

ADR PRACTICE FOR LAW FIRMS: WHERE IS THE MONEY?

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LLM (Construction Law & Arbitration) RGU Arberdeen

A Presentation to;
Women Owners Of Law firms (WOLF)
16th June 2023, Golden Tulip Hotel.



Profile

David Kaggwa, FCIArb, FICCP

LLM (Construction Law & Arbitration) RGU Arberdeen



Current Positions:

- Chairman, Chartered Institute of Arbitrators – Uganda Chapter.
- Director, Chartered Institute of Arbitrators – Kenya Branch.
- Executive Director, Construction Law Institute.
- Senior Partner, Kaggwa & Kaggwa Advocates.

Memberships:

- Fellow: Chartered Institute of Arbitrators (FCIArb)
- Fellow: Institute of Construction Claims Practitioners (FICCP)
- Member: Society of Construction Law (UK)
- Member: London Court of International Arbitration (LCIA)
- Member: International Center for Mediation & Arbitration in Kampala (ICAMEK)
- Member: Center for Arbitration & Dispute Resolution
- Member: International Bar Association.
- Member: Uganda Law Society and East Africa Law Society



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”

Wolves are complex, highly intelligent animals which are caring, playful, and above all devoted to family. They train their young, take care of the injured & **live in family groups.**

”





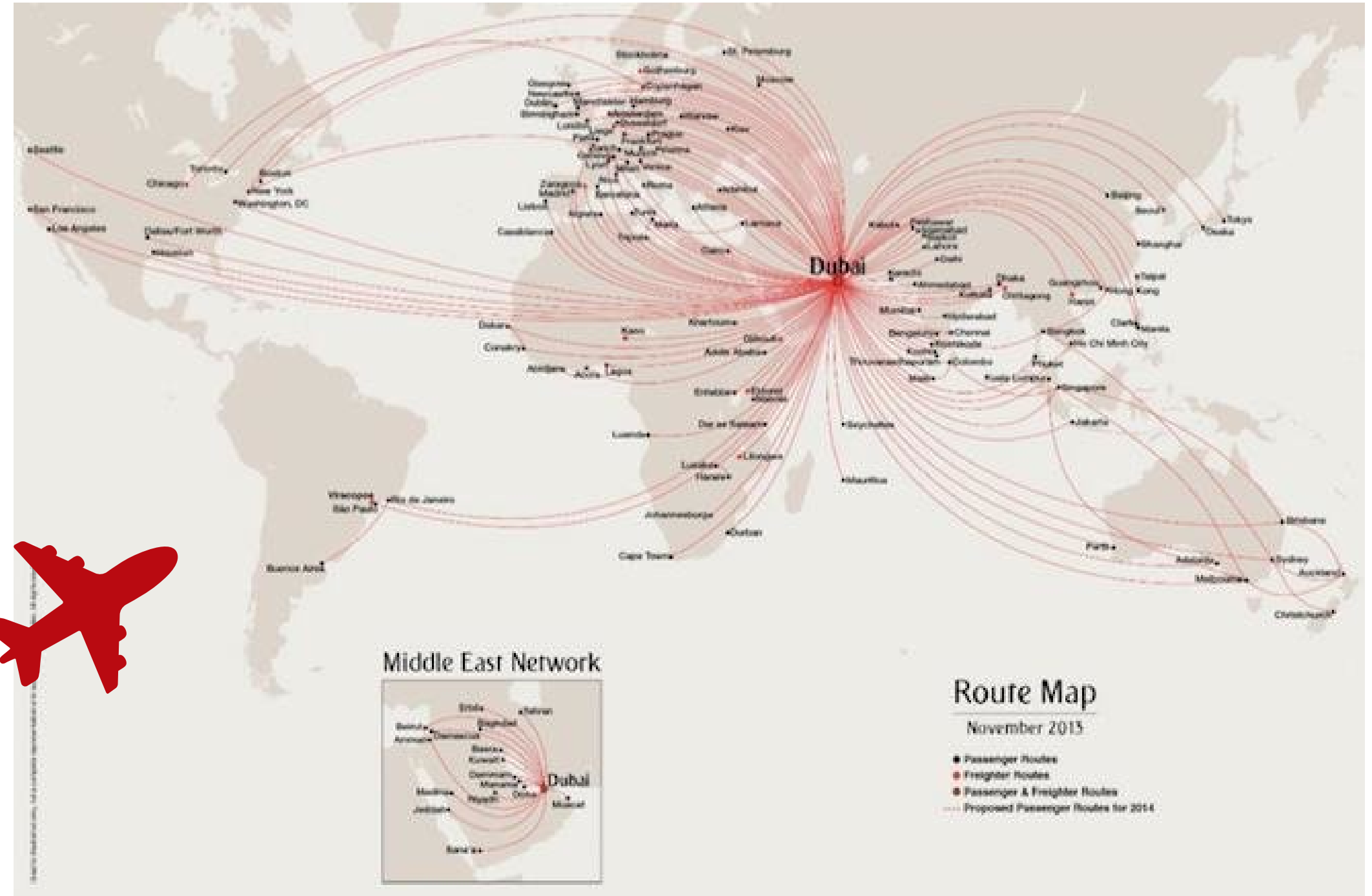
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Airbus A380.

