









INTERNATIONAL COMMEMORATION SYMPOSIUM



From 18th to 20th October 2023

Kinshasa, Democratic Republic of Congo



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CONTEXT AND JUSTIFICATION



It's almost thirty (30) years since the founding treaty of the Organization for the Harmonization of Business Law in Africa (OHADA) was signed on October 17, 1993 in Port-Louis (Mauritius), and revised on October 17, 2008 in Quebec (Canada). Over the years, OHADA has established its identity and stood out worldwide as an original model of legal integration. By constantly striving for the establishment of modern business law, appropriate and common to all its member states, the organization contributes to legal and judicial security, to the improvement of the investment climate and to the economic development of Africa.

To fulfill its mission, OHADA has been endowed with a homogeneous institutional nomenclature. Alongside the Conference of Heads of State and Government and the Council of Ministers, there are three day-to-day operational institutions (the Permanent Secretariat, the Common Court of Justice and Arbitration - CCJA and the Higher Regional School of Magistracy - ERSUMA) and support bodies such as the Accounting Standards Commission (CNPC), the Technical Committee for the Standardization of Electronic Procedures (CTN) and the OHADA National Commissions (CNO) which, in addition to their daily national activities, support the Committee of Experts responsible for the technical preparation of meetings of the Council of Ministers.



OHADA's experience of legal integration is often described as a success story. Its normative activity has given rise to various regulations and, above all, to the eleven (11) "Uniform Acts" listed below, of which only the latest, adopted in December 2022, has not yet come into force:

- 1) The uniform act on general commercial law, adopted on April 17, 1997 in Cotonou (Benin) and revised on December 15, 2010 in Lomé (Togo);
- 2) The uniform act on commercial companies and economic interest groups, adopted on April 17, 1997 in Cotonou (Benin), revised on January 30, 2014 in Ouagadougou (Burkina Faso);
- 3) The uniform act on the organization of securities, adopted on April 17, 1997 in Cotonou (Benin) and revised on December 15, 2010 in Lomé (Togo);
- 4) The uniform act organizing simplified debt recovery and enforcement procedures, adopted on April 10, 1998 in Libreville (Gabon);
- 5) The uniform act relating to the organization of collective procedures for the settlement of debts, adopted on April 10, 1998 in Libreville (Gabon), and revised on September 10, 2015 in Grand-Bassam (Côte d'Ivoire);
- 6) The uniform act on arbitration law, adopted on March 11, 1999 in Ouagadougou (Burkina Faso), and revised on November 23, 2017 in Conakry (Guinea);
- 7) The uniform act on the organization and harmonization of companies' accounting, adopted on March 24, 2000 in Yaoundé (Cameroon), and replaced by the uniform act on accounting law and financial information, adopted on January 26, 2017 in Brazzaville (Congo);
- 8) The uniform act on contracts for the road freight transport, adopted on March 22, 2003 in Yaoundé (Cameroon);
- 9) The uniform act on the cooperative companies' law, adopted on December 15, 2010 in Lomé (Togo);
- 10) The uniform act on mediation, adopted on November 23, 2017 in Conakry (Guinea);
- 11) The uniform act on the accounting system for non-profit entities, adopted on December 22, 2022 in Niamey (Niger); this last uniform act, which will come into force on January 01, 2024, complements that on accounting law and financial information (AUDCIF) and will significantly improve the quality of financial information generated within OHADA.





From a technical point of view, OHADA has endeavored to provide an ever more appropriate response to the needs of economic stakeholders. To achieve this, it has, over time, refined its fields of intervention and tailored its approach to the conception of business law. New projects are being explored with a cautious approach, while older ones are being abandoned for the sake of the homogeneity of the legal system and institutional cohesion. As for the method of "normative production", the initial method of standardization, although retained at its core, has been watered down and increasingly incorporates recognition of national diversity. Indeed, many of the uniform acts nowadays provide a scope for national legislation, in line with the specific features of the contracting states. The paradigm shift in OHADA's legal integration policy is also characterized by the diversification of sources of inspiration; the Common Law is gradually taking its place alongside the still-prevailing Civil Law.

