

Paris Arbitration Week 2022

# Arbitration in Western and Northern Africa: institutional perspectives and legal developments

30 March 2022



## Guillaume Aréou

### Associate

Guillaume is an associate in the Shipping and Transportation Group, advising clients on International Arbitration matters, with a particular focus on Africa. Guillaume holds a Ph.D. in International Investment Law from the University of Nice Côte d'Azur.

As part of the International Arbitration team, Guillaume's practice consists of advising clients on disputes that arise under non-performance of complex infrastructure contracts. He represents both investors and States alike in arbitration proceedings under a variety of arbitration rules, spanning various industry sectors (for example the construction and food industries).

In addition, Guillaume is co-founder of AfricArb, an association dedicated to the promotion and development of arbitration in Africa. He regularly publishes and speaks at conferences on issues of international arbitration.

### Professional and Community Affiliations

- Société française pour le droit international (SFDI)
- AfricArb, co-founder
- October 2018, Member of the thesis jury of Mr Papa Abdoulaye Diop
- "La protection internationale des investissements étrangers en Afrique de l'Ouest: espace CEDEAO (Communauté Economique Etats d'Afrique de l'Ouest)", membre du jury de thèse de Papa Abdoulaye Diop, Université Nice Côte d'Azur



#### Paris

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#### Education

Marseille Bar School, 2011, CAPA

University of Nice-Sophia Antipolis, 2009, Ph.D., Law, International Investment Law

University of Paris II Panthéon-Assas, 2004, DEA de droit international (LLM equivalent), French International Law

Oxford Brookes University, 2002, Diploma in Advanced Study

#### Professional Admissions

Paris

# Dr. Affef Ben Mansour

## French-Tunisian

Dr. Ben Mansour's practice focuses on Public international Law, European Law, Investment and Commercial Arbitration.

She has been involved in many complex arbitration cases in Europe, Middle-East, Africa and Asia.

Her industry's experience includes *inter alia* construction, distribution, oil and gas, mining, medical products, post M&A and telecommunications disputes.

She advises clients at all stages of the arbitral process, from providing strategic and pre-contentious advices, to making applications for urgent or interim relief, the conduct of arbitral proceedings under a variety of rules (e.g. ICSID, UNCITRAL, ICC, SCC, OHADA), and of post-award proceedings.

Dr. Ben Mansour sits also as arbitrator and is a member of the ICC International Court of Arbitration (Tunisia) since July 2018. She is often appointed as reporter on arbitration awards during the ICC Court sessions.

She is also enlisted in the panel of arbitrators of numerous arbitration centers: the Asian International Arbitration Centre, the CRCICA, the Tashkent International Arbitration Centre (TIAC), Delos Dispute Resolution, the Vienna International Arbitration Centre (VIAC), the Comité français de l'arbitrage and the OHADA, the ICDR and the Shenzhen Court of International Arbitration.

Prior to practicing as an independent counsel and arbitrator, she spent several years within the international arbitration department of a major international law firm in Paris.

She has also been a teaching researcher at Paris Ovest Nanterre La Defense University, where she completed a Doctorate in Public International Law, with honors in 2009. In 2014, she was admitted by the French National Council of Universities (Conseil National des Universités) as qualified for the position of Adjunct Professor.

Dr. Ben Mansour continues her research and teaching activities as an Associate Researcher of the CEDIN (Public International Law Center of Paris Ovest Nanterre La Defense University) and a member of the French Society of International Law and the French Branch of the International Law Association. She published her thesis on *The Implementation of International Judgments and Awards of International Tribunals* in 2011. She also regularly publishes on Public International Law, European law and gives lectures on various topics related to public international law, European law and international arbitration.

Dr. Ben Mansour has been appointed member of the ICC Task Force "Addressing Issues of Corruption in International Arbitration."

Dr. Ben Mansour is a member of the French Society of International Law and of the French Branch of the International Law Association. She is also an ArbitralWomen Board director since June 2018. She represents regularly ArbitralWomen at the sessions of the UNCITRAL Working Group III on ISDS reform.

