

# OHADAC REGIONAL ARBITRATION CENTRE

# CARO

## SERVICES

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# CARO CENTRE

## ACCELERATING YOUR PROJECTS



The CARO Centre is part of the operational phase of the OHADAC project which aims to promote the **legal integration of the Caribbean region**, covering a geographical area of [33 States and territories](#) (see [Annexe 1](#)).



The CARO Centre offers services in the fields of mediation and arbitration in order to **resolve** but also to **anticipate** disputes, promoting **access to justice**. The services of the CARO Centre are available in **French, English and Spanish**.



The CARO Centre appoints the **best experts**, called « neutral third parties », as arbitrators, mediators or facilitators, selected on the basis of their technical competence, experience and deontology.



The CARO Centre provides the necessary **security** to pursue your goals at the local, regional and/or international market, **to control the legal risk** and **optimize the creation of value** at every stage of your project.



The services offered by the CARO Centre combine excellence with **affordable costs**, because **legal security should never be a luxury**.



**Development funds** from the Interreg V Caribbean programme have been allocated to this innovative project, involving leading Caribbean personalities and institutions.



# OUR SERVICES TAILORED TO YOUR NEEDS

Contact the CARO Centre for a free diagnosis of your needs in order to propose the service(s) best suited to your situation.

## CONSOLIDATE A RELATIONSHIP

The intervention of a neutral third-party may be requested by the partners of a project or the parties to a contract during its implementation, in order to **overcome a specific difficulty or difficulties**, and **give a second wind to their activities**.

## RESOLVE CONFLICTS

The CARO Centre allows you to benefit from the expertise of a **neutral third party** who assists with the implementation of a project, in order to define a roadmap and a **practicable path** for all parties.

## OVERCOME A DIFFICULTY

Whether through a **mediator**, who guides the parties towards an amicable solution, or through **arbitration**, which leads to a binding award, the CARO Centre offers services that ensure the **smooth running of the dispute settlement procedures**.

# THE TEAM

## COMMITTED TO THE REGION



**SIR DENNIS BYRON**

PRESIDENT OF THE BOARD

Former Chief Justice of the OECS Court of Appeal, President of the Caribbean Court of Justice and the International Criminal Tribunal for Rwanda, member of the Privy Council of Her Majesty Queen Elizabeth II, Sir Dennis is an eminent Caribbean and international figure.



**JACQUES DARCHE**

MEMBER OF THE BOARD

Admitted to practice law in Québec and in France (Paris Bar), Jacques is a chartered arbitrator, a certified mediator and is the Honorary Consul of Finland for Montréal and its region.



**KEATS COMPTON**

MEMBER OF THE BOARD

Keats is an engineer, former senior manager of a major telecom company. He is a former Consul General of St. Lucia to the French Overseas Departments of Americas. As President of ACP Legal (OECS) Inc., he has been responsible for promoting the OHADAC project in the region from its inception.



**MARIE-CAMILLE PITTON**

SECRETARY GENERAL OF THE CARO CENTRE

Marie-Camille is an arbitration specialist. She has practiced as a lawyer and has also served as Counsel at the International Chamber of Commerce, where she oversaw hundreds of arbitral proceedings.

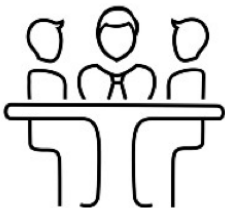


# INNOVATION CHARTER OF SERVICES



## FACILITATION

Setting up a project or negotiating a contract with partners with different profiles and expectations is no easy task. « Facilitation » or « project mediation » allows the intervention of a neutral third party, who assists the parties during any process involving the setting up of a common project or the negotiation of a contract at the local, regional or international level.



## MEDIATION

Mediation allows two entities in conflict to overcome their dispute by appointing a neutral third party, which helps them to reach an agreement. Mediation is a winning technique in many ways: by avoiding litigation, it saves time and significant financial costs. Mediation also allows to overcome a temporary difficulty by giving a second wind to your activities.



