



THE CHALLENGES OF INTRA-AFRICAN DISPUTE RESOLUTION WITHIN THE AfCFTA

17 JUNE 2021 | 14.00 – 17.00 (GMT + 2 hours)

Registration: https://zoom.us/webinar/register/WN_0VBmjUnEQsmOxKZT4Sug3g
(The conference will be held primarily in French.)

The African Continental Free Trade Area (AfCFTA) is one of the major pillars of the African Union's Agenda 2063. Approved by 44 countries at the 18th Extraordinary Session of the African Union Summit held in Kigali in 2018, this initiative, crucial for African regional integration and the Continent's socio-economic development, will enable 1.2 billion people to access this market, amounting to a global estimated GDP of about USD 3 trillion.

The Agreement provides for a Dispute Settlement Mechanism (DSM) for the settlement of disputes between AfCFTA States Parties, which is central to ensuring the security and predictability of the African regional trading system, preserving the rights and obligations of States Parties, and clarifying existing AfCFTA provisions in accordance with customary rules of interpretation of public international law. Given the novelty of the continental free trade agreement, a number of issues arise related to dispute settlement and arbitration.

14.00 - INTRODUCTORY REMARKS: Wamkele Mene, Secretary-General of the AfCFTA

14.15 - INTER-STATE DISPUTES WITHIN THE AfCFTA

Moderator: **Hugues Kenfack**, University Professor, President of Toulouse-Capitole University

- The scope of African inter-state economic disputes - **Walid Ben Hamida**, Professor at the University of Evry Val d'Essonne
- The AfCFTA Dispute Settlement Mechanism (DSM) - **Isabelle Rouche**, Partner, admitted to the Paris Bar, Asafo & Co. law firm.
- Inter-State and Investor-State Litigation - Origin, developments and reforms of the ICSID system - **Aïssatou Diop**, Legal Counsel at ICSID

15.30 – TRADE DISPUTES WITHIN THE AfCFTA

Moderator: **Pr Jean-François Akandji-Kombé**. Professor at the Sorbonne Law School, University of Paris 1

- The current situation and challenges of implementing the AfCFTA - **Prudence Sebahizi**, Technical Advisor and Head of the FTAA in the Department of Trade and Industry of the African Union Commission
- Will the AfCFTA be a game-changer for intra-African investment arbitration? - **Professor Emmanuel Sibidi Darankoum**, Permanent Secretary of OHADA
- The current challenges of resolving intra-African disputes between private parties - **Narcisse Aka**, Secretary General of the Common Court of Justice and Arbitration (CCJA)

16.45 – CLOSING REMARKS: Mamadou I. Konaté, Lawyer and Former Minister of Justice of Mali



Emmanuel S. Darankoum, Permanent Secretary of OHADA, is an associate professor at the Faculty of Law of the University of Montreal. He is a Senior Researcher at the Center for International Business and Trade Law (CDACI) and holds a post-graduate degree in fundamental private law from the University of Strasbourg. A graduate of the International Faculty of Comparative Law, he also holds a D.E.C.L. and LLB (Common Law, New Brunswick). Senior researcher at the Business Law and International Trade Centre (CDACI), he holds a D. E.A. in fundamental private law (Strasbourg University). He is also a graduate from the International Faculty of Comparative Law, and holds a D.E.C.L. and LLB (Common Law, New Brunswick)



Isabelle Rouche specialises in international litigation, particularly those involving States and parastatal entities. She assists public and private entities before national and international arbitral tribunals in all types of pre-litigation and litigation involving international issues. She has specific expertise in public international law, and in particular in the delimitation of maritime and land borders, State action at sea and the management of resources under national and international jurisdiction. She also assists States in the drafting, filing and defence of submissions for delineation of the continental shelf before the Commission on the Limits of the Continental Shelf (New York). Isabelle is the Secretary General of the African Society of International Law (SADI).



Mamadou Ismaël Konate is an Attorney at Law, arbitrator and former Malian Minister of Justice. He started his career at PricewaterhouseCoopers before creating his own firm in Bamako, Jurifis Consult, in 1998. He advises on the structuring of investments between multinationals and States. He has also built a strong practice advising on crisis prevention and management, particularly in the context of large investment projects in the natural resources and energy sectors in Africa. He is involved in OHADA law and has published communications on the matter. Konate's practice focuses on international trade and investment arbitration where he regularly acts as counsel in disputes arising under all major rules (in particular ICC, LCIA, ICSID, Swiss Rules, UNCITRAL) as well as in ad hoc proceedings. Konaté has also served as an arbitrator on several occasions.



