



Association for the Promotion of Arbitration in Africa (APAA) & the OHADA Regional School of Magistracy (ERSUMA)

AFRICAN ARBITRATION AND MEDIATION DAYS

2nd edition - 2022

Theme: SETTLEMENT OF TRADE AND INVESTMENT DISPUTES UNDER THE ACFTA

Under the sponsorship of the Ministry of Justice of the Republic of Cameroon

19 and 20 January 2023 at the MONT FEBE Hotel in Yaoundé (Cameroon) and on the ERSUMA videoconference platform

I. BACKGROUND AND RATIONALE

The African Continental Free Trade Area (ACFTA) was conceived 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.

The ACFTA is a trade area, made up of more than 1.2 billion people in the 55 member states of the African Union (AU), and is intended to become the largest single market in the world since the World Trade Organisation (WTO). It aims to ensure the free movement of goods, services, people and investments.

The ACFTA Agreement includes several protocols: the protocol on trade in goods, trade in services, rules and procedures for dispute settlement, the protocol on investment, intellectual property rights, competition policy and any other protocol deemed necessary under the Agreement.

Article 23 of the Agreement provides that the Agreement and all its protocols shall enter into force thirty (30) days after the deposit of the twenty-second (22nd) instrument of ratification. On 29 April 2019, the threshold of 22 countries ratifying the Agreement was reached. The Trade Protocol to the ACFTA Agreement thus entered into force on 1^{er} January 2021.

The effectiveness of the ACFTA will, on the one hand, contribute to the development of the African continent, but on the other hand it will also lead to trade and investment disputes.

This 2nd edition of the African Arbitration and Mediation Days, organised by APAA and ERSUMA, aims, on the one hand, to determine the disputes likely to arise from the effective creation of this large integrated African market and, on the other hand, to present the African and non-African offers for the settlement of these disputes.

II. OBJECTIVES

A. GENERAL OBJECTIVE

The overall objective of this 2nd edition of the African Arbitration and Mediation Days is to prepare Africa to deal with the settlement of trade and investment disputes that will arise from the effectiveness of the ACFTA.

B. SPECIFIC OBJECTIVES

More specifically, the 2nd edition of the African Arbitration and Mediation Days aims to:

- specify the types of disputes that may arise under the effective AFCTA;
- develop an understanding of the dispute settlement mechanisms provided for in the Dispute Settlement Protocol;
- 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, namely States, economic operators and investors.

III. TARGET PUBLIC

The 2nd edition of the African Arbitration and Mediation Days is aimed at actors involved in trade and investment deployment that will result from the effectiveness of the ACFTA as well as those who know or will be called upon to deal with the settlement of disputes resulting from the Agreement, in a direct or indirect manner. These are, in particular, the:

- executives in charge of litigation in African States and other legal persons governed by public law;
- leaders and managers of African community economic and legal integration organisations;
- magistrates, lawyers, notary public and court officers ;
- economic operators ;
- in-house counsel ;
- officials and managers of arbitration and mediation institutions;
- researchers in the field of international trade and litigation;
- students and interns in the field of international trade law and litigation.

IV. CONFERENCE LANGUAGES

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

V. ANIMATION

This 2nd edition of the African Arbitration and Mediation Days is organised by the Association for the Promotion of Arbitration in Africa (APAA) and OHADA's Regional Superior School of Magistracy (ERSUMA).

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

VI. LOCATION

The 2nd edition of the African Arbitration and Mediation Days will take place on 19 and 20 January 2023, **at the Mont FEBE Hotel** in **Yaoundé** (Cameroon) and on the ERSUMA videoconference platform.

VII. REGISTRATION

Participants must register via the ERSUMA training platform whose details are below: <https://sigweb.ersuma.org/inscription>

Registered participants will receive a notification of validation of their payment and will be invited to join the training course according to the chosen mode of participation, either in person or by videoconference.

