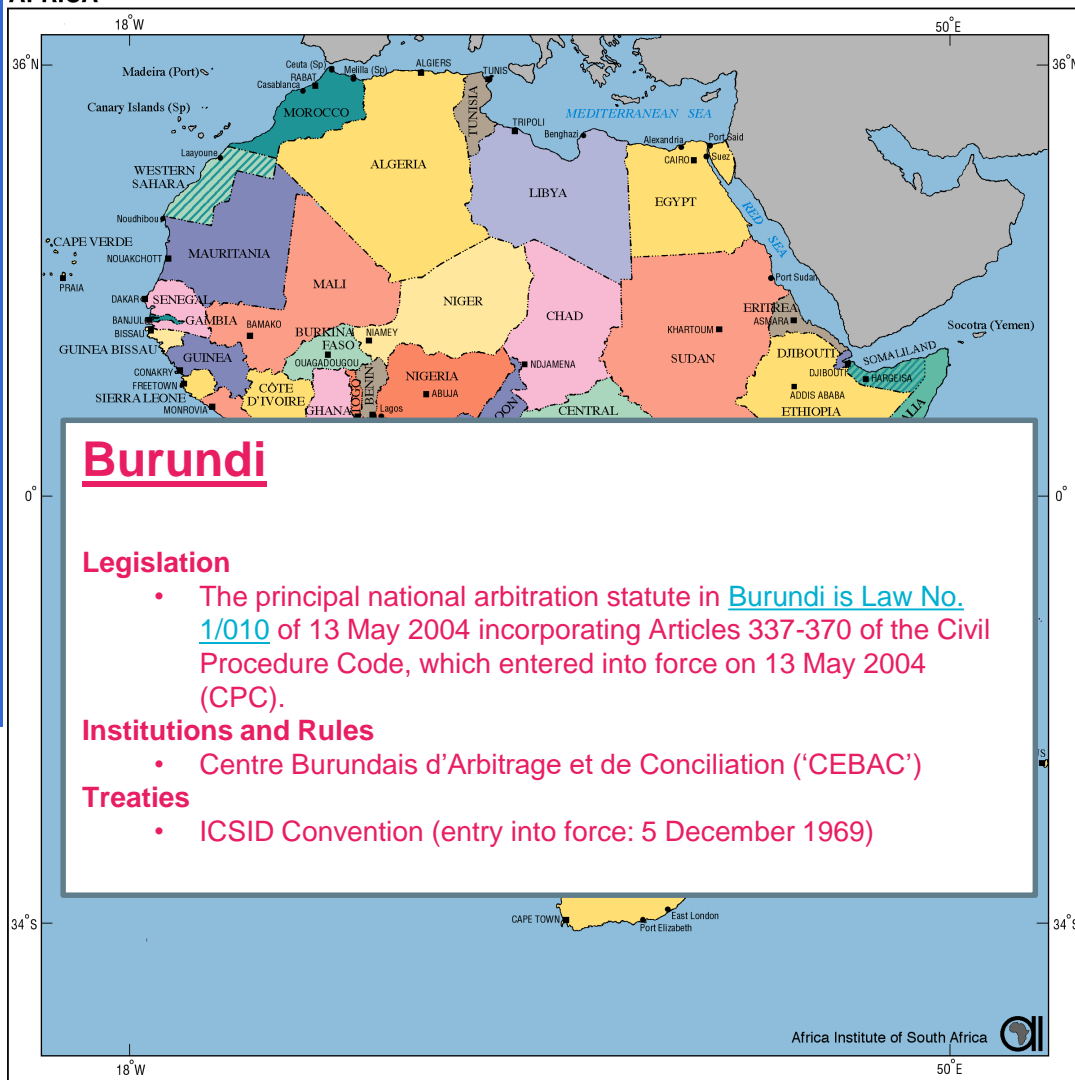


**Globalizing your Practice –  
Opportunities and Challenges”  
ARBITRATION OF INTERNATIONAL  
COMMERCIAL DISPUTES**

*PRESENTED AT THE EAST AFRICA LAW SOCIETY REGIONAL  
WORKSHOP FOR COMMERCIAL LAWYERS- 19<sup>TH</sup> MAY 2017  
- NAIROBI*

# Legal framework for arbitration – EAC States





## Burundi

### Legislation

- The principal national arbitration statute in [Burundi is Law No. 1/010](#) of 13 May 2004 incorporating Articles 337-370 of the Civil Procedure Code, which entered into force on 13 May 2004 (CPC).

