

# COLLOQUIUM

Organised by the International Institute for the Unification of Private Law – UNIDROIT  
and the Training and Research Department (UFR) for Legal and Political Science of the University of Ouagadougou  
in association with the Organisation for the Harmonisation of Business Law in Africa - OHADA



## THE HARMONISATION OF CONTRACT LAW WITHIN OHADA

**OUAGADOUGOU (Burkina Faso) – 15-17 NOVEMBER 2007**

HOTEL MERCURE SILMANDÉ

**Chairman of the Colloquium: Mr Filiga Michel SAWADOGO**

Professor at the Training and Research Department (UFR)  
for Legal and Political Science of the University of Ouagadougou

**UNDER THE PRESIDENCY OF HIS EXCELLENCY THE MINISTER OF**

**HIGHER EDUCATION AND SCIENTIFIC RESEARCH,**

**AND UNDER THE PATRONAGE OF HIS EXCELLENCY THE MINISTER OF JUSTICE**

**AND OF HER EXCELLENCY THE MINISTER FOR THE PROMOTION OF HUMAN RIGHTS**

*With the support of :*

- ◆ Swiss Agency for Development and Cooperation SDC
- ◆ Directorate for Development and Cooperation, Grand Duchy of Luxembourg
- ◆ *AISBL Fonds Scientifique Jean Bastin*

*Partner institutions :*

- ◆ United Nations Commission on International Trade Law (UNCITRAL)
- ◆ International Chamber of Commerce (ICC)
- ◆ Swiss Institute of Comparative Law
- ◆ University of Geneva
- ◆ *Facultés universitaires Notre-Dame de la Paix à Namur*
- ◆ McGill University
- ◆ *Université de Montréal*

# PROGRAMME

**1<sup>st</sup> DAY – THURSDAY 15 NOVEMBER – MORNING**

10.00 – 12.30 Registration of participants

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## **AFTERNOON**

15.30 **Welcome Addresses**

- ◆ Prof. Filiga Michel Sawadogo, speaking as Chairman of the Colloquium and on behalf of the Organisation Committee
- ◆ Prof. Herbert Kronke, on behalf of UNIDROIT
- ◆ Prof. Koléka Boutora-Takpa, on behalf of OHADA
- ◆ Mme Chrystel Ferret, on behalf of the Swiss Agency for Development and Cooperation SDC

### **OPENING OF THE COLLOQUIUM BY HIS EXCELLENCY ZAKALIA KOTE, MINISTER OF JUSTICE**

16.00 **Current problems raised by the harmonisation process within OHADA**

Mr Jean Yado Toé, Professor at the Training and Research Department (UFR) for Legal and Political Science of the University of Ouagadougou (Burkina Faso)

16.30 **The harmonisation of contract law within OHADA : what is at stake?**

Mr Idrissa Kéré, Director of Legal Affairs and Institutional Relations, OHADA Permanent Secretariat

16.50 ***Break***

17.10 **Harmonising the law in a multilingual environment with different legal systems : a Canadian point of view**

Mr Robert Leckey, Professor in the Faculty of Law of McGill University (Canada)

17.40 **Harmonising the law in a multilingual environment with different legal systems : the harmonisation of business law in Africa**

Mr Aboubacar Fall, Principal Legal Counsel, African Development Bank (ADB)

18.00 – 18.30 ***Discussion***

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**2<sup>nd</sup> DAY – FRIDAY 16 NOVEMBER – MORNING**

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- 9.00      **New trends in the law of obligations: which law applies?**  
Prof. Eleanor Cashin Ritaine, Director, Swiss Institute of Comparative Law, Lausanne (Switzerland)
- 9.30      **The impact of international uniform law: the Vienna Convention, the role of UNCITRAL**  
Mr Luca G. Castellani, Legal Officer, Secretariat of the United Nations Commission on International Trade Law (UNCITRAL)
- 10.00     **The impact of the UNIDROIT Principles on contract practice and arbitration**  
Mr Emmanuel Jolivet, General Counsel, International Court of Arbitration of the International Chamber of Commerce (ICC)
- 10.30     **Break**
- 10.50     **The impact of the UNIDROIT Principles on the reform of the law of obligations in China**  
Mr Zhang Shaohui, Associate Professor, South China University of Technology, Guangzhou, Canton (People's Republic of China), barrister at the Luxembourg Bar
- 11.20     **The UNIDROIT Principles and French contract law**  
Mr Jean-Michel Jacquet, Professor in the *Institut universitaire de hautes études internationales*, Geneva (Switzerland)
- 11.50 – 12.30    **Discussion**
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**AFTERNOON**

- 15.30     **The OHADA preliminary draft Uniform Act on Contract Law : a general introduction**  
Mr Marcel Fontaine, Emeritus Professor, former Director of the *Centre de droit des obligations*, Faculty of Law, Catholic University of Louvain (Belgium); UNIDROIT Expert responsible for the drafting of the preliminary draft OHADA Uniform Act on contract law
- 16.00     **The OHADA preliminary draft Uniform Act on Contract Law as seen by a Common law lawyer**  
Hon. Justice S.K. Date-Bah, Justice of the Supreme Court of Ghana
- 16.20     **Break**