VIII. REGISTRATION FEES

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

A. Participation Fees

❖ In person participation fee

- African practitioners: 250 000 FCFA or 382€.
- Non-African practitioners: 300 000 FCFA or 457€.
- Lawyers ≤ 5 years of practice : 130 000 FCFA or 200€
- Students: 50 000 FCFA soit 75€
- Selected students : free

❖ Participation fee by videoconference

- African participants: 100.000 FCFA or 152,45€.
- Non-African participants: 150 000 FCFA or 228.67€.
- Lawyers ≤ 5 years of practice (online or face-to-face): 65 000 FCFA or 100€.
- Students: 25 000 FCFA or 38€.
- Selected students: free

B. Payment of participation fee

These fees are to be paid either:

- directly to the APAA headquarters located in Yaoundé, BASTOS, second floor of the building housing the Consulate General of Burkina-Faso (See **Mrs. DJOMO Chantal, Administrative Assistant, tel: +237 676 89 64 37**; or, **Dr. AWA ADJIDJA, Research Officer, tel: +237 699 10 05 32**;
- for nationals of the CEMAC zone, including Cameroon, **via Orange Money to 699 10 05 32** identified by the surname and first name **ADJIDJA AWA** (shipping costs are in addition to the registration fees);
- **by Western Union** to the following address **DJOMO NJANPA Chantal**, City: Yaoundé; tel: **+237 676 89 64 37**, by latest 4 days before the conference (kindly consider adding the withdrawal charges to the registration fees);
- by bank transfer to APAA's account, domiciled at Société Générale Cameroun - central market agency in Yaoundé.

RIB: Bank Agency key account

10003 04000 16400152588 36

IBAN: CM21 1003 04000 16400152588 36

Swift code: SGCMCMCX

- by online payment on the SIGWEB [payment platform](https://sigweb.ersuma.org/paiement) of ERSUMA or copy and paste the following link into your browser to access it: <https://sigweb.ersuma.org/paiement>

SERVICES

The registration fee includes: participation in the Colloquium / reception and return (for participants not resident in Cameroon) / the coffee breaks / the 2 lunches / the documentation kit.

THE REGISTRATION FEE DOES NOT INCLUDE THE FLIGHT TICKET AND THE ACCOMMODATION. THEY ARE AT THE EXPENSE OF THE PARTICIPANTS.

RESERVATIONS

Participants can book at the following hotel where preferential rates have been negotiated by the organising committee:

HOTEL MONT FEBE

B.P. 711 Yaoundé - Cameroon

Tel: 00 (237) 222 21 40 02

When making your reservation, please specify that the said reservation relates to the 2nd edition of the African Arbitration and Mediation Days organised by APAA and ERSUMA on 19 and 20 January 2023, or call +237 696 20 58 68 and ask to speak to Ms. Maureen SENDZE of the Commercial Department.

Room types	Preferential rate
• Standard room	45 500 FCFA or 68€.
• Executive room	76,600 FCFA or 114€.
• Junior Suite	100 000 FCFA or 149€.
• Senior Suite	150 0000 FCFA (223€)

NB: a tourist tax of 4,770 FCFA (7€) is applied to all rooms.

