



**NIGERIAN INSTITUTE OF
CHARTERED ARBITRATORS**



"Le Patronat Ivoirien"

Under

The patronage of His Excellency Mr. Jean SANSAN KAMBILÉ keeper of the seals, Minister of Justice of the Republic of Côte d'Ivoire

The Common Court of justice and Arbitration of OHADA (CCJA/OHADA)

OHADA Regional School of Magistracy (ERSUMA)

and

The Association for the Promotion of Arbitration in Africa (APAA)

In collaboration with

The Nigerian Institute of Chartered Arbitrators (NiCarb)

AFRICAN ARBITRATION AND MEDIATION DAYS

2ND edition

Topic: SETTLEMENT OF TRADE AND INVESTMENT DISPUTES THROUGH ARBITRATION AND MEDIATION

WITHIN THE FRAMEWORK OF THE ACFTA

27 and 28 July 2023 in Abidjan (Côte d'Ivoire), at the Headquarters of "la Confédération Générale des Entreprises de Côte d'Ivoire (CGCI)" and on the ERSUMA videoconference platform

I. CONTEXT AND JUSTIFICATION

One of the goals stated by the founders of OHADA is to boost economic growth in the member States through private investment, whether national or international. Alternative dispute resolution methods, such as arbitration and mediation, are the preferred methods for resolving commercial disputes.

Following the 2017 reform, which reaffirmed the importance of investment arbitration, and the adoption of the Uniform Act on Mediation, OHADA Institutional Arbitration has entered a phase of renewal. With this reform, which takes account of international standards in this area, the Arbitration Centre of the Common Court of Justice and Arbitration (CCJA) will be in a better position to achieve its objectives and place Abidjan at the center of OHADA Arbitration, making it a major centre alongside other international arbitration centers..

With regard to the African Continental Free Trade Area (ACFTA), it was created by the Assembly of Heads of State and Government of the African Union (AU) with the aim of strengthening economic relations between AU member States and fostering their development through the creation of a large integrated African market. It represents a trading area covering more than 1.2 billion people, spread across the 55 member States of the African Union (AU)..

It aims to ensure the free movement of goods, services, people and investment.

On 29 April 2019, the threshold of 22 countries ratifying the Agreement was reached, enabling the Agreement establishing the ACFTA to enter into force on 1 January 2021. The entry into force of the ACFTA will, on the one hand, contribute to the development of the African continent and, on the other, will certainly generate trade and investment disputes.

It is therefore important to know how OHADA, of which all the member States are also members of ACFTA, will be able to offer an effective alternative, if necessary, to resolve disputes that are not covered by the dispute settlement mechanism provided for by ACFTA

The 2nd edition of the African Arbitration and Mediation Days, placed under the High Patronage of Mr Jean SANSAN KAMBILE, Keeper of the Seals and Minister of Justice of the republic of Côte d'Ivoire, and organised by the CCJA in partnership with the APAA, NiCarb and ERSUMA, desirous, on the one hand, to identify the disputes likely to arise with the effective creation of this vast integrated African market and, on the other hand, to present both African and non-African offers for the alternative settlement of the said disputes.

II. OBJECTIVES

A. GENERAL OBJECTIVE

To prepare the arbitration community of OHADA member States and other countries to the reform of the CCJA arbitration system, and to train them to deal with the settlement of commercial and investment disputes that will arise following the implementation of the ACFTA, in connection with this reform.

B. SPECIFIC OBJECTIVE

More specifically, the 2nd edition of the African arbitration and mediation days aims to:

- Specify the scope of the reform of the OHADA arbitration and mediation system;
- identify the types of disputes likely to arise in the context of the effective implementation of the ACFTA;
- provide an understanding of the dispute settlement mechanisms provided for in the Protocol on Dispute Settlement;
- determine the interferences between the Dispute Settlement Body (DSB) provided for by the Protocol on Dispute Settlement and ad hoc or institutional arbitration, as well as mediation/conciliation with regard to the parties involved, i.e. States, economic operators and investors.

