

The Minister of State, English speaking Advocates have been organizing demonstrations for some days now requesting that the OHADA Law be translated into English. What was your response to them?

I would first of all like to state that the documents forwarded to the mail service of the Ministry of Justice on this matter and signed by four Advocates include some claims that are quite unrelated to the problem of translation into English of OHADA instruments and legal practice.

To come back more precisely to your question, I must say that it does not seem correct to me to declare that the OHADA Law has not been translated into English in Cameroon.

We had already translated and published the OHADA Treaty in English and French, in the 21st Edition of 15 November 1997 of the Official Gazette of the Republic of Cameroon.

Likewise, Uniform Acts relating to General Commercial Law, Commercial Companies and Economic Interest Group, organizing Simplified Recovery Procedures and organizing Collective Proceedings for Wiping Off Debts in force in 1999 were translated and published in English and French in special editions of September 1999 and November 1999 of the Official Gazette of the Republic of Cameroon.

This was during my first mandate as Minister of Justice.

Besides, I remember that I worked a great deal during that period with the then President of the Bar Association, Barrister Akere Muna, to whom I am grateful for his availability and contribution.

These instruments almost constitute the core of business law and enable parties to take legal action in this matter in English and French.

Are there prerequisites for the translation of these instruments?

The prerequisite is the publication of these instruments in the OHADA Official Gazette. Thus, it seems important to reiterate that the application of Uniform Acts in a member country of this Organization is subject to their prior publication in the OHADA Official Gazette.

This is provided for in Article 9 of the Treaty.

It must be emphasized that in the beginning, French was the only working language of OHADA.

It was at Cameroon's request that Article 42 of the OHADA Treaty was amended to establish English, Portuguese and Spanish as the other working languages of OHADA.

However, because some legal practitioners in Cameroon held that the English versions provided by the Permanent Secretariat were of doubtful technical quality, the Ministry of Justice set up a Committee in charge of proofreading and translating these instruments into English.

The setting up of this Committee, which is chaired by a high-ranking English-speaking Judge of the Supreme Court, was lauded by OHADA, which henceforth intends to use these English versions translated by the Committee, as its official English version.

When will work resume?

As you can see for yourself, the Committee did not wait for Advocates to go on strike before starting work.

As of now, it has already translated the greater part of OHADA instruments currently in force; but as Government was about to transmit the translated instruments in English to the Permanent Secretariat for publication in the OHADA Official Gazette, the OHADA Council of Ministers embarked on amending and updating some Uniform Acts in force.

Given this situation, the Committee also had to translate the amended Uniform Acts.

However, instructions were given so that Uniform Acts that have not been amended and which are already translated into English by the Committee be transmitted, as is, to the OHADA Permanent Secretariat, for publication in the OHADA Official Gazette and subsequently in the Official Gazette of the Republic of Cameroon.

I wish to recall that an OHADA Council of Minister is scheduled to take place at the end of this month of October 2016 in Brazzaville, Congo.

The need to expedite the publication in the OHADA Official Gazette of the said instruments in all OHADA working languages will be examined.

The document the translation of which is requested is about ten years old. What accounts for the fact that this document has not yet been translated in a country where English and French are the official languages?

I wish to reaffirm that it is incorrect to state that all OHADA instruments have not been translated into English in Cameroon.

Thus, because the OHADA Council of Ministers is amending and updating the Uniform Acts in force, sometimes making substantial amendments, the Committee had to translate the amended Uniform Acts, as I earlier said. This explains the delay in transmitting the English version of the instruments to OHADA for publication in the OHADA Official Gazette and in the Official Gazette of the Republic of Cameroon thereafter.

Demonstrators hold that you would have issued at least a press release to show your commitment in speeding up the translation process. What is your take on that?

Translation work is a long process and it is ongoing as I indicated earlier.

Furthermore, demonstrators, as you call them, who are after all jurists, could have subscribed to or read the OHADA Official Gazette and the Official Gazette of the Republic of Cameroon, without necessarily expecting a press release to be issued beforehand by the Minister of Justice.

They could have at least got in touch with the competent services of the Ministry of Justice to be provided with the relevant information on this issue.

Finally, permit me to make some remarks:

- First of all, the fact that the Uniform Acts have been translated into English in Cameroon, does not make them Common Law in the sense of the claims raised in the documents that I received.

Furthermore, Cameroon has embarked on an irreversible process of the development and modernization of its judicial law, which will integrate other community legislation and international conventions the internalization of which takes us a step beyond what some persons call “Common Law Tradition”.

- Furthermore, I would like to point out here that all pending matters before courts do not concern the application of OHADA Uniform Acts.

. There are other matters for which courts are seized and for which clients expect assistance from their counsel.

Advocates, who receive fees, then abandon their clients before courts and take to the streets commit their professional responsibility.

Section 1 of the Law on Practice at the Bar clearly provides that the mission of the Advocate is, and, to assist and represent parties, among others, against payment in court... not in the street.

Where Advocates, who receive fees from their clients, fail to assist them before courts or dispense requested legal advice, to rather find themselves in the street making irrelevant claims, it is up to the Bar Council to assess the conduct of some of its members, based on the ethics and deontology of this profession.