



Joseph-Alain Batouan Bouyom

## **Le Droit OHADA applicable au transport de marchandises par route**

Approche critique, prospective et comparative



# Droit Ohada Applicable Transport Merchandises

**Thomas John, Rishi Gulati, Ben Köhler**



## **Droit Ohada Applicable Transport Marchandises:**

**Le Droit Ohada Applicable Au Transport de Marchandises Par Route** Batouan Bouyom Joseph-Alain, 2015-11-04  
Quel est le droit applicable au transport routier de marchandises entièrement ou partiellement réalisé dans l'espace de l'OHADA. Évidente au premier abord, la réponse semble réservée à l'examen des règles uniformes africaines. En effet, malgré ses atouts, le droit de l'OHADA ne traite pas de tous les aspects juridiques du déplacement de marchandises et sur certains des points traités, ses dispositions restent incomplètes. Il exclut plusieurs contrats de son champ d'application et ne fait mention ni de la sous-traitance ni de l'intervention des intermédiaires de transport. En modernisant le régime de responsabilité du transporteur routier de marchandises dans les pays membres, il oublie plusieurs aspects du contentieux du contrat de transport. Émaillée d'exemples et d'illustrations tirées de la pratique des transports en Afrique et en Europe, l'étude s'adresse aux professionnels et aux acteurs du transport de marchandises et de la logistique. Prospective, elle est pour les juges, les avocats, les institutions et le législateur de l'OHADA une aide à la décision. Critique et comparative, elle est un outil de travail qui interpelle l'universitaire, l'étudiant, l'enseignant ou le chercheur.

*The Law Applicable to Security Interests in Intermediated Securities Under OHADA Law* Justin Monsenepwo, 2023-01-03  
In recent decades, the technical handling of custody business in the OHADA region has undergone a lasting change. There has been a shift from a direct to an indirect holding system in which the interests of an investor in respect of the underlying securities are recorded in the books of an intermediary such as a bank or a securities firm. Under the law of all states within the OHADA region, the traditional conflict of laws rule for determining the enforceability of a securities pledge that occurs in the indirect holding system is the *lex rei sitae* or the *lex cartae sitae* or the *lex situs* rule. However, the traditional *lex rei sitae* rule cannot be appropriately applied to a system where the dematerialised securities are held through multiple layers of intermediaries located in different jurisdictions. Yet, until the intermediated system and the collateralisation of intermediated securities in the OHADA region will continue to operate in somewhat legally murky waters, leading to more instability in the financial markets. Therefore, Justin Monsenepwo aims to find an appropriate and consistent approach that reflects the reality of the indirect holding system in the OHADA region.

**La protection du locataire-gérant en droit OHADA** Gervais Muberankiko, 2019-07-08  
Dans le domaine des affaires, certaines personnes sont obligées de recourir à la location gérance. La question qui se pose est d'apprécier la protection que le droit OHADA a prévue pour le locataire gérant qui exploite le fonds d'autrui. Dans ce cadre, le législateur a prévu certaines mesures protectrices du locataire gérant, mais celles-ci restent insuffisantes.

**Developing Intra-Regional Exchanges Through the Abolition of Commercial and Tariff Barriers / L'abolition Des Barrières Commerciales Et Tarifaires Dans la Région de L'Océan Indien** Otmar Seul, Stéphanie Rohlfing-Dijoux, 2016-12-06  
This book is related to the development of intraregional commercial exchanges in the region of the Indian Ocean. This issue is addressed from an economic as well as from a legal point of view. The contributions in English and French aim to present an overview of the

economic customs related technical legal and cultural restraints that hinder the creation of a free trading area Cet ouvrage est consacré au développement des échanges commerciaux intrarégionaux dans la région de l'Océan Indien Cette question est examinée sous un angle politique économique et juridique Les différentes contributions en anglais et en français visent à établir un état des lieux des freins économiques douaniers techniques juridiques et culturels la création d'un espace de libre échange

**The Elgar Companion to UNIDROIT** Thomas John, Rishi Gulati, Ben Köhler, 2024-04-12 This comprehensive Companion provides a unique overview of UNIDROIT the primary independent organisation coordinating the practice of international private law across its 65 member states As the third in the suite of titles covering the three sisters of uniform private law and private international law it considers UNIDROIT's role in the creation of existing uniform law as well as posing questions about its future in the sector

*La recherche de l'équilibre contractuel dans le cautionnement* Guy Dibangue, 2017-12-01 Le cautionnement est actuellement la sûreté qui exige de préférence les banques des emprunteurs Si le législateur français semble surprotéger la caution par rapport au créancier c'est l'inverse qui a été retenu par le législateur OHADA Dans les deux cas c'est le déséquilibre entre la protection raisonnable de la caution et la préservation des intérêts des créanciers Suivant les récentes évolutions législatives en France et en droit OHADA cette thèse vise l'équilibre contractuel du cautionnement dans une démarche de modernisation et de rationalisation de cette sûreté

**Acte uniforme du 22 Mars 2002 relatif aux contrats de transport de marchandises par route** Souleymane Séré, 2005

*Le droit des transports au Gabon* Gabon, Guy Rossatanga-Rignault, 2004

*La place des associés minoritaires dans la gouvernance des entreprises en droit OHADA* Gervais Muberekiko, 2020-01-06 Dans la gestion des sociétés commerciales le droit fait coexister plusieurs catégories d'acteurs tels que le juge les associés et les dirigeants sociaux Suite au principe de la loi de la majorité les décisions sociales sont prises par les dirigeants sociaux et les associés majoritaires Or la qualité de la gouvernance des sociétés commerciales se mesure la place accordée également aux associés minoritaires et au respect de leurs droits Ainsi soucieux de la bonne gouvernance des entreprises et de l'attractivité du droit OHADA le législateur a entrepris une réforme en droit des sociétés en 2014 pour renforcer les compétences des associés minoritaires dans la gouvernance des entreprises