III. TARGET PUBLIC

The 2nd edition of the African Arbitration and Mediation Days is intended for actors involved in trade within the OHADA area and in the deployment of investments arising from the implementation of the ACFTA, as well as those who are concerned, directly or indirectly, by the settlement of disputes arising from the Agreement. This includes in particular ::

- executives in charge of States disputes and other legal entities governed by public law;
- managers and executives of African community economic and legal integration organisations;
- directors, managers and executives of private organisations ;
- magistrates, lawyers, notary public and court officers ;
- economic operators;
- in-house counsels;
- managers and executives of arbitration and mediation institutions;
- researchers in the field of trade and international disputes;
- students and trainees in the field of commercial law and international litigation.

IV. CONFERENCE LANGUAGES

The sessions will be conducted in English and French, with simultaneous translation into Spanish and Portuguese, then into English and French.

V. ANIMATION

This 2nd edition of the African Arbitration and Mediation Days is organised by the CCJA/OHADA, in partnership with the APAA, NiCarb and ERSUMA.

It will be led by eminent specialists in dispute resolution, international experts and institutional partners.

VI. LOCATION

The 2nd edition of the African Arbitration and Mediation Days will be held on 27 and 28 July 2023 at the CGECI "*Le Patronat Ivoirien*", and on the ERSUMA videoconference platform.

VII. REGISTRATION

Participants should register via the ERSUMA training platform, of which the details are available at the following address: <https://sigweb.ersuma.org/inscription>

They can also register by sending an e-mail to APAA: apaa.afrique@yahoo.fr

Only registrations accompanied by the relevant fees will be considered.

Registered participants will receive notification that their payment has been validated and will be invited to attend the training course, depending on the mode of participation chosen, either in person or by videoconference.

VIII. REGISTRATION FEES

The 2nd edition of the African Arbitration and Mediation Days will be bimodal, in-person and by videoconference:

A. Participation Fees

In-person registration fees

- Professionals : 200 000 FCFA about 305€
- Designated Magistrates, selected students : free

☐ Online registration fee

- Professionnals : 150.000 FCFA about 152,45€
- Designated magistrates, Selected students : free

B. Payment of participation fees

These fees can be paid in different ways:

- At the CCJA/OHADA office in Abidjan Plateau Avenue Dr JAMOT angle Bd CARDE, opposite the "Harmonies" building Plateau. 01BP 8702 Abidjan 01
Accounts Department Tel: +225 07 07 44 41 95/ +225 01 01 92 86 61
- by bank transfer to the account shown below



Code client : 778679

Nom du client : FONDS PROPRES CCJA / OHADA

Numéro de compte : 01273-77867902001-13 XOF

Libellé du compte :

Code Iban : CI33390420127307786790200113

- In cash against receipt at the APAA headquarters in Yaoundé, Bastos, second floor of the building housing the Consulate General of Burkina Faso, Tel: 676 89 64 37 (Mrs Djomo Chantal) and 699 10 05 32 (Dr AWA Adjidja);
- by online payment using ERSUMA's SIGWEB payment platform. Copy and paste the following link into your browser to access it: <https://sigweb.ersuma.org/paiement>

SERVICES

The registration fee includes: participation in scientific work / Reception and return car shuffles (for participants not resident in Côte d'Ivoire) / coffee breaks / 2 lunches / documentation kit.

THE PARTICIPATION FEE DOES NOT INCLUDE FLIGHT TICKETS AND THE ACCOMMODATION. THEY ARE THE EXPENSE OF THE PARTICIPANTS.

BOOKINGS

Participants can make reservations at the following hotels, where preferential rates have been negotiated by the organising committee:

1. TIAMAHotel

Mme Sandra DOGBO

Tél: +225 27 20 31 33 33 / +225 07 07 73 78 60

Email: direction.commerciale@hotel.tiama.ci

2. Pullman Hotel

Ms Margaux VENTURINI

Tel: +225 07 98 30 80 52 / +225 27 20 30 20 34

3. IvotelHotel

Ms BROU

Tél: +225 07 07 19 04 10

4. Novotel Hotel

Ms Donah ATTILEY

Tél: +225 07 68 52 52 02

Email: donah.attiley@accor.com

5. Seen Hotel

Ms Christelle Anoma

Tél: +225 07 58 24 58 47

When making your reservation, please indicate that it is for the conference organised by the CCJA/OHADA, under the patronage of His Excellency Mr Jean SANSAN KAMBILÉ, on 27 and 28 July 2023.

