ARBITRATION UPDATES

Jurisdiction:

Senegal

Arbitration Law:

Senegal’s arbitration law was reformed in 1998 with a new law entitled “loi n° 98-30 du 14 avril 1998 sur l’arbitrage”, it adds Book VII to the second part of Senegal’s code of civil and commercial obligations “Code des obligations civiles et commerciales”. This law is complemented with the decrees n° 98-492 of 5 June 1998 on domestic and international arbitration and n° 98-493 of 5 June 1998 on the creation of an arbitration institution.

The Chamber of Commerce, Industry and Agriculture of Dakar created the Arbitration, Mediation and Conciliation Center (“CAMC”). Inspired by the Mediation and Arbitration Center of Paris (“CMAP”), the CAMC operates on the same model as the CMAP. Arbitration law in Senegal has two essential sources, the French Civil Procedure Code¹ for its domestic arbitration² and the UNCITRAL arbitration rules for its international arbitration.³

Senegal is a signatory to the ICSID Convention since 1967 and to the New York Convention since 1995. Senegal is also a member of OHADA which stands for Organization for the Harmonization of Business Law in Africa.⁴ In line with OHADA’s initiative to harmonize business law, in case of any conflict between OHADA law and Senegalese law, OHADA law will prevails.⁵

Arbitration Institutions:

- Chamber of Commerce, Industry and Agriculture of Dakar:⁶
  - Arbitration, Mediation and Conciliation Center of Dakar, “Centre d’arbitrage, de médiation et de conciliation” (CAMC);
- Common Court of Justice and Arbitration, “Cour Commune de Justice et d’Arbitrage” (OHADA).⁷

¹ Articles 1442 to 1491 of the new Code de procédure civile français.
² Articles 795 to 820 of the Code de procédure civile sénégalais.
⁴ http://www.ohada.org/
⁷ http://www.ohada.org/ccja.html
Recent updates:

**Case Law:**

**Senegal v ArcelorMittal (ICC, 3 September 2013)**

On 3 September 2013, an ICC tribunal in Paris ruled in a partial award in favor of Senegal in a dispute opposing industrial giant ArcelorMittal, granting the State of Senegal’s claim to terminate a series of contracts entered into between the parties in 2007 as part of a US $2.2 billion deal. This dispute is related to the exploitation of Senegal’s eastern Falémé mines. The tribunal found ArcelorMittal in material breach of its obligations, and dismissed the latter’s counterclaim for an order compelling renegotiation of the contract. The damages will be address by the tribunal in a second award where Senegal reportedly claimed more than US $750 million.8

**Conference:**

Senegal will soon be the host of a conference on the developments of international arbitration in its region. This conference will gather experts in arbitration related to Africa for 2 days to discuss among other things, OHADA arbitration, ICSID arbitration and arbitration news with respect to mining and public procurement. This conference, “L’arbitrage au Sénégal : perspectives africaines et internationales” will take place from the 28 February to 1 Mars 2014 in Sally, Senegal.9

9 [http://www.ohada.com/content/newsletters/2077/programme.pdf](http://www.ohada.com/content/newsletters/2077/programme.pdf)