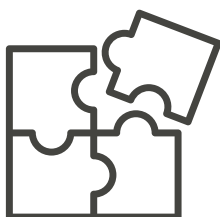
## EXPERTISE

Expertise offers access to specialised knowledge in many fields. Expertise provides access to information and technical advice immediately available to the beneficiaries of the study. Using expertise is relevant in many contexts, often in parallel with an arbitration or mediation process, or in an amicable setting.



## ARBITRATION

Arbitration involves the resolution of a dispute by an Arbitral Tribunal, which will render an enforceable decision (the « arbitral award »). This award is binding on both parties and is enforceable in more than 150 countries around the world. Arbitration ensures confidentiality and efficiency while leaving a great deal of flexibility to the parties. It is the most attractive method of resolving commercial disputes, both for internal and international disputes.



## COMBINED SERVICES

For even more personalised support, the services of the CARO Centre can be combined. The Centre can also offer other « tailored made services » upon request. The CARO Centre is available to direct you to the best service(s) at all stages of your project.



# ACCESSIBILITY OUR PRICING APPROACH

**For the team of the CARO Centre, legal security should never be a luxury.**

*The Centre therefore favours procedural economy; flexibility and cost control; combined with particularly attractive rates*

- **Attractive rates and strict supervision** : using CARO Centre guarantees that the rates and time spent by the neutral third-party appointed by the Centre, as expert, mediator, facilitator or arbitrator, will be supervised, and the quality of its services will be subject to strict control.
- **Creating "bridges" between the different services** offered by the CARO Centre : as soon as the CARO Centre is engaged, a meeting is organized between the Centre's team and the parties, in order to analyse their objectives and constraints. If necessary, the parties will be directed to another service if it appears better suited to their budgetary constraints in particular.
- **Transparency** required from the appointed neutral third party as to the costs incurred by the parties, particularly in the context of the arbitral proceedings. One of the specificities of the OHADAC Institutional Arbitration Rules is to provide that the arbitrator once appointed shall draw up a **budget** promptly. This budget shall be approved by the Centre, which is also in charge of monitoring compliance with the budget throughout the proceedings.
- An emphasis on **avoiding costly future disputes**: from the moment a contract is negotiated or a project is set up, the concerned parties are invited to contact the CARO Centre. The Centre's team then assists them in selecting the service best suited to their constraints, in particular financial, to consolidate their relationship and anticipate costly future litigation.
- Emphasis on a **speedy resolution of the dispute** in the context of the arbitral proceedings: the appointed arbitrator proceeds very quickly to a general review of the case, which is a special feature of the OHADAC Institutional Arbitration Rules. This step allows parties to the procedure to organize it in the most cost-efficient way, or even to reach an agreement terminating it.

# ACCESSIBILITY

## HOW TO ACCESS OUR SERVICES ?

In order to access the services of the CARO Centre, interested parties must express their **consent in writing**.

In order to express effective consent, the parties are invited to proceed as indicated below :

When the parties cooperate, during negotiation of a contract or the setting up of a project

When resolving a dispute, through mediation and/or arbitration

They can seize the CARO Centre to benefit from its facilitation and/or expertise services :

- Either **by jointly engaging** the Centre, confirming in writing their willingness to use its services;
- Or by letting one of the parties engage the CARO Centre, **the Centre being then responsible for checking** that all the parties concerned **consent** to the start of the procedure.

Consent can be expressed in different ways :

- The parties have already – and this is recommended – inserted into their contract a **clause** stipulating their agreement to use the services offered by the CARO Centre (see the model clauses on page 8).
- In the absence of a clause, the parties may also agree to use the services of the CARO Centre, by signing an **arbitration agreement** (for arbitration) or by means of a **simple written agreement** (for mediation).