You can also call the following numbers:

- Ms BASSAM, Assistant to the President of the CCJA: + 225 0707008013 ;
- Ms YAO, Assistant to the SG of the Arbitration Centre: + 225 0707589439 ;
- Mr Mamadou KONE, Acting SG of the Arbitration Centre: tel: + 225 0778452227

IX. PROVISIONAL PROGRAMME

<u>Thursday 27 July 2023</u>	
09:30-10:40	<p>Protocol part (Maximum 7 minutes for each participant)</p> <p>Key note speech :</p> <ul style="list-style-type: none"> - President of CCJA - President APAA - PresidentNICarb - Secretary of UNCITRAL - Representative of the ACFTA Secretary General - President of the Côte d'Ivoire Bar Association <p>Opening speech by the keeper of the seals , Minister of justice of Côte d'Ivoire</p> <ul style="list-style-type: none"> - Family picture - Cocktail <p>End of the protocol part and departure of the official authorities</p>
11.00am-11.20pm	<p>Inaugural lecture: Prof. SILUE NANGA, Dean of the HOUPHOUET BOIGNY University of Bouaké.</p>
<p>1st SESSION: REFORM OF ARBITRATION CCJA-OHADA: CHALLENGES AND PERSPECTIVES</p> <p><u>Moderator:</u> Mr ABBE YAO, former President of the Côte d'Ivoire Bar Association</p> <p>11.30am - 12.20pm</p>	
<p>11.30am – 11.50am :Reform of CCJA arbitration (investment arbitration, administration and control of CCJA arbitration): Ms MOUTNGUI Libam Esther épouse IKOUE, President of the CCJA (20 min)</p>	
<p>11.50am – 12.05pm: Abidjan, The place of OHADA arbitration : Dr Achille NGWANZA (15 min)</p>	
<p>12.05pm- 12.15pm: Discussions with the participants(10 min)</p>	

2nd SESSION: LEGAL FRAMEWORK OF THE ACFTA AND TYPOLOGY OF DISPUTES	
<u>Moderator:</u> Pr Étienne NSIE, University of OMAR BONGO, Libreville -Gabon	
12.20 pm - 1.05 pm	
12.20pm - 12.35pm	Presentation of the ZLECAf Agreement and its annexes By Ms BALKISSOU ALFA Hassan Sido épse KABO , ACFTA Legal Affairs Officer, representative of the ACFTA Secretary General (15 min)
12.35pm- 12.50pm	The typology of disputes within the framework of the ACFTA by Dr Gaston KENFACK DOUAJNI (HDR) , President of the APAA (15 min) - Disputes between States parties to the ACFTA - Trade disputes - Investment disputes
12.50pm- 1.05pm	Debates with the audience (15 min)
1.05pm- 2.05pm	<i>Lunch</i>
3rd SESSION : Stocktaking of developments in Dispute Resolution in the Digital Economy	
<u>Moderator:</u> TAKASHI TAKASHIMA, Legal Officer, United Nations Secretariat (Vienna)	
2.15pm – 3.15pm	
2.15pm- 3.15pm	<ul style="list-style-type: none"> ✓ OHADA Arbitration online, by Gaston KENFACK DOUAJNI, President of the APAA, ✓ CPA Arbitration online, by BALLA GALMA Godana, Legal Counsel and Permanent Court of Arbitration (PCA), Representative in Mauritius ✓ MsAïsha ABDALLAH, Partner Anjarwalla& Khanna LLP, Nairobi-Kenya ✓ Victor MUGABE , Secretary General Kigali Arbitration Centre
4th SESSION: OHADA ARBITRATION AND MEDIATION and ACFTA: CHALLENGES FOR PRACTITIONERS	
<u>Moderator:</u> Prof. Henry Désiré MODI KOKO, Secretary General of the University of Douala	
3.15 PM - 5.40 PM	
3.15pm- 4.30pm	<ul style="list-style-type: none"> • Training in arbitration and mediation by ERSUMA, presented by Karel DOGUE, Director of Studies at ERSUMA (15 min) • The practice of mediation, by Bintou BOLLI DJIBO, Professional Mediator and President of ACAM (15 min) • The academic, by Prof. ABOUDRAMANE OUATTARA, Professor of Laws (15min) • Training practitioners in arbitration and mediation in the OHADA area: <ul style="list-style-type: none"> ✓ The Advocate, by Barr. MBAH Eric MBAH, President of the Cameroon Bar Association and Me.Mouhamed KEBE (30 min)

