



Society of
International
Economic
Law



AFRICAN
INTERNATIONAL
ECONOMIC LAW
NETWORK (AIELN)



**Fifth Biennial Colloquium of the
African International Economic
Law Network
July 23-24, 2021**

**Covid-19 and International
Economic Law: Africa's Experiences and Responses**

DAY 1 - 23rd July (East African Time)

10:00 – 10:10am

Welcome Remarks

Amaka Vanni *AfIELN President School of Law, University of Leeds*

10:10 – 10:20am

Remarks by SIEL

Markus Wagner *VP, SIEL Network*

10:20 – 10:30am

Opening Remarks and Introduction of the Keynote Speaker

Tsotang Tsietsi *Chair, Conference Planning Committee, National University of Lesotho*

10:30 – 11:00am

Keynote Address

Prof. Olufunmilayo Arewa

Murray H. Shusterman *Professor of Transactional and Business Law, Beasley School of Law, Temple University*

11:00 – 11:45am

In Conversation with the Keynote Speaker

Prof. Olufunmilayo Arewa with Titilayo Adebola
School of Law, University of Aberdeen

11:45 – 12:00 Noon

HEALTH BREAK

12:00 – 1:45pm

PANEL 1 Regional Intergration

Chair: Luwam Dirar, *Max Planck Institute*

Kimberley Nyajeka

Independent Scholar

Reinforcing the Building Blocs of the AfCFTA: Covid 19 and African Regional Integration

Regis Y. Simo

Mandela Institute, University of the Witwatersrand School of Law.

Operationalizing the AfCFTA at the Time of a Global Pandemic: Landlocked Countries and the Issue of Freedom of Transit

Ame Rebecca Masuku

University of Botswana

Examining Supranationality as a Prerequisite to a Regional Response to Covid-19: the Case of the SADC and the EAC

Louis Koen

University of Johannesburg

Informal Cross Border Traders & Sustainable Regional Integration Post Covid-19

Tamfuh Y. N. Wilson

University of Buea, Cameroon

COVID-19 and African Regional Integration: A Case Study of the Economic Community of Central African States (ECCAS)

1:45 – 2:15pm

HEALTH BREAK

2:15 – 3:45pm

PANEL 2 Digital Economy

Chair: Jacqueline Mwangi, *Harvard University*

Chidochashe N Ncube

University of Western Cape

Digital Free Trade Areas: a Compass for Navigating the New Normal in Africa

& Nanjira Annabel

Independent scholar

Susan Strba

International Lawyers and Economists for Development

Covid-19 and Electronic Commerce in Africa: Experiences and Responses

**Franziska
Sucker**

University of Witwatersrand

The AfCFTA's Role in Digital Trade Facilitation Within Africa.

3:45-4:00pm

HEALTH BREAK

4:00-5:30

ROUNDTABLE 1: The African Continental Free Trade Agreement (AfCFTA), Trade and Investment in Africa

Chair: Richard Frimpong Oppong, *University of Bradford*

Speakers:

Ibironke Odumosu-Ayanu, *University of Saskatchewan*

Joy Kategekwa, *United Nations Development Programme, Regional Bureau Africa*

Pettina Gappah, *Office of the Secretary-General, AfCFTA Secretariat*

Enga Kameni, *Afreximbank*

DAY 2 - 24th of July (East African Time)

9:45 – 10:00am

Introduction to the Agenda of the 2nd Day

Tomasz Milej, *Kenyatta University*

10:00 – 11:30am

PANEL 3 Public Health and Intellectual Property

Chair: Suresh Nanwani, *School of Government and International Affairs, Durham University*

**Pragyan Deep Agrawal &
Shreyansh Singh**

Centre for WTO Studies, Ministry of Commerce and Industry, Government of India

David Tilt,

Central European University

Caroline Mwaura

Kenyatta University School of Law

**Atish Rameshchandra Shah
University of Strathclyde &
Pooja Mahendra Karia**

University of Cape Town

COVID-19 and Test Data: Why African Nations Should Speak in One Voice

Reframing Compulsory Licensing Post-Covid-19: Reconciling Intellectual Property with the Promotion of African Health

Collaboration and Intellectual Property in the Face of a Pandemic: a Legal Perspective from Kenya

Legal Responses to the Upsurge of Telemedicine: Health Responses to Covid 19 in the East African Community (EAC)