### Institutions and Rules

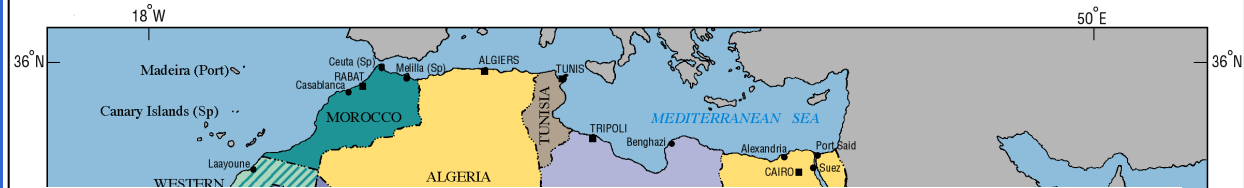
- Centre Burundais d'Arbitrage et de Conciliation ('CEBAC')

### Treaties

- ICSID Convention (entry into force: 5 December 1969)







## Kenya

### Legislation

[Arbitration Act No. 4 of 1995](#). The Act applies to both domestic and international arbitrations in Kenya and came into effect on 2 January 1996 per Legal Notice 394 of 1995.

The [Arbitration \(Amendment\) Act No. 11](#) was passed in 2009.

### Institutions and Rules

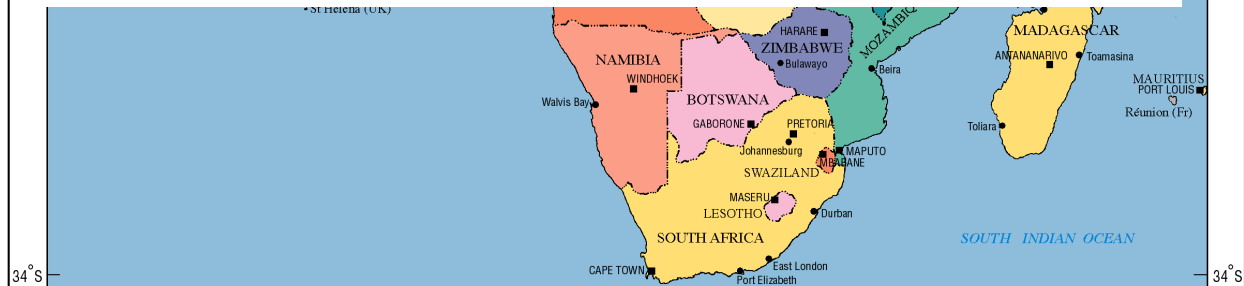
[The Chartered Institute of Arbitration, Kenya Branch](#)

