Nairobi Centre for International Arbitration

Where disputes meet resolution

STRATEGIC PLAN

2023 - 2027

Abridged Version

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Nairobi Centre for International Arbitration

Vision

The Premier Centre of Choice for Alternative Dispute Resolution.

Mission

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

Core Values

- Integrity
- Efficiency & Effectiveness
- Fairness & Impartiality
- Confidentiality
- Confidentiality

1.0. Overview

1.1. Mandate of the Nairobi Centre for International Arbitration

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 mechanisms. 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. 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.

1.2. Vision Statement

The premier centre of choice for "Alternative Dispute Resolution"

1.3. Mission Statement

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

1.4. Strategic Goals

The Centre has identified six strategic goals based on the strategic issues that will guide the Centre towards the realization of its Vision and Mission.

i) Establish and implement a unified and standardized approach to ADR practices to enhance consistency, reliability, and effectiveness.
ii) Build and enhance expertise in emerging international commercial and investment dispute resolution to position NCIA as a leading authority in this field.
iii) Increase public awareness and improve the perception of ADR to enhance its adoption and trust.
iv) Upgrade and modernize NCIA's ADR services by leveraging advanced technologies to improve efficiency, accessibility, and client satisfaction.
v) Strengthen NCIA's capacity to effectively fulfill its mandate and enhance service delivery.
vi) Strengthen NCIA's corporate governance framework to enhance its operations and decision-making processes.

1.5. Core Values

The core values define the desired attitude and standards that all staff shall embrace to achieve the Vision and Mission. These are: a) Fairness and Impartiality; b) Confidentiality; c) Integrity; d) Efficiency and Effectiveness; and d) Competency.

2.0. Methodology of Developing the Strategic Plan

The Centre has reviewed this Strategic Plan 2022/2023 - 2027/2028 in line with its mission; *"To be recognized as a Centre for International Commercial Arbitration and Alternative Dispute Resolution through provision of quality and innovative processes."* The Plan has been developed as per the revised guidelines for preparation of the Fifth-Generation Strategic Plans for Ministries, Departments, Agencies, Constitutional Commissions and Independent Offices in the Republic of Kenya issued by the State Department for Economic Planning to spearhead national and sectoral development planning. The Plan has also been informed by lessons learnt and emerging issues in the implementation of the first-generation strategic plan and the first phase of implementation of the second-generation strategic plan, global best practice, as well as invaluable input from key stakeholders.

This Strategic Plan has been informed by the international and regional frameworks as well as the national development goals and priorities. These include:

a) United Nations 2030 Agenda for Sustainable Development.

b) The African Union (AU) Agenda 2063.

c) The East African Community (EAC) Vision 2050.

d) Constitution of Kenya Article 159 (2) c and Arbitration Act. 1995.

e) Kenya Vision 2030 (Fourth Medium Term Plan (MTP IV), and

f) Bottom-Up Economic Transformation Agenda (BETA).

g) Sector Policies and Law. (New York Convention and Singapore Convention)

3.0. Our Partners

The Centre interacts with various stakeholders with different expectations. Among the key stakeholders are the NCIA Board, the National Treasury and Planning, the National Assembly, the Judiciary, the Office of the Attorney General, the Public, Development Partners, MDAs and County Governments, ADR Practitioners, Disputants, Academia and Professional Bodies, the Media, Suppliers and the NCIA Staff.

4.0. Key Achievements

The following are the achievements per key result area and strategic objective realized during the first two years of implementation of the strategic plan.