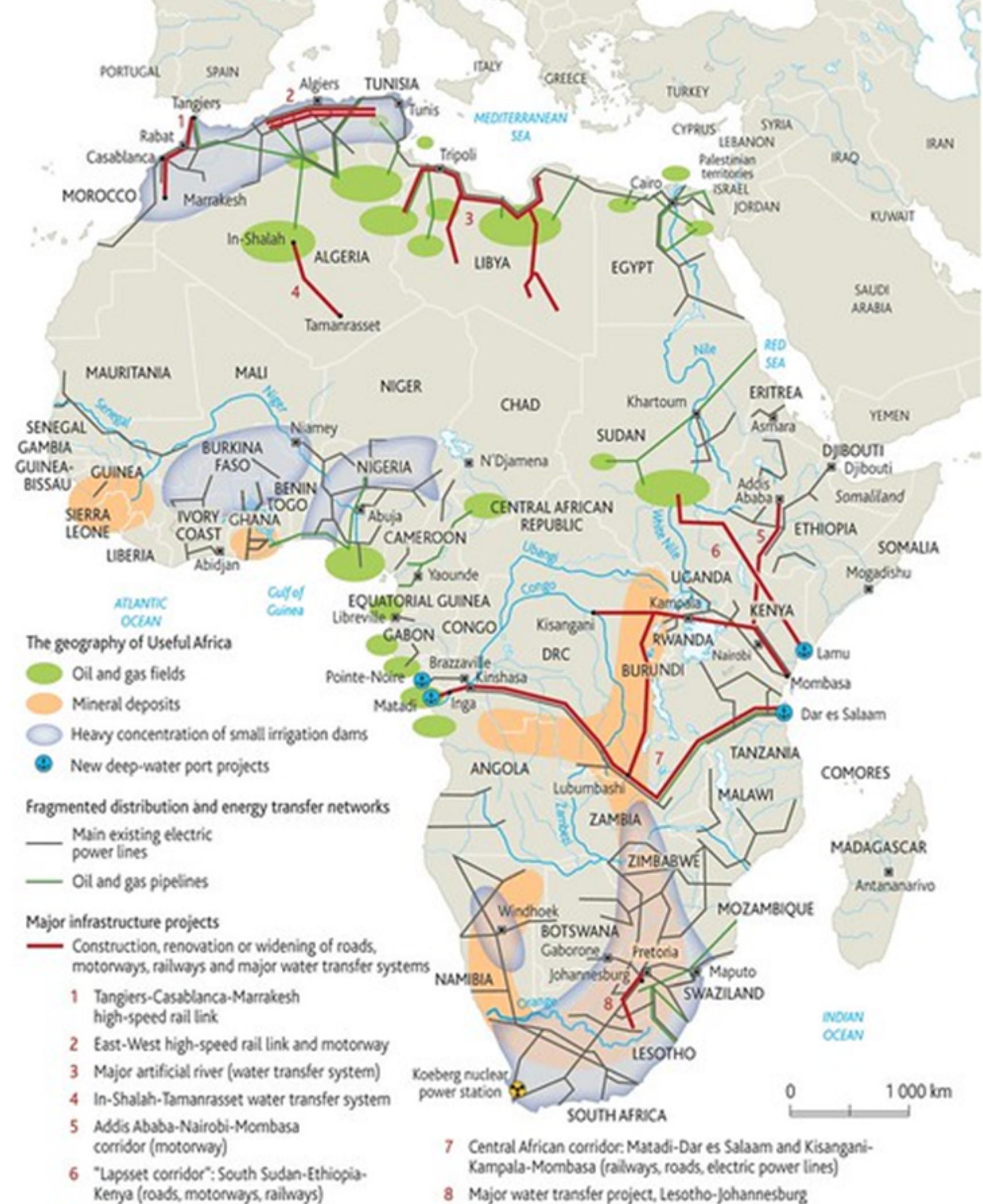
- Largest Aircraft.
- 4 Engines.
- 800 passengers.
- 18 hours non stop flight.
- US \$ 25 billion invested.
- 254 Planes.
- 123 bought by Emirates.
- 2021 End of production.

