



KIGALI INTERNATIONAL ARBITRATION CENTRE

Efficiency in Disputes Resolution



ANNUAL REPORT

July 2014- June 2015

Invest Wisely, Consider Arbitration under KIAC

STANDARD AND SUGGESTED ARBITRATION CLAUSE FOR CONTRACTS

Future Disputes

“Any dispute arising out of or in connection with this contract, including any question regarding its validity or termination shall be referred to and finally resolved by arbitration under KIAC Rules”

Note — Parties should consider adding:

- (a) The number of arbitrators shall be ... (one or three);
- (b) The seat or legal place of arbitration shall be ... (town and country);
- (c) The language to be used in the arbitral proceedings shall be...

Existing Disputes

“A dispute having arisen between the parties concerning (.....), the parties hereby agree that the dispute shall be referred to and finally resolved by arbitration under KIAC Rules”

STANDARD AND SUGGESTED MEDIATION CLAUSE FOR CONTRACTS

Future Disputes

“Any dispute, controversy or claim out of or in relation to this contract, including the validity, invalidity, breach or termination, thereof, shall be submitted to mediation in accordance with the Kigali International Arbitration Centre Mediation Rules in force on the date when the request for mediation is submitted.”

Existing Disputes

“The undersigned parties hereby agree to submit to mediation in accordance with the KIAC Mediation Rules of the following dispute (Brief description of the dispute)

SUGGESTED CLAUSE FOR MEDIATION FOLLOWED BY ARBITRATION

“Any dispute, controversy or claim out of or in relation to this contract, including the validity, invalidity, breach or termination, thereof, shall be submitted to mediation in accordance with the Kigali International Arbitration Centre Mediation Rules in force on the date when the request for mediation is submitted in accordance with these rules.

If such dispute, in controversy or claim has not been fully resolved by mediation within one month from the appointment or the confirmation of the mediator, it shall be settled by arbitration in accordance with the Kigali International Arbitration Centre Rules.”

KIAC Profile

Vision

To be the leading choice for international commercial arbitration and other ADR services.

Mission

To promote Rwanda as a venue of efficient arbitration services and a Center of excellence for research and training of professionals in ADR

Members and Structure of KIAC

The Centre has a governance Board of Directors (BoD) comprised of seven (7) members appointed by the Private Sector Federation (PSF) from professional associations and international members with knowledge and practice in international arbitration. The BoD is advised by an International Advisory Board comprised of renowned international arbitrators.

For the day to day management, the Centre has a Secretariat led by the Secretary General appointed by the BoD, with a support management and operational team.

Services and Procedures

KIAC administers cases under KIAC arbitration Rules and UNCITRAL Arbitration Rules. Parties may agree in part or wholly KIAC arbitration rules, a modern set of rules consistent with international best practices and covering all aspects of the arbitral proceedings. Arbitration services under KIAC are very cost effective with a schedule of fees allowing the costs of KIAC arbitrations to be kept in line with the size and the complexity of the cases referred to the Centre.

KIAC boasts of world-wide panel of experienced, credible and independent arbitrators. Parties to KIAC arbitrations are free to nominate their arbitrators, subject to confirmation by the Centre in accordance with the KIAC Rules. When KIAC is called upon to appoint an arbitrator, it does so primarily from one of its panels.

Effective September 2014, KIAC offers professional mediation services under KIAC Mediation Rules.

The Centre is committed to providing high quality logistical support to its users for the organization of the hearings in Kigali; provision of suitable rooms, secretarial and catering services.

For more information please visit our website on www.kiac.org.rw or email us at info@kiac.org.rw

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Faustin MBUNDU

Chairman Board of Directors

MESSAGE FROM
The Chairman
Board of Directors

It is with justified sense of success to have celebrated KIAC's 3rd year of existence, a very significant year when we made giant strides in promoting both the effective use of Arbitration and other amicable ways of resolving disputes and Rwanda as a hub for alternative dispute resolution (ADR).