Key Result Area 1: Promotion and administration of ADR services

Strategic Objective 1: Increase access to credible predictable and reliable ADR services

i. Registered fifty-six (56) disputes during the period under review.

ii. Conducted stakeholder engagements with counsels from the Office of the Attorney General and Department of Justice to review bills accompanying the draft National ADR Policy and sensitized advocates on the draft National ADR Policy. The Cabinet approved the National ADR Policy during the period under review.

iii. Developed the NCIA Tribunal Secretary Guidelines and the NCIA conciliation rules.

iv. Revised the NCIA mediation rules, 2015, the Arbitrator Panel Status Standard and the Mediator Panel Status Standard.

v. Empanelment of fifteen (15) arbitrators and six (6) mediators to the panels of NCIA's arbitrators and mediators respectively for the period under review.

vi. Initiated the development of the Dispute Management Plan in FY 2022/23 aimed at encouraging the use of flexible, creative, and constructive approaches to dispute resolution in MDAs.

vii. Signed six (6) new MoUs with the Kenya Private Sector Alliance, the International Seniors Lawyers Project, the Energy Dispute Administration Centre, the East African Law Society, the Hong Kong International Arbitration Centre and a joint MoU between the Hamburg Chamber of Commerce, the Cairo Regional Centre for International Commercial Arbitration, Kigali International Arbitration Centre and the Nairobi Centre for International Arbitration to enhance collaboration in ADR practices.

Strategic Objective 2: Leadership in international arbitration and ADR in Kenya

i. Conducted twenty-three (23) training sessions and trained seven hundred and fifteen (715) ADR practitioners trained during the period under review.

Strategic Objective 3: Enhance institutional visibility and uptake of NCIA's services

i. Organized the inaugural Nairobi Arbitration Week (NAW 2023) between 18th to 22nd September 2023 with the theme "Gearing up for changing times: Exploring perspectives for Arbitration" which brought 427 participants from all over the world to share lessons and ideas on ADR.

ii. Conducted seven (7) breakfast meetings, seven (7) webinars with stakeholders on ADR, three (3) ADR open days, two (2) corporate newsletters and eight (8) county engagements aimed at enhancing ADR awareness, improving stakeholder engagement and brand visibility.

iii. Leveraged thought leaders in ADR by producing Six (6) podcast videos with identified ADR leaders and published two (2) NCIA ADR Journals.

iv. Presented thirteen (13) papers on ADR on international conferences attended during the period under review.

Key Result Area 2: Digitalization and automation of cutting-edge ADR services

Strategic Objective 1: Cutting-edge digital enabled arbitration and ADR service transformation

i. Implemented and integrated key services such as application for Training and accreditation, Booking of hearing Rooms on E-citizen for enhanced efficiency in service delivery.
ii. Implemented the ICT service desk in the period under review which provided centralized support and resolution of ICT related issues for enhanced efficiency.
iii. Ensured availability of Centre system by implementing Veeam backup and replications software to enhance cloud backup. The Centre also equipped one facility with a state-of-the-art video conference system to enhance dispute administration though virtual hearings.
iv. Ensured cyberattack resilience by implementing the gravity zone end point security for enhanced operating efficiency of data centre services.
v. Took measures to ensure business continuity by implementing share point to enable access and sharing of Microsoft Office documents and one drive to store data on cloud.

Key Result Area 3: Organizational Growth and Sustainability

Strategic Objective 1: Optimize capacity for growth and sustainability

i. Recruited five (5) new staff and replaced seven (7) staff during the period under review.
ii. The Centre placed fifteen (15) interns and engaged thirty-four (34) attachees during the period under review.
iii. The Centre reviewed its organization structure, career progression guidelines and grading structure in collaboration with a team from State Department of Public Service, Public Service Commission and OAG & DOJ and approved by the Board.
iv. Conducted skill and development programs where twenty-two (22) staff attended training in FY 2022/23 and seventeen (17) staff attending training in FY 2023/24.
v. The Centre implemented performance appraisals for enhanced productivity and staff performance.
vi. Developed and implemented the Resource Mobilization Strategy by requesting for funding from development partners and lobbying for additional funds from the exchequer. These efforts increased the Centre's budget from Kshs. 129 million in FY 2021/22 to Kshs. 209 million in FY 2023/24.
vii. The Centre developed the NCIA 2022-2027 Strategic Plan and adopted the M&E framework for the Strategic plan in adherence to sector performance standards.
viii. The Centre implemented its Performance Contract over the review period registering an improved composite score of 2.9621 in FY 2022/23 from 3.303 in FY 2021/22.