PROVISIONAL PROGRAMME

<u>19 JANUARY 2023</u>	
09:30-10:40	<p style="text-align: center;">Protocol part</p> <ul style="list-style-type: none"> - Dr Gaston KENFACK DOUAJNI (HDR), President of the APAA - Pr Emmanuel SIBIDI DARANKOUM, Permanent Secretary of OHADA - Pr Mayatta MBAYE Ndiaye, General manager of ERSUMA - Mrs Esther NGO MOUTNGUI IKOUE, President of the CCJA - Mrs Anna JOUBIN-BRET, Secretary of UNCITRAL - Mrs BALKISSOU ALFA Hassan Sido KABO, Representative of the ACFTA Secretary General - Barrister MBAH Eric MBAH, President of the Cameroon Bar Association - Opening speech (representative of MINETAT/MINJUSTICE of Cameroon) <p>End of the protocol part and departure of the official authorities</p>
10 :40 -11 :00	<i>Coffee Break</i>
1st SESSION: LEGAL FRAMEWORK OF THE ACFTA AND TYPOLOGY OF DISPUTES UNDER THE ACFTA	
Moderator: Sylvie BEBOHI EBONGO, PhD in Law, Lawyer at the Paris and Cameroon Bars, Arbitrator	
11:00-11:20	Presentation of the ACFTA Agreement and its annexes by BALKISSOU ALFA Hassan Sido KABO , ACFTA Legal Officer, the representative of the ACFTA Secretary General
11:20-11:40	The typology of disputes under the ACFTA by Gaston KENFACK DOUAJNI , President of APAA <ul style="list-style-type: none"> - Disputes between State Parties to the ACFTA - Trade disputes - Investment disputes
11:40 - 12:00pm	Debates with the audience
1:00 - 1:50pm	<i>Lunch</i>
2nd SESSION: THE DIFFERENT WAYS OF SETTLING DISPUTES WITHIN THE FRAMEWORK OF THE ACFTA	
Moderator: Julius NKAFU, Arbitrator, mediator and Barrister Great James Chambers street, London	
1:50 - 2:50pm	<ul style="list-style-type: none"> • Consultation and Good offices by MOUGNAL SIDI, Head of Legal Affairs, MINREX, Cameroon (20 min) • Conciliation/mediation by Karel DOGUE, Director of Studies at ERSUMA (20 min) • Arbitration by Mouhamed KEBE, Managing Partner, Barrister, Geni & KEBE Lawyer, DLA Piper Africa in Senegal (20 min)

3TH SESSION : ADR TRAINING OFFERS AND CHALLENGES FOR ADR PRACTITIONERS IN THE CONTEXT OF THE EFFECTIVENESS OF THE ACFTA Moderator : Henry Desire MODI KOKO, University professor	
2 :50- 4 :40	<ul style="list-style-type: none"> • ERSUMA by • University by Alain SIMO KENMOGNE, University Professor, Associate Professor of Law, Full Professor • Barristers by MBAH Eric MBAH, President of the Cameroon Bar Association and Mouhamed KEBE • Court Bailiff by Samuel ENAME NKWANE, President of the National Chamber of Bailiffs and Enforcement Agents of Cameroon • Notaries by Régine DOOH COLLINS, President of the National Chamber of Notaries of Cameroon
4 :40 – 4 :55	<i>Coffee-Break</i>
4TH SESSION: ADAPTING YOUNG PRACTITIONERS TO THE ADVENT OF THE ACFTA Moderator: Andrée- Marie NGWE, President of the CMAG Arbitration Committee	
5:00 - 5:45pm	<p>Challenges and opportunities for young African practitioners in making the ACFTA effective</p> <ul style="list-style-type: none"> • Aurelia KAMGA, Lawyer at the Nigeria and Cameroon Bars (15 min) • Patricia SOPI KAKOU, Lawyer at Ivory Coast Bar (15 min) • AICHA Mané, Barrister, ICC YAF Representative Africa (15 mn)
5:45 – 6 :15 pm	Debates with audience (30 mn)
END OF DAY 1	
20 JANUARY 2023	
5th SESSION: THE ADAPTATION OF DIFFERENT DISPUTE SETTLEMENT OFFERS UNDER THE ACFTA	
09:30-10:30	<p style="text-align: center;">The offer of the national centres and institutions (Part I) Moderator : Regine DOOH COLLINS, President of the National Chamber of Notaries of Cameroon</p> <ul style="list-style-type: none"> - CMAG of GICAM by Andrée-Marie NGWE, President of the CMAG Arbitration Committee(15 min) - CRCICA by Ismael SELIM, Director of the CRCICA (15 min) - ICAMA by OJO BAYO, President of the ICAMA (15 min) - CIAM by Martial AKAKPO, Phd in Law, Lawyer at the TOGO Bar, Permanent Secretary of CIAM (15 min)
10 :30 – 10 :45	<i>Coffee Break</i>
10 :45 – 12 :00	<p style="text-align: center;">The offer of the national centres and institutions (Part II) Moderator : Bintou BOLI DJIBO, Arbitrator and mediator, former Permanent Secretary of CAMC-O</p> <ul style="list-style-type: none"> - KIAC by Victor MUGABE, Secretary of KIAC (15 min) - NCIA by Laurence MUIRURI, Secretary of the Management Board of NCIA (15 min) - CATO of Togo by Espoir KOMLAN ASSOGBAVI, Secretary General of the CATO - CPAM by Sadjo OUSMANOU, President of the CPAM-CADEV Management Committee - NICArb by Shola OSHODI, Nigerian Institute of Chartered Arbitrators