**PANEL No. 1 : SUBSTANTIVE SOLUTIONS IN THE PRELIMINARY DRAFT : SOME SPECIFIC ISSUES - Panel Chairman: Prof. Kalongo Mbikayi**

- 16.40 **Topic No. 1 : Upholding of the principles of good faith and fair dealing**  
Mr Kalongo Mbikayi, Professor in the Faculty of Law of the University of Kinshasa; Advocate of the Supreme Court of Justice; Chairman of the Permanent Committee for Congolese Law Reform (Democratic Republic of Congo)
- 17.00 **Topic No. 2 : Protection of the contract : conclusion, performance and remedies for non-performance**  
Mr Sibidi Emmanuel Darankoum, Professor in the Faculty of Law of the *Université de Montréal* (Canada)

**17.20 – 18.30 Discussion**

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**3rd DAY – SATURDAY 17 NOVEMBER – MORNING**

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- 9.00 **Topic No. 3 : "Cause" and consideration : why they were left out**  
Mme Christine Chappuis, Professor in the Faculty of Law of the University of Geneva (Switzerland)
- 9.20 **Topic No. 4 : Electronic commerce : adequateness of rules ?**  
Mr Etienne Montero, Professor, *Facultés universitaires Notre-Dame de la Paix of Namur* (Belgium)
- 9.40 **Discussion**
- 10.30 **Break**

**PANEL No. 2 : SCOPE OF APPLICATION OF THE PRELIMINARY DRAFT**  
– Panel Chairwoman: Prof. Jacqueline Lohoues Oble

- 10.50 **Topic No. 1 : Autonomy of the parties / non-mandatory character of the provisions of the future Act**  
Prof. Jacqueline Lohoues Oble, *Agrégée* of the Law Faculties, Legal Adviser to the Regional Commission for Insurance Supervision (*Commission Régionale de Contrôle des Assurances (CRCA)*), former Minister of Justice (Côte d'Ivoire)
- 11.10 **Topic No. 2 : Contracts in general / commercial contracts / consumer contracts**  
Prof. Dorothe Sossa, Dean of the Faculty of Law and Political Science of the University of Abomey-Calavi, Cotonou (Benin)
- 11.30 **Topic No. 3 : Form and evidence in contractual obligations**  
Dr Félix Onana Etoundi, Magistrate, *Juriste Référendaire* at the OHADA Common Court of Justice and Arbitration
- 11.50 – 12.30 **Discussion**
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**AFTERNOON**

- 15.30      **Coordination of the OHADA preliminary draft Uniform Act on Contract Law with other Uniform Acts**  
Dr Gaston Kenfack Douajni, Vice-Director of Civil, Commercial, Social and Traditional Legislation at the Ministry of Justice (Cameroon)
- 16.00      **General discussion**
- 16.45      **Break**
- 17.15      **General report**  
Mr Pierre Meyer, Professor at the Training and Research Department (UFR) for Legal and Political Science of the University of Ouagadougou (Burkina Faso)
- 18.00      **Conclusions – Closing of the Colloquium**  
Mr Filiga Michel Sawadogo, Professor at the Training and Research Department (UFR) for Legal and Political Science of the University of Ouagadougou (Burkina Faso); Chairman of the Colloquium

**CLOSING OF THE COLLOQUIUM BY HER EXCELLENCY SALAMATA SAWADOGO  
MINISTER FOR THE PROMOTION OF HUMAN RIGHTS**

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- ADVISORY BOARD**                      Mr Filiga Michel Sawadogo, Professor at the Training and Research Department (UFR) for Legal and Political Science of the University of Ouagadougou (Burkina Faso)  
Prof. Herbert Kronke, Secretary-General of UNIDROIT  
Prof. Koléka Boutora-Takpa, Permanent Secretary of OHADA
- LANGUAGES OF THE COLLOQUIUM**      Simultaneous interpretation in French / English provided throughout the Colloquium
- REFERENCE TEXTS**                      A presentation of the cooperation between UNIDROIT / OHADA, with links to the full texts of the preliminary draft Uniform Act on Contract Law and of the Explanatory Note (as well as to other relevant sources) may be accessed on the UNIDROIT Internet website:  
<http://www.unidroit.org/english/legalcooperation/ohada.htm>  
The full text of the UNIDROIT Principles on International Commercial Contracts (in English) may be accessed on the UNIDROIT Internet website:  
<http://www.unidroit.org/english/principles/contracts/principles2004/integralversionprinciples2004-e.pdf>
- ACTS OF THE COLLOQUIUM**              To be published in *Uniform Law Review / Revue de droit uniforme* 2008.
- COMMUNICATIONS**                      Participants are invited to submit written communications in either of the Colloquium languages (English or French) – maximum length 3 pages (approximately 1200 words) which, subject to approval by the Advisory Board, may be reproduced in the Acts of the Colloquium. Such communications should reach the Colloquium Secretariat by 15 January 2008 at the latest.

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## ORGANIZERS

International Institute for the Unification of Private Law – UNIDROIT

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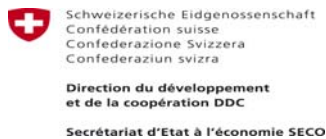


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