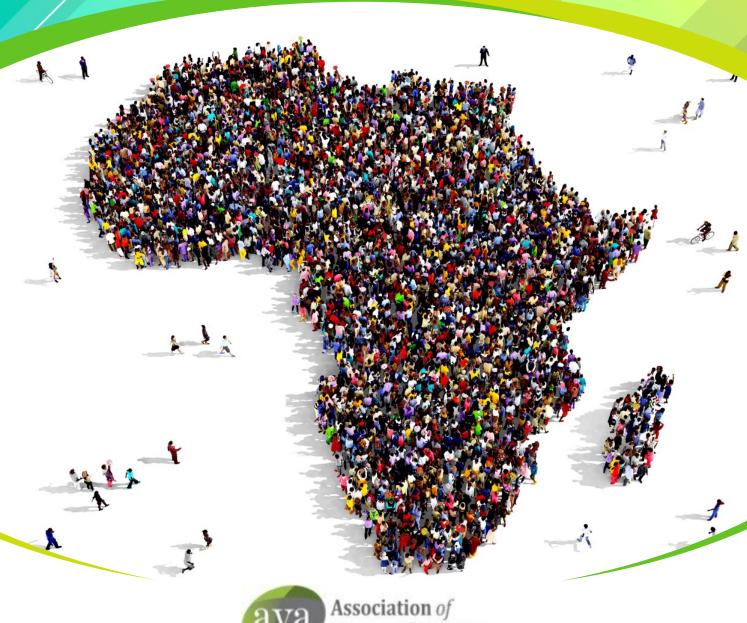


...investing in the future of Africa

#### ADVANCED COURSES FOR YOUNG AFRICAN PRACTITIONERS SPECIALIZED IN INTERNATIONAL **ARBITRATION**





### Welcome Message



It is indeed my pleasure to welcome you all to this important training by the Africa Arbitration Academy. The Academy is an initiative of the foremost young arbitration practitioners' group in Africa – the Association of Young Arbitrators (AYA). The Academy was established due to the rising demand for improved expertise and training of arbitration practitioners in Africa and to expose young practitioners to the current trends and developments in international commercial and investment treaty arbitration. The inaugural Academy programme was held in London (June 2019) and was taught by international arbitration experts (academics and practitioners), heads of arbitral institutions, in-house counsel and judges. The overall objective of the Academy is to provide the much-needed specialized training to young arbitration practitioners from Africa and to equip them with the right set of skills to succeed within the international arbitration community.

The three-week advanced courses are offered in different formats including lectures, workshops and seminars. There are also mentoring sessions where renowned arbitration experts share career tips and life experiences with participants. Participants are involved in team building exercises, networking events in law firms, and mock arbitration hearings. Through the lectures, networking receptions, and workshops, participants expand their perspectives on international arbitration and are enriched with better professional skills and knowledge. The 2019 Academy programme featured 25 participants from 13 African countries. This year's Academy programme in 2021 features 30 participants from about 18 African countries.

Having successfully completed the three-week programme, participants move into the alumni of the Academy, and it is hoped that through the alumni, a new generation of arbitration practitioners with the requisite expertise to succeed in international arbitration, will emerge.

Topics covered at the Academy include LCIA Hot Topics, Quantification of Damages, Reform of ISDS, AfCFTA and Investment Disputes, Interpretation of Treaties and Investment Arbitration, Trends in International Arbitration: Special Focus on the Prague Rules, Spotlight on Arbitration in the Oil and Gas Sector, Tax and Investment Law, Document Production in International Arbitration, Third-Party Funding in International Arbitration, Roundtable Discussion on the Commonwealth Arbitration Survey, Construction Disputes in Africa, Arbitrability in International Arbitration Cost in International Arbitration, ICSID - Past, Present and Future, Corruption in the Context of Investment Arbitration, Arbitration of Oil and Gas Disputes, Investment Protection and Environmental Disputes, (Managing Business Disputes in Africa - Arbitration Trends, Traps and Tips, Improving Treaty Protection for International Infrastructure Projects by Strategic Investment Restructuring, Claims Management under

FIDIC, Force Majeure and Treaty Arbitration: Contractors' Remedies and State Defences in Times of War, Joint Operating Agreement Disputes, and Key Consideration for the Development of International Renewables Projects.

