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EDITORIAL

African Conference on International Commercial Law

Ingeborg Schwenzer*

On 13-14 January 2011, the First African Conference on International Commercial Law (ACICOL) took place in Douala, Cameroon. During the two-day event, over 150 delegates discussed global legal standards in the fields of arbitration, international sale of goods and general contract law, such as those prepared by UNCITRAL and UNIDROIT, with a view to strengthening the framework for international trade law in Africa. The efforts of OHADA – the Organization for the Harmonization of Business Law in Africa – a body which harmonizes business laws in 16 francophone countries (the Democratic Republic of Congo is in the process of joining) was part of the focus.

This conference, in addition to contributing to the promotion of a sound business climate for business operators enabled company managers, company legal advisers, legal practitioners, judges and other judicial actors to become acquainted with current developments in commercial law. Most importantly, it enabled participants to create fruitful relationships among themselves, while providing a forum for a rich exchange between law experts.

The Conference addressed four topics. 1) International Sales Law, 2) International Commercial Arbitration, 3) Unification of Contract Law and 4) the Future of International Commercial Law in Africa. In each session, there were papers from highly ranking academics and professionals from western countries and from Africa. It was thus possible to generally exchange knowledge and experiences. Furthermore, in two panels, young researchers from all over the world presented papers on various areas of commercial law.

This issue of EJLR collects the papers given at the First African Conference.

A. International Sales Law

In this session, on the one hand, the first focus is put on the commercial law as it has been unified in the OHADA Acts (*Issa-Sayegh*). Two other papers discuss the question whether and why the CISG (UN Convention on Contracts for the International Sale of Goods) would be most suitable for African states (*Date-Bah, Schwenzer*), thereby again comparing the CISG to the *Acte uniforme sur le droit commercial general* (AUDCG). Finally, the paper by *Ramberg* presents the INCOTERMS 2010 that entered into force on 1 January 2011.

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B. International Commercial Arbitration

Although the interest in international commercial arbitration is steadily growing in Africa, too, it is still not comparable to that in many parts of the developed world. In his paper, *Fry* sets the scene why arbitration is promoting economic growth and investment especially in developing economies. From the side of OHADA, *Kenfack Douajni* presents the African situation and compares it to international developments. Finally, *Roodt* analyzes problems regarding international arbitration in South Africa.

C. Unification of General Contract Law

Unification of general contract law is not only discussed in Europe and on a global level, but also, especially in Africa, again mainly by OHADA. The UNIDROIT Principles of International Commercial Contracts (PICC) are considered to be a possible blueprint for such an endeavor. *Vogenauer* gives a general overview of the PICC as a model for law reform. From the OHADA viewpoint, *Ngom* points out the possible unification measures. The prospects and limits of a unification of contract law in southern Africa are outlined in *Wandrang's* paper. Finally, *Moore Dickerson* emphasizes the opportunities of a unification of contract law for the informal sector that still plays an important role in African economy.

D. Future of International Commercial Law in Africa

The last panel was dedicated to the future of international commercial law in Africa. *Castellani*, legal officer with UNCITRAL, gives a report about the current status of international trade law in Africa and suggests that a trade law reform along international conventions in Africa is likely to be beneficial. From the side of UNIDROIT, *Mestre* devotes her attention to the importance of the instruments elaborated by UNIDROIT for the future development of commercial law in Africa. Finally, the paper by *Agaba* draws the picture of the situation in the East Africa Community (EAC) and makes the case for harmonizing the commercial law in this region and ratifying international commercial instruments.

E. Young Researchers

The papers of the young researchers encompass a broad field of international commercial law and arbitration, ranging from a comparative analysis of different sets of international arbitration rules (*Bebuhi*), questions of validity of arbitration agreements in China (*Lianbin/Yang*), corporate governance under the OHADA Uniform Act on Company Law (*Kameni*), the legal framework for e-commerce in Africa (*Ewelukwa*), free movement goods in the West African Economic and Monetary Union (UEMOA) (*Bougouma*), the Uniform Rules for International Transport of Goods (*Branellec*), specific problems concerning investments in China,

exemplified by a recent case (*Bu*), to the future of agreed sums payable upon breach of an obligation (*Hachem*).