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# STRATEGIC PLAN

## 2017-2022



Arbitration  
Mediation  
Training

**ncia** | Nairobi Centre  
for International  
Arbitration

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The Premier Centre of Choice for  
Alternative Dispute Resolution.

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# LIST OF ABBREVIATIONS

<b>AALCO</b>	Asia-Africa Legal Consultative Organization
<b>ADR</b>	Alternative Dispute Resolution
<b>AIDS</b>	Acquired Immune Deficiency Syndrome
<b>BDD</b>	Business Development Department
<b>CMD</b>	Case Management Department
<b>EGH</b>	Elder of the Golden Heart
<b>F&amp;A</b>	Finance and Accounting
<b>HIV</b>	Human Immunodeficiency Virus
<b>HR&amp;A</b>	Human Resource and Administration
<b>ICSID</b>	International Centre for Settlement of Investment Disputes
<b>ICT</b>	Information and Communication Technology
<b>IPMS</b>	Integrating Performance Management System
<b>Ksh.</b>	Kenya Shillings
<b>LAN</b>	Local Area Network
<b>MIS</b>	Management Information System
<b>MTP</b>	Medium Term Plan
<b>NCIA</b>	Nairobi Centre for International Arbitration
<b>SC</b>	Senior Counsel
<b>SWOT</b>	Strengths, Weaknesses, Opportunities and Threats
<b>UNCITRAL</b>	United Nations Commission on International Trade Law
<b>WAN</b>	Wide Area Network

# Regional Reach, Global Outlook

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# CHAIRMAN'S FOREWORD



Development of the Nairobi Centre for International Arbitration Strategic Plan (2017-2022) is a remarkable achievement for the Centre. The plan defines our path, journey and destiny. It will enable us to be more focused and harness our limited resources directing energies to areas that are most important.

This Strategic Plan outlines the objectives and activities that will guide us in delivering our core mandate and improving the administrative mechanisms of our institution. The Plan contains a clear Vision, Mission and Core Values for the Centre as well as a set of Strategic Objectives that NCIA aims to achieve over the period.

On behalf of the Board of Directors, it is my enormous privileged to present this Strategic Plan. I invite the Board of Directors, all the members of staff, the public and private sector, strategic partners and other stakeholders to work in partnership with the Centre to achieve our Vision, Mission and Strategic Objectives.

The Plan is designed to be an organizational instrument that seeks to define the path of the institution into the future. For purposes of accountability, monitoring and evaluation, the plan provides a concrete implementation framework with realistic annual work-plans for the Centre.

I take this opportunity to express my sincerely gratitude to the Board, Registrar and Secretariat for fully participating in the drafting of the Strategic Plan. We look forward to the full realization of the strategic objectives and activities we have set out in the Plan.

A handwritten signature in black ink, appearing to read 'Arthur Igeria'.

**Arthur Igeria**  
Chairperson of the Board of Directors.

# REGISTRAR'S PREFACE



The preparation of the five-year Strategic Plan of the Nairobi Centre for International Arbitration marks a vital milestone in ensuring that the Centre performs its core mandate in a guided, procedural and systematic way. With the Centre having now firmly established, it is appreciated that more strategies towards improving physical infrastructure, development of appropriate policies and capacity building will be the key components of deliverables within the implementation period.

Towards this endeavor, management under the guidance of the Board will initiate measures towards achieving the medium and long term deliverables.

The Strategic Plan of the Centre is a product of participatory and consultative process spearheaded by the Board, and the Strategic Planning Committee.

The process provided an opportunity for stakeholders feedback. It has further provided clear guidelines on how to achieve the Centre's role and mandate while abiding to the tenets of the Constitution. The Plan has identified issues that will be addressed and provides a clear strategy on implementation. The consultative process of the Plan development has also enhanced unity of purpose between the Board of Directors and the Secretariat, critical to the successful implementation of the Plan.

The Plan emphasizes on our core values that will be the guiding principles for the implementation process. The Plan is a clear statement of the Centre's commitment to enhance our organizational structure, capacities and resource mobilization necessary in achieving the strategic objectives. Since the Plan has been developed through participatory approach by all stakeholders, it is hoped that it will provide home-

grown solutions that enjoy high acceptance and enthusiastic implementation.

As Registrar my team at the Secretariat and I is committed to dedicating all efforts and resources towards realization of the strategic objectives set out in this Plan. To achieve this staff performance benchmarks will be directly linked to the Strategic Plan. I take this opportunity to appreciate the effort of all those involved in the preparation, notably the Board of Directors, the Strategic Planning Committee as well as the Secretariat and stakeholders.

A stylized handwritten signature in black ink, consisting of a large, flowing 'L' followed by a series of loops and a horizontal line.

**Lawrence Muiruri Ngugi**  
Registrar/Chief Executive Officer

# EXECUTIVE SUMMARY



The 2017-2022 Strategic Plan is part of the overall strategy of putting in place appropriate frameworks for implementation of policies and programmes with a view to deliver quality services in the area of Alternative Dispute Resolution (ADR). The Plan will cover the 2017-2022 period and will help the Centre position itself strategically in its operational space by aligning itself effectively to the changes taking place in that environment. This will enable the Centre enhance its competitive advantage, escalate implementation levels of projects and programmes, meet expectations of its diverse stakeholder segments and align its programmes and activities to the overall national development agenda.

The Vision of the Centre is: “The Premier Centre of Choice for Alternative Dispute Resolution”.

The Centre’s Mission is: “To be recognized as a Centre for International Commercial Arbitration and Alternative Dispute Resolution through provision of quality and innovative processes”.

**The Core Values or principles by which the Centre will operate are:**

- Fairness and Impartiality
- Confidentiality
- Integrity
- Efficiency and Effectiveness
- competency

The rationale for developing the Plan was to assist the Centre deal with emerging challenges in the operating environment for the five-year period. Having re-examined its mandate and

core functions, the NCIA has developed its vision and mission statements, and the core values which will provide strategic direction. A situation analysis identified strengths, weaknesses, opportunities and threats of the Centre which forms a basis for identifying strategic issues and objectives for the next five years.

The strategic issues identified include:

- Promotion and Administration of ADR;
- Training and Quality Assurance;
- Partnerships and Collaboration; and
- Organizational Capacity Development

**NCIA plans to address these issues through the following objectives:**

- To develop and implement effective and efficient policy and management frameworks for ADR processes
- To enhance professional capacity in International Commercial Arbitration and promote the use of ADR processes
- To enhance international recognition of NCIA
- To strengthen institutional capacity of the Centre for quality delivery of services

A comprehensive action plan for each of the objectives has been developed in the form of an implementation matrix. To ensure successful implementation of the strategic plan a monitoring and evaluation (M&E) framework will be followed. An M&E Management Committee will be responsible to oversee the implementation of the strategic plan.

# Our Strong Pillars

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Promotion &  
Administration of ADR.

Training & Quality  
Assurance

Partnerships &  
Collaboration

Organizational Capacity  
Development

# CHAPTER ONE

## INTRODUCTION



### 1.1 ORIGIN OF NAIROBI CENTRE FOR INTERNATIONAL ARBITRATION

The development of international arbitration in Kenya can be traced back to the pre-independence period when the colony ratified the Geneva Convention on Enforcement of Foreign Awards (the Geneva Convention). The Geneva Convention was replaced by the New York Convention on Enforcement of Foreign Awards (the New York Convention) which was the succeeding framework under the United Nations regime. Kenya ratified the New York Convention on 10th February 1989 joining the comity of nations committing to recognize and facilitate enforcement of foreign arbitral awards in Kenya.

Kenya also ratified the International Convention on Settlement of Investment Disputes between States & Nationals of other States (ICSID) on 24th May 1966. ICSID is a dispute resolution regime under the auspices of the World Bank for arbitration of investor-state disputes. As a dualist-state Kenya enacted the Investment Disputes Convention Act Cap. 522 in 1966 guaranteeing foreign investors that their disputes will be arbitrated within an internationally accepted framework. In June 2000 Kenya, as a state party demonstrated her commitment to international arbitration when the first investor-state dispute World Duty Free Complex versus Republic of Kenya was referred to an ICSID tribunal.

A clear distinction between domestic and international arbitration came in 1995 with the Arbitration Act, 1995 which introduced a definition of the two terms. The enactment of the Arbitration Act, 1995 marked the adoption of the United Nations Commission on International Trade Law (UNCITRAL) Model Law on arbitration. The Act incorporated the New York Convention to provide for recognition and enforcement such awards in Kenya.

As this landmark development was taking place discussions amongst the Asia-Africa States within the Asia-Africa Legal Consultative Organization (AALCO) had mooted a proposal to establish Centres for international arbitration in the region. In the Annual Session held in Tokyo, Japan, in January 1994 it was resolved that a feasibility study be made to find out the suitability of establishing one such Centre in Nairobi. At the Annual Session held in Doha, Qatar, in April 1995 it was agreed that Nairobi was a feasible host to such a regional arbitration centre. This initiative came to fruition in 2012 with formation of a Working-Committee by the then Hon. Attorney General, Prof. Githu Muigai, EGH, SC. The work of the Committee culminated in the introduction to Parliament of the Nairobi Centre for International Arbitration, Bill 2012 which was enacted into law in 2013.

The Nairobi Centre for International Arbitration Act No.26 of 2013 (the Act) established a centre for arbitration and related purposes. As the government principal legal advisor, the Hon' Attorney General commenced the operationalization of the Act by initiating the nomination and appointment of a Board of Directors ("the Board"). The Board has overseen the publication of the Nairobi Centre for International Arbitration (Mediation) Rules, 2015 and the Nairobi Centre for International Arbitration (Arbitration) Rules, 2015 and establishment of a Secretariat for the Centre.

## 1.2 RATIONALE FOR STRATEGIC PLANNING

The Nairobi Centre for International Arbitration is in its formative years. The Centre's operational environment is influenced by dynamic factors which will be considered in planned implementation of activities and programmes. Such factors include constitutional provisions relevant to the Centre's mandate, the legal framework (Act) on which the Centre is anchored, the need for a strong policy framework to facilitate implementation of programmes and increasing demand for alternative dispute resolution mechanisms. All these factors and issues within the Centre's operational environment call for a clear plan to guide implementation of programmes and activities. This Strategic Plan seeks to address this need and to provide a roadmap to guide the implementation of activities and programmes. The Plan will also be a framework against which the Centre's performance and that of the staff can be measured and evaluated.

Through development and effective implementation of this strategic plan, Nairobi Centre for International Arbitration will benefit in a number of ways.

- i. The strategic plan obligates the Centre to look into the future and to assume a proactive posture.
- ii. Communication and implementation of the strategic plan should stimulate positive response from various stakeholders of the Centre.
- iii. The strategic plan also provides the Centre with a framework for evaluating alternative strategies for achieving its mandate.
- iv. Provision of clarity on the overall mission of the NCIA which will result in increased organizational effectiveness and efficiency.