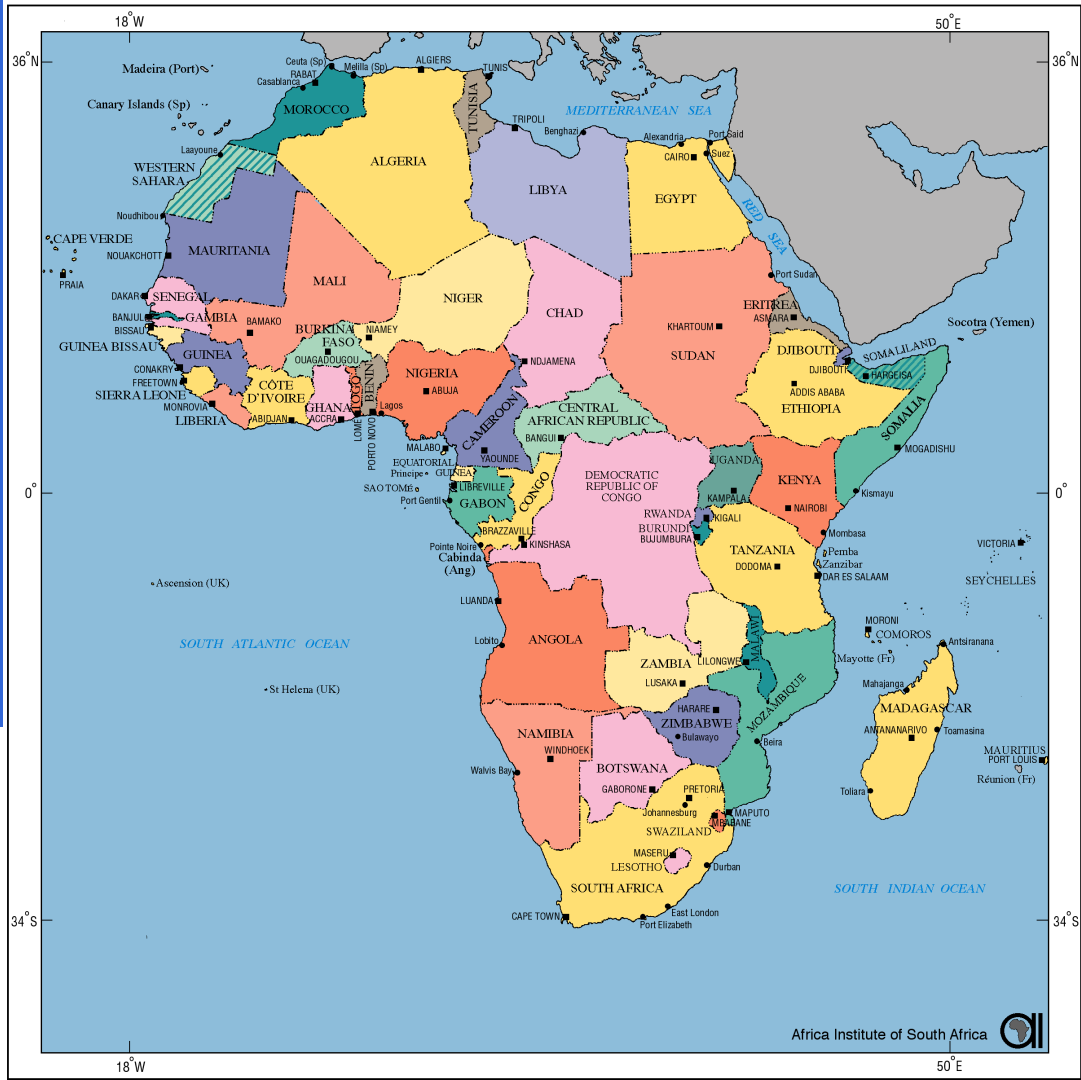
[Nairobi Centre for International Arbitration](#)