Her working languages are French (native), Arabic and English. She also reads and understands documents in Spanish, Italian and German.



# Bintou Boli

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## **SUMMARY CURRICULUM VITAE**

### **Business Lawyer**

I: Professional Experiences:

From April 2005:

- ✓ Permanent Secretary at the arbiter and mediation center and the conciliation of Ouagadougou. ( CAMCO),
- ✓ President of the Association of African Centers of arbiters and Mediation.(ACAM),
- ✓ President of the Association of Train of MARL.
- ✓ An expert in training of Law of arbitration and Mediation of OHADA( Organization for the harmonization of business law in Africa),

De September 1992 to January 2002: Constitution Judge a Supreme court of Burkina Faso.

### **Trainings**

2012- 2013: Attestation of Trainers in law at OHADA, at the Regional Higher Magistrate School (RHMS).

April 2008: Certificate of Mediator at the Institute of Mediation and Arbitrage of Quebec-  
University of Sherbrooke.

2005- 2009: DESS, option, International Business Law, at the Institute of Professionalization of Management (IPM);

2002- 2004: DESS, option, International Commercial Law, at the higher Juridical Commercial Studies, (HEC/DAKAR):

### **Special Interests**

#### **Publications:**

- ✓ Member of the committee of Experts responsible to validate the pre-selected projects Acts of conformity of OHADA, relative to Arbitrage and Mediation, and of the pre- selected reglement of arbitration of the mediation of the CCJA.
- ✓ Member of the committee of Experts responsible of elaboration of the pre-selected project of the law bearing the modalities of intervention of the etatic jurisdictions in matters arbitration in Burkina Faso;
- ✓ Member of the committee of responsible of elaboration of the pre-selected project of the law bearing the civil and commercial mediation of Burkina Faso.
- ✓ The Theme of my Thesis based on: "Organization and function the Arbitrage Centers in the OHADA environment".
- ✓ Guide and the formulas of the arbitration of the mediation centers ( CAMC-O) and the court of arbitration of Togo (CATO);
- ✓ The Financial strategic development plan of the arbitration and the mediation centers of Congo (CEMACO) and the conciliation center of arbitration of Mali. ( CECAM);
- ✓ Expert of proof reading of the texts of owners of mediation and arbitration centers, of Congo (CEMACO/ BRAZZAVILLE and CEMACO/ POINTE NOIRE): Status of payments of arbitration and mediation.
- ✓ Participation of elaboration on pertinence and feasibility extension of Business Law of OHADA to the mediation which comes from the study of the report and the improvement, integration of the mediation in the juridical processes of the law of OHADA.

- ✓ Participation of the re- reading of the new Burkinabe code of work.
- ✓ Participation of the re-reading of the civil procedure code for the creation funds of sequester in Burkina Faso.
- ✓ Participation of writing of the investor's guide under the American department of commercial law.

**Accompanied Institutions or centers of arbitration and mediation:**

- ✓ Common court of justice for arbitration ( CCJA),
- ✓ Conciliation center of arbitration of Mali (CECAM),
- ✓ Conciliation center of arbitration and mediation of Benin (CAMEC),
- ✓ Mediation and arbitration center of Niamey ( CEMAN),
- ✓ Court of arbitration of Togo (CATO),
- ✓ Mediation and arbitration center of Congo (CEMACO),
- ✓ Arbitration and mediation center of Congo (CENACOM),
- ✓ Court of arbitration of Ivory Coast (CACI),
- ✓ Arbitration and mediation center of Madagascar (CAMM/ New),
- ✓ Arbitration and conciliation center of Burundi (CEBAC),
- ✓ International mediation and arbitration center of Mauritania (CIMAM).

**Honorable Distinctions**

National order chevalier (December 2000) Officer of National Order (December 2009)

Attestation of acknowledgement for the promotion of law in OHADA, descended by the circle of OHADA in Burkina (April 2013).

