

**Remarks at the Opening Ceremony of the Conference Marking  
the 10<sup>th</sup> Anniversary of KIAC**

***Kigali, 29 September 2022***

**Dr. Faustin NTEZILYAYO, Chief Justice of Rwanda**

Distinguished Guests, Distinguished Participants,

I would like to begin my remarks by expressing my gratitude to the Kigali International Arbitration Centre (KIAC) for inviting me to attend this important event which kick-starts the commemoration of its tenth anniversary with this Conference on the theme: *“The Impact of Institutional Arbitration in Africa Development – Celebrating the Delivery of Modern Case Management to the African Continent.”*

On a personal note, I am even more delighted to be here as someone who ten years ago was privileged to be a member of a team that was tasked to speed up the setting up of KIAC, and later one had the opportunity to practice arbitration in some cases under its facilitation.

As mentioned by other speakers, KIAC is an initiative of the Rwanda Private Sector, supported by the Government of Rwanda with a mandate to help economic operators to resolve their disputes in a friendly, efficient and appropriate manner using arbitration and other mechanisms of resolving disputes such as mediation or adjudication.

With regard to the main mission of the Centre, its core business is derived from its attributions as defined in KIAC Law which can be summarized as follows:

- Providing disputes resolution services through arbitration and other ADR services;
- Promoting ADR through public education, publication and research in ADR;
- Providing training and accreditation in ADR;
- Promoting Rwanda as a venue of International arbitration and advise the government in arbitration matters.

Until the establishment of KIAC, there was no institutional arbitration in Rwanda and *ad hoc* arbitration was practiced on a very limited scale, and there was a pressing need to tackle case backlogs especially in commercial matters. Commercial courts had just been set up and their efficiency in delivering timely and fair justice had yet to be tested, while the government counted on those reforms as one component of its overall policy to improve investment climate in the country.

KIAC's establishment was seen as one way to address those challenges, supplementing efforts undertaken by the Judiciary and to provide arbitration services to the business community, public institutions and other interested parties. KIACs services are therefore crucial in fostering investment and contributing to reducing backlog of court cases thus raising efficiency of the administration of justice.

Without belaboring on the journey KIAC travelled in ten years of existence, it is worth stressing that KIAC has registered very good achievements mostly due to the fact that it has been able to attract board members with good knowledge and practice in national and international arbitration, a panel of experienced arbitrators, adoption of arbitration rules that have a good combination of clarity, flexibility and efficiency, etc.

KIAC reports that it has registered 200 cases in 10 years and that 40% of these cases are international cases. It appears that KIAC's professionalism is contributing to making Kigali/Rwanda as one of attractive seats of international arbitration in Africa. KIAC is also home of the African Arbitration Association and has played a big role in establishing the Chartered Institute of Arbitrators Rwanda Branch that has recently been accredited to operate in Rwanda. KIAC has also trained a good number of professionals especially lawyers in arbitration and ADR (i.e. mediation and adjudication).

KIAC's growth trajectory has been remarkable during this last 10 years, thanks to the support from various stakeholders, but this trend needs to be sustained if the Centre is to attract more national and international arbitration cases and to ensure its commercial viability. The Centre also has to strengthen its ability to draw on the expertise of a pool of experienced potential arbitrators, and with regard to their qualification, it is advisable that there ought to be a balanced combination of experts in civil law jurisdiction and lawyers trained in Common law, as well as the ability to attract non-

lawyers with expertise in various fields germane to international commercial arbitration, since as we know, certain disputes require particular non-legal expertise.

Moreover, for the Centre to make its way into the fast-changing international arbitration market, the Centre has to rely on a conducive legal and institutional framework. It is indeed admitted that the competitive ability of an arbitration institution is a product of the concerted efforts of the institution and the state. It is also argued that the state willingness to enhance the international standing of its national arbitration bodies must seek to improve its judicial system, upgrade national legislations on arbitration and other laws, and combat corruption so as to create a pro-arbitration image.<sup>1</sup>

In the same vein, the 2021 International Arbitration Survey by White & Case and Queen Mary University of London's School of International Arbitration pointed out that greater support for arbitration by local courts and judiciary, increased neutrality and impartiality of the local legal system and better track record in enforcing agreements to arbitrate and arbitral awards are key aspects

---

<sup>1</sup> Elvira R. Gadelshina, What plays the key role in the success of an arbitration institution? *Financier Worldwide magazine*, February 2013, <https://www.financierworldwide.com/what-plays-the-key-role-in-the-success-of-an-arbitration-institution#.YzQOHHZBzIU>

to take into consideration for an arbitration seat to be more attractive.<sup>2</sup>

The Rwandan Judiciary will continue to fulfill its supportive role to arbitral proceedings. In fact, we have continuously been encouraging courts to adopt a pro-arbitration approach in all stages of the arbitration process every time they are called upon to rule on arbitration, i.e. enforcement of arbitration agreement; assistance with the arbitral process (appointment of arbitrators, decision on challenges, etc.); interim measures; challenge of arbitral awards; and enforcement of arbitral awards.

It is encouraging to note that many countries in Africa and elsewhere are striving to improve their arbitration environment in terms of being ‘arbitration friendly’ whereby courts support and respect the jurisdiction of the arbitral tribunal and the arbitration process. It is argued that by demonstrating a commitment to international principles developing in different jurisdictions, national courts will better serve the efforts of their national arbitration institutions to attract and support arbitration.<sup>3</sup> This will contribute to creating a conducive investment climate and foster economic development of our countries.

---

<sup>2</sup> 2021 International Arbitration Survey: Adapting Arbitration to a Changing World, by White & Chase and Queen Mary University of London’s School of International Arbitration, 2021

<sup>3</sup> The Role of Courts in Supporting Arbitration: A Review of Recent developments in the Asia-Pacific, by Justice Angus Stewart, Presentation at the International Congress of Maritime Arbitrators ICMA XXI in Rio de Janeiro, Brazil, 9 March 2020, <https://www.fedcourt.gov.au/digital-law-library/judges-speeches/justice-stewart/stewart-j-20200309>

As I conclude my short remarks, allow me once again to congratulate KIAC for its tangible achievements during its 10 years of existence and reiterate the support of the Judiciary as it strives to be an arbitration institution that provides efficient arbitration services and a Centre of excellence for research and training of professionals in arbitration and Alternative Dispute Resolution (ADR). I also thank the distinguished speakers who have graciously accepted to share their experience and all of you, distinguished participants for taking time out of your busy schedule to attend this memorable Conference. I wish you productive discussions ahead.

***Thank you for your kind attention.***