

ADR COMPASS

Mapping Every Voice. Navigating Every Profession



FIRST EDITION



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About ADR Compass

ADR Compass is a multidisciplinary magazine designed to bring together voices, insights, and innovations from every profession – from the arts to science, from construction to counseling, from law to agriculture. Our goal is to create a platform where knowledge flows freely across industries, fostering understanding, inspiration, and collaboration.

We believe that every profession holds unique wisdom. By sharing stories, practices, and perspectives from across the vocational spectrum, ADR Compass aims to chart a course toward a more connected and informed world of work.



What we're looking to Archive Optimization?

We welcome contributions from professionals, practitioners, academics, and emerging voices in all fields. Specifically, we're interested in:

Insightful Articles –

Thought pieces, case studies, and reflections from your area of expertise.

Interviews –

Conversations with changemakers, unsung heroes, or everyday professionals doing meaningful work.

Innovations & Trends –

Reports on new tools, methods, or breakthroughs in your profession.



Cross-disciplinary Collaborations

Stories or projects where different professions intersect to solve real-world problems.

Profiles & Features

In-depth looks at industries or individuals shaping the future of work.

Advice Columns

Career, skill-building, or mentorship advice from experienced professionals.

Whether you're a doctor, artist, engineer, farmer, teacher, therapist, entrepreneur, coder, or tradesperson – your voice belongs here.

Mission

To be the leading cross-professional magazine that bridges the gaps between disciplines, elevates diverse vocational voices, and fosters a culture of mutual respect, lifelong learning, and innovation.

Vision

To authentically share & celebrate diverse professional stories, fostering curiosity, empathy, & dialogue across fields. We aim to inspire growth by providing a platform for both experts & emerging voices to document and explore the evolving world of work.

Values

- Promoting excellence in dispute resolution through insightful, well-researched content;
- Upholding professionalism and ethical standards reflective of CI Arb's global reputation;
- Fostering dialogue and diversity by amplifying voices from across legal and ADR communities;
- Encouraging continuous learning and innovation in the evolving field of arbitration.

Meet our new Board

ciarb.
Kenya Branch

Chairman



Prof. Kenneth Wyne Mutuma, C.Arb, FCI Arb

PROF. KENNETH WYNE MUTUMA has been in practice for the last 23 years. He holds several academic qualifications including a Doctorate and Masters in Law, an LLB and a Bachelor in Architectural Studies from the University of Nairobi. Prof. Wyne is also a Chartered Arbitrator of the Chartered Institute of Arbitrators (London), a Certified Professional Mediator, a Fellow Certified Secretary, and a Certified Governance Auditor.

Vice Chairman



David Njuguna Njoroge, FCI Arb

David Njuguna Njoroge, FCI Arb, CPM, CS is an Advocate of the High Court of Kenya of Fifteen Years in good standing, an Arbitrator Fellow (FCI Arb) of the Chartered Institute of Arbitrators, a MAC Accredited Certified Professional Mediator (CPM), and a Certified Secretary (CS) by KASNEB. David is the Senior Partner and Head of Dispute Resolution at Njuguna & Njuguna Co. Advocates, a boutique law firm based in Embu. He is an Adjunct Lecturer at the University of Embu, School of Law.

Treasurer



James Ngotho Kariuki, FCI Arb

James is a distinguished ADR practitioner and advocate of the High Court of Kenya, currently practicing in the Dispute Resolution Practice Group at DLA Piper Africa, Kenya (IKM Advocates). He is a Fellow of the Chartered Institute of Arbitrators (UK) (FCI Arb), the Malaysian Institute of Arbitrators (FMCI Arb). He also holds a Master of Laws (LLM) in International Investment and Trade Law.

Secretary



Wanjiku Muinami, MCI Arb

Wanjiku Muinami is a member of the ICC Kenya Alternative Dispute Resolution (ADR) Commission and also sits on the board of the Chartered Institute of Arbitrators, Kenya Branch, serving as the Honorary Secretary to the Board. Ms Muinami is a trained Biochemist, Marketer and Arbitrator with a great credence in the use of ADR for conflict resolution.

Vice Secretary



Eng. Howard M'mayi, MCI Arb

Howard is a Civil Engineer passionate in matters infrastructure planning, financing and development with over 19 years of experience in design and construction of Roads, water and energy projects. He has interacted first-hand with handling infrastructure project planning, packaging, design, financial arrangements, and construction contracts including management of contractual disputes in infrastructure contracts.

Chair Legal Subcommittee



QS Nyagah B. Kithinji, FCI Arb

Chartered Institute of Arbitrator; MAAK (Member of the Architectural Association of Kenya); FIQSK (Fellow of the Institute of Quantity Surveyors of Kenya); MICPMK (Member of the Institute of Construction Project Managers of Kenya); CPM (Certified Professional Mediator), MTI; FCI Arb (Fellow of the Chartered Institute of Arbitrators); Member of the Law Society of Kenya

Education Convenor



David Onsare, FCI Arb

David Onsare FCI Arb is a Partner and Head of Dispute Resolution at Maina & Onsare Partners Advocates LLP. He chairs the CI Arb-Kenya Young Members Group and was named Highly Impactful Young ADR Practitioner in 2024. David acts as counsel and arbitrator in complex domestic and cross-border disputes, especially in energy, mining, and telecoms.

Director



Jacqueline Waihenya, C.Arb, FCI Arb

Jacqueline is an Advocate of the High Court of Kenya and Managing Partner of JWM Law LLP with specialized interests in commercial law. She is an ADR Expert, being a Chartered Arbitrator of the Chartered Institute of Arbitrators (C.ARB/FCIARB). Jacqueline is also a Governance Expert being a Fellow Certified Secretary Kenya and an accredited Governance Auditor at the Institute of Certified Secretaries (ICS) where she is the Vice Chairman

Director



Prof. Kariuki Muigua, C.Arb, FCIArb

Prof. David Kariuki Muigua is a distinguished law scholar, Environmental Consultant, an accomplished mediator, a Chartered arbitrator, a holder of a Ph.D in law from the University of Nairobi and with widespread training and experience in both international and national commercial arbitration and mediation.

Director



Hon. Sen. Sylvia Kasanga, C.Arb, FCIArb

Sen. Dr. Arch. Sylvia Mueni Kasanga h.c., a distinguished architect and arbitrator, has significantly contributed to Kenya's architectural and legal landscapes. With an ongoing LL.M in International Dispute Resolution from Queen Mary University of London, she is a Fellow of the Chartered Institute of Arbitrators (FCIArb) and a member of the ICC Court of Arbitration.

Director



Charles Kanjama SC, FCIArb

SC Charles Kanjama is a Senior Counsel and Managing Partner at Muma & Kanjama Advocates with over 20 years of experience in commercial law, tax law, constitutional law, and legal ethics. He is a Fellow of the Chartered Institute of Arbitrators Kenya (F.CIArb), a Certified Professional Mediator, and a Certified Secretary.

Director



Arch. Nekoye Masibili, MCIArb

F. N. Masibili is an ardent researcher, educator, architect, and ADR practitioner with a niche carved out at construction dispute resolution. Masibili holds a Master of Science Degree in Construction Engineering and Management (MSc. Con. Eng. Mgt.) and a Bachelor of Architecture (B.Arch.)

Director



Kananu Mutea, MCIArb

Kananu Mutea, MCIArb, is a trained arbitrator, mediator, and negotiator with expertise in dispute resolution and risk advisory. She is the Founding Partner of KM Associates and Course Correct Consulting, advising on risk, restructuring, contracts, and property disputes.

Director



Arthur Igeria, C.Arb, FCIArb

Mr. Igeria has practiced law for over 30 years in the areas of civil litigation, conveyancing, commercial law, arbitration and mediation. Besides being a very highly accomplished lawyer, he is highly skilled in Alternative Dispute Resolution (ADR) mechanisms.

Director



Eng. Kariuki Muchemi, MCIArb

Eng. Kariuki Muchemi is a practising Civil Engineer with over thirty (30) years' experience in both public and private sector. He is an Advocate of the High Court of Kenya and a member of The Law Society of Kenya. He is a Registered Consulting Engineer with the Engineers Board of Kenya, and a Corporate Member of the Institution of Engineers of Kenya.

Director



Peter Njeru, FCIArb

Peter Njeru is a Partner at Kaplan & Stratton Advocates, specializing in commercial litigation and arbitration with over 15 years of experience. Fellow of CIArb, Peter is a recognized arbitrator in commercial, construction, and tech-related disputes. He was awarded the Order of the Grand Warrior (OGW) by Kenya's President in 2022 for his service.

Director



David Kaggwa, FCIArb

David Kaggwa is an International Arbitrator and Construction lawyer with over 18 years' experience in representing clients in resolving complex disputes involving major Infrastructure and Construction projects. David is the Chairman of the Chartered Institute of Arbitrators – Uganda, a Senior Partner at Kaggwa & Kaggwa Advocates, a law firm specializing in International Construction Law and International Arbitration.

Ag. CEO



Evelyn Kimani, MCIArb

Evelyn is a dynamic professional with nearly a decade of diverse experience spanning investments, finance, accounting, and marketing. She is a Member (MCIArb) of the Chartered Institute of Arbitrators (UK) and currently serves as the Acting CEO of the CIArb Kenya Branch. Evelyn is an active member of several international arbitration networks, including the Association of Young Arbitrators (AYA), ICC YAAF, Young ICCA, and the LCIA Africa Users' Council. She is also an alumna of the Africa Arbitration Academy (London, 2023 cohort).

