



**OBSERVATOIRE AFRICAIN DE LA PRATIQUE DES AFFAIRES
AFRICAN BUSINESS CLIMATE SURVEY**

**Indice du climat des Affaires
Business Climate Index**

Récépissé N° 00001211 /RDA/J06/SAAJP/BAPP du 13/10/2016



**WORKSHOP ON THE APPROPRIATION OF THE OHADA
BUSINESS LAW BY ENGLISH SPEAKING JUDICIAL AND
EXTRA JUDICIAL ACTORS
OHADA BUSINESS SCHOOL**

REPORT

**Multipurpose hall of the Governor's office, Douala- Littoral Region
02nd of February 2017**

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I- INTRODUCTION

In view of starting the OHADA BUSINESS SCHOOL training sessions (April 2017), **the African Business Climate Survey (ABCS) in partnership with the Cameroon Business Forum (CBF) and the financial support of the Ministry of Finance organized a workshop on the appropriation of the OHADA law English speaking judicial and extrajudicial actors.**

This strategic program which **"complements the action taken by the Ministry of Justice through an Ad Hoc Committee created to address preoccupations relative to the functioning of the justice system raised by the Anglophone Lawyers"** in accord with the prime Minister's confidential mail N ° 352 /CF/CAB/PM of January 5th 2017, which is aimed at setting up a training center to enhance the capacities of actors targeted on the implementation of comparative business law (OHADA and Common Law).

To involve the actors concerned in the design, elaboration and implementation of this program and with ken effective actions in respect to the actual and real needs of the targets, a workshop was held on 02nd of February 2017, from 9 am to 4 pm, under the chairmanship of the Governor of the Littoral Region, represented by the Inspector General of Services, Mr. NJIKAM ABOUBAKAR, in the multi-purpose hall of the Governor's office in the Littoral Region.

With respect to the context, the workshop aimed at contributing to peace and social cohesion, following the submission of the revised Treaty and OHADA Uniform Acts to English-speaking judicial actors.

In this context, it seemed appropriate to hold this workshop given that the OHADA Permanent Secretariat had finalized and published the updated English version of the Uniform Acts and OHADA Treaty on 24th of November 2016. In the same light, on the 28th of November 2016, the Permanent Secretary of that institution, His Excellency Mr. Dorothé COSSI SOSSA, presented the final result recorded in the Special Edition of the Official OHADA Journal to the Minister Secretary General of The President of the Republic of Cameroon, Mr Ferdinand NGOH, representing the President of the Republic of Cameroon, His Excellency Paul BIYA.

In the chain of suitable solutions, the OHADA BUSINESS SCHOOL intervenes alongside the Cameroon Business Forum to accompany training, coaching and capacity-building of actors in general, and judicial actors in particular, to improve the



capacities of the targets and the quality of the services provided by legal professionals.

This report presents the institutional and methodological framework of the workshop, its progress, as well as the main recommendations resulting from the discussions with the participants.

II. INSTITUTIONAL AND METHODOLOGICAL FRAMEWORK

Emphasis will be laid on the objectives of the workshop in relation to its institutional framework (A) and on the chosen methodology (B).

A. Objectives

As mentioned above, it is with the aim to contribute to the search for lasting solutions to the concerns raised by Anglophone lawyers on the functioning of the Cameroonian justice system that the African Business Climate Survey (as a monitoring and evaluation body) in partnership with the Cameroon Business Forum, and with the institutional support of relevant technical and sectoral ministries (MINJUSTICE, MINFI, MINCOMMERCE, MINPMEESA, MINADER, MINPOSTEL, MINCOM) have elaborated the "Support program for the appropriation of the OHADA law by English-speaking judicial and extrajudicial actors" under the banner of OHADA BUSINESS SCHOOL.

It aims at facilitating the integration of the translated OHADA texts in the day to day practice of targeted actors in the regions concerned and to facilitate a better and functional access to justice, which is a prerequisite to an efficient and competitive business climate.

In concrete terms, it seeks to speed up the process of appropriating positive business law within the Common-Law family (notably the Bar and the National Chamber of Court Bailiffs), supporting French speaking judicial and extrajudicial actors working in English-speaking regions and, more generally, the legal staff of ministries and the business community.