## 1.3 EXPECTED OPERATING ENVIRONMENT/ PLANNING ASSUMPTIONS

In developing the strategic plan, the following assumptions were made:

- i. Good relationship between the Centre and all stakeholders such as the government will continue;

- ii. There shall be efficiency in the arbitral and judicial process;
- iii. There will be no adverse changes in the legal policies and framework in the country; and
- iv. There will be political, social and economic stability in the country.

## 1.4 METHODOLOGY OF DEVELOPING THE STRATEGIC PLAN

The Strategic Plan (2017-2022) has been developed through a participatory and team based process involving all staff of the Centre. The Strategic Plan was interrogated by the Board and NCIA's stakeholders who provided invaluable insights. The plan was then subjected to external consultants input who together with the NCIA management and Board finalized its drafting and development. It can therefore be stated that this Strategic Plan has been formulated in collaboration, engagement and involvement of staff of the Centre and its key stakeholders. The intention has been to enrich the Plan with as many perspectives as possible and to engender its ownership and buy-in with a view to facilitating ease of its implementation. Specifically the following methodology was used:

### 1.5.1 Document Review

Various documents were reviewed for purposes of extracting relevant information for use in the strategic planning process. These documents included:

- i. The Constitution of Kenya 2010;
- ii. Financial Projections for the next five years;
- iii. Kenya Vision 2030 and MTP (2008-2012) (2013-2017) & (2018-2022).
- iv. Big Four Agenda
- v. Sustainable Development Goals (SDGs)

### 1.5.2 Discussion with Internal Experts

The Consultants held discussions with internal stakeholders who developed the first draft of the strategic plan. The draft was as a result of information collected from the NCIA staff, management and external stakeholders.

### 1.5.3 Pre-Development Workshop Discussions

Discussions were held with select members of the Centre's Management and the strategic plan development team and other internal stakeholders before holding the strategic planning workshop.

#### 1.5.4 Strategic Review Workshop

A strategic review workshop was held to discuss the draft strategic plan. The participants in this workshop comprised of the Registrar, the Centre's internal strategy experts and the external consultants. A final validation workshop was held with the management, the Board and the external consultants.

#### 1.6 ORGANIZATION OF THE STRATEGIC PLAN

This strategic plan consists of seven chapters: chapter One provides the NCIA background, rationale for strategic planning, expected operating environment and assumptions, methodology of developing the plan and

organization of the strategic plan. chapter Two presents the institutional review covering the mandate, vision, mission, and core values. chapter Three presents the situational analysis which covers an analysis of internal and external environments, and stakeholders analysis. Chapter Four presents the strategic analysis which covers strategic issues, objectives and strategies. Chapter Five presents the implementation matrix, which covers for each of the strategic objectives, the strategies, proposed actions, implementing actors, time frame, expected output and output indicators. Chapter Six presents the organizational structure. Chapter Seven presents the mechanisms for monitoring and evaluation of the implementation process, and the key performance indicators.

# Fairness & Impartiality

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# CHAPTER TWO

## INSTITUTIONAL REVIEW



### 2.1 THE MANDATE OF THE NCIA

The Nairobi Centre for International Arbitration (NCIA) was established in 2013 by an Act of Parliament the Nairobi Centre for International Arbitration Act No. 26 of 2013 as a Centre for promotion of international commercial arbitration and other forms of dispute resolution mechanism. The NCIA offers a neutral venue for the conduct of international arbitration with commitment to providing institutional support to the arbitral process. In addition the NCIA caters for domestic arbitration and other forms of dispute resolution such as mediation.

The Centre is an independent institution administered by a Board of Directors composed of professionals from the East Africa Region. The directors are accomplished practitioners with multiple skills that assure the proper functioning and administration of the Centre. The daily management of the NCIA is tasked to a Registrar/Chief Executive Officer with technical staff of the Secretariat. The Board has overseen the publication of the Nairobi Centre for International Arbitration (Mediation) Rules, 2015 and the Nairobi Centre for International Arbitration (Arbitration) Rules, 2015.

### 2.2 CORE FUNCTIONS

The Centre is mandated to carry out the following functions:

- a. Promote, facilitate and encourage the conduct of international commercial arbitration;
- b. Administer domestic and international arbitrations as well as alternative dispute resolutions techniques under its auspices;
- c. Ensure that arbitration is reserved as the dispute resolution process of choice;
- d. Develop rules encompassing conciliation and mediation processes;
- e. Organize international conferences, seminars and training programs for arbitrators and scholars;
- f. Coordinate and facilitate, in collaboration with other lead agencies and Non-state actors, the formulation of national policies, laws and plans of action on alternative dispute resolution and facilitate their implementation, enforcement, continuous review, monitoring and evaluation;

- g. Maintain proactive co-operation with other regional and international institutions in areas relevant to achieving the Centre's objectives;
- h. In collaboration with other public and private agencies, facilitate, conduct, promote and coordinate research and dissemination of findings on data on arbitration and serve as repository of such data;
- i. Establish a comprehensive library specializing in arbitration and alternative dispute resolution;
- j. Provide ad hoc arbitration by facilitating the parties with necessary technical and administrative assistance at the behest of the parties;
- k. Provide advice and assistance for the enforcement and translation of arbitral awards;
- l. Provide procedural and technical advice to disputants;
- m. Provide training and accreditation for mediators and arbitrators;
- n. Educate the public on arbitration as well as other alternative dispute resolution mechanisms;
- xv. Enter into strategic agreements with other regional and international bodies for purposes of securing technical assistance to enable the Centre achieve its objectives;
- p. Provide facilities for hearing, transcription and other technological services;
- q. Hold, manage and apply the Fund; and
- r. Perform such other functions as may be conferred on it by Nairobi Centre for International Arbitration Act, 2013 or any other written law.

## 2.3 VISION

“

The premier Centre of choice for  
Alternative Dispute Resolution

”

## 2.4 MISSION

“

To be recognized as a Centre for  
International Commercial Arbitration  
and Alternative Dispute Resolution  
through provision of quality and  
innovative processes

”

## 2.5 Our Core Values



# Efficiency & Effectiveness

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# CHAPTER THREE

## SITUATIONAL ANALYSIS



The environment in which NCIA operates has a considerable influence on its activities and programmes. The selection of strategies and activities to be implemented by the Centre during the period of this Strategic Plan is determined by factors within this operational environment. Such factors are found in the internal and external environments of the Centre. The Centre, being an arbitral institution, is also expected to contribute to the national development agenda as espoused in key national development policies and blueprints.

### 3.1 KENYA'S DEVELOPMENT AGENDA

Kenya's long-term development agenda is guided by the Constitution, Kenya Vision 2030 and other key national development policies. The Constitution provides the fundamental principles upon which the country's development, in all its forms, is to be carried out. The Kenya Vision 2030 is the premier national development policy which is expected to guide the country's Economic, Social and Political developments for the long term – up to the year 2030.

### 3.2 THE CONSTITUTION OF KENYA

The Constitution of Kenya contains eighteen chapters and 264 articles touching on various aspects of the country's development. It is based on the separation of powers between the three

branches of Government: the Executive; the Judiciary; and the Legislature. A fundamental shift in the 2010 Constitution as compared to the independence constitution is the establishment of a two-tier system of governance comprising the national and county governments. This devolution of powers and functions is expected to accelerate equitable socio-economic development and the provision of proximate and easily accessible services to the people. This is also in line with the general principles of the Constitution. In addition, the Constitution contains a progressive Bill of Rights providing for expanded civil and political rights, socio-economic, cultural and even solidarity rights. It has further established key independent offices which play critical roles mainly on oversight and allocation of resources.

Of relevance to the NCIA are the constitutional provisions recognizing and promoting the use of Alternative Dispute Resolution mechanisms. These include Article 159 (2) (c) which provides that alternative forms of dispute resolution including reconciliation, mediation, arbitration and traditional dispute resolution mechanisms shall be promoted, subject to clause (3) as a guiding principle in exercising judicial authority. In addition, Article 189 (4) provides for procedures for settling inter-governmental disputes by alternative dispute resolution mechanisms, including negotiation, mediation and arbitration.

### 3.3 VISION 2030 AND THE THIRD MEDIUM TERM PLAN 2017-2022

The Kenya Vision 2030 is the long-term development blueprint for the country. It aims at making Kenya a newly industrialized, middle-income country providing a high quality of life to all its citizens by the year 2030. The Vision is anchored on Economic, Social and Political pillars which are based on the Foundations for Socio-economic Transformation and a strong Macroeconomic Framework.

The Vision is being implemented in five-year Medium-Term Plans, the first of which covered the 2008-2012 period. The third Medium Term Plan (MTP) will be implemented in the 2017-2022 period and coincides with the period of this Strategic Plan. The Third MTP seeks to move the economy towards a high growth trajectory to achieve 10 per cent economic growth by the end of the Plan period. It prioritizes policies, programs and projects which generate broad based inclusive economic growth as well as faster job creation and reduction of poverty and inequality. The Plan builds on the gains made so far in implementing the previous MTPs, including completing projects initiated during the second MTP. It targets not only at increasing the level of investment but also enhancing the productivity of investment as well as raising productivity in all sectors of the economy.

It aims at effecting structural changes in the economy towards increasing the shares of manufacturing, industrial and exporting sectors of the economy. It also prioritizes development of the oil and mineral resources sector and the Blue economy, all of which are expected to play a crucial role in contributing to higher growth of Kenya's economy in the next five years and beyond.

The Centre's Mandate falls under the Political Pillar which has Governance, Judiciary and Rule of Law. One of the key Judicial Transformation proposed in the third Medium Term Plan 2018-2022 is the establishment of a country wide Alternative Dispute Resolution (ADR) policy legislative framework which will provide regulations and guidelines in administration of alternative dispute resolution in Kenya. The Centre shall play a key role in development of National ADR Policy.

### 3.4 BIG FOUR AGENDA

Major economies attribute their growth to the increase in foreign investment and business opportunities. An increase in foreign investment comes with a consequent increase in international disputes where foreign investors are reluctant to settle these disputes in local courts.

One of the salient features of well-established and business-friendly economies is the availability of a variety of options offered to local, regional and international firms for resolving cross-border disputes without the cumbersome process of litigation. A strong arbitration law is

key as it enables the resolution of legal disputes privately away from the public court system. Further, it offers confidentiality and neutrality, which is what investors seek in cases of disputes.

It is on the basis of the aforementioned that the Centre published the NCIA Arbitration and NCIA Mediation Rules 2015. This was a significant move, crucial to the Country's modernizing economic reforms, likely to cement the country's position in the region as a preferred seat for international arbitration.

Nairobi becoming a key arbitration destination of choice is indeed crucial. Of Paramount importance is improving the local arbitration environment so as to provide an enabling framework for international dispute resolution in Kenya. Fundamental steps have been taken by the Centre to raise the bar in dispute resolution and promote the ease of doing business in the Country.

The 'Big Four Agenda' focus on manufacturing, universal healthcare, affordable housing and food security, is aimed at boosting Kenya's development, creating wealth and employment. As an enabler of the Agenda, the Centre plays a key role in dispute resolution in the Big Four sectors by promoting the ease of doing business which encourages foreign investment hence economic growth.