The Academy continues to receive immense support from law firms such as Stephenson Harwood, Linklaters, Baker McKenzie, Clifford Chance, Herbert Smith Freehills, Freshfields Bruckhaus Deringer, White & Case, Hogan Lovells, WilmerHale, Pinsent Masons, Allen & Overy, LMS Legal, Sidley Auston, Covington and CMS Cameron. It has also collaborated and received support from notable institutions including the International Centre for Settlement of Investment Disputes (ICSID), African Legal Support Facility (ALSF), Hong Kong International Arbitration Centre, International Chamber of Commerce (HKIAC), Cairo Centre for International Commercial Arbitration (CRCICA), Lagos Chamber of Commerce International Arbitration Centre (LACIAC), Mauritius International Arbitration Centre (MIAC), The Arbitration Foundation of Southern Africa (AFSA), Kigali International Arbitration Centre (KIAC), Nairobi Centre for International Arbitration (NCIA), Lagos Court of Arbitration (LCA), Asian International Arbitration Centre, Africa Arbitration, AfricArb and SOAS University of London.

Since the inaugural programme in 2019, the Academy has been at the forefront of developments of interest to Africa and is always keen on leading the way to innovation and to developing the practice of international arbitration in the continent. In 2020, being concerned with the African dispute resolution landscape and consistent with its objective of being in the vanguard of policy reforms in Africa, the Academy realized that it was timely to contribute to the advancement of arbitration on the continent given the COVID-19 pandemic. In April 2020, the Academy launched the Africa Arbitration Academy Protocol on Virtual Hearings in Africa – https://www.africaarbitrationacademy.org/protocol-virtual-hearings/ The launch of the Protocol was celebrated by the International Arbitration Community and in Africa as innovative, timely and important.

Strikingly, arbitral institutions in Africa including in Lagos and Nairobi have adopted the Protocol for conducting their virtual hearings. On 6th July 2020, the Protocol featured significantly during the **Paris Arbitration Week**, and two full sessions (in English and French) were held to commend and appraise the innovative provisions of the Protocol. The Protocol continues to draw commendations from stakeholders in the arbitration community for its innovations.

The Academy is perceived as a game changer in the world of arbitration in Africa and is impacting the lives of practitioners in Africa. It was voted "Innovation of the Year" at the Africa Arbitration Awards, held in Nairobi, Kenya in August 2019. The Protocol on Virtual Hearings in Africa published by the Academy has also won several awards including the "Innovation in Arbitration Award" at the Africa Arbitration Awards and AfAA Awards 2020. It was nominated for the GAR Pandemic Response Award in 2020 – recognizing innovative arbitration initiatives established to combat the effect of the pandemic. Notably, the Protocol is the only Africa-specific resource listed by the International Council for Commercial Arbitration (ICCA) in its Resources and Information on Virtual Hearings.

**Executive Director** 

Africa Arbitration Academy

Thayomi Okubote MCIArb

# Dean of the Academy



Prof. Mohammed Abdel Wahab

Founding Partner & Head of International Arbitration
Zulficar & Partners, Cairo
Chair, Private International Law
Professor of Dispute Resolution, Cairo University, Egypt

#### Management Team



Described in the Legal 500 Africa Arbitration Powerlist 2021 as "one of the future leaders of arbitration in Africa" and considered by peers as "innovative and exceptional", Abayomi is the Managing Partner of Pensbury Attorneys & Solicitors – a boutique commercial law firm in Abuja, Nigeria. Prior to this role, he was a Senior Associate & Team Lead, International Arbitration Practice of Olaniwun Ajayi LP – one of the leading commercial law firms in Nigeria. His expertise spans the disparate yet connected fields of disputes and transaction advisory services. He has garnered over 10 years' experience by representing multinational corporations in high-profile commercial disputes and has advised government agencies on several cutting-edge projects in Africa. He has been involved, including as a counsel, in numerous ad hoc and institutional arbitrations, under the LCIA, ICC, HKIAC, UNCITRAL, CRCICA, CIArb and ICSID Rules. He has sat as an arbitrator in several domestic and international arbitrations.

