

Justice in Expediency: Upgrading the Nairobi Centre for International Arbitration (NCIA) Cloud-based E-filing Portal

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Table of Contents

Abstract.....	3
1.0 Introduction	3
2.0 Examining the Efficacy of the Nairobi Centre for International Arbitration (NCIA) Cloud-based E-filing Portal	5
3.0 Upgrading the Nairobi Centre for International Arbitration (NCIA) Cloud-based E- filing Portal	8
4.0 Conclusion	10
References	11

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Abstract

This paper discusses how NCIA can be empowered towards strengthening access to justice for development in Kenya. The paper observes that NCIA has played a key role in ensuring expeditious and effective dispute resolution through ADR processes such as arbitration and mediation. In particular, the paper notes that the Centre has adopted effective institutional practices that are promoting justice in expediency. The paper highlights how the Centre's cloud-based e-filing portal is fostering expeditious and efficient dispute resolution through ADR. In addition, in light of modern technological advancements, the paper suggests how NCIA's cloud-based e-filing portal can be effectively upgraded towards expeditious, effective, efficient and appropriate access to justice through ADR.

1.0 Introduction

In the quest to achieve effective and expeditious resolution of disputes, there have calls to embrace more appropriate strategies. For example, it has been observed that many countries are still struggling to establish functional, timely, affordable, responsive and credible justice systems¹. In particular, it has been argued that due to challenges such as complex legal procedures, lengthy court proceedings, and backlog of cases in courts, many citizens have lost the ability of their national courts to provide timely, effective and just management of their disputes². The inability to promote expeditious, effective and appropriate management of disputes undermines Sustainable Development since access to justice is a fundamental pillar of democracy and the rule of law that creates thriving and equitable economic, social and environmental governance systems that can foster sustainability³.

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¹ Uwazie. E., 'Alternative Dispute Resolution in Africa: Preventing Conflict and Enhancing Stability.' *Africa Security Brief*, No. 16 of 2011

² Ibid

³ Organisation for Economic Co-operation and Development., 'Access to justice' Available at <https://www.oecd.org/en/topics/sub-issues/access-to-justice.html> (Accessed on 12/09/2026)

In light of the foregoing concerns, there have been calls to embrace processes such as negotiation, mediation, conciliation, adjudication, traditional justice systems, and arbitration in order to strengthen access to justice for Sustainable Development⁴. Despite being framed as ‘*alternative*’, it has been observed that these processes are in fact ‘*appropriate*’ in the access to justice discourse⁵. For example, these mechanisms contain several attributes including informality, privacy, confidentiality, flexibility and the ability to promote expeditious and cost-effective management of disputes which are appropriate in enhancing access to justice⁶. In addition, if well utilised, Appropriate Dispute Resolution (ADR) techniques can guarantee a justice system with procedural flexibility, a collaborative approach towards managing conflicts, a broad range of remedial options, and a focus on individualized justice⁷.

Due to their key role in strengthening access to justice, there have been legal, policy and institutional developments towards harnessing ADR mechanisms for effective justice. For example, the *Charter of the United Nations*⁸ provides the global legal framework on the use of ADR processes such as negotiation, enquiry, mediation, conciliation and arbitration for effective and appropriate management of conflicts among states towards international peace and security⁹. Further, at a national level, the *Constitution of Kenya*¹⁰ mandates courts and tribunals to promote ADR mechanisms including reconciliation, mediation, arbitration and Traditional Dispute Resolution mechanisms (TDRMs)¹¹. There has also been development of institutions all over the world for purposes of promoting expeditious, effective and appropriate dispute resolution through ADR. For example, the Nairobi Centre for International Arbitration (NCIA) was established for purposes of providing institutional support for ADR processes such as arbitration, negotiation,

⁴ Muigua. K., ‘Alternative Dispute Resolution and Access to Justice in Kenya.’ Glenwood Publishers Limited, 2015

⁵ Muigua. K., ‘Reframing Conflict Management in the East African Community: Moving from Alternative to ‘Appropriate’ Dispute Resolution’ Available at <https://kmco.co.ke/wp-content/uploads/2023/06/Reframing-Conflict-Management-in-the-East-African-Community-Moving-from-Alternative-to-Appropriate-Dispute-Resolution-1.pdf> (Accessed on 12/09/2026)

⁶ Muigua. K., ‘Alternative Dispute Resolution and Access to Justice in Kenya.’ Op Cit

⁷ Main. T., ‘ADR: The New Equity.’ Available at https://www.researchgate.net/profile/ThomasMain/publication/228182886_ADR_The_new_equity/links/53d00e470cf2fd75bc5c57a5/ADR-The-newequity.pdf (Accessed on 12/09/2026)

⁸ United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI

⁹ Ibid, article 33 (1)

¹⁰ Constitution of Kenya., 2010., Government Printer, Nairobi

¹¹ Ibid, article 159 (2) (c)

mediation, conciliation and adjudication¹². Despite their role in promoting appropriate and expeditious resolution of disputes through ADR processes, there is need to strengthen ADR institutions in order for them to effectively fulfil their mandate in the modern era. In particular, the growth of technology provides tools and solutions that can re-energize ADR institutions for enhanced access to justice in the global pursuit of Sustainable Development.