11:30 – 12:00noon

HEALTH BREAK



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12:00 – 1:30pm

PANEL 4: Sovereign Debt, Tax and Finance

Chair: **Ohio Omiunu**, *De Montfort University*

Maurice Mashiwa

Sereno Africa

Public Debt, Inequality and Sustainable Financing for Post Covid-19 Recovery in Kenya

Dunia P. Zongwe

Walter Sisulu University

The Catastrophe Fund: Budget Insurance against Natural Disasters, Pandemics, and other Catastrophes in Africa

Marie-Louise F. Aren

University of Pretoria

Indirect Taxation of the Digital Economy in Africa as a Covid-19 Economic Recovery Strategy

1:30 – 2:00pm

HEALTH BREAK

2:00 – 3:15pm

ROUNDTABLE 2: Career Paths in International Economic Law

Chair: **Patricia Ouma**, *Leiden University*

Speakers: Caroline Ncube, *University of Cape Town*

Elizabeth Oger-Gross, *Partner, White & Case (Paris)*

Babatunde Ajibade, *Partner, S. P. A. Ajibade & Co (Lagos)*

Shingi Masanzu, *Legal Counsel, World Bank*

3:30 – 4:45pm

ROUNDTABLE 3: The Role of Private Creditors in African Sovereign Debt

Chair – Olabisi Akinkugbe, *Schulich School of Law, Dalhousie University*

Speakers: James Gathii, *Loyola University, Chicago*

Magalie Masamba, *Boston University*

4:45 – 5:00pm

Closing Remarks - James Thuo Gathii



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Panelists Biography

Keynote Speaker

Prof Olufunmilayo Arewa, Murray H. Shusterman

Professor of Transactional and Business Law, Beasley School of Law, Temple University

Olufunmilayo (Funmi) Arewa's major areas of scholarly research include music, business, entrepreneurship, technology, copyright, film, and Africana studies. She has taught varied courses including Business Associations, Private Equity and Venture Capital, Securities Regulation, Corporate Finance, Accounting, Mergers & Acquisitions, Investment Management Regulation, Startup and Small Business Clinic, Intellectual Property, and African Legal Systems.

Prior to becoming a law professor, Professor Arewa practiced law for nearly a decade, working in legal and business positions primarily in the entrepreneurial and technology start-up arena, including law firms and companies in the Silicon Valley and New York. She also served as Chief

Financial Officer and General Counsel of a venture capital firm in Boston. Before becoming a lawyer, she was a Visiting Lecturer at the Center for Afroamerican and African Studies (CAAS) at the University of Michigan and served as a Foreign Service Officer in the U.S. Department of State in Washington, D.C. and Montevideo, Uruguay.

In 2019, Professor Arewa undertook a fellowship at The Käte Hamburger Center for Advanced Study in the Humanities "Law as Culture" at the University of Bonn, Germany. Her research activities centred on the topic "Disruptive Technologies, Digital Colonialism, and the Construction of Commercial Law in Africa." In 2015, Professor Arewa received a German Academic Exchange Service (DAAD) Faculty Visit Research Grant for a research project entitled Cultural, Legal, and Business Considerations in the Diffusion of Jazz in Germany, a project that is connected to her forthcoming book on the development of global markets for African American music. She served as Vice Chair of the Nigeria Copyright Expert Working Group. She has also worked as a consultant on various projects, including engagements relating to education and scientific and technological capacity in Africa, and as lead consultant on a project examining the feasibility of establishing a venture capital fund in the Eastern Caribbean.

In addition to her book on African American music, Professor Arewa is also currently writing a book on technology disruption in Africa. She received an M.A. and Ph.D. (Anthropology) from the University of California, Berkeley, an A.M. (Applied Economics) from the University of Michigan, a J.D. from Harvard Law School, and an A.B. from Harvard College. In addition to writing about music, Professor Arewa has studied classical voice for many years.

Roundtable 1: The African Continental Free Trade Agreement (AfCFTA), Trade and Investment in Africa

Richard Frimpong Oppong

Dr. Richard Oppong is a Fellow of the Ghana Academy of Arts and Sciences, a Member of the Royal Society of Canada's College of New Scholars, Artists and Scientists, and an Associate Member of the International Academy of Comparative Law. He completed his PhD at the University of British Columbia, and Post-doctoral studies at the Schulich School of Law, Dalhousie University. He holds Master of Laws degrees from Harvard Law School and the University of Cambridge, and a Bachelor of Laws degree from the University of Ghana. He was called to the Ghana Bar in 2003. Richard has taught at and worked for academic institutions in the United Kingdom, Canada, the Netherlands, Saudi Arabia, Ghana, South Africa, Tanzania, Malawi, and Uganda.

