

Arbitration of Commercial Disputes in the East African Community

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ARTICLE INFORMATION

Article history:

Published: August 2026

Keywords:

Arbitration
 Commercial Disputes
 Legal And Institutional
 Framework
 Governing Arbitration
 Comparative Analysis
 Arbitration Regimes

ABSTRACT

Commercial disputes are an inevitable consequence of increased trade, investment, and economic integration within the East African Community (EAC). As commercial transactions continue to transcend national boundaries, the need for efficient, flexible, and reliable dispute resolution mechanisms has become increasingly important. Arbitration has emerged as a preferred alternative to litigation due to its confidentiality, party autonomy, procedural flexibility, and potential for expedited dispute resolution. Nevertheless, despite the existence of national arbitration laws, regional institutions, and international legal instruments such as the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958), challenges relating to enforcement, institutional success, legal harmonisation, cost, and stakeholder confidence continue to hinder the full utilisation of arbitration within the region. The East African states have made significant progress in establishing legislative and institutional structures supportive of arbitration but substantial obstacles remain in achieving a coherent arbitral regime. The study concludes that confidence in arbitration is directly linked to the predictability of enforcement mechanisms and the strength of supporting institutions.

1. Introduction

1.1 Introduction

Arbitration is considered a form of Alternative Dispute Resolution (ADR) in which parties voluntarily submit a dispute to one or more arbitrators for determination, with the resulting award being binding upon them.ⁱ As international and regional trade expanded during the nineteenth and twentieth centuries, arbitration increasingly emerged as a preferred mechanism for resolving commercial disputes due to its neutrality, confidentiality, flexibility, and efficiency when compared to traditional litigation.ⁱⁱ Within the East African Community (EAC), the promotion of economic integration through the EAC Treaty of 1999 and the establishment of the Common Market in 2010 heightened the need for dispute resolution mechanisms capable of addressing the growing volume of cross-border commercial disputes.ⁱⁱⁱ Consequently, arbitration has assumed a central role in facilitating commercial certainty and fostering a conducive environment for trade and investment within the region.^{iv} Despite its advantages, the utilisation of arbitration within the EAC continues to be constrained by legal, institutional, and enforcement challenges that undermine confidence in the arbitral process.^v The study examines the legal and institutional framework governing arbitration in East Africa with a view of making recommendations and proposing reforms aimed at strengthening the acceptance and applicability of arbitration as a preferred mechanism for resolving commercial disputes in the region.^{vi}

1.2 Background

In commerce, efficient dispute resolution is crucial for maintaining a strong business relationship and promoting economic growth for both the country and the region. Arbitration has emerged as a more preferred mechanism for resolving disputes due to its flexibility, confidentiality, and binding nature, which contrasts with the time-consuming and overburdening court process.^{vii} Parties are also allowed to choose the arbitrator with the required expertise in the relevant issue at hand and can therefore come up with informed resolutions.

In the EAC, the adoption of arbitration has gained momentum, particularly as cross-border trade and investment within the region continue to rise. Kenya, Tanzania, and Uganda have introduced laws supporting arbitration. Institutions such as the Nairobi Centre for International Arbitration (NCIA) have been established to position Kenya as a regional centre for arbitration for both local and regional commercial disputes.^{viii} The integration initiatives, such as the EAC trade agreements, underscore the importance of a reliable dispute resolution mechanism to foster economic growth and investment.^{ix}

Arbitration in the EAC, however, faces several challenges. One major challenge is the lack of a consistent and well-laid-out legal framework across all countries, which then creates uncertainty and discourages its adoption by commercial entities.^x It also faces other challenges, including a lack of awareness and limited access to trained arbitrators, as well as a strong preference for the litigation process, which is considered more legitimate.^{xi}

The study aims to assess the current position of arbitration in resolving commercial disputes in the EAC. It will examine the legal framework, which appears underdeveloped and consequently discourages most commercial institutions from embracing it as a mechanism for dispute resolution. This includes awareness levels among members of commercial entities, including small and

medium-sized enterprises, as well as the support it receives from the EAC.^{xii} By analyzing these factors, the paper seeks to provide insight into the progress and challenges of arbitration in the EAC and offer recommendations on how to strengthen and promote arbitration as a reliable, efficient, and easily accessible dispute resolution mechanism in the region.^{xiii}

1.3 Problem Statement

The lack of a well-structured legal framework has caused many commercial entities to avoid using arbitration to settle disputes. These entities have little confidence in arbitration because, without clear legal guidelines, enforcing arbitrators' decisions becomes challenging. This paper proposes establishing a robust legal framework to promote the use of arbitration in commercial disputes. Such a framework is significantly easing the burden on our courts and promote a more efficient, straightforward, and quicker way to resolve conflicts.

2. Literature review

2.1 Introduction

The chapter examines the legal and institutional framework governing arbitration in the resolution of commercial disputes within the East African Community. It analyses the constitutional, statutory and regulatory foundations of arbitration in the EAC partner states, with particular attention to their respective arbitration laws and adherence to international arbitration instruments. The chapter further assesses the role of arbitral institutions established within the region and considers the contribution of the East African Court of justice to the development of arbitration. Through this analysis, the chapter seeks to assess the extent to which the existing legal and institutional architecture supports the resolution of commercial disputes through arbitration within the East African Community. The chapter is divided into eight sections with section eight concluding the chapter.

2.2 Legal and Institutional Framework of Arbitration

The Constitution of Kenya 2010 recognizes arbitration as an alternative dispute resolution mechanism. The constitution promotes the use of alternative dispute resolution. Kenya's Arbitration Act^{xiv} is based on the UNCITRAL Model Law on International Commercial Arbitration (1985),^{xv} designed to assist States in reforming and modernising their laws on arbitral procedure.^{xvi} The Model Law covers all stages of arbitration, from the arbitration agreement and the composition and jurisdiction of the arbitral tribunal, to court intervention, and the recognition and enforcement of the arbitral award.^{xvii} All these aspects of the Model Law informed the drafting of the Kenyan law, with little or no variation in form and content in the domestic law. While the Model Law is limited in its application to international commercial arbitrations, Kenya's Arbitration Act covers both domestic and international arbitration. This is provided for under section 2 of the Act, which provides that "except as otherwise provided in a particular case, the provisions of this Act shall apply to domestic arbitration and international arbitration". Section 3(2)^{xviii} defines domestic arbitration, while Section 3(3)^{xix} stipulates the requisite conditions for an arbitration to qualify as international. Thus, the Act attempts to promote both domestic and international arbitration in the country.

The Arbitration Act 1995 provides for arbitral proceedings and the enforcement of arbitral awards by national courts. Section 3(1) of the Act defines arbitration, as contemplated in the scope of the Act, to mean 'any arbitration whether or not administered by a permanent arbitral institution'. This definition was borrowed from the Model Law as provided for under Article 2(a). The Act's omission of provisions relating to the institutional framework for arbitration is, however, glaring. The Arbitration Act, 1995 (2009) does not establish or endorse a sole arbitral institution in the country.

The Chartered Institute of Arbitrators, Kenya branch, was established in 1984, as one of the branches of the Chartered Institute of Arbitrators, United Kingdom, founded in 1915 with its headquarters in London. The Kenya branch is registered under the Societies Act.^{xx} The Kenya Branch, now has over 700 members presenting a vast pool of knowledgeable and experience.^{xxi}

The Institute also runs a Secretariat with physical facilities in Kenya for Arbitration and other forms of ADR, located at Kindaruma Lane, Nicholson Drive, Off Ngong Road, in Nairobi. To further support the processes of arbitration, the Branch has published its Arbitration Rules.^{xxii} This provides a platform for it to registered members to conduct arbitration, relying on the Branch Arbitration Rules for guidelines.^{xxiii} However, it is debatable as to whether it is an arbitration institution in the strict sense, considering that it was constituted as an organisation objected to facilitate the practice of settlement of disputes by arbitration.^{xxiv}

The Nairobi Centre for International Arbitration (NCIA) was established through the office of the Attorney General under the auspices of the Asian-African Legal Consultative Organisation (AALCO)^{xxv} as a result of a Memorandum of Understanding (MoU) between AALCO and the Government of the Republic of Kenya, signed on 3 April 2006 during the Forty-Fifth Annual Session of AALCO, held at its headquarters in New Delhi, establishing it in Nairobi.^{xxvi} Its functions are set out in Section 5 of the Act being to promote, facilitate and encourage the conduct of international commercial arbitration by this Act,^{xxvii} administer domestic and international arbitrations as well as alternative dispute resolution techniques under its auspices,^{xxviii} ensure that arbitration is reserved as the dispute resolution process of choice,^{xxix} develop rules encompassing conciliation and mediation processes, among other functions.^{xxx} A Board of Directors administers the Centre provided for under Section 6 of the Act. The Board is already in place, with its membership drawn from Kenya, Rwanda, and Uganda. Section 9 of the Act provides for the appointment of a Registrar by the Board of Directors. Section 9(3) mandates the Registrar to oversee the day-to-day management of the Centre's affairs and staff, and to act as secretary to the Board. The Centre's offices are located at the Cooperative House, Haile Selassie Avenue, Nairobi.

Tanzania's arbitration framework is governed by the Arbitration Act, Cap. 15 R.E. 2020. Tanzania has slowly incorporated modern arbitration principles. Institutional arbitration is mainly facilitated by the Tanzania Institute of Arbitrators (TIA) and the National Construction Council (NCC). Tanzania ratified the New York Convention in 1964.^{xxxi} The development of arbitration in Tanzania has been influenced by the broader objective of creating a conducive legal environment for commerce, investment, and regional economic integration.^{xxxii} As one of the founding Partner States of the East African Community, Tanzania has increasingly recognised the importance of efficient dispute resolution mechanisms in facilitating domestic and cross-border commercial transactions.^{xxxiii} Arbitration has consequently emerged as an important mechanism for resolving disputes arising from commercial

contracts, infrastructure projects, construction agreements, investment transactions, and other business relationships that require specialised expertise and procedural flexibility.^{xxxiv} The increasing complexity of commercial activities has necessitated the development of legal frameworks capable of providing parties with court litigation.^{xxxv}

The constitutional framework of Tanzania indirectly supports arbitration through the recognition of access to justice and the promotion of the rule of law.^{xxxvi} Although the Constitution of the United Republic of Tanzania does not expressly provide for arbitration in the manner adopted by some contemporary constitutions, its provisions guaranteeing the right to fair hearing and access to legal remedies create an enabling environment for the operation of alternative dispute resolution mechanisms.^{xxxvii} Arbitration therefore complements the formal judicial system by offering parties a forum through which disputes may be resolved efficiently while preserving commercial relationships. In this regard, arbitration is increasingly viewed not as a rival to the courts but as a complementary mechanism that enhances the overall administration of justice.

