

---

# ANNUAL CASEWORK REPORT 2022/2023



Nairobi Centre  
for International  
Arbitration

[www.ncia.or.ke](http://www.ncia.or.ke)

Where disputes meet resolution.



Co-operative Bank House,  
8th Floor, Haile Selassie Ave  
P.O Box 548-00200, Nairobi, Kenya  
Tel: +254 20 222 4029  
Mob: +254 771 293 055  
Email: [info@ncia.or.ke](mailto:info@ncia.or.ke)  
[www.ncia.or.ke](http://www.ncia.or.ke)

We are social.

    @NCIAKenya

## ABOUT NCIA

Nairobi Centre for International Arbitration (NCIA) is Kenya's premier International Arbitration Centre located in the capital city, Nairobi. The Centre was established in 2013 and has gained a reputation as a neutral venue for the conduct of International Arbitration and other Alternative Dispute Resolution (ADR) services.

NCIA is *"where disputes meet resolution"* through access to eminent and experienced arbitrators, and mediators with diverse skills, from different nationalities and jurisdictions, and a best practice set of rules with administrative support.

In addition to its dispute administration services, NCIA hosts networking conferences, workshops, and events of interest to the arbitration and ADR Community. As a training institution, NCIA continued to offer training in Mediation and Arbitration with listed trainers from across the globe.

NCIA has the distinct privilege of an appointing authority under several statutory provisions in Kenya.

# WHAT WE OFFER

## Arbitration

NCIA Arbitration Rules are adaptable for use in a diverse range of contractual agreements. The Rules offer a flexible, predictable, and reliable institute administered procedures. The Centre also provides institutional support to the arbitration process including hearing facilities at the request of parties.

## Mediation

NCIA provides institutional support to the mediation process including facilities for mediation sessions at the request of parties at competitive terms. The NCIA Mediation Rules give participants in a dispute case an expeditious process where the Centre is designated for purposes of the mediation.

## Negotiation

NCIA provides institutional support to the negotiation process including physical facilities at the request of the parties at competitive terms.

## Conciliation

NCIA provides institutional support to the conciliation process including physical facilities at the request of the parties at competitive terms.

## Adjudication

NCIA provides institutional support to the adjudication process including physical facilities at the request of the parties at competitive terms.

## Arbitration And Mediation Training

NCIA provides training for continuous professional development in international commercial arbitration and mediation.

## Hiring of Hearing Room Facilities

NCIA is equipped with customized hearing room facilities for arbitration, mediation and all other closed-door discussions that may be required at the request of parties to the Centre.

# EXECUTIVE SUMMARY

The Nairobi Centre for International Arbitration (NCIA) Annual Casework report gives highlights of case administration services rendered by the Centre, nature of arbitration agreements handled, number of arbitration and mediation cases facilitated in the year 2022/2023, and composition of the panel of arbitrators and mediators amongst other important key aspects in the year.

The report focuses on case management including the number of disputes referred to the Centre for arbitration, requests referred to the Centre for mediation, representation in arbitration and mediation panels, challenges by parties to arbitrator appointment, caseload, relief sought, awards issued by the Tribunals and other factors as regards facilitation of arbitration and ADR services by the Centre.

The top industry sectors reigning over the NCIA Caseload in the FY 2022/2023 emanate from the finance, construction, commercial, technology, education, accounting, energy and agricultural sectors.

NCIA not only deals with Alternative Dispute Resolution (ADR) services but also participates in webinar series as well as conferences and events.

## Notable Achievements for the Case Management Department 2022/2023

1. Revised the NCIA Mediation Rules, 2015 (Revised 2022)
2. Received the highest number of Requests for Arbitration and Mediation – Forty – one (41) cases.
3. Developed the NCIA Tribunal Secretary Guidelines, 2023.
4. Revised the Arbitrator Panel Status Standard.
5. Revised the Mediator Panel Status Standard.