In this perspective, the workshop aimed at:

- Presenting the program and its modality of intervention to the actors while taking note of their expressions of their expectations and suggestions in the form of recommendations.
- mobilize registration (online) for OHADA BUSINESS SCHOOL training sessions



- set up a platform for exchanges between judicial actors and economic operators for the effective application of the OHADA law, in line with the real expectations of the business world.

B. Methodology

The methodological approach adopted was essentially participatory and interactive. The occasion was marked by the interventions of key actors who were keen to share their experiences with the audience, while provoking orientations in the direction of the search for consistency between the training modules proposed and their real needs.

As such, the workshop took place in 3 phases:

- Speeches ;
- A presentation of the context of action;
- Exchange with participants

C. Participants

Approximately one hundred and fifty (150) registered participants attended the workshop. Mostly English-speaking, these participants came from several regions of Cameroon, in this case Littoral, North-West, South-West and Center, and had the following profiles.¹ :

- Lawyers at the Bar of Cameroon
- Pupils’ Lawyers
- Magistrates
- Business owners
- Law students (Doctoral students in particular)
- University Teachers.

II. RUNDOWN OF THE WORKSHOP

A. Opening ceremony

Under the chairmanship of the Governor of the Littoral Region, the workshop took place in two (2) phases: a protocol phase, followed by the actual work.

¹ - See attendance list in annex.



Preceded by the execution of the National Anthem, the protocol phase was presided by **Mr NJIKAM ABOUBAKAR, Inspector General and Representative of the Governor of the Littoral Region**, in the presence of;

- *The Senior Divisional Officer for Wouri*
- *The Permanent Secretary of the Cameroon Business Forum (CBF)*
- *The President of the Administration Board of the African Business Climate Survey (ABCS)*
- *The Director of Legal Affairs of ECOBANK*

The work itself benefited from the expertise of **Barrister Nico HALLE NTUMFOR**, President of the General Assembly of the Bar Association, acting as Moderator of the session.

The debates were led by **Barrister Patricia KUWONG TEMBI**, Lawyer at the Bar of Cameroon and Regional Head of the OHADA BUSINESS SCHOOL for the Littoral, acting as facilitator in the exchange and recommendations phase.

B. Framework Exposé

Prof. Justine DIFFO TCHUNKAM, in her capacity as PAB of the African Business Climate Survey (ABCS), introduced the work by presenting a rundown of the activity in the two official languages of Cameroon (French and English), and centered around the following points:

- Presentation of the ABCS: operational framework of the OHADA BUSINESS SCHOOL (OBS)
- Intervention modality of the OHADA BUSINESS SCHOOL (Comparative business law for bilingual jurists)
- Training opportunity « demand driven » : tailored to the needs of legal professionals and business lawyers
- Registration modalities for the training sessions (registration form available online at: www.oapa-abcs.org)

C. Main recommendations from exchange with participants

After a short break, which enabled authorities to withdraw, exchanges with the participants resumed facilitated by Barrister Patricia KUWONG TEMBI, and moderated by Barrister Nico HALLE NTUMFOR



This working phase enabled through participants' speeches (key speakers) to have a full measure of the audience's perception, the relevance of setting up the OHADA BUSINESS SCHOOL as well as the expression of their expectations.

The exchanges in both languages lasted almost two (2) hours and the following recommendations were identified:

1- To public authorities, development partners and the private sector

- ***Support for the cost of training lawyers and especially English-speaking lawyers by public authorities.*** In this regard, the participants encouraged the promoter to seize the Ministry of Finance, development partners (World Bank, Commonwealth, Embassies, etc.) as well as companies to solicit their support for the assumption of related expenses to the training of legal professionals, given that their increased performance will contribute to improving the quality of their services, in favor of investment security.
- Participants advocated for intensified vulgarization of the special issue of the Official Journal devoted to the OHADA texts compiled in the English version, especially through the training sessions of the OHADA Business School.