The liberalisation of the Tanzanian economy and the country's efforts to attract foreign direct investment have further contributed to the growing relevance of arbitration. Foreign investors often prefer arbitration due to its neutrality, confidentiality, enforceability of awards, and the ability of parties to select arbitrators with specialised expertise.^{xxxviii} Consequently, the success of Tanzania's arbitration framework has become an important factor in assessing the country's investment climate. The existence of mechanisms for the recognition and enforcement of foreign arbitral awards is particularly significant in assuring investors that commercial disputes can be resolved through internationally accepted procedures.^{xxxix}

Notwithstanding these developments, Tanzania's arbitration regime has historically been criticised for retaining several features associated with traditional arbitration legislation inherited from the colonial period.^{xl} Scholars have observed that although the legal framework provided a foundation for arbitral proceedings, it did not adequately reflect contemporary international arbitration standards, particularly in relation to party autonomy, tribunal powers, interim measures, and judicial support for arbitral proceedings.^{xli} These concerns generated sustained calls for legislative reforms aimed at harmonising Tanzanian arbitration law with international best practices and enhancing the country's competitiveness as a destination for investment and international commerce.^{xlii}

The gradual modernisation of arbitration law in Tanzania reflects a broader regional trend among East African Community Partner States towards embracing internationally recognised arbitration principles.^{xliii} Through participation in international conventions and engagement with global arbitration frameworks, Tanzania has sought to strengthen confidence in its dispute resolution system. Such reforms are essential not only for improving the success of commercial dispute resolution but also for advancing regional integration objectives by creating a predictable and reliable legal environment for cross-border trade and investment within the East African Community.^{xliv}

The Ugandan arbitration framework is further reinforced by broader constitutional and statutory principles that promote access to justice and the use of alternative dispute resolution mechanisms.^{xlv} The Constitution of the Republic of Uganda, 1995, encourages the development of ADR mechanisms as a means of reducing judicial backlog and enhancing expeditious dispute resolution.^{xlvi} In practice, arbitration is regarded as a complementary mechanism to litigation, particularly in commercial disputes where party autonomy and procedural efficiency are essential.^{xlvii}

Uganda's arbitration regime is largely influenced by the UNCITRAL Model Law on International Commercial Arbitration (1985), which informs key aspects of procedural fairness, tribunal independence, and enforceability of awards.^{xlviii} This alignment places Uganda within the broader global arbitration architecture, thereby facilitating predictability in cross-border commercial transactions.^{xlix}

Rwanda has been a party to the Washington Convention on the settlement of Investment Disputes since 1979. On November 3, 2008, it became the 143rd country to accede to the Convention on the Recognition and Enforcement of Foreign Arbitral Awards, the New York Convention. The Convention entered into force on 29 January 2009.^l Rwandan Parliament enacted a law in February 2011, establishing the Kigali International Arbitration Centre (KIAC) as an independent body responsible for mediation, adjudication, and arbitration.^{li} Rwanda also has a national arbitration law based on the Model Law, which determines its organisation, functioning, and competence.^{lii} This Act is a modern arbitration law, based on the UNCITRAL Model Law on International Commercial Arbitration.^{liii} The Kigali International Arbitration Centre (KIAC) was established as an independent body and has a panel of domestic and international arbitrators.^{liv} Parties to KIAC arbitrations are free to nominate their arbitrators under the KIAC Rules.^{lv} It is noteworthy that, until the establishment of the KIAC, there was no formal mechanism for amicable dispute resolution, particularly international commercial arbitration.^{lvi} KIAC holds considerable potential to promote the development of international arbitration in the region and Africa as a whole. The institution is operational, and only time will tell if it succeeds in achieving its objectives.

The development of arbitration in Burundi has been influenced by the broader objective of promoting investment, commercial certainty, and economic development within the framework of regional integration.^{lvii} As a Partner State of the East African Community, Burundi has increasingly recognised the importance of alternative dispute resolution mechanisms in facilitating domestic and cross-border commercial transactions.^{lviii} Arbitration has consequently emerged as an important mechanism for resolving commercial disputes, particularly those involving foreign investors, infrastructure projects, and international business transactions.^{lix}

Although the Constitution of Burundi does not expressly provide for arbitration as an alternative dispute resolution mechanism, the constitutional principles of access to justice, legality, and protection of property rights create a supportive environment for the operation of arbitration.^{lx} Arbitration therefore functions as a complementary mechanism to the formal judicial system by providing parties with greater procedural flexibility, confidentiality, and party autonomy in the resolution of disputes.

The enactment of the Investment Code of Burundi represented an important step towards strengthening the legal environment for foreign investment.^{lxi} By expressly recognising international arbitration as a mechanism for resolving investment disputes, the Investment Code reflects Burundi's intention to align its legal framework with internationally accepted standards of commercial dispute resolution. This legislative orientation demonstrates a growing appreciation of arbitration as an instrument for enhancing investor confidence and promoting economic development.^{lxii}

Within the East African Community, Burundi remains one of the least developed arbitration jurisdictions from an institutional perspective. Compared to Kenya, Rwanda, and increasingly Uganda, Burundi has yet to establish itself as a significant regional

arbitration centre.^{lxiii} Nevertheless, its participation in major international arbitration conventions and the existence of a dedicated arbitration institution provide an important foundation for future development.

The continued harmonisation of arbitration laws within the East African Community presents opportunities for Burundi to strengthen its arbitration framework and increase regional competitiveness.^{lxiv} Greater institutional investment, enhanced professional training, and increased awareness of arbitration among commercial actors could significantly improve the success of arbitration practice within the country.^{lxv}

As regional economic integration deepens, Burundi may benefit from adopting additional reforms aimed at aligning its arbitration framework more closely with contemporary international arbitration standards.^{lxvi} Such reforms would contribute to improving investor confidence and enhancing the country's role within the regional dispute resolution landscape.^{lxvii}

The East African Court of Justice is one of the organs of the East African Community established under Article 9 of the Treaty for the Establishment of the East African Community. The Court has jurisdiction over the interpretation and application of the treaty^{lxviii} with the same extending to matters arising from arbitration clauses contained in a contract conferring such jurisdiction to the community.^{lxix} The Court has adopted the East African Court of Justice Arbitration Rules 2012,^{lxx} which were made under Article 42 of the Treaty for the Establishment of the East African Community. Despite the existence of arbitration rules and competent Judges, it is unclear how many arbitration matters the Court has handled or decided since its coming into force.^{lxxi}

2.3 Comparative Analysis of Arbitration of Commercial Disputes Within the East African Community

The arbitration frameworks of the East African Community (EAC) Partner States reveal both significant convergence and notable divergence in legislative design, institutional development, and judicial support mechanisms.^{lxxii} The increasing importance of arbitration in facilitating regional trade, foreign investment, and commercial certainty has prompted Partner States to undertake legal reforms aimed at aligning their domestic arbitration regimes with internationally recognised standards.^{lxxiii} Nevertheless, the extent of implementation and institutional maturity varies considerably across the region. While some jurisdictions have established sophisticated arbitration frameworks supported by specialised institutions and arbitration-friendly judicial systems, others continue to face structural and operational challenges that limit arbitration as a preferred mechanism for resolving commercial disputes.^{lxxiv} A comparative assessment of these frameworks provides important insights into the strengths, weaknesses, and developmental trajectories of arbitration within the East African Community.^{lxxv}

The legislative frameworks governing arbitration within the EAC demonstrate a common commitment towards the promotion of alternative dispute resolution mechanisms.^{lxxvi} Most Partner States have enacted arbitration legislation influenced by international best practices, particularly the UNCITRAL Model Law on International Commercial Arbitration.^{lxxvii} Despite this shared foundation, differences remain regarding the scope of application, judicial intervention, enforcement procedures, and the treatment of international commercial arbitration.^{lxxviii}

The UNCITRAL Model Law has served as the principal benchmark for arbitration reforms throughout the East African Community.^{lxxix} Kenya, Uganda, and Rwanda have substantially incorporated the principles of the Model Law into their domestic arbitration legislation.^{lxxx} These jurisdictions recognise fundamental arbitration principles such as party autonomy, competence, separability of arbitration agreements, procedural flexibility, and limited judicial intervention.^{lxxxi}

Kenya's Arbitration Act is widely regarded as one of the most comprehensive arbitration statutes within the EAC.^{lxxxii} The Act closely mirrors the UNCITRAL Model Law and provides a modern legal framework that accommodates both domestic and international arbitration.^{lxxxiii} Similarly, Uganda's Arbitration and Conciliation Act adopts many Model Law principles and seeks to provide a balanced framework for arbitration and conciliation proceedings.^{lxxxiv} Rwanda has arguably undertaken the most extensive legislative modernisation by adopting arbitration legislation that aligns closely with contemporary international arbitration standards which align and supports the country's ambition of becoming a regional arbitration hub.^{lxxxv} In contrast, Tanzania historically retained an arbitration regime based on older legislative models that reflected colonial-era legal traditions.^{lxxxvi}

All EAC Partner States possess statutory frameworks governing domestic arbitration. However, the sophistication of these frameworks differ considerably.^{lxxxvii} Kenya and Rwanda have enacted legislation that provides detailed procedural guidance regarding the appointment of arbitrators, conduct of proceedings, interim measures, recognition of awards, and judicial support. These frameworks enhance legal certainty and promote confidence among commercial actors.^{lxxxviii}

Uganda similarly provides a reasonably developed statutory framework, although practical challenges relating to enforcement and institutional capacity continue to affect arbitration practice.^{lxxxix} Tanzania's domestic arbitration framework has undergone substantial reform, but certain procedural aspects continue to attract criticism regarding their compatibility with international commercial arbitration standards.^{xc} Burundi's domestic framework remains relatively underdeveloped, notwithstanding efforts to encourage arbitration through investment-related legislation and international treaty commitments.^{xci}

The treatment of international commercial arbitration constitutes an important point of comparison among EAC Partner States. Kenya, Rwanda, and Uganda expressly recognise international arbitration and provide detailed provisions governing international commercial disputes.^{xcii} Rwanda has emerged as a particularly attractive jurisdiction for international commercial arbitration due to its investor-friendly legislation, strong institutional support, and deliberate policy of positioning itself as a regional arbitration centre.^{xciii} Kenya similarly possesses an advanced legal framework that accommodates complex international commercial disputes and facilitates enforcement of foreign arbitral awards.^{xciv} Tanzania and Burundi recognise international arbitration but continue to face challenges relating to institutional development and practical implementation.^{xcv} While both countries are parties to major international arbitration conventions, the utilisation of international arbitration remains comparatively limited.