12:00 - 12:15	Debates with the audience (15 min)
12 :15 – 2 :10	<i>Lunch</i>
2:10 - 3:25 pm	<p>The offer of the international centres and Institutions</p> <p>Moderator : Nadia DARWAZEH, Lawyer at the Paris Bar</p> <ul style="list-style-type: none"> • OHADA by MAMADOU Kone Interim secretary general of the CCJA, (15 min) • ICSID by Ella ROSENBERG Legal Counsel ICSID (15 min) • The ICC by DIAMANA DIAWARA, Africa Director of the ICC Dispute Resolution System (15 min) • AfAA by IKPEME NKEBEM , secretary General of the AfAA (15 min) • AAA by ABAYOMI OKUBOTE, Executive director of AAA (15 min)
3:25 - 3:40pm	Debates with the audience (15 min)
6^E SESSION : STATE DEFENCE STRATEGIES AND FINANCING IN THE CONTEXT OF THE IMPLEMENTATION OF THE ACFTA Moderator : Alain SIMO KENMOGNE , University Professor, Associate Professor of Law, Full Professor	
3 :40 – 4 :40pm	<ul style="list-style-type: none"> • State defence system in the field of ADR <ul style="list-style-type: none"> ✓ a lawyer's perspective by Nadia DARWAZEH, Lawyer at the Paris Bar (20 mn) ✓ a state litigation officer's view by Placide MEVOUA, Head of Legal Affairs, Ministry of Finance, Cameroon, (20 mn) • Funding for arbitration by third-party funders by Rukia BARUTI, Phd in Law, Arbitrator, (20 mn)
4:40 - 4:55pm	<i>Coffee Break (15 mn)</i>
7th SESSION: THE COOPERATION OF THE STATE JUDGE IN THE SETTLEMENT OF DISPUTES WITHIN THE FRAMEWORK OF THE ACFTA Moderator: Gaston KENFACK DOUAJNI (HDR), President of APAA	
4:55 - 5:55pm	<ul style="list-style-type: none"> • The cooperation of the state judge in arbitration and mediation by François MBONO, President of the Court of Appeal West-Cameroon (15 mn) • Current trends in the OHADA national courts in reviewing arbitral awards by Sylvie BEBOHI EBONGO, PhD in Law, Lawyer at the Paris and Cameroon Bars (15 mn), • comparative law aspects: judicial control, international public order, economic sanctions <ul style="list-style-type: none"> ✓ the control, in french law, of the respect of the international public order by the arbitrator by Philippe LEBOULANGER, PhD in Law, Lawyer at the Paris and Athens Bars (15 mn) ✓ economic sanctions, embargoes and arbitration by Mathias AUDIT, Law Professor at the Sorbonne School of Law (University of Paris 1) (15 mn)
6:00 – 6:20 pm	Debates with the audience (20 min)
6:20 – 7:00 pm	Summary report by Mathias AUDIT , Law Professor at the Sorbonne School of Law (University of Paris 1)
	Family photo
END OF THE COLLOQUIUM	