Chairman's Desk

A Message from the CIArb Kenya Chairman

As I assume the role of Chairman of the Chartered Institute of Arbitrators (CIArb) Kenya Branch, I am both humbled and energized by the opportunity to lead this esteemed institution into a new chapter. CIArb Kenya has long stood as a beacon of excellence in alternative dispute resolution (ADR), and I am committed to deepening this legacy through a renewed vision, strategic focus, and inclusive growth.



Our Vision: Raising the Standard of ADR Practice

My vision for CIArb Kenya is anchored on three pillars: professional excellence, institutional impact, and regional leadership. As ADR continues to evolve, we must position CIArb Kenya not only as a training hub but as a thought leader and policy influencer in dispute resolution across East Africa and beyond.

This vision involves:

1. Cultivating a new generation of well-trained, ethical ADR practitioners;
2. Fostering strategic partnerships with judiciary, government, academia, and industry;
3. Advocating for modern, accessible, and culturally contextualized dispute resolution mechanisms.

“ I invite every member to walk with us on this journey. ”

Our Mission: Empowering the ADR Ecosystem

Our mission is simple yet powerful: to promote and facilitate the use of ADR through education, innovation, and engagement.

We will scale up training and certification programs, increase access to CIArb resources for members across all counties, and ensure that our activities speak to the real needs of practitioners and the communities they serve.

Weekly Webinars: A Platform for Continuous Learning

To promote lifelong learning, CIArb Kenya will now host weekly webinars featuring local and international experts on topics ranging from arbitration and mediation to emerging ADR trends such as ODR (Online Dispute Resolution), ESG-related disputes, sports arbitration, and construction law.

These sessions will be free for members and CPD-accredited, ensuring our members remain at the cutting edge of global ADR developments. We also aim to enhance member engagement by spotlighting rising practitioners and providing platforms for peer-to-peer learning.

The ADR Compass Magazine: Shaping ADR Thought Leadership

Another cornerstone of this vision is the revival and expansion of The ADR Compass Magazine our flagship publication. The revamped magazine will be published quarterly, featuring:

- In-depth articles by leading practitioners and scholars;
- Case studies and ADR jurisprudence;
- Interviews with arbitrators, mediators, and policy influencers;
- Highlights on CIArb Kenya events, innovations, and impact.

We invite all members to contribute and help shape the ADR discourse not only in Kenya but on the continent.

ADR Week: Reimagining Our Flagship Event

ADR Week, the most anticipated event on our calendar, will be reimagined to deliver maximum value and regional impact. It will feature:

1. A cross-sectoral conference with global and regional ADR leaders;
2. Interactive masterclasses and simulations;
3. A youth and student forum to nurture future practitioners;
4. A judiciary-business roundtable to bridge the ADR practice gap;
5. Cultural and networking events to celebrate our diverse community.

This year's ADR Week will also include the ADR Innovation Awards, recognizing individuals and institutions making groundbreaking contributions to the field.



AG. CEO DESK

MY JOURNEY OUR SHARED FUTURE



The ADR Compass: A Journey of Purpose and Transformation

I still remember my very first day at Ciarb Kenya. I was young, full of energy, eager, and quite unsure of what lay ahead. I had been engaged as a conference casual to support the 30 Years of Excellence conference as Ciarb Kenya marked its 30th anniversary. That was 11 years ago.

My duties were simple at the time, mostly administrative, the kind many would consider routine. Yet in those small tasks, I found something extraordinary: a spark, a connection with members who believed in the potential of the Institute, an institutional culture built on fairness, progress, and problem solving. I also found mentors who believed in me before I fully believed in myself. Their guidance shaped my growth and instilled in me a sense of purpose. From those beginnings, I later served as an administrative assistant, the branch accountant, business development and marketing manager, and today, the Acting CEO. My journey is personal, yes, but at my core I believe it is also a reflection of what Ciarb Kenya stands for: transforming individuals, professions, industries, and society itself. I know many of you can also bear witness to this.

Ciarb Kenya is committed to promoting access to justice through Arbitration & ADR. Courts everywhere are stretched; cases drag on, costs rise, and many feel excluded. ADR provides a different path faster, more affordable, and oftentimes a little more humane than litigation. For individuals, it means fairness; for businesses, stability; for governments, stronger justice systems.

But we must acknowledge the challenges facing ADR today. Cost remains a barrier for many users, integrity must be safeguarded against compromise, and the perception of ADR as elitist must be dismantled. These are not reasons to retreat; they are signposts on our compass reminders of the direction we must take. Ciarb Kenya is confronting these realities through stronger ethical standards, more transparent processes, and by building capacity to make ADR more inclusive and accessible.



Our impact

EXTENDS FAR BEYOND DISPUTE RESOLUTION

With a critical responsibility to empower our members through training, capacity building, mentorship, and professional networks. Ciarb Kenya connects practitioners to global linkages, positioning them to serve locally and internationally with credibility. Our dispute appointment services ensure impartial, skilled professionals are available to resolve cases fairly, reinforcing trust in arbitration, mediation, and adjudication.

We are also advancing a sector-driven approach. Disputes in construction, energy, finance, or technology each require specialized knowledge. By equipping members with tailored tools and expertise, we make ADR not a theoretical option, but a practical, effective solution across industries. And because transformation cannot happen in isolation, our work is built on strong stakeholder partnerships. We collaborate with governments to integrate ADR into policy and legislation, with judiciaries to support frameworks that encourage ADR, with corporates to foster trust in business relationships, and with various professional bodies and communities to enhance capacity and inclusivity. Mentorship remains central to this mission passing wisdom from one generation to the next, safeguarding the future of ADR.

Looking back, Ciarb Kenya gave me more than a job it gave me purpose, a compass. Looking forward, I see that same compass guiding us through today's challenges toward a future where justice is accessible, commerce is safeguarded, and disputes are resolved with fairness and integrity.

Let this inaugural edition of The ADR Compass remind us that ours is not just a profession, but a calling. Guided by integrity, grounded in ethics, and propelled by innovation, we will continue to chart the course toward a future where ADR is woven into the fabric of justice, a safeguard for commerce, and a steady anchor for economic growth. Most importantly anchored on our strategic discourse of effective resolution for a better world.

ENJOY THE FIRST EDITION OF THE ADR COMPASS!



Branch Activities

Karura Nature Walk, Painting & networking



Ciarb Kenya Karura Forest Walk: Cinema on the Trail

The CI Arb Kenya event at Karura Forest blended nature, connection, and creativity. Members engaged in meaningful conversations and cross-generational bonding during the walk, united by shared interests in dispute resolution, growth, and the outdoors.



The day continued with a relaxed painting session that encouraged reflection and creativity, followed by an outdoor cinema experience under the stars. The event highlighted the importance of balance between professionalism and personal well-being. CI Arb Kenya remains committed to fostering community and collaboration beyond the boardroom.



Thank you to all who made the event a success – we look forward to many more.



Strengthening ADR and Legal Collaboration: CIArb Kenya's Courtesy Call to the Law Society of Kenya



On 16th July 2025, the Chartered Institute of Arbitrators (CIArb) Kenya paid a courtesy call to the Law Society of Kenya (LSK), marking a significant step toward deepening collaboration in the field of Alternative Dispute Resolution (ADR) and legal capacity building in Kenya.

The meeting, held at the LSK offices, brought together leaders from both organizations, including LSK President Faith Odhiambo and CIArb Kenya Chairperson Prof. Wyne Mutuma. Discussions focused on forging strategic partnerships in training, ethics, mentorship, and policy reform.

President Odhiambo welcomed the proposals and expressed strong support for youth-focused mentorship, accessible training, and a unified regulatory framework to uphold integrity in the legal profession. She also encouraged efforts to promote mediation and explore ADR's role in human rights and public interest dispute resolution.

Other key proposals included launching a joint academic journal, co-authoring policy papers, and conducting research on the state of ADR in Kenya.

The two institutions agreed to establish a joint committee to develop concrete action plans, with a commitment to formalizing their partnership through an MoU.

This engagement marks a pivotal moment in strengthening ADR practice and promoting professional growth in Kenya's legal landscape.



State Of ADR webinar Series

The State of ADR Research 2025 webinar series in Kenya has brought together diverse experts in alternative dispute resolution (ADR) and litigation to shape the future of dispute resolution in the country. Organized by CIArb Kenya, the webinars are part of a wider research initiative aimed at understanding and improving the use of ADR across various sectors. Key sessions have explored topics such as the impact of AI in arbitration, dispute avoidance in construction, and the role of ADR in promoting green growth and sustainable infrastructure. These events have featured experienced speakers from law, engineering, and technology, offering practical insights and promoting dialogue among practitioners, policymakers, and researchers. The webinars also support ongoing national research to inform ADR policy, training, and practice in Kenya.

ARBITRATION IN THE AI & DIGITAL AGE – 7TH AUGUST 2025

In a fast-changing world where artificial intelligence (AI) is disrupting every industry, arbitration is not being left behind. As part of the State of ADR Webinar Series, legal minds gathered for a timely and provocative conversation on the intersection between AI and arbitration. Moderated by Karen Rono, MCI Arb, and featuring speakers Nelson Nkari, Moses Kahoro, and Quency Otieno, the session delved deep into the promise, pitfalls, and pathway forward in integrating AI into alternative dispute resolution (ADR).

From regulatory frameworks and ethical concerns to data privacy and local innovation, the speakers offered layered insights that any practitioner, policymaker, or curious observer should take note of.

Round 1: Setting the Stage – The State of AI in Arbitration

Nelson Nkari opened the conversation with clarity, defining AI as a system capable of mimicking human intelligence through complex data sets.