Kenyan courts have increasingly adopted an arbitration-friendly approach characterised by respect for party autonomy and restraint in interfering with arbitral proceedings.^{x cvi} Rwandan courts similarly demonstrate strong support for arbitration and generally limit intervention to circumstances expressly authorised by law.^{x cvii} Ugandan courts have displayed a mixed approach, balancing judicial supervision with arbitral independence.^{x cviii} Tanzanian courts have historically exercised a more interventionist role, although recent

developments suggest a gradual shift towards greater respect for arbitral autonomy.^{xcix} Burundi's judicial practice remains less developed, making comprehensive assessment difficult.

Overall, the comparative analysis reveals a growing regional trend towards limiting judicial interference and strengthening the principle of party autonomy in accordance with internationally accepted arbitration standards.

The success of arbitration within the EAC is not determined solely by legislative alignment but also by the institutional capacity of arbitral bodies to administer disputes efficiently. Considerable disparities exist across Partner States in this regard. Kenya demonstrates the most advanced institutional framework, anchored by the Nairobi Centre for International Arbitration (NCIA) and complemented by the Chartered Institute of Arbitrators (Kenya Branch), both of which have strengthened administrative capacity, professional standards, and Kenya's regional arbitration profile.^c Rwanda similarly exhibits strong institutional development through the Kigali International Arbitration Centre (KIAC), whose operational efficiency and growing caseload have enhanced Rwanda's position as a leading arbitration hub in Africa.^{ci} In contrast, Uganda's Centre for Arbitration and Dispute Resolution (CADRE), while statutorily established and functionally mandated, remains constrained by limited international visibility and lower utilisation in high-value commercial disputes.^{cii} Tanzania's framework, supported by the Tanzania Institute of Arbitrators (TIA) and the National Construction Council (NCC), continues to develop but retains comparatively lower institutional influence in international arbitration, reflecting slower progression in caseload and global recognition.^{ciii} Burundi, through the Burundi Centre for Arbitration and Mediation (CEBAC), maintains a basic institutional structure; however, it remains significantly underdeveloped in terms of capacity, visibility, and practical utilisation, limiting international commercial arbitration.^{civ}

The success of arbitration as a mechanism for resolving commercial disputes within the East African Community (EAC) is best assessed by examining its ability to deliver efficient, enforceable, and commercially satisfactory outcomes. While the legal and institutional frameworks discussed in the preceding section provide the foundation for arbitration practice, their practical value ultimately depends upon the extent to which arbitration achieves its core objectives.^{cv} These objectives include the timely resolution of disputes, the reduction of procedural complexities associated with litigation, the enforceability of arbitral awards, and the enhancement of investor confidence in commercial transactions. In an increasingly integrated regional economy characterised by cross-border trade and investment, arbitration has become a critical determinant of commercial certainty and economic competitiveness. Consequently, an assessment of arbitration within the EAC must focus not only on the existence of arbitration laws and institutions but also on their practical ability to facilitate the resolution of commercial disputes in a manner that meets the expectations of commercial actors.^{cvi}

Efficiency and timeliness constitute some of the most frequently cited advantages of arbitration. Commercial entities often select arbitration because it offers the prospect of resolving disputes more quickly and flexibly than ordinary court litigation.^{cvii} In the context of the East African Community, where judicial systems frequently experience case backlogs, procedural delays, and resource constraints, arbitration has increasingly emerged as an attractive alternative dispute resolution mechanism. These can therefore be remedied through; Speed of Dispute Resolution, Procedural Flexibility and Cost Implications

The enforceability of arbitral awards is a central determinant of arbitration within the East African Community, as arbitration can only function as a credible dispute resolution mechanism where awards are capable of prompt and reliable enforcement.^{cviii} Across the EAC, domestic legal frameworks generally provide for the recognition and enforcement of arbitral awards through national courts, thereby granting awards the same legal effect as court judgments. Kenya and Rwanda demonstrate comparatively stronger enforcement regimes, characterised by judicial deference to arbitral finality and limited interference with award recognition. Uganda provides a statutory enforcement framework, although procedural delays may affect efficiency, while Tanzania and Burundi maintain recognition mechanisms that are sometimes constrained by institutional and judicial capacity limitations.^{cix} In addition to domestic enforcement, cross-border enforceability significantly enhances arbitration's attractiveness within the region, particularly given the prevalence of transnational commercial transactions. The New York Convention further strengthens this framework by ensuring that arbitral awards rendered in one contracting state are generally enforceable in others, subject only to limited and narrowly defined exceptions such as procedural irregularity, public policy, or lack of jurisdiction. All EAC Partner States are parties to the Convention, thereby reinforcing legal certainty, reducing enforcement uncertainty, and enhancing investor confidence. Collectively, these domestic and international enforcement mechanisms underscore arbitration's superiority over litigation in cross-border commerce and its critical role in supporting regional economic integration.

Investor confidence and commercial certainty constitute central indicators of arbitration within the East African Community, as modern commercial activity depends on predictable and enforceable legal frameworks capable of safeguarding contractual rights and facilitating efficient dispute resolution.^{cx} Arbitration enhances investor confidence by providing a neutral, party-controlled forum that is independent of domestic political and judicial influences, while also allowing parties to select arbitrators, determine applicable law, and rely on internationally enforceable awards. Within the EAC, jurisdictions such as Kenya and Rwanda have strengthened investor perceptions of legal reliability through modern arbitration legislation, institutional development, and supportive judicial practice, thereby enhancing their attractiveness for foreign investment.^{cxii} Predictability in dispute resolution is further reinforced by the growing harmonisation of arbitration laws and the widespread influence of the UNCITRAL Model Law and the New York Convention, which promote consistency in arbitral procedure and enforcement standards across the region. However, variations in judicial approaches, institutional capacity, and enforcement efficiency continue to generate differing levels of predictability and commercial certainty among Partner States. Despite these disparities, arbitration has increasingly become an essential component of the EAC's commercial dispute resolution architecture, contributing significantly to investor confidence, regional economic integration, and the overall efficiency of cross-border commercial transactions.^{cxiii}

Despite the significant progress made in developing arbitration frameworks across the East African Community (EAC), several challenges continue to affect arbitration as a mechanism for resolving commercial disputes.^{cxiii} Although most Partner States have undertaken legislative reforms, established arbitral institutions, and acceded to major international arbitration conventions, the

practical operation of arbitration remains constrained by legal, institutional, judicial, professional, and regional challenges. These challenges affect not only the efficiency of arbitral proceedings but also the confidence of investors and commercial actors in the arbitration process.^{cxiv} Consequently, the continued growth of arbitration within the EAC depends upon addressing these structural and operational impediments through coordinated legal reform, institutional strengthening, and regional cooperation.

The success of arbitration is largely dependent upon the existence of a coherent and predictable legal framework. Although EAC Partner States have demonstrated a commitment to promoting arbitration through legislation, important legislative and regulatory challenges continue to hinder the development of arbitration practice across the region. These are majorly triggered by inconsistencies in National Arbitration Laws, Gaps in Harmonisation and Outdated Legislative Provisions.^{cxv} To deal with this growing concern will ultimately unlock more success and trigger greater regional trade geared towards a common aligned development agenda.

The success of arbitration is closely linked to the capacity and performance of arbitral institutions. While the EAC possesses a number of arbitration centres, many institutions continue to face operational challenges that limit their success and regional influence. These institutional challenges are characterized by the existence of limited Institutional Capacity, financial and Infrastructural Constraints and visibility and Utilisation of Arbitral Institutions.^{cxvi} These among many other challenges have widened the gap leaving many issues unresolved for years. With the existence of such tension, the institutional opacity and functionality becomes compromised and this later interferes with the final expected output from the arbitral institutions.

Judicial support is essential to the success of arbitration. However, judicial practices within the EAC occasionally create challenges that affect the attractiveness of arbitration. Judicial challenges are majorly accompanied with excessive court intervention in matters that require little or no court limitations, delays in enforcement proceedings has occasioned unforced realization of arbitral awards that in the long run limits the functionality of such orders in the first instance which comes with inconsistent judicial approaches.^{cxvii} Such challenges linked with the ever growing capitulation challenge greatly hinders the expected robust outcome of judicial processes. This has occasioned luxury by conflicting parties to even seek judicial intervention with the fear of unpredicted outcomes resulting from the recent unpredictability of the courts in recent years. Case backlogs and the disappearance of court files are a growing concern stirring up these challenges even further.

The success of arbitration depends upon the availability of skilled professionals capable of administering and conducting arbitral proceedings in accordance with international standards. Professional challenges are majorly characterized by shortage of experienced arbitrators, limited specialised training and awareness among commercial actors. This goes to the very root of the performance of the existing arbitral institutions and the standard quality of the arbitral awards that are pronounced the same institutions. Human capital has remained a challenge in the resolution of commercial disputes within and among EAC. This challenge can not just be attributed to lack of reliable work force supply from the EAC labor market but its origin is traced to the very underemployment rate by the existing arbitral institutions. Employment is not tagged to work ratio and this exposes the employed workers to overwork and in poor working environment compromising their quality output in the long run.

