

# OHADA Business Law Put to the Test by the ZLECAF (The Interim Contract)

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**Abstract:** It is more than obvious that continental African integration is the one and only solution for the economic development of African countries. It is with this vision in mind that the African Union (AU) has seen fit to implement its ultimate project in this direction. The African Continental Free Trade Area (AfCFTA)<sup>1</sup>, whose negotiations began in 2015 and officially launched three years later, on May 30, 2019. It would be the AU's main mechanism for improving the quality and competitiveness of industry, infrastructure and agriculture on the continent. And to increase intra-African trade. But let's be clear: if all this sounds like a very good initiative for African economic

African economic emergence, we also need to take into account the factors of economic development factors that fully support the monopolization of international trade monopolization of international trade. It is with this in mind that, with the aim of regulating commercial exchanges between Africans, our study will be based on an in-depth analysis of the place of Ohada business law<sup>2</sup> in the Zlecaf. More specifically, in the legal of the interim contract.

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## I. INTRODUCTION

Generally speaking, contract law is regulated by the Civil Code, which is the law responsible for regulating agreements between parties. This speciality of business law is of prime importance in sales, leases, employment, etc. The topic of interest here is the regulation of temporary employment contracts in the Zlecaf region through the legal dynamics of Ohada law.

Strictly speaking, according to the legal lexicon, the interim contract is a temporary employment contract, which is a contract drawn up and signed by the contracting party. contract, which is a contract drawn up and signed between a temp and a temporary (ETT) in the context of an assignment with a user company. And the dynamics of Ohada law, the effectiveness of the various legal methodologies and mechanisms used to make codification possible.

<sup>1</sup> **AfCFTA** (African Continental Free Trade Area) is an African continental free trade agreement that aims to create a single market for goods and services in Africa. The aim of this common market is to accelerate intra-African trade, improve Africa's competitiveness in the global marketplace and foster the continent's economic integration.

<sup>2</sup> **OHADA**, or Organisation pour l'Harmonisation en Afrique du Droit des Affaires, is an African intergovernmental organization which aims to harmonize business law within its member states. Its aim is to create a secure and stable legal environment for businesses, thereby fostering regional integration and economic growth.

The evolution of various African continental integration policies and measures has led to the implementation of the Zlecaf by the African Union (AU). However, its implementation has encountered a number of constraints and obstacles, given the socio-economic and legal realities of each member country. This is where the interest of our work lies. of our work, which has the crucial aim of exposing and resolving the various legal imbalances, particularly as regards the regulation of temporary employment contracts in the various Zlecaf member countries. But also, the need to integrate within Zlecaf dynamic and effective law such as Ohada, which already has to its credit 17 of the 54 Zlecaf member countries.

The development of our work will focus on the various clauses of the interim contract in Ohada law and strategies for legal revitalization with the aim of making them applicable throughout the Zlecaf. To achieve this, we will apply the various legal research methodologies available in order to derive the most relevant results for our thesis. relevant to our thesis. In order to better synthesize our subject, and to better bring together the various information ideas and facts into a concise and coherent presentation, we will pose the question: Under what conditions will the revitalization of the interim contract under OHADA law be relevant to the entire ZLECAF<sup>3</sup>?

## II. RESEARCH METHODOLOGY

In order to arrive at a sound legal analysis of our subject, we will proceed with a documentary examination of the various sources of law: legislation, regulations, case law and doctrine. Next, we will make an inventory of the various writings or internet articles relating to “Ohada business law and Zlecaf”. Finally, we will make a real and practical analysis of the effectiveness of the Zlecaf's RECs in terms of the implementation of the various integration policies vis-à-vis the legal system in force, and above all in terms of the implementation of Ohada law in the Zlecaf.

With this in mind, we'll be putting our own spin on the regulations governing of the interim contract in the Zlecaf.

## III. RESULTS OBTAINED

After implementing our research strategy, we were able to identify a number of shortcomings linked to the flexibility of Zlecaf's legal system. the flexibility of the Zlecaf legal system. To this end, we have listed a number of articles relating to Ohada and Zlecaf business law. Zlecaf, including :

- OHADA's permanent secretariat calls for the creation of a trade zone OHADA/ZLECAF
- OHADA and the implementation of the African Continental Free Trade Area (AfCFTA)
- Conference report: OHADA and the African Continental Free Trade Area (AfCFTA), November 23, 2022

- Towards synergy between OHADA law and the ZLECAF agreement ZLECAF: OHADA member states join the single market 2ème Prix du Meilleur Article OHADA 2021 (PME-OHADA-21-02) : OHADA and the ZLECAF
- OHADA AND THE IMPLEMENTATION OF THE AFRICAN CONTINENTAL FREE TRADE AREA (ACIAF) ”
- European single market / Unification of business law / OHADA and ZLECAF
- -The future of OHADA commercial law in the light of the ZLECAF agreement
- African Continental Free Trade Area (AfCFTA): trade to kick off on January 1, 2021
- International trade in the light of the AfCFTA: UNCITRAL Day, November 30, 2022
- BUSINESS LAW: A seminar on OHADA in the context of the African Free Trade Area (AfFTA) - Arbitration & cohabitation between the AfFTA and OHADA law
- Arbitration & cohabitation between ZLECAF and OHADA law

After studying and analyzing the various documents, we have come to realize the need to set up an OHADA/ZLECAF zone. the need to set up an OHADA/ZLECAF zone, and to achieve this, we're going to investigate in greater depth the applicability of Ohada law to the Zlecaf.

## IV. DISCUSSION OF RESULTS

After documentation, we will note the importance of the integration of Ohada business law in Zlecaf in several fields: commercial, arbitration, contractual... Ohada to Zlecaf in several areas: commercial, arbitration, contractual... This observation was made by observing the various appeals within the framework of the creation of an OHADA/ZLECAF ZONE. In other words, the positioning of OHADA business law in the ZLECAF as a foundation for its legal development. Because of the effectiveness of its foundations, the Port-Louis Treaty, the Uniform Acts, national law and case law. and case law. The Treaty, which defines the legal and institutional framework of OHADA, while the the Uniform Acts form the substantive basis of business law. National law complements the Uniform Acts, and case law interprets and applies these rules.

In summary, given that OHADA business law is a legal and judicial system aims to create a harmonized and secure legal environment for businesses and investors and investors in the member states of the organization, it would be a very dynamic law in the legal framework for temporary employment contracts in the CFAFTA.

<sup>3</sup> The Zlecaf/ AfCFTA, or African Continental Free Trade Area, is a free trade agreement between African countries, aimed at creating a single market for goods and services,

facilitating the free movement of people and capital, and stimulating regional investment. It came into force on January 1, 2021.

## V. CONCLUSIONS

The aim of this research is to evaluate the legal mechanisms of OHADA business law OHADA in the regulation of the interim contract in the ZLECAF.

To achieve this objective, a dynamic analysis was carried out. The information from the OHADA scientific journal and various African Union databases on the databases on the ZLECAF. The results show that there is indeed a synergy between OHADA business law and the ZLECAF.

However, the information obtained from the scientific review of OHADA business law shows that to make the regulation of temporary employment contracts dynamic in the ZLECAF, this same contract will have to be taken into account in the new perspectives of the social contract. social contract. In other words, the updating of the temporary employment contract by OHADA OHADA to the new realities of the temporary employment contract at international level for the ZLECAF.

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