

Introduction

Due to lack of professional ADR services that meet international standards, many companies in Ethiopia that work in partnership with foreign investors are forced to consent to arbitration clauses that call for the involvement of foreign ADR offices in the event of a dispute. In such circumstances, more often than not, local companies do not have the financial means to travel overseas and employ foreign ADR services. The availability of institutionalized, cost effective and time saving ADR mechanisms as a means of resolving disputes will not only impact on the lives of those communities at grassroots level, but will also encourage foreign investment. Many foreign and international businesses check on the availability of effective ADR service before they decide to bring their business and investments to a country.

The Ethiopian Arbitration and Conciliation Center (EACC) was established on 12th August 2003 by a group of lawyers who wanted to provide professional alternative dispute resolution (ADR) services to local and international actors. The EACC believes that ADR with its multiple benefits meets the needs of modern communities. Since its establishment, the EACC has made a considerable impact on the promotion and provision of ADR in Ethiopia. Among the services it provides and the activities it undertakes are the arbitration and mediation services on various disputes including commercial, family, construction and labor disputes. In addition to its head office in Addis Ababa, the EACC has set up branch offices in Mekelle, Hawassa, Arba Minch, Dire Dawa, Adama, Bahir Dar and Harrar.

The major objectives of the EACC are:

- Providing affordable and a speedy system of dispute resolution;
- Providing ADR services by making available a wide range of expertise to resolve commercial and non-commercial disputes;
- Providing professional ADR training for those who wish to qualify as arbitrators and mediators;

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- Organizing and providing facilities for arbitrators, mediators and conciliators;
- Conducting research on ADR and disseminating the findings with the objective of introducing to the public the benefits of using ADR services; and
- Working together with the government in order to introduce new laws on ADR and to create better awareness on ADR.

The following sections explain the practical steps taken by the EACC in order to achieve its objectives enumerated above.

1. The provision of ADR services

1.1. ADR services at the EACC's head office

The EACC has actually provided cost effective ADR services that are speedy and conducted within a non adversarial atmosphere. The EACC provided mediation and arbitration services at its head office in Addis Ababa. Specifically the EACC has provided ADR services in relation to trade disputes, labor disputes, construction disputes and family disputes. The EACC employed voluntary arbitrators and mediators who have been trained by the EACC and who are willing to provide free arbitration and mediation services at the EACC's head office. The EACC also has a roster of trained ADR professionals. The names, details and qualifications of these professionals is recorded in the roster and regularly updated. This roster is available not only for the EACC but also can be accessed by others who want to contact the mediators and arbitrators.

1.2. ADR services in sub-cities and kebeles in Addis Ababa

The EACC has now set up ADR centers in three sub cities. Prior to setting up sub city offices, EACC was providing ADR services from twelve kebeles across Addis Ababa. The Kebele services have now been phased out and replaced with the sub city offices.

1.3. Regional ADR services

The EACC has set up branch offices in seven regions and had been providing free ADR services using the expertise of those who it had trained as mediators and arbitrators. So far the EACC has set up ADR offices in Mekelle, Dire Dawa, Bahir Dar, Hawassa, Arba Minch, Adama and Harrar. The EACC has built its own ADR center at Arba Minch while it is in the process of building another one in Bahir Dar. The regional offices were set

up in cooperation with the respective regional Justice Bureaus, the regional City Councils and local kebeles. The regional offices are run by full time coordinators recruited by the EACC. The EACC has also provided training on ADR skills in the regions to, *inter alia*, community and religious elders, social court judges and professionals.

1.4. Court annexed mediation service

The EACC had been providing court annexed mediation service in Addis Ababa. The EACC provided mediation service for cases sent to it by the Civil Division of the Federal High Court on the basis of the agreement concluded between the Federal Supreme Court and the EACC. Moreover, the EACC entered into an agreement with the Federal First Instance Family Court to provide mediation service for cases that are referred to it by the latter.

1.5. Roster of ADR professionals

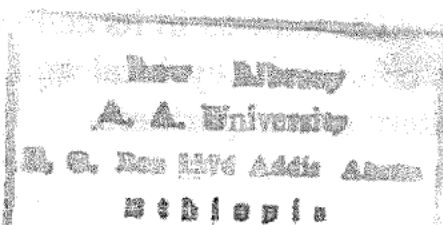
The EACC has compiled a roster of trained ADR experts which is regularly updated. The EACC refers to the roster when selecting suitable mediators and arbitrators to resolve disputes. The roster is an exhaustive list of ADR experts trained by EACC which is also accessible by all those who need information on mediators and arbitrators for different kinds of disputes.

2. Research and Law Reform

2.1. Draft Law

In its attempts to bring about law reform on ADR, the EACC commissioned a research with a view of proposing appropriate legislation on ADR in Ethiopia. In order to facilitate the process, the EACC organized and held two brain storming workshops. A number of professionals including members of parliament, prominent lawyers and university professors took part in these brainstorming workshops. The discussions during the workshops contributed towards the development of a draft law on ADR in Ethiopia.