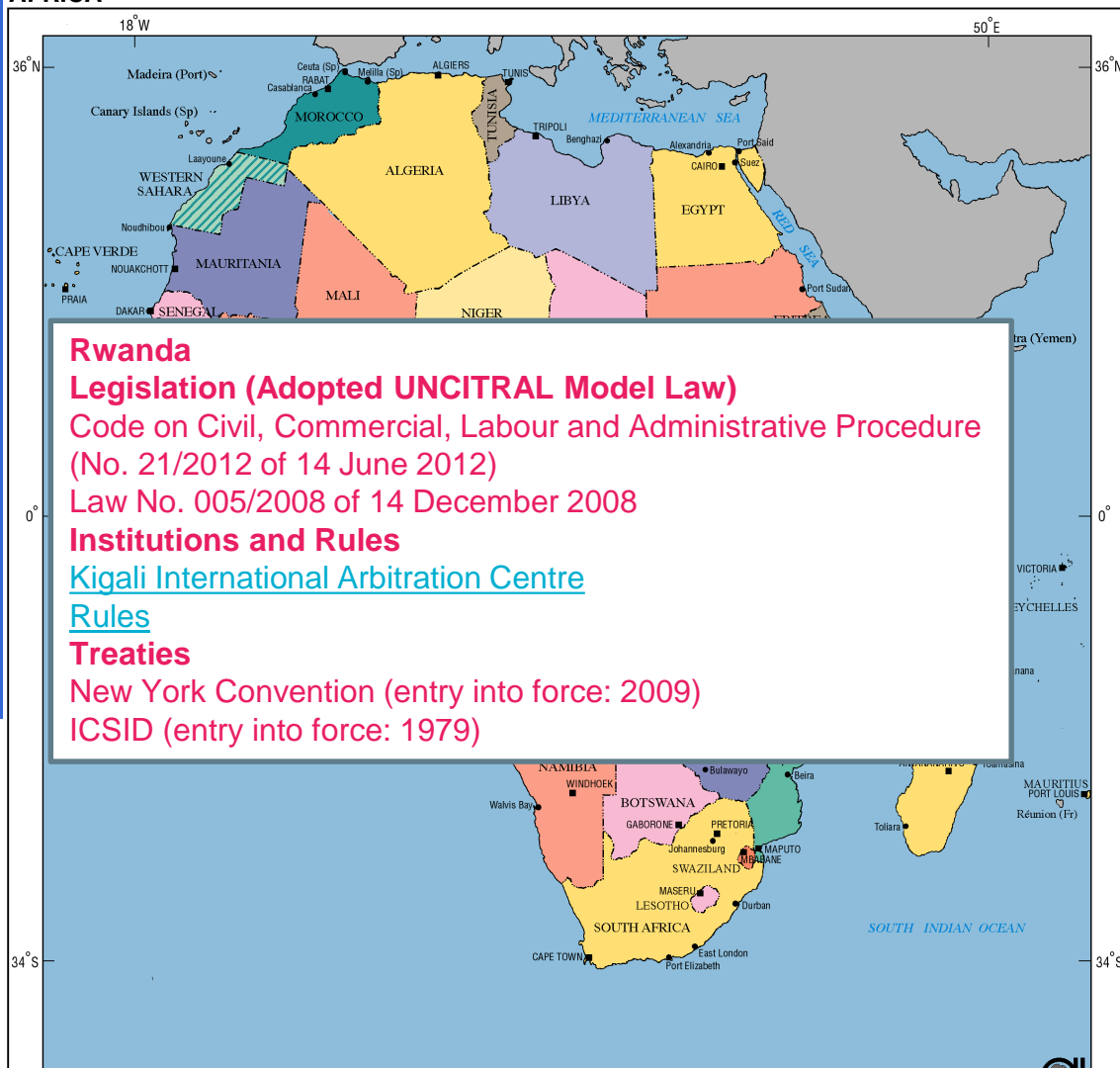
### Treaties

New York Convention (entry into force: 11 May 1989)

ICSID Convention (entry into force: 2 February 1967)







## **Rwanda**

### **Legislation (Adopted UNCITRAL Model Law)**

Code on Civil, Commercial, Labour and Administrative Procedure

(No. 21/2012 of 14 June 2012)

Law No. 005/2008 of 14 December 2008

### **Institutions and Rules**

[Kigali International Arbitration Centre](#)

### **Rules**

### **Treaties**

New York Convention (entry into force: 2009)

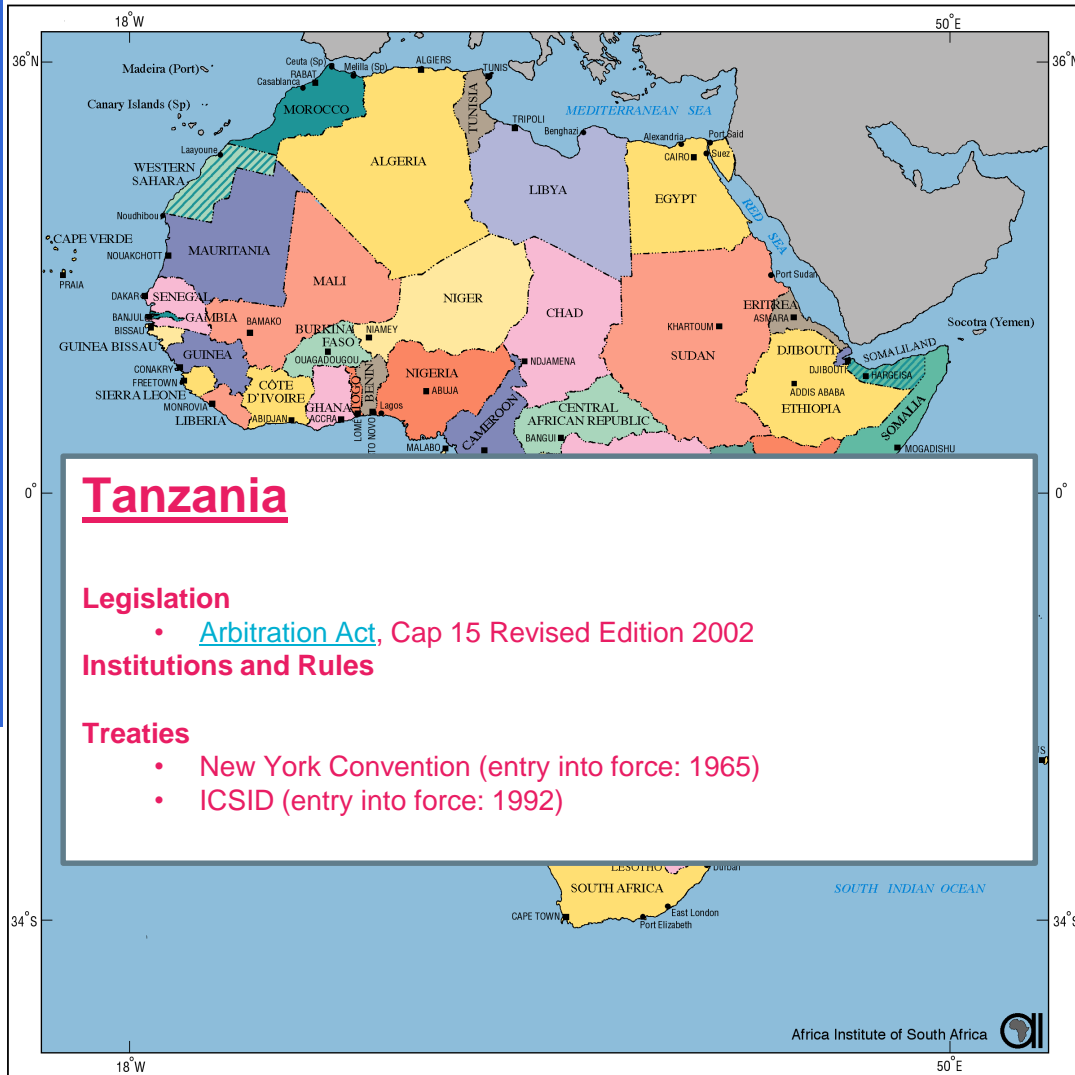
ICSID (entry into force: 1979)