Strategic Objective 2: Good corporate governance culture

i. Enhanced internal audit independence and effective internal controls and processes by implementing internal audit plans and carrying out regular internal audits of all functional areas.
ii. Mitigated unethical practices by implementing corruption prevention measures such as establishing and sensitizing the ethics and integrity committee, availing corruption boxes and whistleblowing email.

Challenges faced in implementing the Strategic Plan during the review period

Below are the challenges during the first phase of implementation of the Strategic Plan which informs the next three years of implementation of the Plan:

i) Inadequate funding to support the implementation of planned activities thus affecting performance.
ii) Inadequate human resource capacity characterized by high staff turnover and inability to recruit new staff due to budgetary constraints.
iii) Lack of parking spaces for hearing/meeting rooms for clients.
iv) Inadequate awareness of ADR services.
v) Inadequate ICT infrastructure in hearing rooms.

Lessons Learnt

The Centre drew valuable lessons during the first two years of implementation of the Strategic plan which have been factored in the final three years of implementation. The lessons are:

i) Automation of systems is necessary to ensure efficiency and effectiveness in the administration of services.
ii) Strategic partnerships are key elements in positioning the Centre in the global market.
iii) There exists an untapped market for ADR training programmes.
iv) Resource mobilization and revenue generation is critical to cushion the budget cuts occasioned by government's austerity measures.
v) Advance engagement of relevant Government departments and institutions in the implementation of the Plan aides in time management.
vi) Adoption of risk based common policies and best practices that meet and anticipate compliance standards to effectively eliminate vulnerabilities and mitigate cyber security threats is necessary.

5.0. Our Strategic Focus for the Period 2023 – 2027

The matrix below provides the Centre's Strategic focus for the period 2023-2027. The Centre has identified three Key Results Areas (KRAs), which if fully implemented, will contribute to the realization of its vision. The Centre will focus on implementing the identified twenty-three (23) strategies towards the realization of its strategic objectives and the identified KRAs.

KRA	Strategic Objective	Strategies
Promotion and Administration of Alternative Dispute Resolution Services	Increase access to credible predictable and reliable ADR services	• Advocacy for adoption of a National ADR Policy • Expand coverage of ADR services to new areas • Transform ADR practice from siloed to collaborative • Enhance thought leadership in ADR • Adopt and promote best practices in ADR • Expand institutionalized use of ADR within Public Sector
	Leadership in international arbitration and ADR in Kenya	• Diversify training and accreditation for international practice areas • Maintain knowledge hub for arbitration and ADR
	Enhance institutional visibility and uptake of NCIA's services	• Leverage networks and thought leaders in Arbitration and ADR • Leverage trade diplomacy for emerging markets • Enhance networking and NCIA brand presence
Digitalization and Automation of Cutting-Edge ADR Services	Cutting-edge digital enabled arbitration and ADR service transformation	• Deploy cutting-edge digital transformation for integrated service management systems • Leveraging Cloud Computing for end-to-end ADR Users' service. • Enterprise-wide cyber-safety and security • Staff Teams' digital competence, capacity, and culture
Organizational growth and sustainability	Optimize capacity for growth and sustainability	• Maintain sound corporate governance frameworks and assurance mechanisms • Strengthen human resource capacity • Implement effective financial management practices • Increase own source revenue • Diversify external funding and resourcing • Implement effective planning, monitoring and reporting practices • Maintain sound supply chain management practices
	Good corporate governance culture	• Strengthen institutional audit and risk management

6.0. The NCIA and the Bottom-Up Economic Transformation Agenda (BETA)

The Bottom-Up Economic Transformation Agenda (BETA) is a strategy aimed at promoting economic growth and development from the grassroots level. This approach focuses on empowering the lower segments of the economy, particularly small and medium enterprises (SMEs), farmers, and the informal sector. The goal is to create a more inclusive economy where the benefits of growth are widely shared, and economic opportunities are accessible to all.

The NCIA can effectively contribute to the successful implementation of the Bottom-Up Economic Transformation Agenda, helping to create a more inclusive, dynamic, and resilient economy in Kenya as follows:

Improving Access to Justice

NCIA offers affordable arbitration and mediation services that are accessible to SMEs. By providing cost-effective solutions for resolving disputes, it can help smaller businesses avoid lengthy and expensive court processes, which is crucial for their growth and sustainability under BETA.