In 2012, he held the post of Director of Studies (Private International Law) at The Hague Academy of International Law. His research interests are in private international law (conflict of laws), contracts and international commercial law, regional economic integration and trade, and international dispute settlement. Richard has published widely and made outstanding contributions to the advancement of the law with his scholarship. He has published several books, articles, book chapters, and book reviews. Two of his sole-authored books have been translated into Chinese. He received the 2013 American Society of International Law prize in Private International Law and the 2014 James Crawford Prize of the Journal of International Dispute Settlement for his scholarship. His research has been funded by the British Academy, the Social Sciences and Humanities Research Council of Canada, the Killam Trusts, and Foundation for Legal Research in Canada. He is a member of the Advisory Board of the Yearbook of Private International Law and the Journal of Private International Law, and an Assistant Editor to the Global Journal of Comparative Law. He is frequently consulted by international organisations, law firms, funding bodies, and publishers. He was a member of the Working Group of The Hague Conference on Private International Law that drafted The Hague Principles on Choice of Law in International Commercial Contracts, 2015.



Ibironke Odumosu-Ayanu

Dr. Ibironke Odumosu-Ayanu is Associate Professor at the College of Law, University of Saskatchewan. Prior to joining the University of Saskatchewan, she was a Sessional Lecturer at the Faculty of Law, University of British Columbia. Dr. Odumosu-Ayanu is a member of the Editorial Committee of the African Yearbook of International Law. She is a member of the editorial boards of several journals including the Business and Human Rights Journal, the Journal of African Law, and the African Journal of International Economic Law. She is Vice Chair of the Midwest Interest Group of the American Society of International Law. Dr. Odumosu-Ayanu has received several competitive research

grants from the Social Sciences and Humanities Research Council (Canada) to support her research. Her research has been published in several leading international journals including Melbourne Journal of International Law, Business and Human Rights Journal, AJIL Unbound, African Journal of International and Comparative Law, and the Canadian Yearbook of International Law. She is co-editor of Indigenous-Industry Agreements, Natural Resources and the Law published by Routledge in 2020



Joy Kategekwa

LL.B. LL.M (International Trade and Investment Law). Ph. D. (International Trade Law)

Dr. Kategekwa is a leading global expert on international trade, investment and development law, policy and capacity development with a 17year track record influencing global and regional trade deals and advising governments on shaping trade – led growth strategies. At UNDP’s Regional Bureau for Africa in New York, she advises senior management on strategy for a 46 – country development programme – including design and implementation of the AfCFTA portfolio. She is the Founding Head of the UNCTAD Regional Office for Africa (Addis

Ababa), where she spent close to 5 years and led the UNCTAD advisory teams that supported design of the AfCFTA. Previously at the WTO Secretariat, she was responsible for negotiations on Special and Differential Treatment and advisory support to Africa Group Members. She is a Member of the World Economic Forum’s Global Future Council on Trade and Investment, serves on the Advisory Board of the African Journal on International Economic Law (AJIEL) and is the author of “Opening Markets for Foreign Skills: How Can the WTO help?”. She holds a Ph.D. In International Trade Law from the World Trade Institute – University of Berne. She has taught trade and development law and policy at key global and continental graduate programmes. She is passionate about music, is married and is the proud mother of 4 beautiful girls.



Pettina Gappah

Dr. Petina Gappah is the Principal Legal Advisor, Office of the Secretary-General at the African Continental Free Trade Area (AfCTA) Secretariat, Accra. A lawyer specializing in international trade and investment as well as a writer. She has law degrees from University of Cambridge University, Graz University in Austria and the University of Zimbabwe. She has published widely in the areas of international economic, international trade law and WTO jurisprudence.



Enga Kameni

Dr. Enga Kameni is Manager, Legal Services of the African Export-Import Bank (Afreximbank), Cairo, Egypt. As Manager, Legal Services, he negotiates, structures and documents loan and other transactions where Afreximbank is a lender, co-lender or borrower. To date, Enga has assisted Afreximbank in negotiating, structuring and documenting loan transactions of over US\$10 billion and has also assisted Afreximbank in negotiating and raising over US\$8 billion from multinational banks and international capital markets. He serves in several of the Bank's Committees including factoring, forfaiting, intellectual property and implications of LIBOR Transition Period. Prior to joining the African Export-Import Bank, Enga worked as: International Associate, Finance & Capital Markets,

