



Rwanda and the Singapore Convention on Mediation

Justice Aimé Muyoboke Karimunda

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Justice Aimé Muyoboke Karimunda (Judge of the Supreme Court of Rwanda) gave an enriching presentation on the topic of ‘Rwanda and the Singapore Convention on Mediation’.

Justice Karimunda started off his presentation by lauding the creation of the Singapore Convention on Mediation (“SCM”),¹ to which the Republic of Rwanda was recently a signatory of. He envisioned that the SCM will act as a roadmap to effective enforcement of international settlement agreements resulting from mediation as the SCM would blend in well with the existing legal and social mechanisms in Rwanda.

The rule of law dictates that the law’s mandate is to advance human rights and economic interests, prevent destabilisation of political regions, and to realise social responsibility. The rule of law has evolved to be a prerequisite for the furtherance of peaceful living and a prosperous society. Here, Justice Karimunda referenced Justice Sundaresh Menon, Chief Justice of Singapore – the classical understanding of the rule of law misses an essential agreement: the principle of access of justice. This component promulgates affordable, efficient, accessible, flexible, and effective remedies. In this sense, the promotion of international mediation is vital to the concept of the rule of law in Rwanda.

¹ Formally the United Nations Convention on International Settlement Agreements Resulting from Mediation.

Justice Karimunda stated that in Rwanda, mediation is not an abstract ideology but rather a fundamental concept that is deeply rooted in the country's historical heritage. This has been affirmed in Article 11 of the [Rwandan Constitution](#) where lawmakers are encouraged to adopt legal provisions that promote home-grown solutions. Conventional adjudicatory justice does not address today's needs of paying attention to fostering good relationships or promoting community interest in place of personal justice.

Justice Karimunda also referenced South African Cleric, Desmond Tutu, when he shared that traditional African jurisprudence has always emphasised on the restoration of broken relationships. This is observed in the African philosophy, Ubuntu. The response to any conflict is thus not to prove whether someone is right or wrong but to facilitate justice. This concept has great influence in Rwandan society and was also crucial in establishing the Rwandan 'gacaca' genocide courts. Justice Karimunda also likened the concept of Ubuntu to the SCM's preamble – that the establishment of the SCM would result in a framework that would contribute to the development of harmonious international economic relations.

Rwanda views its relationship with mediation to be akin to that of a friend, and that it would be an effective dispute resolution instrument to ensure cross border disputes in Africa and beyond are resolved efficiently. However, a number of Rwandan legal minds have demonstrated a reservation towards the use of mediation. This could be attributed to a mindset resistant to change. It was suggested that a call for mediation legislation relating to commercial, civil, administrative, and labour cases would persuade practitioners and judges to jump on board the mediation train. In 2017, the Chief Justice of Rwanda called for judges and registrars to include a mediation component in court and also started a [pilot phase](#) which has since been reflected under Article 9 and Article 72 of the [Civil Procedure Act No 22/2018 of 29/04/2018](#). Further, in 2019, the Chief Justice of Rwanda issued instructions that provided guidelines to private mediators, judges, and registrars concerning the principles of mediation. In July 2020, the Chief Justice of Rwanda published its first list of [50 accredited professional mediators](#). Justice Karimunda hopes that in the next few years, there will be an increase in the amount of cases being referred for out-of-court mediation.

Justice Karimunda also shared optimistic views that Rwanda is working towards the ratification of the SCM and the passing of a new mediation act. Rwanda's legal system is based on civil

law, consequently, it is not uncommon for the legal system to apply Article 44 of [Law N°30/2018 of 02/06/2018 Determining the Jurisdiction of Courts](#). Article 44 concerns the enforcement of foreign decisions, also commonly known as exequatur. Exequatur requires that the parties who have been involved with a case in a foreign jurisdiction to initiate a fresh case in Rwanda which inevitably leads to more costs and significant delays. In this sense, the SCM acts as an efficient tool to commercial parties.

The SCM would also promote negotiation power between the African nations and the greater world powers as it allows for win-win situations through the pursuit in a common goal. Justice Karimunda is hopeful that Rwanda's legal fraternity will quickly realise the benefits of mediation and its usefulness in achieving a harmonious and peaceful nature.

Q&A Discussion

Some questions addressed by Justice Karimunda in the interactive question and answer discussion:

- What are the specific procedures used by independent mediators to resolve disputes?
- After the ratification of the SCM, will there be commercial mediations valuing 5 million Euros and above that will fall within the purview of the Abunzi?
- How does Rwanda aim to disseminate information about the SCM in a way that is easily understandable to practitioners, academics and commercial parties?

Links to other resources that came up during the session:

- [United Nations Convention on International Settlement Agreements Resulting from Mediation](#) also known as the Singapore Convention on Mediation
- [The Constitution of Rwanda](#)
- [Civil Procedure Act No 22/2018 of 29/04/2018](#)
- [Law N°30/2018 of 02/06/2018 on Determining the Jurisdiction of Courts](#)

We invite you to listen to Justice Karimunda's answers to the questions from the video record of the session [here](#). As well as to catch up on his response to other questions not listed above.

The team at SIMI and IMI would like to express our gratitude to Justice Karimunda for sharing his time to be a speaker at the Singapore Convention Seminar Series and to participants for joining us live for the session.

About the Speaker



Justice Aimé Muyoboke KARIMUNDA is the President of the Court of Appeal, Vice President of the Rwanda High Judicial Council, member of the International Criminal Justice Leadership Project, member of the Global Judicial Network Integrity and member of the Advisory Board of the Rwanda Law Journal. He is also guest Senior Lecturer at the University of Rwanda and the Institute of Legal Practice and Development (ILPD). He holds a PhD in International Criminal & Human Rights Law. In the past, he was the Secretary of Publicity of the East African Judges and Magistrates Association, Justice of the Supreme Court, Advisor to the Deputy Chief Justice, Dean of the School of Law (Kigali Independent University) and Advisor to the Minister of Health. He has published in the field of domestic and international criminal law and human rights law. His latest publication is “Gacaca and the Abunzi courts: the Journey to Justice and Peace Consolidation in the Post Genocide Rwanda” in Deo Mbonyinkebe and Tharcisse Gatwa [eds], *Home Grown Solutions: A Legacy to Generations in Africa*, Globethics.net Focus Series, 2019.