He recently consulted for the Government of Sierra Leone on the review of its arbitration framework, he was engaged by The Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ) to develop capacity of SMEs in Africa, and he is leading other significant initiatives to develop the efficiency of arbitration in Africa including the Survey on Costs and Dispute Funding in Africa 2021 funded by the Africa Legal Support Facility (ALSF) and collaborative work with the International Centre for Settlement of Investment Disputes (ICSID) for General Counsel and Government Representatives in Africa.

Abayomi is a Tutor and Faculty Member at the Chartered Institute of Arbitrators Diploma Programme, Founder of the Association of Young Arbitrators (AYA), Court Member of the Lagos Chamber of Commerce International Arbitration Centre (LACIAC) Court of Arbitration, and Panel Member of the Nairobi Centre for International Arbitration (NCIA). The multiple award winner and H.R. Stuart Ryan Fellow has published several thought leadership materials and speaks regularly in international conferences. He received his education from the University College London (LLM) and Queen's University, Canada (PhD).



Femi, a Director at the Africa Arbitration Academy, is an Investment Funds Attorney at the New York office of Fried Frank LLP. He advises on the structuring and offering of private investment funds and other alternative investment vehicles. His practice focuses on all aspects of fund formation, as well as continuing funds' operations, fund investments, secondaries and other highly complex transactions.

Femi had his legal teeth cut at Olaniwun Ajayi LP, a foremost law firm in Nigeria, where he garnered significant experience in cutting edge corporate transactions and dispute resolution. He previously had a stint at a top multinational bank in New York. Femi, who is also a trained journalist, received his education from the New York University School of Law and Cambridge University.



Anita is a Corporate Counsel for MTN's operations in Nigeria, having several years of experience in legal, regulatory, and compliance services across various sectors. Anita has valuable experience working closely with government agencies, managing process improvement, and transformative change initiatives, as well as proven experience in engaging very senior government leaders to build durable relationships. She has a proven record of accomplishment in leading projects and/or commercial deals in the assigned region, division, or market. Prior to joining MTN Nigeria, Anita worked as an associate in the finance and projects team at Templars where she advised project sponsors, indigenous and international entities, as well as local and international financiers, banks, and development financial institutions on a broad range of legal and commercial issues. Her experience cuts across project and corporate finance, capital market, mergers & acquisition, and

broad aspects of corporate and commercial law.

The triple first class holder is currently the Vice President of the Association of Young Arbitrators which birthed Academy where she acts as the Director, Strategy & Resource Mobilisation. She is also a Member of the Chartered Institute of Arbitrators (CIArb) and a volunteer staff counsel at the Lagos Chamber of Commerce International Arbitration Centre, an independent full-service alternative dispute resolution centre, affiliated with the Lagos Chamber of Commerce and Industry, focused on the provision of tailored dispute management solutions. Anita also serves as the Secretary of the Law Reform Committee of the Nigerian Bar Association (Lagos Branch).

