

International Arbitration in Africa: The OHADA Model

MAY 14, 2015

Winston & Strawn's New York office presented an overview of the OHADA system and the practicalities of arbitration in Africa by means of comparison with other significant arbitration rules such as the ICC and the LCIA arbitration rules on Thursday, May 14, 2015.

Africa is a tremendous growth area for international business and arbitration. According to the International Monetary Fund, four of the six fastest growing economies in the world in 2014 are in Sub-Saharan Africa. Foreign direct investment has increased dramatically, from US \$11 billion in 2002 to over US \$56.3 billion in 2013. Africa's plentiful natural resources, agriculture, and services are driving growth.

Doing business in Africa means understanding the OHADA Model. OHADA is the French acronym for the Organisation for the Harmonisation of Business Law in Africa (l'Organisation pour l'Harmonisation en Afrique du Droit des Affaires). The OHADA Treaty, signed on 17 October 1993 in Port Louis, Mauritius, provides for a harmonised system of business laws and implementing institutions adopted by 17 West and Central African nations.

The OHADA States adopted a Uniform Act on Arbitration (the Uniform Act) on 11 March 1999. The Uniform Act adopts some of the features of the UNCITRAL Model Law and supersedes the national laws on arbitration of the OHADA Member States. It sets out the basic rules applicable to any arbitration seated in an OHADA Member State.

Dina Mayifulla Nady, president and founder of the Foundation for a Unified Business Law in Africa (FUBLA), provided an introduction. Winston & Strawn partner Aldo Badini served as moderator. Panelists included Benoit LeBars, co-founder and managing partner of Lazareff Le Bars, Sophie Nappert, arbitrator, and Marek Krasula, deputy counsel of the International Chamber of Commerce (ICC) International Court of Arbitration® SICANA Inc.

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Aldo A. Badini