With the World Bank's Doing Business report for 2016 ranking Rwanda as one of the world's top most business reformers, KIAC has continued to work around the clock to deliver flexible and world class approaches to ADR services that will boost cross-border trade, investment and improve access to justice as well. We are proud to have acquired and moved into our new office premises in Nyarutarama. This is a great achievement thanks to the Government of Rwanda (GoR), Investment Climate Facility for Africa (ICF) and Private Sector Federation(PSF). This will have consequent impact on the effectiveness and number of disputes resolved.

We are elated by the growing confidence in the Centre by both economic operators and Government. Despite KIAC being in its infancy, the centre has continued to steadily register and effectively administer cases. With international cases already under KIAC administration, this is a statement of confidence that Rwanda is playing a key role in positioning Africa on the market of International Arbitration. The rapid increase is attributed to very aggressive campaign targeting different sectors in Rwanda and beyond. The confidence entrusted in us is not in vain.

Reflecting KIAC's own experience as well as that of other ADR centres in other jurisdictions, the development of Arbitration and other ADR mechanisms takes a considerable period of time. We are indebted to ICF, PSF, GoR for

their enthusiastic support towards the Alternative Dispute Resolution Project (ADRP) that supported the operationalization of KIAC. By the closure of the ADR project; Rwanda ranked as the 3rd country in Africa with the highest number of accredited arbitrators. The ADRP has supported KIAC to deliver efficient, timely solutions that has promoted Rwanda as an international seat of Arbitration and ADR. While it is still too early to rest on our success, we have earned a well deserved pat on the back for our achievements thus far.

We have many projects and opportunities ahead of us. We shall focus on coming up with new ideas to surpass ourselves in delivering quality services and advocating for a conducive environment for ADR use and promotion in Rwanda and beyond. It is also important to look at arbitration not only as way of reducing the backlog in court but also as an industry which has the potential to contribute to the MICE (Meetings, Incentives, Conferences and Events) concept through Arbitration tourism.

We are optimistic it's going to evolve without difficulty, given the support of our stakeholders. I am convinced that KIAC, thanks to its skilful team, can meet these challenging goals and continue in its dynamic development in the coming years. Lastly, I would like to thank each member of our Board of Directors (BoD) and ADR project Steering Committee members, for all their outstanding efforts and commitment that enabled the Centre successfully accomplish various milestones during this remarkable year.



Dr. Masengo Fidèle
Secretary General, KIAC

MESSAGE FROM
*The Secretary
General*

As we close the year, this is a time for us to re-evaluate, to look ahead and move forward. We started the year with various goals; diversify KIAC's service offer; conduct awareness campaign; enhance KIAC's institutional framework and also develop a strategic framework that will provide a longer-term vision for effective use of ADR by all stakeholders in a coherent way. We are proud to say that most of the above goals were successfully achieved.

We are equally impressed by the KIAC caseload amounting to 28 cases over the past three years. This is an incredible achievement in arbitration matters since it takes 3-5 years for newly established centers to register the first case. Parties to cases were from USA, Italy, South Africa, Kenya, Pakistan, Rwanda and Senegal. Worth noting is that 64% of the cases filed involved Government of Rwanda as one of the Parties. It is also remarkable that a high percentage of the KIAC awards were enforced within at least 3-6 months (communication and perception impact endline study on arbitration and other ADR services in Rwanda).

Over the past year, our focus to diversify and improve the quality of the service offer to potential and existing clients increased. KIAC in partnership with selected stakeholders, developed and launched professional Mediation service during the mediation week from 21st-26th September 2014. This is testament of KIAC's exponential growth to address smaller claims.

We acknowledge that effective ADR practice can only be achieved through further improvement of the understanding and attitudes among our stakeholders and potential users. KIAC focused on conducting more intensive

capacity building sessions leading to accreditation for the Associate level and Membership level of the Chartered Institute of Arbitrators. For the first time, KIAC in partnership with Kuala Lumpur Regional Centre for Arbitration (KLRCA) organised an intensive training on Adjudication in March 2015. The Adjudication training was an outcome of the Memorandum of Understanding between KLRCA and KIAC signed in October 2014. This is part of KIAC's continued efforts to establish an open network for technical assistance and reinforce practical cooperation with internationally recognized Arbitration Centres.