Clifford Chance LLP, Paris, France; Legal Advisor, Perenco Oil & Gas, London, UK; and Manager, Tax & Legal Services, Ernst & Young, Legal Associate, Parliament of Namibia and Associate, Jing & Partners, Douala, Cameroon. Enga holds a Bachelor of Laws from the University of Buea, Cameroon, a maitrise in business law, University of Yaoundé II, Soa and a master's degree in corporate law and governance from Harvard Law School, Cambridge, MA, USA where he was Dean Clark Scholar, Frank S. Lally Scholar and Harman Fellow. He also holds a doctorate degree in international trade law from the University of Pretoria, South Africa where he was a Potter Fellow and was a visiting scholar at Stanford Law School. He is admitted to practice law in the State of New York, USA and is a member of the Cameroon Bar Association. In 2016, he was recognized by the prestigious Crans Montana Forum as a New Leader for Tomorrow.

Dr. Enga is also a visiting lecturer (international trade and investment law) at the University of Pretoria, South Africa (appointed an extraordinary lecturer in 2016), University of the Western Cape, South Africa and LUISS University, Rome, Italy. He has made presentations on legal, trade and development issues in many institutions including Harvard Law School, Stanford Law School, Yale Law School, Trade Policy Center in Africa (TRAPCA), Tanzania, University of California, Hastings College of the Law, San Francisco, USA, Ateneo Law School, Manila, Philippines, University of Kwa-Zulu Natal, Durban, South Africa amongst others. He also teaches a course in Law & Development in Africa: Contemporary Issues, Problems and Prospects at Harvard Law School as a visiting lecturer.

ROUNDTABLE 2: Career Paths in International Economic Law



Patricia Ouma

Ms Ouma is a PhD Candidate at Leiden University researching on institutional balance in the proposed East African Confederation. She is also the current Secretary in the Executive Committee of AfIELN. She holds an LL.M in International Business Law from Catholic University of Lyon, France, and an LL.B from the University of Nairobi. She is also an advocate of the High Court of Kenya.



Caroline Ncube

Caroline Ncube is a Professor and the current and inaugural holder of the South African Research Chair: Intellectual Property, Innovation and Development in the Department of Commercial Law at the University of Cape Town (UCT). She is also affiliated with the Intellectual Property Unit at UCT. She served as Head of the Department of Commercial Law from 2014 – 2016 and as Deputy Dean, Postgraduate Studies in 2017 and from January - June 2019. Professor Ncube is a member of the African Policy, Research & Advisory Group on STI and of the Academy of Science of South Africa (ASSAf). She also serves on the the AU Scientific Technical Research Commission ASRIC Taskforce on IP Protection in Joint Research and Collaboration During Outbreaks. She has served as an

expert for various institutions including the WIPO, ECA and SADC. She holds a PhD in IP Law from the University of Cape Town, an LLM from the University of Cambridge and an LLB from the University of Zimbabwe. Before joining UCT in 2005, She lectured at the University of Limpopo (formerly University of the North) and the University of Zimbabwe. Prior to that, she practiced briefly as an attorney at Coghlan, Welsh & Guest. She currently teaches Electronic Law and Intellectual Property (IP) Law at postgraduate level. She also supervises masters and PhD candidates, primarily in IP law, but also in other areas of commercial law. Professor Ncube is a member of various academic associations such as the International Association for the Advancement of Teaching and Research in Intellectual Property (ATRIP), the South African Association of Intellectual Property Law and Information Technology Law Teachers and Researchers (AIPLITL) and the Society of Law Teachers of Southern Africa (SLTSA). I am affiliated with the University of Ottawa as an Associate Member, Centre for Law, Technology and Society.



Elizabeth Oger-Gross, Partner, White & Case (Paris)

Elizabeth Oger-Gross is a partner of the Firm's International Arbitration Group and is based in the Paris office. Elizabeth advises clients in complex disputes, with broad experience across a number of sectors and a focus on the construction and energy industries. She has significant experience acting for and against States.

She has conducted both ad hoc arbitrations and arbitrations under most of the major institutional rules. Her arbitration experience spans the globe, having been involved in arbitrations in Western and Eastern Europe, Sub-Saharan and North Africa, North, Central and South America, the Middle East, and Asia. She also has substantial experience in cross-border litigation.

Before moving to the Paris office, she practiced litigation and arbitration in

White & Case's New York office. Elizabeth is both common-law and civil-law qualified and acts in both English and French-language arbitrations. She teaches international arbitration at Paris 2 (Panthéon-Assas), Sciences Po Paris, Université Paris Est Créteil Val-de-Marne, and the Lagos Court of Arbitration.

