

Strengthen the Global Profile Kenyan Arbitrators

The recently released London Court International Arbitration (LCIA) 2024 Annual Casework Report has placed Kenya in a new and unprecedented spotlight. According to the report, Kenyan parties accounted for 7.7% of all parties involved in arbitrations administered by LCIA, making Kenya the leading non-UK user of the institution's services in 2024. This is a sharp rise from 1.1% in 2023 and signifies Kenya's growing reliance on institutional arbitration in cross-border commercial dispute resolution.

This surge signals a broader shift in Kenya's legal and commercial sectors, where institutional arbitration is increasingly being valued for its predictability, efficiency, and enforceability. As Kenya deepens its role in international trade, especially in commodities, infrastructure, and finance, institutional mechanisms provide a reliable means of resolving cross-border disputes.

However, while Kenyan parties are well represented as users of the institutes' arbitration, the same cannot be said for Kenyan arbitrators. In the same LCIA report, out of 455 arbitrator appointments, only one was a Kenyan. This stark underrepresentation calls for strategic action to bridge the gap between participation and influence.

Institutional arbitration plays a central role in shaping the practice and principles of international dispute resolution. Arbitrators are not just decision-makers; they help interpret procedural rules, influence institutional culture, and model best practices. Therefore, increased Kenyan participation in arbitral appointments is essential if the country is to contribute meaningfully to international arbitration.

There are several practical ways in which Kenyan arbitrators and institutions can strengthen their presence in international institutional arbitration. First, profile-building is key. Kenyan practitioners should actively seek visibility by joining international arbitral panels, contributing to global publications, and participating in key conferences. This would enhance their credibility and increase their chances of being considered for international arbitral appointments.

Additionally, strategic partnerships are essential in elevating Kenyan arbitrators to international prominence. Leading Institutions within such as the Chartered Institute of Arbitrators (Kenya) and the Nairobi Centre for International Arbitration (NCIA) should continue strengthening their collaboration with leading arbitral bodies across Africa and globally like the LCIA. Such collaborations create valuable opportunities for their members to access international panels and learn best practices. By opening our market to global institutions, we also gain entry into theirs. This reciprocal approach further enhances visibility and supports Kenya's ambition to become a regional hub for institutional arbitration.

Parties themselves must also be intentional in nominating Kenyan arbitrators in international disputes. The LCIA report confirms that 38% of arbitrators were appointed by parties. This is a space where local actors can begin to shift the narrative. Finally, a strong foundation in local and regional institutional arbitration is critical. Appointments through local and regional institutions provide experience and credibility that international institutions look for. At the same time, the government and academic institutions must support this growth by offering training, resources, and platform to foster sound policy

development and promote greater exposure for Kenyan arbitrators. Kenya has clearly established itself as a serious user of international arbitration. The next step is to ensure it also becomes a trusted contributor and leader.