



## *OHADA and Public Private Partnership Contracts*

*OHADA's Bordeaux Days, 7<sup>th</sup> Edition*



**Keynote Speaker : H.E.M. ISSOUFOU MOHAMADOU,  
President of the Republic of Niger (To confirm)**

**June, 7 and 8 2018**



## OHADA, 25 years old!

- Since the OHADA Founding Treaty of 17 October 1993 in Port Louis (Mauritius), no one could have foreseen that the OHADA would become the major point of attraction, 25 years later, investors, and legal professionals in the African continent.
- As **Martin Luther King Jr** said, "**you can not ride on a man who is standing**". Thus, little by little, thanks to the solidity of its institutions, the determination of the African leaders, the solidarity of the legal practitioners, the OHADA debut resisted all the impetuous torrents that already threatened to disappear from its conception. Today, the OHADA is 10 Uniform Acts, 17 member countries, a resolutely modern right having recently integrated investment arbitration and commercial mediation.
- In this vein, the OHADA BORDEAUX Club has never skimped to contribute to this gigantic work, which is still far from being completed.
- That's why, this year we decided to enrich this work by discussing about the contracts of public-private partnerships in Africa.



**Jacques-Brice MOMNOUGUI**  
**Président of OHADA**  
**BORDEAUX Club**

**The 7th Edition**

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**OHADA and Public Private Partnerships**

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**The Economic assets of NIGER**

# THE CHALLENGE OF PUBLIC-PRIVATE PARTNERSHIP IN AFRICA

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The OHADA Business Law does not provide in its treaty to regulate public-private partnership contracts as part of the harmonized business law. These contracts, originally imposed on states by donors, have become, in the context of the exploitation of African countries' resources, real "markets" within the meaning of economic business law. Given the proven impact of these markets on the economies of African countries, a harmonization of PPP rules within the OHADA space would be a major asset for the Member States, as it has been done in European law.

**THE OHADA BUSINESS  
LAWS DOES NOT PROVIDE  
TO REGULATE PUBLIC-  
PRIVATE PARTNERSHIPS  
CONTRACTS**

**EACH COUNTRY DEVELOPS  
IT OWN STRATEGY BY  
IMPLEMENTY  
RECOMMANDATIONS GIVEN  
BY THE DONORS**

**FOR A GLOBAL  
REGULATION OF PPP  
CONTRACTS AS IT HAS  
BEEN DONE IN EUROPEAN  
LAW**

## PROGRAM - THURSDAY 7, June 2018 / 5 pm to 10 pm

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**Welcome at the Chamber of  
Commerce and Trade of  
Bordeaux**

**5 pm – 7 pm**

**BUSSINESS MEETING**  
Between the BORDEAUX  
SUD OUEST AFRIQUE  
CLUB and the Niger's  
delegation

- **Navigation and Tourism**
- **Energy**
- **Expoloration**

**Gala Dinner**

**From 7,30 PM**

**AWARD "MADIBA DE  
L'EXCELLENCE  
AFRICAINNE"**



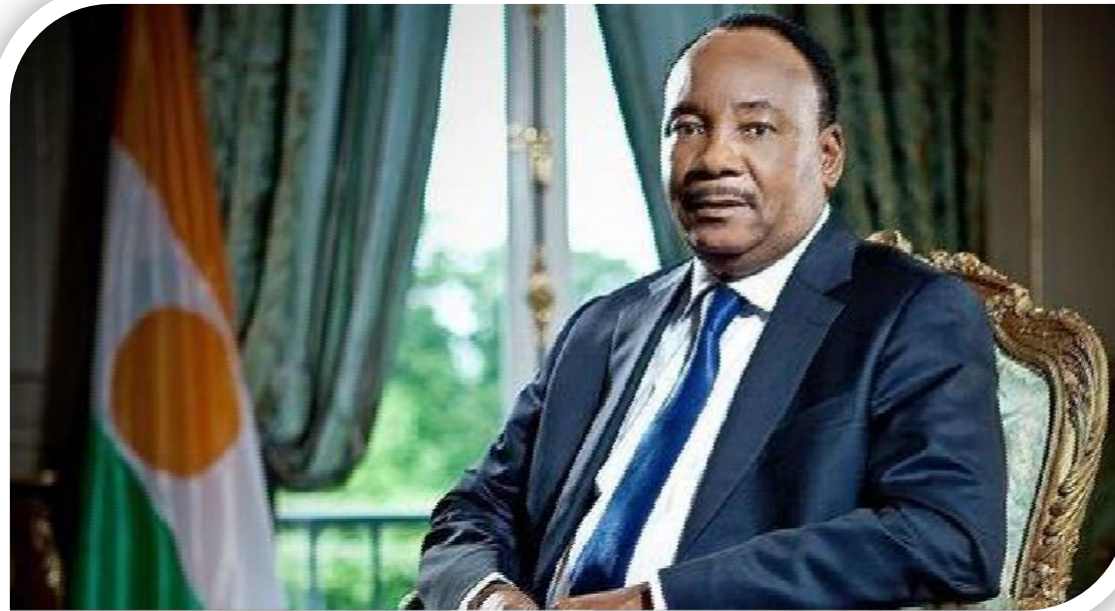
## PROGRAM - FRIDAY 8, June 2018 / 9 am to 4 pm