### 3.5 SUSTAINABLE DEVELOPMENT GOALS (SDGS)

The SDGs are a universal call to action to end poverty, protect the planet and ensure that all people enjoy peace and prosperity. The Centre shall aid in achievement of the goals by administration of disputes as a way of promotion of the rule of law at the national and international levels and ensure equal access to justice for all. It shall also enforce effective partnerships and collaborations with its strategic partners. In effect the Centre shall work towards achieving the SDG 16 of "Peace, Justice and Strong Institutions".

### 3.6 INTERNAL ENVIRONMENT

Analysis of internal environment entails identification of issues within the organization that positively or negatively affects its performance.

#### 3.6.1 STRENGTHS

The strengths of the Nairobi Centre for International Arbitration are:

##### i. Able and committed Board

The Board consists of professionals with vast knowledge and experience in alternative dispute resolution enabling them to provide strategic directions. Their knowledge, experience and commitment are a strong asset to the organization.

##### ii. Exclusive Statutory Mandate

NCIA's core mandate is exclusively defined in the NCIA Act of 2013 as the promotion and administration of domestic and international commercial arbitration.

##### iii. Strong partnerships and networks with stakeholders.

NCIA has built strong professional networks and continues to enjoy strong partnerships with various stakeholders.

##### iv. Approved institutional policies and strategies.

v. The Centre's operations are guided by approved institutional policies and frameworks. These include human resource, ICT, communication and marketing, resource mobilization and partnership engagement policies and strategies.

vi. Competent and internationally recognized accredited ADR practitioners responsible for case management.

vii. Competent and committed Secretariat headed by the Registrar.

##### viii. Automated Case Management System

The Centre has implemented an automated Case Management system that ensures efficiency in administration of ADR.

#### 3.6.2 WEAKNESSES

The weaknesses of NCIA are:

##### i. Inadequate human resources

The centre is currently operating with 24 members of staff against an optimal requirement of 54. This is likely to affect the level of efficiency in operations.

##### ii. Inadequate financial resources

The Centre's activities are primarily financed by the Exchequer with secondary financial support from Development Partners. Austerity measures instituted by the National Government have led to budget cuts for the Centre affecting achievement of planned programmed activities.

##### iii. Inadequate technological equipment

The Centre is inadequately resourced with equipment for case management. There is need to improve and acquire equipment such as video conferencing.

##### iv. Inadequate partnership framework for research on ADR jurisprudence

The Centre needs to conduct more research and collaborate with relevant institutions to build sound research network in the area.

##### v. Low Brand Awareness

There is a need for a strong brand presence and awareness of the Centre's activities.

##### vi. Low potential of attracting international ADR practitioners

The Centre faces a challenge to attract international ADR practitioners as a young institution with low caseload.

##### vii. Lack of approved curriculum on ADR

The Centre lacks a developed and approved curriculum to develop capacity in the ADR profession

### 3.7 EXTERNAL ENVIRONMENT

External environment analysis involved a critical assessment of political, legal, social-economic and technological environments. Review of the external environment resulted in the identification of the following opportunities and threats.

#### 3.7.1 Opportunities

The opportunities available to the Nairobi Centre for International Arbitration include:

##### i. Government commitment to ADR

The establishment of the Centre continued support towards provision of necessary resources and enactment of relevant laws towards developing ADR mechanisms and regulation.

##### ii. Entrenchment of ADR in the Constitution of Kenya

Article 159 (2) (c) provides for alternative forms of dispute resolution. In addition, Article 189 (4) provides for procedures for settling inter-governmental disputes by alternative dispute resolution mechanisms.

**iii. Judicial transformation framework that promotes ADR**

The process of entrenching the ADR into the judiciary is on course, and shall give the centre an impetus in executing its mission.

**iv. Increasing global demand for ADR Services and programmes**

This presents an opportunity for benchmarking and leveraging on partnerships.

- v. There is need for the Centre to develop global partnerships as a priority so as to promote ADR
- vi. The Growth of the ICT sector facilitative of ADR processes such as online disputes.
- vii. There is a healthy pool of qualified practitioners in the market who can be utilized by NCIA when need arises.
- viii. Kenya is strategically located making it accessible for international trade. Disputes arising from the trade agreements are best handled in Nairobi.
- ix. Development of the Centre for Excellence. NCIA is on course to the development of the Centre of Excellence that shall be a game changer in the ADR practice locally and internationally
- x. There are different proposals being considered towards the generation of revenue to supplement the Exchequer. A resource mobilization strategy has been developed to this effect.
- xi. Low awareness level of ADR by members of public.
- xii. **Loss of faith in the ADR process by members of public**

Members of the public who have had bad past experience on ADR have lost faith in the process as a result of various factors including corruption. This may influence those members while making a choice of dispute resolution mechanism.

**3.7.2 Threats**

Threats to NCIA include:

**i. Bureaucratic systems and procedures**

Dealing with the government may often require lengthy procedures and bureaucracy.

**ii. Poor understanding of ADR process by the members of public**

There is low understanding of the ADR process by the public. There is need for the Centre to undertake awareness creation campaigns to reverse this.

**iii. Article 35 of Constitution (transparency vs. confidentiality)**

The Constitution calls for transparency in all public transactions. This presents a unique challenge to NCIA owing to the confidential nature of the ADR process.

**iv. Statutory changes that may affect NCIA's strategies.**

There are likely to be statutory changes, which may affect the framework for ADR process.

- v. Arbitration is an international practise and existence of similar institutions presents a global competition.

### 3.8 PESTL ANALYSIS

An analysis of the Political, Economic, Social, Technological and Legal (PESTL) factors likely to influence the operations of the Centre is critical in understanding its external environment and developing strategies for taking advantage of opportunities presented by these factors and managing threats. The Centre's PESTL analysis is presented in Table 1

Table 1: PESTL Analysis

Factor	Opportunities	Threats
Political	Political goodwill from the political stakeholders	Political uncertainty due to the turbulent nature of Kenyan politics
Economic	<ul style="list-style-type: none"> <li>Expansion of the economy is likely to lead to increased demand for ADR services</li> <li>Improved economic performance can lead to increased budget for the Centre</li> <li>Cost effective ADR process is likely to be appealing to parties</li> </ul>	<ul style="list-style-type: none"> <li>Austerity measures by the government can lead to budget cuts for the Centre</li> <li>Poor economic performance may lead to difficulties in parties adhering to terms of arbitration</li> </ul>
Social	ADR may be used in resolving key social disputes at different levels	Poor perception of the process, i.e. been unregulated
Technological	<ul style="list-style-type: none"> <li>Use of technology can increase efficiency in ADR processes</li> <li>Technology can be used to overcome geographical barriers in access to ADR services</li> </ul>	<ul style="list-style-type: none"> <li>Information security threats can weaken confidentiality of clients' information</li> <li>Rapid changes in technology require resources in updating the same</li> </ul>
Legal	Legal reforms to anchor the ADR processes ADR takes less time compared to litigation	The process of legislation can be lengthy

### 3.7 STAKEHOLDER ANALYSIS

A stakeholder is any organization or group of persons who has an interest in the business of a particular organization or affected by its business. Analysis of the Centre's stakeholders is important in developing a common understanding of the mutual expectations and subsequent interventions. This Stakeholder Analysis allows the Centre to gain an insight into what stakeholders expect from it and the roles it needs to play in meeting these expectations. In effect, the Centre is outlining its commitments to its stakeholders

The Stakeholder Analysis is presented in Table 2

Table 2: Stakeholders analysis

	Stakeholder Groups	Stakeholder Role	Stakeholder Expectations
1.	End users (Parties/ Disputants)	Inclusion of NCIA model clauses in agreements	Appointment of accredited arbitrators/ mediators
			Develop rules for ADR processes
		Lodge request for appointment of an arbitrator/mediator Notify on choice of arbitrator/ mediator	Affordable/ reasonable administrative fees
		Comply with directives from Tribunal and Registrar.	Sensitize public on ADR processes available under NCIA auspices.
	End Users Arbitrators/Mediators	Participation in the ADR processes in good faith	Effective and efficient administration of ADR Process by NCIA
			Enforceable awards and decisions
			Confidentiality
		Administer ADR processes using NCIA Rules	Effective and efficient case management by NCIA
		Render reasoned & enforceable awards	Fairness and transparency of accreditation and appointment processes
		Comply with the NCIA Codes of Conduct	Training on International commercial arbitration trends

	Stakeholder Groups	Stakeholder Role	Stakeholder Expectations
2.	The Executive	Policy and strategic support	A robust Centre for International Commercial Arbitration
		Adoption and Implementation of the National Policy on ADR	Formulation of a National ADR policy Effective and efficient ADR processes that promote the ease of doing business
		Budgetary support	Prudent utilization of resources
	The Judiciary	Recognition and enforcement of Awards and Decisions	Fair processes and reasoned awards
		Develop jurisprudence that supports ADR	
		Adopt processes that facilitate ADR	Increased preference for ADR processes
		Train and sensitize Judges and Judicial Officers on ADR	Training on International Commercial Arbitration practice and trends
	The Legislature	Enactment of enabling legislation	Harmonization of ADR Laws
		Constitutional oversight	Compliance with statutory obligations
	Other Regulatory Agencies (KRA and Immigration Department, Professional Bodies	Enforcement of Regulatory obligations	Compliance with regulatory obligations
3.	NCIA Board	Provide strategic direction	Successful strategy implementation
		Resource mobilization	Prudent allocation and utilization of resources
		Good Governance	Effective and efficient management of the Centre
4.	NCIA Court	Fair processes and just determinations	Effective and efficient administrative support services
		Determination of disputes referred under the Act	
		Develop jurisprudence facilitative of ADR	
5.	NCIA Staff	Professional service delivery	Conducive work environment
		Compliance with Institutional rules and guidelines	Training and capacity building Fair remuneration/ motivation
			Healthy work- life balance
6.	Suppliers/ contractors	Provide goods, works and services of high quality	Transparency, equity and fairness in the procurement process
			Effective and efficient contract management
		Compliance with procurement laws	Compliance with procurement laws
7.	Strategic Partners	Strategic support and cooperation	Achievement of shared goals and objectives
			Transparency and accountability in utilization of resources
8.	Training institutions	Facilitate training in international commercial arbitration and ADR	Set curriculums to enhance training and research in international commercial arbitration
		Facilitate capacity building for staff	Provide advise based on emerging international best practice
9.	Media	Advocacy, Publicity , and information	Relevant, timely and Accurate Information.
		Responsible journalism	

	Stakeholder Groups	Stakeholder Role	Stakeholder Expectations
10.	Private Sector	Mainstream use of ADR in dispute resolution	Facilitate use of ADR processes
			Innovative ADR processes
			Predictable, expeditious, and professional management of ADR processes
			Confidentiality and integrity
			Cost effective ADR processes
11.	Professional bodies	Promote ethical practices and standards	Support and collaboration in professional development
		Promote use of ADR processes	Facilitate use of ADR processes
			Facilitate training on ADR

### 3.10 KEY SUCCESS FACTORS

These are primary aspects of an organization's operations which are critical for the success of its strategies. They must be in place for the organization to thrive. The Centre's key success factors for the Strategic Plan period are:

- i. Forging strong local and international partnerships;
- ii. A strong policy and legal framework for arbitration;
- iii. Public awareness on Alternative Dispute Resolution Mechanisms; and
- iv. Existence of qualified and dedicate members of staff.