At geographical level, OHADA has seventeen (17) member states: Benin, Burkina-Faso, Cameroon, Central African Republic, Côte d'Ivoire, Union des Comores, Congo, Gabon, Guinea, Guinea-Bissau, Equatorial Guinea, Mali, Niger, Democratic Republic of Congo (DRC), Senegal, Chad and Togo. A number of attractive initiatives have been launched, notably within the framework of the African Continental Free Trade Area (AfCFTA), and there have been calls of interest, all giving rise to hopes of gradual accession to OHADA. However, although membership is open to all member states of the African Union, the most recent was in 2012: that of the DRC, which is holding the Organization's presidency for the first time in 2023. So, why isn't the international verbal craze, which goes beyond

Africa's borders, generating a broad accession, or, at the very least, staggered African states?

In its thirtieth year of existence, the episodic nature of OHADA membership may validly constitute a significant index of overall apprehension of OHADA, its achievements and the impact of the latters on the legal certainty, judicial security and economic development of its member states. Indeed, although the Organization's achievements to date are tremendous and highly commended[2], it remains, as far as OHADA itself is concerned, a milestone on a journey whose nobility and grandeur of purpose are no longer in doubt.





Aware of its strong potential, OHADA is constantly introspecting to go beyond its achievements and better meet the legitimate expectations of business law stakeholders. This dynamic, adopted by its institutions alongside its member states and partners from a broad range of geographical and professional backgrounds, requires that the overall reflection combine an assessment of OHADA's achievements with the definition of the actions and strategies necessary for the development of OHADA and its law.

With regard to the Organization's assessment, there's still the question of which performance indicators are appropriate as evaluation criteria. Is it the number of member states, the number of fields harmonized, the quality of texts adopted, the level of reception and assimilation of texts, the level of standardization in the interpretation and application of common rules, the number of companies created and formalized, the level of financing of businesses, the number of disputes relating to the uniform Acts, the capacity of the uniform Acts to deal with the practical issues of the business community, the conditions of enforcement of writs of execution, the processing deadlines for disputes relating to the uniform Acts ...? The constraint experienced by the OHADA law appraiser is understandable considering that an assessment is only fair when its criteria are known in advance by the person whose actions are to be appraised. As for the challenges driving OHADA's actions, they are related to the rational determination of subjects, the refinement of the way in which texts are produced, the commitment of all those stakeholders to the harmonization of business law and, of course, the effectiveness of text enforcement.

In order to assess the past thirty years of OHADA, and to reflect on the future development of this international organization, the Higher Regional School of Magistracy (ERSUMA), in partnership with the OHADA National Commission of the Democratic Republic of the Congo (DRC), the University of Kinshasa, the Kinshasa Gombé Bar Association, and JUS AFRICA, are organizing a conference on the theme: "OHADA, thirty (30) years on:





assessment and prospects". Following the significant work of the symposium on the 20th anniversary of OHADA held in Ouagadougou (Burkina Faso) in October 2013[1], the selected theme is a reflection on the three decades of OHADA practice as an instrument designed by Africa to serve economic development.

It will be an opportunity to take an uncompromising look at the progress made by OHADA, in order to come up with proposals to strengthen its achievements and further the harmonization and modernization of business law on the continent. This will be a global reflection on OHADA as an organization, and not just on OHADA law as a product of this organization.

[1] See Proceedings of the 20th Anniversary OHADA Symposium held in Ouagadougou (Burkina Faso) on the 10th and 11st of October 2013, on the theme "OHADA 20 years: Achievement and prospects", Revue burkinabè de Droit, n°48, 1st half of 2014.

