

GHANA BAR ASSOCIATION ARBITRATION CONFERENCE 2015

I. INTRODUCTION

The Ghana Bar Association presents a two-day conference on Arbitration, Anti-Corruption, and the Role of a Dynamic Bar. The conference is co-sponsored by the American Bar Association's Section of International Law.

The Theme for the conference is **"THE EVOLVING SPECTRUM IN DISPUTE RESOLUTION MANAGEMENT"**

Programmes on July 16 will focus on both domestic and international arbitration with a vigorous discussion of the Ghana Arbitration Act, procedural issues in conducting an efficient arbitration, various organizations available to administer arbitration proceedings, and related issues. There will also be a session on how to effectively transition a matter from litigation to an arbitration.

Programmes in the morning of July 17 will focus on anti-corruption compliance. These programmes will focus on successfully integrating ethics, transparency, and compliance polices while doing business in Ghana.

Programming in the afternoon of July 17 will focus on the role of the Ghana Bar Association in promoting arbitration and anti-corruption through continuing legal education of lawyers, promoting ethics and professionalism, and increasing access to justice.

I. OPENING SESSIONS

9.00AM – 9.05AM

WELCOME ADDRESS – President of the Ghana Bar Association, Nene Abayateye Amegatcher

9.05AM – 9.10AM

ADDRESS BY AMERICAN BAR ASSOCIATION - Yvonne Fiadjoe, Co-chairperson, Africa Committee, Section of international Law, American Bar Association

9.10AM – 9.25AM

KEYNOTE ADDRESS ON THEME - Mr Sam Okuzeto, Sam Okudzeto and Associates, Life Member International Bar Association.

II. CONFERENCE SESSIONS

9:25- 10.55 AM

DAY 1

PANEL 1

GHANA ARBITRATION ACT-STATUTORY FRAMEWORK

Our expert panel will explore introductory questions concerning arbitration in general and comparative analysis of the Ghana Arbitration Act, the English Sale of Goods Act and the UNCITRAL Model Laws on Arbitration. The panel will also address negotiation and mediation as precursors to arbitration, determining when to mediate, and how to effectively use arbitration to your advantage.

Moderator: Joyce Williams, Associate Research Attorney, International Law Institute

Speakers:

Sophie Nappert-Arbitrator, London

Michael Gyan Owusu, Legal Practitioner

Kizito Beyuo, Legal Practitioner, Beyuo & Co.

Professor Albert Fiadjoe, Ghana Arbitration Centre

COFFEE BREAK : 10:55-11:10 AM

11:10 AM – 12:20 PM

PANEL 2

PROCEDURAL ISSUES IN ARBITRATION

This panel will offer a practitioner's guide to evidentiary processes including document production, depositions, witness statements, interrogatories and letters rogatory. The panel will consider a comparative approach among jurisdictions, and will cover pre-hearing conferences to resolve evidentiary disputes.

Moderator: Richard Frimpong Oppong- Law Professor, Thompson Rivers University, Canada

Speakers:

Thomas Snider, International Arbitration Practitioner, Greenberg Traurig, LLP

Joachim Knoll, Partner, LALIVE

Professor Catherine Rogers, Pennsylvania State University School of Law

12:20 -1:10 - LUNCH

1:10- 2:40

PANEL 3

SUBJECT MATTER OF ARBITRATIONS AND THE DRAFTING OF EFFECTIVE ARBITRATION CLAUSES (BREAKOUT SESSIONS: COMMERCIAL ARBITRATION, INVESTOR STATE ARBITRATION)

Our expert panelists in the areas of commercial law, energy-oil and gas, construction, insurance and/or labor and employment, will discuss the various forms of ADR with a particular focus on their area(s) of expertise. The discussions will include topics such as: pros and cons of different arbitration forums and governing bodies; choice of law; choosing a jurisdiction and venue; limitations on remedies and monetary recovery; attorneys' fees; confidentiality; and statutes of limitation.

Speakers:

Professor Dr. Ingeborg Schwenzer, Professor, University of Basel

Justice Barbara Ackah-Yensu, Justice of the Court of Appeal, Ghana

Joachim Knoll, Partner, LALIVE

Rose Rameau, Fulbright Scholar, University of Ghana, Faculty of Law

Richard Frimpong Oppong- Law Professor, Thompson Rivers University, Canada

Baiju S. Vasani, Jones Day, London

Justice S.K. Date-Bah, Retired Justice of the Supreme Court, Ghana

2:40 – 4:10

PANEL 4

ARBITRAL AWARDS

The discussion will focus on the mechanics of the final judgment, including deadlines for rendering awards simple versus reasoned decisions, enforcement of judgments, and grounds for appeal.