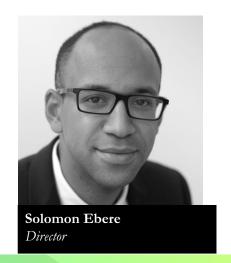


Director

Ngo-Martins is a Senior Associate in the dispute and arbitration practice group of leading Nigerian law firm, Aluko & Oyebode, with particular expertise in construction, energy and oil & gas disputes. He oversees the Firm's construction and engineering practice. He has acted as counsel or arbitrator in international arbitration proceedings conducted under the UNCITRAL and ICC Rules governed by a variety of substantive laws and seated in jurisdictions such as Nigeria, London, Zurich and Miami, Florida. He has advised and represented clients in enforcing and recognising arbitral awards before Nigerian courts. He also has experience representing clients before Dispute Adjudication Board (DAB) in complex international construction disputes under the FIDIC Suite of Contract. Additionally, Ngo-Martins has experience advising on construction and engineering contracts including FIDIC, NEC, JCT and bespoke funder's led EPC, EPCM contracts

in a variety of sectors, including oil & gas, power and general infrastructure, including leading projects in Nigeria. Ngo-Martins is active in several professional organisations and involved in wider efforts toward the development of construction law and arbitration in Africa. He is described in Legal 500 (EMEA) 2021 as '... extremely devoted to his work, very professional and diligent. He has a huge experience and approaches all issues and potential problems with enthusiasm and creativity'

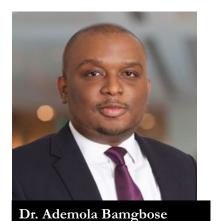
He regularly organises client engagement workshops/roundtables on Engineering Procurement and Construction (EPC) contracts, including FIDIC Suite of Contracts, in collaboration with international law firms. He is published in several peer reviewed academic journals including a recent publication in the international constructional law review and recognized as one of the 2020 Africa Rising Star by Africa Arbitration.



Solomon is a Senior Associate at Omnia Strategy, the law firm founded by Cherie Blair CBE, QC. Solomon is a New York attorney and French avocat whose practice encompasses advising sovereign States, multinational corporations and private clients on international dispute resolution and general commercial matters. Solomon is French, Nigerian and American



Kate holds an LL.B, BL and LL.M (University College London). She has training certificates in arbitration and negotiation from ICC, Paris and the Harvard Negotiating Institute, Boston. Kate is presently the Advisor, Rule of Law to the Police Programme Africa of The Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH (GIZ) where she supports the Nigerian criminal justice system.



the London office of Hogan Lovells. He is also a key member of the firm's global Africa practice, and is admitted to practice in Nigeria, England and Wales. He represents clients in high-value international arbitration disputes and advises clients on issues spanning multiple sectors and jurisdictions, especially in Africa. He has previously undertaken a commercial litigation secondment in the legal department of a top FTSE 100 company in London. Prior to joining Hogan Lovells, he spent some time at the ICC International Court of Arbitration in Paris and a top tier law firm in Lagos, where he advised on sophisticated disputes and represented clients in complex litigations at superior courts in Nigeria.

Dr. Ademola Bamgbose is an international arbitration and litigation lawyer in

Ademola has a keen interest in Africa and regularly speaks at conferences and trainings both within and outside the continent. He is widely published, with

some of his contributions featuring in widely-read platforms across the globe. His PhD thesis (completed with distinction) at the University of Warwick, United Kingdom examined the arbitration frameworks in 19 African countries. He recently consulted for an African country in relation to the revision of its arbitration framework and is presently co-leading an institutional research into the efficiency of the arbitration practice in Nigeria. Dr Bamgbose is chair of the Advisory Board of the Lagos Court of Arbitration – Young Arbitrators Network. He is also an honorary lecturer at University of Ibadan, Nigeria; has served as guest lecturer at the University of Reading, United Kingdom; and reviewer for the Commonwealth Law Bulletin. He is co-founder of Africa Arbitration; and founding director of the Africa Arbitration Academy and Africa Construction Law respectively.

Ademola was recognised and ranked by Legal 500 (2022 edition) as a rising star in international arbitration. He is also recognised by other leading directories like Chambers & Partners and Yahoo Finance/Empower, as one of the future minority leaders in Europe, United States and Canada.

