



ORARO & COMPANY
ADVOCATES

Oraro & Company Advocates' Arbitration Brochure



Introduction to Oraro & Company Advocates

Oraro & Company Advocates is a full-service market-leading African law firm established in 1977 with a strong focus on dispute resolution and corporate & commercial law. With a dedicated team of 10 partners, 16 associates and 39 support staff, the firm has been consistently ranked by leading legal directories such as Chambers Global, IFLR 1000 and Legal 500 as a top-tier firm in Kenya.

We provide specialist legal services both locally and regionally in **Arbitration, Banking & Finance, Corporate & Commercial, Conveyancing & Real Estate, Dispute Resolution, Employment & Labour, FinTech, Infrastructure, Projects and PPP, Private Client, Restructuring & Insolvency** and **Tax**. Over the years, we have represented both local and foreign clients, governments, regulators, and not-for-profit organisations from target industry sectors including **retail**, construction, education, energy, financial services, **manufacturing & industries** and the public sector.

We provide both local and cross-jurisdictional legal services, either directly or through the extensive relationships that we have established with leading firms across the globe, which enable us to offer cross-jurisdictional legal advice in a seamless manner while maintaining the highest professional standards.

Oraro & Company Advocates prides itself in its **deeply-rooted client relationships** by providing **quality legal services** through its **partner-led approach**, drawing from **local knowledge and global perspectives**.

"they do not compromise on the quality of legal representation they offer, no matter the importance of value of a matter."

Chambers Global 2021.

Our Arbitration Expertise

Our arbitration practice is recognised for its excellence in this area. The firm has always been at the forefront of both domestic and international arbitration in Kenya, providing recourse from the onset of a dispute through to an enforcement of an award.

We have represented clients in **local** and **international arbitration tribunals** including International Centre for Settlement of Investment Disputes (**ICSID**), the London Court of International Arbitration (**LCIA**) and the International Chamber of Commerce in **energy, financial services** and **construction sectors**.

"...professional, bold, reliable and personalised service.... all-round superior legal firm that can cover a client in all possible respects."

Chambers Global 2020.

Our Key Competencies

Our practice area encompasses the full spectrum of contentious matters including:

- domestic and international arbitration
- complex banking litigation
- constitutional law
- election petitions
- insolvency
- investigations
- property disputes
- projects, infrastructure, and energy disputes
- public procurement
- tax

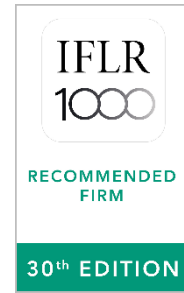
"They've established quite a number of precedents in the market, they're in the group that has developed things and for that the entire market is grateful. As far as litigation is concerned, I think they're one of those firms where you sleep soundly."

Chambers Global 2020.

Our Market Recognition



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Our Experience

Our arbitration practice has been at the forefront of both domestic and international arbitration practice in Kenya. The practice area has represented clients before both local and international arbitral tribunals such as the International Centre for Settlement of Investment Disputes (**ICSID**), the London Court of International Arbitration (**LCIA**) and the International Chamber of Commerce (**ICC**). The firm has advised clients in various sectors including construction, banking & financial services, manufacturing and energy.

Some of our recent arbitration work include:

- Successfully represented a Pan-African Bank in a USD 25 million claim brought by a Zambian borrower who claims he never authorised the bank to disburse funds to the borrower. It was an ICC administered arbitration and the seat was in London.
- Represented a Canadian-based energy company as co-counsel in the ICSID proceedings brought against the Government of Kenya in respect to the unlawful revocation of the company's geothermal licence worth USD 312.7 million.
- Advising and representing an international civil engineering company to enforce an international arbitral award of USD 13 million in Kenya issued under an ICC arbitration with its seat in London.
- Advised a major American private equity fund on their legal options and remedies against former directors and shareholders of a leading East African civil engineering and construction company with a view of recovering an arbitral award of USD 23.2 million from the LCIA.
- Representing an English Investment Company and an energy company involved in methane gas production in an arbitration matter where the Claimants brought arbitration proceedings against the Respondent at the ICC for breach of contract. The ICC entered an award in favour of the Claimants in an Arbitral Award of USD 12.8 million rendered on 9th August 2017. The firm was thereafter engaged by the Claimants in having the arbitral award recorded as a judgment of the High Court of Kenya before enforcements proceedings can be commenced against the Respondent, which is a company registered in Kenya.
- Successfully represented a Japanese electrical equipment company (the "**Company**") in a construction dispute suit filed by a leading engineering and construction company in East and Central Africa, seeking interim measures of protection pending referral of the matter to the ICC by restraining the Company from appointing a third-party contractor to replace it in the construction of a geothermal power plant in Olkaria, Kenya.