ORGANIZERS





A. HIGHER REGIONAL SCHOOL OF MAGISTRACY (ERSUMA)

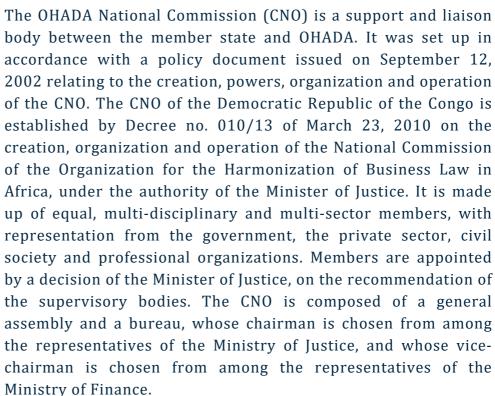
The Higher Regional School of Magistracy (ERSUMA) is one of OHADA's institutions. ERSUMA was inaugurated in 1997 and has been in operation since 1998, with the status of an international institution. It is located in Porto-Novo in the Republic of Benin, and has the following five main missions:

- Improve the legal and judicial systems of member states;
- Ensure capacity building for magistrates and other judicial officers in member states in relation to the uniform Acts and all areas of business law:
- Ensure the assimilation of OHADA law by professionals and litigants;
- Act as a center of excellence for research and documentation on OHADA and other Community laws;
- liaise closely with the CCJA and other high national jurisdictions, to ensure uniform interpretation and application of OHADA law.

ERSUMA has a Training Center, a Research Center, a Documentation Center and a Legal Translation and Interpreting Center to carry out its missions of awareness-raising, popularization, continuing and initial training, evaluation of the application of OHADA law and all other Community law, as well as continuous support for legal and accounting professionals and businesses. After twenty-five (25) years in business, it has trained over seventeen thousand (17,000) people from a wide range of professional backgrounds.



B. OHADA NATIONAL COMMISSION OF THE DEMOCRATIC REPUBLIC OF CONGO (DRC)



It is responsible for studying and commenting on preliminary drafts of uniform Acts and regulations, for monitoring the application of OHADA law and bringing national law into line with ordinary law, for promoting, popularizing and disseminating OHADA law, and for liaising between the State and the CCJA on advisory opinions requested or issued.



C. UNIVERSITY OF KINSHASA

Founded in 1954 as the Université Lovanium by the Katholieke Universiteit Leuven in collaboration with the Belgian government, it became respectively the Université Nationale du Zaire (UNAZA), Campus de Kinshasa and Université de Kinshasa following reforms in 1971 and 1981.

The University of Kinshasa intends to maintain the high standards set by its founders. It is committed to offering education and training guided by creativity, innovation and excellence.

The mission of the University of Kinshasa is to make students, and their contribution to the economic and social development of their country, the core of all its training, research and community development activities.





D. KINSHASA GOMBE BAR

The Bar of Kinshasa-Gombe is the professional association of lawyers in Kinshasa/Gombe in the Democratic Republic of Congo. It comprises three administrative bodies: the General Assembly, the Bar Council and the President of the Bar.

Its current head office is located behind the new courthouse, next to the training and retraining school for judicial personnel, in Kinshasa/Gombe.

It is one of the most active bar associations in the OHADA region, organizing regular scientific events and capacity-building sessions.



E. JUS AFRICA

JUS AFRICA provides legal advice to investors in Africa and to African investors in Europe, North America and Australia. It also organizes training sessions for professionals on arbitration and international contracts, as well as law-related events, including symposiums generally bringing together professionals and academics. The firm also publishes a legal journal, both in print and online.

OBJECTIVES



General objective

The general aim of this international symposium is to assess OHADA's first thirty (30) years, in order to guide, rationalize and optimize its contribution, and above all that of its Law, to legal and judicial security, the improvement of the investment climate and the economic development of its member states.

Specific objectives

Specifically, this symposium is intended to:

- 1) establish the state of play of OHADA's institutions and their relations with member states and partners;
- 2) assess and guide relations between OHADA and other African community organizations;
- 3) assess the impact of OHADA and its law in all their dimensions (institutional coherence, improvement of the business climate, increase in domestic and foreign investment, combating poverty and unemployment);
- 4) assess current OHADA law in terms of the areas of intervention targeted, the methods of legal integration adopted and the objectives pursued;
- 5) identify the strengths, weaknesses and opportunities of OHADA and its law;
- 6) analyze the dynamics of OHADA and, where appropriate, identify prospects for improvement.