Moderator: Porpoise Evans, Partner, Perlman, Bajandas, Yevoli & Albright, P.L.

Speakers:

Ace Anan Ankomah, Legal Practitioner, Partner Bentsi-Enchil, Letsa and Ankomah

Thomas Snider, International Arbitration Practitioner, Greenberg Traurig, LLP

Justice J. La Buda, New York State Judge and Surrogate

COFFEE BREAK 4:10 -4:25

4:25 -5:30

Panel 5
Effectively Transitioning from Litigation to Arbitration

Moderator: Yvonne Fiadjoe, Co-chairperson, Africa Committee, Section of international Law, American Bar Association

Speakers:

Justice Brobbey, Retired Justice of the Supreme Court, Ghana

Justice J. LaBuda, New York State Judge and Surrogate

Justice Gertrude Torkornoo, Justice of the Court of Appeal

Mr. Michael Owusu Gyan, Legal Practitioner

DAY 2

Successfully Integrating Ethics, Transparency and Compliance Policies While Doing Business in Ghana

Ghana is well ahead of many of its neighbors in both public and private sector support for ethical and transparent business practices. As Ghana's ever-advancing economy generates more and more commercial and investment opportunities, however, the risks of bribery, corruption and illicit financial activity can rise accordingly. Therefore, a vigilant and robust commitment on the part of both government and business to identify and root out unethical and illegal conduct is a paramount priority.

For those doing business in Ghana and elsewhere in Sub-Saharan Africa, bribery, corruption, money laundering and data privacy breaches are among the common risk areas targeted by an effective corporate compliance program. These compliance challenges top the list not only because they are high law enforcement priorities in the Western jurisdictions to which many multinationals are subject, but also because they historically have been the most entrenched and commercially damaging impediments to successfully operating in the region.

The goal of this program is to impart advice from private and public sector experts on how to successfully integrate the policies and procedures that most effectively promote ethical, transparent and compliant conduct into daily business practices. The compliance areas receiving special focus will be anti-bribery/anti-corruption, transnational enforcement, anti-money laundering (AML) and data privacy.

9:00- 11:00

Panel 6

**Anti-Bribery/Anti-Corruption Compliance and Transnational Enforcement
Panel, AML and Data Privacy**

Speakers:

Jean Alain Penda-*OHADA /OHADAC Project Coordinator*

Akosua Asaa Yelbert, *Compliance/AML Program Manager, Stanbic Bank – Ghana*

Edward Cudjoe, *Economic and Organised Crime Office*

Wayne Cleghorn, *Chief Data Privacy, IT & Security Consultant, Privacy Solved*

David Ofosu-Dorte, *Managing Partner, AB & David Law*

Alexander Oppong, *Senior Manager, KPMG, Ghana*

COFFEE BREAK 11:00- 11:30

11:30 – 1:00

Panel 7

How to Session/Practical Exercise

This panel will be composed of arbitration practitioners who have either acted as arbitrators, counsel for litigants, or are professors. The panel will offer a how-to session on initiating an arbitration claim that will cover conditions precedent, consolidation of claims, and preparing initial papers. The panel will also address the various methods of choosing an arbitrator or arbitration panel.

Facilitators:

Joyce Williams, *Associate Research Attorney, International Law Institute*

Yvonne Fiadjoe, *Co-Chairperson, Africa Committee, Section of International Law, American Bar Association*

1:00-2:00

Lunch /Pathways to employment for law students

2:00- 3: 30

Panel 8

Building a Better Bar

What role can bar associations play in the continuing education of lawyers and in the promotion of ethics and professionalism among members of the bar? How can bars engage the judiciary to further these goals? How can bar associations leverage their resources and organizational partnerships on these issues? What role should the Ghana Bar Association play in promoting access to justice among poor or vulnerable populations?

What role can arbitration, pro bono or legal services requirements, social media and technology play?

Speakers

Nene Abayateye Amegatcher, National President, Ghana Bar Association

David Ofosu-Dorte, Managing Partner, AB & David Law

Yvonne Fiadjoe, Co-Chairperson, Africa Committee, Section of International Law, American Bar Association

Rose Rameau, Fulbright Scholar, University of Ghana, Faculty of Law

Kimathi Kuenyehia, Kimathi & Partners

Closing Remarks /Networking reception 3:30-5:00

ORGANIZING COMMITTEE

Porpoise Evans, Yvonne Fiadjoe, Alais Griffin, Susan Nyampong, Rose Rameau, Ben Tymann, Joyce Williams