



INSIDE Africa

Africa is now! take a second look

AFRICA IS NOW!

International Arbitration:



Above:
Navin Ramgoolam,
Prime Minister
of Mauritius

The world of international arbitration almost came to a halt mid-December when the *crème de la crème* of the industry gathered in Mauritius to welcome the island as an international arbitration platform for Africa, the first of its kind in the region, and the first permanent arbitration office outside of The Hague.

It has been a long but rewarding process for Mauritius, leaving some in the South African legal system stunned that their own country has been too slow in the development of the southern part of the continent as a centre for international arbitration. For other Africans there is a sense

of pride, and certainly for six international endorsing agencies it made absolute sense for Mauritius to act as a springboard for Asian, and European, commercial and investment disputes to be heard within the Mauritian jurisdiction.

Mauritius is shaking off the perception that it is just a holiday destination. Within the next five years it intends to position itself as an emerging economy and is far-reaching in its plans to attract new and increased foreign investment. It wants, ambitiously, to become the financial hub of Africa and thus contribute to the promotion of global investments onto the continent.

Mauritius is equally keen to attract global financial service providers to the island, to use it as a base to structure and provide such services for Africa's burgeoning growth. Being appointed as Africa's first international arbitration centre could therefore be considered a somewhat clever and ingenious way of attracting attention to the larger scheme of development.

Economic reforms have been put in place for sustainable economic growth and Mauritian business has begun attacking foreign direct investment (FDI) aggressively. As is indicated internationally, Africa is where the eyes of the world are focused and such attention brings valuable investment and infrastructure programmes. When the laws of two or more countries clash, international legal and arbitration tools are vital to ensure effective and expedient reconciliation, and this is perhaps the Mauritian trump card.

For Africa it's a win-win, says Mauritian Chief Justice Yeung Kam John Yeung Sik Yuen in an exclusive interview with NAA. "Mauritius wants to be a facilitator," he says. "Consider that our country is multi-lingual and is exposed to two main systems of law, that of the English and French. The island is also ideally geographically placed with direct links to the Asian, European and African continents, and although Mauritius wants to be a neutral centre it remains very strongly African.

"It is also significant that a large chunk of Chinese investment into Africa goes through Mauritius, likewise a significant portion of investment into India flows through Mauritius. It may be lucky for us, but we are available now for everyone to use."

It's not just luck though. Mauritius has been preparing itself for its role in international arbitration for some years, and since promulgating the Mauritian International Arbitration



Left:
UK's Foreign
Secretary
William Hague

IN BRIEF

Mauritius Style

Act in '08 has embarked on this 'ambitious project' to quote Prime Minister Navindchandra Ramgoolan, 'with the aim of establishing a modern and attractive jurisdiction for the resolution of commercial disputes.'

He was speaking at the opening of the Mauritian International Arbitration Conference (MIAC) organised by The Board of Investment. The conference brought together international and regional leaders in the judiciary to explore the new framework created in Mauritius as a blank canvas against which to rethink the cornerstones of international arbitration.

Jan Paulsson, President of the International Council of Commercial Arbitration said that Mauritius has presented a credible effort to establish something useful and important, hence the endorsement by his and other arbitration organisations like UNCITRAL. 'The world of arbitration,' he said, 'does not come unannounced to a country because it has some inexplicable urge to promote the professional interests of a local market.'

Mauritius understands that it is in an endurance race, not a sprint, and as far as Paulsson is concerned there are two concepts that Mauritius needs to consider as criteria for measuring the degrees of its success as an international arbitral centre: inclusiveness and cosmopolitanism. It seemingly has both nailed at the moment, but the harvest may only be realised in 15 years or so. Mauritius still has to prove itself by virtue of its sustained commitment.

In becoming an international arbitral centre, Mauritius will also undertake to train judges, lawyers and legal representatives from Africa wishing to involve themselves in international arbitration. Its adoption of the specific rules of arbitration will allow users fast, efficient, prompt and confident access to international laws. The government has also dedicated itself to providing permanent state-of-art hearing facilities in forthcoming years and it promises to act as a neutral facilitator by adopting a rule of absolute non-interference.

By integrating international arbitration procedural laws into its own hybrid legal culture, Mauritius intends to remain true to Africa and to service its best needs. There is no reason for Mauritius to fail, it has a number of strengths already in existence, not least of which is that it is a pretty awesome place to visit.*

London:

Britain would back any United Nations-led military action taken to force out incumbent President Laurent Gbagbo, foreign secretary William Hague has said.

Presidential rival Alassane Ouattara is recognised by the international community as winner of the recently held elections.

The West African regional bloc ECOWAS, currently led by Nigeria and President Goodluck Jonathan, has threatened to use force to oust Gbagbo if he does not leave quietly. Military chiefs have set in motion plans to oust the strongman if negotiations by regional mediators fail, a Nigerian defence spokesman, Colonel Mohamed Yerimah, told AFP in Lagos.

Chiefs of defence staff met in the Nigerian capital, Abuja 'to put machinery in motion that if all political persuasions fail... ECOWAS will forcefully take over power from Laurent Gbagbo and hand over to Alassane Ouattara,' Yerimah said.

US State Department spokesman PJ Crowley said Gbagbo should step down, adding, 'we hope he will choose a peaceful transition'.

The World Bank has said it has frozen financing for Ivory Coast, and Hague added: 'Mr Gbagbo will run out of money. His power relies on control of the army. He will run out of money in the next few weeks and that means his power will come to an end.'

UN advisers have expressed grave fears over ethnic violence in the country after the country's new ambassador to the United Nations warned that the West African nation was on the 'brink of genocide.'

The two advisers reported signs 'some leaders there are inciting violence between different elements of the population'. 'Given the history of internal conflict in Ivory Coast such actions are highly irresponsible,' a UN statement quoted Francis Deng and Edward Luck as saying.

'Gbagbo should not underestimate the determination of the international community that the will of the people of that country should be recognised,' Hague said.

Liberia:

NGOs working in north-eastern Liberia say many of the 30,000 refugees arriving from neighbouring Côte d'Ivoire are reporting widespread violence and intimidation from both Ivoirian government troops and soldiers from the former rebel New Forces operating in the west.

Speaking from the capital Monrovia, the head of NGO Equip Liberia, David Waines, said the initial refugee flow had been quite small, with 70-100 Ivoirians a day crossing over in the immediate aftermath of the 28th November presidential run-off election.

Waines said refugee numbers went up dramatically as the Ivoirian political crisis worsened. According to Waines, the exodus began in earnest on 17th December, the day after the abortive march by Ouattara supporters on the state TV centre Radiodiffusion Télévision Ivoirienne (RTI). At least 1,000 Ivoirians a day had been coming into Liberia since.

'We have about 17,000 refugees registered and probably a total of about 30,000' Waines said. The government anticipates at least 100,000 refugees coming in.