2- To the Cameroon Business Forum

- ***Participants emphasized the autonomous and professional nature of the actions of OHADA BUSINESS SCHOOL*** as a tool to support capacity building of actors in the implementation of OHADA law, with the view to improve the quality of interventions and performance of economic targets (ministries legal staff and their departments, enterprises, legal and commercial staff of private, public and parastatal enterprises, among others).
- ***Representatives of the Private Sector are in favour of signing a partnership agreement between OHADA BUSINESS SCHOOL (OBS) and the Cameroon Business Forum, as well as with GICAM and the private Sector*** platform notably, operation of the training modules and operational interventions of the ABCS in line with the wishes of private sector actors



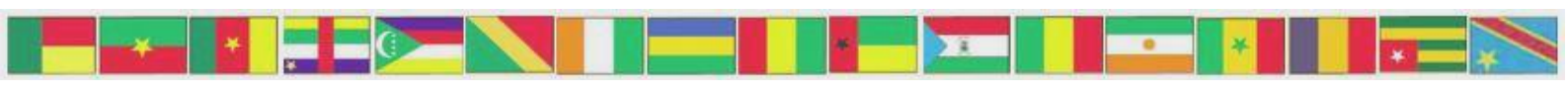
3- To the promoters of OHADA BUSINESS SCHOOL

- The selection of candidates for the OHADA BUSINESS SCHOOL must sacrifice, for the sake of fairness, respect the regional balance.
- Considering the learning of a second language, the comparative OHADA law T OHADA and Common Law in the training curricular
- Taking into account the learning of the second language, the comparative law OHADA and Common Law in the training curricula.
- *Training sessions of OHADA BUSINESS SCHOOL should integrate the technology of the e.learning (Open and Distance Learning) platforms in order to overcome the difficulty associated with the distance and the unavailability of certain professionals in the case of Face-to-face training.*
- *The methodology that should integrate a continuous monitoring and evaluation of the learners through a Forum of exchanges between the trainers, the legal professionals and the economic actors, for a better mesh of the knowledge acquired between and with the targets concerned.*
- *Trainings should be very practical, taught in the two official languages of Cameroon with simultaneous translation where need be and availability of summarised notes to students*
- *Awareness-raising should be intensified in view of the accession of the companies as partners of the ABCS and the financial partners of the OHADA BUSINESS SCHOOL.*
- Recruitment of training experts and facilitators should encourage the ability of candidates to express themselves fluently in the two official languages of Cameroon.

III. GENERAL OBSERVATIONS

1- Lessons learned

- *It is essentially a confirmation of the necessity to always associate the beneficiary targets and limit as much as possible implementation actors of the programs at their conception.*



This participatory approach made it possible to enrich the terms of reference of the program, as well as the operational implementation in view of best results for the target.

- *Treaties and Uniform Acts compiled in English were strongly requested by the participants. This testifies to the relevance of the action, but also to the need to reinforce their vulgarization before implementation actions of the OHADA law.*

2- Difficulties encountered

- The Official Journal devoted to OHADA texts compiled in the English version was not delivered to the participants as planned, due to their unavailability at the level of the service in charge of the Official Journal of OHADA at the Permanent Secretariat of this Institution in Yaounde.

To remedy this failure, the organizers took upon itself to deliver a copy of this document to the judicial actors during the annual meeting of the Cameroon Business Forum, scheduled for the 13th March 2017.

Despite the financial support of five million de FCFA (5 000 000 XAF) granted by the ministry of finance *for the organization* granted by the Ministry of Finance for the organization of the workshop in the form of a commitment, enormous personal sacrifices were mobilized for the success of the activity².

IV. GENERAL CONCLUSION

At the end of the workshop, considering the expected results, it appears that participants could grasp the intervention framework of the ABCS in general and the OHADA BUSINESS SCHOOL in particular.

After clearly expressing their expectations and making targeted recommendations, most of them committed themselves to the operational deployment of the Observatory and its tool for capacity building of stakeholders.

Similarly, representatives of the private sector present at the workshop took an active part, expressing their interest in contributing, like ECOBANK engaged itself to

² - See activity budget in the annex.



fully involve itself in the observatory's activities in 2017. In this respect, they expressed their interest in membership at the first African Business Forum of the African Business Climate Survey in Douala in December 2017 by ABCS in partnership with the Cameroon Business Forum, the Ministry of Economy, Planning and territorial administration and the Private Sector Platform.

