



FIRST EDITION OF THE AFRICAN ARBITRATION AND MEDIATION DAY

THEME :

"BUILDING THE CAPACITIES OF COMPANIES AND LEGAL PROFESSIONALS ON ALTERNATIVE DISPUTE RESOLUTION METHODS (ADR)"

PACI-World Bank financial support

Douala, December 06, 2021

Participation by videoconference via the ERSUMA platform

December, 2021

I. BACKGROUND AND JUSTIFICATIONS

The development of arbitration and mediation is a necessary objective to achieve in view of the economic boom that is predicted in Africa in the near future. This objective, institutionally set and rigorously pursued in particular by the OHADA institutions, can only be achieved by building the capacities of stakeholders, the existence and effective functioning of credible arbitration and mediation institutions and the availability of qualified practitioners of African origin.

This objective of developing alternative dispute resolution methods is being confirmed and asserted in a context increasingly marked by the expansion of trade and investment relations in Africa, where disputes that may arise can be settled, in particular by arbitration or mediation. Without any doubt, the birth of the African Continental Free Trade Area (AfCFTA), designed by the Assembly of Heads of States and Governments of the African Union with the aim of strengthening economic relations between member States of the African Union (AU) and to promote the development of AU countries through the creation of a large integrated African market, will help accelerate the development of alternative dispute resolution methods. The level of implementation and ownership of these dispute resolution methods will surely influence the quality of the business climate and the economic emergence of Africa.

It is aware of these issues of great importance that the Regional Superior School of Magistracy (ERSUMA) of the Organization for the Harmonization in Africa of Business Law (OHADA), together with the Association for the Promotion of Arbitration in Africa (APAA), have agreed to devote the first day of activities of the OHADA Week that it organizes in Douala (Cameroon) with funding from the World Bank as part of the Business Climate Improvement Project (PACI), at the first edition of the African Day of Arbitration and Mediation. This first day of OHADA Week in Douala will be devoted to arbitration and mediation, which play an important role in the settlement of disputes between economic operators, investors and public entities in Africa.

This first edition of the African Arbitration and Mediation Day, which aims at strengthen African capacities in ADR law, comes as a prelude to two training sessions on ADR, of two days each, on the themes :

- Theme 1: "Mastering The New Legal Framework On Arbitration In The OHADA Space";
- Theme 2: "Mastering The New Legal Framework On Mediation In The OHADA Space".

The African Day of Arbitration and Mediation and the consecutive training sessions will in particular, be an opportunity to revisit the legal and institutional framework of arbitration and mediation in Africa, to appreciate the practice of these alternative dispute settlement methods on the continent, and to equip arbitration and mediation actors with technical skills for the efficient conduct of proceedings.

The African Arbitration and Mediation Day is one of the activities of the OHADA Week in Douala, which are characterized by the main language chosen for the work. Indeed, as part of

the implementation of multilingualism, the scope of which is essential in the appropriation of the law, the work of this day and the training sessions that will follow will be held mainly in English, with simultaneous translation into French.

I. AIMS

1. GENERAL OBJECTIVE OF THE COLLOQUIUM

Provide guidance on good ADR practices for African arbitration and mediation centers; strengthen the capacities of African legal professionals, in order to prepare them to be competitive in the field of ADR at the international level.

2. SPECIFIC OBJECTIVES OF THE COLLOQUIUM

Specifically, it will be to:

- share the revisions made by the Organization for the Harmonization in Africa of Business Law (OHADA) on its texts relating to Arbitration and on the Uniform Act relating to Mediation;
- highlight the qualities of a good arbitrator and a good mediator;
- take stock of the process for including arbitration and mediation in contracts;
- equip participants on the implementation of the Mediation Agreement and / or the arbitration award;
- equip participants on the advantages of the use of mediation and arbitration in economic relations;
- build the capacities of participants on the execution of decisions resulting from these ADRs.

II. EXPECTED RESULTS

- African arbitration and mediation centers are sensitized and their skills highlighted;
- The participants are instructed on the innovations contained in the OHADA texts relating to Arbitration and Mediation;
- The difficulties encountered by African legal professionals on the control of ADRs are identified and the solutions are shared;
- Participants are equipped with the various aspects of predictability, management of the dispute itself and the monitoring of the procedure for executing decisions resulting from OHADA arbitration and mediation.

III. TARGETS

This Day is organized for the benefit of economic operators and legal professionals, namely companies, magistrates, lawyers, bailiffs, notaries and other interested jurists.

IV. PLACE AND DATE OF THE COLLOQUIUM

The colloquium is taking place in a hybrid fashion, face-to-face for some and virtually for other participants, on December 6, 2021.

The link for virtual participation will be communicated later.

