

The Democratic Republic of Congo [DRC] is finalizing its accession to the OHADA

The Law Firm YAV & ASSOCIATES based in the Democratic Republic of Congo is pleased to inform its clients and those interested in the matter the finalization of the accession of the Democratic Republic of Congo to OHADA.

The DRC is the newest member of OHADA and officially announced its joining OHADA in February 2004 but it's had to deposit instruments of ratification for the statehood party. We are extremely pleased that the Prime Minister of the DRC has announced that President KABILA has just signed the instruments for ratification of the OHADA treaty.

In fact, after the Executive branch (President of the Republic and Government), then the legislature (National Assembly and Senate), the judiciary had posed a significant and decisive act on the accession of the DRC to OHADA. Indeed, a compliance review was not required at this stage, but the ability to use it is recognized to the Head of State in order to ensure the constitutionality of a text before promulgation. This is the path that was chosen.

Thus, dated February 5, 2010, the Supreme Court of Justice of the DRC (acting provisionally as Constitutional Court) has issued a compliance notice on the law authorizing the joining OHADA that was then awaiting promulgation. Its therefore appears that the enactment of the Act of 11 February 2010 authorizing the accession of the DRC to OHADA, as a result of the above notice of the Supreme Court, was the turning point for the entry of the DRC in the OHADA.

Continuing with its logic, the DRC comes through President Kabila, to ratify acts relating to the accession of the DRC to OHADA, allowing the deposit of instruments of accession. The Prime Minister formally released the announcement on June 27th, 2012 during a press conference devoted to that.

Thus, the business and legal professionals and accounting are set and the effective application of OHADA law in the DRC looks irreversibly for the month of September in 2012.

The entrance to the DRC in the OHADA area will help to strengthen a momentum to the promotion of legal and judicial authorities but also the capacity of lawyers and dissemination mechanisms and development of law.

We are therefore happy to assist within this new system of law.

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