# Integrity

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# CHAPTER FOUR

## STRATEGIC ANALYSIS

### 4.1 STRATEGIC ISSUES/THEMES

The identified strategic issues, as informed by the Centre's mandate, functions, the situational analysis and the strategic issues being pursued are as follows:

- i. Promotion and administration of ADR;
- ii. Training and Quality Assurance;
- iii. Partnerships and Collaboration; and
- iv. Organizational Capacity Development.

#### 4.1.1 Promotion and administration of ADR

NCIA is the first institution of its kind in Kenya to offer institution-administered ADR process. The Centre will develop and implement a framework for management of ADR processes that ensures efficiency and provision of quality and innovative services. It will also undertake the coordination of policy and legislation on ADR. As the lead agency in ADR, NCIA is mandated by statute to formulate national policies, laws and plans of action on ADR and ensure their implementation. To this end, NCIA will conduct a baseline survey on ADR mechanisms with an aim of harmonizing the existing legal frameworks through the development of a National ADR policy. The National policy will streamline ADR services and promote the adoption of best practices. To implement this policy framework, the Centre will mobilize resources for the establishment of an ADR Centre of Excellence which will be the world premier Centre of choice for Alternative Dispute Resolution.

#### 4.1.2 Training and Quality Assurance

Training and quality assurance is one of NCIA's core mandate. NCIA will aid in promoting the practise of International Commercial Arbitration and increase confidence in ADR processes. This will be achieved through training, capacity building and developing strategic partnerships with like-minded institutions. NCIA will develop a quality assurance plan to enhance customer confidence as well as establish a data base of accredited ADR practitioners to ensure quality services. In addition, NCIA seeks to promote the use of ADR mechanisms by creating awareness on the availability and use of ADR services by developing mechanisms for public engagement. With an enlightened public, the Centre envisages increased use of ADR processes. The Centre will also embark on a robust marketing strategy that will position Nairobi as an ideal hub for ADR services.

#### 4.1.3 Partnerships and Collaborations

To ensure recognition of NCIA as the preferred Centre for International Commercial Arbitration and Alternative Dispute Resolution, it will maintain proactive co-operation with regional and international institutions in areas relevant to achieving the Centre's objectives. This will be achieved through strategic agreements for purposes of securing technical assistance, exchange programmes, conferences and training programs for ADR practitioners and scholars.

#### 4.1.4 Organizational Capacity Developments

NCIA was established as a regional Centre for international commercial arbitration. It is also mandated to provide other forms of ADR processes. The institution will put in place administrative mechanisms and recruit skilled and competent human resource so as to offer world class services to its clientele. It will also operationalize the NCIA Act by strengthening its institutional capacity and establish customer centric service delivery models.

### 4.2 STRATEGIC OBJECTIVES

The strategic objectives of the Nairobi Centre for International Arbitration are:

- i. To develop and implement effective and efficient policy and management frameworks for ADR processes
- ii. To enhance professional capacity in International Commercial Arbitration and promote the use of ADR processes
- iii. To enhance international recognition of NCIA
- iv. To strengthen institutional capacity of the Centre for quality delivery of services

### 4.3 STRATEGIC MODEL

The above objectives and issues will be operationalized through development and implementation of the strategies shown in Table 3:

Table 3: Strategic issues, objectives and strategies

Strategic Theme	Strategic Issues and Challenges	Strategic Objective	Strategy	Activities
<b>Strategic Theme 1:</b> Promotion and Administration of ADR processes	i. Lack of institution-administered ADR processes ii. Lack of National Policy on ADR iii. Fragmented legal regimes and approaches to the practice of ADR iv. Lack of custom made ADR facilities	To develop and implement effective and efficient policy and management frameworks for ADR processes	Development and implementation of a policy framework for management of ADR processes	i. Conduct baseline study on ADR services in Kenya ii. Formation of Consultative Forum on ADR iii. Prepare and recommend Draft National ADR policy iv. Develop and implement National Policy on ADR
			Streamlining of management of ADR processes	i. Procure consultancy for the Design, installation and maintenance for an ADR case management system ii. Develop and maintain a database of accredited ADR practitioners iii. Publish and circulate simplified user guidelines iv. Develop and implement an ADR process management system
			Harmonization of practices in ADR	i. Identify the various approaches and legal regimes on ADR practice ii. Adopt and promote best practices on ADR iii. Monitor and evaluate implementation of the National Policy on ADR
			Establishment of an ADR Centre for Excellence	Develop project proposal for the Centre
			Focal Point for leadership, best practices, research, support and training in ADR	i. i. Identify key resource persons ii. Simulate discussions on topical ADR issues iii. Initiate and promote research in ADR emerging areas and trends iv. Develop and implement an ADR moot and skills programme for upcoming practitioners
<b>Strategic Theme 2:</b> Training, quality assurance and awareness creation on ADR processes and services	i. Inadequate professional capacity to provide international commercial arbitration services ii. Low level of confidence in the quality and integrity of dispute resolution services iii. Low level of awareness on ADR processes iv. Lack of awareness of NCIA's services	To enhance professional capacity in International Commercial Arbitration and promote the use of ADR processes	Develop and implement a training programme on ADR processes	i. Conduct a baseline survey on ADR Training Needs Analysis ii. Maintain a list of trained practitioners iii. Develop training curriculum in ADR iv. Conduct continuous skills development and upgrading
			Development and implementation of a quality assurance plan for ADR services	i. Accreditation and induction of ADR practitioners ii. Certification and re-accreditation of ADR practitioners iii. Develop the Code of Practice for ADR iv. Develop the Standards of Practice for ADR v. Design and implement the ADR Peer Review Mechanism vi. Implement a complaints reporting, handling and feedback mechanism
			Build consumer confidence in ADR	i. Encourage publication of awards and create database of ADR decisions ii. Develop user's Manual/ Guide/ Handbook on ADR iii. Collate and publish research findings on ADR iv. Conduct survey on consumer satisfaction and attitudes towards ADR
			Promotion of the use of ADR processes	i. Conduct assessment on ADR awareness ii. Develop and implement NCIA's communication strategy iii. Develop and implement a Brand Strategy iv. Design and maintain information platforms v. Conduct ADR open days and clinics vi. Develop and implement a marketing strategy

Strategic Theme	Strategic Issues and Challenges	Strategic Objective	Strategy	Activities
Strategic Theme 3: Partnerships and collaborations	i. Inadequate engagement with other regional and international institutions	To enhance international recognition of NCIA	Alignment of NCIA with International best practice	i. Identify thematic areas for cooperation ii. Develop framework for cooperation
			Enhance international recognition of NCIA	i. Organize international conferences, seminars and trainings programs on ADR ii. Identify international ADR events for strategic participation
Strategic Theme 4: Organizational capacity development	i. Inadequate capacity to facilitate the provision of efficient and effective services	To strengthen institutional capacity of the Centre for quality delivery of services	Strengthen the Centre's human resource capacity	i. Identify and recruit skilled human resource ii. Identify and deploy/second skilled human resource iii. Develop and retain qualified human resource iv. Develop and implement the Human Resource development and management policy v. Appraise performance of staff vi. Develop and implement a staff rewards and sanctions policy
			Strengthen financial mobilization and management	i. Develop and implement a Financial Management Policy ii. Develop and implement a Resource Mobilization Strategy iii. Develop regulations for the General Fund iv. Prepare annual financial budgets v. Monitor expenditure vi. Prepare and submit financial reports and statements
			Build capacity in Information and Communication Technology	i. Develop and implement the ICT Policy ii. Upgrade and update the website iii. Procure and install ICT equipment and software iv. Manage information security v. Manage and upgrade internet networks
			Build infrastructure capacity for ADR	i. Carry out an infrastructure needs analysis for ADR processes ii. Establish hearing rooms iii. Acquire and install recording facilities iv. Establish a research library on ADR v. Develop and implement an infrastructure maintenance schedule
			Streamline the procurement function	i. Develop and implement a Procurement Policy ii. Develop and implement Annual Procurement Plans iii. Manage stores iv. Dispose unserviceable goods
			Strengthen audits	i. Develop and implement Internal Audit Policy ii. Develop and implement the Risk Management Framework iii. Carry out audits and implement recommendations of audit reports
			Improve service delivery	i. Develop a Strategic Plan 2016-2020 ii. Establish customer centric service delivery models iii. Develop and implement a Customer Service Charter iv. Implementation of ISO Certification v. Develop and implement a Monitoring and Evaluation framework vi. Review the Strategic Plan vii. Implement Performance Contracting Guidelines viii. Carry out customer satisfaction surveys

# Confidentiality

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## CHAPTER FOUR

# IMPLEMENTATION MATRIX AND RESOURCE REQUIREMENTS



This chapter presents the implementation matrix which covers the strategic objectives, the strategies, proposed actions, time frame, implementing actors, expected output and output indicators. It also covers the resources required to realize the strategic plan for the period covered.

## 5.1 IMPLEMENTATION MATRIX

Table 4: Implementation matrix

Strategic Theme 1		Promotion and administration of ADR processes								
Strategic Issues/Challenges		i.	Lack of institution-administered ADR processes							
		ii.	Lack of National Policy on ADR							
		iii.	Fragmented legal regimes and approaches to the practice of ADR							
		iv.	Lack of custom made ADR facilities							
Strategic Objectives		To develop and implement effective and efficient policy and management frameworks for ADR processes								
Strategy	Activities	Performance Indicator	Performance Target	Timeline	Responsibility	Estimated Cost (Million Ksh)				
Development and implementation of a policy framework for management of ADR processes	Conduct baseline study on ADR services in Kenya	Baseline study report	ADR Policy focus areas identified	June 2018	BDD	3	0	0	0	0
	Formation of Consultative Forum on ADR	Identified & incorporated key stakeholders	Consultative Forum formed	June 2018	BDD	1.5	0	0	0	0
	Develop and submit Draft National ADR policy	Approved Draft National Policy by stakeholders	National Policy on ADR approved by the National Assembly	June 2020	BDD	0	30	10	0	0
	Implement National Policy on ADR	National Policy on ADR	Harmonized ADR practice and standards	2017-2022	BDD	0	0	39.5	57	16

