

ADDRESS BY CHIEF JUSTICE TO THE COURT MEDIATION ADVISORY COMMITTEE

31th August 2020

Good afternoon distinguished participants to this afternoon event.

I would like first of all to thank you for having accepted to be member of the court mediation advisory Committee and for having taken out of your time to be with us this afternoon. It is indeed an indication of your continued commitment to uphold justice in our country through the use of alternative dispute resolution such as mediation.

As you all know, Rwanda has a long and successful history of mediation through the Abunzi and Gacaca systems. Court-annexed mediation comes to build on this reach history. It is posited that CAM main advantage is that the judges, mediators (among them lawyers, but also mediators coming from other disciplines) and litigants become participants therein, thereby giving to them a feeling that negotiated settlement is achieved by all the three actors in justice delivery system.

In order to set the **background and the context** of CAM Program, I wish to state that for the last 3 years, the Judiciary has put emphasis on mediating cases filed in court. Many activities have been undertaken in this regard under the coordination of a small committee comprised of members of the Judiciary, the Inspectorate of Courts and the Chief Justice and two experts, a local and an international one. The design of the court annexed mediation in the framework of the current legislation is almost accomplished. The Chief Justice's Practice Directions governing court mediation in civil, commercial, labour and administrative cases have been gazetted; we have published the first list of 50 court accredited mediators who will supplement judges and registrars in mediation of cases filed in court and we continue to train legal professionals in mediation and mediation advocacy to increase knowledge in understanding of the process. However, the successful implementation of the court annexed mediation requires the participation of all stakeholders. This is the reason why we are very grateful that you have accepted to be part of the Advisory Committee that will guide the implementation of the program.

Borrowing from other experiences, it is recognized that in order to ensure a roster of appropriate and competent mediators, there is a need to have some **quality control mechanisms** in place, such as:

- Regular training and practice requirements
- Abiding by a code of conduct
- Independent oversight mechanism that can take disciplinary action if warranted and address complaints lodged by participants.

This first meeting's aim is to allow members of the Advisory Committee to get firsthand information on the Court-Annexed Mediation Program and to establish a structure for a proper functioning of the Committee.

We acknowledge that at your level, you all have various functions in your respective institutions and organizations and that you can't be available on day to day basis. We have therefore proposed that we set up in this meeting a Bureau comprised of people that will super head the Committee and will of course seek guidance from members of the Committee on specific issues and will report to you on quarterly basis either by email or where appropriate in an extraordinary meeting of the committee. Otherwise, the Committee will meet for evaluation or strategic orientation on an annual basis. But this proposal will be discussed in this meeting so as to agree on the way forward.

Once again, I would like to thank you for making time to be here this afternoon and wish you fruitful deliberations.

As I said earlier, the first activity of the Committee is to elect its Bureau (Chairperson, Vice Chairperson and Secretary) and then after, the Chairperson will preside over the meeting of the Committee.