

**PAN AFRICAN LAWYERS UNION (PALU)**

**SOUTHERN AFRICAN REGIONAL SEMINAR ON  
INTERNATIONAL COMMERCIAL LAW IN AFRICA**

**CAPE TOWN, SOUTH AFRICA, 25 – 27 MAY 2011**

**Perspectives from the Eastern African Seminar  
on International Commercial Law in Africa**

***Presented by PROF. TOM O. OJIENDA***

**Treasurer, Pan African Lawyers Union**

# Eastern African Regional Seminar, Kigali, Rwanda

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- **Seminar: 14 – 16 February 2011, Kigali, Rwanda**
  - 60 Participants from 8 Countries
- *Followed the Project Launch Ceremony & Bar Leaders' Conference, 11 – 12 February 2011*
- The Kigali Seminar followed a largely similar format to this one

# Case Study: Rift Valley Railways

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- Cross-border railway deal
  - Key partners: Kenya & Uganda Governments
  - Immediate beneficiaries: Democratic Republic of Congo, Burundi, Kenya, Rwanda, (northern) Tanzania, Uganda,
- Showed that due diligence had not been done on the key Consortium members
- As a consequence there has had to be re-several negotiations with Consortium members and financiers. New partners have come in, some who, perhaps, would never have succeeded in an open tendering

# Perspectives on International Commercial Negotiations

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- State of play
  - Big transactions in infrastructure in all the countries
  - Significant mining in Tanzania for decades
  - Lately, oil exploitation commencing in Uganda
  - Gas in Rwanda, Tanzania, Uganda
- Mixed experience with involvement of local lawyers/ law firms (usually the “Junior” partner, with a “Senior” partner from Europe, US)

# Perspectives on International Commercial Disputes

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- Preferred path seems to be arbitration, principally in London
- Need for more dialogue and research on using EACJ and COMESA Court arbitral tribunals

# Perspectives on Incidence of Vulture Funds in the Eastern African Region

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- We are seeing the rise of “local” Vulture Funds e.g. the Richmonds - Dowans phenomenon in Tanzania
- Most instances appear to be accompanied by high-level corruption and/ or laxity on the part of “victim” governments

# Way Forward

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- We are looking forward to sharing perspectives through the upcoming Seminars and through PALU fora, including online



**THE END**