



Aisha Abdallah

Partner | ALN Kenya | Anjarwalla & Khanna

Physical Address:

ALN House, Eldama Ravine Close, Off Eldama Ravine Road,
Westlands

Postal Address:

PO Box 200-00606, Sarit Centre, Nairobi, Kenya

Telephone:

+254 (0) 20 364 0000

Email Address:

aisha.abdallah@aln.africa

Background

Aisha is a Partner at ALN Kenya | Anjarwalla & Khanna where she heads the regional Dispute Resolution department based at the Nairobi Head Office. She is dual qualified as an Advocate of the High Court of Kenya and Solicitor of England and Wales. Aisha has substantial experience in complex, high value cross border disputes.

Aisha was nominated by the Kenya National Chamber of Commerce to the board of the Nairobi Centre for International Arbitration in 2021. In December 2022, Aisha was appointed head of the governing council of the Hong Kong International Arbitration Centre and is a member of its Proceeding Committee. She is also on the AFSA panel of arbitrators and is a member of the Africa Users Group for the Singapore International Arbitration Centre, the African Arbitration Association and the Delos board of advisors, amongst other bodies. Aisha was also the lead author of the Kenyan chapter of the 6th, 7th, 8th, 9th and 10th editions of the International Arbitration Review.

Aisha also specialises in economic crime. She is a member of the IBA Asset Recovery Committee and was part of an expert team that drafted Anti-Money Laundering, Remittances and Mobile Money Bills for Somaliland. She was the lead author of the Kenya chapter of the 2018 Chambers Anti-Corruption Global Practice Guide. and the ALN Anti-Corruption Guide 2019.

Aisha is passionate about the rule of law and the impact of quality legal training. In September 2023 she was appointed as the Law Society of Kenya representative to the Council of Legal Education. She is a director of the ALN Academy, a charity that provides legal training and capacity building to public and private sector lawyers on the continent. She is also the patron of A&Ks Pro Bono Committee and a member of the governing council of the Pro Bono Institute of Kenya.

Aisha is rated and recognised by both Chambers Global and Legal 500 for her work. She is the first female and second African lawyer to be admitted to the International Association for Defence Counsel, an invitation-only group of distinguished litigation counsel.

Professional Membership

- Law Society of Kenya
- Law Society of England and Wales

- International Association for Defence Counsel
- African Arbitration Association
- Delos

Professional Qualifications

2004: Admission as a Solicitor of the Supreme Court of England and Wales

2000: Admission as an Advocate of the High Court of Kenya

1998: Master of Laws (LLM), King's College London, University of London: Comparative Competition Law, Comparative Law of Trusts, Islamic Law of Succession and International Law of the Sea

1997: Bachelor of Laws (LLB Hons), University of Bristol

Career Summary

Jan 2016 – Date: Head of Litigation, Anjarwalla & Khanna, Nairobi

Jan 2013 – Dec 2015: Partner and joint head of Litigation, Anjarwalla & Khanna, Nairobi

Aug 2012 – Dec 2012: Senior Principal Associate, Anjarwalla & Khanna, Nairobi

Jan 2008 – Mar 2012: Associate, Real Estate Litigation, Shoosmiths, Milton Keynes, England

Sept 2002 – Dec 2007: Solicitor Dispute Resolution, Hewitsons, Northampton, England

Sept 1999 – Jul 2000: Advocate, Mohamed Madhani & Co., Advocates, Nairobi, Kenya

Jan 1999 – Aug 1999: Trainee Advocate, Kilonzo & Co., Advocates, Nairobi Kenya

Sept 1998 – Dec 1998: Trainee Advocate, Veljee & Devshi & Bakrania Advocates, Nairobi, Kenya