# CASELOAD VALUE

In 2022/2023, Forty-One (41) new case fillings were referred to the NCIA, of which 96.4% were administered under the NCIA Arbitration Rules,2015 (Revised 2019) and 3.6% were administered under the NCIA Mediation Rules, 2015 (Revised 2022) representing an upward trend in referral of disputes in the eight (8) years since inception of the Rules. The year recorded the highest number of disputes referred to the Centre. The Centre has surpassed its 100th case mark.

## SUM IN DISPUTE

The Case Load value as at the end of FY 2022/2023 has risen to over 32 billion Kenya Shillings i.e., 32,846,199,370.20 equivalent to USD 234,615,709.80. The case value for FY 2022/2023 alone was Kshs 7,600,000,000.00 which is equivalent to approximately USD 54,285,714.30 This represents a 31.4% growth from the previous year.

## GEOGRAPHICAL ORIGIN OF PARTIES

97.6% of all new cases filed with the Nairobi Centre for International Arbitration in the financial year 2022/2023 were domestic in nature while 2.4% cases were international.



KES. 32bn  
(USD 234 million)  
Cumulative Case Load value

KES. 7.6bn  
(USD 54 million)  
Case Load value for FY 2022/2023 alone



97.6%  
Domestic Cases



2.4%  
International Cases

## ARBITRATIONS BY INDUSTRY/SECTORS

Disputes emanating from the finance, construction, commercial, technology, education, energy, accounting and agricultural sectors shared a significant portion of the caseload.

**In 2017**, construction disputes represented 100% of the NCIA Arbitration Rules administered caseload.

**In 2018**, supplies of commodities and employment disputes represented the highest portion of the NCIA arbitration caseload.

**In 2019**, the Centre recorded a significant increase in disputes of supplies of commodities in the agricultural sector.

**In 2020**, supplies of commodities in the agricultural sector disputes represented the highest portion of the NCIA arbitration caseload

**In 2021**, Supplies of Commodities disputes constituted the highest fragment of the NCIA Arbitration Caseload.

**In 2022**, Supplies of commodities and construction disputes constituted the highest NCIA Arbitration and Mediation caseload.

**In 2023**, Disputes in relation to supplies of commodities constituted the highest fragment of the NCIA Arbitration caseload.

# AGREEMENT TYPES

The agreements typically anticipated under the NCIA Arbitration Rules are commercial disputes. The three (3) most common agreements recorded in arbitrations referred to the Centre under the NCIA Arbitration and Mediation Rules remained consistent in 2022/2023 and they include:

- Supply and Delivery agreements.
- Service agreements.
- Construction agreements.

The year 2022/2023 has seen a significant rise in supply and delivery agreements in the construction sector. The supply and demand and service agreements have continued to take up 78.6% of the agreements.

