



**KISII UNIVERSITY**  
**UNIVERSITY EXAMINATIONS**

**SPECIAL 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: Y4 S2**

**TIME: 2 HOURS**

**DAY: THURSDAY, 8:00 – 10:00 A.M.**

**DATE: 28/07/2022**

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**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**

John has been invited for a seminar to make a presentation about arbitration of international commercial disputes between two parties in a contract. Advise her on the following:

Constitution and composition of an arbitral tribunal. (30 Marks)

**QUESTION TWO**

Discuss various ways in which the New York Convention has addressed the weaknesses that existed in the 1923 Geneva Protocol on Arbitration Clauses and 1927 Geneva Convention for the Execution of Foreign Arbitral Awards noting to point out how it has promoted the international settlement of commercial disputes. . (20 Marks)

### **QUESTION THREE**

Kenya Breweries East Africa Ltd. is in the process of buying computers from Zion Limited of South Africa. They have agreed that because the court process is cumbersome, they shall resort to arbitration in case of a dispute in regard to this transaction. They have approached you as an expert in drafting of commercial agreements, advise them on the content and consideration to be taken into account when drafting an arbitration clause. (20 Marks)

### **QUESTION FOUR**

Municipal Courts play an important role in settlement of commercial disputes.”  
Anonymous.

Discuss five ways in which municipal courts may be resorted to in the process of arbitration of international commercial disputes. (20 Marks)

### **QUESTION FIVE**

Write explanatory notes on the following:

- (a) Mediation (5 Marks)
- (b) Conciliation. (5 Marks)
- (c) International arbitration. (5 Marks)
- (d) International Chamber of Commerce. (5 Marks)