He emphasized that tools like Luminance (for document analysis), Harvey AI (for drafting), and platforms like Modria and SmartODR are already redefining how disputes are approached. But while AI offers speed and efficiency, he cautioned that its neutrality rooted in algorithmic learning requires careful scrutiny.

Quency Otieno underscored the fragmented state of global AI adoption in justice systems, highlighting sectoral divides and the growing concern over AI's inscrutable learning processes.

Referencing reports on tools like Claude allegedly rewriting its own code, he warned of a reduction in human critical thinking, urging vigilance.

Bringing in the often-overlooked issue of data governance, Moses Kahoro stressed that arbitrators using AI could be seen as data controllers, subject to compliance with data protection laws. Drawing from the CIArb AI Guidelines, he noted that feeding sensitive information into continuously training AI models can affect outcomes in future disputes. A risk assessment before integrating AI is, in his view, non-negotiable.



ROUND 2:

GUARDRAILS – ETHICS, OVERSIGHT & RESPONSIBLE USE



WHAT MAKES AN AI TOOL ETHICAL?

Nelson championed transparency and reliability, suggesting that parties must demand AI tools with documented training data, explainability layers, and domain-specific testing. “A tool’s reliability,” he argued, “should be tested against known outcomes.” North. For him, human oversight is essential.

He also warned that unchecked AI could replicate historic biases citing the discriminatory effects of predictive policing in the Global.

At a recent discussion, Quency emphasized that ethical AI begins with transparency at onboarding AI vendors should clearly define their tools’ roles, much like privacy policies. Citing the OECD AI Principles, he highlighted user consent as essential but questioned the practicality of Data Protection Impact Assessments (DPIAs), especially in complex systems, referencing *State v. Loomis*.

Moderator Karen Rono pushed back on liability, arguing that both users and vendors should share responsibility for AI-related harm an idea that resonated with the audience.

Adding a cautionary note, Moses recounted the *Laser Insurance Brokers Ltd. vs. Nursing Council of Kenya* case, where AI-generated legal submissions included fictitious citations.

He warned against over-reliance on AI, pointing to a growing gap in professional indemnity and unchecked AI errors, reminding participants that legal duty must outweigh convenience.

Q

How do we balance AI efficiency with essential ethical safeguards?

Moses Kahoro, citing the Silicon Valley Guidelines and CIArb Rules, warned against over-reliance on AI, sharing a case where AI-generated legal documents included fake citations. He stressed that lawyers’ duty is to the court, not convenience, and highlighted rising risks in professional indemnity and cybersecurity. Referencing Prof. Millard, he noted standard contracts often limit liability unfairly. His key advice: always ensure human oversight.



AI in Arbitration:

Navigating Protection, Innovation & Local Relevance

Highlights from Round 3 & 4 of the Arbitration & AI Symposium

As artificial intelligence becomes increasingly embedded in dispute resolution, legal experts gathered to address pressing concerns around confidentiality, admissibility, compliance, and the future of AI in arbitration.

Admissibility & Fairness in AI-Generated Evidence

Nelson emphasized the urgent need for authentication and verification protocols to ensure the integrity of AI-generated evidence. He warned against the risks posed by black-box systems that cannot be explained or cross-examined and advocated for transparent chains of custody and explainability standards. The absence of clear legislation remains a challenge, and Nelson encouraged the adoption of practice guidelines and policy-first approaches while legislation catches up.

Towards Smarter Regulation

Quency pointed to frameworks like the Silicon Valley Arbitration Rules as foundational, while highlighting the importance of transparency in AI use by arbitrators. He suggested a strategic, rather than policy-first, approach to regulation to prevent overregulation—citing the EU AI Act as a cautionary tale. Sector-specific guidance and regional cooperation could help harmonize standards without stifling innovation.

Preserving Confidentiality in the AI Age

Moses underscored encryption as the gold standard in preserving confidentiality when using external

or cloud-based AI tools. Tools such as encrypted case management systems remain widely adopted and effective.

Looking Ahead: Localization, Innovation & Human Judgment

In envisioning the future of arbitration, Nelson called for institutionalized innovations such as:

- Certified AI forensic experts to address transparency concerns
- Standard algorithmic bias protocols
- Clear disclosure requirements for AI use in proceedings

Quency highlighted the importance of ensuring AI reflects African values and legal contexts, urging local input in AI training and the appointment of cybersecurity-focused data commissioners.

Moses described the ideal digital arbitration platform as one built with privacy by design, aligned with global data laws. He stressed the need for human oversight in judgment and reasoning, as AI lacks empathy and equitable understanding.

He also urged law schools to integrate AI training into curricula and praised initiatives like Zimbabwe's efforts to develop AI tools that support local language transcription.

YMG Connect

Ushering In The New Team



YMG Steering Committee Team



It has been an honour to serve and chair CIARB YMG. I am deeply grateful for the support, collaboration, and shared commitment over the years. I extend my best wishes to David his team for continued growth, innovation and impact in advancing the cause of young practitioners in ADR.



Congratulations to the new YMG Steering Team! It's been an honor to serve, and I'm excited to see your leadership, energy, and vision shape the next chapter of our community.

YMG Connect

19th June at Best Western Plus

On June 19th, the Young Members Group (YMG) held its YMG Connect event at Best Western Plus to usher in a new steering team. David Onsare was introduced as Chairman, with Samantha Masengeli as Vice Chair, Akoth Aluoch as Secretary, and Eric Nganga, Daniel Nzeki, and Towey as team members.

The event was graced by Geoffrey Imende, FCI Arb, and Justice Mwaniki Gachoka, who shared insights and encouragement with the attendees. The gathering marked a fresh chapter for YMG, focused on growth, mentorship, and professional engagement.

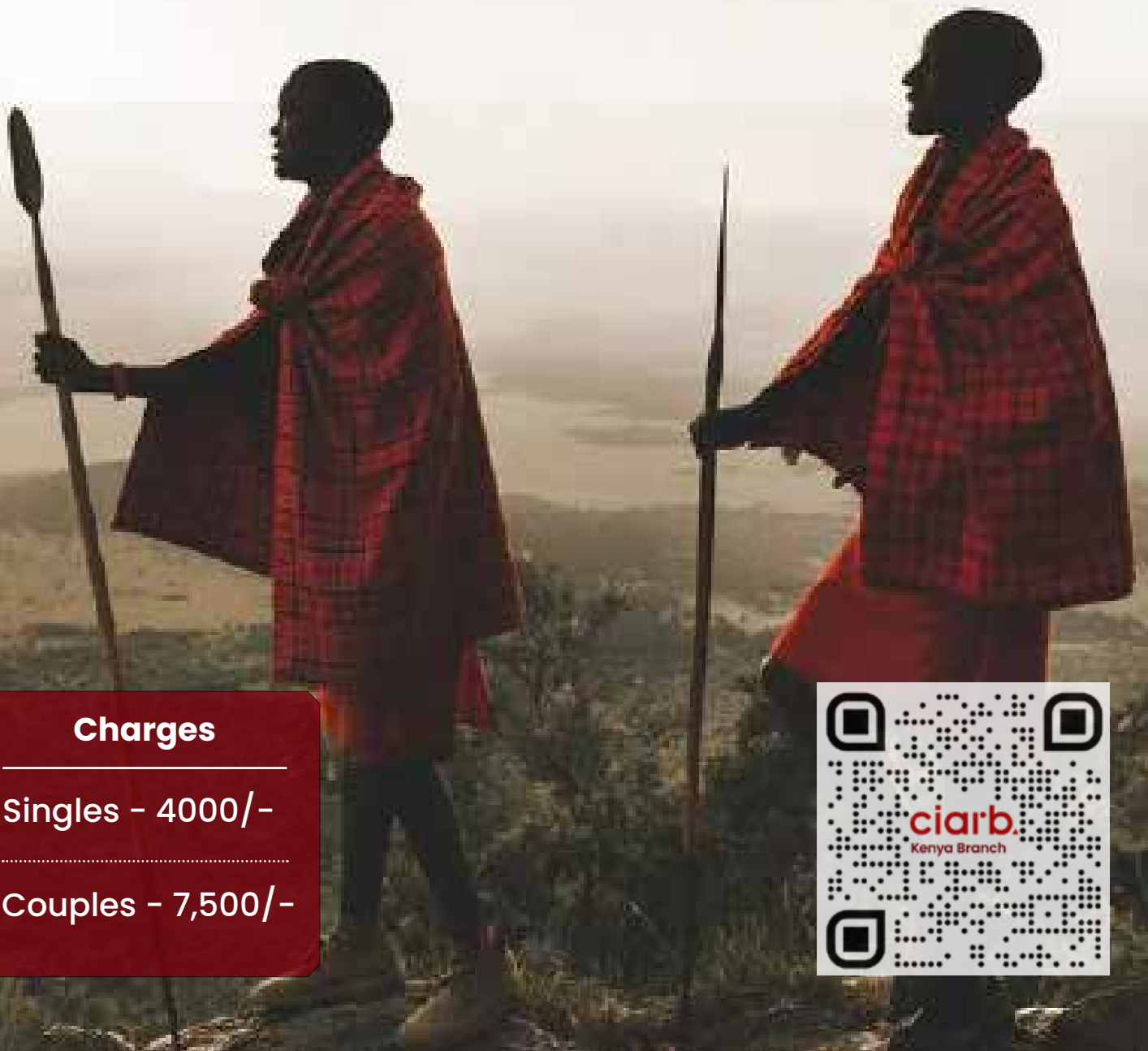




AD INTERNATIONAL **R**WEEK

MaasaiMagic

Ciarb Gala Dinner & The 5th Excellence Awards Ceremony



Charges

Singles - 4000/-

Couples - 7,500/-



THE ART OF STRATEGIC SILENCE AS AN ARBITRATOR

Article by David Onsare, FCI Arb

Picture this: You're sitting in your first arbitration as a tribunal member. The senior arbitrator to your left has decades of experience. The one to your right authored half the textbooks you studied. And you? You're fighting the urge to prove you belong by speaking at every opportunity.