This paper discusses how NCIA can be empowered towards strengthening access to justice for development in Kenya. The paper observes that NCIA has played a key role in ensuring expeditious and effective dispute resolution through ADR processes such as arbitration and mediation. In particular, the paper notes that the Centre has adopted effective institutional practices that are promoting justice in expediency. The paper highlights how the Centre's cloud-based e-filing portal is fostering expeditious and efficient dispute resolution through ADR. In addition, in light of modern technological advancements, the paper suggests how NCIA's cloud-based e-filing portal can be effectively upgraded towards expeditious, effective, efficient and appropriate access to justice through ADR.

2.0 Examining the Efficacy of the Nairobi Centre for International Arbitration (NCIA) Cloud-based E-filing Portal

Since its establishment, NCIA has strived to promote expeditious and efficient dispute resolution through ADR processes such as arbitration, mediation, conciliation and adjudication. For example, establishment of the Centre's institutional rules on arbitration and mediation has been a key development on fostering expeditious access to justice through ADR in Kenya¹³. It has been observed that NCIA's arbitration and mediation rules provide a predictable and efficient tool for parties to structure their dispute management for greater efficiency and expediency¹⁴. One of the key successes of NCIA has been the integration of technology into its case management practices, a process that

¹² The Nairobi Centre for International Arbitration Act., Cap 49 A, Laws of Kenya., Government Printer, Nairobi

¹³ Nairobi Centre for International Arbitration., Arbitration Rules, 2015., Available at https://ncia.or.ke/wp-content/uploads/2021/02/Final-NCIA-Revised-Rules-2019_2.pdf; and Nairobi Centre for International Arbitration (NCIA)., Mediation Rules, 2015., Available at https://ncia.or.ke/wp-content/uploads/2021/02/mediation_rules_2016.pdf (Accessed on 13/09/2026)

¹⁴ African Arbitration Association., 'Member Details: Nairobi Centre for International Arbitration' Available at <https://www.afaanngo.org/Sys/PublicProfile/48473250/4568030> (Accessed on 13/09/2026)

is enhancing the expediency, accessibility, efficiency and responsiveness of ADR processes especially arbitration and mediation¹⁵.

The emergence of modern technologies including Artificial Intelligence (AI) provides solutions that can enable ADR institutions render their services in an expeditious and effective manner. For example, it has been observed that technology and AI is enabling ADR institutions to streamline and automate administrative tasks, provide for digital filing of pleadings and documents, enhance communication between institutions and parties, and broaden access to justice through online platforms¹⁶. In particular, AI is assisting ADR institutions in key tasks such as appointment of arbitrators and mediators, streamlining administrative tasks, and scrutinizing arbitral awards¹⁷. NCIA notes that the fundamental value of technology and AI lies in their ability to streamline administrative tasks including through automating case management for greater speed and efficiency¹⁸.

One of the technological advancements in ADR and access to justice has been the adoption of e-filing systems. Electronic filing (e-filing) refers to the creation and submission of case documents electronically (online) to registries¹⁹. It has been observed that e-filing is a web-based application that sits on a server and can be accessed from any location with internet connection²⁰. E-filing has been identified as an important tool for ensuring efficiency and speed of dispute resolution through ADR processes such as arbitration and mediation²¹. This process ensures efficiency and speed in submitting documents by removing physical hurdles, prompt processing of case documents in

¹⁵ Nairobi Centre for International Arbitration., 'AI in Arbitration: What's New, What's Next' Available at <https://ncia.or.ke/ai-in-arbitrationwhats-newwhats-next/> (Accessed on 13/09/2026)

¹⁶ American Bar Association., 'The Benefits of Using Integrated Case Management Software in Mediation and Arbitration Practices' Available at https://www.americanbar.org/groups/dispute_resolution/resources/just-resolutions/2024-december/benefits-using-integrated-case-management-software-mediation-arbitration-practices/ (Accessed on 13/09/2026)

¹⁷ International Bar Association., 'The use of artificial intelligence in arbitration in Africa – inevitable or unachievable?' Available at <https://www.ibanet.org/article/e62b06f6-7772-458a-a6e7-1474db7136b5> (Accessed on 13/09/2026)