# Speakers











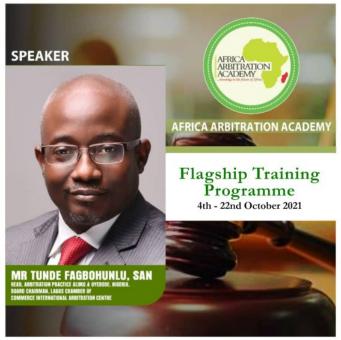


























































































































































































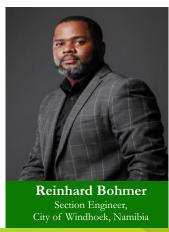




# Participants















Senior Associate, Banwo & Ighodalo, Ni















Kulaba Grace Kazinyoro Senior Legal Officer, Eastern and Southern African Trade and Development Bank, Kenya



Nourhan Beksawy Associate, Zulficar & Partners, Egypt



Traffiterra Energy Resources Ltd, Nigeria



Attorney, Segame & Partners, Professor, Faculty of Law -Ain sebaa, Casablanca, Morocco



Njagi Joy Wawira Legal Officer, China Civil Engineering Construction 'Corporation (CCECC), Kenya



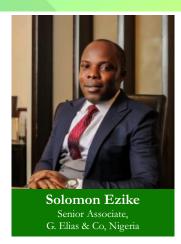
Dimetrio Manjate Partner, Filipe Sitoi Sociedade de Advogados, Lda, Mozambique



Associate, Bowmans, Uganda



Mushtaq Namdarkhan Partner, BLC Robert, Mauritius

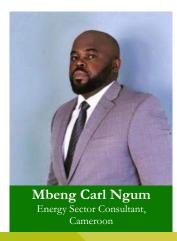




Ministerial Committee for Settlement of Investment Disputes, Cabinet of Egypt



Case Manager & Legal Researcher, Cairo Regional Centre for International Commercial Arbitration (CRCICA), Egypt



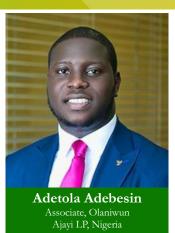


Associate, Oueslati Lawyers





Ida Djuma Partner, Rubeya & Co Advocates, Burundi



## 2021 Academy Schedule & Programme

S/N	Names of Law Firms	Topic	es	Date of Session
S/N 1.	Names of Law Firms Stephenson Harwood	Topic	Introductory Remarks – Abayomi Okubote Trends in arbitration in Africa – Kamal Shah LCIA Report – Current figures and rules A review of recent and proposed changes to arbitration policy in Africa (spotlight on Ethiopia, Tanzania and Nigeria) - Afolarin Awosika and Jide Adesokan Fire Side Chat with Prof. Dr. Jackie van Haersolte-van Hof - Director General of the LCIA Practical tips relating to BD - Charlotte Welsh, Henry Simpson and Jide Adesokan Arbitration trends in Israel/	Date of Session 04 October 2021
			Middle East and Far East Asia <b>- Christopher Bailey</b> <b>and Shai Wade</b>	
2.	Linklaters	•	First networking session MIAC arbitration and insights from the PCA - Clémence Assou	5 <sup>th</sup> October 2021
		•	Investment arbitration in Africa: trends/developments in State policy and treaty practice – Prof. Dr. Mohamed Abdel Wahab Investment arbitration in Africa: case law developments – Matthew Weineger QC	
_		•	Second Networking Session	
3.	Baker McKenzie	•	The impact of increased investment on disputes and deal structuring for investment protection - Steve Abraham, Neil Donoghue, Sally Kotb,	6 <sup>th</sup> October 2021