Aïssatou Diop is Legal Counsel on one of the Case Management Teams. Ms. Diop joined ICSID in September 2008. Prior to joining ICSID, she worked as an attorney with the law firm of Sidley Austin LLP (2006–2008). Ms. Diop holds degrees from Northwestern University (J.D.), Yale University (M.A.) and Jamestown College (B.A.). She is admitted to practice law in the State of Illinois and the District of Columbia. She speaks English, French and Wolof.



Hugues KENFACK is a professor of international law and Honorary Dean of this Faculty. His areas of expertise are arbitration, mediation, contract law, business law and international trade law. He is the author of several articles and books in these fields. His book "Droit du Commerce" published in 2002, has been republished several times, the last time being in 2015 (new edition to be published in 2017). Another of his books, "Commercial Law", the third edition of which dates from 2011 and was republished in 2015. Hugues Kenfack has been a visiting professor in universities in the United States, China, Belgium, Poland, Lebanon, Morocco, Tunisia and Cameroon. He is a member of several professional organizations including the French Arbitration Committee and the French Committee of Private International Law. In his academic activities, Hugues Kenfack is also an arbitrator and mediator.



Jean-François Akandji-Kombé, Aggregate Professor of public law at Sorbonne Law School (University Paris 1 Panthéon-Sorbonne). Former dean of the Law School at Caen university, he is a Specialist in international social Law, international human rights, Business law, International Contract Law, business and human rights as well as sustainable development. Jean Francois has written on a wide range of topics in these areas and edited a series of books. He is a regular speaker at conferences and participates in many seminars in universities, both in France and abroad. He regularly acts as a consultant on investment law for a number of EU based international consulting companies with a focus on major projects in Africa.



Dr. Walid BEN HAMIDA is a professor at the University of Paris-Saclay. He is the author of a doctoral thesis on arbitration presented at the University of Paris II. He has taught investment law, international trade law, business law, litigation and arbitration law in some fifty countries, and has published more than 80 articles, books and legal contributions in three languages (French, Arabic and English). Dr. BEN HAMIDA has been involved in over thirty arbitration cases (investment and commercial) as counsel, lawyer, expert, chairman of an arbitral tribunal, sole arbitrator and co-arbitrator, in particular in ICSID, ICC, PCA, CCJA (OHADA) and UNCITRAL tribunals. He was a member of the Court of Arbitration of the International Chamber of Commerce, the highest body that supervises and controls ICC arbitration proceedings, for 6 years.



Narcisse Aka, Secretary General of the Arbitration Center of the CCJA-OHADA

- *Vice President of the Association of African Arbitration and Mediation Centers (ACAM)*
- *Member of the Board of the African Arbitration Association (AFAA)*
- *Honorary President of the Institute of Community Law (IDC)*

Former Magistrate then Lawyer, he was the first Secretary General of the Court Arbitration Court of Côte d'Ivoire (CACI) from November 1996 to February 2004. He has participated in various arbitration proceedings as co-arbitrator and President of arbitral tribunals. He is a trainer in Alternative Dispute Resolution law at Institute Sofreco Perspective (Paris-Clichy), at the Mediation and Arbitration and Arbitration Center of Paris (CMAP), at the Regional Superior School of Magistracy of OHADA (ERSUMA), and in various public and private Universities in the OHADA zone. He is co-author of a book on Mediation and Arbitration in Africa (with Alain FENEON and Jean Marie TCHAKOUA) and the CCJA- OHADA arbitration guide.OHADA.



Prudence SEBAHIZI is the Chief Technical Advisor on the Continental Free Trade Area (CFTA) and Head of the AfCFTA Unit, Department of Trade and Industry, African Union Commission, since August 2016. He provides technical and Strategic advice to the negotiators as well as to the Commissioner for Trade and Industry, on the AfCFTA Negotiations. He's the overall coordinator of AfCFTA negotiations and coordinates a team of senior experts and advisors on various issues under negotiations. Prior to his appointment to this position, he led a team of experts who provided technical assistance and strategic guidance to strengthen the capacity of the African Union Commission (AUC), Department of Trade and Industry (DTI) to more effectively drive the AfCFTA preparatory process since 2015 He worked for 2 years with Civil Society Organizations and worked for more than 10 years in the areas of International Trade and Regional Integration with the Government of Rwanda. He was at the center of Rwanda's accession to the East African Community (EAC) and Rwanda's Chief Negotiator to the negotiations of the EAC Common Market Protocol. He advised government of Rwanda on Regional Integration while working with the Ministry of Trade and Industry, and Ministry of Foreign Affairs and Cooperation respectively. In March 2010, he was a member of the team of Experts appointed by EAC Summit to advise Heads of State on the way forward for EAC Political Integration. Prudence SEBAHIZI holds a Master's Degree in International Development Policy from Seoul National University, South Korea. Prudence has published various articles related to Regional Integration, International Trade and Global Development. He is the founder and CEO of the Centre for Trade and Development (CTD – Rwanda).