## NCIA ARBITRATIONS INDUSTRY/SECTORS 2022/2023



Construction



Supplies & deliver



Agriculture



Commercial



Technology



Finance



Education



Finance

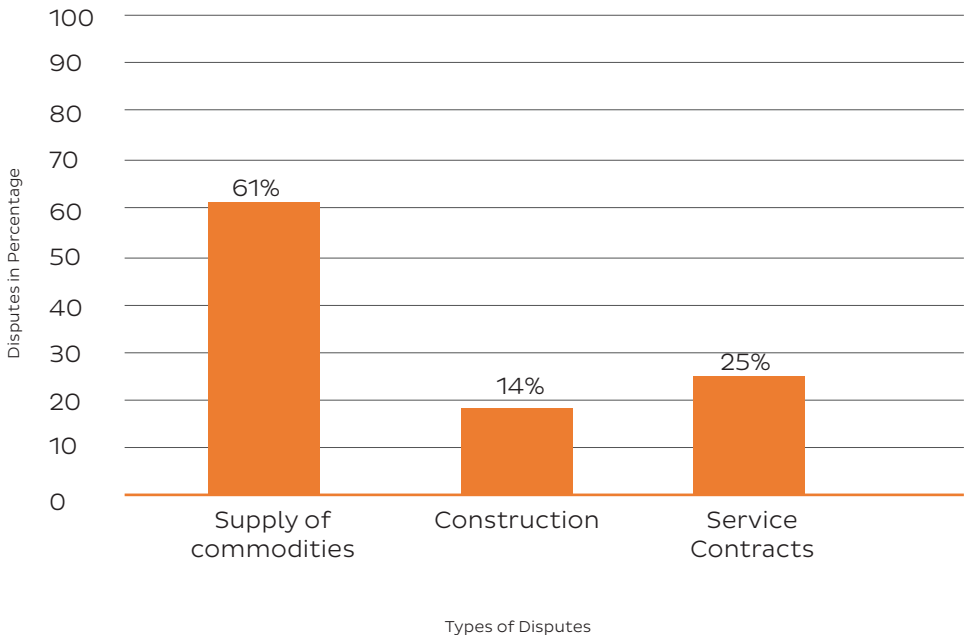


# DISPUTE TYPES

The disputes typically anticipated under the NCIA Arbitration Rules are commercial disputes. The three (3) most common disputes recorded in disputes referred to the Centre under the NCIA Arbitration Rules remained consistent in 2022/2023 and they are:

- Supply of commodities disputes.
- Service disputes.
- Construction disputes.

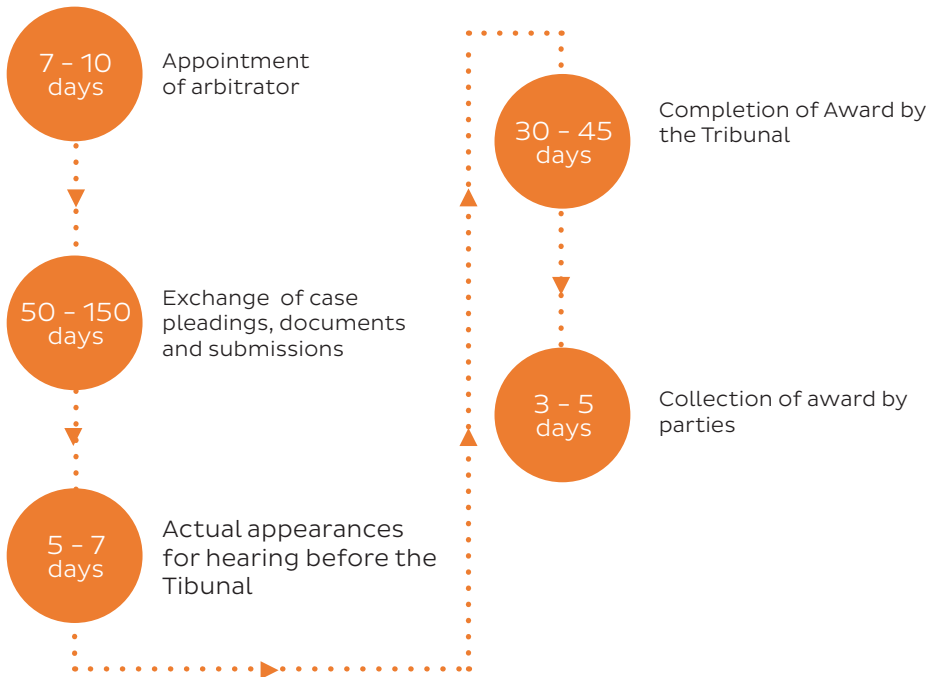
The year 2022/2023 has seen a significant rise in supply of commodities disputes in the agricultural sector. The supply of commodities disputes took up 61% of the disputes referred to the Centre in the year.