		<ul> <li>Compliance trends and their impact on disputes and arbitration – Darryl Bernstein, Yindi Gesinde, Wian Steyn</li> <li>Developing a case strategy to take account of geopolitical and economic factors - Judith Mulholland, Anjuli Patel</li> <li>Arbitration Quiz - Nicolas Gremminger, Lisa Reiser</li> <li>Arbitration in Kigali and under the KIAC Rules – Victor Mugabe</li> <li>How to build a successful arbitration practice - Karim Boulmelh, Kate Corby, Andrew Mackenzie, Andy Moody</li> </ul>	
4.	Clifford Chance	<ul> <li>Introduction - Audley Sheppard QC</li> <li>Arbitration in Africa for East Asian parties - Peter Harris</li> <li>Tax and investment law, with a focus on Africa - Sam Luttrell</li> <li>Break out networking sessions with the Clifford Chance team</li> <li>Arbitration in Kenya and under the Arbitration Rules of the Nairobi Centre for International Arbitration - Lawrence Muiruri Ngugi, Registrar/CEO, Nairobi Centre for International Arbitration</li> <li>Recent developments in French arbitration law with a focus on matters involving Africa-related awards - Marie-Isabelle Delleur</li> <li>Mentoring / Q&amp;A - Audley Sheppard QC</li> </ul>	7 <sup>th</sup> October 2021
5.	Herbert Smith Freehills	<ul> <li>Introduction - Nina         Bowyer, Laurence Franc-</li></ul>	8 <sup>th</sup> October 2021

		1		T
		•	Building your case –	
			strategy and presentation -	
			Andrew Cannon,	
			Laurence Franc-Menget,	
			Charlie Morgan	
		•	Mentoring Session - Meg	
			Kinnear, Craig Tevendale	
		•	Preparing for and managing	
			a hearing - Chris Parker,	
			Hannah Ambrose, Louise	
			Barber	
		•	Third-Party Funding -	
			David Dunn and Camilla	
	A11 0 0		Goodman	11th 0 + 1 2021
6.	Allen & Overy	•	Introduction to investment	11 <sup>th</sup> October 2021
			treaty arbitration -	
			Valentin Bourgeois, Jack	
			Busby, Finnuala Meaden- Torbitt	
			Africa and ISDS – An	
		_	overview of ICSID and	
			UNCITRAL reform	
			initiatives - <b>Paul-Jean Le</b>	
			Cannu, Guled Yusuf	
7.	Annual Academy Debate	•	Party-Nominated Co-	12 <sup>th</sup> October 2021
, ,	Hosted by SOAS University		Arbitrators: Yes or No? -	
	of London		Debate by <b>Prof. Gary Born</b>	
			and <b>Prof Jan Paulsson</b> –	
			hosted by <b>Prof Emilia</b>	
			Onyema	
8.	WilmerHale	•	Introductory Remarks	13 <sup>th</sup> October 2021
		•	Lecture on Discovery and	
			Document Production in	
			International Arbitration	
		•	Interactive workshop on	
			Discovery and Document	
			Production in International	
			Arbitration	
		•	Participant-led Advocacy	
			Session with Contested Document Production	
			Requests	
9.	Hogan Lovells	•	Q&A and Closing Remarks Opening Remark	14 <sup>th</sup> October 2021
) J.	110gan Lovens		Presentation on	THE OCCUPED AUG.
		•	Preliminary Hearings and	
			Preparation of a Redfern	
			Schedule – <b>Nathan Searle</b> ,	
			Ademola Bamgbose	
		•	Special Session on the	
			International Chamber of	
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			Commerce (ICC) –	
			Diamana Diawara	
		•	Case Study and Mock	
			Preliminary Hearing and	
			Debrief Session - Nathan	
			Searle, Ademola	
			Bamgbose, Jodie	
			Reindorf, Nania Owusu	
			Ankomah and Esi	
			Quagrainie	
			Question and Answer –	
			Nathan Searle	
10.	White & Case	_		15 <sup>th</sup> October 2021
10.	white & Case	•	Arbitrating Climate /	15th October 2021
			Environment Related	
			Disputes	
		•	Arbitration Funding	
		•	Enforcement of Arbitral	
			Awards -	
			Elizabeth Oger-Gross,	
			Michael Polkinghorne,	
			Robert Wheal, Haruperi	
			Memenegwi, Dipen	
			Sabharwal QC, Christophe	
			von Krause	
11.	Covington & Burling LLP	•	Introductory remarks -	18th October 2021
			Jeremy Wilson	
		•	Applications for interim	
			measures against state	
			entities including state	
			immunity considerations –	
			Jeremy Wilson, Ramon	
			Luque and Tom Cusworth	
			Emergency arbitration -	
			Greg Lascelles and Eddy	
			Eccles	
		•	Do's and don'ts of drafting	
			arbitration clauses –	
			Monique O'Donoghue and	
			Catherine Karia	
		•	Investor-state disputes:	
			Lessons learned from	
			recent cases concerning	
			Crimea - <b>Jonathan</b>	
			<b>Gimblett and Dave Pinsky</b>	
		•	Construction arbitration in	
			Africa - Nicole Duclos, Erin	
			Thomas and Leanie van	
			de Merwe	
		•	Section 1782 applications -	
			Josh Picker and	
			Kyongwha Chung	
		•	Closing Remarks and	
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		Networking - <b>Jeremy</b> <b>Wilson and Witney</b> <b>Schneidman</b>	
12.	Freshfields Bruckhaus Deringer	<ul> <li>Opening Address / Outline of structure for the day - Sylvia Noury, Stephanie Mbonu</li> <li>Investor-state arbitration - Josh Kelly, Rory McLeod</li> <li>Construction disputes in Africa - Thembela Ndawandwe</li> <li>Annulment and enforcement of arbitral awards - Veronika Timofeva, Yosr Bouassida, Yaye Diabaté</li> <li>Introduction to the Campaign for Greener Arbitrations - Stephanie Mbonu</li> <li>Arbitration under the Nigerian Petroleum Industry Act 2021 - Oladimeji Ojo</li> <li>Closing Remark - Abayomi Okubote</li> </ul>	19 <sup>th</sup> October 2021
13.	Pinsent Mason	<ul> <li>Introductions and welcome</li> <li>Managing Business         Disputes in Africa - Jean         Francois Le Gal</li> <li>Energy and Infrastructure         disputes in Africa -         Gurmukh Riyat</li> <li>The protection of         investments in Africa /         Africa Continental Free         Trade Agreement - Mike         Cottrell</li> <li>Career Q&amp;A - an         opportunity for the cohort         to ask questions of the         Pinsent Masons arbitration         practitioners</li> <li>The Belt and Road initiative</li> </ul>	20 <sup>th</sup> October 2021

