

## Rethinking the OHADA Initiative

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This paper will analyse the Organization for Harmonisation of Business Law in Africa (OHADA) and its commercial law reform and economic integration efforts since its creation in 1993.

It will locate and compare OHADA with other African regional organizations such as the Economic and Monetary Community of Central Africa (CEMAC) and the West African Economic and Monetary Union (WAEMU), highlighting the former's specificities as well as competence overlaps between these institutions. It will also comment on the interplay between OHADA and the World Trade Organization rules and practices.

The paper will then focus on the politics surrounding the creation of OHADA and examine the role, motivations and interests of some of the organization's major funders such as the French government and the World Bank. It will compare these with the official discourse of OHADA member States in order to identify similarities and discrepancies between the actors' publicly claimed interests.

It will then go behind the scenes and analyse the part played by lobbies and economic actors (local and international businesses, banks, financiers, etc) in the constitution of OHADA but most importantly in the drafting of the Uniform Acts that currently apply in seventeen African States. It will compare the benefits that have derived or are said to have derived from OHADA legislation for international economic actors and those for national actors.

In this regard, the text will pay particular attention to OHADA legislation's effectiveness, efficiency and appropriation by small, medium and large *local* enterprises and will highlight the gap that remains between formal law and informal business practices in the OHADA region.

The author will conclude by calling for efforts amongst regional African organizations to be re-centered around national citizen and businesses' interests rather than around those of international organizations, multinationals, foreign States and/or State officials. This may imply merging organizations in order to prevent competence overlap.