**It is therefore important that the parties contact the CARO Centre as soon as possible to ensure that they can use the appropriate service when they need it, regardless of their objective.**

# ACCESSIBILITY

## MODEL CLAUSES

### 1 OHADAC Mediation clause

*All disputes arising out of or in connection with the present contract, including disputes relating to its validity, its interpretation, its enforcement or its termination, shall be settled by mediation under the Mediation Rules of the OHADAC Regional Centre for Arbitration (the "CARO Centre").*

### 2 OHADAC Arbitration clause

*All disputes arising out of or in connection with the present contract, including disputes relating to its validity, its interpretation, its enforcement or its termination, shall be finally settled under the Arbitration Rules of the OHADAC Regional Centre for Arbitration (the "CARO Centre") by one or more arbitrators appointed in accordance with the same Rules.*

Recommended additional provisions to be added:

- *The arbitral tribunal shall be composed of three arbitrators/a sole arbitrator.*
- *The seat of arbitration shall be [...].*
- *The language of the arbitration shall be [...].*
- *The law applicable to the substance shall be [...].*

### 3 OHADAC Arbitration clause with Mandatory Preliminary Mediation stage

*All disputes arising out of or in connection with the present contract, including disputes relating to its validity, its interpretation, its enforcement or its termination (the "disputes"), shall be settled by mediation under the Mediation Rules of the OHADAC Regional Centre for Arbitration (the "CARO Centre"). In the event that no settlement is thereby reached, the dispute shall be finally settled under the Arbitration Rules of the CARO Centre by one or more arbitrators appointed in accordance with the same Rules.*

### 4 OHADAC Expertise clause

*The parties may use the Expertise services of the OHADAC Regional Arbitration Centre (the "CARO Centre") in accordance with the OHADAC Rules of Expertise of the CARO Centre at any time during the implementation of their contract in the event of a dispute.*

This clause may be supplemented, at the choice of the parties, by adding the following provision:

*The report to be issued by the expert at the end of this procedure shall be binding on the parties.*





# CREATING AN IMPACT FOR THE CARIBBEAN REGION

Through its action, the CARO Centre supports Caribbean institutions, guardians of the stability and resilience of the region

The CARO Centre benefits from European Union development funds to support the sustainable growth of the region.

To respect this roadmap, **the CARO Centre is committed** to providing accessible services which, combined with a pragmatic approach and the implementation of concrete actions, allow the Centre to have a real **impact** on the development of the region.

Thus:

By addressing all the players of the region, **from the most robust to the most fragile**, the CARO Centre contributes to the sustainable growth of the Caribbean territories

The CARO Centre is suitable to establish **emergency mediation** services, on the basis of a specific Regulation, whenever the Caribbean territories are affected by a **natural disaster**