Another achievement was the completion and validation of the draft KIAC five year strategic plan and policy proposal, business plan. No doubt it will institute the centre in terms of innovation, expertise and quality service offered.

We successfully reinforced KIAC's visibility as the preferred venue for Arbitration and ADR, across many emerging markets in the region and beyond. KIAC, just like other well established centres relies on continually conducting awareness and marketing campaigns among selected stakeholders in the business community. Worth noting is that the centre's visibility was augmented through our continued presence in selected local and international Media and publications.

According to the Communication, Perception and Impact Assessment survey on Arbitration and Other Alternative Dispute Resolution (ADR) Services in Rwanda, the intensive communication campaigns conducted and messages delivered by KIAC have had a positive impact on perceptions of arbitration and other ADR services. Findings indicate that the Perception and awareness of KIAC increased to 96.4% from 72.2% (baseline 2013).

For the coming year, we shall continue to undertake business development campaign. I would also like to echo my appreciation to our stakeholders, GoR, ICF, PSF and business community whose support has been an important foundation to KIAC's success.

Introduction

Kigali International Arbitration Centre (KIAC) was established by an Act of Parliament as stipulated by Law No 51/2010 Of 10/01/2010 with a mandate to help domestic and international business community to resolve commercial disputes in an amicable way. The Centre's objective is to therefore supplement efforts undertaken by the Judiciary and to provide time saving and cost effective means of settling disputes to the business community, public institutions and people from the region and beyond with the aim of increasing Investors' confidence in Rwanda.

Over the past three years of operation, KIAC has focused on improving the infrastructure required to deliver quality services in arbitration and creating conducive environment for effective use of arbitration practice and other friendly ways of dispute resolution in Rwanda. KIAC management has identified the centre's core business as is derived from its attributions under article 4 of the Law establishing its organization, functioning and competence which can be summarized into four components below:

1. Provide disputes resolution services through arbitration and other Alternative Disputes Resolution (ADR) services;
2. Promote ADR through public education, publication and research;
3. Training and accreditation in ADR;
4. To promote Rwanda as a venue of International arbitration and advice the government in arbitration matters.

As KIAC celebrates its 3rd year of operation, our focus was on diversifying the ADR services. This report describes accomplishments within the financial year of July 2014-June 2015.

1 Key Achievements in Service Delivery

1.1 Arbitration Caseload

Since May 2012, KIAC has recorded an impressive Arbitration caseload of 28 cases with parties from Rwanda, Kenya, USA, Italy, Pakistan, Senegal, and South Africa. Worth noting is that over 70% of the awards have been enforced.

1.1.1 Summary of the profile of the cases filed by KIAC

Cases and Awards	July 2012- June 2013	July 2013- June 2014	July 2014 – June 2015	Cumulative Total for three years
Cases Filed	5	12	11	28
Cases with Parties submission to KIAC rules	4	6	8	18
Awards rendered	0	3	7	10

**the awards include Emergency arbitrator decision.*

KIAC Cases by market industry

Below is the analysis by market industry for the Cases administered by KIAC in the last three years;

Market industry	Number
Construction/Engineering/Infrastructure	10
Energy	2
Services	4
Supply of goods/Equipment	5
Pharmaceutical/Biotechnology/Health Care	2
Transportation/Logistics/Shipping	2
Shareholding/Sale agreement	2
Mining	1
Total	28

1.2 Professional Mediation Service developed and Launched

The recognition that not all cases are resolved through courts and that there are more amicable ways to resolve disputes is increasingly being shared by lawyers, judges, and the business community. Looking into the future, KIAC took a bold leap and introduced a new service on Professional Mediation (Abunzi b'Umwuga) during the mediation week from 21st-26th September 2014. This is one of KIAC's strategy to offer a full range of ADR procedures and the service will facilitate parties to settle their own cases or small claims without a protracted hearing and an award. The week long events emphasised the relevance of mediation as a service to business, inclusion of the model clauses for mediation in contracts and how to utilize the Mediation Services at KIAC.