# Tanzania

## Legislation

- [Arbitration Act](#), Cap 15 Revised Edition 2002

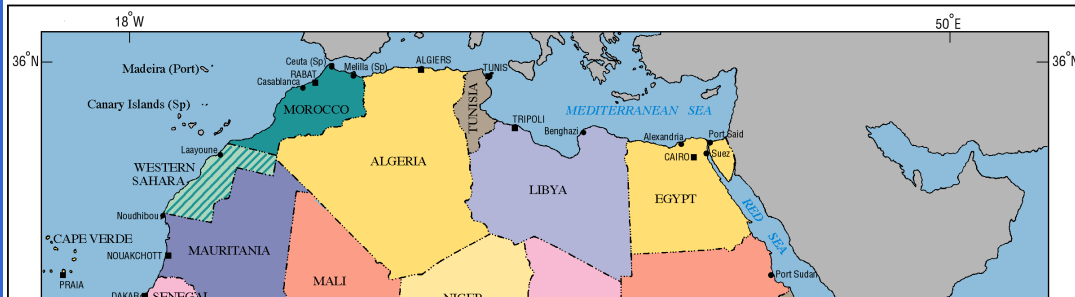
## Institutions and Rules

## Treaties

- New York Convention (entry into force: 1965)
- ICSID (entry into force: 1992)







## Uganda

### Legislation (Adopted UNCITRAL Model Law)

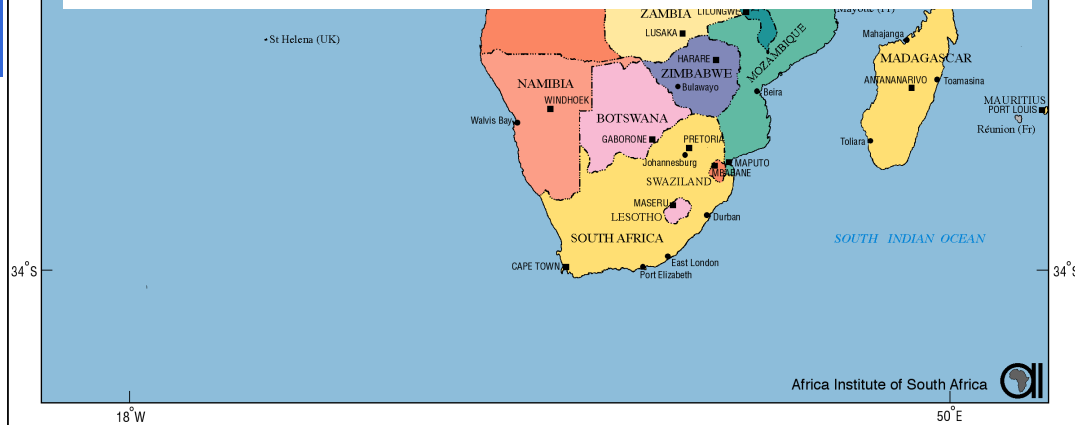
[Arbitration and Conciliation Act, Chapter 4](#), Laws of Uganda (2000), in effect from 19 May 2000, as amended by the [Arbitration and Conciliation \(Amendment\) Act, No. 3 of 2008](#) (ACA)

