

African Arbitration Association launched

Alison Ross
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The launch held at the African Development Bank headquarters in Abidjan on 29 June

The Africa Arbitration Association has been launched at an event in Abidjan, Cote d'Ivoire, a development that has been heralded by the International Court of Justice's president, Somalian **Abdulqawi Ahmed Yusuf**, as "the coming of age of the arbitration profession in Africa."

In the words of **Bayo Ojo SAN**, the association's first president, "the AfAA stands to promote, encourage, facilitate and advance the use of international arbitration to build an enabling environment for investment and sustainable development within the African continent."

The non-profit, private sector-led [association](#) will have its headquarters in Rwanda's capital Kigali, which was chosen in a vote because of the ease of access from other African countries, and will be hosted at the Kigali International Arbitration Centre (KIAC).

Ojo, the first president, is a senior advocate of Nigeria, a senior partner in the law firm of Bayo Ojo & Co in Lagos and the director of the International Centre for Arbitration and Mediation in Abuja. He is also a former attorney general and justice minister of Nigeria and past president of the Nigerian Bar Association and Nigerian branch of the Chartered Institute of Arbitrators.

Other officers of the association include Cameroonian arbitrator and founder of the Association for the Promotion of Arbitration in Africa **Gaston Kenfack** and Kenyan arbitrator **Njeri Kariuki**, who are vice presidents, and **Rukia Baruti**, an arbitrator and the founder and managing director of Africa International Legal Awareness, who is secretary general.

Board members include **Emilia Onyema**, a senior lecturer at SOAS in London; the secretary general of KIAC **Fidele Masengo** and former registrar **Thierry Ngoga**; the director of the Cairo Regional Centre for International Commercial Arbitration **Ismail Selim**; Nigerian arbitrator **Adedoyin Rhodes Vivour** of Doyin Rhodes Vivour & Co in Lagos; Ghanaian arbitrator **Fui Tsikata** of Reindorf Chambers in Accra; Cameroonian barrister **Julius Nkafu** of Great James Street Chambers in London; South African practitioner **Vlad Movshovich** of Webber Wentzel in Johannesburg; the Ethiopian founder of I-Arb Africa **Leyou Temeru**; and South African **Lise Bosman**, who is senior legal counsel at the Permanent Court of Arbitration and executive director at ICCA.

Mohammed Abdel Wahab of Zulficar & Partners in Cairo headed a committee that drew up the constitution of the new association, with Onyema, Kenfack, Bosman, Rhodes-Vivour, Baruti and **Ndanga Kamau**, former registrar of LCIA-MIAC in Mauritius.

That committee also selected board members, with a view to achieving diversity in terms of gender and the representation of different regions of Africa. The official languages of the association are Arabic, English, French and Portuguese, with English and French being the working languages.

The launch of the association is the culmination of a process that began with calls for a body to promote the use of African practitioners, arbitrators and arbitral institutions at events including the SOAS annual conferences on arbitration in Africa convened by Onyema from 2015 to 2018 and the ICCA Congress in Mauritius in May 2016, the first to be held in Africa. The congress included the launch of a consultative workshop on cooperation among African arbitration associations, which later held meetings in Cairo, Abuja and Kigali.

The launch of the association finally took place on 29 June at a conference in Abidjan hosted by the African Legal Support Facility and African Development Bank, with the director and CEO of the former, **Stephen Karangizi**, [welcoming](#) participants and noting that the bringing together of stakeholders in African arbitration was long overdue considering the challenges African countries face in responding to and managing cases.

Karangizi also highlighted how promoting arbitration is critical for investment in African countries and their commercial interests.

The [keynote address](#) was delivered by **Godfrey Penn**, general counsel and director of legal affairs at the African Development Bank. He acknowledged that “many challenges still face Africa when talking about international arbitration: few international arbitration disputes are handled in African arbitral institutions; there is a lack of awareness of arbitration processes and procedures among counsel and judges; and few African arbitrators are nominated in international arbitrations related to Africa.”

“We need to use the diversity of the continent to our advantage; one way forward is to work together to promote and progress arbitration in Africa and the new African Arbitration Association intends to do just that,” he said.

Somalian arbitrator **Abdulqawi Ahmed Yusuf**, who is president of the ICJ, was originally scheduled to deliver the keynote address but was unfortunately unable to attend. From The Hague, he expressed delight that “efforts to establish a home for African arbitration practitioners, including the consultative workshops that started in 2016 at the ICCA Congress in Mauritius, have finally borne fruit with the establishment of the African Arbitration Association.”

“With the launch of the AfAA, arbitration as a profession has come of age in Africa,” Ahmed Yusuf said. “Raising awareness of the African expertise available, as well as training and capacity-building, should be the priorities of the association.”

Ahmed Yusuf has previously [spoken at ICCA Mauritius](#) about Africa’s long tradition of tribal elders resolving disputes through “arbitration under the acacia tree” but lamented the lack of African participation in a process that is often conducted many miles away in traditional arbitration centres such as Paris, London and New York, even where the cases relate to commercial activity carried out in Africa. More Africans need to be involved to give the process legitimacy, he argued.

Those involved in the association have eagerly greeted its launch. **Lise Bosman** says “ICCA is delighted to have contributed to the establishment of the AfAA through the series of consultative workshops hosted by ICCA in Mauritius, Cairo, Abuja and Kigali. We wish the AfAA well in bringing together existing initiatives and promoting cooperation in arbitral practice across the continent.”

Emilia Onyema says, “We at SOAS are honoured that our research on the development of arbitration in Africa has contributed to the establishment of the AfAA, whose ideals we fully support.”

And **Ismail Selim** says the association will be “a hub of African arbitration synergies and the all-compassing platform where African arbitration stakeholders will work together to shed light on existing arbitration success stories on the African continent and to work on capacity building among African lawyers, arbitrators, institutions and the deliverers of post-arbitral justice.”

It will be “a sort of African ICCA,” he said.

The newly appointed secretary general of the association, **Rukia Baruti**, who co-founded the International Lawyers for Africa in 2006 before going on to found Africa International Legal Awareness, says that she is fully committed to achieving the aims of the association, which she views as a natural progression of her work promoting international law and arbitration in Africa.

She adds that she hopes to integrate Africa International Legal Awareness's work building investment arbitration capacity in Africa into her new role, with Selim suggesting this would be an "excellent synergetic decision of an energetic secretary general".

The secretary general of KIAC, meanwhile, is looking forward to playing host to the association at his centre. **Fidele Masengo** says, "The AfAA is the organisation we were waiting for to boost arbitration on the African continent. Basing the association in Rwanda was a wise decision. Rwanda is a pro-arbitration country. It enjoys a modern pro-arbitration legal framework inspired by UNCITRAL Model law. It is the mother country to KIAC, which is now among the leading international arbitration institutions on the continent. Rwanda is also known to be a very accessible country to all citizens of the world who get their visas upon arrival."

Masengo goes on to utter words of welcome in Kinyarwanda, the official language of Rwanda, as well as in Swahili, English, French, Arabic and Portuguese.

"Murakaze neza, karibu, welcome, bienvenu, ahlan wa sahan, bem vinda!"

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