

Book Review: Settling Disputes through Arbitration in Kenya, 3rd Edition

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Since the promulgation of the Constitution of Kenya 2010, the academic world has come alive and has enthusiastically built up the body of writing on Arbitration in Kenya. This clamour is undeniably attributed to Article 159 (2) (c) of the Constitution of Kenya 2010, which brought to the fore the various alternative dispute resolution mechanisms, including arbitration. The Constitution also required various national laws to incorporate alternative dispute resolution mechanisms.

Dr. Kariuki's various contributions to the Arbitration discourse is crowned by this book, which was first published in 2012. A pioneer authorship in this area of academia, this book has become a trusted manual for the arbitrator, the aspiring arbitrator, as well as the any person who is likely to appear before an arbitrator.

The author, Dr. Kariuki Muigua, pours more than 20 years of experience into the pages of this text and comprehensively takes the reader through the legal and practical ins and outs of conducting arbitration in Kenya. The book is thus meant to take the readers through the process of arbitration in a simplified, yet comprehensive manner, with the latest key amendments and case law on arbitration in Kenya.

The third edition of this book sees its further enrichment by taking into consideration the numerous changes in the legal landscape following the 2010 Constitution. This update is intended to capture the current state of Arbitration to date and to better equip the practitioner and the legal mind for this fast evolving field.

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Over the last 7 years, parties have sought the court's decision on various matters involving arbitration, and what has developed is a vast volume of precedent that has shaped the practice of arbitration. The author incorporates this body of law into the earlier text.

This book also evaluates how the courts have addressed some of the issues arising from the practice of arbitration in Kenya. This includes an analysis of the highly contentious decision of the Court in *Republic v. Mohamed Abdow Mohamed*, which tackled the question on the application of alternative dispute resolution in a murder suit. It also discusses some of the concerns that may arise in future, especially in the relationship between arbitration practice and the constitutional bill of rights.

The author has additionally highlighted on legislative updates such as the establishment of the Nairobi Centre for International Arbitration (NCIA), a creation of the Nairobi Centre for International Arbitration Act, No. 26 of 2013. The Centre will play a crucial role in prioritizing International Commercial Arbitration in Kenya, and will also foster Kenya as a preferred destination as a seat of arbitration.

Another legislative update is the incorporation of alternative dispute resolution mechanisms in land dispute handling and management. This move is evidenced in Section 4(2) (k) of the Land Act of 2012, Section 20 of the Environment and Land Court Act and Section 41 of the Community Land Act No. 27 of 2016, which incorporates the use of arbitration in community land disputes.

This book has earned a spot in every arbitrator's bookshelf as an all-in-one guide to Arbitration in Kenya, as the way of the future, for access to justice and for economic growth to be realised in Kenya.