1.2.1. Development of KIAC Mediation Rules and operational framework

In order to enhance KIAC's ability to

deliver quality services, and enable the centre to be established as the



preferred forum for mediation disputes, the KIAC together with Centre for Effective Dispute Resolution (CEDR) developed the KIAC Mediation Rules with modern features to reflect the international best practice. A proper administrative framework and clear operational procedures in which mediation will be conducted was developed and is in place. KIAC is currently advocating for a law on Mediation and introduction for the court referral mechanism in the civil code procedure that will enable judges to refer parties to mediation where advisable.

1.2.2. Free Mediation service during mediation week

The development and promotion of mediation service would be in vain if KIAC was not supported by the previously trained and accredited mediators. During the networking session organised on 5th September 2014 at Kigali Serena hotel, Mediators committed to provide free mediation services during the mediation week. Of all the 16 cases registered for mediation, only 4 cases were filed, since both parties had agreed to mediate. More sensitization needs to be conducted to ensure the public has confidence in the entire process. It was also recommended that the mediation week should be decentralized and an outreach conducted in all the provinces.

2 Awareness and Marketing of the Centre

2.1. Intensive Awareness Campaigns conducted

In order to raise awareness on KIAC and arbitration services, the Centre continued to educate the public and potential users in Rwanda about KIAC services in Arbitration and Mediation using radio and TV talk shows. The centre also organised seminars to meet with various professional associations and traders. KIAC delivered presentations on Arbitration and Mediation during five sessions for around 300,000 traders attending the Civic Education Programs- "Itorero" (Imbaturabukungu). In regard to contracts between local traders and foreign counterparts, KIAC sensitized traders on how to strategically choose their venues for dispute resolution.



Arbitration and Mediation sensitization was extended to around 300,000 traders attending the Civic Education Programs- "Itorero" (Imbaturabukungu).

KIAC maintained its regional and international presence using selected media and publications at international level like the Global Arbitration Review (GAR), Inflight Magazines like Msafiri (KQ Airways), Inzoki (Rwandair), The East African, The East African Law Society (EALS) Magazine, and many other online websites.

2.2. Regional and International Marketing and campaigns Awareness

Event	Venue	Observation
East African International Arbitration Conference 2014	Nairobi-Kenya 28 th -29 th July 2014	For Regional Awareness the Secretary General attended this forum and was a speaker during one of panels, showcasing KIAC's role in promoting Arbitration.
International Arbitration Conference by the Chartered Institute of Arbitrators-Kenya Branch	Mombasa-Kenya 7-8 August 2014	KIAC representative (the Registrar) was the chair of one of the sessions focusing on the Experience of case management in African Centres
Learning trip and knowledge sharing with Kuala Lumpur Regional Centre for Arbitration (KLRCA)	Kuala Lumpur Malaysia 6th -7th October 2014	The SG, Registrar/ADR Project Director & PS MINIJUST participated in this learning trip for purpose mainly of lobbying the GoR using the model of Malaysia about the funding of Arbitration Centre.
Enhancing business opportunity in Africa, the role, reality and future of African related arbitration	Atlanta (USA) 3 th -4 th Nov.2014	The Secretary General of KIAC spoke on the experience of KIAC arbitration. The focus was on how China and Malaysia are the main investors in Africa. Focus on them to be the alternative Centre is key.
" Annual Conference 2014 of the Chartered Institute of Arbitrator- Nigeria Branch	Lagos-Nigeria: 6 th -7 th November 2014	The Registrar Spoke to the 400 delegates during the Annual Conference under the theme: "ARBITRATION TO THE RESCUE!"- How Alternative Dispute Resolution Can Grow Our Economy,
The Third Biennial LCIA-MIAC International Conference 2014: Challenges to Awards and Enforcement of Awards in Africa	Mauritius 15-16 December 2014	Registrar/ADR Project Director & one of the ADRP Steering committee members attended the forum. The KIAC intervention during the conference was to demonstrate that Rwanda do not face Enforcement issue like many other African countries.