**Forum mondial sur la transparence et l'échange de renseignements à des fins fiscales : Rapport d'examen par les pairs : Burkina**

**Faso 2015 Phase 1 : cadre juridique et réglementaire** OECD, 2015-08-03 Ce rapport value la qualité du cadre juridique et réglementaire des juridictions en matière d'échange de renseignements en matière fiscale du Burkina Faso

**Forum mondial sur la transparence et l'échange de renseignements à des fins fiscales : Rapport d'examen par les pairs : Sénégal 2015 Phase 1 : cadre juridique et réglementaire** OECD, 2015-10-30 Ce rapport value la qualité du cadre

juridique et réglementaire des juridictions en matière d'échange de renseignements en matière fiscale du Sénégal

**Finances publiques** Nicaise Mede, 2017-01-01 Peu à peu se met en place dans l'Union économique et monétaire ouest africaine UEMOA une généralisation rampante des règles juridiques comptables et statistiques des finances publiques Les États membres ont donc

l'obligation de se conformer aux règles regroupées dans ce manuel. Il rend compte de la dynamique des réformes des finances publiques, des principes des procédures et des organes de la gestion financière afin de proposer un ouvrage de référence pour l'ensemble de la zone UEMOA/UMOA.

La réforme apportée par l'entrée en vigueur du nouvel acte uniforme de l'OHADA relatif aux contrats de transport de marchandises par route, 2005      **Revue de droit uniforme**, 2004      **Les défis du droit des affaires en Afrique** Didier Loukakou, Boubou Keïta, 2020-02-04. Cet ouvrage est consacré aux défis du droit des affaires en Afrique. Il analyse les mécanismes juridiques permettant de favoriser la création et le développement des entreprises, d'optimiser leur financement, de simplifier leur administration et leur direction, d'encourager et sécuriser les investissements.

*Le règlement du contentieux commercial: Les tribunaux de commerce* Lukombe Nghenda, 2005

*Revue de droit des pays d'Afrique*, 2003      **Ohada** Hygin Didace Amboulou, 2017-02-01      *Uniformity and Fragmentation of the 1999 Montreal Convention on International Air Carrier Liability* Cyril-Igor Grigorieff, 2022-05-12. The 1999 Montreal Convention is the most recent in force treaty to regulate several important aspects of international air carrier liability in a uniform manner. This book examines in detail to what extent the 1999 Montreal Convention's aim of uniformity has been achieved. To this end, it scrutinizes the exact scope of this aim and analyses the factors that may have prevented it from being fully achieved. It studies the wording of the treaty and its predecessors, their travaux préparatoires, the judicial decisions of numerous civil and common law jurisdictions as well as various other interpretative tools. Among many others, themes addressed in this study include exclusivity, the autonomy of terms, used translation issues, accident, bodily injury, damage, delay, consumer rights, the 1969 Vienna Convention on the Law of Treaties, hermeneutics, the Warsaw System, regional air law including EU Regulation 261/2004 and algorithms. The study also suggests ways to reduce the fragmentation of the 1999 Montreal Convention with a series of directly applicable recommendations and an analysis of what Artificial Intelligence could mean for the future. This book, which is intended to be practical, is aimed at all lawyers well versed in aviation law as well as aviation enthusiasts. They will find it a useful tool for interpreting the 1999 Montreal Convention in a manner consistent with its ambition as well as recent case law from all continents on hot topics.

*Le nouveau droit commercial des pays de la zone OHADA* Mamadou Koné, 2003. La parenté entre les ordres juridiques des pays de la zone franc et l'ordre juridique français qui s'est progressivement affaiblie depuis les indépendances est considérablement renforcée par le droit OHADA. Au moins du point de vue du droit commercial. En effet, cette discipline présente désormais les mêmes traits fondamentaux en France et en Afrique, savoir qu'elle tend à se muer en un droit de l'ensemble des activités économiques et que le droit des sociétés commerciales qui en constitue l'une des principales branches est tiraillé entre ses fondements contractuel et institutionnel. Les divergences de fond entre le nouveau droit commercial africain et le droit commercial français se limitent à quelques spécificités du point de vue des structures sociales et une relative avance du premier dans le processus de dépassement du droit commercial. En revanche, les divergences d'ordre technique sont plus importantes en l'occurrence, le droit

africain para t plus contraignant s agissant des conditions d acc s aux activit s commerciales et plus simple concernant les r gles d exercice des m mes activit s Cette tude montre que dans leur mission de modernisation du patrimoine juridique l gu pendant la colonisation les Etats africains francophones ont pour premi re source d inspiration le droit fran ais avec parfois de remarquables efforts d innovation

## Whispering the Techniques of Language: An Mental Journey through **Droit Ohada Applicable Transport Marchandises**

In a digitally-driven world wherever monitors reign supreme and immediate connection drowns out the subtleties of language, the profound strategies and mental subtleties concealed within words often move unheard. Yet, set within the pages of **Droit Ohada Applicable Transport Marchandises** a fascinating literary treasure blinking with raw emotions, lies an exceptional journey waiting to be undertaken. Written by a skilled wordsmith, that charming opus encourages viewers on an introspective trip, gently unraveling the veiled truths and profound impact resonating within the cloth of each and every word. Within the psychological depths of the moving review, we can embark upon a honest exploration of the book is core subjects, dissect their charming writing fashion, and yield to the powerful resonance it evokes deep within the recesses of readers hearts.

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