As regional economic integration deepens, arbitration increasingly operates within a cross-border commercial environment. This development has generated additional challenges such as border conflicts within and among the EAC member states, a feeling of one member state over benefiting from trade more than the other member state, secret introduction of illegal tariffs and non tariff barriers within the border lines that extend beyond individual national jurisdictions to limit foreign goods at the expense of domestically produced products. Tanzania has in the recent past been accused of introducing subsidies in their domestic market to artificially distort and lower the buying price of their domestic price in their domestic market. The restructuring of EAC laws by EALA are among the undertakings taken by the legislative unit to mitigate and resolve this rising issues.^{cxviii}

The arbitration landscape within the East African Community (EAC) has undergone significant transformation over the past two decades. This transformation has been driven by increased regional economic integration, growing cross-border commercial activity, expanding foreign direct investment, and the recognition of arbitration as an efficient mechanism for resolving commercial disputes.^{cxix} As arbitration continues to develop across the region, several emerging trends and best practices have become evident. These developments reflect broader international shifts in arbitration practice while simultaneously responding to the unique economic and legal realities of the East African region.^{cxx} The growth of institutional arbitration, progressive harmonisation of arbitration laws, adoption of technological innovations, and increasing regionalisation of commercial dispute resolution collectively demonstrate the gradual maturation of arbitration within the EAC.^{cxxi}

The future prospects for arbitration within the East African Community remain promising. Continued economic integration, increasing cross-border trade, and growing foreign investment are likely to generate greater demand for efficient and reliable dispute resolution mechanisms. These developments present opportunities for regional arbitral institutions to strengthen their position within the international arbitration landscape.^{cxxii} Improved arbitration frameworks are also likely to enhance investor confidence by providing greater predictability and legal certainty in commercial transactions. As Partner States continue to modernise their laws and strengthen arbitration institutions, the region may become increasingly attractive as a destination for commercial investment and dispute resolution.^{cxxiii} In the long term, the gradual harmonisation of arbitration laws and practices across the East African Community may contribute to the emergence of a more coherent regional arbitration regime. Such a development would support the objectives of regional integration while promoting efficient, predictable, and internationally competitive mechanisms for the resolution of commercial disputes.^{cxxiv}

4. Conclusion

The study concludes that arbitration has evolved into an indispensable mechanism for the resolution of commercial disputes within the East African Community. The increasing integration of regional markets, growth of international commerce, and expansion of foreign investment have created a corresponding demand for dispute resolution mechanisms capable of delivering efficient, neutral, and enforceable outcomes. Arbitration has largely succeeded in fulfilling this role.

The study demonstrates that arbitration within the EAC cannot be assessed solely through the existence of arbitration legislation or arbitral institutions. Rather, its success depends upon the interaction between legislative quality, institutional capacity, judicial support, professional expertise, and enforcement mechanisms. Where these factors operate cohesively, arbitration is capable of promoting commercial certainty, protecting investor interests, and supporting economic development.

The comparative analysis further reveals that while Kenya and Rwanda have emerged as leading arbitration jurisdictions within the region, important disparities remain among Partner States. These disparities continue to affect the consistency, predictability, and attractiveness of arbitration across the Community. Consequently, although arbitration has established itself as a mechanism for commercial dispute resolution within the EAC, its full potential has not yet been realised uniformly throughout the region.

The study therefore concludes that the continued advancement of arbitration within the East African Community requires sustained commitment to legal reform, institutional strengthening, professional capacity development, technological innovation, and regional cooperation. Such measures would contribute to the development of a more coherent, efficient, and internationally competitive regional arbitration framework capable of supporting the broader objectives of economic integration and commercial development.

Bibliography

Primary Sources

Legislation

Arbitration Act, Cap 4, Laws of Kenya (No. 4 of 1995) (Rev ed 2012).

Arbitration Act, Cap 15, Laws of Tanzania (2002 Revised Edition).

Arbitration and Conciliation Act, Cap 4, Laws of Uganda.

Burundi Investment Code, Law No. 1/24 of 10 September 2008.

Cap 15, Laws of Tanzania.

Cap 108, Laws of Kenya.

Cap 162, Laws of Tanzania (No. 20 of 1979).

Cap 337, Laws of Tanzania.

Constitution of the Republic of Burundi (2018).

Constitution of the Republic of Kenya (2010).

Constitution of the Republic of Rwanda 2003 (as revised in 2015).

Constitution of the Republic of Uganda 1995 (as amended).

Constitution of the United Republic of Tanzania 1977.

Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 10 June 1958) 330 UNTS 38.

Convention on the Recognition and Enforcement of Foreign Arbitral Awards (adopted 10 June 1958, entered into force 7 June 1959) 330 UNTS 3.

Convention on the Settlement of Investment Disputes between States and Nationals of Other States (adopted 18 March 1965, entered into force 14 October 1966) 575 UNTS 159.

Convention on the Settlement of Investment Disputes between States and Nationals of Other States, 18 March 1965, 575 UNTS 159.

East African Community, Protocol on the Establishment of the East African Community Common Market (signed 20 November 2009, entered into force 1 July 2010).

East African Community, Treaty for the Establishment of the East African Community (adopted 30 November 1999, entered into force 7 July 2000).

East African Community Secretariat, Treaty for the Establishment of the East African Community (1999, as amended).

East African Court of Justice Rules of Arbitration (March 2012).

Geneva Protocol on Arbitration Clauses (1923).

Investment Code of Burundi, Law No. 1/24 of 10 September 2008.

Kenya Arbitration Act No. 4 of 1995 (Revised Edition 2012).

Law No. 005/2008 of 14 February 2008 on Arbitration and Conciliation in Commercial Matters (Rwanda).

Law No. 1/08 of 17 March 2005, Code on the Organization and Competence of the Judiciary (Rwanda).

Law No. 51/2010 of 10 January 2010 Establishing the Kigali International Arbitration Centre and Determining its Organisation, Functioning and Competence (Rwanda).

Official Gazette No. 09 bis of 28 February 2011 (Rwanda).

Protocol on the Establishment of the East African Community Common Market (2009).

The Chartered Institute of Arbitrators Constitution.

The Chartered Institute of Arbitrators Kenya Branch Constitution.

The Chartered Institute of Arbitrators, Arbitration Rules (December 2012).

Chartered Institute of Arbitrators (Kenya Branch), Arbitration Rules 2020.

United Nations Commission on International Trade Law (UNCITRAL), Model Law on International Commercial Arbitration (1985, as amended in 2006).

United Nations Commission on International Trade Law (UNCITRAL), Model Law on International Commercial Arbitration (Official Records of the General Assembly, Fortieth Session, Supplement No.17 (A/40/17), Annex I).

United Nations Documents A/40/17, Annex I and A/61/17.

Government Documents

African Development Bank, Legal and Regulatory Framework for Investment in East Africa (AfDB 2019).

African Development Bank Group, Burundi Country Diagnostic Note: Legal and Institutional Framework for Investment Climate (AfDB 2018).

Asian-African Legal Consultative Organization (AALCO), Report on the AALCO's Regional Arbitration Centres (AALCO/51/ABUJA/2012/ORG 3, 2012).

Chambre Fédérale de Commerce et d'Industrie du Burundi (CFCIB), Centre Burundais d'Arbitrage et de Conciliation (CEBAC).

East African Business Council, Study on Commercial Dispute Resolution Mechanisms in East Africa (EABC 2018).

East African Community Secretariat, East African Community Vision 2050: Regional Vision for Socio-Economic Transformation and Development (EAC Secretariat 2016).

East African Community Secretariat, EAC Model Law on Arbitration and Dispute Resolution (Draft Policy Framework) (EAC Secretariat, Arusha).

International Bank for Reconstruction and Development / World Bank, Doing Business 2020: Enforcing Contracts – Kenya and Rwanda Profiles (World Bank 2020).

International Centre for Settlement of Investment Disputes (ICSID), List of Contracting States and Other Signatories of the Convention (ICSID/3, October 2025).

Kigali International Arbitration Centre (KIAC), Annual Report July 2012 – June 2013.

Kigali International Arbitration Centre (KIAC), Annual Report 2023.

Nairobi Centre for International Arbitration (NCIA), Arbitration Efficiency Unpacked: Weighing Cost, Time and Quality (NCIA 2025).

Organisation for Economic Co-operation and Development (OECD), Sustainable Investment Policy Perspectives of the East African Community (OECD 2024).

United Nations Conference on Trade and Development (UNCTAD), Dispute Settlement: International Commercial Arbitration (UNCTAD 2005).

United Nations Conference on Trade and Development (UNCTAD), Investment Policy Review: Burundi (United Nations 2010).

United Nations Conference on Trade and Development (UNCTAD), Investor–State Dispute Settlement: A Sequel (UNCTAD 2014).

United Nations Conference on Trade and Development (UNCTAD), World Investment Report 2012: Towards a New Generation of Investment Policies (UNCTAD 2012).

United Nations Commission on International Trade Law (UNCITRAL), Explanatory Note by the UNCITRAL Secretariat on the Model Law on International Commercial Arbitration (UNCITRAL 2012).

United Nations Commission on International Trade Law (UNCITRAL), Guide on the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) (UNCITRAL Secretariat 2016).

United Nations Commission on International Trade Law (UNCITRAL), Guide to Enactment and Interpretation of the UNCITRAL Model Law on International Commercial Arbitration (UNCITRAL 2012).

United Nations Commission on International Trade Law (UNCITRAL), Notes on Organizing Arbitral Proceedings (UNCITRAL 2016).

United Nations Commission on International Trade Law (UNCITRAL), Status: Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958).

United Nations Commission on International Trade Law (UNCITRAL), Technical Notes on Online Dispute Resolution (UNCITRAL 2016).

United Nations Commission on International Trade Law (UNCITRAL), UNCITRAL and the Promotion of International Arbitration and Conciliation (UNCITRAL 2016).

World Bank, Doing Business 2020: Enforcing Contracts – Measuring Judicial Efficiency and Dispute Resolution (World Bank Group 2020).

World Bank Group, Doing Business 2020: Comparing Business Regulation in 190 Economies (World Bank 2020).

World Bank Group, Enabling the Business of Investment: Arbitration and Dispute Resolution Report (World Bank 2017).