<p>The East African International Arbitration Conference 2015 (EAIAC)</p>	<p>Tanzania Dar Es Salam from 9th -10th April 2015</p>	<p>The East Africa International Arbitration Conference 2014 (EAIAC) is a conference organized by Eastern Africa Business Network (EABN) to promote and support the growth and development of Eastern Africa’s arbitration practice and centers KIAC SG was on the panel to share KIAC experience.</p>
<p>ICC MENA Conference/ International Arbitration in Middle East & North Africa 2015</p>	<p>DUBAI- United Arab Emirates 13th -15th April 2015</p>	<p>KIAC was represented by the Registrar and this conference was beneficial in helping to understand: a. Active Case management Techniques b. Effective Management of Arbitration (ICC perspectives) c. Managing exchange of information in Arbitration</p>
<p>“Les Journees Africaines de l’Arbitrage”</p>	<p>Cameroun- Douala 28th -29th April 2015</p>	<p>KIAC SG was invited to speak about Institutional Arbitration in East Africa with a particular focus on arbitration in Rwanda and KIAC. It was an opportunity to test the Visibility of KIAC in Francophone countries and take stock of potential users expectations in West Africa</p>

2.3. Town hall meeting and sensitization campaign on Mediation

A lot of effort was invested in conducting awareness sessions in various media and on selected Radios and TV. Together with stakeholders that have played a pivotal role in the development of mediation in the dispute resolution sector, a Town hall meeting was conducted on 21st

September 2014 and this marked the launch of the Mediation Week.



Stakeholders during the launch of the mediation week at a Town hall meeting, September 2014

2.4. K.I.A.C. Arbitration Symposium Organised



A cross section of participants during the 2nd K.I.A.C. arbitration Symposium, December 2014

On 3rd December 2014, K.I.A.C. organised the second annual Symposium, which has become a distinctive and interactive forum for participants to interact closely and to get a learn the current issues and developments in Arbitration and ADR practice. Last year, the symposium featured invited speakers who guided participants on a practical introduction to written submissions and Award writing in international arbitration in compliance with the UNCITRAL Law

and K.I.A.C. Arbitration Rules.

Drawing from their wealth of experience, the speakers provided clear insights on the common mistakes made in written submissions, and tips and formal requirements on drafting the award. The second part was dedicated to addressing the questions that some of the participants had submitted in advance. This symposium was very interactive and attended by around 50 participants representing an outstanding variety of professionals from financial institutions, manufacturing, construction, legal practitioners, representatives of courts and public prosecutors and government institutions.

2.5. Communication and perception impact endline survey conducted



Stakeholders during the validation session for the Communication, perception impact survey

In May 2015, we concluded our communication efforts by conducting a communication and perception impact endline study on arbitration and other alternative dispute resolution (ADR) services in Rwanda. The general objective was to find out

if KIAC had effectively communicated to the right people through the right channels. The endline survey assessed whether the perception of the stakeholders had changed over the past year.

Findings indicated that the intensive communication campaigns conducted and messages delivered by KIAC have had a positive impact on perceptions of arbitration and other ADR services. The Perception and awareness of KIAC also increased to 96.4% from 72.2% as per the 2013 baseline survey. 84% of respondents confirmed that the messages delivered by KIAC were effective and 91.1% had become aware of KIAC services in general. However, more than 60% would like to more messages developed. The findings therefore provide valuable lessons for the centre and will set orientations for the development of future project activities and specifically in regard to KIAC's future communication strategies.

Another key activity embarked on by the Centre was to develop the brand manual with a cardinal aim of reinforcing KIAC's brand image among stakeholders in and outside Rwanda. As KIAC aspires to provide quality service, there is need to project the required image and be consistent with the values and standards of the stakeholders the centre is looking to attract and benefit. An exercise to assess the brand performance was conducted. Recommendations from stakeholders were incorporated on how KIAC can increase its visibility.

2.6. KIAC Brand Manual developed



3 *Creating Local Capacity in Arbitration and other ADR mechanisms*

In order to stimulate demand for Arbitration and ADR, it is important that potential users understand the processes as otherwise they will not refer cases to ADR. We are proud that KIAC's capacity building initiatives have led to ranking Rwanda as the 3rd country in Africa with the highest number of accredited arbitrators.