Strategy	Activities	Performance Indicator	Performance Target	Timeline	Responsibility	Estimated Cost (Million Ksh)				
						2017/18	2018/19	2019/20	2020/21	2021/22
Streamlining and management of ADR processes	Develop and maintain a database of accredited ADR practitioners	Database of ADR practitioners	Enhanced quality of ADR practitioners Enhanced access to qualified ADR practitioners	2017-2022	CMD	0.5	0.1	0.1	0.1	0.1
	Develop, publish and circulate simplified user guidelines	No of guidelines published and circulated	Guidelines developed for each ADR process	2017-2022	CMD/BDD	0	0.6	0.7	0.8	1.2
	Adopt and promote best practices on ADR	Best practices on ADR adopted	Best practices adopted in the management of ADR processes	2017-2022	CMD	3	3.2	3.5	3.7	4
	Identify the various approaches and legal regimes on ADR practice	Manual on approaches and legal regimes on ADR practice	Approaches and legal regimes on ADR practice	2017-2022	CMD	3.5	3.5	3.5	3.5	3.5
Harmonization of practices in ADR	Monitor and evaluate implementation of the National Policy on ADR	Annual progress report on implementation	Increased compliance with recommendations of National ADR Policy	2017-2022	CMD	1	2.1	1.2	3	3.1
	Constitute the Arbitral Court	No. of applications received Evaluation Report Board Resolution Appointing Court Members Letters of appointment Induction Report	Arbitral Court Established	2017-2022	CMD	0	1.8	2.8	3.8	4.8
	Harmonization of CAJAC Rules	Published CAJAC rules	Increased number of disputes administered by the Centre	June 2022	CMD	0	0	0.1	0.6	0.8
	Develop and implement project proposal for the Centre	Project Proposal	Affordable customized ADR facilities	2017-2022	BDD	0	0.5	600	400	500

Strategy	Activities	Performance Indicator	Performance Target	Timeline	Responsibility	Estimated Cost (Million Ksh)				
						2017/18	2018/19	2019/20	2020/21	2021/22
Focal Point for leadership, best practices, research, support and training in ADR	Identify key resource persons	Database of key resource persons	Resource pool for ADR knowledge and policy development	2017-2022	BDD	0	0.2	0.2	0.2	0.2
	Simulate discussions on topical ADR issues	5 discussion/ sessional/ colloquium papers on ADR published	Increased knowledge sharing on ADR processes	2017-2022	BDD	3	1.5	3.5	2	4
	Initiate and promote research in ADR emerging areas and trends	5 research papers published	Increased dissemination of knowledge on ADR	2017-2022	BDD	0	0.5	0.5	0.5	0.5
	Develop and implement an ADR moot and skills programme for upcoming practitioners	125 new upcoming practitioners enrolled	Enhanced skills development in ADR	2017-2022	BDD	1	5	10	5	5

Strategic Theme 2		Training, quality assurance and awareness creation on ADR processes and services	
Strategic Issues/Challenges		<div><div>i.</div><div>ii.</div><div>iii.</div><div>iv.</div><div></div></div> <div>Inadequate professional capacity to provide international commercial arbitration services</div> <div>Low level of confidence in the quality and integrity of ADR services</div> <div>Low level of awareness on ADR processes</div> <div>Inadequate awareness of NCIA's services</div>	
Strategic Objective		To enhance professional capacity in International Commercial Arbitration and promote the use of ADR processes	

Strategy	Activities	Performance Indicator	Performance target	Timeline	Responsibility	Estimated Cost (Million Ksh)				
						2017/18	2018/19	2019/20	2020/21	2021/22
Develop and implement a training programme on ADR processes	Conduct a baseline survey on ADR Training Needs Analysis	Baseline survey report	Training needs identified	December 2018	BDD	0	0.5	0.1	0.1	0.1
	Develop training curriculum in ADR	Training curriculum developed	Improved capacity and quality of ADR practitioners	June 2019	BDD	0	9.6	3	0	0
	Conduct continuous skills development and upgrading	55 ADR practitioners trained	Enhanced skills in ADR	2017-2022	BDD	0.05	2	2.5	2.8	3
	Maintain a list of trained practitioners	100% of trained practitioners in the NCIA data base	An operational database of trained practitioners	2017-2022	BDD	0	0	0	0	0

Strategy	Activities	Performance Indicator	Performance target	Timeline	Responsibility	Estimated Cost (Million Ksh)				
						2017/18	2018/19	2019/20	2020/21	2021/22
Development and implementation of a quality assurance plan for ADR services	Accreditation and induction of ADR practitioners	100% of Practitioners Accredited	Database for accredited practitioners	2017-2022	CMD	0.1	0.1	0.1	0.1	0.1
	Certification and re-accreditation of ADR practitioners	100% of practitioners accredited	Database of accredited practitioners	2017-2022	CMD	0.1	0.2	0.3	0.4	0.5
	Review and publish the Code of Conduct for ADR	100% of practitioners sensitized on the Code of Conduct for ADR	An operational Code of Conduct for ADR	June 2020	CMD	0	0	0.7	0	0
	Review and publish the Standards of Practice for ADR	100% of practitioners sensitized on the Standards of Practice for ADR	Operational Standards of Practice for ADR	2018-2020	CMD	0	0.6	0.7	0	0
	Design and implement the ADR Peer Review Mechanism	3 peer review exercises carried out annually	Peer review mechanism established	2017-2022	CMD	0	0	0	0	0
	Implement a complaints reporting, handling and feedback mechanism	100% of complaints effectively resolved Clients satisfaction survey index	Enhanced customer satisfaction	2017-2022	BDD	0.02	0.5	0.1	0.1	0.1

Strategy	Activities	Performance Indicator	Performance target	Timeline	Responsibility	Estimated Cost (Million Ksh)				
						2017/18	2018/19	2019/20	2020/21	2021/22
Build consumer confidence on ADR	Encourage publication of awards and create database of ADR decisions	Report on Awards and Decisions	Database of decided disputes	2018-2022	CMD	0	0	0	0	0
	Develop users/ manual/ guide/ handbook on ADR	User manual/ guide/ handbook published	Informed use of NCIA rules Enhanced use of NCIA rules	2017-2022	CMD	0.1	0.2	0.2	0.2	0.2
	Collate and publish articles on ADR	5 Newsletters publications	5 Newsletters Published	2018-2022	BDD	0.3	0.5	0.5	0.5	0.5
	Conduct annual survey on consumer satisfaction attitude towards ADR	Consumer satisfaction index	Consumer satisfaction Survey Report	2017-2022	BDD	0	0.1	0.1	0.1	0.1

Strategy	Activities	Performance Indicator	Performance target	Timeline	Responsibility	Estimated Cost (Million Ksh)				
						2017/18	2018/19	2019/20	2020/21	2021/22
Promotion of the use of ADR processes	Conduct assessment on ADR awareness and implement recommendations	Assessment report Implementation report	Identified focus areas for ADR awareness	2017-2022	BDD	0	3	3	3	3
	Develop and implement NCIA's Communication & Marketing Strategy	Organizational communication & marketing strategy developed and programmes implemented	Communication & marketing strategy developed, approved and implemented  Increase in visibility of NCIA among stakeholders  Increase in use of NCIA's services among stakeholders	2017-2022	BDD	12	50	50	50	50
	Develop and implement a Brand Strategy	Market recognition of NCIA	Brand strategy developed and approved  Branded assets and publicity materials	2017-2022	BDD	0	10.7	3	3	3
	Design and maintain information platforms	5 operational information platforms	Information platforms designed and maintained	2017-2022	BDD	0	0.5	0.5	0.5	0.5
	Conduct ADR open days and clinics	5 ADR open days and clinics held	Enhanced dissemination of NCIA information	2017-2022	BDD	0.01	2	2	2	2
	Develop and implement Corporate Social Responsibility(CSR) Policy	CSR Policy	An operational CSR Policy	2017-2022	BDD	0	0.5	1	1	1

Strategic Theme 3		Partnerships and collaborations
Strategic Issues/Challenges	Inadequate engagement with other regional and international institutions	
Strategic Objective	To enhance international recognition of NCIA	

Objective	Activities	Performance Indicator	Performance target	Timeline	Responsibility	Estimated Cost (Million Ksh)				
						2017/18	2018/19	2019/20	2020/21	2021/22
Alignment of NCIA with International best practice	Develop a framework for cooperation	Frame work for cooperation developed	An operational framework for cooperation.	June 2018	BDD	0	0	0	0	0
	Identify thematic areas for cooperation	5 Memorandum of Understanding signed	Synergies with international and regional institutions on ADR	2017-2022	BDD	0.1	3.5	3.8	4.1	4.4
	Implement framework for cooperation	5 collaborative programmes implemented	All MoU objectives implemented	2018-2022	BDD	0	3.3	3.5	3.7	3.9
Enhance international recognition of NCIA	Organize 1 National ADR Conference	1 National ADR Conference organized by NCIA	Enhanced awareness and visibility of NCIA in international arena	June 2018	BDD	10	0	0	0	0
	Organize 2 International ADR Conferences	2 International ADR Conference organized by NCIA		June 2022	BDD	0	0	22	0	25
	Organize 2 seminars	2 Seminars organized by NCIA		June 2021	BDD	0	1	0	1	0
	Identify international ADR events for strategic participation	25 international ADR events for strategic participation	Enhanced visibility of NCIA in international circles	2017-2022	BDD	5	5.5	6	6,5	7

Strategic Theme 4		Organizational capacity building
Strategic Issues/Challenges		Inadequate capacity to facilitate the provision of efficient and effective services
Strategic Objective		To strengthen institutional capacity of the Centre for quality delivery of services

Strategy	Activities	Performance Indicator	Performance target	Timeline	Responsibility	Estimated Cost (Million Ksh)				
						2017/18	2018/19	2019/20	2020/21	2021/22
Strengthen the Centre's human resource capacity	Identify and recruit skilled human resource	Persons recruited	100% priority vacancies filled	2017-2022	CSSD	2.5	1.5	2	1.5	1.5
	Retain qualified human resource	Number of staff on the payroll	100% of staff retained	2017-2022	CSSD	36.5	53.02	63.02	66.42	69.72
	Retain qualified human resource	Reports on pension/gratuity	Number of staff on pension/gratuity	2017-2022	CSSD	7.7	9.6	10.4	11.4	12.43
	Develop and retain qualified human resource	Approved staff training policy Number of training programmes implemented Number of staff trained annually	Staff Training Needs Analysis (TNA) report Annual staff training evaluation reports Annual training reports	2017-2022	CSSD	9.3	10	12	14	16
	Develop and implement the Human Resource development and management policy	An operational HR policy	Staff welfare programmes implemented	2017-2022	CSSD	0.01	1	1.5	1.7	2
	Appraise performance of staff	Staff on the Performance Appraisal System Staff trained on performance appraisal/Balance Scorecard	100% of staff on the Performance Appraisal System 100% of staff trained on performance appraisal/Balance Scorecard	2017-2022	CSSD	0	0.1	2	0.1	0
	Undertake job evaluation	Job evaluation report	Enhanced organization structure and job enrichment	June 2019	CSSD	0	7.5	0	0	0
	Develop and implement a staff rewards and sanctions policy	Annual staff rewards and sanctions report	An operational staff rewards and sanctions policy	2017-2022	CSSD	0	2.5	3	3.5	4
	Human Resource Management and Administrative Services	Policies on Human Resource Management and Administrative Services Reports on Human Resource Management and Administrative Services	Enhanced Human Resource Management and Administrative Services	2017-2022	CSSD	12.91	21.12	23	23	25