Awards and Accolades

- Aisha is ranked by Chambers Global 2022 – 2018 in the Dispute Resolution category.
- Aisha has been recognised in the Dispute Resolution and Employment categories by Legal 500, 2022
- Recipient of Above & Beyond award for training delivery, Shoosmiths (2011)
- Volunteer Mentor for the Association of Women Solicitors, England
- Corporate Social Responsibility Local Champion, Shoosmiths (2011-2012)
- Best Commercial law paper, Kenya School of Law (2000)
- Best Overseas Law Student, Faculty Award, University of Bristol (1994-1995)

'Aisha Abdallah is fully conversant with commercial litigation issues in the country, including disputes concerning fraud, employment, land and natural resources.' – **Chambers Global 2023**

'Aisha Abdallah is a star performer. She is exceptionally talented, sharp, resourceful and inspires trust.' – **Legal 500, 2023**

'Aisha Abdallah is a real class act. A pleasure to work with.' – **Legal 500 2022**

"The single biggest strength I observed was her maturity and ability to amicably resolve disputes with minimal effort and cost for all parties involved." "She knows how to effectively advise clients on resolving disputes." – **Chambers Global 2022**

"I always think that I would far prefer to have her on my side than against." – **Chambers Global 2021**

"The single biggest strength I observed was her maturity and ability to amicably resolve disputes with minimal effort and cost for all parties involved." "She knows how to effectively advise clients on resolving disputes." – **Chambers Global 2022**

'Aisha Abdallah is user-friendly and commercial and pragmatic in her approach and advice.' – **Legal 500 2021**

'I had the chance to work with Aisha Abdallah and the team and was always impressed by their business savvy, efficiency, deep knowledge and excellent advocacy skills. Aisha is a highly talented lawyer, excelling in both personal qualities and professional skills. She is a fearsome opponent that delivers the fatal blow with a lot of class, confidence and lethal calm.' – **Legal 500 2021**

"excellent judgement." – **Chambers Global 2020**

'everything you'd want in a cross-border partner'. – **Chambers Global 2019**

Aisha has been recognised in the Dispute Resolution and Employment categories by Legal 500, 2020

'[Aisha was] outstanding and compassionate'; 'professional, detailed and a great coordinator and leader'; 'she has a good conceptual sense of where we need to go'; 'she's also mindful of strategies involved in US law'; and 'she's very good to work with'. – **Chambers Global 2018**

'[Aisha is] very knowledgeable' – **Legal 500 2017**

Top Matters

Kenya

- Successfully defending for **Lufthansa Cargo**, a worldwide airfreight and logistics company, in connection with a suit before the Employment & Labour Relations Court where employees of an independent contractor have filed a Petition seeking among other Orders for a declaration that they remain and continue to serve their alleged employment at Lufthansa Cargo, including preparing and drafting Court documents in support of the client's position, advising the client on the employment laws in Kenya as well as developing and discussing strategies on how best to achieve a win for the client in the matter.
- Acting for **Brookhouse Schools**, a leading independent British curriculum co-educational school and member of the Inspired group of schools, in connection with a Constitutional Petition filed by an anonymous group of parents challenging the validity of the virtual learning program, the level of discounted fees charged for the same and a directive requiring the school to establish a formal Parent Teachers Association during the COVID19 pandemic shut down of schools in Kenya, including the establishment of a legal framework for online learning in Kenya and the drafting of a Bill to cap fees.
- Acting for **Kipeto Energy**, a special purpose vehicle incorporated in Kenya for the development of the Kipeto Wind Power Project, in connection with a construction dispute with its contractor, HAIDCO, including successfully representing Kipeto in defending HAIDCO's action to stop payment on a Bond.
- **Vanoil Energy v Government of Kenya** – Acting as local counsel for Vanoil in an international arbitration challenging the validity of the termination by the Kenya Government of Production Sharing Contracts for