- Acting for a privately owned limited-by-liability company registered and incorporated in South Sudan, Kenya and Ethiopia that deals in construction, logistics and supply-chain services, in a domestic arbitration based on a claim by the contractor against the employer for the payment of the development costs of a university campus complex constructed by the Claimant, running into the hundreds of millions of shillings.
- Acting for an Insurance Company in a potential claim of approximately USD 12 million for impaired assets against three insolvent companies, where it invested in notes and commercial paper.
- Acting for a leading international company in the construction industry in an arbitration where the Contractor has been sued for approximately USD 4.75 million for an alleged breach of a Construction Agreement. Our Client has been sued for negligent construction of a building and poor workmanship. Representing a leading local building contractor in an arbitration seeking a USD 6.4 million claim for a breach of building contracts under the East African Institute of Architects.
- Representing a landlord in a claim in excess of USD 1 million arising from the termination of a lease agreement and incidental license agreements.
- Currently advising a US-based law firm in relation to a post-acquisition dispute involving former shareholders of a Kenyan security company. The matter is before a tribunal appointed by the LCIA.
- Acting for a Kenyan Insurance Company in a domestic arbitration seeking the recovery of approximately USD 770,000 being outstanding premiums claimed by the Client against the Judiciary of Kenya under a Group Medical Insurance Cover.
- Acting for a leading alcoholic drink manufacturer in Kenya in a construction arbitration where the claimant seeks approximately USD 1.67 million arising from a dispute in the construction of a new spirit line brewery plant in Kisumu.
- Acting as a Legal Expert Witness in an international arbitration dispute before the LCIA, on the specific Kenyan employment and labour relations law applicable to the dispute.

Our Arbitration Lawyers

George Oraro SC | Founding Partner



George (goraro@oraro.co.ke) is the Founding Partner at Oraro & Company Advocates. With over 44 years of experience, he is held in high esteem for his arbitration, mediation and litigation expertise in Kenya. He specialises in administrative and judicial law, banking & commercial litigation, corporate & commercial law, employment and labour disputes, international trade and tax disputes.

He has practised in the International Criminal Court, the London Court of International Arbitration (LCIA), International Chamber of Commerce (ICC), the Supreme Court of Kenya, Court of Appeal, the High Court, Employment & Labour Court, and various Tribunals.

In 2012, George was conferred with the rank of Senior Counsel for his exemplary service to the legal profession. He was also appointed to serve as a Commissioner of Assize to assist in expediting and determining criminal and civil matters. Similarly, in the Chambers Global 2021 Guide, he retained the prestigious **'Star Individual'** accolade in Dispute Resolution which is accorded to lawyers with exceptional recommendations in their field. George remains the only lawyer ranked in this category in Kenya. He is also ranked a Band 1 lawyer in Dispute Resolution: Arbitrators, receiving a plethora of praise from the Kenyan legal community for being *"one of the best lawyers Kenya has"* and *"without a doubt among the leading individuals in litigation and arbitration."*

In addition, the Legal 500 listed George among Africa's leading arbitration practitioners in its Arbitration Powerlist: Africa 2021.

Aside from his legal practice, George has served as a board member for the CMA in which he was instrumental in the development of the legal and regulatory framework for the Capital Markets in Kenya. He was also a member of the Nairobi Securities Exchange Technical committee. In 2015, George became the first Honorary Consul for the Republic of Lithuania.

