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

1st DAY – THURSDAY 15 NOVEMBER – MORNING

10.00 – 12.30  Registration of participants

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

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<th>Time</th>
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<td>15.30</td>
<td>The OHADA preliminary draft Uniform Act on Contract Law: a general introduction</td>
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<td>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</td>
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<td>16.00</td>
<td>The OHADA preliminary draft Uniform Act on Contract Law as seen by a Common law lawyer</td>
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<td>Hon. Justice S.K. Date-Bah, Justice of the Supreme Court of Ghana</td>
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<td>16.20</td>
<td>Break</td>
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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

3rd DAY – SATURDAY 17 NOVEMBER – MORNING

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. Dorothé 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
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

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:

ACTS OF THE COLLOQUIUM

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.
ORGANIZERS

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