¹⁸ Nairobi Centre for International Arbitration., 'Artificial Intelligence 'AI' in International Arbitration: Machine Arbitration' Available at <https://ncia.or.ke/wp-content/uploads/2021/08/ARTIFICIAL-INTELLIGENCE-AI-IN-INTERNATIONAL-ARBITRATION.pdf> (Accessed on 13/09/2026)

¹⁹ Judiciary of Kenya., 'E-Filing takes shape in Nairobi Courts' Available at <https://judiciary.go.ke/e-filing-takes-shape-in-nairobi-courts/> (Accessed on 13/09/2026)

²⁰ Ibid

²¹ Indian Dispute Resolution Centre., 'E-Filing' Available at <https://theidrc.com/content/e-adr/e-filing> (Accessed on 13/09/2026)

comparison to physical filing, accessibility of case information in real-time for parties from any geographical location, enhanced security of documents and information through cloud storage thus minimizing loss associated with physical documents, greater confidentiality in ADR by limiting access to important documents, and stronger collaboration involving ADR institutions, practitioners, and counsel²².

Due to the foregoing advantages, e-filing has been identified as a key process towards making ADR more accessible, efficient, expeditious and secure²³. In addition, it has been correctly observed that e-filing can make ADR more sustainable and environmentally-friendly by reducing the negative environmental impacts associated with too much use of physical documents and carbon emissions resulting from travelling in processes such as international arbitration and mediation²⁴. Consequently, ADR institutions all over the world have adopted e-filing platforms to enhance efficiency, speed, accessibility, security and sustainability in ADR.

NCIA has adopted a cloud-based e-filing portal for purposes of enhancing expediency and efficiency of dispute resolution through ADR²⁵. The Centre utilizes the integrated government eCitizen portal to provide access to online ADR services²⁶. Among the services provided by the portal include application for training in ADR processes such as arbitration and mediation, application and registration to the Centre's panel of arbitrators and mediators, application and payment for attendance of ADR conferences, annual subscription to the arbitrator/mediator panel, and booking of hearing rooms for arbitration, mediation and other ADR proceedings²⁷. However, while the transition to online service delivery through its e-filing portal is a key step towards ensuring expeditious and efficient dispute resolution, upgrading NCIA's cloud-based e-filing portal is a key priority if the Centre is to achieve its objectives. For example, NCIA's e-filing portal does not support lodging of ADR proceedings since formal requests for

²² Ibid

²³ International Centre for Settlement of Investment Disputes., 'ICSID Makes Electronic Filing its Default Procedure' Available at <https://icsid.worldbank.org/news-and-events/news-releases/icsid-makes-electronic-filing-its-default-procedure> (Accessed on 13/09/2026)

²⁴ Embracing Greener Arbitrations: A Journey Towards Sustainability., Available at <https://www.lexology.com/library/detail.aspx?g=a37895da-c14d-4c3f-9fbb-8d05b5ccd551> (Accessed on 13/09/2026)

²⁵ Nairobi Centre for International Arbitration., Available at <https://ncia.ecitizen.go.ke/> (Accessed on 14/09/2026)

²⁶ Ibid

²⁷ Ibid

arbitration and mediation are lodged either physically or through e-mail and processed through the institution's registry rather than an automated e-filing portal²⁸. This can result in delays associated with physical processes.

In addition, upgrading NCIA's cloud-based e-filing portal is necessary in light of digital transition challenges that often manifest in Online Dispute Resolution. In particular, it has been observed that cybersecurity and data privacy are key concerns when transitioning to technology in ADR²⁹. For example, transitioning to technology has resulted in AI platforms, cloud portals and other digital tools handling sensitive personal data, including financial details, health records, personal disputes, personal contact information and legal information³⁰. Therefore, if not properly secured, this data could be vulnerable to breaches or unauthorized access undermining the right to privacy³¹. Further, it has been observed that cloud portals often witness downtime and network interruptions³². In the context of ADR this can significant impact access to justice by affecting key processes including timely and efficient lodging and processing of case documents. Consequently, upgrading NCIA's cloud-based e-filing portal is necessary in order to ensure system stability for effective, expeditious and efficient access to justice.

3.0 Upgrading the Nairobi Centre for International Arbitration (NCIA) Cloud-based E-filing Portal

The integration of technology and AI into case management practices at NCIA promises to revamp service delivery for expeditious, efficient and responsive access to justice³³. In particular, transitioning to e-filing has led to the automation of several administrative tasks thus fostering expeditious service delivery at NCIA³⁴. However, in light of current concerns, there is need to upgrade NCIA's cloud-based e-filing portal in order to empower the Centre to effectively discharge its mandate of promote access to justice through ADR in Kenya.