Strategy	Activities	Performance Indicator	Performance target	Timeline	Responsibility	Estimated Cost (Million Ksh)				
						2017/18	2018/19	2019/20	2020/21	2021/22
Strengthen financial mobilization and management	Develop and implement a Finance & Accounts Policy and Procedures Manual	100% of staff sensitized on Finance & Accounts Policy and Procedures Manual	An operational Finance & Accounts Policy and Procedures Manual	2017-2022	CSSD	0	0.55	0	0	0
	Develop and implement Resource Mobilization Strategy	Increase in financial resources	An operational Resource Mobilization Strategy	2017-2022	BDD	0	0.1	0.2	0.1	0.1
	Develop and implement General Fund Guidelines	Approved General Fund Guidelines	General Fund Guidelines approved and implement	June 2018	CSSD	0	0	0	0	0
	Statutory Reporting and Compliance	Reports	Reports prepared and submitted	2017-2022	CSSD	1.5	1.5	1.5	1.5	1.5
	Develop and implement the ICT Policy	Policy guideline for ICT programmes	An operational ICT Policy	2017-2022	CSSD	0	0.7	0.3	1.2	0.4
Build capacity in Information and Communication Technology	Upgrade the NCIA website and integrate with plugin portals	% website uptime and hits on Online Website evaluation rating	98% website up-time	2017-2022	CSSD	0	1.2	0.8	0.2	0.2
	Procure and install ICT equipment and software	No. of ICT equipment and software procured and installed	2:1 ICT access ratio for staff	2017-2022	CSSD	8.2	7.2	3	2.25	9.5
	Review and implement ICT Governance Framework	ICT Governance Framework	Implemented ICT Governance Framework	2017-2022	CSSD	0	1.7	0.8	1.2	3.5
	Develop and Implement Business Continuity Plan (BCP)	BCP guidelines document	2 guidelines documents prepared	2017-2022	CSSD	0	0.25	0.3	0.1	0.1
	Acquire, install and configure ICT service desk and implement ITIL Framework	Certificate of completion Framework and documentation	Certificates of completion.	2017-2022	CSSD	0	1.2	0.4	0.2	0.2
	Acquire, install and maintain ERP system & MIS	No. of User Acceptance Testing of successful modules across business	ERP and integrated MIS installed	2017-2022	CSSD	6.1	3.1	2.5	3	19
	Acquire and install Automated Performance Appraisal System	Technical specifications Implementation schedule Certificate of completion	Functional online performance appraisal system	June 2019	CSSD	0	0.8	0.1	0.2	0.4
	Acquire and install transcribing system and video conferencing system	Complete system architecture diagram and installation test reports	Functional hearing room set up	2019-2022	CSSD	0	5	3.2	3.5	3.0

Strategy	Activities	Performance Indicator	Performance target	Timeline	Responsibility	Estimated Cost (Million Ksh)				
						2017/18	2018/19	2019/20	2020/21	2021/22
Build infrastructure capacity for ADR	Carry out an infrastructure needs analysis for ADR processes	Infrastructure Needs Analysis Report	1 Infrastructure Needs Analysis Report prepared and approved by the Board	June 2019	CSSD	0	0.5	0	0	0
	Establish hearing rooms	No. of hearing rooms established	5 hearing rooms established	June 2018	CSSD	18.9	14.14	0	0	0
	Establish and update a research library on ADR	An operational library on ADR	No. of library information material and services acquired	2017-2022	CSSD	0	2.2	2	2	2
	Develop and implement an infrastructure maintenance schedule	Updated infrastructure maintenance schedule	Maintained infrastructure schedule	2017-2022	CSSD	0	0	0	0	0
	Develop and implement a Procurement Policy	An operational Procurement Policy	Policy framework for the procurement function	June 2018	CSSD	0	0	0	0	0
Streamline the procurement function	Manage stores	An updated Stores Inventory	Updated Stores Inventory	2017-2022	CSSD	0	0.5	0.5	0.5	0.5
	Dispose unserviceable goods	Asset disposal report	Dispose unserviceable goods	2018-2022	CSSD	0	0.5	0.5	0.5	0.5
	Statutory Reporting and Compliance	Statutory Reports	Prepare and submit all statutory reports	2017-2022	CSSD	0.85	3.9	4.2	4.4	4.6
	Develop and implement Internal Audit Policy	A policy framework for internal audits	An operational Internal Audit Policy	2017-2022	Internal Audit	0	0.8	0	0.8	0
Strengthen Audits and Risk Management	Develop and implement the Risk Management Framework	A framework for risk management	An operational Risk Management Framework	2017-2022	Internal Audit	1.9	1	1	1	1
	Carry out internal audits	Audit reports	Quarterly internal audit reports carried out	2017-2022	Internal audit	0	1.5	0	1.5	0
	Implement recommendations of audit reports	% of recommendations of audit reports implemented	100 % of recommendations of audit reports implemented	2017-2022	MBD/MCSSD/MCMD	0	0	0	0	0

Strategy	Activities	Performance Indicator	Performance target	Timeline	Responsibility	Estimated Cost (Million Ksh)				
						2017/18	2018/19	2019/20	2020/21	2021/22
Improve service delivery	Develop and implement a Customer Service Delivery Charter	Customer Service Delivery Charter implementation report	An operational Customer Service Delivery Charter	2017-2022	BDD	0.8	1	0	0.8	1.2
	Implement QMS of ISO Certification	ISO manuals, ISO pre-certification audit reports	ISO certification	2017-2020	BDD	0.15	1.5	4	0.1	0.1
	Develop and implement a Monitoring and Evaluation framework for Strategic Plan	M&E reports	M & E Framework implemented	2017-2022	BDD	0	0	0	0	0
	Review the Strategic Plan	Strategic Plan Mid-Term Review Report, Strategic Plan End-Term Review Report	Mid-Term and End-Term review of the Strategic Plan carried out	2019/20, 2021/22	BDD	1	2.5	1.5	1	1.5
	Implement Performance Contracting Guidelines	Signed PC Document, Individual PCs, Quarterly & Annual PC reports, Annual PC evaluation report	Centre's PC Signed, PC cascaded to individual staff, Quarterly & Annual PC reports prepared and submitted to relevant Government bodies, PC evaluated	2017-2022	BDD	0.05	0.1	0.1	0.1	0.1
Organizational Governance Framework	Carry out customer satisfaction surveys	Annual customer satisfaction survey reports	4 customer satisfaction surveys carried out	2017-2022	BDD	0	0.1	0.1	0.1	0.1
	Facilitate Board Meetings	Board Calendar, Minutes of Board Meetings, Attendance Register	Effective Corporate Governance	2017-2022	CSSD	5.5	7.1	7.5	8	8.5
	Draft and review all contracts on behalf of the Centre	Contracts	Ensure legal compliance	2017-2022	CSSD	0	0.2	0.4	0.6	0.6

## 5.2 RESOURCE REQUIREMENTS

### 5.2.1 Human Resource Requirements

The staff required to implement this Strategic Plan, in terms of their cadres and numbers, are as outlined in Table 5.

Table 5 : Staff Establishment

No.	Designation	Numbers
1.	Registrar/Chief Executive Officer	1
2.	Manager - Case Management	1
3.	Manager - Business Development	1
4.	Manager - Corporate Support Services	1
5.	Principal Finance/Accounts Officer	1
6.	Principal Human Resource and Administration Officer	1
7.	Principal Legal Officer	1
8.	Principal Records Management Officer	1
9.	Principal ICT Officer	1
10.	Principal Supply Chain Officer	1
11.	Principal Internal Auditor	1
12.	Principal Case Counsel - Case Administration	1
13.	Principal Case Counsel - Case Quality Assurance and Advisory	1
14.	Principal Corporate Strategy Officer	1
15.	Principal Client Relations Officer	1
16.	Principal Capacity Building Officer	1
17.	Principal Communications and Marketing Officer	1
18.	Senior Case Counsel - Quality Assurance and Advisory	1
19.	Senior Legal Officer	1
20.	Senior Case Counsel - Case Administration	1
21.	Senior Corporate Strategy Officer	1
22.	Senior Client Relations Officer	1
23.	Senior Capacity Building Officer	1
24.	Senior Communications and Marketing Officer	1
25.	Senior Records Management Officer	1
26.	Senior Human Resource/ Administrative Officer	1
27.	Senior Supply Chain Officer	1
28.	Senior Finance/Accounts Officer	2
29.	Senior Internal Auditor	1
30.	Senior Information Communication Technology Officer	1
31.	Case Counsel - Quality Assurance and Advisory	1
32.	Case Counsel - Case Administration	1
33.	Corporate Strategy Officer	1
34.	Communications and Marketing officer	1
35.	Legal Officer	1
36.	Human Resource/Administrative Officer	1
37.	Client Relations Officer	1
38.	Supply Chain Officer	1
39.	Capacity Building Officer	1
40.	Finance/Accounts Officer	2
41.	Executive Secretary	1

42.	Records Management Officer	1
43.	Internal Auditor	1
44.	Office Administrator/Personal Secretary	3
45.	Receptionist	2
46.	Senior Driver	1
48.	Office Assistant	1
49.	Driver	3
50.	Support staff	2
	<b>TOTAL</b>	<b>57</b>

### 5.2.2 Financial Resource Requirements

Implementation of this Strategic Plan will be based on the four Key Result Areas (KRAs) identified in the Strategic Framework. The resources required for implementation of each KRA for each year are presented in Table 6.

Table 6 : Resource Requirements for 2017-2022

	Key Result Area	Resource Requirements (KSh)					Total Resource Requirements
		2017/18	2018/19	2019/20	2020/21	2021/22	
1.	Promotion and administration of ADR processes;	16.5	49	675.6	480.2	543.2	1764.50
2.	Training, quality assurance and awareness creation;	12.38	80.9	67.6	63.5	63.7	288.08
3.	Partnerships and collaborations; and	15.1	13.3	35.3	8.8	40.3	112.80
4.	Organizational capacity building.	113.87	166.98	151.82	156.47	189.25	778.39
	Total Resource Requirements for 2017-2022	157.85	310.18	930.32	708.97	836.45	2943.77

As given in Table 6, the total amount of resources required for full implementation of the Strategic over the 2017-2022 Period is **KSh 2,943.77 Billion**.

### 5.2.3 Resource Inflows

The Centre expects to raise resources from various sources. The amounts expected from the sources over the Strategic Plan period are given in Table 7.

Table 7: Expected Resource Inflows for 2017-2022

	Source of Funds	Amount of Resources Expected (Million Ksh)				
		2017/18	2018/19	2019/20	2020/21	2021/2022
1.	Internally Generated Revenue	3,716,700	3,300,000	8,900,000	5,000,000	12,500,000
2.	Government Grants for Recurrent	122,700,000	115,730,000	122,690,000	123,740,000	125,000,000
4.	Other incomes for recurrent	66,814,899	74,189,445	0	0	0
5.	Government Grants For Development	5,000,000	5,000,000	7,000,000	8,000,000	5,000,000
6.	Grants, Development Partners for Development	0	0	100,000,000	100,000,000	100,000,000
	Total Revenue	198,231,599	198,219,445	238,590,000	236,740,000	242,500,000

### 5.2.4 Resource Mobilization and Utilization

The Centre will develop and implement a resource mobilization and utilization plan. This is in view of the ambitious plans that the Centre has for promotion of ADR. The Centre will devise strategies of diversifying its funding portfolio by generating new ways of resource mobilization. More importantly, the Centre will formulate a resource utilization plan on prudent financial management.

