiated investment treaties were improved, or governments refrained from negotiating ISDS provisions altogether, the existing stock of over 3,000 investment treaties would continue to provide access to ISDS on the same terms as before, said Ms. Oyuyo.

92. She concluded by noting that the journal would offer insights and perspectives into the debate surrounding the reform of the ISDS regime, concerns, challenges and

opportunities. The journal is peer-reviewed and adheres to the highest quality of scholarly standards and credibility of information.

Thought leadership webinars

93. On the national front and in keeping with the mandate of NCIA to promote the practice of international commercial arbitration and other forms of dispute resolution, the Centre hosted two webinars on divergent thematic areas.

94. On 27th April 2022 in partnership with the Institute of Human Resources Management, the Centre hosted a webinar titled ‘Effective Dispute Resolution in the Labour Relations sector’ and on 23rd June 2022, the Centre in partnership with Kenya Private Sector Alliance (KEPSA) hosted a webinar titled ‘Resolution of commercial disputes using Alternative Dispute Resolution Mechanisms’.

DRAFT RESOLUTION ON THE AGENDA ITEM

28 SEPTEMBER 2022

REPORT ON THE AALCO'S REGIONAL ARBITRATION CENTRES

The Asian-African Legal Consultative Organization at its Sixtieth Session,

Considering the Report on the AALCO's Regional Arbitration Centres contained in Document No. AALCO/60/NEW DELHI (HEADQUARTERS)/2022/ORG 3,

Noting with appreciation the introductory remarks made by the Secretariat and the report of the Directors of the Regional Arbitration Centres,

Reaffirming the commitment by the Governments of the Member States towards enhancing the role of the Regional Arbitration Centres,

Recalling the decision relating to the Integrated Scheme for the Settlement of Disputes in Economic and Commercial Transactions adopted at its Doha Session in 1978,

Expressing satisfaction over the increasing use of the facilities and the opportunities offered for both domestic and international arbitrations under the auspices of its Regional Arbitration Centres,

Appreciating the efforts and contributions of the Governments of Malaysia, the Arab Republic of Egypt, the Federal Republic of Nigeria, the Islamic Republic of Iran, the Republic of Kenya and the People's Republic of China for hosting the respective Regional Arbitration Centres,

Further appreciating the promotional activities undertaken by the Directors of the Centres, including organization of seminars and training programmes, to promote international commercial arbitration in the Asian and African regions,

Reiterating the earlier decision of AALCO on the necessity for the Governments of the Member States to promote and support the use of the Regional Arbitration Centres,

Further reiterating its proposal, after consultation with the Directors of the respective Regional Arbitration Centres, for the holding of International Arbitration Conference biennially, by rotation in each of the Centres, with the support of the Member States,

1. **Requests** the Member States to continue their support to the Regional Arbitration Centres and use the AALCO's Regional Arbitration Centres for resolving their disputes and in particular to consider in their contracts, the inclusion of such Arbitration Clauses;

2. **Urges** the Regional Arbitration Centres to consider to the extent possible, among themselves, the formation of a common system both administratively and financially between the Centres and common standards for the qualification of arbitrators;
3. **Directs** the Regional Arbitration Centres to meet at every AALCO Annual Session to enable an exchange of ideas and to report the outcome to the Organization; and
4. **Decides** to place this item on the provisional agenda of the Sixty-First Annual Session.