3.1. *Course leading to Accelerated Membership Program (AMP) and Associate Member of the Chartered Institute of Arbitrators (ACI Arb)*



Professionals during the introductory training leading to Associate level (ACI Arb)

Following the increasing demand from stakeholders to further enhance the capacity of Arbitration practitioners,

KIAC contracted the Chartered Institute of Arbitrators (CI Arb)- UK through their Nigeria Branch from 9th -10th January 2015, to conduct another session for the introductory course in arbitration leading to Associate member CI Arb for professionals. The training attracted 55 professionals (Lawyers, accountants, Engineers and Architects, procurement officers). 47 participants passed the test and are eligible for accreditation by CI Arb and admission to K IAC panel of Domestic Arbitrators.



Professionals during the training leading to Member of the Chartered Institute of Arbitrators (MCI Arb)

In order to upgrade professionals that had followed the Introductory course in Arbitration leading to Associate level CI Arb accreditation, another session on Accelerated Membership

Program leading to Member of the Chartered Institute of Arbitrators (MCI Arb) was organised from 29th-30th May 2015. The training was attended by 26 participants from various professions and it was passed by 11 participants who are now certified at MCI Arb level.

During the same period, KIAC organised coaching and re-sit sessions for those who had previously attended the Membership program but had not passed the exams. Worth noting is that this capacity building program attracted participation of international professionals, notably 12 participants from the region and one person each from the United States, Switzerland and South Sudan, at their own cost. By June 30th 2015, KIAC had trained and certified 276 arbitrators under the Chartered Institute of Arbitrators-UK, ranking Rwanda the 3rd country in Africa with the highest number of accredited arbitrators after Nigeria and Kenya. All professionals that successfully passed the exams are now eligible to be on the KIAC domestic panel of arbitrators.

3.2. Training on Adjudication



Professionals during the introductory training leading to Associate level (ACI Arb)

Following the signature of an Memorandum of Understanding between KIAC and KLRCA that provided a framework for mutual cooperation, a training was organised to meet the increasing demand of using Adjudication in construction industry. Of the 55 trained professionals, 27 were certified adjudicators and are eligible to be enrolled on the KLRCA panel of adjudicators in Malaysia and the KIAC panel of Adjudicators.



Participants pose with KIAC management and tutors at the end of the training

Participants were given a strong

foundation for the understanding of the concept and practice of statutory adjudication and also equipped with tools that are required to adjudicate competently with an overview of the procurement processes and contractual arrangements in construction in Malaysia and Rwanda. By the end of the training, participants had acquired the skills necessary to write an adjudication decision. KIAC is currently advocating for a law on Adjudication.

3.3. Training of Media on Mediation

Media plays a crucial role in educating the public, through consistent reporting. In line with KIAC's mandate to increase capacity of key stakeholders, it

was imperative to enhance the Media capacity to analyze and report on Mediation. On 22nd September 2014, KIAC trained and awarded certificates for 20 media practitioners from print, on-line and broadcast media. By disseminating accurate information to Rwandans on Mediation practice, the media enable the creation of a pro-arbitration culture.



One of the participants gives feedback during the message development session

4 Institutional Development

4.1. Refurbishment of KIAC Office Premises



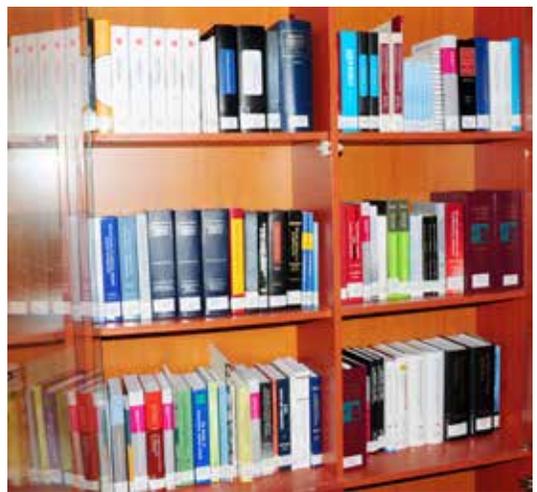
One of KIAC's mediation rooms available since March 2015