<p><b><u>9am-10am</u></b></p> <p><b>Welcome Speeches</b></p>	<p><b><u>2pm-3pm</u></b></p> <p><b>Public Policies of PPP Contracts for SMEs in Africa: The Case of NIGER</b></p>
<p><b><u>10am-11am</u></b></p> <p><b>Framework, Regulation and Legal Framework of PPP Contracts in Europe and in the OHADA Area</b></p>	<p><b><u>3pm-3h30pm</u></b></p> <p><b>Economic integration of SMEs in the setting up of PPP contracts in Africa</b></p>
<p><b><u>11am-12am</u></b></p> <p><b>Purposes for an Uniform Act of PPP contracts in OHADA's spaces</b></p>	<p><b><u>3h30pm-4pm</u></b></p> <p><b>OHADA Investment Arbitration, a method for resolving PPP contract disputes</b></p>

## PROGRAM

**INTERVENANT PRINCIPAL/ KEYNOTE SPEAKER** (To confirm)

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**H.E.M. Mohamadou ISSOUFOU**  
President of NIGER

## PROGRAMME PREVISIONNEL – DISCOURS/ SPEECHES



**Mr. Jérôme DIROU**  
President of Bordeaux's  
Bar Association



**Mrs. Christiane FERAL-SCHUHL**  
President of the  
National's French Bars  
Counsel



**Mr. Samna DAOUDA**  
President of OHADA's  
Bars Conference



**Mrs. Marie-Aimée PEYRON**  
President of Paris's Bar  
Association



**Mr. Yayé MOUNKAILA**  
President of Niger's Bar  
Association



**Mr. Stanley GASTON**  
President of the Federation of  
Haiti's Bars  
President of the International  
Conference's Bars (CIB)



# PROGRAMME PREVISIONNEL – LISTE DES INTERVENANTS PRINCIPAUX/ KEYNOTE SPEAKERS



**Pr. Mohamed HAKKAT**

Head of the "Governance of Africa and Middle East" structure  
Professor at Mohammed V University - Rabat



**Mrs. Sandrine DACGA**

Barrister at Cameroon's bar Association / Barrister at Nigeria's Bar Association



**Mr. Julien FOUCHET**

Barrister at Bordeaux's Bar Association  
Président of the Association for Unification of Business Law in Europe (AUDE)



**Mme Françoise OKAH**

PhD in Economics  
Monetary  
Macroeconomics



**Mr. Damien SIMON**

Barrister at Bordeaux's Bar Association / MCO  
President of the Institute of Public Law



**Mrs. Caroline LAVEISSIERE**

Barrister at Bordeaux's Bar Association / MCO  
Member of institute of Public Law



**Mr. Daniel NGOS**

Barrister at Cameroon's Bar Association  
President of the African Federation of Youth Lawyers

# PROGRAMME PREVISIONNEL – LISTE DES MODERATEURS / PANEL'S MODERATORS

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**Mr. Mamadou Ismael KONATE**  
Former Minister of Justice and  
Human Rights of Mali  
Barrister at the Bars of Mali  
and Paris



**Mr. Paul KANANURA**  
President of Mandela's  
Institute



**Mrs. Lisanne  
CHAMBERLAND POULIN**  
Barrister at Bordeaux's Bar  
Association  
Member of Club OHADA  
BORDEAUX

# NIGER

Niger is a vast landlocked country of more than one million square kilometers. It has nearly 21.5 million inhabitants in 2017 and has one of the highest population growth rates in the world (3.9% per year). Its economy is essentially based on the export of uranium.



# **ECONOMIC POWER OF NIGER**

Niger is the country with the youngest population in the world. Its growth is one of the largest in Africa with 5.2% in 2017 and 5.4% in anticipation for 2018. The oil and agricultural sectors (3N) are the economic lungs of the country

## **FOURTH WORLD PRODUCER OF URANIUM**

Niger has become in ten years the fourth largest producer of uranium with almost 5,000 tons (in thousands).

## **PETROLEUM AND GOLD PRODUCTS EXPORTS**

Oil production is estimated at 300 billion barrels and more than 2,000 kg of gold has been produced.

## **AGRICULTURE, LIVESTOCK, FISHING AND SILVICULTURE**

It is the country's leading business sector with almost half of the country's GDP.



# INFRASTRUCTURE AND INVESTMENTS

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In 2018, growth will be boosted by investment in infrastructure, increased productivity and a relative rise in uranium prices, boosting production.

The sectors targeted for strong growth are:

- Transportation
- Agricultural productivity (pushed by the 3N initiative)
- energy

# THE OHADA's BORDEAUX DAYS

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## LE CLUB OHADA BORDEAUX

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