World Bank Group, Global Investment Competitiveness Report 2017/2018: Foreign Investor Perspectives and Policy Implications (World Bank 2018).

Case Laws

Anne Mumbi Hinga v Victoria Njoki Gathara [2009] eKLR.

Glencore Grain Ltd v T.S.S.S. Grain Millers Ltd [2012] eKLR.

Nyutu Agrovet Ltd v Airtel Networks Kenya Ltd [2019] eKLR.

Synergy Industrial Credit Ltd v Cape Holdings Ltd [2020] eKLR.

Policy Papers

African Development Bank, Legal and Regulatory Framework for Investment in East Africa (AfDB 2019).

African Development Bank Group, Burundi Country Diagnostic Note: Legal and Institutional Framework for Investment Climate (AfDB 2018).

Asian-African Legal Consultative Organization (AALCO), Report on the AALCO Regional Arbitration Centres (AALCO/51/ABUJA/2012/ORG 3, 2012).

East African Business Council (EABC), Study on Commercial Dispute Resolution Mechanisms in East Africa (EABC 2018).

East African Community Secretariat, East African Community Vision 2050: Regional Vision for Socio-Economic Transformation and Development (EAC Secretariat 2016).

East African Community Secretariat, EAC Model Law on Arbitration and Dispute Resolution (Draft Policy Framework) (EAC Secretariat, Arusha).

Emilia Onyema (ed), SOAS Arbitration in Africa Survey Report: Perceptions on Africa-Connected Arbitration (SOAS University of London 2024).

International Bank for Reconstruction and Development/World Bank, *Doing Business 2020: Enforcing Contracts – Kenya and Rwanda Profiles* (World Bank 2020).

Organisation for Economic Co-operation and Development (OECD), *Sustainable Investment Policy Perspectives of the East African Community* (OECD 2024).

United Nations Conference on Trade and Development (UNCTAD), *Dispute Settlement: International Commercial Arbitration* (UNCTAD 2005).

United Nations Conference on Trade and Development (UNCTAD), *Investment Policy Review: Burundi* (United Nations 2010).

United Nations Conference on Trade and Development (UNCTAD), *Investor–State Dispute Settlement: A Sequel* (UNCTAD 2014).

United Nations Conference on Trade and Development (UNCTAD), *World Investment Report 2012: Towards a New Generation of Investment Policies* (UNCTAD 2012).

United Nations Commission on International Trade Law (UNCITRAL), *Explanatory Note by the UNCITRAL Secretariat on the Model Law on International Commercial Arbitration* (UNCITRAL 2012).

United Nations Commission on International Trade Law (UNCITRAL), *Guide on the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958)* (UNCITRAL Secretariat 2016).

United Nations Commission on International Trade Law (UNCITRAL), *Guide to Enactment and Interpretation of the UNCITRAL Model Law on International Commercial Arbitration* (UNCITRAL 2012).

United Nations Commission on International Trade Law (UNCITRAL), *Notes on Organizing Arbitral Proceedings* (UNCITRAL 2016).

United Nations Commission on International Trade Law (UNCITRAL), *Technical Notes on Online Dispute Resolution* (UNCITRAL 2016).

United Nations Commission on International Trade Law (UNCITRAL), *UNCITRAL and the Promotion of International Arbitration and Conciliation* (UNCITRAL 2016).

World Bank Group, *Enabling the Business of Investment: Arbitration and Dispute Resolution Report* (World Bank 2017).

World Bank Group, *Global Investment Competitiveness Report 2017/2018: Foreign Investor Perspectives and Policy Implications* (World Bank 2018).

Secondary Sources

Books

Berger KP, *Private Dispute Resolution in International Business* (3rd edn, Kluwer Law International 2015).

Born GB, *International Arbitration: Law and Practice* (Kluwer Law International 2012).

Born GB, *International Commercial Arbitration* (3rd edn, Kluwer Law International 2021).

Christoph H Schreuer, Loretta Malintoppi, August Reinisch and Anthony Sinclair, *The ICSID Convention: A Commentary* (2nd edn, Cambridge University Press 2009).

Dobinson I and Johns F, 'Qualitative Legal Research' in Mike McConville and Wing Hong Chui (eds), *Research Methods for Law* (2nd edn, Edinburgh University Press 2017).

Emmanuel Gaillard and John Savage (eds), *Fouchard Gaillard Goldman on International Commercial Arbitration* (Kluwer Law International 1999).

Gomez MA and others, *UNCITRAL Model Law on International Commercial Arbitration: A Commentary* (Cambridge University Press 2020).

Jean Kalicki and Mohamed Abdel Raouf (eds), *Evolution and Adaptation: The Future of International Arbitration* (ICCA Congress Series No. 20, Kluwer Law International 2020).

Julian DM Lew, Loukas A Mistelis and Stefan M Kröll, *Comparative International Commercial Arbitration* (Kluwer Law International 2003).

Kariuki Muigua, *Settling Disputes through Arbitration in Kenya* (Glenwood Publishers 2015).

Konrad Zweigert and Hein Kötz, *An Introduction to Comparative Law* (3rd edn, Oxford University Press 1998).

Margaret L Moses, *The Principles and Practice of International Commercial Arbitration* (2nd edn, Cambridge University Press 2012).

Onyema E, *Institutional Arbitration in Africa* (Kluwer Law International 2021).

Oppong RF, *Legal Aspects of Economic Integration in Africa* (Cambridge University Press 2011).

Redfern A, Hunter M, Blackaby N, Partasides C and others, *Redfern and Hunter on International Arbitration* (7th edn, Oxford University Press 2022).

UNCTAD, *Investor–State Dispute Settlement: A Sequel* (United Nations 2014).

World Bank, *Doing Business 2020: Comparing Business Regulation in 190 Economies* (World Bank 2020).

Journals

Adriko MJ and Gulam HD, 'Key Arbitration Caselaw Developments in Uganda 2023–2024' (2024) MMAKS Advocates.

Ashivaka ES and Ssemmanda E, 'Investment Regulation in the East African Community: Community and Domestic Legal Regimes' (2021) 1(1) *African Journal of Commercial Law* 173.

Gastorn K, 'International Arbitration on Investment Disputes in Natural Wealth and Resources Sector in Tanzania' (2020) 47(2) *Eastern Africa Law Review* 1.

Gathii JT, 'The Nairobi Centre for International Arbitration and the Future of Arbitration in East Africa' (2017) 83(4) *Arbitration* 403.

Hutchinson T and Duncan N, 'Defining and Describing What We Do: Doctrinal Legal Research' (2012) 17(1) *Deakin Law Review* 83.

Juma Mdanku J, 'Regional and International Mechanisms Influencing Alternative Dispute Resolution in Tanzania's Mining Sector' (2024) 2(1) *Tanzanian Journal of Multidisciplinary Studies* 48.

Kakooza AC, 'Arbitration, Conciliation and Mediation in Uganda: A Focus on the Practical Aspects' (2009) 7(2) *Uganda Living Law Journal* 268.

- Kirungi A, 'Cultural Perspectives on Dispute Resolution: Arbitration vs Traditional Practices in East Africa' (2021) *Journal of African Cultural Studies*.
- Masinde P, 'The Role of Awareness and Accessibility in Promoting Arbitration in East Africa' (2020) 9(1) *East African Arbitration Journal* 59.
- Mbwega H, 'Examining the Challenges of Enforcing Arbitral Awards in the East African Court of Justice (EACJ): A Case Study of Kenya and Tanzania' (2025) 11(1) *University of Nairobi Law Journal*.
- Moses KKK and Rwakakamba EN, 'The Development of International Arbitration in East Africa: Emerging Trends and Challenges' (2021) 87(2) *Arbitration* 196.
- Muigua K, 'Effectiveness of Arbitration Institutions in East Africa' (2016).
- Munyithya J, 'ADR as a Promising Method of Accessing Justice for the Wider Kenyan Communities' (2024) 1(1) *CIArb Kenya Alternative Dispute Resolution Journal* 170.
- Mwangi M and Okello D, 'Challenges in Harmonizing Arbitration Laws in East Africa' (2020) 5(1) *International Journal of Legal Studies in Africa* 103.
- Onyango D and Mutua K, 'Challenges in the Enforcement of Arbitral Awards in East Africa' (2020) 10(2) *Journal of African Arbitration* 72.
- Oppong RF, 'The East African Court of Justice, Enforcement of Foreign Arbitration Awards and the East African Community Integration Process' (2019) 63(1) *Journal of African Law*.
- Ojienda T, 'Alternative Dispute Resolution and Access to Justice in Kenya' (2004) 2 *Kenya Law Review*.
- Sanders P, 'Unity and Diversity in the Adoption of the Model Law' (1995) 11 *Arbitration International* 1.
- Schouthete A de, Stassen A and Ngabire P, 'Rwanda: A Rapidly Modernising Arbitration Hub Driven by Legal Reform and KIAC's Expanding Influence' (2026) *Global Arbitration Review – The Middle Eastern and African Arbitration Review*.
- Semakula SM, 'A Critical Analysis of the Arbitration and Conciliation Act of Uganda' (2019) 6(1) *Islamic University in Uganda Journal of Comparative Law*.
- Sixbert G, 'Challenges in Applying the Kompetenz-Kompetenz Principle in Tanzanian Arbitration Law in Relation to Court Intervention' (2025) 8(5) *International Journal of Law Management & Humanities*.
- Tanui J, 'Confidentiality and Efficiency in Arbitration: The East African Perspective' (2021) *East African Journal of Arbitration*.
- W Kapinga and others, 'Getting the Deal Through – Arbitration: Tanzania Chapter' (2014) *Getting the Deal Through*.