# TIME TAKEN IN ARBITRATION

The case tracker allows the case management counsel to collect and collate time management information. Trends observed during the year indicate an average case completion time scale of:

- seven (7) to ten (10) days for appointment of arbitrator and completion of composition of the tribunal;
- 50-150 days for parties to file and exchange their case pleadings, documents and submissions including requests for time scheduling, adjustment in timelines and resolution of applications;
- five (5) to seven (7) days of actual appearances for hearing before the arbitral tribunal;
- one (1) month to one and half (1-1/2) months completion of award by the tribunal; and
- three (3) to five (5) days average time for collection of arbitration awards by parties.
- 95-217 Days for completion of a matter from Start to End. <sup>1</sup>



<sup>1</sup> NCIA is not in control of the preliminaries i.e when a party complies with any directions issued

## PARTIES

The NCIA arbitrations and mediations involve parties from different sectors and nationalities with cases referred from South Africa, Rwanda, China, and Poland, and as far apart as agreements applying the laws of Hong Kong, China and the United Kingdom.

The Centre endeavors to be a world class Arbitration Centre and promotes equality and inclusivity in all arbitrations commenced. Further, dispute resolution services are available to all persons indiscriminately and irrespective of nationality as long as the Centre has the jurisdiction to admit the disputes brought before it.

Additionally, the Centre promotes neutrality through its adoption of a multinational panel of arbitrators and mediators.

## ARBITRAL AWARDS

A total of one (1) award was issued in the year 2022/2023 by the NCIA. An Arbitrator is responsible for delivering the awards to the Centre.

# ARBITRATOR APPOINTMENTS

During the course of 2022/2023, the NCIA completed a total of 6 appointments of arbitrators

# ARBITRATOR ACCREDITATION AND NATIONALITIES

The Centre has received a total of 15 accreditation applications expressing interest in the domestic and international arbitration panels. 10 of those applicants were approved to join the Arbitrator panels in the year.

In promoting diversity and neutrality, the Centre has empaneled arbitrators drawn from different nationalities. Arbitrator selection for the panel is undertaken throughout the year according to the panel listing standard criteria that includes qualifications, training, and experience in arbitration.

Kenyan nationals take up 75% arbitrator panel seats stemming from the location of the Centre. However, the Centre aims to create a balance to reflect the character of the Centre by ensuring that the arbitrators are selected to represent a broad range of nationalities from across the globe and with gender and age equity.

Some of the nationalities represented in the NCIA Arbitrator panel are from Kenya, United Kingdom, Nigeria, United States of America, Zambia, Ireland, India, and Pakistan among other countries.



15

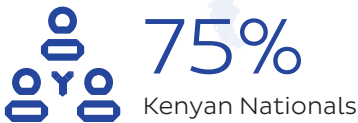
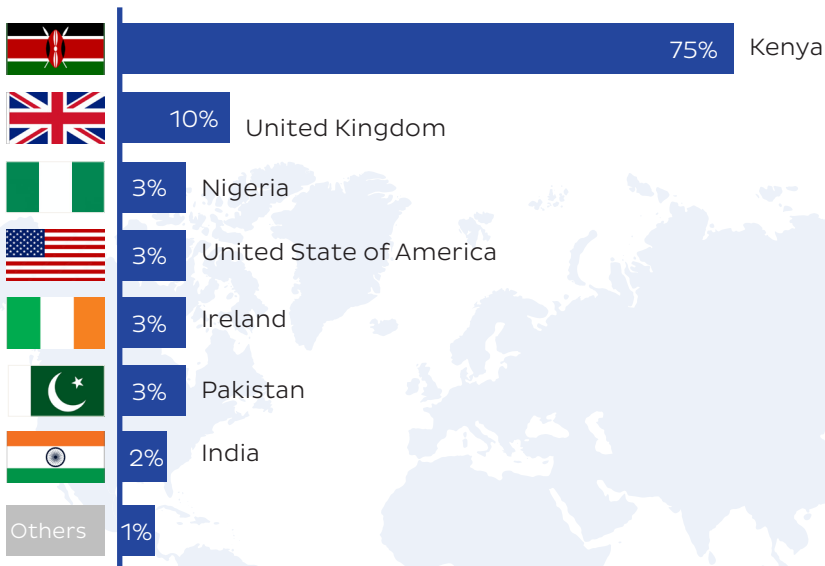
Accreditation  
Applications  
Received