ROUNDTABLE 2: Career Paths in International Economic Law



Babatunde Ajibade, Partner, S. P. A. Ajibade & Co (Lagos)

Dr. Babatunde Ajibade, SAN is the managing partner of S. P. A. Ajibade & Co, a leading corporate and commercial law firm with offices in Lagos, Ibadan and Abuja, Nigeria.

Dr. Ajibade is a dispute resolution specialist and has substantial expertise in international commercial arbitration, especially in the fields of company law, energy law, labour law, hospitality law, real estate and investment treaty law. He has acted as counsel in both institutional and ad hoc arbitration proceedings involving complicated shareholder disputes, claims arising from alleged breaches of hotel development and management

contracts, claims arising from electric power supply contracts, and real estate development contracts. He has extensive experience and a firm grasp of the issues involved in all aspects of commercial litigation. He is the current chair of the International Bar Association's African Regional Forum, a vice president of the ICC Arbitration Commission's steering committee, a member of the ICC's Africa Commission, a director of the Lagos Chamber of Commerce International Arbitration Centre (LACIAC), a member of the LCIA's African Users Council, a member of the Lagos Court of Arbitration and the Chartered Institute of Arbitrators (UK) Nigeria branch.

Dr. Ajibade was called to the Nigerian Bar in 1989. He obtained a LLM degree in corporate and commercial law in 1990 and a PhD in private international law in 1996, both from King's College London. He was elevated to the rank of Senior Advocate of Nigeria in December 2007. He was awarded the International Practice Fellowship of the International Bar Association in Madrid in October 2009 and he became a fellow of the Chartered Institute of Arbitrators UK in January 2015.



Shingi Masanzu, Legal Counsel, World Bank

Shingi Masanzu is a Senior Counsel in the Legal Department of the World Bank. As a development finance lawyer, she advises on sovereign lending and guarantee operations in sectors ranging from energy and infrastructure, to education, health and governance, with experience in Africa, the Middle East, and Asia. She is currently pursuing a PhD in Law at the London School of Economics, where her research focuses on deal-making by developing countries in the context of infrastructure investment. Prior to joining the World Bank, Shingi was an associate at Davis Polk & Wardwell LLP, a New York law firm, focusing on mergers and acquisitions and capital markets. Shingi obtained an LLB (magna cum laude) and a PGDip in public law from UCT, and an LLM in international legal studies from New York University School of Law, where she was a Hauser Global Scholar.

ROUNDTABLE 3 ON THE ROLE OF PRIVATE CREDITORS IN AFRICAN SOVEREIGN DEBT



Olabisi Akinkugbe

Olabisi D. Akinkugbe is the Viscount Bennett Professor of Law at the Schulich School of Law, Dalhousie University. He obtained a Ph.D. in law from the University of Ottawa, an LL.M. from the University of Toronto, and an LL.B. from the University of Lagos, Nigeria. Before joining the Schulich School of Law, Professor Akinkugbe was an Assistant Professor at the Faculty of Law, University of New Brunswick, Fredericton, New Brunswick, Canada. In Spring Term of 2021, he was an Adjunct Visiting Assistant Professor at the Fletcher School of Law and Diplomacy, Tufts University where he taught a seminar on Law & Development.

Professor Akinkugbe is a founding editor of Afronomicslaw.org blog which focuses on all aspects of international economic law as they

relate to Africa and the Global South, and the African Journal of International Economic Law. He sits on the Editorial Boards of the Journal of International Economic Law, Ocean Yearbook, Nigerian Yearbook of International Law, International Law Association, Canada, and the Executive Council of the Society of International Economic Law. Professor Akinkugbe is a Member of the Marine and Environmental Law Institute at the Schulich School of Law and the Human Rights Research and Education Centre, University of Ottawa. Professor Akinkugbe was the President of the African International Economic Law Network between 2018 and 2020.

Professor Akinkugbe's research interests cut across international economic law, international human rights law, international investment law, law and development, international courts, and business law as they relate to Africa. He explores these issues from the national, regional, and international contexts. He uses interdisciplinary materials from political science, sociology, international development studies, economics and history to explore issues of economic development and international economic law.