- blocks 3A and 3B in Garissa County valued at USD 150 million.
- Acting for **Africa Oil Corp** and group companies in high profile litigation involving Production Sharing Contracts for oil exploration in Turkana. The grant of the PSC's is being challenged via judicial review proceedings by a local company, Interstate Petroleum, and one of its shareholders, Edwards Onyancha. The first judicial review proceedings filed in 2010 by Interstate was dismissed with costs by the High Court and an appeal struck out by the Court of Appeal on our application. Interstate has sought and was denied leave to appeal to the Supreme Court. There is also a second set of judicial review proceedings filed by the individual shareholders of Interstate on the same subject matter. There are numerous interim applications and pending appeals in relation to this dispute, which is ongoing.
- Acting for large multinational in connection with anti-bribery allegations, including advising on Kenyan anti-bribery law, liability of companies and their officers, extra-territoriality issues, and the scope and extent of regulators' powers of investigation.
- Advising a Kenyan company implicated in bribery allegations in connection with a forensic external audit conducted by an international supplier in relation to the allegations.
- Successfully defending **GC Retail**, the developer of Garden City Retail Mall, a Vision 2030 Project, in relation to an interim relief application by Sinohydro Corporation under the Arbitration Act, 1995, to prevent payment of almost USD 6m under a performance bond issued by Equity Bank. Opposing the appeal against the High Court ruling and negotiating and concluding an out of Court settlement.
- Successfully defending **Giro Commercial Bank** in connection with a class action unfair redundancy claim and interim injunction aimed at preventing a proposed sale to I&M Bank.
- Acting for **Geyser International**, a member of the Global Tea Group, in a 2015 claim against Kenya Railways Corporation, the National Land Commission and China Road & Bridge Corporation Kenya for trespass to land and obtaining an ex parte interim injunction against encroachment in relation to the Standard Gauge Railway, a Vision 2030 Project. We have also filed contempt proceedings and the matter is ongoing.
- Pursuing a Constitutional challenge at the High Court on behalf of **Cycads Properties** against the proposed demolition by Ministry of Roads of part of a Runda residential development worth in excess of KES 600 million for alleged encroachment on road reserve for the Northern Bypass. Following dismissal of the petition, advising on the merits of a proposed appeal to the Court of Appeal. Obtaining a stay of judgment at the Court of Appeal, following a contested application.
- Advising the **Capital Markets Authority** in an out of Court settlement as between shareholders at listed company, CMC Holdings, in relation to high profile litigation involving fraud and breach of directors' duties at the High Court and Court of Appeal. Attending a settlement meeting and finalising a consent order in the various cases.
- Acting for **California** based AeroCentury Corporation in a disputed oral agreement for lease renewal of an aircraft against DAC Aviation. Opposed an ex parte interim injunction preventing the return of the aircraft. Negotiating and finalizing a settlement agreement to sell the aircraft for USD 4 million.

England & Wales

- **Wilkinson v Kerdene** (2013) EWCA Civ 44 – Appeal on a point of law. Whether the principle of benefit/burden in *Halsall v Brizell* can be applied to allow recovery by against a non-contracting party of a fixed sum service charge covering a variety of rights and services where the recipient has elected to exercise some but not all of the rights. It was common ground that the sum could not be apportioned. The exercise of the rights did not have to be expressly conditional on payment. The sum was recoverable as the payment covenant was intended to secure the subsistence of those rights by, in a substantial part, providing for maintenance of common roads and services. The covenant by the original developer to maintain also did not prevent recovery.
- **Giles v Rhind** (2008) EWCA Civ 118 – Appeal on a point of law. The appeal concerned the meaning of

- the phrase “breach of duty” under section 32 of the Limitation Act 1980 as it relates to section 423 Insolvency Act 1986. We acted for the appellant under a conditional fee agreement and I drafted a bespoke agreement.
- Acted for a computer software manufacturer in its dispute against a customer for breach of software licences and recovery of licence fees. Pursued winding-up in relation to a disputed debt of EUR 117,500 with a cross-claim valued at EUR 500,000; conducted the advocacy at the contested trial and obtained a winding-up order.