

ASSOCIATION POUR LA PROMOTION
DE L'ARBITRAGE EN AFRIQUE



ASSOCIATION FOR THE PROMOTION
OF ARBITRATION IN AFRICA



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RÉPUBLIQUE FRANÇAISE

Ambassade de France au Cameroun



The Association for the Promotion of Arbitration in Africa (APAA), in partnership with the Organization for the Harmonization of Business Law in Africa (OHBLA/ OHADA), the Permanent Court of Arbitration of The Hague (CPA / PCA) and the Cairo Regional Center of International Commercial Arbitration (CRCICA), with the backing of the French Cooperation is organizing an **International Colloquium** on:

**« PCA ARBITRATION, CRCICA ARBITRATION, OHADA
ARBITRATION AND MEDIATION »**

YAOUNDE - CAMEROUN

23 & 24 Mai 2018

DJEUGA PALACE

A. BACKGROUND AND RATIONALE OF THE COLLOQUIUM

Established by the Convention for the Pacific Settlement of International Disputes, done at The Hague in 1899 during the first Hague Peace Conference, the Permanent Court of Arbitration, hereafter PCA is the first universal mechanism of settlement of disputes between States. The signatory powers of the Convention for the Pacific Settlement of International Disputes have created the PCA in order to facilitate the direct access to arbitration for international disputes, which have failed to be settled through diplomatic channel.

Originally developed for settlement of disputes between States, the PCA then turned to be a modern and widened arbitration institution; it provides arbitration, mediation/ conciliation services and its premises at the disposal of the arbitral tribunals established in compliance with the Rules of some international arbitration bodies or the ad hoc Rules.

The PCA is composed of 121 contracting parties, including 23 African States, 7 of which are in the OHADA space. It administers proceedings involving African States, has opened an office in Mauritius since 2010 and signed cooperation agreement with a number of African organizations, including the Association for the Promotion of Arbitration in Africa. There is no doubt that the PCA maintains close relations with Africa.

For its part, the Cairo Regional Center for International Commercial Arbitration (CRCICA) was established in 1979 under the auspices of the Legal and Advisory Organization for African and Asian Countries (AALCO), which includes many African countries.

The colloquium organized by the APAA, in partnership with OHADA, the Permanent Court of Arbitration of The Hague (PCA) and the Cairo Regional Center for International Commercial Arbitration (CRCICA), with the assistance of the French Cooperation, therefore finds its justification, in this case at the time, on the one hand, where are undertaken before the Commission of the United Nations for the International Commercial Law (UNCITRAL), works relating to the reform of the Investor-State Dispute Settlement and, on the other hand, some African States,

including those parties to OHADA, have amended their arbitration law and adopted a text on mediation.

B. SPECIFIC OBJECTIVES OF THE COLLOQUIUM

Beyond demonstrating the presence of OHADA Africa in the CPA arbitration and also promoting the CRCICA arbitration in the OHADA space, this conference aims to:

1. to present the new legal framework of arbitration and mediation in OHADA space ;
2. to demonstrate that this renewed framework of arbitration in OHADA space can make it possible to easily implement the PCA arbitration and CRCICA arbitration in OHADA space ;
3. to present the new legal framework of mediation in OHADA space.

C. TARGET AUDIENCE

This Colloquium addresses in particular to:

1. officers in charge of litigation involving African States and other legal entities of public law dealing or likely to deal with an international dispute ;
2. magistrates, lawyers or barristers and court officers ;
3. economic operators ;
4. in-house counsels ;
5. researchers as well as students in the field of international dispute.

D. ORGANISATION OF THE COLLOQUIUM

The Colloquium is organized in partnership with OHADA, the Permanent Court of Arbitration of The Hague (CPA / PCA) and the Cairo Regional Center of International Commercial Arbitration (CRCICA). It will therefore benefit from the presence of representatives of these institutions, including the Permanent Secretary of OHADA, the Secretary-General of the PCA and the Director of CRCICA. It will also include the participation of representatives of renowned arbitration institutions on the continent as well as outside.

It will be moderated by some of the best international arbitration and mediation experts, recognized for their experience in international arbitrations and mediation procedures involving States, State-controlled entities, international organizations and private parties.

E. PLACE, DATE AND LANGUAGES OF THE COLLOQUIUM

The Colloquium will take place at Djeuga Palace Hotel of Yaounde, on May 23-24, 2018.

The colloquium languages are French and English with simultaneous translations.

F. DRAFT PROGRAM

May 23, 2018

9:30am: Opening ceremony

9:30am - 9:40am: welcoming speech by the President of APAA

9:40am -9:50am: Address by the French Cooperative Representative

9:50am - 10:00am: Address by the Permanent Secretary of OHADA

10:00am - 10:15am: Opening Speech by the Keeper of Seals or his Representative

10:15am -10:45am: Opening Cocktail

11:00am - 11:20am: Introductory remarks by Pr **Dorothe Cossi SOSSA**, Permanent Secretary of OHADA

First part: the new OHADA Laws on arbitration and mediation

Chaired Barrister **Mamadou KONATE**, Secretary-General of APAA, former Keeper of Seals in Mali, Barrister at law (Paris Bar)

11:20am - 11:50am: The new OHADA Laws on arbitration, by **Gaston KENFACK DOUJANI** (HDR), Director of Legislation at the Ministry of Justice, Cameroon – President of APAA, President of the 49th session of the UNCITRAL