# Diamana Diawara

## **Africa Director Arbitration and ADR, ICC International Court of Arbitration, Paris**

(Malian/French)

is the Director of the International Court of Arbitration of the International Chamber of Commerce (ICC Court) for Dispute Resolution Services in Africa. She was previously a Counsel at the Secretariat of the ICC Court for 5 years. She gained expertise in arbitration by leading the administration of hundreds of arbitral procedures, in the case management team in charge of disputes in the Middle East, Africa and Francophone Europe. Prior to joining the ICC Court, Diamana has been trained in the Arbitration Department of the Paris office of the law firm Dentons. Diamana also acts as a Lecturer in the Diplome Universitaire in Domestic and International Arbitration of Montpellier University.

She is a member of several professional networks. In particular, she is the head of the ICC Young Arbitrators Forum (YAF) Africa Chapter, a member of the OHADA group of the Comité français de l'arbitrage, a former member of the IBA Arb40 Steering Committee and a founding member of AfricArb.

She holds master degrees in international business law from Paris 1 and Paris Nanterre Universities and is a graduate from the LLM Program of Golden Gate University San Francisco, California.



# Clément Fouchard

## Partner

Clément specialises in international commercial and investment arbitration.

Clément has thirteen years' experience advising on major litigation and arbitration proceedings.

He has regularly acted for French and international clients in arbitrations seated across the globe and has particular experience in complex disputes in the construction, energy and infrastructure, mining, defence and distribution sector, as well as considerable experience with joint ventures and post-acquisition disputes.

In addition to his experience as counsel, Clément also acts as an arbitrator in domestic and international arbitrations (ICC).

Clément is a member of the Paris Arbitration Week Organizing Committee, a member of the Board of the **Comité Français de l'Arbitrage** (CFA) and a founding member of AfricArb. He is the former co-chair of the CFA-40, ICC YAF Representative for France, Belgium and Luxembourg and member of the Working Group on Arbitration of the Conseil National des Barreaux.

Clément lectures on international arbitration at Science Po Law School (LLM in Transnational Arbitration and Dispute Settlement), at the EDHEC business school, and at the ELSA Athens Summer School on International Investment Law. He regularly publishes articles in law journals (including the *Revue de l'arbitrage*) and speaks at international conferences on matters of arbitration law.

He is recommended by *Who's Who Legal* as a "National Leader – France – Arbitration 2020" and as "Future Leaders – Partner – Arbitration 2020" stating that "*Clément Fouchard is one of the top French Future Leaders in our research and a "very skilled lawyer with a diversity of skills". He has "extensive experience in arbitration and disputes involving African parties" and is a "true team leader"*"

## Honors and Awards

- Ranked in the Global Guide, *Who's Who Legal: Arbitration 2021*
- Recognized in *Who's Who Legal* as "Future Leaders – Partner – Arbitration 2020"
  - "*Clément Fouchard is one of the top French Future Leaders in our research and a "very skilled lawyer with a diversity of skills". He has "extensive experience in arbitration and disputes involving African parties" and is a "true team leader"*". Recognized in *Who's Who Legal* as a "National Leader – France – Arbitration 2020"
- Recognised in *Who's Who Legal*, "Future Leaders - Arbitration 2019" – ranked among the 10 Most Highly Regarded Non-Partners in Europe (4th)



## Paris

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## Education

University of Paris II Panthéon-Assas, 2006, Master II

University of Paris II Panthéon-Assas, 2005, DEA

Queen Mary, University of London, 2004, LL.M.

