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Investment Protection in the Framework of the Treaty of Harmonizing Business Law in Africa (OHADA)

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ABSTRACT

A few years ago, African contribution of the world trade was only around 2%. The investors, except those who are exploiting natural resources, never want to dare dispensing their fund in Africa. The reason of this situation was very simple. The majority of investors denounce the juridical insecurity and also the political preponderance across the African continent. With human and natural resources abundant, Africa is regarded as a continent equipped with a great potential of development. The years of independences in Africa saw being born in many States, of the organizations trying to solve these difficulties and to reinforce their capacities by the constitution of international organizations acting in all the fields. But it is only in the year 1990; some organizations appeared in the continent and knew of real rise thanks to the liberal and democratic economic policies. This article wishes to present an assessment of seventeen years implementation of the African Harmonization of Business Law Treaty of 1993. Firstly, it will describe the system from an institutional point of view and hence from a normative point of view. Secondly, during the course of this essay, there will be a focus on analysis of OHADA' s laws, its system and its potential impact. In addition, the article will concentrate on OHADA' s appropriateness in the business sector and necessary guarantees it must offer for a successful investment partnership with foreign investment.

KEYWORDS

Investment Law; Harmonization Business Law; OHADA; Regional Integration; African Development

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