Arbitration and mediation are generally faster than traditional litigation. By resolving disputes quickly, NCIA can help businesses get back on track faster, thus supporting the continuous economic activities advocated by BETA.

Capacity Building

NCIA provides training and capacity-building programs to SMEs on alternative dispute resolution (ADR) methods. Educating business owners and managers about ADR can empower them to handle disputes more effectively and efficiently.

Conducting awareness campaigns to inform SMEs about the benefits of using NCIA for dispute resolution can align with BETA's goal of empowering the grassroots economic players with knowledge and resources.

Fostering a Conducive Business Environment

NCIA contributes to building Investor Confidence by offering reliable and efficient dispute resolution mechanisms, NCIA can enhance investor confidence in Kenya's business environment. This aligns with BETA's goal of attracting more investments to spur economic growth.

NCIA collaborates with the government to ensure a supportive legal framework for arbitration can enhance the overall business climate, making it more predictable and secure for all economic players.

Supporting Innovation and Entrepreneurship

Innovation in ADR Services: NCIA innovated its services to better cater to the unique needs of SMEs, such as introducing online dispute resolution (ODR) platforms. This aligns with BETA's emphasis on leveraging technology to drive economic transformation.

NCIA provides a stable and efficient mechanism for resolving business disputes, therefore NCIA supports entrepreneurial ventures and start-ups, which are crucial to BETA's objective of creating jobs and boosting the economy from the bottom up.

Regional and International Integration

As an international arbitration centre, NCIA can help resolve disputes involving cross-border transactions, facilitating regional trade and economic integration, which is a component of BETA aimed at expanding market access for Kenyan businesses.

Enhancing Governance and Accountability

NCIA promotes transparency and fairness in dispute resolution processes, enhancing governance and accountability in the business environment. This aligns with BETA's goal of ensuring good governance and ethical practices in economic activities.

7.0. Expected Outcomes

The table below indicates the outcomes to be realized at the end of the strategic plan period.

KRA 1: Promotion and Administration of Alternative Dispute Resolution Services		
Strategic Objective 1: Increase access to credible predictable and reliable ADR services		
Outcome	Outcome Indicator	5 Year Target
National ADR Policy adopted and implemented	Percentage increase in the number of agencies endorsing and implementing the National ADR policy compared to the base year	100
Increased utilization of ADR services compared to the baseline year	Percentage increase in the number of disputes registered and resolved through ADR compared to the base year	100
Enhanced collaboration with ADR institutions and other stakeholders for effective and integrated ADR services	Number of joint initiatives or events conducted with ADR institutional and other partners to promote NCIA's services	10
Increased influence and recognition of NCIA as a leader in ADR	Number of thought leadership contributions made in high impact forums and the media	65
Improved quality and consistency of ADR services through adoption of global best practices	Percentage increase in user satisfaction rating at the end of the planning period	30
Increased use of ADR mechanisms within public sector agencies for effective dispute resolution	Percentage increase in the number of public sector agencies adopting ADR mechanisms for effective dispute resolution compared to the base year	70
Strategic Objective 2: Leadership in international arbitration and ADR in Kenya		
Increased competence of ADR practitioners through expanded training and accreditation	Number of training programs developed and offered on ADR annually	48
	Percentage increase in the number of ADR practitioners trained compared to the base year	100
Enhanced access to and dissemination of up-to-date information and resources on ADR	Percentage increase in the number of users accessing the knowledge hub compared to the base year	100
Strategic Objective 3: Enhance institutional visibility and uptake of NCIA's services		
Increased awareness of NCIA's services	Percentage increase in public recognition of NCIA's services compared to the base year	100
Improved institutional knowledge of NCIA's service offerings	Percentage increase in targeted institutions demonstrating knowledge of NCIA's services compared to the base year	100
Enhanced online and digital presence	Percentage increase in digital interactions related to NCIA's services in relation to the base year	100
KRA 2: Digitalization and Automation of Cutting-Edge ADR Services		
Strategic Objective 1: Cutting-edge digital enabled arbitration and ADR service transformation		
Increased adoption of advanced technologies in ADR practice	Percentage of ADR services utilizing new technologies compared to baseline year	100
Improved accessibility to ADR services	Percentage increase in the number of clients accessing ADR services through digital platforms or remote technologies	100
Improved data management and reporting	Percentage improvement in the accuracy and timeliness of ADR case data reporting in relation to the base year	100
KRA 3: Organizational growth and sustainability		
Strategic Objective 1: Optimize capacity for growth and sustainability		
Improved Board effectiveness and decision making	Percentage of board decisions implemented successfully in relation to the base year	100
Enhanced compliance with governance standards	Percentage of compliance with corporate governance standards and regulations in relation to the base year	100
Enhanced recruitment and talent acquisition	Percentage increase in the number of qualified candidates attracted and hired compared to the base year	100
Increased employee retention rates	Percentage reduction in employee turnover rates	100
Enhanced employee skills and competencies	Percentage increase in the number of employees who complete skill development or training programs	100
Increased employee productivity	Percentage increase in productivity metrics resulting from enhanced internal processes compared to the base year	100
Enhanced employee satisfaction	Percentage increase in employee satisfaction scores related to process efficiency and workplace environment	70
Improved financial management and control	Percentage reduction in financial discrepancies or errors identified during internal and external audits	100