Policy Papers

- African Development Bank, *Legal and Regulatory Framework for Investment in East Africa* (AfDB 2019).
- African Development Bank Group, *Burundi Country Diagnostic Note: Legal and Institutional Framework for Investment Climate* (AfDB 2018).
- Asian-African Legal Consultative Organization (AALCO), *Report on the AALCO Regional Arbitration Centres* (AALCO/51/ABUJA/2012/ORG 3, 2012).
- East African Business Council (EABC), *Study on Commercial Dispute Resolution Mechanisms in East Africa* (EABC 2018).
- East African Community Secretariat, *East African Community Vision 2050: Regional Vision for Socio-Economic Transformation and Development* (EAC Secretariat 2016).
- East African Community Secretariat, *EAC Model Law on Arbitration and Dispute Resolution (Draft Policy Framework)* (EAC Secretariat, Arusha).
- Emilia Onyema (ed), *SOAS Arbitration in Africa Survey Report: Perceptions on Africa-Connected Arbitration* (SOAS University of London 2024).
- International Bank for Reconstruction and Development/World Bank, *Doing Business 2020: Enforcing Contracts – Kenya and Rwanda Profiles* (World Bank 2020).
- Organisation for Economic Co-operation and Development (OECD), *Sustainable Investment Policy Perspectives of the East African Community* (OECD 2024).
- United Nations Conference on Trade and Development (UNCTAD), *Dispute Settlement: International Commercial Arbitration* (UNCTAD 2005).
- United Nations Conference on Trade and Development (UNCTAD), *Investment Policy Review: Burundi* (United Nations 2010).
- United Nations Conference on Trade and Development (UNCTAD), *Investor–State Dispute Settlement: A Sequel* (UNCTAD 2014).
- United Nations Conference on Trade and Development (UNCTAD), *World Investment Report 2012: Towards a New Generation of Investment Policies* (UNCTAD 2012).
- United Nations Commission on International Trade Law (UNCITRAL), *Explanatory Note by the UNCITRAL Secretariat on the Model Law on International Commercial Arbitration* (UNCITRAL 2012).
- United Nations Commission on International Trade Law (UNCITRAL), *Guide on the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958)* (UNCITRAL Secretariat 2016).
- United Nations Commission on International Trade Law (UNCITRAL), *Guide to Enactment and Interpretation of the UNCITRAL Model Law on International Commercial Arbitration* (UNCITRAL 2012).
- United Nations Commission on International Trade Law (UNCITRAL), *Notes on Organizing Arbitral Proceedings* (UNCITRAL 2016).
- United Nations Commission on International Trade Law (UNCITRAL), *Technical Notes on Online Dispute Resolution* (UNCITRAL 2016).
- United Nations Commission on International Trade Law (UNCITRAL), *UNCITRAL and the Promotion of International Arbitration and Conciliation* (UNCITRAL 2016).
- World Bank Group, *Enabling the Business of Investment: Arbitration and Dispute Resolution Report* (World Bank 2017).
- World Bank Group, *Global Investment Competitiveness Report 2017/2018: Foreign Investor Perspectives and Policy Implications* (World Bank 2018).

Online Articles

- Addleshaw Goddard LLP, *Burundi: Enforcement of Arbitral Awards (Doing Business in Africa Series)* <https://www.addleshawgoddard.com/en/doing-business-in-africa/africa-countries-a-z-list/burundi/> accessed 7 June 2026.

Aimery de Schoutheete and Arnaud Stassen, 'Rwanda: A Rapidly Modernising Arbitration Hub Driven by Legal Reform and KIAC's Expanding Influence' *Global Arbitration Review* (14 April 2026) <https://globalarbitrationreview.com/> accessed 7 June 2026.

Caballero O and Uwamahoro J, 'Rwanda' in *International Comparative Legal Guides: International Arbitration 2024* (2024).

CMS Expert Guides, *International Arbitration Law and Practice in Kenya* (CMS 2023) <https://cms.law/en/int/expert-guides/cms-expert-guide-to-international-arbitration/kenya> accessed 9 June 2026.

Delos Dispute Resolution, *Rwanda – Gap Analysis* (2nd edn, 2025) <https://delosdr.org/wp-content/uploads/2023/09/Delos-GAP-2nd-edn-Rwanda.pdf> accessed 7 June 2026.

Global Arbitration Review, *Construction Arbitration in East Africa* (2026) <https://globalarbitrationreview.com/> accessed 9 June 2026.

Global Arbitration Review, *Kenya: Arbitration (Amendment) Bill 2025 Signals a Reset for Nairobi's Arbitral Ambitions* (2026) <https://globalarbitrationreview.com/> accessed 9 June 2026.

Habimana P, 'The Aftermath of Setting Aside an Arbitral Award in Rwanda' (2024) *Law and World* <https://lawandworld.ge/index.php/law/article/view/622> accessed 7 June 2026.

Herbert Smith Freehills, 'Burundi Becomes 150th State Party to the New York Convention' (3 September 2014) <http://hsfnotes.com/arbitration/2014/09/03/burundi-becomes-150th-state-party-to-the-new-york-convention/> accessed 29 April 2015.

Justus Munyithya, 'ADR as a Promising Method of Accessing Justice for the Wider Kenyan Communities' (CI Arb Kenya ADR Journal, 2024) <https://ciarbkkenya.org/wp-content/uploads/2024/03/final-vol-1-issue-1.pdf> accessed 9 June 2026.

Key Arbitration Caselaw Developments in Uganda 2023–2024 (MMAKS Advocates, 14 March 2024) <https://www.mmaks.co.ug/articles/2024/03/14/key-arbitration-caselaw-developments-uganda-2023-2024> accessed 27 May 2026.

Kigali International Arbitration Centre (KIAC), About KIAC <http://www.kiac.org.rw/> accessed 7 June 2026.

Kigali International Arbitration Centre (KIAC), Official Website <http://www.kiac.org.rw> accessed 26 May 2026.

Kigali International Arbitration Centre (KIAC), *Arbitration Rules* (2012) <http://www.kiac.org.rw/IMG/pdf/3.pdf> accessed 26 May 2026.

Law Gratis, 'International Commercial Arbitration at Burundi' (26 May 2025) <https://lawgratis.com/blog-detail/international-commercial-arbitration-at-burundi> accessed 7 June 2026.

MMAKS Advocates, 'Key Arbitration Caselaw Developments in Uganda 2023–2024' (14 March 2024) <https://www.mmaks.co.ug/articles/2024/03/14/key-arbitration-caselaw-developments-uganda-2023-2024> accessed 27 May 2026.

Nairobi Centre for International Arbitration (NCIA), About NCIA <https://ncia.or.ke/about/> accessed 6 June 2026.

Nairobi Centre for International Arbitration (NCIA), About NCIA (2024).

Namara A, 'The Principle of Limited Court Intervention in Arbitral Matters: Establishing Uganda as a Preferred Seat of Arbitration' (CI Arb Uganda Quarterly Newsletter, 12 June 2025) <https://namaralaw.com/2025/06/12/the-principle-of-limited-court-intervention-in-arbitral-matters-establishing-uganda-as-a-preferred-seat-of-arbitration/> accessed 27 May 2026.

Norton Rose Fulbright, *Arbitration in Africa: Tanzania* (2007) <http://www.nortonrosefulbright.com/files/tanzania-25762.pdf> accessed 27 April 2026.

OpenUCT Repository, *A Perspective of the Role of Tanzanian National Courts in Commercial Arbitration* <https://open.uct.ac.za> accessed 9 June 2026.

UN News Centre, 'Rwanda Accedes to UN Convention on Commercial Arbitration' (3 November 2008) <http://www.un.org/apps/news/story.asp?NewsID=28799&Cr=Trade&Cr1=Convention> accessed 28 May 2026.

Victor Mugabe, 'Strengthening Investment through Arbitration: The Kigali International Arbitration Centre and Rwanda as a Model for Africa' (Bocconi Legal Papers, 27 March 2025) <https://blp.egeaonline.it> accessed 7 June 2026.

Wilbert B Kapinga, 'Registration and Enforcement of Arbitral Awards in Tanzania' (2013) *The European, Middle Eastern and African Arbitration Review* <http://www.mkono.com/pdf/Tanzania2013.pdf> accessed 27 May 2026.

ⁱ Gary B Born, *International Arbitration: Law and Practice* (Kluwer Law International 2012) 3–4.

ⁱⁱ Mwangi, M., & Okello, D. "in harmonizing arbitration laws in East Africa." *International journal of legal studies in Africa*, vol. 5, no. 1, 2020, pp. 103–118.

ⁱⁱⁱ Masinde, P. "The role of awareness and accessibility in promoting arbitration in East Africa." *East African arbitration journal*, vol. 9, No. 1, 2020, pp. 59–74.

^{iv} Nigel Blackaby, Constantine Partasides, Alan Redfern and Martin Hunter, *Redfern and Hunter on International Arbitration* (6th edn, Oxford University Press 2015) 1–3.

^v East African Business Council, *Study on Commercial Dispute Resolution Mechanisms in East Africa* (EABC 2018) 27–29.

^{vi} Kirungi, A. "Cultural perspectives on dispute resolution: Arbitration vs. Traditional practices in East Africa." *Journal of African cultural studies*, vol. 10, 2021, pp. 142–160.

^{vii} Tanui, J. "Confidentiality and efficiency in arbitration: The East African perspective." *East African journal of arbitration*, vol. 3, 2021, pp. 35–49.

^{viii} Nairobi Centre for International Arbitration, 'About Us' (<https://ncia.or.ke/about/>) accessed 6 June 2026.

^{ix} East African Community Secretariat, *EAC Vision 2050: Regional Vision for Socio-Economic Transformation and Development* (<https://www.eac.int/documents/category/eac-vision-2050>) accessed 6 June 2026.

^x Onyango, D. & Mutua, K. "Challenges in the enforcement of arbitral awards in East Africa." *Journal of African arbitration*, vol. 10, No. 2, 2020, pp. 72–90.

^{xi} Nairobi Centre for International Arbitration (NCIA), *Arbitration Efficiency Unpacked: Weighing Cost, Time and Quality* (NCIA 2025) 19–20.

^{xii} Eugene Otieno Owade and Ben M Sihanya, 'Mainstreaming Cross-Border Arbitration at the EACJ: Role of Intellectual Property in Regional Integration' (2024) *East African Law Journal* 89, 90–91.

^{xiii} Richard Frimpong Oppong, 'The East African Court of Justice, Enforcement of Foreign Arbitration Awards and the East African Community Integration Process' (2019) 63(1) *Journal of African Law* 103, 104–105.

