

**OPENING REMARKS FOR THE WEBINAR ON 1958 NEW YORK  
CONVENTION,  
BY Dr. FAUSTIN NTEZILYAYO, CHIEF JUSTICE OF RWANDA  
DATE: 26/03/2021**

Dear Executive Director of International Council for Commercial Arbitration (ICCA), Madam Lise Bosman;

Dear Director of ICC Dispute Resolution Services in Africa Madam Diamana Diawara;

Dear SG of KIAC;

Distinguished speakers Professor Emilia Onyema, Dr. Mohamed Abdel Raouf, Dr. Emmanuel Ugirashebuja, Mr Thierry Ngoga;

Dear Learned Colleagues from the Judiciary;

Distinguished participants;

Ladies and Gentlemen;

I am very pleased to be with you today for the opening of this short webinar on Enforcement of the 1958 New York Convention on Recognition and Enforcement of Foreign Arbitral Awards for Rwandan Judges.

Allow me to thank the ICCA for considering such an important training program for various judiciaries on its agenda. I also thank the ICCA partners who contributed in making this webinar successfully happen, namely the ICC's Africa Commission, the African Arbitration Association (AfAA) and the Kigali International Arbitration Centre (KIAC).

I thank these partner institutions not only for organizing this webinar but also for providing speakers who are well knowledgeable with this topic which interests both the Judiciary and Arbitration Institutions.

I take this opportunity to inform organizers, participants and speakers that this webinar comes at a very convenient moment for Rwanda as a Country that has turned towards the promotion and empowerment of Alternative Dispute Resolution (ADR) in general and Arbitration in particular.

The webinar comes to reiterate the paramount role of the Judiciary in promoting Arbitration as far as recognition and enforcement of foreign arbitral awards are concerned.

Concerning the court's review and enforcement of arbitral awards, an eminent Judge, Dominique Hascher,<sup>1</sup> Judge of the Supreme Judicial Court of France, has pointed out that the parties' effective right to enforcement of an award is one aspect of the right to arbitration and of fair trial. Thus, courts should exercise self-restraint and only refuse to support the award whenever the fundamental exigencies of natural justice, such as the independence and impartiality of arbitration, equality of the parties and adversarial process, or the absence of excess of powers have been violated.<sup>2</sup>

The Judiciary of Rwanda, like other judiciaries, is keen to promote arbitration and ADR in general because it helps in reducing the caseload of the courts and reducing delays in the resolution of disputes. That is the reason why the leadership of the Judiciary of Rwanda has continuously encouraged courts to adopt a pro-arbitration approach in all stages of the arbitration process and every time they are called upon to rule on arbitration, i.e. enforcement of arbitration agreement; assistance with

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<sup>1</sup> Dominique Hascher, The Courts as Collaborators in the International Dispute Resolution Project, <https://kluwerlawonline.com/journalarticle/Arbitration:+The+International+Journal+of+Arbitration,+Mediation+and+Dispute+Management/81.4/AMDM2015069>

<sup>2</sup> Ibidem.

the arbitral process (appointment of arbitrators, decision on challenges, etc.); interim measures; annulment of arbitral awards; and enforcement of arbitral awards.

Talking again about the interface between courts and arbitration, it is admitted that the efficiency of arbitration is directly linked to the quality of the judicial system. Because arbitral proceedings could not develop undisturbed without the assistance and under the control of state courts, arbitration must be backed by an efficient judicial system which guarantees the rule of law.<sup>3</sup>

Since the arbitration field keeps evolving, we are very grateful for having a forum like this where eminent arbitration practitioners will take us through best practices aimed at ensuring a harmonious relationship between courts and arbitration, focusing on the 1958 United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (“New York Convention”).

We all understand the time allocated to this webinar is very short to cover the subject in its details but it serves as an introduction to further similar training programs that may follow afterwards in partnership with well renowned arbitration institutions like these ones that have initiated this webinar.

I sincerely thank each and every participant and facilitators of this webinar and wish you fruitful discussions.

*Thank you !*

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<sup>3</sup> Ibidem