### Institutions and Rules

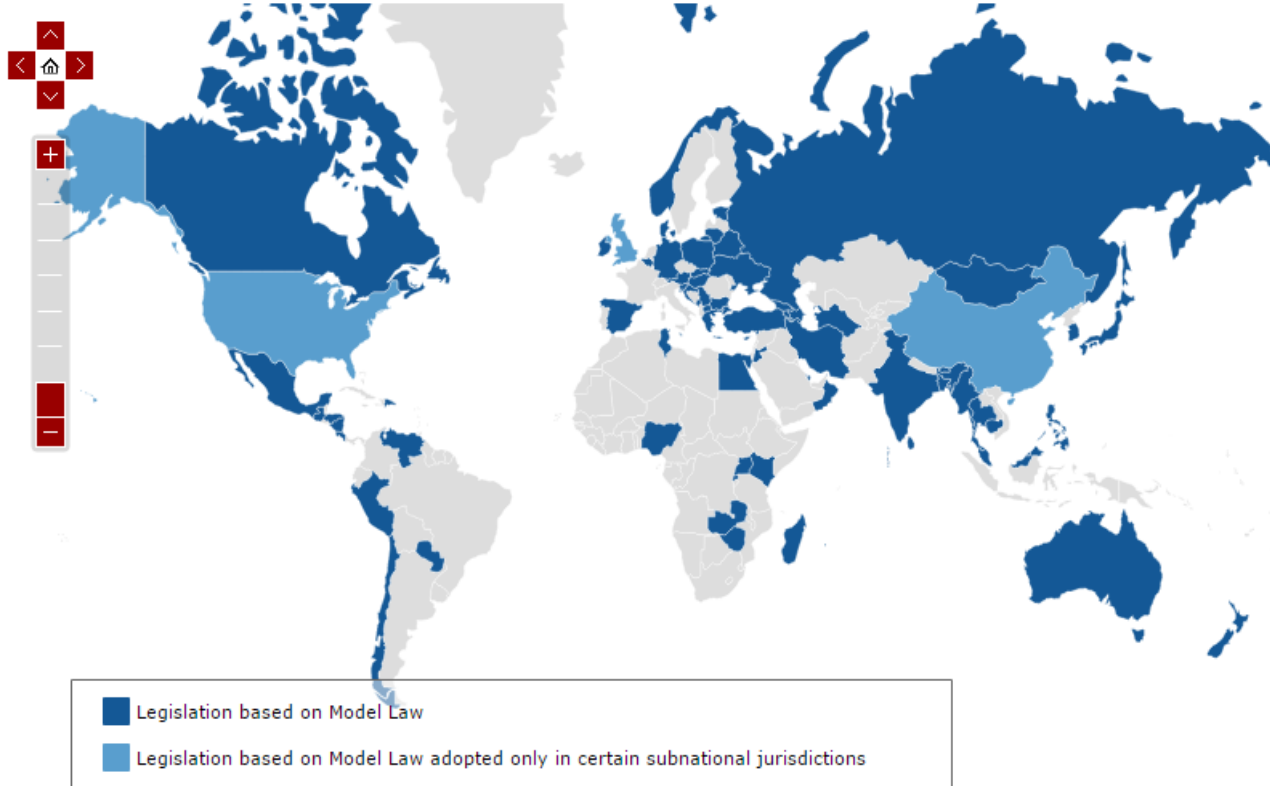
#### Treaties

New York Convention (entry into force: 2000)