Chacha Odera | Senior Partner



Chacha (chacha@oraro.co.ke) is a Senior Partner at Oraro & Company Advocates and practices in the dispute resolution practice group. With over 32 years of experience, he has represented local and international clients in commercial disputes, constitutional law, electoral disputes, employment and labour law, insolvency, and property law.

Chacha has been ranked by leading international legal directories such Chambers & Partners and Legal 500 as a leading lawyer in dispute resolution and employment. In the Chambers Global Guide 2021 rankings, Chacha was commended for being a “*fantastic individual*” and “*an extremely*

able advocate and a gentleman in all manner of the word.”

Chacha was also recognised as the overall lawyer of the year in 2019 at the Nairobi Legal Awards, hosted by the Law Society of Kenya, Nairobi branch.

Chacha holds a Bachelor of Laws (LLB) from the University of Nairobi, Kenya and a Diploma in Law from the Kenya School of Law. In addition to being an Advocate of the High Court of Kenya, Chacha is a member of the London Court of International Arbitration Users' Councils, a Commissioner for Oaths and Notary Public.

Aside from his legal practice, Chacha is an adjunct lecturer at the Strathmore Law School. He has chaired two adhoc committees of the Law Society of Kenya namely, the Committee for In-house Counsel and the development of a comprehensive Code of Conduct for Advocates. He has also served in various capacities in the Political Parties Disputes Tribunal and the Council of Legal Education.

Chacha is a passionate philanthropist and is currently a honary member of the Rotary Club of Milimani as well as a Paul Harris Fellow. He previously served as a founding trustee of the Matibabu Foundation and Msaada Kenya Trust.

Noella Lubano | Partner



Noella (noella@oraro.co.ke) is a Partner at Oraro & Company Advocates and a recognised dispute resolution and arbitration expert. She specialises in the tracing and recovery of assets, commercial litigation, employment and labour disputes, and shareholder disputes but is well regarded for her international arbitration and insolvency & restructuring expertise.

She is ranked by Chambers Global 2021 in Dispute Resolution with clients lauding her for being “*extremely professional and approachable,*” and others saying “*her level of subject matter knowledge, especially corporate law matters, is exceptional*”. Legal 500 also recognised her in the 2020 rankings as a Next Generation Partner, with sources saying she is ‘*responsive, conducts very good and well thought out research, and is approachable and witty.*’

Noella was recently recognised as one of “*Africa's 50 Most Promising Young Arbitrators 2020*” by the Association of Young Arbitrators.

Noella is an eloquent speaker. She spoke on various topics around International Arbitration at the International Arbitration Conference in Kigali, Rwanda in 2017, Addis Ababa, Ethiopia in 2018 and Nairobi, Kenya in 2019. She has also shared her legal insights across the globe including in the United Kingdom and Austria.

She holds a Master's degree (**LLM**) from the University of Cape Town and a Bachelor of Law degree from the University of Nairobi, Kenya and a Diploma in Law from the Kenya School of Law.

John Mbaluto, FCIArb | Deputy Managing Partner



John (john@oraro.co.ke) is the Deputy Managing Partner at Oraro & Company Advocates in the dispute resolution practice group. With over 13 years of experience, John has represented and advised local and international clients particularly in construction law, employment and labour law, pension law, banking and commercial disputes and constitutional law.

John has represented and advised clients in a wide variety of sectors including construction, education, financial services, Insurance and transport & logistics.

