



HOW NCIA'S CORE VALUES PRIORITIZE THE STAKEHOLDERS

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Acronyms

ADR	Alternative Disputes Resolution
MDA,s	Ministries, Departments & Agencies
NCIA	Nairobi Centre for International Arbitration
OAG&DOJ	Office of the Attorney General & Department of Justice

1.0 Introduction

Access to justice in Kenya has developed to an actual right where the right to prosecute or defend has equivalence of power. The State has established numerous institutes and corporations to ensure prompt justice prevails. One of the corporations is Nairobi Centre for International Arbitration. The mandate of the Centre is to promote international commercial arbitration and alternative forms of dispute resolution.

For the Centre to merit the expectation of its stakeholders, five guiding principles were identified and incorporated in the strategic plan. They include: i). Fairness and Impartiality; ii). Confidentiality; iii). Integrity; and iv). Efficiency and Effectiveness;

These Core values represents the Centre's beliefs and fundamental driving forces. This article critically analyzes how the core values prioritize both the internal and external stakeholders.

1.1 Significance of the NCIA's Core Values to Employees

Employees are the backbone of any organization, and as the consumer market becomes more competitive, so does the job market. Core values are intrinsic to form the vision that the Centre presents to the outside world. The four core values are fundamental to attracting and retaining the best and most contributing employees. The reflection of the four NCIA's core values regarding the employees is presented in sub-sections below:

1.1.1 Fairness and Impartiality

Employees' perceptions of fairness greatly influence their workplace attitudes and behaviors. Employees are more likely to have positive attitudes and engage in behaviors that benefit the organization when they perceive the organization to be fair. Researchers have demonstrated that employees' perception of fairness and equitable treatment is a core driver of retention, engagement and performance. In fact, unfair treatment is corrosive (Dollar, 2000) . The perception that treatment is unfair can have devastating impact

on the organization because it creates a climate of distrust and hostility amongst the employees and bad faith to the employer. Aspects of job promotions and privileges extended to the employees must be done without favour, political inclination, tribalism, nepotism nor discrimination.

The situation at the Centre is almost at equilibrium. Ranging from work-life balance, gender equity, fair staff age distribution with over two thirds ($\frac{2}{3}$) below 35 years of age. It is also worthwhile noting that 8% of the staff establishment is comprised of persons with disability.

Furthermore, the recruitment process at the Centre is very competitive and selection is based on meritocracy. Perception of nepotism, discrimination based on political inclination, favourism on promotion and treatment is considered insignificant because high level of fairness and equal treatment of employees is strictly observed.

1.1.2 Efficiency & Effectiveness

MDAs pride themselves on their efficiency, having implemented processes and systems that allow employees to maximize their tasks within shortest time possible (Klein, 2014). At the office, efficient staff are those who can accurately complete their duties in a timely manner. However, an effective employee is something entirely different. Effectiveness can be said to be, “the degree to which someone is successful in producing a desired result”.

Since NCIA is succeeding in continuing to innovate and offer top-quality services in ADR that delight its stakeholders, then we can conclude that the staff fraternity at NCIA is effective. This is substantiated by the fact that the staff in their respective departments do not just attempt to complete their tasks as quickly as possible but work to come up with inventive solutions to problems and continually improve their performance to achieve the best results as far as the core mandate of the Centre is concerned.

1.1.3 Integrity

According to the Collins online dictionary, "if an employee has integrity, then he or she is honest and firm in moral principles". Personal integrity is an inborn moral conviction to do what is right, and reject that which is wrong, regardless of the consequences that are attached to their decisions. Integrity comes in many forms, but the most important traits that are expected at the workplace are dependability, honesty, loyalty, good judgment and embracing collegiality. So far, the Centre has not faced any incident that would warrant jeopardizing its employees' integrity.

1.1.4 Confidentiality

It is the employee's responsibility to treat all the information in the workplace with care and caution. The Centre's staff are prudent enough not to disclose any information that the Centre considers sensitive and confidential, to a third party, until and unless there is consultation and permission from relevant parties regarding the same.

Since it is routine at NCIA to continuously observe confidentiality, the propensity of information leakage diminishes almost exponentially. The outcome has immensely contributed positively in both management of disputes and employee affairs.

2.1 Significance of the NCIA's Core Values to Clients

The Centre is committed to the success and satisfaction of its clients. NCIA is prepared to go above and beyond the traditional relationship between parties in disputes and invest its time and resources to help clients reach consensus and maintain their relation.

2.1.1 Fairness and Impartiality

The Centre's Board and secretariat are committed to ensuring all parties in disputes (clients) must be treated fairly. The dispute resolution process must be immune to conflict of interest with clients and apply to all participants

during the proceedings. The Centre uses a client checklist and application review that ensures impartiality.

Furthermore, the Centre's procurement process strictly adheres to Government regulations on fairness and equality. The tendering process factors in the three groups (Youth, Women and Persons with Disability).

Therefore, all decisions are based on objective criteria, rather than bias or prejudice.