	T	
		<ul> <li>Greg Jones</li> <li>Third Party Funding in         Africa – Jason Smit     </li> <li>Questions and conclusions –         Ngo-Martins Okonmah     </li> </ul>
14.	Sidley Austin	<ul> <li>Arbitration under the Arbitration Foundation of Southern Africa (AFSA) Rules and in South Africa – Prof David Butler</li> <li>Early Identification and Management of International Investment Disputes - Deepak Raju and David Roney</li> <li>Written Advocacy in International Arbitration (Presentation and Interactive Session) - Andrew Fox and Tanya Landon</li> <li>Cross-Examination in International Arbitration (Presentation and Interactive Session) - David Roney and Dorothee Schramm</li> </ul>
15.	CMS/LMS	<ul> <li>Introduction – Rob Wilson</li> <li>Setting the scene: Energy Transition - Dalia Majumder-Russell</li> <li>Contract Session 1: Force Majeure - Jeremie Witt</li> <li>DRBF Session – FIDIC DAB process – Nicolas Gould</li> <li>Contract Session 2: Delay and Variations - Sarah Mather</li> <li>Practical Workshop 1: Documentary Evidence and Disclosure - Yolanda Walker</li> <li>Practical Workshop 2: Preparation of witness statements - Eilidh Douglas</li> <li>Expert Session 2: Quantum - Matthew Finn (Ankura)</li> <li>Practical Workshop 3: Virtual v in Person hearings - Jane Fender-Allison</li> <li>Closing Remarks followed by Networking - Rob Wilson</li> </ul>

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