Ecole Normale Supérieure

## Professional Admissions

Paris

- *“Clement Fouchard is “a rising star” who “is really making a name for himself” according to respondents. They add, “He always delivers very high-quality work.”*Recognised in *Who’s Who Legal*, “France 2019”
- Recognised in *Who’s Who Legal*, “Arbitration 2019”
- Recognised in *Who’s Who Legal*, “Future Leaders - Arbitration 2018” – ranked among the 10 Most Highly Regarded Non-Partners in Europe (9th)
  - *“Clément Fouchard impresses peers with his “excellent engagement with the tribunal and excellent presentation of the case”.*Recognised in *Who’s Who Legal*, “Future Leaders - Arbitration 2017”
  - *“Clement Fouchard impresses with his “quick understanding of complex technical and legal issues and incisive presentation skills, combined with a very international outlook”.*

### **Professional and Community Affiliations**

- Appointed treasurer of the Paris Arbitration Week (PAW) Organizing Committee
- Arbitrator, The Annual Willem C. Vis International Commercial Arbitration Moot, (2015, 2016)
- Arbitrator, numerous pre-moots for The Annual Willem C. Vis International Commercial Arbitration Moot, (since 2015)
- Coach, EDHEC team participating to the Concours d'Arbitrage International de Paris (2018) (semi-final)

# Athina Fouchard Papaefstratiou

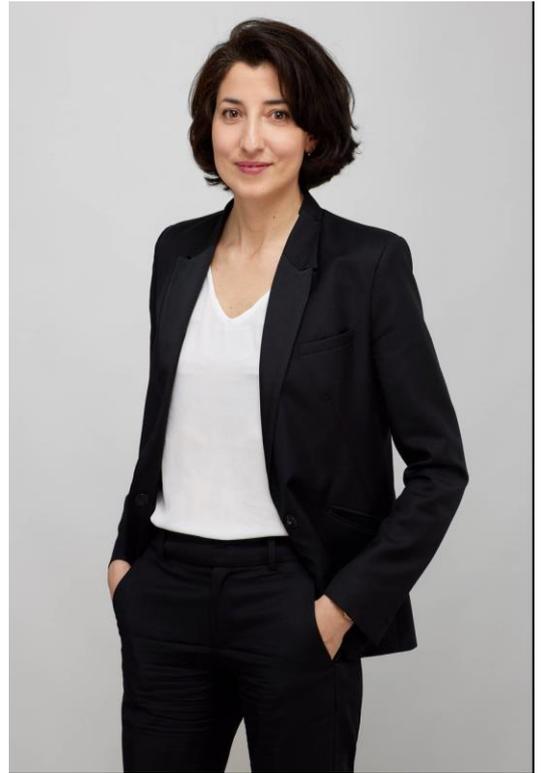
Athina Fouchard Papaefstratiou is an independent arbitrator based in Paris.

She has worked for 15 years in two of the most renown international arbitration groups globally and in an arbitration boutique specialised in Africa-related arbitration before establishing her own practice in 2022, focusing mainly on missions as arbitrator.

Athina Fouchard Papaefstratiou has significant experience, both as arbitrator and counsel, in Africa-related arbitration, as well as in arbitration involving States and State entities. Her sector focus is on telecommunications, construction, energy and corporate disputes. Her experience includes arbitrations under the ICC, ICSID, UNCITRAL, PCA, LCIA, ACIC and CCJA arbitration rules.

She is listed as arbitrator in the major arbitration institutions in the world, and she publishes, teaches and speaks in conferences on issues of arbitration, international law and contract law. She is a founding member (and former co-head) of AfricArb, a member of the ICC Commission on Arbitration and ADR and a Board member of the Arbitration Committee of ICC Greece. She is a CIARB Fellow and a member of the Executive Committee of the CIARB European Branch.

She is a Greek citizen, registered with the Bar in Paris and in Athens, and works in English, French and Greek. She also has a good knowledge of Spanish.



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Athina Fouchard Papaefstratiou est une arbitre indépendante, basée à Paris.

Elle a travaillé pendant 15 ans au sein de deux équipes d'arbitrage international parmi les plus renommées mondialement et dans une boutique d'arbitrage spécialisée dans les litiges ayant un lien avec l'Afrique, avant de créer son cabinet en 2022, se concentrant principalement sur des missions en tant qu'arbitre.

