

## **PARLIAMENTARY QUESTION**

B/776 The Honourable First Member for Port Louis South and Port Louis Central (**Mr Uteem**)

*To ask the Honourable the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms –*

**Whether, in regard to the Mauritius International Arbitration Centre, he will (a) state the (i) quantum of funds contributed by Government thereto since the creation thereof to date and (ii) reasons for the termination of the Joint venture between Government and the London Court of International Arbitration and (b) for the benefit of the House, obtain therefrom, information as to the number of cases it has administered as at to date?**

## **REPLY FROM THE HONOURABLE ATTORNEY-GENERAL**

Madam Speaker,

The Mauritius International Arbitration Centre Limited (“MIAC”) was incorporated on 21 July 2011. Its principal objects are as follows –

- (a) to encourage and promote the use of arbitration, mediation and other forms of alternative dispute resolution (“ADR”) in the settlement of commercial and investment disputes of all kinds, particularly those of an international nature;
- (b) to publish and republish from time to time, and to promulgate, such rules for the conduct of arbitration, mediation and of other forms of ADR as may be deemed appropriate, and to do all necessary to ensure the efficient operation of such rules, including the establishment of, or affiliation with, any committee or other body, as may be deemed appropriate or necessary for these purposes;
- (c) to administer the resolution, by arbitration, mediation, or other forms of ADR, of disputes arising from agreements which so provide, pursuant to rules promulgated by the MIAC and/or arising from agreements which provide that the Company shall administer such arbitration, mediation or other forms of ADR pursuant to other, ad hoc, rules or procedures;

- (d) to organise and to promote conferences, seminars, training and educational events, discussions and social events, among, and for the benefit of, practitioners in the field of arbitration, mediation and other forms of ADR; members of the judiciary and of government agencies; and users and potential users of arbitration, mediation and other forms of ADR; and
- (e) to prepare and publish such informative materials, papers, journals and books as may be considered appropriate; to promote sponsorship, study and research in the subject of arbitration, mediation and other forms of ADR, and to do all such other things as may be deemed appropriate for the fulfilment of the objects of the Company.

On 28 July 2011, the Government of Mauritius, MIAC and the London Court of International Arbitration (LCIA) entered into an agreement on the establishment and operation of the LCIA-MIAC Arbitration Centre (the "Joint Venture Agreement").

Since the signature of the Joint Venture Agreement, I am informed that 12 arbitration cases and 1 mediation case were lodged before the LCIA-MIAC Arbitration Centre.

I wish to inform the House that LCIA-MIAC is one component in the wider aim of Mauritius to become the seat of choice for international arbitration in Africa. As part of this international arbitration project, Mauritius has enacted state-of-the-art and tailor-made legislation (the International Arbitration Act) in 2008 with the unanimous support of this House. This legislation was updated and further refined in 2013 when specific Rules of Court for International Arbitration were also adopted by the Supreme Court. Mauritius has further concluded a Host Country Agreement with the Permanent Court of Arbitration ("PCA") at The Hague, pursuant to which the PCA has had a permanent representation in Mauritius since 2009, the first permanent representation of the PCA outside The Hague in its more than 100 years' history.

Thus, apart from its mission to administer the resolution of disputes, LCIA-MIAC has been actively involved in promoting this project, in particular through the organisation of biennial conferences that have helped in creating visibility for Mauritius on the international arbitration scene. I have in mind the MIAC 2010 which launched the project, MIAC 2012, MIAC 2014 and the ICCA 2016 Conference. The ICCA 2016 Conference is of particular significance in that it was the first Conference of the International Council for Commercial Arbitration held in Africa and it is no accident that its slogan was "Welcome to AfrICCA". This

unique conference in the region was graced by the presence of eminent personalities, including the then Secretary-General of the United Nations, Ban Ki-moon and Nobel Peace Prize Laureate Mohamed ElBaradei.

LCIA-MIAC was one of the linchpins in bringing the ICCA Conference to fruition. But just before that, Madam Speaker, the LCIA-MIAC Arbitration Centre won the Global Arbitration Review 2015 award for up-and-coming regional arbitral institution after featuring in nominations for no less than six categories.

In view of MIAC's achievements and MIAC's role in establishing the reputation of Mauritius internationally as a legal services hub, I will venture to say, Madam Speaker, that this is money well spent. As to the rate of progress, we know that parties to international disputes favour arbitration, but they are also risk averse. The establishment of a new institution is a long-term undertaking, with progress measured in decades rather than months or years. MIAC has benefited from its association with the LCIA since 2011, gaining goodwill and practical experience from a leading institution. But MIAC is now in a position to stand on its own feet and proceed independently of the LCIA. Government supported the termination of the LCIA cooperation at this stage in order to allow MIAC to further define its own distinctive identity, to take full advantage of its position between Africa and Asia, and to cooperate with a wider group of partners, including the Permanent Court of Arbitration. I believe, Madam Speaker, that the Government's support of MIAC will continue to bear fruit in myriad ways, and in particular continue to contribute to the emergence of Mauritius as the regional hub for investment into Africa and to the diplomatic status of Mauritius as a State committed to the African continent and to its development.

Based on statements of income and expenditure of MIAC, I am informed that the amounts spent by Government on the institution as grants are as follows

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	<b>(Rs)</b>
(a) for the period beginning 21 July 2011 and ending 31 December 2012	13,648,230
(b) for the period ending 31 December 2013	12,564,769
(c) for the period ending 31 December 2014	19,600,660
(d) for the period ending 31 December 2015	23,290,008
(e) for the period ending 31 December 2016	14,005,860
(f) for the period ending 31 December 2017	12,972,480
<b>Total amount from 2011 to 2017</b>	<b>96,082,007</b>