

TRAINING NOTICE (5 Days)



KENYA SCHOOL OF LAW



(In Partnership)

**COURSE: INTERNATIONAL COMMERCIAL DISPUTE RESOLUTION IN AFRICA
(3 LAW SOCIETY OF KENYA CPD POINTS)**

DATED: 30TH NOVEMBER – 4TH DECEMBER, 2020

VENUE: MOMBASA, KENYA

SAFETY AND HEALTH OF THE PARTICIPANTS:

Cognizant of the risk posed by the Covid-19 pandemic, the **Kenya School of Law** in partnership with the **COMESA Court of Justice** have taken all measures to comply with Government directives on the handling of the pandemic, including the requirement to keep social distance, wear masks, sanitize and wash hands, do temperature checks, amongst others. We assure our participants of their safety and health during the training.

INTENDED PARTICIPANTS:

This innovative course is highly recommended for International Trade and Investment Dispute Resolution practitioners (experienced and beginners). It is designed to bring together Judges, Judicial Officers, Private Practitioners, In-House Legal Counsels, Government Officials, the Private Sector, State Counsels (esp. those representing Governments in Investment and Commercial Disputes), Representatives of Producers and Manufacturers & their Associations, Representatives of Regional Institutions/Organisations working on Trade/Investment, Competition Law and Regional Integration, Representatives of Non-Profit Organisations, Officials of Multilateral Agencies/Intergovernmental Agencies working on Trade and Investment Capacity Building and Advocacy, Representatives of Shipping Lines/Maritime Sector, Arbitrators, and Researchers, amongst others.

COURSE BACKGROUND:

In recent years, several governments and businesses in Africa have become inundated with legal suits before regional and international judicial institutions and tribunals. Most of these suits emanate from contractual obligations that governments and businesses traditionally enter into in their routine course of business, and that often have onerous commercial and financial commitments. In several instances, the legal suits have threatened governments' public policy and businesses' bottom-line. Data available suggests that this problem is compounded by African governments and

businesses having to often rely on external counsels from outside Africa, who not only levy high fees but also invest in little skills-transfer.

However, in this era of intensification of global trade, investment and commercial engagement by Africa, both within the continent (for example, under AfCTA and other regional agreements) and with external actors, it is predictable that such disputes are only going to increase over the coming decade. This trend puts African governments and businesses in a unique situation where local capacity building in negotiating, managing and resolving regional and international trade and investment disputes is now a top priority. Indeed, several African governments and firms have started taking this route. For example, in Kenya's CORTEC MINING Case (*ICSID Case No. ARB/15/29*), there are indications that governments are beginning to recognise this option and tap into domestic/regional public and private sector legal capacity for representation in international dispute resolution.

FACULTY:

The Kenya School of Law and COMESA Court of Justice have assembled a highly experienced Faculty comprising of seasoned Judges, International Civil Servants, Government Officials, Practitioners, and Professors/Researchers to deliver this course.

THE GOAL OF TRAINING:

Participants will acquire cutting-edge practical and theoretical skills in regional and international dispute resolution, the dos and don'ts, and procedural trainings in case initiation and drafting, that will build their capacity to represent African governments/firms, and enhance informed advocacy and capacity building across various regional and international judicial institutions and tribunals. Participants will also be taken through a mapping out of various dispute settlement institutions and tribunals including regional mechanisms, COMES Court of Justice, ICSID, UNCITRAL mechanisms, WTO and AfCTA framework amongst others to broaden their practical understanding and engagement with legal options available for governments and businesses in Kenya and Africa in international commercial and investment disputes. Besides, the course is designed to create ample and rich networking opportunities.

COURSE OBJECTIVES:

By the end of the course participants will be expected to:

1. **Acquire** in-depth practical knowledge of regional and international trade and investment dispute resolution mechanisms;
2. **Demonstrate** practical mastery of applicable rules of procedure in regional and international trade and investment dispute resolution;
3. **Demonstrate** a good grasp of the strategies (the dos and don'ts) in regional and international trade and investment dispute resolution;
4. **Identify** opportunities in, and deepen understanding of, regional and international trade and investment dispute resolution;
5. **Draft** proper pleadings in initiating, defending and litigation before regional and international trade and investment tribunals.

CERTIFICATION:

Certificates of participation will be issued at the end of the training.

LSK CPD POINTS: 3 CPD points will be awarded to participants who are members of the Law Society of Kenya, on payment of 1,000/= to the LSK.

YOUR INVESTMENT: The course is offered at **Kshs. 92,000.00 (East Africa) + 25% (non East Africans)** (includes tuition fees, taxes, registration fees, course materials, stationery, lunch and refreshments).

APPLICATION PROCESS: Application forms may be obtained from the CPD department at Gate A, Mutula Hall, Ground Floor the Kenya School of Law or downloaded from KSL website here: https://www.ksl.ac.ke/wp-content/uploads/2018/04/CPD_REGISTRATION_FORM_.pdf

The duly completed application form plus evidence of payment should be submitted **at least 5 days** before the training begins.

Cash payments should be deposited in the **Kenya School of Law (Account No. 202 2029 110 ABSA Bank of Kenya, ABSA Towers Branch, Nairobi, Kenya)** and banking slips presented to the Finance Office of the Kenya School of Law.

Enquiries:

1. For Registration and general information, contact: **Jacqueline** of CPD Department: Tel Wireless +254(020) 2699581/6; Email: cpd@ksl.ac.ke, jacqueline@ksl.ac.ke. Or

2. Other enquiries: **Dr. Erick Komolo: ekomolo@ksl.ac.ke**

Website: www.ksl.ac.ke



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