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THE ROLE OF OHADAC AS A REGIONAL
ARBITRATION INSTITUTION

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What is an arbitration "institution" ?

Some key tools for an effective and attractive arbitration institution to be viable in a modern dispute resolution landscape

- Modern arbitration rules
 - Modern and efficient administrative and technological facilities
 - Security and safety of documents
 - Expertise within its staff
 - Some serious degree of permanence.
- An arbitration institution is a specialised one which intervenes and takes on the role of administering the arbitration process.

What do we know about the OHADAC arbitration institution?

National or regional institution?

- OHADAC arbitration institution is expected to be launched in the coming months.
 - Most services with regional reach but not excluding disputes that are domestic or international in nature.
 - Located in Guadeloupe, FWI
 - Establish the culture of commercial and investment arbitration in the Caribbean
 - Create bridges with existing arbitration institutions and similarly related institution in the region

What make OHADAC arbitration institution attractive?

a "user-friendly" institution

- **Rules and procedures:** modern and flexible rules for the parties and the arbitrators as a means to form an effective procedure adapted for each individual case.
- **Facilities of the institution:** either a forum or any other facility for the resolution of disputes by consent of the parties.
- **Dissemination of relevant information** about the institution, as well sensitization programs in the region to introduce arbitration to businesses and in particular to leaders in micro and macro businesses.

What make OHADAC arbitration institution attractive?

- **Appointment of arbitrators:** Appointment and accreditation of arbitrators for assuring the public about the qualifications and integrity of the designated members of the arbitration panels
- **Qualified personnel to facilitate references in the institution:** The mechanisms work best when a well-resourced, neutral and credible body administers the process
- **Awareness campaign and other arbitration related services by the institution:** Promote opportunities for educating the key stakeholders of arbitration and the public in general through seminars, workshops or simply reading materials
- **Relationship between the institution, state, courts, and arbitration practitioners and arbitration users**

What make OHADAC arbitration institution effective?

a “safe” or “arbitration-friendly” institution

- **Services that are considered fit for purpose:** Communication frequency/ black-outs; interaction/liaison with users ; information centre or website; addressing concerns that party may have promptly, monitoring of deadlines, sending reminders, holding deposits, etc...
- **Services of the institutions that need regular improvements**
 - including keeping arbitration rules and procedures short and simple
 - transparency by institutions on the arbitrators listed on their panels;
 - need to publish awards for scrutiny; languages used by institutions; communication by institutions of their annual reports and events;
 - Frequency in updating on regional arbitration challenges (e.g: information on intra-regional trade and investment and disputes arisen there from;

What make the OHADAC arbitration institution effective?

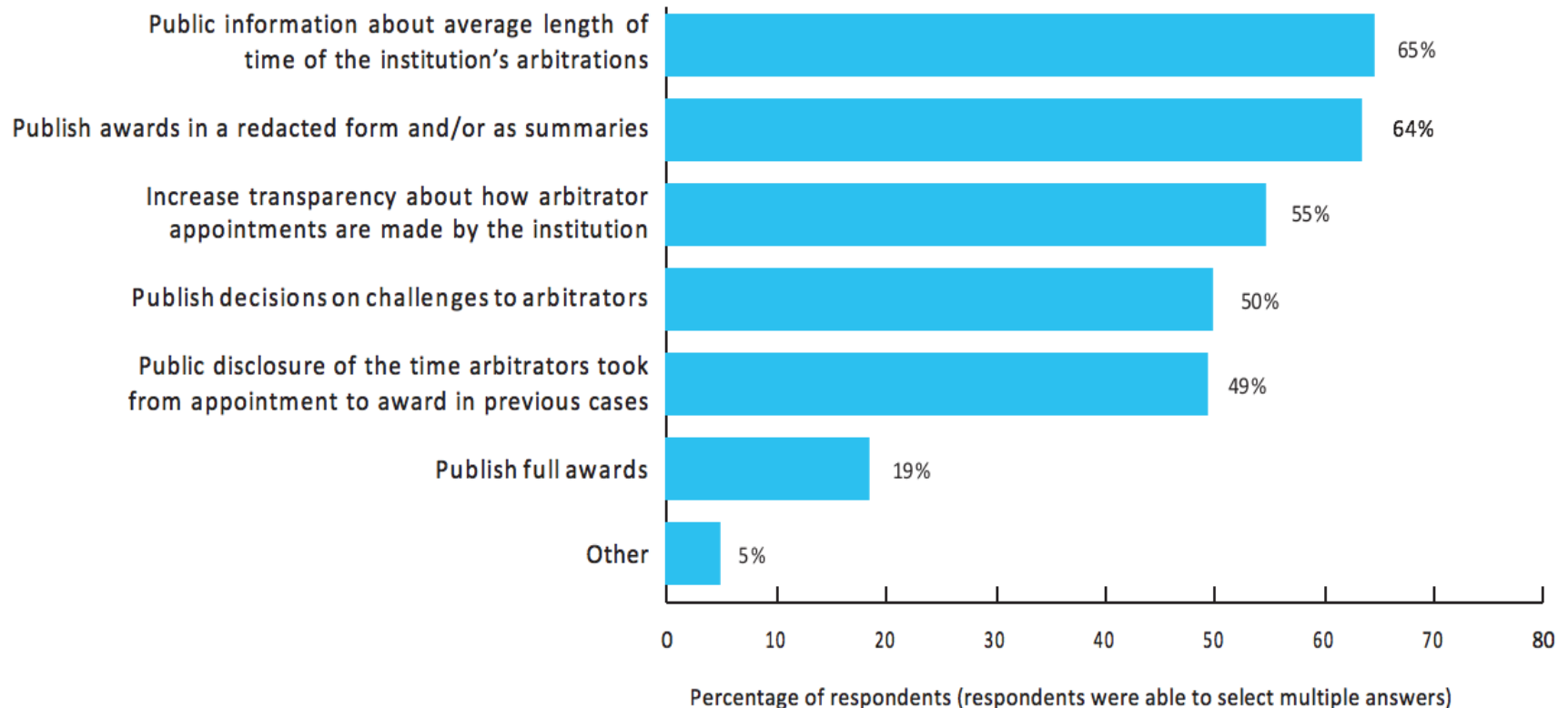
a “safe” or “arbitration-friendly” institution

- **Ensure liaison with other institutions:** create a forum for institutions to share experience, and engage with foreign law firms and institutions as partners
- **Identify and reduce arbitration provisions gaps :** engagement with judiciary and government ; involvement in legislative change.
- **Implement arbitration moot court:** for judicial officers (not only for students as is the norm) with judges acting as arbitrators for the moot.

What actually drives the choice of institution?

what users (counsel, clients, arbitrators) say matters to them:

1. Why are certain institutions preferred / commonly used?



Queen Mary University of London 2015 Int'l Arbitration Survey, at 13

What actually drives the choice of institution?

What users (counsel, clients, arbitrators) say matters to them:



2. What are most important reasons for preferring certain institution(s)?