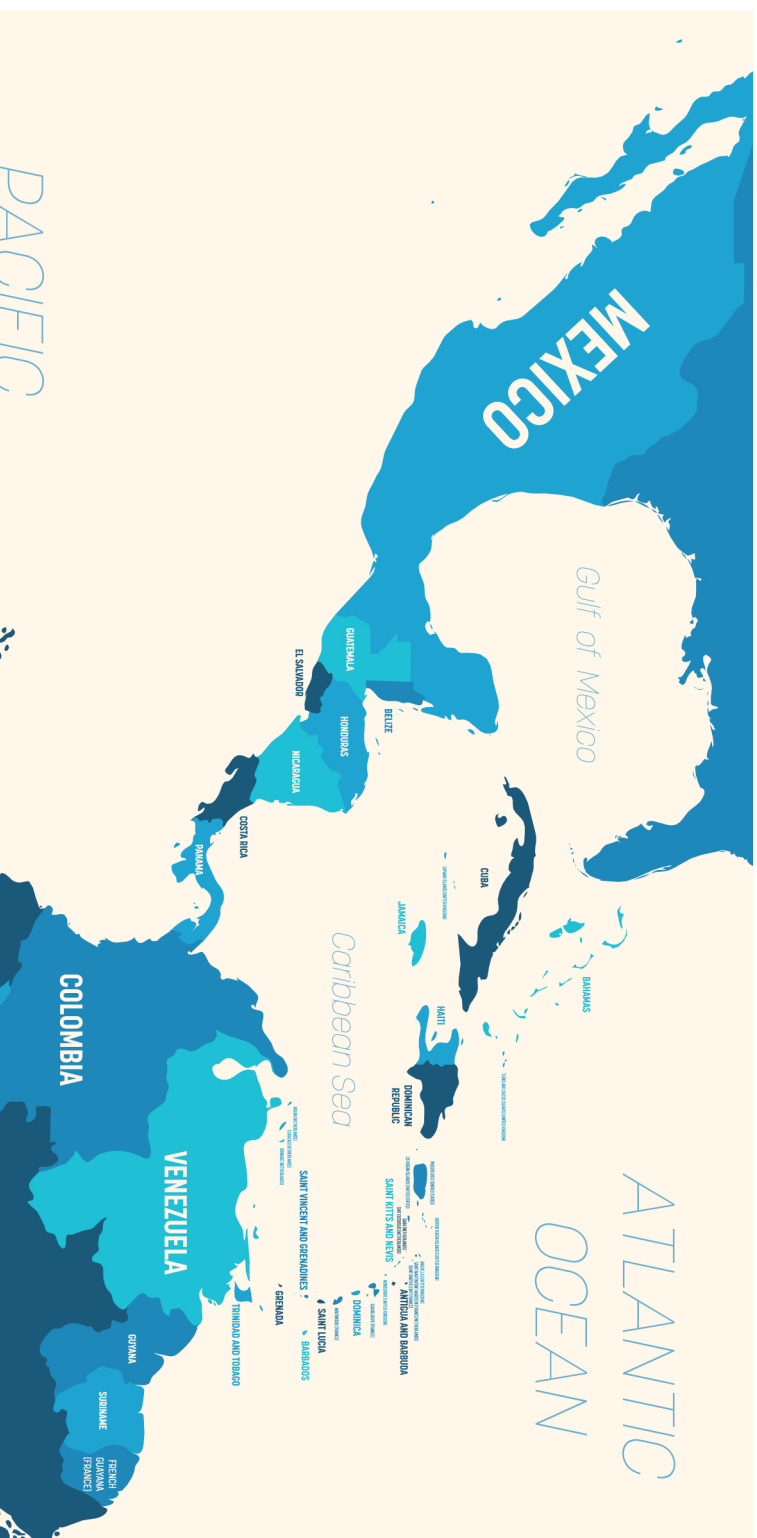
The CARO Centre proposed **free mediation services** to entrepreneurs in Guadeloupe, following exceptional containment measures adopted in the context of the **fight against Covid-19**

The CARO Centre selects the **best experts in environmental law**, able to **intervene in a litigious or amicable context**

## Appendix 1

# OHADAC ZONE

The OHADAC Zone consists of the following 33 countries and territories



### Island countries and territories

- Anguilla,
- Aruba,
- Antigua and Barbuda,
- Bahamas,
- Bermuda,
- Cuba,
- Dominica,
- Grenada,
- Haiti,
- Cayman Islands,

#### Netherlands Antilles

- Bonaire,
- Curaçao,
- Saba,
- Sint Maarten for part,
- Sint Eustatius,

#### United States Virgin Islands

- Saint Thomas,
- Saint John,
- Saint Croix...

#### French Islands

- Guadeloupe,
- Martinique,
- Collectivity of Saint Martin,
- Collectivity of Saint-Barthélemy,

#### British Virgin Islands

- Tortola,
- Virgin Gorda,
- Anegada,
- Jost Van Dyke...

#### Montserrat,

- Puerto-Rico,
- Dominican Republic,
- Saint Kitts & Nevis,
- Saint Lucia,
- Saint Vincent & the Grenadines,
- Trinidad and Tobago,
- Turks,
- Caicos

### Continental countries and territories

- Belize,
- Brazil for part,
- Colombia,
- Costa-Rica,
- Guatemala,
- Guyana,
- French Guiana,
- Honduras,
- Mexico,
- Nicaragua,
- Panama,
- Salvador,
- Venezuela.