



KISII UNIVERSITY

UNIVERSITY EXAMINATIONS

**FOURTH YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAWS
SECOND SEMESTER, 2021/2022
(FEBRUARY - JUNE, 2022)**

LLBK 426: INTERNATIONAL COMMERCIAL DISPUTE RESOLUTIONS

STREAM: LLBK 4 S2

TIME: 2 HOURS

DAY: FRIDAY, 9:00 – 11:00 A.M.

DATE: 27/05/2022

INSTRUCTIONS

- 1. Do not write anything on this question paper.***
- 2. Answer Question ONE [Compulsory] and any other TWO Questions.***
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.***

QUESTION ONE

Maryann has been invited to make a presentation on settlement of international commercial disputes. She is required to make a presentation on international commercial arbitration. Advise her on the following:

- (a) Procedural rules in arbitration. **(15 marks)**
(b) Constitution and composition of an arbitral tribunal. **(15 marks)**

QUESTION TWO

Joseph a legal officer of Kenya Breweries East Africa Ltd., has been appointed by his company to lead in drafting a commercial contract between his company and Zion Limited of South Africa.

Advise him on ten considerations he should take into account when drafting an arbitration clause in that contract. **(20 marks)**

QUESTION THREE

The New York Convention of 1958 is said to have revolutionised the international settlement of commercial disputes in that it combined the 1923 Geneva Protocol on Arbitration Clauses and 1927 Geneva Convention for the Execution of Foreign Arbitral Awards”, Anonymous

Discuss the weaknesses that existed in settlement of international commercial dispute before the adoption of New York Convention. **(20 marks)**

QUESTION FOUR

“Municipal Courts plays an important role in commercial transaction which are either domestic or international transactions.” Anonymous.

Discuss considerations that a party to an arbitration clause should take into account when selecting a seat of arbitration. **(20 marks)**

QUESTION FIVE

Write explanatory notes on the following:

- (a) arbitration **(5 marks)**
- (b) Enforcement of award. **(5 marks)**
- (c) conciliation **(5 marks)**
- (d) International arbitration *vis a vis* foreign arbitration. **(5 marks)**