2.1.2 Efficiency & Effectiveness

NCIA has developed an edge over its competitors in the arena of ADR by offering quality ADR services. Effective and efficient customer service is important to productivity of the Centre as it promotes loyalty, builds reputation and attracts new clients.

There is a strong doctrinal belief at the Centre that excellent customer service is a form of marketing strategy. Therefore, whenever a new client (parties in disputes) is looking for recommendations on where they can access desired ADR services, they are most likely to be referred to the Centre.

The quality customer service which ensures that clients are given accurate information regarding any inquiry they make at the Centre amount to efficiency and effectiveness. This has enabled clients to make the right decision when in need of any service offered by the Centre.

2.1.3 Integrity

Integrity is vital to ensure the reputation of the Centre. Integrity is upheld through strict adherence to the moral and ethical principles inculcated in policies to ensure optimal expectations of the clients are met.

2.1.4 Confidentiality

When disputes arise, most of the parties value how discreet their disputes are handled by the administering institution. The Centre has put in place sufficient mechanisms to ensure that confidentiality of clients and their disputes are upheld. This is ensured through an efficient and effective case management system.

3.1 Significance of the NCIA's Core Values to Government

The National Values and Principles of Governance are anchored in Chapter 6 of the Kenyan Constitution. The Constitution notes that the power and authority that has been assigned to a state officer due to his / her position in that office is a public trust to be exercised in a manner that it is in conformity with the purpose and aims of the Constitution of Kenya. The main aim is to be of service to the people, demonstrate respect to the people, bring honor to the nation and dignity to the office and promote public confidence in the integrity of the office (Uraia, 2017).

NCIA being a state corporation by virtue of establishment is obligated to uphold national values and principles of good governance. As such the Centre has got five exiting core values in conformity with the national values and good governance.

3.1.1 Fairness and Impartiality

Equality and political neutrality before the law' is not a fact but a political demand based upon a moral choice; and it is quite independent of the theory which is probably false that 'all men are born equal (Karl, 1962). It cannot, of course, be denied that human individuals are, like all other things in our world, in very many respects very unequal. Nor can it be doubted that this inequality is of great importance and in many respects highly desirable. The Constitution has created an atmosphere of neutrality to the perception of general public.

Equal treatment, including equal opportunity and equitable access means that all parties in disputes must receive the same treatment from NCIA as a seat for arbitration and have the same opportunities to amicably engage in arbitral process. The concept of fair and impartial treatment applies to the receipt of information, access to the media, ability to communicate with relevant advisory bodies through channel of choice, involvement in a fair and neutral arbitral process and opportunity to pursue remedies through established complaint channels.

3.1.2 Efficiency & Effectiveness

Efficiency and effectiveness measures the quality of public services, the quality of the civil service and its independence from political pressures, the quality of policy formulation and implementation, and the credibility of the government's commitment to its stated policies (Brunetti, 1998).

The Government and its subjects are evaluated on the competence of civil service; effective implementation of government decisions and public service vulnerability to political pressure. Ability to manage political alternations without drastic policy changes or interruptions in government services (Rauch, 2001).

The extent to which: effective coordination mechanisms ensure policy consistency across departmental boundaries, and administrative structures are organized along functional lines with little duplication. The business processes of government agencies are regularly reviewed to ensure efficiency of decision making and implementation. Political leadership sets and maintains strategic priorities and the government effectively implements reforms. Hiring and promotion within the government is based on merit and performance, and ethical standards prevail.

3.1.3 Integrity

Integrity risks are of central concern to managers at all levels of government because a lack of trust in public institutions erodes their ability to perform effectively. MDA's can operate according to the principles of integrity which are regulated in integrity legislation in keeping with the principles of good governance. NCIA being a state corporation is bound to the integrity tenets of ensuring quality service delivery and good governance.

3.1.4 Confidentiality

Confidentiality is the protection of information in the system so that an unauthorized person cannot access it. This type of protection is most important in military and government organizations that need to keep plans and capabilities secret from enemies. Confidentiality is a critical component of a successful dispute resolution process. The guarantees of confidentiality allow parties to freely engage in candid and informal discussions of their interests to reach the best possible settlement of their dispute. A promise of confidentiality allows parties to speak openly without fear that statements made during the process will be leaked to the public or any other unauthorized persons.

Conclusion

The Centre's culture is largely influenced by its values and the stakeholders. It can therefore be shaped with the stakeholder's actions to encourage positive behaviors and discourage harmful ones to preserve a culture that positively impacts the Centre's services.

Organizations and people need some sort of professional and moral guide through work-life that may seem attractive. We can respect and honor our differences at the same time creating a hierarchy of worth and value when it comes to the differences that serve to separate and make each staff unique and special their own right.

In an unlikely scenario where NCIA staff exhibit a low efficiency, the human resource and administration unit needs to establish team trend. Engaged employee not only foster a positive environment at work but also set the tone for other co-workers.

Management should establish ways of communicating the values periodically during meetings to reinforce the culture. Having a strong culture anchored in shared values can propel this Centre towards growth and achievement of its mandate.

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