HOWARD UNIVERSITY SCHOOL OF LAW SYMPOSIUM ON THE ORGANIZATION FOR THE HARMONIZATION OF BUSINESS LAWS IN AFRICA (OHADA)

3-4th April 2013

Washington DC, United States of America

Organized by

Professor Marsha A. Echols (Howard University Law School, Washington, DC)

J.D. Georgetown Law Center, LL.M. University of Brussels, LL.M. and S.J.D. Columbia Law School, Director, The World Food Law Institute

Author of : "*Geographical Indications For Food Products : International Legal And Regulatory Perspectives*" and "*Food Safety And The World Trade Organization*" (both published by Kluwer Law International)

&

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In partnership with the *Institut International de Droit d'Expression et d'Inspiration Françaises* (IDEF)

REPORT BY

PR. MARSHA A. ECHOLS & JIMMY KODO

The Law School of Howard University has been organizing symposiums on OHADA law since March 2011. Some of the topics covered so far include:

- 28th March 2011: T*he Transfer of Risks in the Sale of Goods under the CISG, the UCC, French Law and OHADA*.

- 28th March 2011: Workshop on *The Transfer of Risks in the Sale of Goods under the CISG, the UCC, French Law and OHADA*.

- 29th March: 2012: Workshop on the New Uniform Act on Sale of Goods in OHADA Member States.

A two-day symposium on electronic signatures was held on April, 3-4th 2013. On the first day, Mr Kodo presented the background of legislations pertaining to e-signatures and the particulars of relevant provisions governing e-signatures in the new Uniform Act on General Commercial Law currently applicable in the 17 OHADA Member States. Among other issues, he explained why article 83 of the new Uniform Act on General Commercial Law goes beyond the requirements of some international instruments on e-signature, such as article 2 of UNCITRAL Model law on e-signature. The lecture of Mr Kodo was followed by a question and answer session.

Students in Professor Marsha Echols' Domestic and International Sales Law class of 2012-2013 had prepared research and short papers addressing one of the international legal instruments governing e-signature, the organization that drafted the document, the nature of the document (e.g., law, model, and treaty), the aspect(s) of e-signatures that it addresses (its definition of e-signature, its principal "rule" about e-signatures) and finally comparison between that instrument and OHADA rules concerning e-signatures. The second day of the Symposium was dedicated to group presentations about the research. Mr. Kodo offered comments and questions about the presentations. He and Professor Echols then concluded the Symposium.

The students' research was divided into three panel presentations.

Panel 1: ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT (U.S. "E-Sign Act")

> http://www.gpo.gov/fdsys/pkg/PLAW-106publ229/html/PLAW-106publ229.htm

> NIST, GUIDANCE ON IMPLEMENTING THE ELECTRONIC SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT (E-SIGN) PART IIIA

> http://csrc.nist.gov/drivers/documents/esign-guidance.pdf

> Students: Mario Econg, Skylah Mitchell, Shala Melonson, Brian Jones and Mackenzie Sherman

Panel 2: 2005 - UNITED NATIONS CONVENTION ON THE USE OF ELECTRONIC COMMUNICATIONS IN INTERNATIONAL CONTRACTS

> http://www.uncitral.org/uncitral/uncitral_texts/electronic_commerce/2005Convention.html

> Students: Melanie Stewart, Nkemdirim Azubuike, Hawa Wehelie, Beersheba Philippe, Breanna Bledsoe and Douglas Parks II

Panel 3: UNCITRAL MODEL LAW ON ELECTRONIC SIGNATURES

http://www.uncitral.org/uncitral/uncitral_texts/electronic_commerce/2001Model_signatures.html

Students: Jillian Hawkins, Carl Essel-Mensah, Tarik Richards, Simone Sebastian, D. Justin Roberts, Omer Bississo and Kenneth Jefferson

An OHADA Symposium is planned for 2014 and will be announced in due time.

For more information, please contact Jimmy Kodo: *jimmykodo@gmail.com*