11:50am - 12:10am: Debates

Second part: Enforcement of arbitral awards in OHADA space

Chaired by Mr. **Appolinaire ONDO MVE**, Magistrate, Second Vice-President of the Common Court of Justice and Arbitration

12:10am - 12:25am: The enforcement of arbitral awards under the UAA, by Dr **Achille NGWANZA**, Lecturer at the Universities of Paris II and Yaounde II, President of OHADA working Group of the French arbitration Committee

12:25am - 12:40am: The enforcement of CCJA arbitral awards, by Dr **Sylvie BEBOHI EBONGO**, research Officer at the APAA, Barrister at law (Paris Bar)

12:40am - 12:55am : Perception of an African practitioner on enforcement of awards by African State, by Mr. **Serge ABESSOLO**, former Director General of the Judicial Agency in Gabon, Legal Advisor at the Ministry of Economy in Gabon

12:55am – 1:10pm: An english-speaking practitioner overview on OHADA awards enforcement, by Barrister **Ojo BAYO**, Former Keeper of Seals in Nigeria and President of ICAMA in Abuja, Nigeria

1:10pm - 1:30pm: Debates

1:30pm – 3:00pm: Lunch Break

Third part: PCA, CRCICA and Africa

Chaired by Pr **Stéphane NGWANZA**, Director of Studies at the International Relations Institute of Cameroon (IRIC)

3:00pm – 3:20pm: PCA arbitration and Africa, by M. **Hugo Hans SIBLESZ**, Secretary-General of PCA

3:20pm - 3:40pm: Debates

3:40pm - 4:00pm: CRCICA arbitration and Africa, by Dr **Ismail SELIM**, Director of CRCICA

4:00pm – 4:20pm: Debates

4:20pm – 4:35pm: Report on preparation of the reform of investor-State disputes settlement mechanism, by **Jean-Baptiste HARELIMANA**, Barrister at law (Hauts de seine Bar), President of the Guidance Council of the Institute of Afrique Monde

Fourth part: Convergences or discrepancies between OHADA arbitration and international arbitration

Chaired by **Gaston KENFACK DOUAJNI** (HDR), President of APAA, President of the 49th session of UNCITRAL

4:35pm – 4:55pm: The link between the Uniform Act on arbitration and national legislation regarding the intervention of the State judge in arbitration, by Barrister **Claude MENTENON**, former Batonnier of the Bar of Ivory Coast, founding part of Mentenon law firm

4:55pm – 5:10pm: The intervention of the third party in CCJA arbitration, by Barrister **Sylvain SOUOP**, Barrister at Law (Cameroon Bar)

5:10pm – 5:25pm: The third party in ICC Arbitration, by Barrister **Andrea CARLEVARIS**, Barrister at law (Paris), Former Secretary General of The ICC International Court of Arbitration

5:25pm – 5:40pm: The protection of the weaker party in OHADA arbitration, by Dr **Martial AKAKPO**, Barrister at law (Togo Bar), Managing partner of the Law firm Martial AKAKPO & Associés

5:40pm – 5:55pm: The arbitrability of labour dispute cases under the french legislation, by Pr **Hugues KENFACK**, Professor at the University of Toulouse 1 Capitole

5:55pm – 6:30pm: Debates and end of the first day

May 24, 2018

Fifth part: Mediation practice in OHADA space

Chaired by Dr **DIARRAH Boubacar**, outstanding Magistrate, Director of Legal Affairs and Communication, Permanent Secretariat of OHADA

9:30am - 9:45am: Presentation of the Uniform Act on Mediation, by Dr **Boniface BANAMBA** (HDR), Professor at the University of Yaounde II, Head of the Legal Unit of the Independent Redemption Fund of Cameroon

9:45am - 10:00am: The Notary and the mediation by Notary **Régine DOOH COLLINS**, Notary, Douala, Cameroon

10:00am - 10:15am: The Lawyer and mediation by Barrister **Marie Andrée NGWE**, Barrister at law (Cameroon Bar), President of the Permanent Committee of GICAM, certified Mediator

10:15am - 10:30am: The institutional mediation, by Mrs. **Boli DJIBO BINTOU**, Secretary- General of the Arbitration, Mediation and Conciliation Center of Ouagadougou (CAMC-O)

10:30am - 10:45am: The enforcement of mediation and conciliation minutes, by Mr. **Alexis NDZUENKEU**, Magistrate, Head of the Unit of Legal Affairs and Communication, Permanent Secretariat of OHADA

10:45am -11:00am: The view of the Alternative Dispute Resolution (ADR) by a Barrister practitioner in the OHADA space, by Barrister **Jackson NGNIE KAMGA**, President of the Cameroon Bar Association, Vice-President of the OHADA Bar

11:00am – 11:15am: The view of an African practitioner on the legal framework of Alternative Disputes Resolution in OHADA space, par Barrister **Julius NKAFU**, Great James Street Chambers London

11:15am – 11:30am: The view of a non-African practitioner on the OHADA legal framework of Alternative Disputes Resolution, by Barrister **Olivier CUPERLIER**, Barrister at the Paris Bar, agreed Arbitrator at the CMAP

11:30am – 11:45am: Appropriation of the Alternative Means of Settlement of Disputes in OHADA space, by Pr **Henri Désiré MODI KOKO BEBEY**, Dean of the Faculty of Law and Politics of the University of Dschang

11:45am – 12:00am: Debates

12:00am – 12:30am: Closing remarks, by Pr **Hugues KENFACK**, Professor at the University of Toulouse 1 Capitole

END OF THE COLLOQUIUM