# Our Team

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# CHAPTER SIX

## ORGANIZATION STRUCTURE AND IMPLEMENTATION ARRANGEMENTS

### 6.1 THE OFFICE OF THE REGISTRAR/CHIEF EXECUTIVE OFFICER

The Registrar is also the Chief Executive Officer of the Centre and reports to the Board. The principal duties of the Registrar are: overall planning, directing, controlling and coordinating the Centre's activities; carrying out the day to day business of the Centre; convening Board's meetings in consultation with the chairperson; and ensuring Board of Directors' decisions are implemented and reported on time. Other functions include: Secretary to the Board; developing and recommending to the Board of Directors the long term strategies, business plans, and annual operating budgets; establishing proper internal monitoring and control systems and procedures; ensuring that there is effective communication between the management and the Board of Directors as well as between different levels of management and the rest of the staff; providing leadership to the employees; ensuring continuous improvements in the quality and value of services and products provided by the Centre; overseeing and ensuring implementation of corporate policies and programmes; maintaining a conducive work environment for attracting, retaining and motivating employees; fostering a corporate culture that promotes ethical practices and good corporate citizenship; ensuring compliance with the laws of the country; and overseeing Centre's operations to ensure efficiency, quality service and cost effective management of resources.

### 6.2 CASE MANAGEMENT DEPARTMENT

This Department will be headed by a Manager – Case Management who reports to the Registrar/ Chief Executive Officer. The Department is in charge of: administration of the Registry and cases registered by the Centre; ensuring compliance by parties of the relevant laws, rules and other case management protocols applicable to a case; providing advisory, technical and administrative assistance upon request by parties; proposing revision of Rules, Codes of Practice and guidelines; issue advisories on enforcement of arbitral awards; conducting comparative legal analyses on a range of issues, identifying legal and policy issues, research relevant precedents, and

propose appropriate solutions; preparing briefs and memoranda on diverse topics as required; assisting the Arbitral Court with any additional or administrative work including library research and on-line legal resources; and coordination of the implementation of the department's plans and realization of its objective.

The Case Management Department is to be divided into three units namely Case Administration Unit, Records Management Unit and Case Quality Assurance and Advisory Unit.

#### 6.2.1 Case Administration Unit

This unit will be headed by Principal Case Counsel – Case Administration who reports to the Manager, Case Management Department and is responsible for: the receipt of, and acknowledgment of dispute notices; to read and disseminate orders, directions and decisions of a tribunal, the Court and Registrar to all relevant parties; ensuring compliance with and enforcement orders, directions and decisions of a tribunal, the Court and Registrar; assessing fees payable and ensuring payment thereof; ensuring certification of orders, directions and decisions of a tribunal, the Court and Registrar; collect, compile and analyze data of cases; prepare periodic returns and case reports.

#### 6.2.2 Records Management Unit

This unit will be headed by Principal Records Management Officer who reports to the Manager Case Management Department and is responsible for: opening of cash registers and files, making entries into the registers, updating of and the management of the registers and case files in a legible, clean, safe, confidential, easily accessible and retrievable format; maintain and manage archives of case information and data.

**6.2.3 Case Quality Assurance and Advisory Unit**  
This unit will be headed by Principal Case Counsel – Case Quality Assurance and Advisory who reports to the Manager Case Management Department and is responsible for: – ensuring the compliance of parties with the relevant laws, rules and regulations applicable to the case; providing advisory, technical and administrative assistance upon request by the parties; propose revision of

Rules, Codes of Practice and guidelines; and issue advisories on enforcement of arbitral awards.

### **6.3 BUSINESS DEVELOPMENT DEPARTMENT**

The Department will be headed by a Manager – Business Development who reports to the Registrar/Chief Executive Officer. It is charged with: overseeing development of the corporate, marketing and capacity building strategies and action plans; corporate image building and branding of the Centre its products and services; mobilizing resources to fund projects and programmes; coordinating strategic funding partnerships; facilitating and monitoring the implementation of projects and programmes; developing and implementing an advocacy strategy to support actualization of the Centre's strategic plan; establishing strong partnerships with governmental and non-governmental agencies within and outside the country; establishing strong communication channels with agencies and stakeholders; and ensuring that appropriate customer complaints and feedback mechanisms are in place in the Centre. The Business Development Department is to be divided into four units namely Corporate Strategy Unit, Capacity Building Unit, Client Relations Unit and Communication & Marketing Unit.

#### **6.3.1 Corporate Strategy Unit**

The unit will be headed by Principal Corporate Strategy Officer who reports to the Manager Business Development and is responsible for:

- research, analysis and development of the corporate strategies and action plans; collation and comparison of emerging trends in Alternative Dispute Resolution; development of relevant guidelines, concept papers and project proposals; drafting of relevant guidelines, memoranda of understanding and collaborative agreements for the Centre's external stakeholders; ensuring continuous monitoring and evaluation of the Centre's work-plans and propose appropriate action.

#### **6.3.2 Capacity Building Unit**

This unit will be headed by the Principal Capacity Building Officer who reports to the Manager Business Development and is responsible for: carrying out training needs assessment in Alternative Dispute Resolution, development of Alternative Dispute Resolution training strategies; developing training criteria, qualifications, schedules and certification of courses; development and execution of the public awareness campaigns on Alternative Dispute Resolution policies and plans.

#### **6.3.3 Client Relations Unit**

This unit will be headed by Principal Client Relations Officer who reports to the Manager Business Development and is responsible for: compilation of and dissemination of data and advisories on protocol, immigration, taxation and all other regulatory requirements to disputants, arbitrators, counsel and other users of the

Centre; and collation and compilation of client complaints, complements and other feedback data for necessary action by the Centre.

#### **6.3.4 Communications and Marketing Unit**

This unit will be headed by the Principal Communications and marketing Officer who reports to the Manager Business Development and is responsible for: development of the corporate communication strategy; Coordination of the design, edition, publication and dissemination of newsletters, booklets, articles and other information produced by the Centre; Development of marketing strategies for the promotion of the products and services offered by the Centre; and development and maintenance of the corporate branding needs for the Centre.

### **6.4 CORPORATE SUPPORT SERVICES DEPARTMENT**

This Department will be headed by a Manager – Corporate Support Services who reports to the Registrar/Chief Executive Officer for: prudent financial management, policies and strategies on legal and advisory services for the Centre; development of appropriate Human Resource policies; aligning supply chain objective with overall institutional objective; overseeing implementation of the ICT strategies and policies; ensuring accountability and prudent management of resources and assets; and ensuring compliance with principles and values of good governance transparency. Other functions are: accountability, ethics and integrity; organizing and coordinating transport and logistical services, office services, security, accommodation, asset management, general office administration records and registry services; and coordinating implementation of the strategic plan, performance contract, quality management system and performance appraisal systems.

The Corporate Support Services Department will have five units namely: Human Resource and Administration Unit; Finance and Accounts Unit; Legal Affairs Unit; Supply Chain Management Unit; and Information and Communication Technology Unit. The functions of these units will be as follows:

#### **6.4.1 Human Resource and Administration Unit**

This Unit will be headed by a Principal Human Resource and Administration Officer who reports to the Manager Corporate Support Services and is responsible for: initiating, formulating, promoting and implementing human resource and administrative policies, strategies and procedures; providing advice on matters relating to implementing, interpreting, application and enforcing staff rules and regulations; recruiting and retaining highly qualified human resources; administering employees benefits, remuneration and payroll and registry; coordinating human resources planning; development of

capacity building programmes and strategies; coordinating organizational transformation and development; formulating and implementing performance management systems; and managing staff welfare and employee relations. In addition, administrative functions will entail: coordinating all matters pertaining to general office administration, and security; planning and ensuring efficient management of the Centre's office environment, facilities and assets; adequate and efficient allocation of office space; managing transport and common user facilities; developing, advising and implementing security and safety policies and procedures; and preparing for and coordination of staff meetings.

#### **6.4.2 Finance and Accounts Unit**

This Unit will be headed by a Principal Finance/Accounts Officer who reports to the Manager Corporate Support Services and is responsible for: overall financial management; planning, coordination and supervision of the finance function; providing advice on financial matters; coordinating the Budget process; making strategic management decisions on financial matters, and ensuring that financial resources entrusted to the Centre are utilized in an effective and efficient manner; managing liquidity; safeguarding Assets and maintaining an up to date Fixed Asset Register; preparing Annual financial statements and facilitating audits; preparing management accounting reports; development and review of financial policies, procedures and strategies; and interpretation and enforcement of Financial Rules and Regulations. In addition the officer will oversee and review all invoices submitted to accounts; review all internal requests/memos processed for payments and ensure that they are in compliance with the financial policies and procedures; carry out supplier verification and highlight critical matters for management attention; follow up on tax compliance, statutory deductions or claims, manage and match receivable accounts in the system.

#### **6.4.3 Legal Unit**

This Unit will be headed by a Principal Legal Officer who reports to the Manager Corporate Support Services and is responsible for: safeguarding the legal interests of the Centre by advising on and ensuring compliance with all statutory requirements; ensuring safe custody of the Centre's documents such as logbooks, minutes of the Board and its Committees, contracts, agreements, title deeds, trust deeds, leases, charges, chattels, insurance policies; advising the Centre on all legal matters that directly or otherwise affect the Centre and its operations; reviewing all agreements, leases, and contracts entered into by the Centre and third parties; ascertaining the legal status of all assets, liabilities, and claims with a view to securing the interest of the Centre; and providing technical assistance to the Registrar.

#### **6.4.4 Supply Chain Management Unit**

This Unit will be headed by a Principal Supply Chain Officer who reports to the Manager Corporate Support Services and is responsible for: managing the Centre's stores and supplies; procuring goods and services; and preparation of procurement plans in line with the PPAD Act, 2015 and the Public Procurement Regulations, 2006. In addition, the functions of the Unit will entail proper storage, security and maintenance of supply chain records; management of stores; sourcing of supplies, assessing and measuring performance of supplies of goods, works and services, stock controlling, stock taking, stock checking, stock audit; and disposal of obsolete and idle assets.

#### **6.4.5 Information Communication Technology (ICT) Unit**

This Unit will be headed by a Principal Information Communication Technology Officer who reports to the Manager Corporate Support Services and is responsible for: planning and coordinating implementation of Information Communication Technology (ICT) policy, systems and strategies; coordinating the information systems network; managing local, intra and wide area networks; managing bandwidth and e-security; designing and updating web-portals, web-sites and provision of web-master services; analyzing and reviewing operational and business work-flows, identifying areas of improvement and automation and implementing proposed solutions; ensuring information security; keeping custody of the key database and application systems passwords; evaluating, configuring and installing new hardware and software; carrying out systems analysis; and drawing up specifications and preparing systems and user friendly documentation.