- xiv Arbitration Act, Cap 4 laws of Kenya (No. 11 of 2009), as amended by the Amending Act No. 11 of 2009, L.N. 48/2010. Revised Edition 2012 [2010].
- xv United Nations documents A/40/17, annex I and A/61/17.
- xvi United Nations Commission on International Trade Law, UNICTRAL Model Law on International Commercial Arbitration (1985), with amendments as adopted in 2006.
- xvii Ibid
- xviii S. 3(2) An arbitration is domestic if the arbitration agreement provides expressly or by implication for arbitration in Kenya: and at the time when proceedings are commenced or the arbitration is entered into; (a) where the arbitration is between individuals, the parties are nationals of Kenya or are habitually resident in Kenya; (b) where the arbitration is between bodies corporate, the parties are incorporated in Kenya or their central management and control are exercised in Kenya; (c) where the arbitration is between an individual and a body corporate; (i) the party who is an individual is a national of Kenya or is habitually resident in Kenya; and (ii) the party that is a body corporate is incorporated in Kenya or its central management and control are exercised in Kenya: or (d) the place where a substantial part of the obligations of the commercial relationship is to be performed, or the place with which the subject matter of the dispute is most closely connected, is Kenya.
- xix Section 3(3) An arbitration is international if; (a) the parties to an arbitration agreement have, at the time of the conclusion of that agreement, their places of business in different states; (b) one of the following places is situated outside the state in which the parties have their places of business; (i) the juridical seat of arbitration is determined by or pursuant to the arbitration agreement; or (ii) any place where a substantial part of the obligations of the commercial relationship is to be performed or the place with which the subject-matter of the dispute is most closely connected; or (c) the parties have expressly agreed that the subject-matter of the arbitration agreement relates to more than one state.
- xx Cap 108, Laws of Kenya.
- xxi The Chartered Institute of Arbitrators Kenya Branch Website, Directory of Members, available at <http://www.ciarbkenya.org/membership.html> accessed 8 May 2026.
- xxii The Chartered Institute of Arbitrators, Arbitration Rules, December 2012.
- xxiii Chartered Institute of Arbitrators (Kenya Branch), Arbitration Rules 2020 (CI Arb Kenya Branch 2020) rules 1–3.
- xxiv The Chartered Institute of Arbitrators Kenya branch constitution, clause 2(i)(a).
- xxv Asian-African Legal Consultative Organization, Report on the AALCO's Regional Arbitration Centres, para. 23, p.5
- xxvi Asian-African Legal Consultative Organization, Report on the AALCO's Regional Arbitration Centres, AALCO/51/ABUJA/2012/ORG 3, para. 7, p. 2.
- xxvii S.5(a), No 26 of 2013
- xxviii Ibid, S. 5 (b)
- xxix Ibid, S. 6 (c)
- xxx Ibid, s. 5(d)
- xxxi United Nations Commission on International Trade Law (UNCITRAL), *Status: Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958)* (13 October 1964)
- xxxii Kennedy Gastorn, 'International Arbitration on Investment Disputes in Natural Wealth and Resources Sector in Tanzania' (2020) 47(2) *Eastern Africa Law Review* 1, 2.
- xxxiii Edmond Ashivaka Shikoli and Emmanuel Sebijjo Ssemmanda, 'Investment Regulation in the East African Community: Community and Domestic Legal Regimes' (2021) 1(1) *African Journal of Commercial Law* 173, 175-176.
- xxxiv Margaret L Moses, *The Principles and Practice of International Commercial Arbitration* (2nd edn, Cambridge University Press 2012) 2-3.
- xxxv Julian DM Lew, Loukas A Mistelis and Stefan M Kröll, *Comparative International Commercial Arbitration* (Kluwer Law International 2003) 3.
- xxxvi Constitution of the United Republic of Tanzania 1977, arts 13(6)(a) and 107A(1).
- xxxvii Ibid.
- xxxviii Christoph H Schreuer and others, *The ICSID Convention: A Commentary* (2nd edn, Cambridge University Press 2009) 7-8.
- xxxix Julian DM Lew, Loukas A Mistelis and Stefan M Kröll, *Comparative International Commercial Arbitration* (Kluwer Law International 2003) 24-25.
- xl Kennedy Gastorn, 'International Arbitration on Investment Disputes in Natural Wealth and Resources Sector in Tanzania' (2020) 47(2) *Eastern Africa Law Review* 1, 3-4.
- xli Julian DM Lew, Loukas A Mistelis and Stefan M Kröll, *Comparative International Commercial Arbitration* (Kluwer Law International 2003) 23–25.
- xlvi Kennedy Gastorn, 'International Arbitration on Investment Disputes in Natural Wealth and Resources Sector in Tanzania' (2020) 47(2) *Eastern Africa Law Review* 1, 25-26.
- xlvi Richard Frimpong Oppong, 'The East African Court of Justice, Enforcement of Foreign Arbitration Awards and the East African Community Integration Process' (2019) 63(1) *Journal of African Law* 1, 18-19.
- xlii Jamillah Juma Mdanku, 'Regional and International Mechanisms Influencing Alternative Dispute Resolution in Tanzania's Mining Sector' (2024) 2(1) *Tanzanian Journal of Multidisciplinary Studies* 48, 52–53.
- xliii Constitution of the Republic of Uganda 1995 (as amended), art 126(2).
- xliii Ibid.
- xliii Anthony Conrad Kakooza, 'Arbitration, Conciliation and Mediation in Uganda: A Focus on the Practical Aspects' (2009) 7(2) *Uganda Living Law Journal* 268, 271-272.

- ^{xlvi} *Key Arbitration Caselaw Developments in Uganda 2023–2024* (MMAKS Advocates, 14 March 2024), available at <https://www.mmaks.co.ug/articles/2024/03/14/key-arbitration-caselaw-developments-uganda-2023-2024> (accessed 27 May 2026).
- ^{xlvi} Moses J Adriko and Hussein D Gulam, 'Key Arbitration Caselaw Developments in Uganda 2023–2024' (14 March 2024) MMAKS Advocates, available at <https://www.mmaks.co.ug/articles/2024/03/14/key-arbitration-caselaw-developments-uganda-2023-2024> (accessed 27 May 2026).
- ^l UN News Centre, 'Rwanda Accedes to UN Convention on Commercial Arbitration' (3 November 2008) <http://www.un.org/apps/news/story.asp?NewsID=28799&Cr=Trade&Cr1=Convention> accessed 28 May 2026.
- ^{li} Law No 51/2010 of 10/01/2010.Laws of Rwanda.
- ^{lii} Official gazette n 09 bis of 28/02/2011.
- ^{liii} Oppong, R.F., *Legal Aspects of Economic Integration in Africa*, (Cambridge University Press, 2011), p. 240.
- ^{liv} Kigali International Arbitration Centre (KIAC), *Kigali International Arbitration Centre Official Website* (n.d.) <http://www.kiac.org.rw> accessed 26 May 2026.
- ^{lv} Kigali International Arbitration Centre (KIAC), *Arbitration Rules* (2012) (issued 2015) <http://www.kiac.org.rw/IMG/pdf/3.pdf> accessed 26 May 2026.
- ^{lvi} Kigali International Arbitration Center, Annual Report July 2012-June 2013, 4.
- ^{lvii} Jean Kalicki and Mohamed Abdel Raouf (eds), *Evolution and Adaptation: The Future of International Arbitration* (ICCA Congress Series No 20, Kluwer Law International 2020) 713–715.
- ^{lviii} East African Community Secretariat, *Treaty for the Establishment of the East African Community* (1999, as amended) arts 5 and 126.
- ^{lix} Gary B Born, *International Commercial Arbitration* (3rd edn, Kluwer Law International 2021) 68–70.
- ^{lx} Constitution of the Republic of Burundi (2018) arts 38 and 52.
- ^{lxi} United Nations Conference on Trade and Development (UNCTAD), *Investment Policy Review: Burundi* (United Nations 2010) 21–22.
- ^{lxii} Investment Code of Burundi, Law No 1/24 of 10 September 2008 art 17.
- ^{lxiii} African Development Bank, *Legal and Regulatory Framework for Investment in East Africa* (AfDB 2019) 63–64
- ^{lxiv} East African Community Secretariat, *EAC Model Law on Arbitration and Dispute Resolution (Draft Policy Framework)* (EAC Secretariat, Arusha) 12–13.
- ^{lxv} World Bank Group, *Enabling the Business of Investment: Arbitration and Dispute Resolution Report* (World Bank 2017) 31–33.
- ^{lxvi} UNCITRAL, *UNCITRAL Model Law on International Commercial Arbitration: Guide to Enactment and Interpretation* (2012) 7–9 https://uncitral.un.org/sites/uncitral.un.org/files/media-documents/uncitral/en/07-86998_ebook.pdf accessed 7 June 2026.
- ^{lxvii} World Bank Group, *Global Investment Competitiveness Report 2017/2018: Foreign Investor Perspectives and Policy Implications* (World Bank 2018) 52–54.
- ^{lxviii} Art, 27
- ^{lxix} Art, 32.
- ^{lxx} East African Court of Justice Rules of arbitration, EACJ, Arusha, Tanzania, March 2012.
- ^{lxxi} Harold R Nsekela, 'Overview of the East African Court of Justice' (Paper presented at the Sensitisation Workshop on the Role of the EACJ in the EAC Integration, Imperial Royale Hotel, Kampala, Uganda, 1–2 November 2011).
- ^{lxxii} Richard Frimpong Oppong, 'The East African Court of Justice, Enforcement of Foreign Arbitration Awards and the East African Community Integration Process' (2019) 63(1) *Journal of African Law* 1, 20.
- ^{lxxiii} Organisation for Economic Co-operation and Development (OECD), *Sustainable Investment Policy Perspectives of the East African Community* (OECD 2024) para 2.1–2.2.
- ^{lxxiv} Richard Frimpong Oppong, 'The East African Court of Justice, Enforcement of Foreign Arbitral Awards and the East African Community Integration Process' (2019) *Journal of African Law* 63(1) 25–52, 30–31.
- ^{lxxv} KMCO LLP, *Effectiveness of Arbitration Institutions in East Africa* (2016) 7–9, available at <https://kmco.co.ke/wp-content/uploads/2018/08/Effectiveness-of-Arbitration-Institutions-in-East-Africa-22-February-2016.pdf>.
- ^{lxxvi} Justus Munyithya, *ADR As A Promising Method of Accessing Justice for the Wider Kenyan Communities* (CI Arb Kenya Alternative Dispute Resolution Journal, Vol 1 Issue 1, 2024) 170, available at <https://ciarbkenya.org/wp-content/uploads/2024/03/final-vol-1-issue-1.pdf>.
- ^{lxxvii} CMS Expert Guides, *International Arbitration Law and Practice in Kenya* (CMS, Expert Guide to International Arbitration, 2023) para 1.4, available at <https://cms.law/en/int/expert-guides/cms-expert-guide-to-international-arbitration/kenya>.
- ^{lxxviii} KMCO LLP, *Effectiveness of Arbitration Institutions in East Africa* (2016) 4–5, available at <https://kmco.co.ke/wp-content/uploads/2018/08/Effectiveness-of-Arbitration-Institutions-in-East-Africa-22-February-2016.pdf>.
- ^{lxxix} Pieter Sanders, 'Unity and Diversity in the Adoption of the Model Law' (1995) 11 *Arbitration International* 1, 1–38, 1.
- ^{lxxx} *Global Arbitration Review*, 'Construction Arbitration in East Africa' (2026) available at <https://globalarbitrationreview.com/review/the-middle-eastern-and-african-arbitration-review/2017/article/construction-arbitration-in-east-africa/download> (accessed 9 June 2026) (n.p.).
- ^{lxxxi} UNCITRAL, *Model Law on International Commercial Arbitration* (1985, amended 2006) (United Nations Commission on International Trade Law) available at https://uncitral.un.org/en/texts/arbitration/modellaw/commercial_arbitration accessed 9 June 2026.
- ^{lxxxii} *Civil Case E093 of 2020* (Kenya Law, High Court at Nairobi) [2020] eKLR, paras 47–49
- ^{lxxxiii} *Global Arbitration Review*, 'Kenya: Arbitration (Amendment) Bill 2025 signals a reset for Nairobi's arbitral ambitions' (2026) available at <https://globalarbitrationreview.com/review/the-middle-eastern-and-african-arbitration-review/2026/article/kenya-arbitration-amendment-bill-2025-signals-reset-nairobis-arbitral-ambitions> accessed 9 June 2026 (n.p.).
- ^{lxxxiv} Shadat Mohamed Semakula, 'A Critical Analysis of the Arbitration and Conciliation Act of Uganda' (2019) *Islamic University in Uganda Journal of Comparative Law* 6(1) 1–20, 2–3.