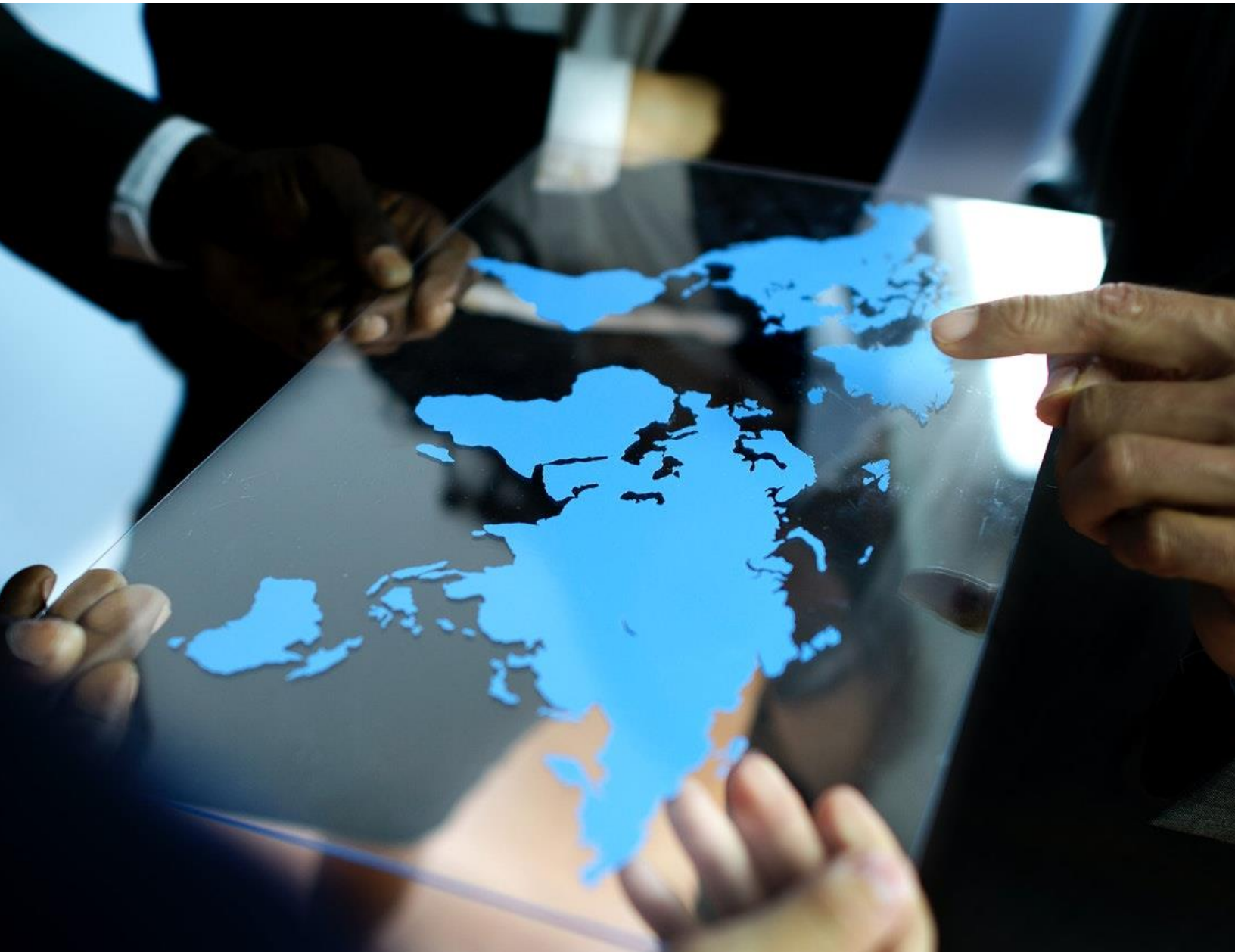
Recently, he attained qualification as a Fellow of the Chartered Institute of Arbitrators (FCIArb), a globally recognised standing in arbitration circles.

Additionally, John is proud to steer the firm's publications committee which has to date successfully published 13 issues of Oraro & Company Advocates' flagship newsletter – Legal & Kenyan.

John holds an LLB from the University of Warwick, United Kingdom and a Post-graduate Diploma in Law from the Kenya School of Law.

*“[A] distinguished practice with renowned experience in a wide range of dispute resolution mandates. Recognised for the technical prowess of its lawyers in both litigation, including IP disputes, and **arbitration.**”*

Chambers Global 2016.



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