TOPICS FOR DISCUSSION –NAIROBI 2019

1. From the client’s perspective, is arbitration truly a better alternative than litigation? This question arises given that arbitration is often more expensive and is rarely quicker than the Court.

2. Moving towards more efficient and cost effective arbitrations in Africa.

3. What contributes more to delay in LCIA arbitral proceedings: the tribunal or the parties? Why?

4. What percentage of arbitration cases at LCIA abort due to party default in the payment of fees?

5. Recently, the conversation in international arbitration circles has been the arbitrability of banking disputes. What kind of banking disputes are arbitrable and which ones are not?

6. What is LCIA’s experience in investor-state disputes?

7. Arbitration associations in Africa - What are the opportunities for arbitration work.

8. It would be good if we could discuss diversity of appointment of arbitrators in arbitrations seated in Africa, and more particularly, what can be done to address any bias of clients in favour of Europe-based arbitrators.

9. I was privileged to participate as an arbitrator in this year’s LSE-LCIA Vis-Moot. A number of senior participants expressed to me the noticeable absence of substantial African participation and I would like to raise and address briefly the Vis- Moot as an important career path.

10. Given that The Equal Representation in Arbitration Pledge, which is purely on gender, has been generally successful, what strategies should be considered for other aspects of diversity in international arbitration e.g. age, region, skills, etc?

11. Do you think the Equal representation in arbitration pledge will make any difference?

12. Efficacy of emergency arbitrators in the context of arbitration in Africa.

13. Are arbitrators obligated to address, and if yes, do they have the power to address issues of corruption *sua sponte* in arbitral proceedings?

14. What is generally referred to as the “The Magna Carta,” of Arbitral procedure?

15. Should arbitrators be wary of the Singapore Convention?
16. The fate of bilateral investment treaties in light of withdrawals by countries such as South Africa.


18. Can the Dispute Resolution Clause under the African Continental Free Trade Area (AFCFTA) lead to growth in regional Arbitration?


20. In what percentage of LCIA arbitrations are the oral hearings conducted in London?

21. What most determines the venue of hearings in LCIA arbitrations: the location of the arbitral institution, the tribunal or the parties? Why?

22. Should arbitration be used to determine sexual harassment claims – following news that UBER used it for this purpose?

23. The rise of technology in legal practice and arbitration.

24. Virtual arbitral courts are an emerging trend in international arbitration and Africa is embracing these technological innovations, to what extent will such courts support efficient dispute resolution and ensure privacy, data protection and confidentiality to participants in light of the risks associated with technology like hacking?

25. The current and foreseeable impact of advancements in technology on the future of international arbitration in Africa.


27. Is there a difference between court interference and court intervention in arbitration?