KIAC's Arbitration room during the hearing session of one of the international arbitration case , June 2015

After the successful acquisition of KIAC office premises, we relocated to the new offices in March. However, we embarked on several initiatives to

install all the required infrastructure, technology and equipment befitting of an international venue for Arbitration. By June 30th, the office had been fully equipped, and is now operational. We are proud comfortably hosted both local and international hearings. Our well equipped library is open to professionals who will have access to the most recent books on arbitration and other ADR mechanisms. The offices will be officially inaugurated in the following year.



A fully equipped library at KIAC office with the most recent books on Arbitration and ADR, is now open to professional since June 2015

4.2. Board of Directors



KIAC BoD members follow the auditor's presentation during the 3rd board meeting, December 2014

The third Board of Directors' meeting was convened on 3rd December, 2014. The SG presented status of KIAC's activities and the caseload in the previous year. For the first time, as per the recommendation from the previous Board of Directors' meeting, the centre's audited financial statement of operations for the year ending on 30th June 2014 was presented by the external auditor. Among the recommendations, the BoD advised that the Operations Procedural Manual and Strategic plan are reviewed by the Executive Board Committee. Both documents are under review and upon completion, they will be submitted to the next BoD meeting.

4.3. ADR Project Steering committee

The ADR project Steering Committee convened at the end of every quarter to assess the status of implementation of the ADR Project activities, approve the quarterly reports and provide guidance on outstanding issues raised

during the meetings.



The ADR Project steering committee members follow the presentation from the ADR Project director, in the presence of the ICF project team, April 2015

Following the extension of the ADR Project, the Steering Committee convened on 31st July 2014, 29th October 2014, 29th January 2015 and 30th April. They spent considerable time analysing and discussing KIAC's sustainability, how to review the ADR Project indicators, raised the need to review the Arbitration law and introduce the ADR framework, and how to creatively promote Arbitration and ADR to the next level. Our sincere thanks and appreciation to the Steering Committee members, for their guidance and bountiful support which has been pivotal to ADR project's success.

In the last meeting conducted in April 2015, after the presentation from the ADR Project Director, the ICF team representatives in attendance were impressed with the status of implementation of the activities and they acknowledged that KIAC was by far one of the best performing projects that they had worked on in Rwanda.

4.4. DRAFT ADR POLICY PROPOSAL, KIAC FIVE YEAR STRATEGIC AND BUSINESS PLAN DEVELOPED

The promotion of arbitration requires a pro-arbitration legal and institutional framework. KIAC has been at the fore front of advocating for the development of an ADR policy proposal to backup several proposed reforms that will create a conducive environment for the effective use of Arbitration and ADR. The draft KIAC five year strategic and business plan (2015-2020) was developed and upon completion, it will be submitted to the Board of Directors for approval. The strategic plan is expected to establish a holistic framework to addressing the insufficient use of ADR by stakeholders.

The ADR Policy proposal was submitted to the Ministry of Justice and recommendations will be integrated in the national policy to accelerate access to Justice.

4.5. Kiac Domestic Panel Of Arbitrators Updated

The capacity building initiatives conducted by KIAC have enhanced the participants knowledge of international arbitration practice and certified them for admission to KIAC panel of Arbitrators. Having given them new profiles offers more options to users at the time of appointment. This year, the call for application that was circulated among professionals

attracted 67 applicants, and after a thorough vetting process and approval by the Arbitration committee, 52 successful professionals were enrolled onto the KIAC panel of arbitrators. The list was uploaded on the KIAC website.