- ^{lxxxv} Aimery de Schoutheete, Arnaud Stassen and Penina Ngabire, 'Rwanda: a rapidly modernising arbitration hub driven by legal reform and KIAC's expanding influence' (Global Arbitration Review, 14 April 2026) available at <https://globalarbitrationreview.com> accessed 9 June 2026.
- ^{lxxxvi} *A Perspective of the Role of Tanzanian National Courts in Commercial Arbitration* (University of Cape Town OpenUCT Repository, n.d.) available at <https://open.uct.ac.za> accessed 9 June 2026 (n.p.).
- ^{lxxxvii} Richard Frimpong Oppong, 'The East African Court of Justice, Enforcement of Foreign Arbitral Awards and the East African Community Integration Process' (2019) *Journal of African Law* 63(1) 1–23
- ^{lxxxviii} Kenya, *Arbitration Act No 4 of 1995* (Rev ed 2012) ss 7, 12, 36 and Rwanda, *Law No 005/2008 of 14/02/2008 on Arbitration and Conciliation in Commercial Matters* arts 13, 19–21, 50.
- ^{lxxxix} Shadat Mohmed Semakula, 'A Critical Analysis of the Arbitration and Conciliation Act of Uganda' (2019) *Islamic University in Uganda Journal of Comparative Law* 6(1) 1–20, 14–16.
- ^{xc} KMCO LLP, *Effectiveness of Arbitration Institutions in East Africa* (2016) 10–12, available at <https://kmco.co.ke/wp-content/uploads/2018/08/Effectiveness-of-Arbitration-Institutions-in-East-Africa-22-February-2016.pdf> (accessed 9 June 2026).
- ^{xci} African Development Bank Group, *Burundi Country Diagnostic Note: Legal and Institutional Framework for Investment Climate* (AfDB 2018) 44–46.
- ^{xcii} KMCO LLP, *Effectiveness of Arbitration Institutions in East Africa* (2016) 4–7, available at <https://kmco.co.ke/wp-content/uploads/2018/08/Effectiveness-of-Arbitration-Institutions-in-East-Africa-22-February-2016.pdf> (accessed 9 June 2026).
- ^{xciii} Aimery de Schoutheete, Arnaud Stassen and Penina Ngabire, 'Rwanda: a rapidly modernising arbitration hub driven by legal reform and KIAC's expanding influence' (Global Arbitration Review, 2026) available at <https://globalarbitrationreview.com> accessed 9 June 2026.
- ^{xciv} *Glencore Grain Ltd v T.S.S Grain Millers Ltd* [2012] eKLR, High Court of Kenya (Commercial Division), paras 40–43
- ^{xcv} Happiness Mbwege, 'Examining the Challenges of Enforcing Arbitral Awards in the East African Court of Justice (EACJ): A Case Study of Kenya and Tanzania' (2025) *University of Nairobi Law Journal* 11(1) 1–25, 12–14, available at <https://uonjournals.uonbi.ac.ke/index.php/unlj/article/view/3098> (accessed 9 June 2026)
- ^{xcvi} *Civil Case E093 of 2020* [2020] eKLR (High Court of Kenya, Commercial Division) paras 50–53
- ^{xcvii} Rwanda, *Law No 005/2008 of 14/02/2008 on Arbitration and Conciliation in Commercial Matters* (RwandaLII) art 7.
- ^{xcviii} Ann Namara Musinguzi, 'The Principle of Limited Court Intervention in Arbitral Matters: Establishing Uganda as a Preferred Seat of Arbitration' (CI Arb Uganda QI Newsletter, 2025)
- ^{xcix} Gloria Sixbert, 'Challenges in Applying the Kompetenz-Kompetenz Principle in Tanzanian Arbitration Law in Relation to Court Intervention' (2025) *International Journal of Law Management & Humanities* 8(5) 1802–1811.
- ^c Nairobi Centre for International Arbitration, *About NCIA* (NCIA, 2024).
- ^{ci} Kigali International Arbitration Centre (KIAC), *About KIAC* (KIAC, 2024).
- ^{cii} Shadat Mohmed Semakula, 'A Critical Analysis of the Arbitration and Conciliation Act of Uganda' (2019) *Islamic University in Uganda Journal of Comparative Law* 6(1) 1–20, 16–17.
- ^{ciii} Happiness Mbwege, 'Examining the Challenges of Enforcing Arbitral Awards in the East African Court of Justice (EACJ): A Case Study of Kenya and Tanzania' (2025) *University of Nairobi Law Journal* 11(1) 1–25, 18–19
- ^{civ} African Development Bank Group, *Burundi Country Diagnostic Note: Legal and Institutional Framework for Investment Climate* (AfDB 2018) 44–46.
- ^{cv} United Nations Commission on International Trade Law, *Model Law on International Commercial Arbitration* (1985, amended 2006) (UNCITRAL) arts 5, 8, 34–36
- ^{cvi} Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) arts III–V.
- ^{cvi} United Nations Commission on International Trade Law, *Model Law on International Commercial Arbitration* (1985, amended 2006) (UNCITRAL) arts 5, 19, 8
- ^{cvi} Convention on the Recognition and Enforcement of Foreign Arbitral Awards (New York, 1958) art III.
- ^{cix} *Ibid*, arts III–V
- ^{cx} United Nations Commission on International Trade Law, *Model Law on International Commercial Arbitration* (1985, amended 2006) (UNCITRAL) arts 5, 8, 35–36
- ^{cx} International Bank for Reconstruction and Development / World Bank, *Doing Business 2020: Enforcing Contracts - Kenya and Rwanda Profiles* (World Bank 2020) 1–3.
- ^{cxii} United Nations Commission on International Trade Law, *Model Law on International Commercial Arbitration* (1985, amended 2006) (UNCITRAL) arts 5, 35–36
- ^{cxiii} United Nations Conference on Trade and Development (UNCTAD), *Dispute Settlement: International Commercial Arbitration* (UNCTAD 2005) 12–14
- ^{cxiv} United Nations Commission on International Trade Law, *Model Law on International Commercial Arbitration* (1985, amended 2006) (UNCITRAL).
- ^{cxv} United Nations Commission on International Trade Law, *Explanatory Note by the UNCITRAL Secretariat on the Model Law on International Commercial Arbitration* (UNCITRAL 2012) paras 2–6.
- ^{cxvi} United Nations Conference on Trade and Development (UNCTAD), *Dispute Settlement: International Commercial Arbitration* (UNCTAD 2005) 13–16
- ^{cxvii} *Ibid*.
- ^{cxviii} United Nations Commission on International Trade Law, *Explanatory Note by the UNCITRAL Secretariat on the Model Law on International Commercial Arbitration* (UNCITRAL 2012) paras 1–6

^{cxi} Gary B Born, *International Commercial Arbitration* (3rd edn, Kluwer Law International 2021) 73-78.

^{cxx} United Nations Commission on International Trade Law, *Model Law on International Commercial Arbitration* (1985, amended 2006) (UNCITRAL) paras 1-3.

^{cxxi} Gary B Born, *International Commercial Arbitration* (3rd edn, Kluwer Law International 2021) 92-96.

^{cxxii} East African Community Secretariat, *East African Community Vision 2050: Regional Vision for Socio-Economic Transformation and Development* (EAC Secretariat 2016) 17-19, 24-26.

^{cxxiii} Emmanuel Gaillard and John Savage (eds), *Fouchard Gaillard Goldman on International Commercial Arbitration* (Kluwer Law International 1999) 34-36, 52-54

^{cxxiv} East African Community Secretariat, *East African Community Vision 2050: Regional Vision for Socio-Economic Transformation and Development* (EAC Secretariat 2016) 17-19.