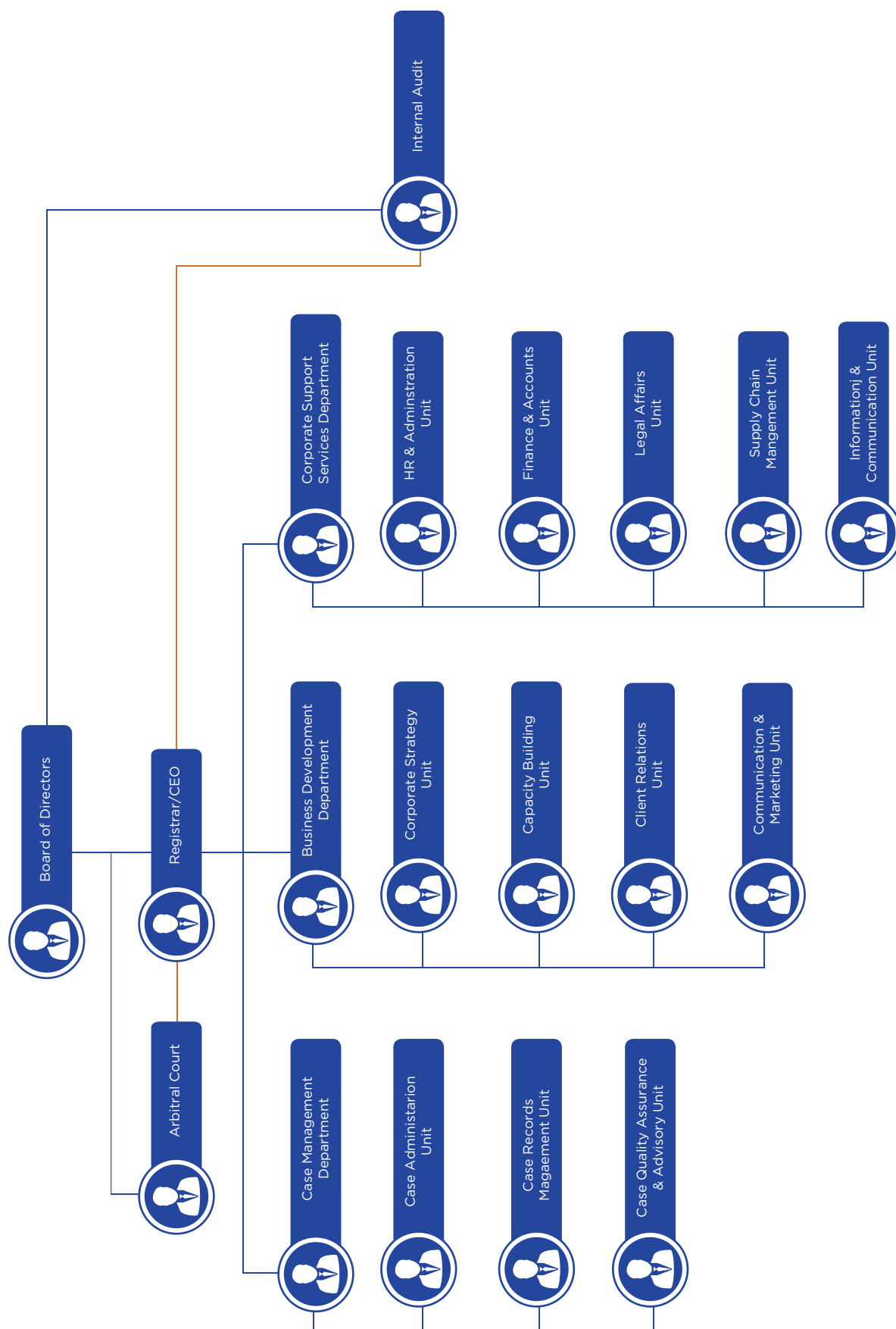
#### **6.5 Internal Audit Unit**

This Unit will be headed by the Principal Internal Auditor who reports functionally to the Audit Risk and Governance Board Committee and administratively to the Registrar/Chief Executive Officer. The Officer is responsible for: systems audit, protection and safeguarding of assets; developing appropriate internal control systems; risk assessment; ensuring and strengthening compliance with the various laws and regulations impacting on the operations of the Centre; and liaising with the external auditors to ensure good governance. In addition, the Internal Auditor will be Secretary to the Audit, Risk and Governance Committee of the Board.

## 6.6 ORGANIZATIONAL STRUCTURE

The organizational chart in Figure 1 is an indicative overall structure which shows the proposed Departments and Units for the Centre.

Figure 1: Organizational Structure





# Monitoring & Evaluation

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# CHAPTER SEVEN

## MONITORING AND EVALUATION



This chapter covers the mechanisms for monitoring and evaluation (M&E) of the implementation process of the strategic plan, and the key performance indicators. The Strategic Plan will be continually apprised of progress being made and results being realized from budgetary expenditures. Monitoring is vital for two reasons: it enables follow up and intervention in case of deviation from the Plan. It also enables the Registrar and Heads of Departments to build value for money statements that can be part of the quarterly reporting within the Performance Contracting framework. As part of the Strategic Planning, therefore, a monitoring and evaluation mechanism will be established.

### 7.1 OBJECTIVES OF M&E

To successfully implement this strategic plan, an adequate Monitoring and Evaluation (M&E) framework has been developed. The monitoring and evaluation framework will enable NCIA to measure performance against set standards so as to ensure effective implementation of the set goals and objectives.

### 7.2 M & E FRAMEWORK

The monitoring and evaluation process will involve preparation of annual work plans by each department and functional units. The work plans

will be linked to the objectives, strategies and activities as documented in the implementation matrix. In addition, the work plans will be cascaded to individual Officers work plans which will then be linked to the Centre's performance management system. Although status of the implementation of the strategic plan should be addressed in each forum where NCIA performance is being discussed, the following actions will be undertaken to ensure successful implementation of the strategic plan:

- i. Establish M&E implementation management committee comprising of the Registrar/CEO, Managers and Heads of Units to oversee the implementation of the strategic plan.
- ii. The M&E committee will hold quarterly meetings to review the status of the strategic plan implementation.
- iii. The M&E implementation committee will be reporting quarterly to the Board on the progress of the strategic plan implementation. The key performance indicators documented in the implementation matrix will provide guidance on more objective review of the progress of the strategic plan implementation.

### 7.3 RISK ANALYSIS

Risks are those factors which are likely to negatively affect the implementation of the Centre's programmes and activities. There is need to identify them and develop mitigation strategies for managing any negative effects that may result from the occurrence of the risks. An analysis of the risks that are likely to affect the achievement of the activities of the Centre has been outlined in Table 8 to provide the risk framework within which it will operate. The analysis also included strategies to be implemented in order to address threats posed by these risks.

Table 8 : Risk Analysis

Risk	Mitigation Strategy
Lack of adequate funds	<ul style="list-style-type: none"> <li>i. Diversify sources of funding</li> <li>ii. Collaboration with strategic partners</li> <li>iii. Implementation of the business development strategy</li> <li>iv. Implementation of the resource mobilization and utilization plan.</li> <li>v. Optimal use of infrastructure to generate income</li> </ul>
Judicial interpretation of ADR law	<ul style="list-style-type: none"> <li>i. Database of judicial decisions</li> <li>ii. Training of judicial officers</li> </ul>
Low uptake of services by clients	<ul style="list-style-type: none"> <li>i. Creation of awareness on ADR processes and NCIA services</li> <li>ii. Implementation of the Public relations strategy</li> </ul>
Competition from other established Arbitral institutions	<ul style="list-style-type: none"> <li>i. Implementation of the marketing strategy.</li> <li>ii. Innovation in NCIA Services</li> </ul>
Lack of adequate staff	<ul style="list-style-type: none"> <li>i. Recruitment of critical staff</li> <li>ii. Implementation of competitive remuneration packages</li> </ul>
Emerging jurisprudence	<ul style="list-style-type: none"> <li>i. Database of emerging jurisprudence and best practice</li> <li>ii. Adoption and implementation of best practices</li> </ul>

#### 7.4 MONITORING OF THE STRATEGIC PLAN

The tracking of the implementation of this Strategic Plan will be regularized to become part of the day to day operations of the Centre. The Centre will monitor activities spelt out in the Plan through regular gathering of data on implementation and also prepare quarterly reports on implementation of the Plan. This will also provide an avenue for tracking progress and ensuring the Strategic Plan is successfully implemented. The overarching objective of monitoring the implementation of this Strategic Plan will be to provide information for purposes of decision making.

The monitoring process will be based on the Implementation Matrix which provides sufficient details (indicators, monitoring mechanisms as well as financial requirements) to enable the monitoring of progress of implementing the strategies and activities for each Strategic Theme. Baseline data will be collected for each of the indicators in order to facilitate the tracking of progress in implementation. Resources will also be mobilized for Monitoring and Evaluation. The Centre will adopt a Results-Based Management approach during monitoring of projects and programmes. Under this approach, focus will be placed on the expected results and not the activities and inputs. It places emphasis on what has been achieved over what has been done.

The Strategic Plan will be translated into Annual Work Plans for each of the years covered. These will be at the Unit level and at the individual level where each responsible officer will extract their specific and relevant targets. The strategy will be translated into performance responsibilities for all staff including detailed work plans against which performance will be evaluated on a regular basis. Monitoring of performance will therefore be cascaded up to the individual level.

The tools and methodologies to be used for monitoring performance will include audits, surveys, data analysis, checklists and field visits. In addition, performance reviews will be implemented through budgetary, management meetings, peer reviews and project reviews.

#### 7.5 EVALUATION OF THE PROGRAMS

Evaluation is the assessment of the effects or impacts of a programme based on the initial objectives. It is also the systematic and objective assessment concerning the relevance, effectiveness, efficiency and impact of activities in the light of specified objectives. The process seeks to examine the extent to which the objectives of a project or programme have been met. Evaluation of this Strategic Plan will be carried out for selected programmes annually. However, ad hoc evaluation may be conducted to inform decisions on intervention where significant unexplained variation in performance occurs, especially on a critical programme.

#### 7.6 REVIEW OF THE STRATEGIC PLAN

A mid-term review of the Strategic Plan will be carried out to determine the level of necessity for reviewing the Strategic Plan. The report of this review will guide implementation of programmes during the remaining duration of the Plan. At the end of the implementation process, a terminal or end-term review will be carried out to assess overall implementation rate and provide critical learning points for the next Strategic Plan

#### 7.7 REPORTING OF RESULTS

Quarterly M&E reports will be prepared by the M&E committee for discussion by the management of the Centre. Management meetings will be held on a quarterly basis to discuss progress reports and provide strategic direction to the implementation process. The reports will thereafter be submitted to the Board for deliberation and policy decision making on a quarterly basis. They will contain information on implementation of the Strategic Plan and explain any variation in expected performance, discuss challenges and issues encountered, lessons learnt so far and make any recommendations with regard to the implementation process. The Centre will consequently undertake bi-annual reviews of implementation and incorporate any changes. Specific issues will be identified and action plans prepared to address any bottlenecks in the implementation of the Strategy. Overall reporting will be carried out at different levels including departmental, units and to external stakeholders.

# Notes

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