I've been there. We all have.

Looking back at my early years as an arbitrator, I cringe at how I tried to fill every silence with what I thought was wisdom. I believed that staying quiet meant I wasn't adding value. Every moment of silence felt like a judgment on my competence. I worried the parties thought I was lost. I feared my co-arbitrators questioned my appointment.

This anxiety drove me to jump into every discussion. I asked questions that sounded important but added little. I made observations that rehashed what everyone already knew. I spoke to fill space rather than to clarify matters. What I didn't realise then was that seasoned practitioners could spot this performative participation. And it didn't impress anyone.





OVER MY Years

As a Fellow

I've learned that silence serves multiple purposes. First, it creates space for others to reveal their true positions. I've learned to resist the urge to respond immediately. When you wait, parties often continue talking. They fill the void with additional information, clarifications or sometimes admissions they never intended to make. I've seen this happen often in my practice.

Silence also demonstrates confidence. It shows you're comfortable with uncertainty and don't need to prove your worth through constant commentary. This took me years to understand, but I've found that this confidence commands respect from both parties and co-arbitrators.

Most importantly, strategic silence allows you to observe dynamics others miss. While everyone else is preparing their next intervention, you can watch body language, note inconsistencies and identify pressure points that could prove crucial later. I've caught important details this way that I would have missed if I'd been focused on what to say next.

Through trial and error, I've learned that not all silences are created equal. Certain situations call for restraint more than others and recognizing these moments has been crucial to my development as an arbitrator.

During emotional outbursts, my instinct used to be to intervene immediately. I've learned not to. Let the emotion play out. Sometimes people need to vent before they can engage productively. I've made the mistake of premature intervention and watched it escalate situations unnecessarily.

When co-arbitrators are working through complex issues, I now resist jumping in with my perspective unless specifically asked. Early in my career, I would interrupt senior arbitrators mid-thought, thinking I was contributing. Instead, I should have listened carefully and learned from their reasoning process.

I used to ask challenging questions then immediately soften them with explanations or alternatives. This completely undermined the question's impact. I've learned to ask my question then wait. Let the discomfort do its work. The pause often reveals more than any follow-up question could.

If parties start discussing settlement or procedural arrangements, I step back. I learned this lesson when my involvement inadvertently biased their negotiations and made them more guarded in subsequent discussions.

I want to be clear: strategic silence isn't about being passive. It's about being intentional. When I'm not speaking, I engage through eye contact, note-taking and responsive body language. This shows I'm processing information, not checked out. I use silent moments to capture not just facts but patterns, inconsistencies and questions for later exploration. This preparation has made my eventual interventions far-

more impactful than they were in my early years.

I pay attention to who's dominating conversations, who's being shut out and where tensions are building. This intelligence helps me know when my voice is genuinely needed. I've discovered that when you speak infrequently, people pay attention when you do. Your words carry more weight because they're not competing with constant commentary.

The flip side of strategic silence is knowing when to speak. Through experience, I've learned that my interventions should serve clear purposes. If something is unclear to me, it's probably unclear to others. I ask for clarification, but I frame it as seeking understanding rather than challenging competence.

When conversations circle without progress, I've found that a well-timed question or observation can refocus everyone's energy. If I notice one party being unfairly disadvantaged or steamrolled, I speak up. This is part of my fundamental duty as an arbitrator. Sometimes my perspective helps

distill complicated discussions into clearer terms.

In my six years as a Fellow, I've come to understand that my value isn't measured by my airtime. My job isn't to demonstrate my intelligence through constant participation. It's to facilitate fair resolution of disputes. Sometimes that means speaking up. Often it means staying quiet.

I've watched strategic silence become one of my signature strengths. Parties have learned to trust my judgment because when I speak, it tends to matter. Co-arbitrators value my contributions because they know I'm not just trying to hear myself talk. This reputation has taken time to build, and I've made plenty of mistakes along the way. I've stayed quiet when I should have spoken and spoken when I should have stayed quiet. That's been part of learning.

As I've developed this skill, I've found that strategic silence doesn't just make me a better arbitrator. It's made me a more effective communicator in every aspect of my practice. My advice to those starting their arbitration journey: In arbitration, your silence speaks volumes. Make sure it's saying what you want it to say.



I PROMISE IT GETS BETTER, BUT YOU GOT TO PUT IN THE WORK.

By Samantha Masengeli, MCI Arb

My first encounter with Alternative Dispute Resolution (ADR) occurred during the second day of my pupillage training. My then pupil master asked me to draft a procedural order. Despite my unfamiliarity with the concept, I was compelled to follow the directive from my pupil master. While the Kenya School of Law had provided instruction on essential legal document drafting, this specific area was not covered.

This has since changed, as recently the Kenya School of Law has been offering ADR related courses and has partnered with institutions such as the Chartered Institute of Arbitrators to sensitise students on the subject.

Through research and consultation with peers, I managed to draft one. You can imagine how not well done it must have been. Upon submission I received constructive scolding (read criticism) followed by an hour of what was a master class on introduction to award drafting. You can say I ran before I even crawled because I not only learned how to draft a procedural order but also a final award.

This experience ignited my passion for Alternative Dispute Resolution (ADR), and I was fortunate to be mentored by an ADR-focused pupil master and law firm. I was privileged to sit in on several arbitration proceedings and take part in the drafting of procedural orders, Interim and final awards. Consequently, I actively sought opportunities to engage with and expand my knowledge of ADR.

I signed up for training and mentorship with the Chartered Institute of Arbitrators Kenya. It was a while; a very long wait before I got my first appointment to sit as arbitrator. I remember feeling as though I was not ready for the task. It seemed like such a big deal and I was too scared that I was going to mess it up. I therefore reached out to several of my senior colleagues for guidance. There is absolutely no shame in asking for help. In my years of practice as an advocate I have often consulted on matters known and unknown to me. You are never too old to learn.

As I waited for the appointment I served as tribunal secretary and became an active participant in ADR-affiliated young members groups.

Serving as tribunal secretary afforded me the opportunity to be exposed to both domestic and international arbitral tribunals. It's at this stage that I will have to emphasize on the importance of networking and showing up. I have lost count of the number of conferences, training and seminars on ADR that I have attended both locally and internationally.

It's through such interactions that I have been afforded tribunal secretary, counsel in arbitration and even scholarships. People appoint people they know. Whenever these events are organized sign up and show up. Consistency is key.

By actively participating in ADR-affiliated Young members, I have learned to give service. These groups are essentially meant to create opportunities for young practitioners. I have learned that I am the change that I want to see and use my voice and resources to make that difference. It has also honed skills in me that would not have been nurtured otherwise. I have learned administrative skills, planning and organisation, mobilisation etc.

Both have provided me with exposure to diverse subject matters, thereby contributing to my professional development. Furthermore, it enhanced my visibility within the ADR Community, fostering recognition. This is particularly important for a young ADR practitioner as it broadens the scope of potential opportunities.



The First 5 Years: A Young Practitioner's Guide to Building a Career in ADR

Breaking into the field of Alternative Dispute Resolution (ADR) can be both exciting and intimidating. For young practitioners, the first five years are often marked by discovery, learning curves, and the quest to earn a seat at the table. The journey isn't linear—it's built on continuous learning, practical experience, and a deep commitment to justice.

1. Start with Intentional Learning

A strong foundation is critical. While law degrees offer a valuable backdrop, ADR welcomes professionals from diverse fields including engineering, architecture, and in my case, supply chain management. My own journey began in 2018, when I enrolled in the CI Arb Introductory Course at Strathmore University. Instantly, I was drawn to the idea of becoming a "private judge." The structured process, emphasis on neutrality, and goal of fair outcomes made Arbitration an intellectually and morally rewarding career path.

Shortly after, I pursued the CI Arb Pathway to Fellowship completing Modules 1, 2, and 3, followed by a Peer Interview. This rigorous process not only enhanced my legal reasoning and award writing but also introduced me to a vibrant community of like-minded professionals.

2. Seek Mentorship - It Makes All the Difference

During Module 2, I joined CI Arb's mentorship program and was paired with three experienced mentors—two quantity surveyors and an architect. These professionals generously shared their practical experience from appointment to final award. Through them, I gained hands-on exposure: drafting procedural orders, reviewing correspondence, and preparing awards for feedback. Their guidance was instrumental in building both my confidence and capability.

Mentorship bridges the gap between theory and practice. For any young ADR practitioner, finding a seasoned mentor or better yet, a few is a game-changer.

3. Embrace Every Appointment—Even the Unfinished Ones

In 2021, after completing the CI Arb's mandatory induction and being listed on the Roll of Neutrals, I received my first arbitration appointment. Although the matter was discontinued midway, it provided a valuable glimpse into the role of an arbitrator in a live dispute.

My second appointment also didn't proceed to full hearing, but by the third, I was able to guide the process to completion albeit ex parte, as the respondent did not participate. That experience affirmed my capacity to manage proceedings, remain impartial, and deliver a just award. It's in these early cases—successful or not—that young practitioners develop their voice and presence as neutrals.