10

Accreditations  
Applications  
Approved

## ARBITRATOR NATIONALITIES



SEAT AND APPLICABLE LAW

The year 2022/2023 has seen a majority of arbitrations maintain Nairobi as the seat of arbitration. All disputes (domestic and international) administered by the Centre during the year have been governed by Kenyan Law.

GENDER DIVERSITY

NCIA in promoting gender diversity deliberately ensures equal access to both men and women arbitrators, regardless of their gender, ethnic and cultural background, religion, age, sexual orientation, functional ability, and political view, in matters where it is required to exercise the power of appointment.

Further, NCIA endeavors to contribute to promoting inclusivity and gender diversity in arbitration through its outreach scheme to young as well as experienced practitioners through hosting International Arbitration and ADR Conferences.

FIRST TIME APPOINTEES

66.7% of appointments made in 2022/2023 were candidates not previously appointed. Two (2) of the appointments made this year were done following party selection/nomination and four (4) appointments were done by the Centre.

Year	Number of Arbitrators	Appointed as Sole Arbitrators	Appointed by NCIA	Appointed by the Parties	Appointed by any other Appointing Authority
2017	3	Nil	3	Nil	Nil
2018	2	1	1	1	Nil
2019	3	1	3	2	Nil
2020	12	1	7	5	Nil
2021	3	2	2	1	Nil
2022	4	4	3	1	Nil
2023	6	6	4	2	Nil

## MEDIATION

Mediation cases at NCIA started to actualize in year 2020 with the first mediation case having a case value of Kshs. 5,893,646, 849.67 equivalent to USD 50 Million. This is the largest single claim recorded by the Centre.

Mediation is gaining popularity among corporate entities.

NCIA has recently developed Simplified User Guidelines for Mediation that provide a clear roadmap on how the parties and the mediator should conduct the mediation.

The year 2022/2023 has had one (1) registered mediation case which made it to the final stage of the mediation settlement agreement.

## MEDIATOR ACCREDITATION AND APPOINTMENTS

Since the Centre commenced its operations, NCIA has certified a total of 23 Mediators both on the Domestic and International Mediator panels. Out of the 23, three (3) are on both the Domestic and International Mediator Panel and twenty (20) are on the Domestic Mediator Panel. The Centre has received a total of 8 accreditation applications expressing interest in the domestic and international mediator panels. 2 applicants were approved to join the Mediator panel.

25% of the Mediators are women. The Alternative Dispute Resolution (ADR) sphere has seen a demand for more women in the mediation process.

In the 2022/2023 financial year, one (1) mediator appointment has been made.

# MEDIATOR NATIONALITIES

Kenyan nationals take up 100% of the panel seats stemming from the location of the Centre. However, the Centre aims to create a balance to reflect the character of the Centre by ensuring that the mediators are selected to represent a broad range of nationalities from across the globe and with gender and age equity. NCIA actively seeks and encourages applications from candidates from diverse backgrounds and nationalities.

KES. 5.8bn  
(USD 50 million)

Mediation Case Value



8

Accreditation  
Applications  
Received



2

Accreditation  
Applications  
Approved



25%

Women Mediators







Co-operative Bank House,  
8th Floor, Haile Selassie Ave  
P.O Box 548-00200, Nairobi, Kenya  
Tel: +254 020-222 4029  
Mob: +254 771 293 055  
Email: [info@ncia.co.ke](mailto:info@ncia.co.ke)  
[www.ncia.or.ke](http://www.ncia.or.ke)