The draft law was also sent overseas for consultations to an EACC's partner organization, STITT Feld Handy Group, an ADR Chamber in Canada. The draft law was eventually presented to the Ministry of Justice. The EACC hopes that the draft law will be adopted by the Parliament.



2.2. Rules of Arbitration and Mediation

The EACC hired the services of professional lawyers who are well versed in the area of ADR to prepare the 'Rules of Arbitration and Mediation'. The rules are meant to be used by mediators and arbitrators in resolving disputes at the EACC. Among other things, the rules provide guidance on the appointment of mediators and arbitrators, explain the roles of mediators and arbitrators in resolving disputes, and set out procedural matters.

2.3. Research on disputes resolved through ADR mechanisms

The EACC conducts research on disputes that have been resolved through ADR mechanisms. The EACC editorial team meets regularly to collect and edit cases resolved through ADR services of the EACC. The outcome of the research is published through on EACC journals of arbitral awards

3. Public Education

3.1. Training

A. Training on ADR mechanisms

In order to make ADR widely available, the EACC from time to time provides training on mediation and arbitration skills to individuals drawn from various sections of the society. Initially, the EACC training targeted various professionals including practicing lawyers, employees of the Ministry of Labor and Social Affairs, employees of Ethiopian Women Lawyers Association, members of the Confederation of Ethiopian Trade Unions, members of the Civil Engineers Association, members of Consulting Engineers and Architects Association and members of the Employers Federation.

Subsequently the EACC provided training on ADR to university students, law enforcement officers, judges, lawyers, prosecutors, and HIV desk representatives working in various kebeles. The EACC has also trained individuals from various areas in Addis Ababa including those involved in traditional dispute resolution such as religious leaders and community elders. In addition, EACC has trained numerous social court judges and registrars. Moreover, the EACC has trained persons drawn from various sections of the society in the regions. The EACC employs some of the trainees as ADR experts in its centers in Addis Ababa and the regions. The training is conducted by local and foreign ADR experts, and members of EACC's international partners.

B. Training of trainers course

The EACC conducts 'training of trainers' courses. The first such training was provided in March 2007 and targeted 30 trainees while in January 2009, the EACC held another similar training for 52 professionals. These trainings are designed to equip those who had already completed the training on ADR mechanisms with the capacity and skills to provide training on ADR mechanisms.

3.2. Awareness creation workshops

As part of its public education program, EACC organized and held a number of workshops in order to promote the notion of ADR. The workshops had different themes including the importance of ADR mechanisms, the strategy to be employed for a better application of ADR services, the role of lawyers and other professionals and institutions in promoting and providing ADR services and the relationship between customary methods of dispute resolution and modern ADR mechanisms. The participants of the workshops included academics, public officials, professionals, and religious and community leaders.

3.3. Publications

A. Journal

The EACC publishes journals on arbitral awards. The journals contain a number reports on selected cases resolved through ADR mechanisms. Each report contains:

- A short and precise list of all the legal questions raised in the case
- A brief summary of the plaintiff's pleading
- A brief summary of the respondent's reply
- A declaration as to which party prevailed
- The issues that the arbitrators raised
- Details of the arbitration proceedings
- The award passed by the arbitration panel
- The decree passed by the arbitration panel
- Dissenting opinion of an arbitrator, if any
- Decision of an Appellate Court, if the arbitral award was appealed to an ordinary court.

B. Newsletters and Brochures

The EACC publishes a quarterly newsletter to publicize its activities and popularize ADR mechanisms. The newsletter is distributed free of charge. The EACC also prepares brochures that contain information about its services in a manner that is accessible to the public.

C. National Arbitration Moot Court Competition

The EACC organizes national moot court competition in partnership with other institutions. In 2009 the EACC organized the first national moot court competition in partnership with the American Bar Association-Rule of Law Initiative, the WTO-Accession Plus and the School of Law of Addis Ababa University. Twenty seven students and their advisors drawn from Addis Ababa University, Mekelle University, Jimma University, Hawassa University, Gonder University, Haramaya University and Bahir Dar University took part in the competition. The students and their advisors were given training on ADR mechanisms ahead of the competition.

EACC is now organizing its second round of the national arbitration moot competition and has already given ADR training to those university students selected to take part in the competition.

D. ADR Clubs

The EACC sets up ADR clubs in order to create awareness on ADR and its benefits. For instance the EACC has succeeded in setting up ADR clubs in eight colleges in Arba Minch. The EACC plans to do the same in other regions. Such clubs encourage students to resolve their disputes peacefully through mediation and help foster better relationships in educational institutions by assisting students to gain an insight into peaceful methods of dispute resolution. Students are also encouraged to pursue professional training on ADR.

E. Resource Center

The EACC maintains a resource center at its head office. The resource center is stocked with a books and documents on ADR and related topics. The resource center is open for professionals on ADR, academics and students who want to expand their knowledge on ADR.

F. Website

The EACC's website, www.eacc.com.et, is up and running and provides a detailed and up to date information for those who seek information on EACC's activities