4. Build Relationships & Stay Visible

ADR is a trust-based profession. Institutions, parties, and legal counsel rely on reputation, competence, and consistency when appointing arbitrators or mediators. Beyond qualifications, relationships matter.

I have actively sought appointments by maintaining close engagement with the CIArb-Kenya leadership, volunteering for panels, and remitting the voluntary 5% institutional contribution. I've also reached out proactively to request more appointments.

In addition, I've played a championing role in institutional collaboration. As a member of both CIArb and KISM (Kenya Institute of Supplies Management), I helped initiate a collaborative MoU in 2023 aimed at promoting arbitration among supply chain professionals. I believe that interdisciplinary appointments will enrich ADR by bringing diverse professional perspectives to dispute resolution.



5. Cultivate a Broader Perspective

While legal knowledge is essential, I've found that my background in supply chain management especially in high-stakes public and donor-funded procurement has sharpened my ability to assess disputes pragmatically. ADR practitioners with expertise in specialized industries bring tremendous value to parties seeking commercial justice.

Beyond my MBA in Strategic Management, I am currently pursuing an LLB from the University of London to further strengthen my legal foundation. This blend of academic and professional growth reflects my commitment to lifelong learning in service of excellence in ADR.



Author, Samba Muthui, FCI Arb

6. Stay Committed to the Mission

ADR is not just a profession; it's a calling. Every award rendered, every conflict resolved, carries the potential to restore relationships, protect investments, and reinforce trust in justice systems especially where court delays remain a challenge.

To anyone aspiring to enter this field: ADR is profoundly rewarding. It offers purpose, intellectual challenge, and the satisfaction of making a positive contribution to society. Yes, the first few years may involve unpaid opportunities, quiet periods between appointments, and slow recognition. But stay the course. Invest in training, give back to the profession, and most importantly, remain true to the principles of fairness, impartiality, and integrity.





AI

The Future of Dispute Resolution:

AI & Machine Learning in Arbitration

Arbitration is a consensual method of dispute resolution, highly favoured by parties seeking finality, autonomy and confidentiality. These features make arbitration particularly appealing for commercial disputes where confidentiality, efficiency, flexibility and finality are key. Due to the growth of global commerce, commercial arbitration is expanding in diverse subject areas such as maritime law, insurance, construction, energy and e-commerce. The expanding market, in effect, leads to more disputes, creating a pressing need for faster, more efficient dispute resolution.

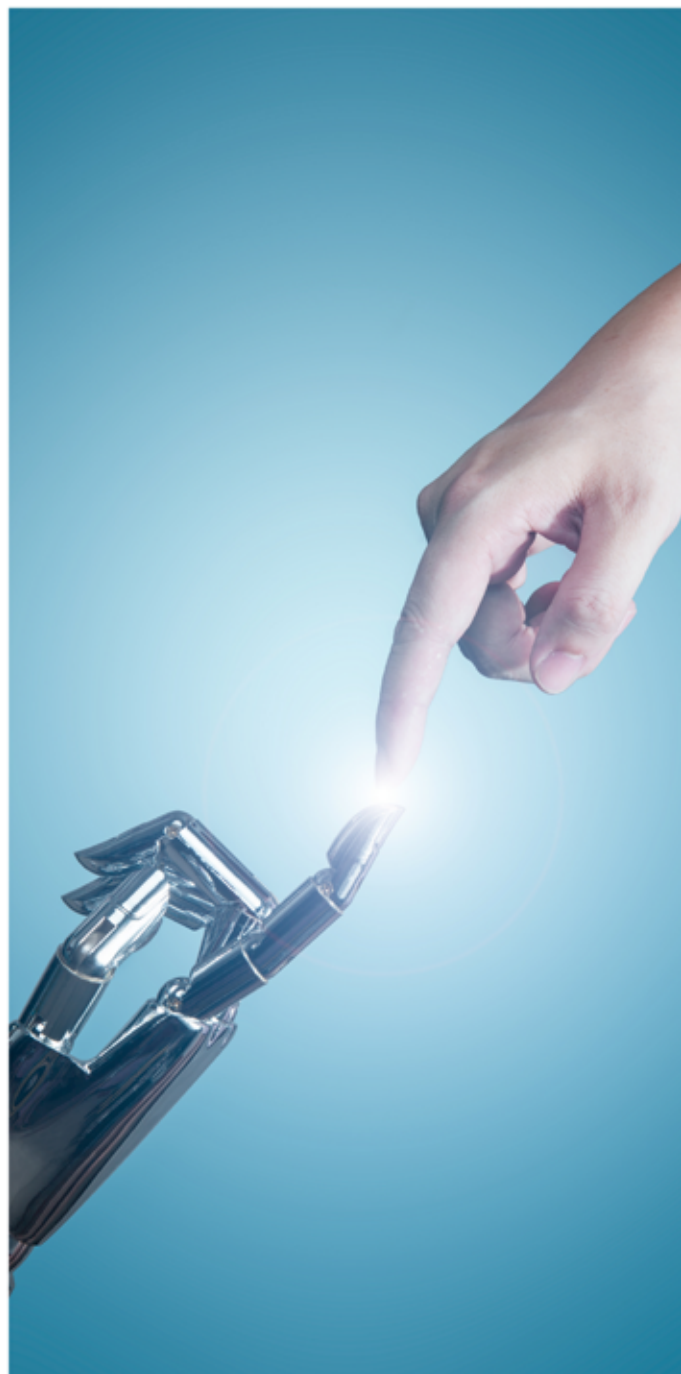
In recent years, technology has become an essential element of the legal profession. Artificial Intelligence (AI) and Machine Learning (ML) are emerging as transformative tools in this space, reshaping how arbitration is practised. These technologies play a key role in streamlining procedural tasks and enhancing the quality of decision-making processes. According to research conducted by White and Case, time saving, cost reduction, and reduction in human error are the main drivers for the increased use of Artificial intelligence in international arbitration. 91% of respondents indicated that they expect to use AI for research and data analysis in the next five years.



Sarah Nashati, ACI Arb

Nevertheless, the integration of AI and ML into the arbitration space raises questions, particularly on algorithm bias, data privacy, and the dynamically changing environment, which are all matters of great concern. Incorporating AI in legal studies raises concerns about biases in algorithms and data sets. The effectiveness of an AI outcome is dependent on the quality and diversity of the data it is trained on. Where an AI model is trained with datasets that lack diversity, it may be obedient to the lack of representation in that information, leading to biased recommendations or outcomes. This raises concerns about fairness, especially in instances where conclusions created by artificial intelligence influence determinations in areas where they were not designed to operate. In arbitration, where impartiality is paramount, such bias can undermine the validity of outcomes.

Artificial Intelligence, in the process of arbitration, may utilise confidential inputs. Arbitration is often chosen for its private nature, yet many AI systems operate by storing and analysing vast amounts of data. Without robust data protection frameworks, there is a risk of breaching the very confidentiality that parties seek. Regulations must therefore address data handling, client consent, and system accountability. Legislative safeguards are essential to ensure that AI's use of data does not erode trust in the arbitration process.



Decisions and outcomes made through AI cannot be traced to the underlying methods used by the algorithms. In arbitration, where transparency and procedural fairness are essential, the use of AI raises concerns when decisions or outcomes cannot be traced back to the process. The “Black box” algorithm, where results are inevitably opaque, cannot co-exist in a framework that requires transparency from all the parties involved. Visibility into the decision-making processes by Tribunals makes it more likely for the potential users of arbitration to view the arbitral process as reliable and legitimate.



Notwithstanding these concerns, AI influence in the arbitration practice is both certain and powerful. Technology is a driving force for immense change. When used responsibly, Artificial intelligence can increase consistency, speed and accessibility within the arbitration framework. The Chartered Institute of Arbitrators published the guidelines on the use of AI in arbitration (2025), which give guidance on the use of artificial intelligence in a manner that allows dispute resolvers, parties, their representatives, and other participants to use AI while supporting practical efforts to mitigate some of the risks to the integrity of the process, party's procedural rights, and enforceability of award or agreement.

The guidelines provide a comprehensive framework on the use of Artificial Intelligence in the arbitration process, highlighting the benefits and risks associated with the use of AI, general recommendations on the use of AI, and guidance on the use of AI by both arbitrators and parties. Parties are encouraged to research AI tools for arbitration to understand their technology, function and data. They should weigh the benefits against potential risks, such as due process rights, the rule of law, justice administration, and environmental impact. The guidelines mark a significant step towards the safeguarded use of Artificial intelligence in the arbitration practice.



Why join the CIArb Kenya YMG?

"Wakili, I think you have a lot on your plate, why have you joined the CIArb Kenya Young Members group (CIArb Kenya YMG) ...I think for someone who has an array of skillsets like you, you don't need YMG..."

Many of my close friends and professional colleagues have asked me this question over the last few months since the poster announcing the CIArb Kenya YMG steering committee 2025-2028 went out. I have answered that question repeatedly. In answering this question, I have realized that most of my professional colleagues and peers have not appreciated the importance of being part of a professional community, specifically the Young Members Group (YMG).

The CIArb YMG is a special interest group that brings together dispute resolution practitioners and students below the age of 40. The CIArb Kenya YMG is tasked with addressing the interests of the young members in the Kenyan chapter. The benefits that one gets for being a member of the CIArb Kenya YMG include:-

1) Access to networking and mentorship opportunities.

Through the activities organized by the YMG steering committee, members get a chance to interact with fellow practitioners and institutions. Examples of networking events that the CIArb Kenya YMG steering committee has organised for its members include: a) Young Arbiters conferences; b) Ice breaker Meet and Greet events; and c) YMG Annual Global conference.