Strengthened compliance with financial regulations	Percentage of financial activities or reports compliant with relevant regulations and standards	100
Improved financial planning, budgeting and execution	Percentage of budgets aligned with long-term goals and accurately reflecting projected funding needs	100
Increased revenue from internal sources	Percentage increase in own source revenue compared to the base year	100
Improved strategic execution	Percentage of strategic initiatives implemented on time and within budget	100
Improved efficiency in supply chain operations	Percentage improvement in procurement and delivery processes	100
Improved compliance with supply chain regulations and standards	Percentage of compliance with relevant supply chain regulations and industry standards	100
Strategic Objective 2: Good corporate governance culture		
Enhanced effectiveness of internal audits	Percentage increase in the successful implementation of audit recommendations within the agreed timeframe	100
Increased compliance with risk management frameworks	Percentage increase in compliance with established risk management frameworks and standards	100

8.0. Financial Requirements

The projected financial resource requirements for the implementation of the strategic plan is Kshs. 2,120,505,000 as shown in the table below.

KRA	Projected Resource Requirements (Kshs. Millions)					
	Year 1	Year 2	Year 3	Year 4	Year 5	Total
Promotion and Administration of Alternative Dispute Resolution Services	28.20	50.37	27.99	54.50	40.03	201.08
Digitalization and Automation of Cutting-Edge ADR Services	52.07	22.87	27.05	21.73	15.31	139.03
Organizational growth and sustainability	297.72	229.32	504.93	378.27	370.16	1,780.40
Total	**377.99**	**302.56**	**559.97**	**454.50**	**425.50**	**2,120.51**

The table below indicates the financial resource gap identified that will be addressed through implementation of the Resource Mobilization Strategy.

Financial Year	Estimated Financial Requirements (Kshs. Millions)	Estimated Allocations (Kshs. Millions)	Variance (Kshs. Millions)
Year 1	377.99	305.43	72.56
Year 2	302.56	209.18	93.38
Year 3	559.97	240.92	319.05
Year 4	454.50	252.67	201.83
Year 5	425.50	270.00	155.50
Total	**2,120.51**	**1,278.20**	**842.31**

9.0. Monitoring, Evaluation and Reporting

The Centre will be tracking and assessing the progress of the strategic initiatives against defined objectives and key performance indicators periodically. Each strategic initiative is assigned to a responsible department or unit, with clear reporting lines to the management and the Board of Directors. At the end of the Plan period an evaluation shall be undertaken to provide insights for improvement and to inform the next strategic planning cycle. To support the monitoring of the implementation of the strategic plan, departments and units will be reporting quarterly on planned activities and their status using the work plan implementation reports.

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