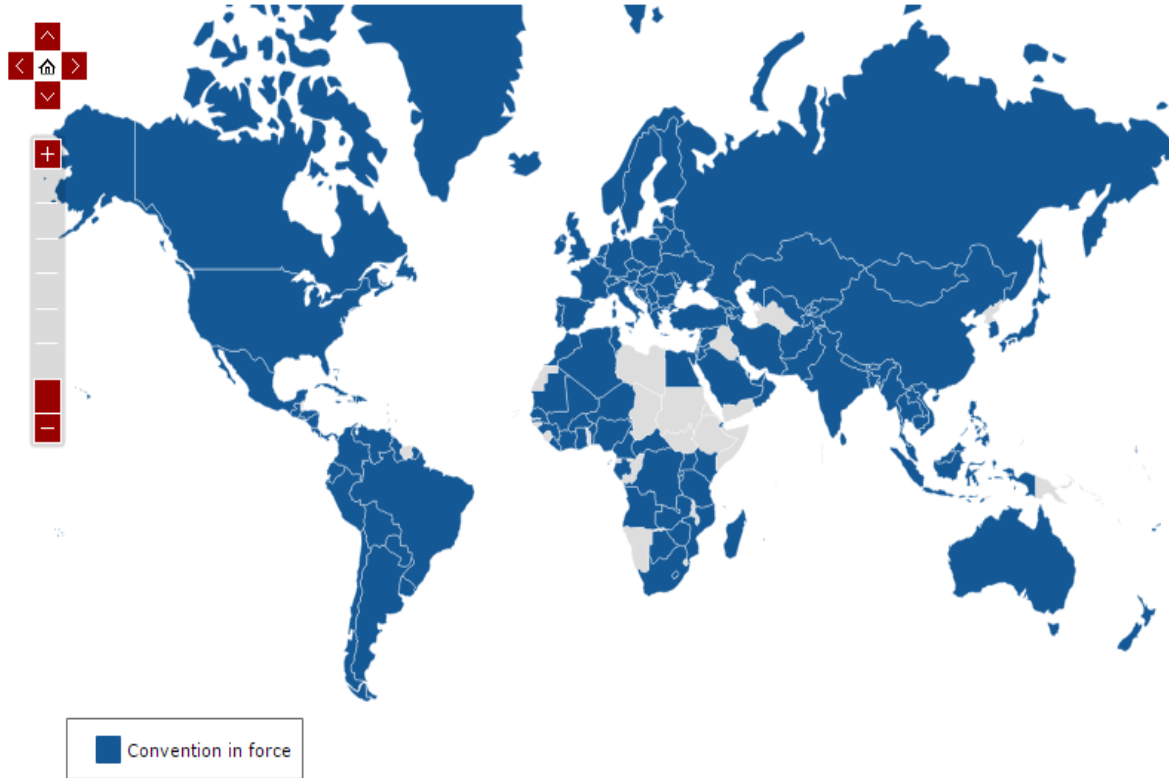
ICSID (entry into force: 1966)