Through the networking events and activities, members are able to know and build relationships with each other. The built relationships are seeds for referrals, academic collaborations, co-counsel opportunities or event appointments.

In terms of mentorship opportunities, the CIArb Kenya YMG offers its members an opportunity to be mentored by the senior members and established experts of the institute. These mentorships occur in forms such as lectures and talks from senior members and established experts, and being assigned to established experts through structured mentorships.

2) Continuous Learning and Development.

Alternative Dispute Resolution (ADR) is constantly shaped by new legislation, procedural reforms and case laws being churned out by courts from various jurisdictions. The CIArb Kenya YMG provides its members with access to continuing ADR education through webinars, article/essay writing competitions, annual conferences, etc. These platforms equip members with the tools to evolve with the times and remain current. A good ADR practitioner is one who is able to evolve with the changing times.

3) Enhancing professional credibility and visibility.

The CIArb Kenya YMG membership demonstrates a commitment to excellence, professionalism, and ethical standards. Being an active member and participant in all the YMG Kenya initiatives affirms a young practitioner's credibility and dedication to the field.

4) Contributing to knowledge sharing and capacity building.

Being an active member of the CIArb Kenya YMG group offers a young practitioner a platform to share knowledge and contribute to the development of ADR. Members are able to publish articles, participate in panel discussions, teach at training events and support the education of younger professionals, especially those in universities with the Young Arbiters Societies (YAS).

Jotham Webo, ACI Arb

Author



5) Advocacy and shaping the future of arbitration in Kenya.

The CIArb Kenya YMG acts as the collective voice for young ADR professionals. It serves as the primary platform and voice for young professionals within the branch. It engages in advocacy on matters such as law reform, procedural innovation and diversity and inclusion of young professionals at the 'table'.

Through such advocacy initiatives and discussions, young practitioners are able to get maximum value from their CIArb memberships. Additionally, members aid in the creation of a more progressive, inclusive and representative arbitration environment in the country.



6) Access to Global and Regional Opportunities.

CIArb Kenya YMG is part of the CIArb's global YMG network. By being a member of CIArb YMG Kenya, one is able to gain exposure and access to global opportunities like conferences, training, internships, and essay contests. Through these platforms, members have a chance to interact with their peers across the region and globally. These interactions open doors to regional and international practice.

In conclusion, being part of CIArb Kenya YMG is a necessity. It fosters personal growth, professional development, and collective advancement. It is where knowledge meets opportunity, passion finds purpose, and young professionals help shape the present and future of ADR in Kenya and beyond.





Author

Everyone seemed to know each other... So I introduced myself

Some career decisions happen slowly; others are decided in a single moment. Mine began with a question: "Could I still get a ticket to the CI Arb @40 conference?" It was last minute, almost embarrassing to ask but they said yes. That single bold question opened a door I didn't even know I was standing in front of.

Walking into that conference felt like stepping into a different world. The room buzzed with conversations about arbitration procedures, appointments and the future of the practice in Kenya. I listened, wide-eyed, as practitioners spoke with authority and passion, panel after panel. In that moment, I wasn't just learning about arbitration; I was watching the kind of lawyer I wanted to become.

But if that first event sparked my curiosity, the second one changed how I approached my career. My second arbitration event confirmed something I had quietly noticed at the first: arbitration felt like a family. Everyone seemed to know each other already the same faces, the same familiar greetings.

That's when it hit me: if I wanted to grow in this field, I couldn't just sit at the back and take notes. I had to become part of the conversations.

It terrified me. I had never walked up to strangers before, but my love for arbitration outweighed my fear. I introduced myself to one person, then another. My voice shook every time, my hands felt cold, but with each conversation, something shifted. By the end of the day, I had unlocked a skill I didn't even know I had: Networking.

It's such an easy word, but it isn't an easy skill. Yet, in arbitration, it is everything. It's how you learn, how you find mentors, how you're remembered it's even how I found my current internship! That day, I promised myself: if I want to belong here, I need to keep showing up, not just as an observer, but as a participant.

Teckrastecy Kinyua



As I attended more events, mostly as a volunteer, had more conversations, I started to feel like I belonged. These were no longer just distant professionals; they were people who were open, inspiring, and passionate about their work. I left each event feeling more determined to grow, and I even vowed to begin my studies with the Chartered Institute of Arbitrators which I did, of course!

But one thing stood out to me: Everyone I admired had discovered their niche. They spoke about it with such clarity from construction arbitration to energy disputes to tech and AI, even emerging areas like third-party funding.

I couldn't help but wonder: what's mine?

A year later, I'm still asking that question. Everything seems to fascinate me construction, tax, tech. What if I choose the wrong path? If you put a gun to my head right now, I'd say construction arbitration feels like my thing. But will that change in five years? Maybe.



For now, I've learned that the hardest part of the early years isn't just learning the law; "For now, I've learned that the hardest part of the early years isn't just learning the law; it's mastering the skills especially networking that will shape your place in this field.

Looking back, every opportunity I've had in growing my career so far can be traced to networking and the spirit of family that runs through arbitration. The people I dared to introduce myself to become mentors, guides, and even opened doors including the one that led to my current internship. It all started with simple conversations, and it reminds me that in arbitration, relationships are everything. And I know this is just the beginning a mere first step in what I hope will be a long, meaningful journey in this field.

One year later, here I am already done with my introductory course in arbitration. What started as curiosity in a third-year class has now shaped how I make every career decision. Even as I currently apply for internships, my first question is always the same: "How is their alternative dispute resolution practice?"

I may not have all the answers yet my niche is still a question I'm exploring but I know one thing for sure; I belong here. And sometimes, belonging begins with a single introduction, a single conversation, or even just the courage to ask for a ticket to a conference.

STRATEGIC NETWORKING IN ADR: HOW TO BUILD RELATIONSHIPS THAT ADVANCE YOUR CAREER

As a young practitioner stepping into this evolving landscape of Alternative Dispute Resolution (ADR), the first five years are pivotal in shaping a sustainable and meaningful career. This article explores practical strategies and insights to help you build a strong professional network within the ADR field.

Having completed the arbitration course and with a career as an Advocate of the High Court of Kenya, I have come to appreciate that the challenge is no longer the procedural aspects of conducting arbitration. Rather, the question that now occupies my mind is how to stay relevant in this competitive and evolving field.

By staying relevant, I mean remaining actively engaged in the ADR community and positioning myself within networks that promote both professional growth and visibility. I find myself reflecting on how best to align with mentors who can offer guidance, share insights and challenge me to reach greater heights in this profession. This reflection has prompted me to deeply reconsider the value and impact of strategic networking. Building a career in ADR requires more than academic credentials and professional skills.

Arbitration, being my preferred mode of alternative dispute resolution generally involves two modes of appointment: either through an arbitral institution or by direct nomination by the parties. Institutional appointments are typically governed by the institutional rules and guidelines ensuring a structured and impartial process. On the other hand, party appointments are often influenced by the parties' prior exposure to or familiarity with a particular arbitrator.

For example, before a party proposes a list of potential arbitrators for the other party's consideration there is usually some level of prior interaction or engagement with those individuals. This is either through previous matters, professional networks or ADR-related forums.





In ADR, your network can significantly influence your visibility and credibility. The field is relationship-driven. Institutions, firms and parties are more likely to appoint or recommend neutrals they know and trust.

As a young practitioner, your ability to form meaningful connections can significantly influence how soon you secure your first appointment, where your name appears and who vouches for you. This begs the question: how can one network strategically?

ADR encompasses not only arbitration but also mediation, negotiation, conciliation among other mechanisms. In Kenya, several professional bodies have been established to promote these various mechanisms and, in my view, they offer some of the most effective networking platforms for young practitioners. Institutions such as the Chartered Institute of Arbitrators (CI Arb), the Nairobi Centre for International Arbitration (NCIA) and the International Chamber of Commerce (ICC) regularly host conferences, panel discussions and training workshops. For instance, CI Arb has established the Young Members Group (YMG) which is specifically designed to support and connect emerging professionals.

Participating in these events provides invaluable opportunities to engage with peers, mentors and potential collaborators. Even a simple follow-up email to express appreciation for a conversation can lay the groundwork for lasting professional relationships. Aside from professional development networking, mentorship and the digital space play a critical role in shaping a young practitioner's ADR journey.

Mentorship, whether formal or informal, can accelerate learning and help one avoid common mistakes. A good mentor not only imparts knowledge but can also provide exposure to their professional networks significantly. Further, in today's digital space platforms such as LinkedIn offer powerful avenues to connect with other practitioners. Writing articles and reflections, sharing insights from workshops, commenting on emerging issues or highlighting developments in your jurisdiction may seem minor but overtime, such engagements build your professional presence, visibility and may even attract future clients/collaborators.

As you build...

your network, it is important to align your efforts with the specific area of ADR you are most inclined toward. Intentionality is key; networking should not be a mechanical exchange of business cards but a purposeful effort. Ask yourself: What kind of connections am I seeking? What value can I offer? Who can I learn from? The goal is to cultivate mutually beneficial relationships founded on shared interests, respect and long-term engagement.

Professionalism & courtesy

should underpin all your networking efforts. ADR is a reputation sensitive field where every interaction leaves a lasting impression. It is about building a name and a presence over time.

In your first five years, focus on becoming the kind of practitioner others want to work with, refer and mentor. In the world of ADR, relationships do more than shape your career - they sustain it. The connections you cultivate now will determine the scope and quality of opportunities that follow. Always remember, your name, presence and reputation are your most valuable currency. Invest in them wisely.