Emirates Routes 2023. Predicted in 1994.





AFRICA INFRASTRUCTURE



African Continental Free Trade Area Agreement

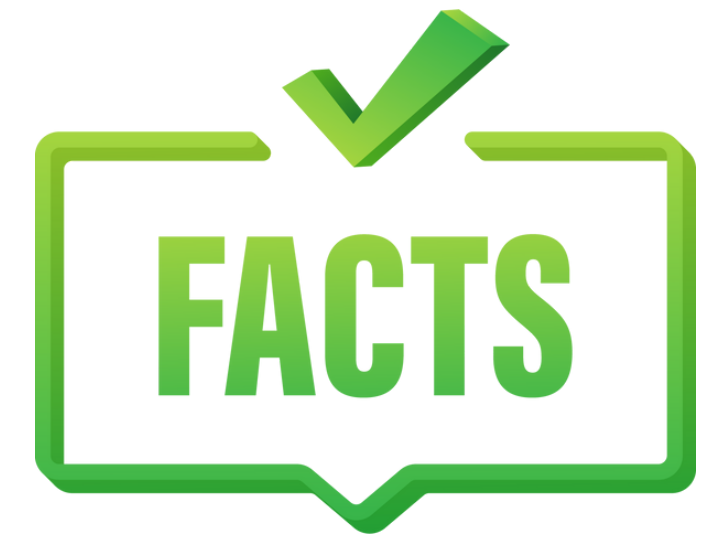
- **9** of the **55** member states have ratified it
- **18** have ratified but not yet submitted the agreement
- **22** need to ratify and submit the AfCFTA for it to come into force
- **1.2-billion** people and a combined GDP of \$3.4-trillion will be the market covered by the AfCFTA
- **\$132bn** was the value of intra-Africa trade in 2017 - only **14%** of Africa's total trade
- Intra-Africa exports as a % of Africa's total exports 2017:

Map of the planned African Continental Free Trade Area agreement



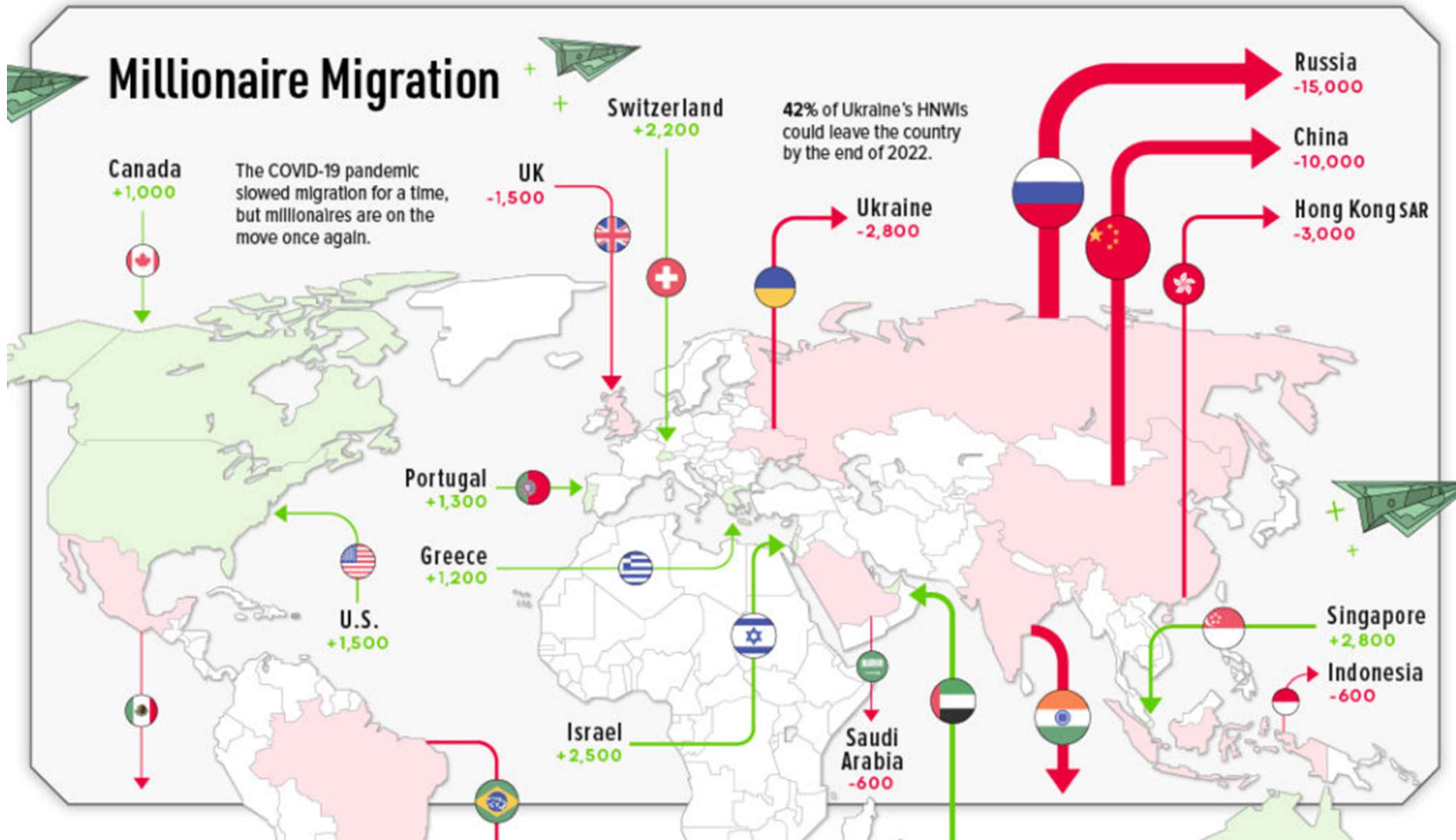
- Ratifying parties
- Signed March 2018, not ratified
- Signed July 2018, not ratified

- Intra-Africa imports as a % of Africa's total imports 2017: **13%**
- The agreement initially requires members to remove tariffs from **90%** of goods, allowing free access to commodities, goods and services across the continent.
- The UN Economic Commission for Africa estimates the agreement will boost intra-Africa trade by **52%** by 2022.
- AU leaders in 2012 decided to establish a continental free trade area by 2017.