EXPECTED OUTCOMES

At the end of this international symposium, the following outcomes are expected:

- 1) The state of play regarding the operation of OHADA's institutions will be established, with particular emphasis on their relations with member states and partners;
- 2) the relationship between OHADA and other African community organizations will be assessed and, where appropriate, new directions will be proposed;
- 3) the impact of OHADA and its law will be assessed in all their dimensions (institutional coherence, improvement of the business climate, increase in domestic and foreign investment, combating poverty and unemployment);
- 4) OHADA law in force will be assessed in terms of the areas of intervention targeted, the methods of legal integration adopted and the objectives pursued;
- 5) the strengths, weaknesses and opportunities of OHADA and its law will be identified;
- 6) the dynamics of OHADA will be analyzed and, where appropriate, prospects for improvement will be identified;
- 7) the proceedings of the International Colloquium will be drawn up and published by ERSUMA.

METHODOLOGY

The international symposium will be conducted in the form of successive panels for discussion and experience-sharing.

The presentations of papers prepared for the occasion will be followed by debates led by a moderator.

A summary report will be presented at the closing ceremony.

Un rapport de synthèse des travaux sera présenté à l'occasion de la cérémonie de clôture.

Preparation of papers

The orientation of papers at the international colloquium shall be free, subject to the sole requirement of complying with the present terms of reference.

Each speaker shall be expected to provide an analytical presentation in the form of a paper submitted in Word format for publication in the conference proceedings.

The submission have to be between 10 and 25 pages maximum and must comply with the following requirements:

- Contain full identification of the author(s): surname, first names, title;
- Be submitted with the curriculum vitae of the author(s);
- Be drafted in one of OHADA's working languages, i.e., French, English, Portuguese and Spanish;
- Be preceded by a compulsory abstract of no more than 300 words in one of the official languages of OHADA, the language in which the submission is written;
- Be submitted with an optional summary of no more than 300 words in the other official languages of OHADA.
 - Comply with the following formatting rules:
 - File format: editable Word version (.doc or .docx file)
 - Article title: in lower case, bold and without boxes;
 - Main text: Cambria font, size 12, single-spaced;
 - Headings in developments in lower case;
 - Footnotes: Cambria font, Size 10, single-spaced, appearing on every page of the submission, not at the end of the entire text;
- Any contributor submitting an article for possible publication hereby declares that:
 - his work is original, authentic and has not been published previously;
 - all information provided has been scientifically checked by the contributor.

Scientific program drafting

A provisional program listing the panels is set out below. The final program of the international symposium will be drafted following receipt of the exact titles of the papers proposed by the speakers.

Presentation of papers and management of discussions

Each speaker will give a short Powerpoint presentation of his or her paper, followed by a discussion.

Discussions will be led by the moderator of each panel, with the main purpose of enhancing the summary report and the symposium proceedings, which will consolidate all the presentations.

Drafting and presentation of the works summary report

The rapporteur's task is to consolidate, consistently, the main directions of the papers, to identify the relevant exchanges and to compile the whole into a synthesis report to be presented at the closing ceremony of the international colloquium. This report will outline the main themes and their essence. The report will be followed by a presentation of the recommendations.

Evaluation of the organization

An evaluation form will be filled in by participants to assess the overall organization and prospects for improving forthcoming editions of the ERSUMA international symposium.

Editing and publishing the proceedings of the international symposium

The updated papers, summary report, speeches and addresses will be compiled for editing and publication in the proceedings of the international symposium. The general approach, the main ideas expounded and the outline of this publication will be defined on the basis of the papers selected and the debates.

SCIENTIFIC COORDINATION

The International Symposium will be coordinated by the following team:

- Pr Roger MASAMBA MAKELA, Professor, Attorney at Law, Democratic Republic of Congo
- Pr Mayatta Ndiaye MBAYE, Associate Professor of Private Law at UCAD, Director General of ERSUMA, Benin;
- Dr Achille NGWANZA, Doctor of Law, Partner, Cabinet JUS AFRICA;
- Dr Karel Osiris Coffi DOGUÉ, LL.D., Private Law, Director of Studies, ERSUMA;
- Mr Ghislain OLORY-TOGBE, Jurist, Research Assistant, Project and Partnership Manager;
- Mme Annick Béatrice KINSI, Jurist, Research Assistant, in charge of research projects and publications.