4.6. Partnership with Other ADR institutions

4.6.1. Kuala Lumpur Regional Centre for Arbitration (KLRCA)

In October 2014, KIAC strengthened its cooperation with Kuala Lumpur Regional Centre for Arbitration (KLRCA). This was during a learning and knowledge-sharing visit, by the Rwandan delegation led by Bernadette Uwicyeza, KIAC's Secretary-General; Isabelle Karihangabo, Permanent Secretary and Solicitor General in the Ministry of Justice Rwanda and Ngoga Gakuba Thierry, KIAC's former Registrar. Following the discussion on the best practices of running a regional ADR centre, both centres signed a Memorandum of Understanding. One of the outcomes of the MoU was knowledge sharing between both centres and roll out of Capacity building session for selected professionals in Adjudication.

4.7. Delegations that visited KIAC in pictures



Bernadette Uwicyeza, KIAC's former Secretary-General (Centre), Isabelle Karihangabo, Permanent Secretary and Solicitor General in the Ministry of Justice Rwanda (2nd right) and Thierry Ngoga



Nigerian Delegation

4.6.2. Cour d'Arbitrage de Cote D'Ivoire (CACI)

On 30th September 2014, KIAC signed a Memorandum with Cour d'Arbitrage de Cote D'Ivoire (CACI) to reinforce their joint cooperation in ADR promotion between both institutions. They agreed on possible future joint promotion activities, exchange information and visits, conferences and seminars.



California Law students



CACI President Tall Yacouba (L) and KIAC's Bernadette Uwicyeza(R) shortly after signing the MoU at KIAC office



ICF Project team

5 Challenges

Despite the outstanding achievements, there are some challenges that the centre has encountered, notably;

The concept of Arbitration is still fairly new and the existing contracts do not have arbitration clauses. In many cases people don't review what is stipulated in the dispute resolution clause at the time of the formation of the Contract. Despite the intensive awareness and effective use of Arbitration and ADR in general is still insufficient. There is need to reinforce communication and marketing efforts to create a stronger capacity to persuade potential users to act more effectively and to cooperate with the centre. The Centre should continue raising awareness among stakeholders on including KIAC model clauses in their contracts.

KIAC has continued to meet some resistance from some professionals who prefer using adhoc arbitration to Institutional arbitration. KIAC will continue to meet with various professionals on the benefits of institutional arbitration under KIAC. We shall continue to build the professionalism of service providers and stakeholders capabilities through trainings.

It is important to view Arbitration as an industry and not a legal service with an aim to reduce the back log in court. This industry remains untapped industry yet it has a major economic

role that contributes to national growth through Arbitration tourism. KIAC is currently building the capacity of its arbitrators, many of whom are registered on the domestic panel of arbitrators. However, as one of the current regional hub for international commercial arbitration and a growing center for international arbitration, KIAC needs to increase the number of international arbitrators.

Internationally recognised Centres have received financial support for a long time from either from their host government or their membership base. KIAC equally has to secure a sustainable way finance the activities of the Center. Since the financial support provided by ICF has ended, it is critical to fund KIAC activities in order to ensure its financial sustainability.

The current number of cases filed with KIAC in a short time is a result of that demand and the trust to the institution. However, in order to boast ADR demand, it is necessary to create court referral mechanisms. Commercial courts are to be given mandatory authority to refer cases to KIAC Mediation for certain disputes.

To date, the Center has been able to operate under a temporary institutional structure. Three years after the operationalization of the Center, there is a pressing need to review the entire organizational structure for KIAC with adequate staffing to implement KIAC's mandate.

6 *Conclusion and Way forward*

While we are reasonably proud of KIAC current accomplishments, our focus is on increasing the quality of services offered to our esteemed users nationally, regionally and internationally. With this goal in mind, KIAC will continue to work towards meeting the needs of our clients from Rwanda and abroad.

In order to achieve this goal, KIAC will multiply its efforts in capacity building to help parties manage

arbitration, mediation as well as other Alternative disputes resolution mechanisms. KIAC will also improve on automation of the arbitral process. In institutional framework, KIAC will review its functional structure, develop its Annual action plan, finalize its Five year Strategic Plan as well as its Operations Procedures Manual. These tools will help to streamline its priority awctions and position itself as a regional hub for commercial arbitration for a better global market competition.



KiAC

KIGALI INTERNATIONAL ARBITRATION CENTRE
Efficiency in Disputes Resolution

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