# UNCITRAL Model Law on International Commercial Arbitration (1985)



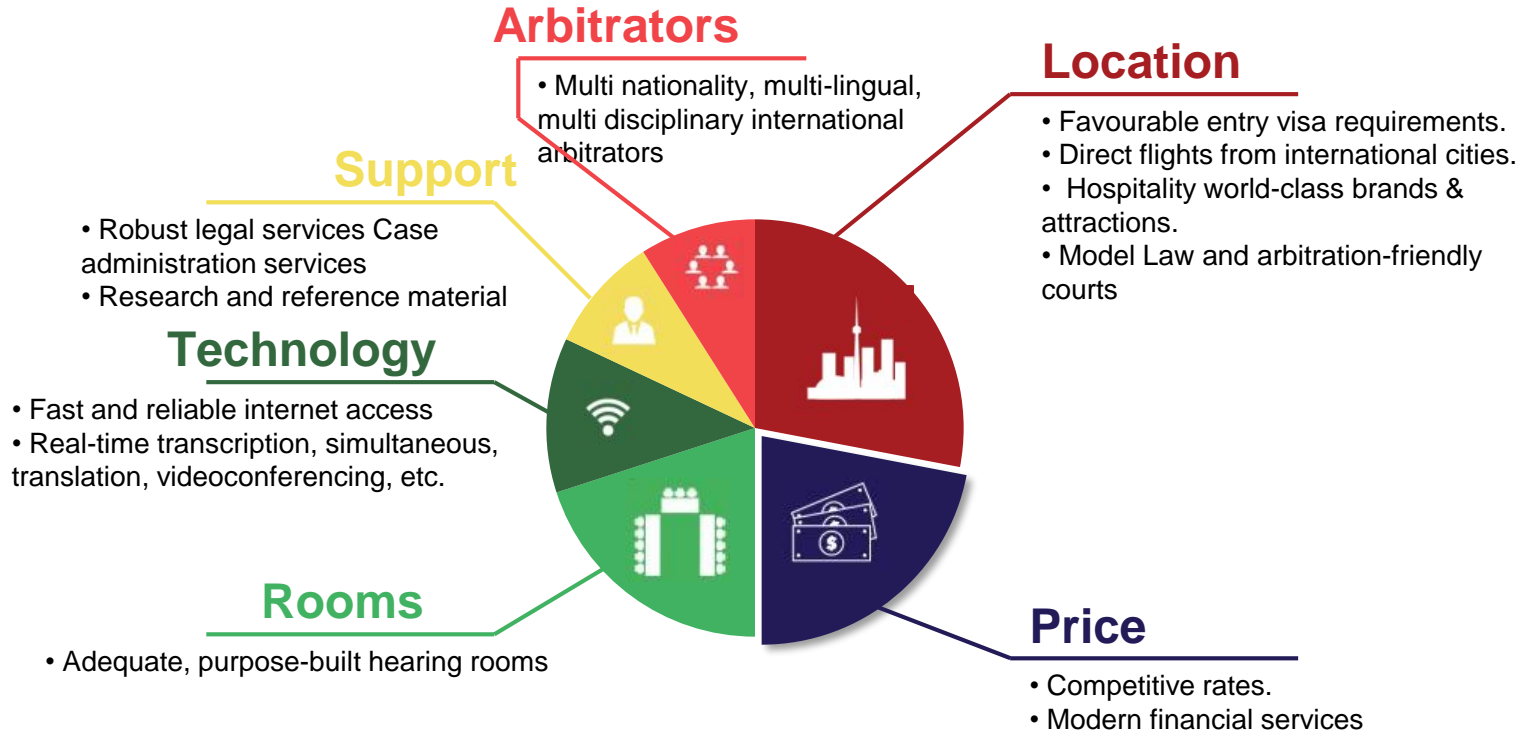
# Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958)







# Role of Arbitral Institutions





# Legal Services



Like A Boss

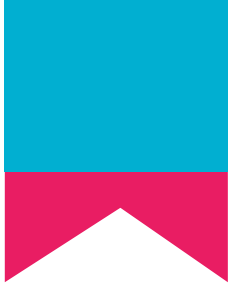
## Pre-Dispute Stage 1

.Nature of Contract

.Type of Dispute resolution Model

.Negotiation of Dispute Clause

*“You don’t get what you don’t ask for.”*  
*unknown*



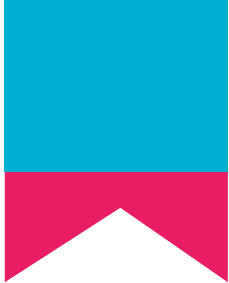
## Pre-arbitration Stage 2

**.Case Selection**

**.Selection of  
Counsel**

**.Selection of  
Arbitrator**

*“The key is not the  
will to win...  
everybody has that.  
It is the will to  
prepare to win that  
is important.”* **Bobby  
Knight**



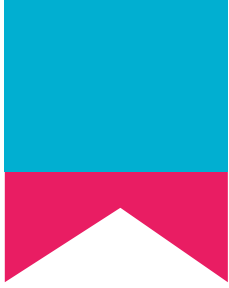
## Arbitration Stage 3

**Keeping the  
end in sight**

**Evidence &  
witnesses**

**Case cultural  
sensitivities**

**Keeping within  
the clause**



## Post - Arbitration Stage 4

**Receipt of Award**

**Where to enforce  
or challenge**

**Settling the  
process costs**

***Grounds for  
Appeal against  
Arbitral Award  
and Setting  
Aside of Award***



# **Nairobi Centre for Arbitration Rules, 2015**





# **NCIA ARBITRATION RULES, 2015**

Flexibility

Neutrality

Confidentiality

Predictability

# Contact

Nairobi Centre for International Arbitration -  
[www.ncia.or.ke](http://www.ncia.or.ke)

Tel: +0771 293055

Co-op Bank Hse, Nairobi