Strategic networking is not an event—it is a journey. Begin today by attending that webinar, joining that forum, or reaching out to that mentor. Your future in ADR starts with the relationships you build today.



Bridging the Gap.

How BIM Can Accelerate Arbitration in Kenya's Construction Boom

Kenya's construction industry is experiencing unprecedented growth, fueled by ambitious infrastructure projects, urban housing demand, and government-led initiatives like the Affordable Housing Program. However, with rapid expansion comes an inevitable rise in construction disputes—delays, cost overruns, design discrepancies, and contractual conflicts. Traditional arbitration, while effective, often suffers from prolonged timelines due to complex evidence gathering and subjective interpretations of project records.

Building Information Modelling (BIM) presents a transformative solution. As a digital representation of a project's physical and functional characteristics, BIM offers real-time, data-driven insights that can streamline dispute resolution. By integrating BIM into arbitration processes, Kenya can enhance transparency, reduce delays, and foster trust in construction contracts—key factors in sustaining the sector's boom.

The Arbitration Challenge in Kenya's Construction Sector

Construction disputes in Kenya frequently escalate to arbitration due to the industry's inherent complexities. Common issues include:

- **Documentation Discrepancies:** Traditional paper-based records are prone to errors, omissions, or deliberate misrepresentation, complicating arbitration.
- **Time-Consuming Evidence Verification:** Arbitrators spend weeks (sometimes months) sifting through conflicting claims on design changes, delays, and cost variations.
- **Subjectivity in Decision-Making:** Without a single source of truth, arbitrators rely heavily on witness testimonies, which can be biased or unreliable.

The result? Lengthy, costly arbitrations that stall projects, strain relationships, and deter investment. According to the Chartered Institute of Arbitrators (CI Arb), construction disputes in Kenya take an average of 18–24 months to resolve—a timeline that undermines the sector's efficiency.

Why Kenya is Perfect for BIM-Integrated Arbitration

Kenya's progressive stance on technology adoption makes it an ideal candidate for BIM-driven dispute resolution. Several factors support this:





1. Digital Readiness

Kenya is a regional leader in tech innovation, with robust digital infrastructure and a growing pool of BIM-trained professionals. The government's push for digitization in construction (e.g., the BIM Roadmap for Public Projects) aligns with global best practices.

2. Legal Framework

The Arbitration Act (1995) and the Construction Industry Authority of Kenya (CIAK) provide a solid foundation for alternative dispute resolution. Incorporating BIM as an evidentiary tool would require minimal regulatory adjustments, as it falls under the broader acceptance of digital evidence.

3. Cost and Time Efficiency

BIM's 4D (time) and 5D (cost) capabilities allow arbitrators to visualize project timelines and financial impacts objectively. For instance, a delay claim can be assessed using BIM's scheduling data, eliminating guesswork. Studies show BIM can reduce dispute resolution time by up to 40%.

4. Transparency and Trust

BIM models serve as an immutable record of design intent, revisions, and approvals. This reduces disputes stemming from miscommunication and ensures all parties operate from the same dataset.

Overcoming Barriers to BIM Adoption in Arbitration

Despite its potential, BIM-integrated arbitration faces hurdles:

1. Awareness and Training

Many legal and construction professionals remain unfamiliar with BIM's dispute resolution applications. Targeted training for arbitrators, lawyers, and contractors is essential.

2. Standardization

Kenya needs BIM protocols tailored to arbitration, defining how models should be archived, shared, and authenticated as legal evidence. Collaboration with bodies like CI Arb and the Kenya Bureau of Standards (KEBS) can accelerate this.

3. Cost of Implementation

Kenya needs BIM protocols tailored to arbitration, defining how models should be archived, shared, and authenticated as legal evidence. Collaboration with bodies like CI Arb and the Kenya Bureau of Standards (KEBS) can accelerate this.

4. Legal Recognition

Courts and arbitration tribunals must formally recognize BIM models as admissible evidence. Precedents from jurisdictions like the UK and Singapore, where BIM is used in disputes, can guide Kenya's approach.





A Call to Action

To harness BIM's potential in arbitration, stakeholders must act now:

- **Government:** Fast-track the national BIM mandate and include dispute resolution guidelines in construction contracts.
- **Professional Bodies:** CIArb Kenya and EIK should develop BIM arbitration training for members.
- **Construction Firms:** Adopt BIM not just for design but for contract management and documentation.
- **Arbitrators:** Embrace digital tools to enhance decision-making efficiency and credibility.

Conclusion

Kenya's construction boom demands faster, fairer dispute resolution mechanisms. BIM offers a proven pathway to achieving this by replacing ambiguity with data-driven clarity. By integrating BIM into arbitration, Kenya can position itself as a leader in construction innovation, reducing delays, cutting costs, and building investor confidence. The time to act is now. I urge Young practitioners to Master BIM's clash detection, 4D/5D modelling, and data-rich dispute evidence to position themselves as the indispensable arbitration specialists resolving complex construction disputes faster, cheaper, and with unassailable technical credibility.

Eng. Robert Onditi Bobbie, PE, MIEK, PMP, MAAK, MCiarb

Author



Unlocking Justice, Unlocking Careers:

How Third Party Funding Can Set You Apart as a Young ADR Practitioner

As a young practitioner stepping into the world of Alternative Dispute Resolution (ADR), building a competitive edge requires more than just understanding procedural rules or being conversant with arbitral institutions. In today's increasingly commercial and cost-sensitive legal environment, clients are looking for more than technical advice—they want lawyers who can provide strategic, financially viable solutions. This is where a deep understanding of Third Party Funding (TPF) becomes an asset, not only for clients but also for the growth of one's own career.

Third Party Funding refers to a financing arrangement where a party unconnected to the dispute agrees to fund the legal costs of a claimant in return for a share of the proceeds if the case is successful. Although still emerging in Kenya, this model has gained strong traction in international arbitration and litigation globally. For a young practitioner, developing an understanding of TPF is more than just staying current with global trends—it's about becoming a more commercially aware and forward-thinking lawyer.

One of the most practical ways a young practitioner can stand out is by learning how to assess whether a case is fundable. This begins with understanding what funders look for when deciding whether to invest in a dispute. Legal merit is a primary consideration. The case must have a strong chance of success, grounded in evidence and clear legal reasoning. The ratio of damages to legal costs also matters—a typical threshold funders apply is that the claim's value should be at least three to four times greater than the anticipated legal costs.

Enforceability is another key element. Even a strong legal case becomes commercially unattractive if the award is not enforceable against the respondent's assets. As such, a young lawyer advising on a potential TPF-backed claim must be able to consider the respondent's solvency, jurisdictional risks, and potential barriers to enforcement. Funders also examine how efficiently a matter can be resolved. A drawn-out dispute with multiple jurisdictions or appeals may deter funders unless the financial upside justifies the complexity. Finally, the claimant's own conduct and credibility matter. Funders value cooperative, commercially realistic claimants who are committed to pursuing the case diligently and transparently.



Having the ability to spot these factors—even at an early stage—positions a young practitioner as someone who brings not only legal skill but strategic insight to the table. This becomes particularly valuable when advising under-resourced clients who may have strong claims but lack the financial capacity to pursue them. In Kenya's context, this could include small businesses, entrepreneurs, or even public sector actors navigating budget constraints. Introducing the possibility of third party funding to such clients adds real value, and shows an awareness of the broader financial and commercial dimensions of dispute resolution.

This commercial awareness is increasingly being recognised and rewarded by both clients and law firms. Many firms now expect their junior lawyers to be informed about alternative fee arrangements, legal finance options, and cross-border funding trends. Being the associate who can speak intelligently about TPF options—or even raise the possibility of such funding in client strategy meetings—can significantly elevate one's standing within a team.

Importantly, TPF is not just a tool to support your clients—it also opens new doors for your career. As funding becomes more common in African markets, legal professionals are finding opportunities to work with funders in-house, conducting case assessments and managing funded claims. Others are developing niche

advisory practices or acting as brokers between claimants and funders. Those with a talent for legal writing and policy work are also contributing to the evolving regulatory and ethical frameworks that will shape the future of TPF in Africa.

For young professionals, these developments offer a dynamic and expanding field in which to specialise. As firms and funders look for lawyers who can bridge the gap between law and finance, early exposure to TPF can distinguish you from your peers.

In conclusion, understanding Third Party Funding is more than an intellectual exercise—it is a strategic move for any young ADR practitioner seeking to build a modern, client-centred practice. In a competitive field where standing out matters, commercial acumen is just as valuable as legal ability. By mastering the fundamentals of TPF, young lawyers can not only unlock justice for clients who might otherwise be priced out of the system but also unlock powerful opportunities for their own professional growth.



THE HIDDEN GAME OF ADR:

How to Outplay, Outlast & Outshine as a Rising Star



What if success in ADR isn't just about what you know but about how you play the game?

Behind every rising star in alternative dispute resolution, there's an untold story not just of industry expertise, but of strategic positioning, psychological insight, and calculated moves that separate the exceptional from the merely competent. The truth? Raw talent alone won't make you stand out in arbitration rooms or mediation tables. The field rewards those who master its unwritten rules: when to push and when to pause, how to build influence without demanding it, and why some careers skyrocket while others plateau.

This isn't about shortcuts it's about crafting an unshakable advantage. Whether you're stepping into your first procedural meeting or prepping for a high-stakes mediation, the difference between blending in and rising to the top comes down to how you approach the game. Ready to learn the plays that turn potential into dominance? Let's begin. From the onset your long-term success will depend on mastering three critical levels of the game, that is **Outplay**, **Outlast** and **Outshine**.