- **Largest Free Trade Zone in the World.**
- **\$6.7 trillion by 2030.**

ADR & CAPITAL





Conflict Avoidance Pledge

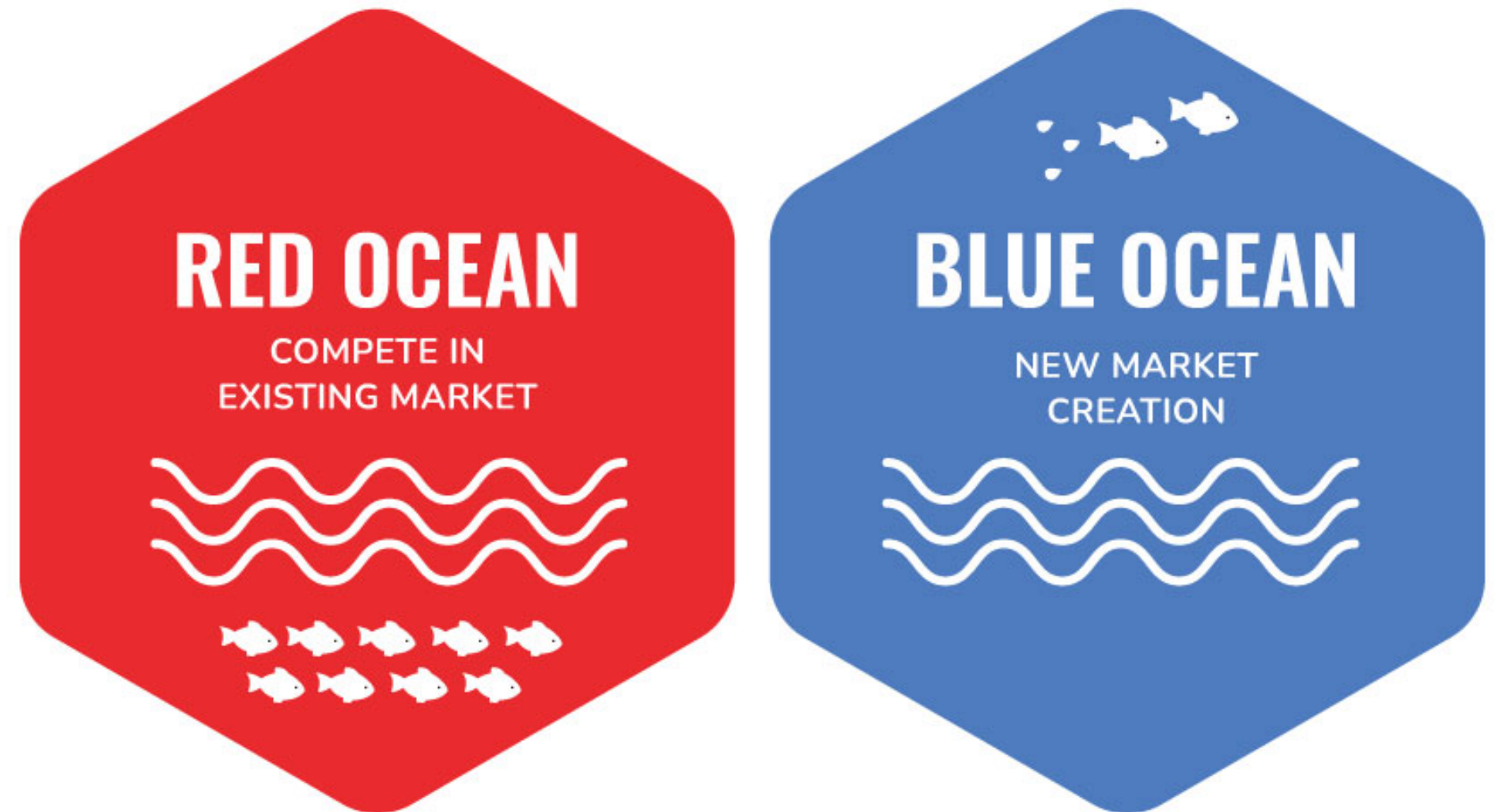


- **We believe in collaborative working** and the use of early intervention techniques throughout the supply chain, to try to resolve differences of opinion before they escalate into disputes.
(**DAB to DAAB**)
- **We recognize the importance of embedding conflict avoidance mechanisms** into projects with the aim of identifying, controlling and managing potential conflict, whilst preventing the need for adversarial dispute resolution procedures.
- **We commit to working proactively to avoid conflict** and to promote early resolution of potential disputes.

A NEW VALUE CURVE

- **RAISE** above industry standard.
- **REDUCE** inefficiencies.
- **ELIMINATE** commodities.
- **CREATE** a new product.

THE BLUE OCEAN STRATEGY



Beat competition
Capture more of existing demand
Make the value/cost trade-off

Make competition irrelevant
Create new demand
Disprove the value/cost trade-off

A photograph of three Black women in a professional office setting. One woman stands in the center holding a tablet, while two others are seated at a table. They are all smiling and appear to be in a collaborative meeting. The image has a red color overlay.