Athina Fouchard Papaefstratiou a une expérience significative en matière d'arbitrage lié au continent africain, ainsi que d'arbitrage impliquant des Etats ou des entités étatiques. Elle intervient plus particulièrement dans les secteurs de télécommunications, de la construction, de l'énergie, et en matière de litiges entre actionnaires. Elle a participé à des procédures arbitrales ad hoc (CNUDCI) et institutionnelles sous l'égide de la CCI, du CIRDI, de la CPA, de la CAIL, de l'ACIC et de la CCJA.

Elle est inscrite comme arbitre auprès des principales institutions d'arbitrage, elle publie dans des revues d'arbitrage, enseigne le droit de l'arbitrage et intervient régulièrement dans des conférences en matière d'arbitrage, de droit international et de droit des contrats. Elle est membre fondateur (anciennement co-présidente) d'AfricArb, membre de la Commission Arbitrage et ADR de la CCI, et membre du comité exécutif du groupe arbitrage de la CCI Grèce. Elle est Fellow de CIARB et membre du comité exécutif de la CIARB European Branch.

De nationalité grecque, elle est avocate aux Barreau de Paris et d'Athènes. Elle travaille en anglais, français et grec.

# Oluwatosin Lewis

Oluwatosin Lewis is the Executive Secretary of the Lagos Court of Arbitration, International Centre for Arbitration & ADR, Lagos Nigeria.

Tosin was called to the Nigerian Bar in 1992 and is a Notary Public of Nigeria. She has postgraduate diplomas in international law and business and maritime law from the London Guildhall University and the College of Law UK. She is a Fellow of the Chartered Institute of Arbitrators UK, an Accredited Mediator, a member of the Nigerian Bar Association, the Lagos Court of Arbitration, the African Arbitration Association, the Mediation and Conciliation Network (MCN GLOBAL) and the Attorney - Mediators Association. She is on the Neutrals Panel at the Mediation and Conciliation Network and the Federal High Court Alternative Dispute Resolution Center.



# Tolu Obamuroh

Associate, Paris

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Tolu Obamuroh is an Associate in the International Arbitration Group in Paris. His practice includes international commercial and investment arbitration.

Prior to joining White & Case, Tolu was the Associate General Counsel of the Lagos Court of Arbitration, where he was responsible for case management and dispute resolution of the Court. He has also worked in a commercial firm in Nigeria, during which time he was involved in high profile transactions in Nigeria.

Tolu was recently co-chair of Young ICCA (International Council for Commercial Arbitration). He was named in the Rising Stars Category (40 under 40) of the Nigerian Legal Awards in 2016 and 2018, and a recipient of the Africa's 50 Most Promising Young Arbitration Practitioners 2020 Award by the Association of Young Arbitrators (AYA Africa).

## **Bars and Courts**

Nigeria Bar

## **Education**

LLM Columbia Law School

BL Nigerian Law School

LLB Obafemi Awolowo University

## **Languages**

English



# Dr. Mohamed Sameh Amr

## **Prof. Dr. Mohamed Sameh Amr**

Chair of International Law Dept., Cairo University

Dr. Mohamed Sameh Amr is Professor and Chair of the International Law Department at Cairo University; Founding and Managing Partner of Amr & Partners Law Firm, visiting Professor in Sciences Po (France) and University of Verona (Italy), member of the board of trustees of CRCICA, member of Qatar International Centre for Conciliation and Arbitration, member of Shanghai International Arbitration Center, member of Singapore Institute of Arbitrators, member of Kuala Lumpur Regional Centre for Arbitration. He is also member of ICC Institute and member of ICSID's panel of Arbitrators and Conciliators since 2017. Dr. Amr is a Board member of General Authority of Investment and Free Zones of Egypt.

Dr. Amr served as a co-arbitrator, presiding arbitrator, legal expert and counsel in a number of international commercial arbitrations under the rules of ADCCAC, CRCICA, DIAC, DIFC-LCIA and ICC.