4.30pm – 4.40pm	<i>Coffee Break(10 min)</i>
5th SESSION: OHADA ARBITRATION AND MEDIATION and ACFTA: CHALLENGES FOR PRACTITIONERS (CONTINUATION) <u>Moderator:</u> Apollinaire ONDO MVE, Senior Magistrate, Former President of the CCJA 4.40pm- 5.40pm	
4.40pm- 5.40pm	<ul style="list-style-type: none"> ✓ Bailiffs by the President of the National Chamber of Bailiffs and Enforcement Agents of Cameroon, Samuel Ename Nkwane, and his counterpart from Côte d'Ivoire (30 min) ✓ Notaries by Me Aida DIAWARA DIAGNE, President of the Chambre Nationale des Notaires du Sénégal, Me Mahoua KONE, Notary in Abidjan, Honorary President of the Chambre des Notaires de Côte d'Ivoire and Me Régine DOOH COLLINS, President of the National Chamber of Notaries of Cameroon and Ivorian notaries (30 min)
6th SESSION: STATE DEFENCE STRATEGIES AND THIRD-PARTY FUNDING OF ARBITRATION IN THE FRAMEWORK OF THE ACFTA'S IMPLEMENTATION <u>Moderator:</u> DEMBA Armand Claude, First Vice-President of the CCJA 5.40PM - 6.40PM	
5.40pm – 6.40pm	<ul style="list-style-type: none"> • State defence systems in ADR ✓ Viewpoint of a lawyer by Nadia DARWAZEH, Partner, Head of the Arbitration Department, Clyde and co Paris, Paris Bar (15 min) ✓ The view of a government officials in charge of disputes, by Placide MEVOUA, Magistrate, Head of the Disputes Division, Ministry of Finance, Cameroon (15 min) ✓ Consultation and good offices by MOUGNAL SIDI, Director of Legal Affairs, Ministry of External Relations, Cameroon (15 min) • Funding of arbitration by third-party funders, Dr Rukia BARUTI, Doctor of Law, Arbitrator (15 min)
6.40pm – 6.50pm	Debates with the audience (10 min)
END OF DAY 1	

Friday 28 July 2023

**7th SESSION: PROJECTION OF A DOCUMENTARY ON ARBITRATION
BETWEEN THE NORTH AND THE SOUTH**

**Moderator: Julius NKAUFU, Lawyer, Arbitrator, Mediator, Great James Chamber
London**

9.00 AM - 9.50 AM

**9.00am-
9.50am**

**Commentator: Dr Ismael SELIM, Director of The Regional Centre for
International Commercial Arbitration in Cairo (CRCICA) (45 min)**