DURATION

The international symposium will take place over three (03) consecutive days and will comprise four main events:

- An official opening ceremony;
- Panels:
- Exhibitions ;
- A closing ceremony.



SPEAKERS



Speakers will be confirmed by the organizers on the basis of their knowledge, skills and experience. An emphasis will be laid on the diversity of speakers, in a spirit of exchange and sharing.

TARGET AUDIENCE

This international symposium is expecting an audience of five hundred (500) face-to-face participants and one thousand (1,000) participants by videoconference on the ERSUMA platform.

It is intended to provide an open forum for exchange on the experience and future of OHADA and its law. It will bring together OHADA institutions, public and private institutions, academics and researchers from a variety of fields, legal and accounting professionals, and litigants, with companies at the forefront.

Students and young people interested in OHADA and its law will also be able to take part.

LANGUAGES OF THE SYMPOSIUM

The sessions will be conducted in OHADA's four working languages (English, French, Spanish and Portuguese), with simultaneous translation.



REGISTRATION

Participants must register via the ERSUMA training platform, whose details are available at the following address:

https://sigweb.ersuma.org/formation/ERS2023-CL

Participation fees:

Face-to-face Attendance:

- On-site (Professionals): 150,000 FCFA / 230 euros / 230 Dollars
- On-site (PhDs students & Students): 50,000 FCFA / 80 euros / 80 Dollars

Participation by videoconference:

- Videoconference (Professionals): 50,000 FCFA / 80 euros / 80 Dollars
- Videoconference (PhD students): 25,000 FCFA / 40 euros / 40 Dollars
- Videoconference (Students): 10,000 FCFA / 15 euros / 15 Dollars

International Symposium fees entitle participants to an educational kit, catering services during the symposium, a gala evening and a certificate of attendance.

Travel, accommodation and catering expenses are to be borne by the participant.

PROVISIONAL AGENDA



The provisional agenda for this international symposium to commemorate the thirty (30) years of OHADA is as follows:

FROM SATURDAY 14 TO MONDAY 16 OCTOBER 2023 WELCOME AND CHECK-IN

TUESDAY, OCTOBER 17, 2023 welcome and anniversary cocktail reception

WEDNESDAY, OCTOBER 18, 2023

| 09:00 am 10:00 am | OFFICIAL OPENING CEREMONY Opening addresses and inaugural lecture | |
|---|--|--|
| 10:00 am 11:00 am | Opening cocktail reception | |
| OHADA AND ITS INSTITUTIONS CHALLENGED BY TIME AND SPACE | | |
| 11:00 a.m. 1:00 p.m. | PANEL 1 : OHADA, its institutions and member states | |
| 1:00 pm 2:00 pm | Lunch break | |
| 2:00 p.m. 3:30 p.m. | PANEL 2 : OHADA and other African community organizations: the challenge of peaceful coexistence | |
| 3:30 p.m. 3:45 p.m. | Coffee break | |
| 3:45 p.m. 5:00 p.m. | PANEL 3 : OHADA and its technical and financial partners | |
| 5:00 p.m. | Suspension of work / End of day one | |

THURSDAY, OCTOBER 19, 2023

OHADA AND THE IMPROVEMENT OF LEGAL AND PROCEDURAL CERTAINTY

| 09:00 a.m. 10:30 a.m. | PANEL 4: OHADA and its fields of intervention |
|--------------------------|---|
| 10:30 a.m. 11:00 a.m. | Coffee-break |
| 11:00 a.m. 1: 00 p.m. | PANEL 5 : OHADA and its methods for legal integration |
| 1: 00 p.m. 2: 00 p.m. | Lunch break |
| 2: 00 p.m. 3: 30 p.m. | PANEL 6: OHADA and judicial security |
| 3: 30 p.m. 3: 45 p.m. | Coffee-break |
| 3: 45 p.m. 5: 00 p.m. | PANEL 7: The development of alternative dispute resolution in OHADA |
| 5: 00 p.m. | Suspension of work / End of second day |