V. PROGRAM

PROTOCOL PART MASTER OF CEREMONIES DR KAREL OSIRIS DOGUE (DIRECTOR OF STUDIES AT ERSUMA) 9:00 A.M. TO 9:45 A.M.	
9:00 a.m.-9:10 a.m.	Message from the General Director of ERSUMA
9:10 a.m.-9:20 a.m.	Message from the Representative of the World Bank
9:20 a.m.-9:30a.m.	Message from the President of APAA
9.30a.m.-9.45a.m.	Opening remarks by the Representative of the Minister of State, Minister of Justice of Cameroon
9:45 am-10:00am	Opening cocktail
10:00a.m.-10:15a.m.	Keynote address by Gaston KENFACK DOUAJNI , President of APAA, Vice-president of the Cameroon OHADA National Commission
AFRICAN ARBITRATION AND MEDIATION CENTERS	
	Sequence 1: The state of arbitration in Africa Under the chairmanship of Nadia DARWAZEH , Lawyer at the Paris Bar 10 :15a.m. to 01:00 p.m.
10:15 a.m.-10:30a.m.	<i>CCJA Arbitration Administration</i> , Esther NGO MOUNTGUI , Judge at the CCJA
10:30 a.m.-10:45a.m.	<i>Execution of CCJA arbitral awards in the OHADA area</i> , MOUNETAGA DIOUF , Judge at the CCJA
10:45a.m.-11:00 a.m.	<i>Presentation of the Uniform Act relating to Mediation</i> , Dr. Karel Osiris DOGUE , Director of Studies at ERSUMA
11:00a.m.-11:15 am	<i>GICAM Arbitration and mediation</i> , Marie-Andrée NGWE , President of the CMAG Arbitration Committee
11:15 a.m.-11 :30a.m.	<i>CAMC-O Arbitration and Mediation</i> , Bintou BOLI DJIBO , Permanent Secretary of CAMC-O
11:30 a.m.-11:45a.m.	<i>View from the African Arbitration Association (AfAA) on the perspectives of arbitration and mediation in Africa</i> , ODJO BAYO , President of the AfAA
11:45 a.m.-12 :00p.m.	<i>Perception of African arbitration by an African lawyer residing outside Africa</i> , Sally EL SAWAH , Lawyer at the Paris Bar, Deputy Secretary General of the AfAA
12:00p.m.-12:15 p.m.	<i>CADEV Arbitration</i> , Sadjo OUSMANOU , President of the CPAM-CADEV Management Committee
12:15p.m.-12:30 p.m.	<i>The perception of African arbitration and mediation by the Nigerian Institute of Chartered Arbitrators (NICArb)</i> by Shola OSHODI-JOHN
12 :30p.m.-12.45p.m.	<i>CRCICA Arbitration</i> , Ismail SELIM , Director of the CRCICA

	(Cairo-Egypt)
12:45p.m.-13:00p.m.	Questions-Answers
01:00p.m.-02:00p.m.	BREAK
THE EXPERIENCE OF NON-AFRICAN ARBITRATION AND MEDIATION INSTITUTIONS	
	Phase 2: Best practices in institutional arbitration Under the chairmanship of Dominique HASCHER , Advisor to the French Court of Cassation 02:00 p.m. - 04:00 p.m.
02:00 p.m-02:15p.m	<i>UNCITRAL and the improvement of the investor-state arbitration system</i> , David NIKOLAUS PROBST , Associate Expert in International Trade Law, UNCITRAL Secretariat
02:15 p.m.- 02:30p.m.	<i>ICSID Arbitration and / or Mediation</i> , FRAUKE NITSCHKE , Senior Counsel at ICSID
02:30p.m – 02 :45p.m	<i>ICC Arbitration and / or Mediation</i> , Diamana DIAWARA , Africa Director of the ICC Dispute Resolution System, ICC International Court of Arbitration
02:45 p.m.-03:00 p.m.	<i>Arbitration and / or mediation CPA</i> , Andréa LAPUNZINA VERONELLI , Legal Advisor, Representative of the Permanent Court of Arbitration in Mauritius
03:00 p.m-03:15p.m	<i>Arbitration and / or Mediation at the Vienna International Arbitration Center (VIAC)</i> by Ema POTOCHNIK of the Vienna Arbitration Center, assisted by Renault SAURIEUL , former Secretary of UNCITRAL for the Vienna Settlement.
03:15 p.m-03:30p.m	<i>Perception of ICC Arbitration seen from Africa</i> , Achille NGWANZA , Member of the ICC International Court of Arbitration.
03:30 p.m-3:45p.m	Questions - Answers
	Phase 3: Perception of arbitration and mediation in Africa by practitioners Under the chairmanship of Dr. Edouard KITIO , Director of Research and Documentation ERSUMA 3.45 p.m. - 6.00 p.m.
3 :45 p.m. – 4 :00 p.m.	<i>The role of the state judge in the development of arbitration and mediation in Africa</i> , Dominique HASCHER , Judge at the French Court de Cassation, former President of the Société de Législation Comparée
4:00 p.m. - 4:15 p.m.	<i>Perception of Arbitration and Mediation in Africa by the African Arbitration Academy (AAA)</i> , ABAYOMI OKUBOTE , Executive Directive AAA
4:15 p.m. - 4:30 p.m.	<i>Perception of Arbitration and Mediation in Africa by SOAS</i> , Emilia ONYEMA
4:30 p.m-4:45p.m	<i>The perception of the gender issue in arbitration in Africa</i> , Sylvie BEBOHI , PhD in Law, Lawyer at the Paris and Cameroon Bars, Arbitrator
4:45 p.m. - 5:00 p.m.	<i>Perception by young arbitrators of arbitration and mediation in Africa</i> by Aurelia MAFONGO KAMGA , Lawyer at the Bars of

	Nigeria and Cameroon, former ICC-YAF Representative Africa, Middle East and Turkey.
05:00 p.m.-05:15 p.m.	Perception of arbitration and mediation in Africa by a French practitioner, Olivier CUPERLIER , Lawyer at the Paris Bar, Arbitrator and Mediator
05 :15p.m -5 :30p.m	Perception of Arbitration and Mediation in Africa by a Belgian practitioner, Jean-François TOSSENS , Associate Lawyer, Golden Tossens Gonne, Guest Lecturer at the University of Louvain, Brussels Bar.
05:30 p.m.– 05:45 p.m.	Questions - Answers
05:45 p.m. - 06:00 p.m. Special note from the General Manager of ERSUMA Closing remarks by the Secretary General of the Ministry of Justice of Cameroon END of the First Edition of the African Arbitration and Mediation Day.	

NB: The colloquium languages are both English and French, with simultaneous translation.