James Gathii

James T. Gathii is a Professor of Law and the Wing-Tat Lee Chair in International Law at Loyola University Chicago School of Law since July 2012. He is a graduate of the University of Nairobi, Kenya, and Harvard Law School. He sits on the board of editors of the American Journal of International Law, the Journal of African Law and the Journal of International Trade Law and Policy, and on the Advisory Board of the International Journal of Constitutional Law, among others. He is also a founding editor of <http://www.afronomicslaw.org/>, the blog on International Economic Law Issues as they relate to Africa and the Global South and the African Journal of International Economic Law.

His research and teaching interests are in Public International Law,

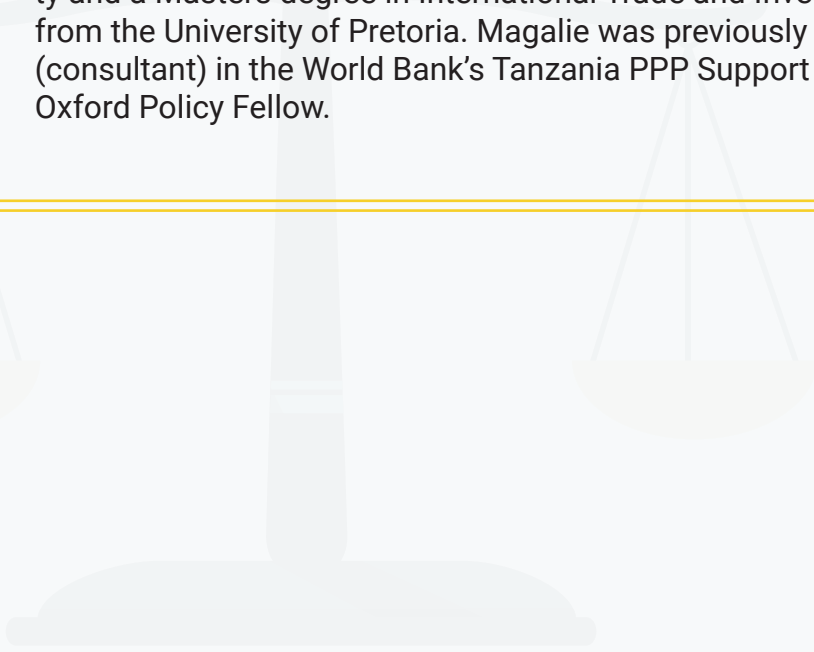
International Trade Law, Third World Approaches to International Law, (TWAIL), Comparative Constitutionalism and Human Rights as well as Business Law. He was the Grotius Lecturer at the 2020 Virtual Meeting of the American Society of International Law. Professor Gathii has sat as an arbitrator in international commercial arbitrations hosted by the Permanent Court of Arbitration. He sits on the China International Economic and Trade Arbitration Commission (CIETAC). He is an elected member of the International Academy of International Law. He has consulted for the Office of the United Nations High Commissioner for Human Rights, (OHCHR), and the Economic Commission for Africa, (ECA), among others. His books include African Regional Trade Agreements as Legal Regimes (Cambridge University Press, 2011, Paperback 2013); War, Commerce and International Law (Oxford University Press, 2010); and The Contested Empowerment of Kenya's Judiciary, 2010-2015: A Historical Institutional Analysis, (Sheria Publishing House, 2016); and an edited collection, The Performance of Africa's International Courts: Using Litigation for Political, Legal and Social Change, (Oxford University Press, 2020). He is currently writing three books. One on Third World Approaches to International Law, another on Race and International Law and a third on Company Law Reform in Kenya. In addition to his books, Professor Gathii has authored over 100 articles and book chapters.

ROUNDTABLE 3 ON THE ROLE OF PRIVATE CREDITORS IN AFRICAN SOVEREIGN DEBT

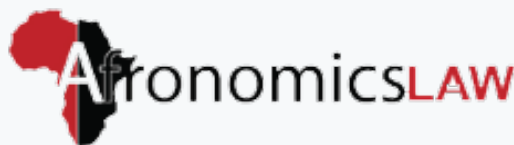


Magalie Masamba

Dr. Magalie Masamba is a Post-doctoral Fellow at the Boston University Global Development Policy Center and the University of Pretoria's Centre for Human Rights. Her Doctor of Law degree focused on sovereign debt restructuring, human rights and development in Africa. Her research interests are in global economic governance, international development law, financial institutions and human rights and investment law. Magalie holds a Bachelor of Law from Walter Sisulu University and a Masters degree in International Trade and Investment Law from the University of Pretoria. Magalie was previously a legal specialist (consultant) in the World Bank's Tanzania PPP Support Program and an Oxford Policy Fellow.



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