THE STRATEGIES

- **Competence, Competence, Competence.**
- **Build Your Network Worldwide.**
- **Build Your Brand “Social proof”.**
- **Thought Leadership.**
- **Specialise “Blue Ocean Strategy”**
- **Learn to say NO.**
- **BE REASONABLE.**



Arbitration Institutions



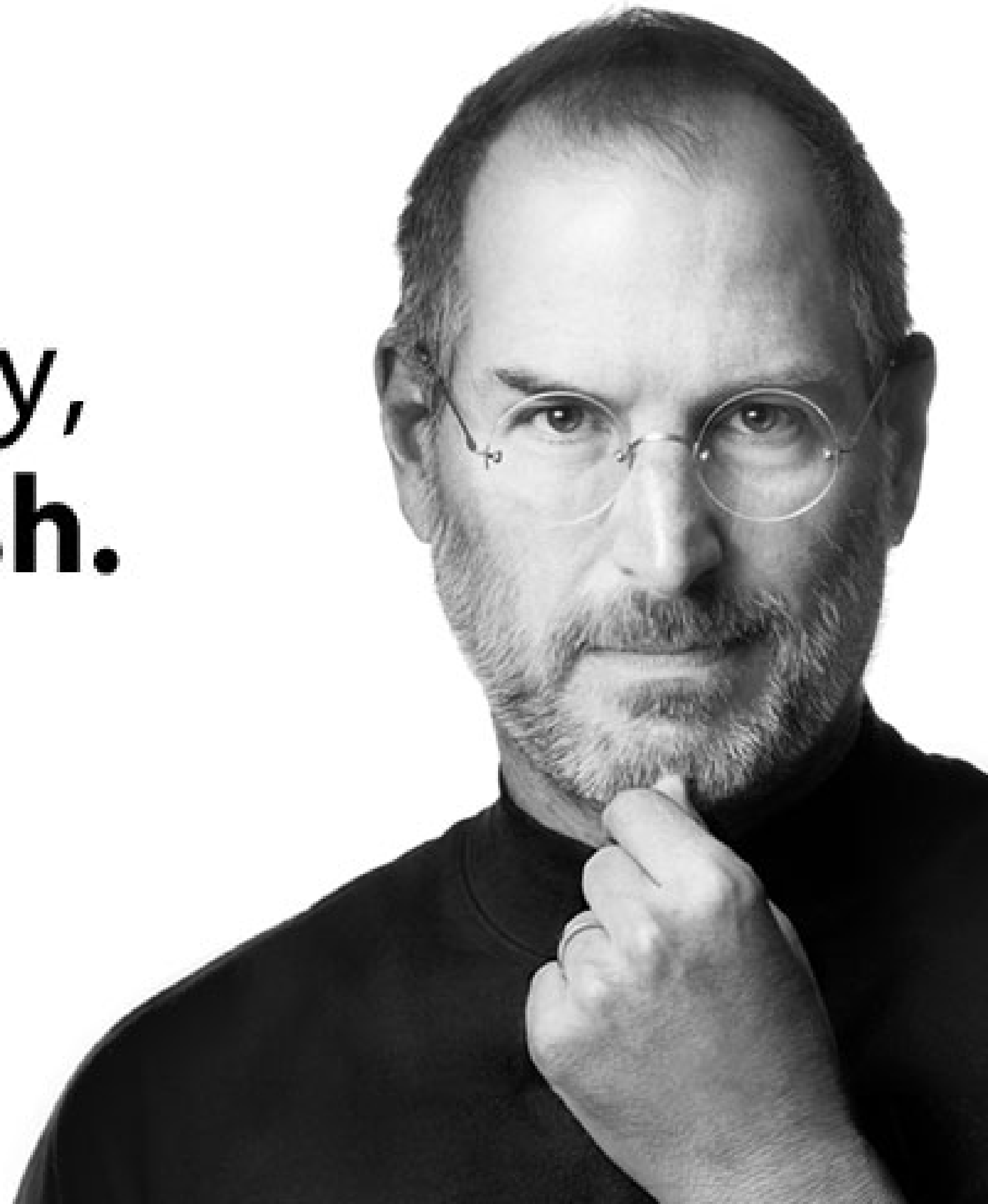


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Stay hungry,
Stay foolish.

Steve Jobs

1955-2011



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