# Ismail Selim Dalia Hussein



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Langues

Arabe (Natif)

Anglais et Français (Courant)

Mandarin (Connaissances)

Diplômes

**Dr. Ismail Sélim est titulaire de :**

- Thèse « *L'ordre public international in favorem arbitrandum : Etude de droit Comparé* » de l'Université de Bourgogne, avec la mention « *très honorable avec les félicitations du jury à l'unanimité* », publiée aux Éditions Universitaires Européennes
- Master en Gestion Publique (MGP) de l'ENA (École Nationale d'Administration) en France
- Master en Droit International des Affaires de l'Institut de Droit des Affaires Internationales (IDAI) de l'Université Paris 1 Panthéon-Sorbonne
- Diplôme en matière d'Arbitrage Commercial International de Université Queen Mary de Londres, et des accréditations de la London School of Mediation (LSE) et du Chartered Institute of Arbitrators (CIArb)

Directeur du Centre régional du Caire pour l'arbitrage commercial international (CRCICA)

Secrétaire-trésorier de la Fédération internationale des institutions d'arbitrage commercial (IFCAI)

Parcours

Dr. Selim débute sa carrière comme Procureur attaché au Cabinet du Procureur Général de la République d'Égypte, avant de devenir Juge dans les juridictions civiles et commerciales. Il quitte en 2009 la fonction judiciaire pour rejoindre le cabinet d'avocats « Zulficar & Partners Law Firm », dont il devient associé partenaire en 2013 et membre principal du département d'arbitrage. Il fonde en mai 2015, le Cabinet « Nour & Selim » en partenariat avec « Al Tamimi & Co. », l'un des principaux cabinets d'avocats au Moyen-Orient, en tant qu'associé partenaire et directeur du département contentieux de l'antenne du Caire.

En parallèle de sa carrière de juge, Dr. Selim a également opéré en tant que Conseiller juridique auprès du Centre régional du Caire pour l'arbitrage commercial international (CRCICA), jusqu'en 2007. Il devient membre du Comité consultatif du Centre en 2016, avant sa nomination au poste de Directeur en 2017. Dr. Selim est fréquemment désigné en tant qu'arbitre, et Conseil dans nombres d'affaires arbitrales menées sous l'égide du CRCICA, CCI, ADCCAC, BCDR, DIFC-LCIA, SCAI, TAS et affaires *ad hoc*, sous le règlement CNUDCI ou des droits d'arbitrage nationaux. Le spectre des affaires dans lesquelles il a opéré en tant qu'avocat ou arbitre mêle les secteurs des télécommunications, de l'énergie, de l'industrie pétrolière et gazière, la construction, le secteur des banques et finances et du tourisme, les opérations de cession, publicité, vente internationale de marchandises, et médias et divertissement, entre autres. Le Dr. Selim s'est également démarqué par ses expertises en droits égyptiens et libyens des procédures arbitrales, notamment lors de rapports commandés par des institutions étrangères, et d'expertises menées devant des cours étrangères. Il compte de nombreuses contributions scientifiques parues dans des revues de droit, d'économie et d'arbitrage, étrangères, égyptiennes et internationales et intervient régulièrement lors de colloques et conférences en droit de l'arbitrage et de l'investissement et plus généralement, en droit commercial et modes alternatifs de règlement des différends. Reconnu en 2016 comme personnalité influente du monde juridique égyptien (« *leading individual in legal 500* »), juste avant son retrait de la fonction d'avocat afin d'assurer son mandat de Directeur du CRCICA, Dr Selim est membre de nombre d'organisations et associations d'arbitrages et enseigne à l'Université de Paris 1 Panthéon-Sorbonne et son antenne au Caire depuis 2011, ainsi qu'à l'Université D'autre part, Dr. Sélim enseigne depuis 2011 le Droit International Privé à l'IDAI (antenne de l'Université Paris 1 Panthéon-Sorbonne au Caire), ainsi que l'Arbitrage et le Droit international Privé dans plusieurs universités égyptiennes.

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Our long-standing relationships, international outlook, and collaborative structure make us the go-to partner for the speedy resolution of complex disputes, transactions, and regulatory matters.

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