**8th SESSION: THE OFFER OF NATIONAL AND INTERNATIONAL ARBITRATION
CENTRES AND OTHER INSTITUTIONS (PART 1)**

Moderator: Mr GBILIMOU Joachim, Judge at the CCJA

9.50 AM-11.35AM

**9.50am -
11.35am**

- CCJA-OHADA: **Mamadou KONE**, Acting Secretary General of the CCJA (15 min)
- ICSID :**Ms Laura Bergamini**, Legal Counsel at ICSID(15 min)
- ICC: **DIAMANA DAWARA**, African Director of the ICC Dispute Resolution System, ICC International Court of Arbitration (15 min)
- ICAMA: **Chief OJO BAYO (SAN)**, Director and Promoter ICAMA (15 min)
- KIAC: **Victor MUGABE**, Secretary General of KIAC (15min)
- CMAG: **Marie-Andrée NGWE**, President of the CMAG Permanent Committee (15mn)
- CATO: **Espoir KOMLAN ASSOGBAVI**, Secretary General of CATO (15 min)

**11.35am-
11.45am**

Coffee break 10 min

**THE SERVICES OFFERED BY NATIONAL AND INTERNATIONAL ARBITRATION
CENTRES AND INSTITUTIONS (PART 2)**

**Moderator: Professor KAKOU Alain Claude, Professor at the FHB University of Cocody,
Member of the Côte d'Ivoire Bar**

11.45am-1.30pm

**11.45am-
1.30pm**

- CPAM : **Dr OUSMANOU Sadjo**, Chairman of the Management Committee of the Permanent Arbitration and Mediation Centre of the CADEV (15 min)
- CIAM: **Mr Martial AKAKPO**, Permanent Secretary of CIAM (15 min)
- Tunis Arbitration Centre: **Pr Najet BRAHMI**, Professor at the Tunis Faculty of Law and Political Science, Holder of the ALECSO Chair (15 min)
- NICArb: **Shola OSHODI**, Nigerian Institute of Chartered Arbitrators (15min)
- AfAA: **IKPEME NKEBEM**, Secretary General of AfAA (15 min)
- AAA: **ABAYOMI OKUBOTE**, Doctor of Law, Executive Director of the African Arbitration Academy (15 min)

1.30pm-3.00pm	<i>Lunch</i>
9TH SESSION- ROUND TABLE COOPERATION OF THE STATE JUDGE IN THE SETTLEMENT OF DISPUTES UNDER THE ACFTA and OHADA <u>Moderator:</u> Dominique HASCHER, Member of the Supreme Court, France 3.00pm-3.45pm	
3.00pm-3.45pm	<ul style="list-style-type: none"> • The State judge's cooperation in arbitration and mediation by François MBONO, President of the West Cameroon Court of Appeal (15 min) • Current trends in OHADA national courts as regards the review of arbitration awards by Dr Sylvie BEBOHI EBONGO, Doctor of Law, Member of the Paris and Cameroon Bars, Arbitrator, Representative of the APAA in Europe (15 min) • Judicial control, international public policy, economic sanctions and the arbitrator's compliance with international public policy, by Dr KOMOIN François, Magistrat Hors Hiérarchie, President of the Abidjan Commercial Court of Appeal (15 min)
3.45pm – 4.00pm	Debates with the audience (20 min)
4.00pm - 4.45pm	<i>Coffee Break(15 min)</i>
10 TH SESSION: THE ADAPTATION OF YOUNG PRACTITIONERS TO THE FUTURE OF THE ACFTA: Challenges and opportunities for young African practitioners faced with the effectiveness of the ACFTA <u>Moderator:</u> Me. Joachim BILLE AKA, Lawyer at the Côte d'Ivoire Bar Association 4.00pm - 4.45pm	
4.45pm-5.30pm	<ul style="list-style-type: none"> • Aurélia KAMGAEsq., lawyer at the Nigerian and Cameroon Bars (15 min) • Patricia SOPI KAKOU, lawyer at the Cote d'Ivoire Bar (15 min) • AICHA Mané, lawyer, ICC YAF Representative Africa (15 min)
5.30pm-6.00pm	SUMMARY REPORT BY Prof. Yves NOUVEL , Professor of Law at the University of Paris II
6.00pm-6.30pm	Closing ceremony - President of CCJA ; - keeper of the seals, Minister of Justice of the Republic of Côte d'Ivoire
7.30pm	Gala Diner offered by the keeper of seals, Minister of justice of the Republic of Côte d'Ivoire
END OF THE CONFERENCE	