Outplay: The Strategy Behind Early Wins

Your first moves in ADR set the trajectory for your entire career. Begin by mastering the psychology of persuasion learn to read unspoken tensions in negotiation rooms and adapt your approach accordingly. Develop your ability to frame arguments in ways that all parties can

embrace, positioning yourself as a problem-solver rather than just an advocate.

Building your reputation requires deliberate effort. Identify emerging niches where you can establish early expertise, whether in construction disputes, sports disputes, tech mediations, or cross-border arbitrations. Share practical insights through bite-sized



Author Eric Ng'ang'a

publications or speaking opportunities. Most importantly, become known as someone who adds value beyond just legal analysis - the practitioner who understands industry trends and business realities.





Outlast: The Resilience to Stay in the Game

Early career success means little without the stamina to sustain it. ADR tests your resilience through complex cases or matters, difficult personalities, and inevitable setbacks. The practitioners who endure cultivate what I call "strategic patience" - the ability to absorb short-term losses while keeping long-term goals in focus.

Consider Roger Federer's tennis career - while his graceful strokes were visible to all, his true genius lay in his court positioning, his ability to read opponents' intentions before they swung, and his strategic use of tempo. Similarly, Muhammad Ali didn't just throw punches; he controlled narratives, conserved energy between flurries, and turned opponents' strengths against them. These masters understood their games operated on multiple levels - the visible and the hidden. ADR is no different.

Develop your personal boardroom presence. How you carry yourself, speak, and engage with senior practitioners shapes perceptions of your readiness for bigger opportunities. When facing skepticism about your experience, let thorough preparation be your answer. Document lessons from every case, building an ever-growing repository of practical wisdom that becomes your competitive edge.

Outshine: Becoming the Obvious Choice

The final level transforms competence into distinction. This is where you develop your unique professional signature - whether

it's an innovative approach to settlement frameworks, a talent for simplifying complex disputes, or a reputation for absolute integrity in difficult negotiations

Create visible markers of your expertise. Contribute thought leadership that addresses practitioners' real pain points. Cultivate a network where your name comes up first when important opportunities arise. Most crucially, maintain the humility to keep learning - the best players know the game keeps evolving, and so must they.



Just as Muhammad Ali had Angelo Dundee and Federer relied on Peter Carter and Tony Roche, every rising ADR practitioner needs a strategic mentor to accelerate their growth. The ideal mentor isn't necessarily the most famous name in the field, but rather a seasoned guide who understands the profession's unwritten rules, challenges you to sharpen your strategic thinking, creates opportunities for formative early experiences, and provides candid feedback on both your technical skills and professional presence. Like the great coaches who shaped sporting legends, the right ADR mentor doesn't just teach you how to play the game - they help you see the game differently, transforming raw potential into championship performance.

The path from promising newcomer to sought-after practitioner isn't linear, but neither is it mysterious. The way to go is by positioning yourself not just to participate in ADR, but to redefine its possibilities by approaching your career with this strategic mindset - playing the visible and hidden games with equal skill. The game is waiting. How will you play it?



The First 5 Years:

A Young Practitioner's Guide to Dispute Avoidance and Management in Africa

For any young professional stepping into the field of Alternative Dispute Resolution (ADR), especially within the African context, the first five years are critical. These formative years are when foundational skills are built, reputations are formed, and values are tested. With the advent of the African Continental Free Trade Area (AfCFTA) and its accompanying Investment Protocol, the continent is undergoing a significant transformation in how it addresses investment-related disputes. For young practitioners, this evolution presents both a challenge and an opportunity to grow with the system, contribute to its development, and shape a future rooted in transparency, efficiency, and justice.

Africa's economic growth has long been hampered by fragmented trade systems, legal inconsistencies, and institutional weaknesses. Investors often cite uncertainty around dispute resolution as a key deterrent. Conflicts in cross-border investment tend to arise from ambiguous contracts, miscommunication, and a lack of preventive frameworks. In this environment, dispute avoidance becomes not just a best practice but a strategic necessity.

The AfCFTA, launched in 2021, seeks to address these barriers by creating a unified market spanning 55 African countries. Central to this ambition is the Investment Protocol, which underscores the need for proactive and structured dispute prevention and resolution. For a young ADR professional, understanding and applying the principles embedded in this Protocol can serve as a roadmap to a meaningful career.

Dispute avoidance is the first frontier. It's a proactive effort, requiring legal foresight, negotiation skills, and policy literacy. The Protocol promotes transparency by calling on member states to harmonize investment laws and ensure public access to legal information. For a young practitioner, this presents a valuable learning ground including understanding the significance of legal clarity in building investor confidence and reducing conflict.





Institutional strengthening is another key pillar. Recognizing that many African countries struggle with under-resourced legal systems, the Protocol encourages capacity building through training and development. This opens up opportunities for young professionals to participate in regional trainings, mentorship programs, and accreditation processes that build both technical and practical competence in arbitration.

A particularly relevant area of growth for young practitioners lies in the drafting and interpretation of investment contracts. The Protocol advocates for risk mitigation through balanced, transparent, and enforceable agreements particularly those with well-defined dispute resolution clauses. Early-career dispute resolvers who master this craft position themselves as invaluable assets to both investors and states seeking to avoid costly litigation.

In addition to legal drafting, young ADR professionals must understand the value of early engagement. The Protocol promotes advisory and consultation mechanisms between states and investors to resolve issues before they escalate into formal disputes. Learning how to facilitate such dialogue is not only a vital skill but also a powerful tool for dispute de-escalation.

Of course, not all disputes can be prevented. When they do arise, effective dispute management becomes the measure of a practitioner's skill and professionalism. The Investment Protocol offers a tiered, comprehensive approach to managing conflict, one that young professionals must be ready to navigate.

A critical shift the Protocol encourages is the strengthening of regional arbitration institutions. By supporting bodies such as the Lagos Court of Arbitration and the Cairo Regional Centre for International Commercial Arbitration, Africa is working toward reducing dependency on foreign forums. This shift represents an opportunity for young arbitrators to develop their careers locally, contribute to the growth of African arbitral jurisprudence, and advocate for contextually relevant solutions.

Mediation and conciliation are also prioritized in line with global standards like the Singapore Convention on Mediation. These non-adversarial mechanisms promote dialogue and preserve long-term commercial relationships. For a young practitioner, mastering mediation techniques can be a differentiator in a field that increasingly values soft skills alongside legal knowledge.

Furthermore, reforms to the Investor-State Dispute Settlement (ISDS) process offer an evolving landscape that young practitioners must be familiar with. The Protocol calls for balanced approaches that protect both investor rights and state sovereignty, promote transparency, and discourage frivolous claims. Understanding these reforms equips young ADR professionals to contribute meaningfully to the future of investment law on the continent.

International experience also offers valuable insights. Singapore's mediation model, the European Union's investment court system, and Canada's proactive use of ombudsman offices all serve as case studies in effective dispute resolution. Comparative knowledge equips young professionals to contextualize Africa's efforts and to import, adapt, and apply best practices.

Yet,

the journey is not without challenges. Institutional weaknesses, legal diversity, and scepticism around investor-state arbitration persist. However, these challenges are not insurmountable. On the contrary, they present the next generation of practitioners with a chance to be part of the solution. Through strategic capacity development, technology integration, and inclusive policymaking, young ADR professionals can influence the direction of Africa's dispute resolution frameworks.

Ultimately, a career in ADR is more than legal practice, it is a contribution to peace, stability, and economic growth. The first five years are the foundation. By engaging deeply with the principles of the AfCFTA Investment Protocol, by continuously developing legal and interpersonal skills, and by committing to fairness and regional integrity, young practitioners can help unlock Africa's potential as a globally competitive investment destination.

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- Githu Muigai, SC
- Misa Awasum
- Philip Alker

Africa Arbitrator

- Gaston Kenfack
- Dr. Chibwanda
- Ms. Funke Adekoya
- Githu Muigai
- Prof. Abdel Wahab

Impactful Mediator

- Steve Biko Adara
- Maina Migwi
- Assunta Ndami
- Justice Kendagar
- Sam Nderitu

Young ADR Practitioner

- Karen Rang
- Samantha Mosengell
- Charles Oava
- Daniel Nzala
- Doreen Kibla

Upcountry ADR

- Abel Radich
- Sanjay Khogtam
- Patrick Kisa
- Eric Nyongesi
- Dorcas Endoo

Impactful AJS Practitioner

- Jemimah Aluda
- Dr. Steve Akoth
- Hon. Justice Dr. Joseph K. Sengen
- Prof. Joel Nguji

Judge of the Year

- Hon. Justice Gikonyo
- Hon. Mr. Justice Smokin Wangala
- Justice Gatambu Kaku
- Justice Albam Visram
- Lady Justice Jackie Kamau

Construction

- Ngo-Martins
- Eng. Daniel Sacho Cherese
- Eng. Paul Kosekwa
- Eng. Lan Ochieng
- Eng. Suzanne Rattray

Impactful Tutor

- Calvin Nyachoti
- Jacqueline Oyuyo
- Sam Nderitu
- Collins Namocharanja
- Dr. Francis Karuti

Impactful Mentor

- Justus Muriithya
- Prof. Githu Muigai
- Geoffrey Imende
- John Ohaga, SC
- Lady Justice Joyce Aluoch

Partnership Award

- KENHA
- ESK
- KJA
- ICS
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Dress Code: Masai Glam

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