²⁸ Nairobi Centre for International Arbitration., 'Request for Arbitration' Available at <https://ncia.or.ke/request-for-arbitration-form/> (Accessed on 14/09/2026)

²⁹ Hoppin. B., 'Ethics in Online Dispute Resolution: Balancing Technology and Human Judgment' Available at <https://odr.com/ethics-in-online-dispute-resolution-balancing-technology-and-human-judgment/#:~:text=3.,refine%20AI%20models%20without%20consent> (Accessed on 14/09/2026)

³⁰ Ibid

³¹ Ibid

³² 19 Cloud Security Challenges and How to Mitigate Risk., Available at <https://www.huntress.com/blog/cloud-security-challenges> (Accessed on 14/09/2026)

³³ Nairobi Centre for International Arbitration., 'AI in Arbitration: What's New, What's Next' Op Cit

³⁴ Nairobi Centre for International Arbitration., Op Cit

In order to effectively upgrade NCIA's e-filing portal, there is need to integrate key processes that are crucial in ensuring expeditious and effective dispute resolution through ADR processes such as arbitration and mediation. For example, by automating processes such as lodging and processing of requests for arbitration and mediation, the Centre can reduce unnecessary delays towards expeditious and efficient dispute resolution. In addition, ADR institutions have been urged to effectively embrace technology and digital tools including through automating case management and tracking³⁵. It has been observed that technology has the potential to strengthen case management in legal processes through tools that enable online filing of pleadings and documents, online communications, tracking of legal matters and cloud storage for sensitive data and information³⁶. In particular, NCIA and other ADR institutions can upgrade their e-filing portals in order to improve case management by allowing counsel and parties to track the status of ADR filings, enabling parties to file and exchange pleadings, documents and submissions in a secure manner, triggering deadline alerts for key processes, and providing real-time updates to the parties throughout the course of proceedings³⁷. This calls for the integration of AI assisted tools in cloud-based portals in order to enhance the speed and efficiency of online administrative tasks³⁸. Further, due to the vital role that courts play in ADR processes such as arbitration and mediation in Kenya, it has been observed that by adopting effective digital cross-referencing tools that are linked to the Judiciary's e-filing portal, it is possible to fast-track processes such as recognition and enforcement of arbitral awards and reference of disputes from courts to ADR³⁹.

Strengthening data privacy and security is also a key approach towards upgrading NCIA's cloud-based e-filing portal. With technology and digital tools being widely integrated into dispute resolution processes including ADR, data privacy and security has become a key concern in order to prevent unauthorized people from accessing digital

³⁵ Protocol for Online Case Management in International Arbitration., Available at <https://marketing.hsframer.com/20/21553/landing-pages/platforms-protocol---wg-on-legaltech-in-arbitration---november-2020.pdf> (Accessed on 14/09/2026)

³⁶ Ochungu. J.A., & Muna. W., 'Technology Adoption and Case Management in the Milimani Law Courts in Nairobi City County, Kenya' Available at <https://mail.reviewedjournals.com/index.php/RJSSH/article/view/493> (Accessed on 14/09/2026)

³⁷ Protocol for Online Case Management in International Arbitration., Op Cit

³⁸ Ibid

³⁹ Technology as a New Frontier in International Arbitration., Available at <https://practiceguides.chambers.com/practice-guides/international-arbitration-2026/kenya/trends-and-developments/O26702> (Accessed on 14/09/2026)

platforms and systems and obtaining sensitive information especially where such information relates to the dispute at hand⁴⁰. In order to achieve this goal, ADR institutions have been urged to ensure that data uploaded to digital platforms is encrypted and stored securely, perform strong identity and verification checks in order to ensure that only authorized parties can access data and information pertinent to a particular case, avoid accessing and disclosing stored data without consent of the parties, carry out continuous threat detection and monitoring to address challenges such as hacking and system failures, and archive and delete where necessary data and information upon resolution of the dispute at hand⁴¹.

Through the foregoing initiatives, it is possible to effectively upgrade NCIA's cloud-based e-filing portal for enhanced access to justice.

4.0 Conclusion

In an era marked by widespread growth and integration of technology into service delivery, there is need for ADR institutions to follow suit in order to promote expeditious, effective and efficient resolution of disputes. In particular, while NCIA has made progress towards harnessing the transformative power of technology in dispute resolution, there is need for the Centre to strengthen the use of digital tools and solutions in access to justice. For example, by upgrading its cloud-based e-filing portal through the integration of all key processes including lodging and processing of requests for arbitration and mediation, automation of case management including monitoring and tracking of cases, linking the portal with the Judiciary's e-filing platform and strengthening data privacy and security, NCIA can promote expeditious, effective and efficient access to justice via ADR mechanisms including arbitration, mediation, conciliation and adjudication.

⁴⁰ Ebner. N., & Zeleznikow. J., 'Fairness, Trust and Security in Online Dispute Resolution.' *Journal of Public Law and Policy*, Volume 36, Issue 2 (2015)

⁴¹ Protocol for Online Case Management in International Arbitration., Op Cit

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