FRIDAY, OCTOBER 20, 2023

OHADA AND THE BUSINESS CLIMATE

| 09:00 a.m. 10:30 a.m. | PANEL 8 : The impact of OHADA on the development of economic operators |
|--------------------------|---|
| 10:30 a.m. 11:00 a.m. | Coffee-break |
| 11:00 a.m. 1: 00 p.m. | PANEL 9 : OHADA and the growth of investment |
| 1: 00 p.m. 2: 00 p.m. | Lunch break |
| 2: 00 p.m. 2: 45 p.m. | Institutional round-table: Institutional partners' outlook on OHADA |
| 2: 45 p.m. 3: 00 p.m. | Coffee-break |
| 3: 00 p.m. 4: 00 p.m. | Professional round-table : Legal and accounting professionals' outlook on OHADA |
| 4: 00 p.m. 5: 00 p.m. | CLOSING CEREMONY Closing addresses, recommendations and general report on the proceedings |
| 5: 00 p.m. | End of works |

From 8:00 p.m.
GALA EVENING RECEPTION

SATURDAY, OCTOBER 21, 2023 SIGHTSEEING TOURS

TOURIST VISITS



Kinshasa en (RDC)

Kinshasa, the capital and largest city of the Democratic Republic of Congo, is a vibrant crossroads where history, culture, and energy converge. Nestled on the banks of the majestic Congo River, Kinshasa is a ever-evolving metropolis that embodies the complexity and diversity of the entire country.



The Nsele Valley Park

If you're looking for a natural escape, this park offers green spaces, hiking trails, picnic areas, and outdoor activities.

The National Museum of Kinshasa

A cultural treasure, the museum showcases artifacts, artworks, and exhibitions that trace the history, culture, and prehistory of the Democratic Republic of Congo.



Kinshasa en (RDC)

The city offers a unique experience where the old and the modern coexist in a striking manner. Vibrant and colorful neighborhoods house traditional markets, lively street stalls, and a multitude of vendors offering everything from local products to handmade items. These bustling streets are a living reflection of the daily life of Kinshasa's residents.



The Kinshasa Zoological Garden

Ideal for families and wildlife enthusiasts, the zoo houses a diverse collection of animals, providing a unique opportunity to observe African wildlife up close.

The Mausoleum of Laurent-Désiré Kabila

This mausoleum houses the tomb of former President Laurent-Désiré Kabila. It is an important place of remembrance for the political history of the country.



Kinshasa en (RDC)

In essence, Kinshasa is a bustling metropolis that offers a captivating blend of history, culture, music, and urban life. A visit to Kinshasa promises an immersive and memorable experience in the heart of Central Africa.



The Livingstone Falls

The Livingstone Falls, named after the explorer David Livingstone, are a series of rapids on the lower course of the Congo River downstream from the Malebo Pool in the Democratic Republic of Congo.

PARTNERSHIP AND SPONSORSHIP PROPOSALS

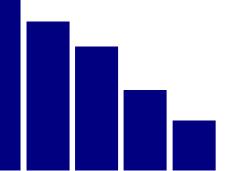
The International Symposium represents an ideal opportunity for meetings between OHADA's institutional partners, trade associations and professionals. All these stakeholders involved in the life of OHADA have the opportunity to associate their name and image with this major international event. To this end, the following seven (07) categories of sponsors are proposed:

- Public institutional partners;
- Partners Professional Associations;
- Diamond Sponsor;
- Platinum Sponsor;
- Gold Sponsor;
- Copper Sponsor;
- Silver Sponsor.

For more information on these opportunities, please contact ERSUMA.

FINANCING

The expenses for the international symposium covered by these terms of reference will be borne by the organizers, with the support of the Democratic Republic of Congo, which is hosting the event and holds the presidency of OHADA, as well as partners and sponsors.Lump-sum contributions from participants will also be put out to tender for the organization of this activity.





CONTACTS

For more information, please contact ERSUMA:

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