

**2019 ANNUAL CONFERENCE OF THE  
CHARTERED INSTITUTE OF ARBITRATORS**

**NIGERIA BRANCH**

**7<sup>TH</sup> – 8<sup>TH</sup> NOVEMBER 2019**

**KEY NOTE ADDRESS**

**Distinguished Hon, ADR Practitioners, ladies and gentlemen**

I am delighted to be part of the Annual Conference of the Chartered Institute of Nigeria taking place at this great venue the Landmark Event Centre, Victoria Island Lagos.

I understand the branch holds annual conferences at which issues relevant to dispute resolution are discussed.

The theme of this year's conference is "Positioning Africa: The Changing Landscape in Alternative Dispute Resolution."

The conference organizers have lined up a list of interesting topics, which include:

1. Walking hand-in-hand: Bridging the litigation – ADR gap;
2. Zooming out: opening up the African continent to economic integration under the African Continental Free Trade Area Agreement: ADR implications for Africa;
- Giving the bark some bite: Emerging initiatives in the enforcement of Cross Border Settlement Agreements – Singapore Convention;
1. Wielding the big stick: Arbitrability and public policy considerations in the enforcement and enforceability of domestic and foreign arbitral awards in African States;
2. Delving in: The Explosion of Specialist Arbitration in Africa;
3. Knowledge sharing: Award of interest in Arbitration; and
4. Culture clashes: Ethics in ADR and the African perspective on the boundaries of the intersect between culture and professionalism.

Alternative Dispute Resolution is not a new concept. In Africa, it is not "alternative" at all. It is a way of life.

Africans have known for hundreds of years that they can sit down and negotiate, mediate and arbitrate.

Good neighbourliness, harmony and peace have been a key pillar of African societies.

In South Africa, this has been crystallized into a philosophy known as “Ubuntu” associated with humanity: “I am because we are”.

ADR is known for its attributes of informality, cost effectiveness and its capacity to ensure relations between individuals and communities remain intact.

Arbitration has been used to settle disputes in the commercial and other sectors.

Indeed, arbitration has the effect of building bridges across legal jurisdictions.

Many countries have signed up to the New York Convention and the Model Law.

In this part of the world, you have the Organisation for the Harmonization of Business Law in Africa (OHADA).

The launching of the African Arbitration Association (AFAA) is also a step in the right direction.

Where is Africa positioned in the ever- changing landscape in the Alternative Dispute Resolution?

Africa was the leader in ADR. It should aim to re-position itself as the leader in this modern world.

Africa should be at the forefront in the ADR sphere.

ADR Practitioners and the practice itself face many challenges. These include:

- Insufficient infrastructure;
- Low uptake of Arbitration and ADR;
- Unsupportive legal systems;
- Travel restrictions;
- Insufficient use of technology; and
- Huge costs associated with arbitration.

We must find a way to surmount these challenges and take over our rightful place with the eagles of the top of the mountain.

We must never give up. We must set high goals and aim to achieve them.

But there is work to be done:

- We must build capacity. Nobody will go for an ADR practitioner who has no clue of what they are doing.
- CIArb must enhance its training.
- We need to Market Africa (and the African cities) as safe seats for arbitration.

Our eyes should be on the goal to be at the top of the pyramid.

The landscape will keep changing. But we must hover above it and fly towards the land of our dreams.

We are where we are today. We face many problems.

We can do better than what we have done. We cannot afford to be complacent in the ever-changing landscape.

We must adopt the best practices from across the globe.

CIArb believes in the golden standard. We must uphold the same.

As was mentioned earlier, I am the Africa Trustee. I represent your interests at the Board of Trustees.

I thank you all for giving me that opportunity.

I am especially grateful to Nigeria for this.

I bring a goodwill message from other branches and members from other countries. These include: South Africa, Zambia, Mauritius, Malawi, Rwanda, Uganda and Kenya. They wish you well.

I wish you fruitful deliberations. God bless you all.

**Dr. Kariuki Muigua, Ph.D., FCIArb (Chartered Arbitrator)**

**Africa Trustee**