

Judicial Cooperation on the African Continent: Two Significant Developments in 2024

In spite of what the focus of academic discourse sometimes seems to suggest, the area of judicial cooperation in civil and commercial matters within regional integration communities is by no means limited to the European Union and perhaps MERCOSUR. To the contrary, initiatives such as the Nigeria Group on Private International Law (NGPIL) and the Uniform Acts developed within the framework of the Organisation pour l'harmonisation en Afrique du droit des affaires (OHADA), as well as the legal assistance instruments long established by the League of Arab States (LAS) along the Mediterranean coast, as well as the Communauté économique et monétaire d'Afrique centrale (CEMAC) and its 2004 Accord on judicial cooperation are striking evidence of a keen interest in Private International Law on the African continent as well (for a comparative perspective see M. Weller, 'Mutual Trust': A suitable foundation for private international integration communities and beyond?, RdC 423 (2022), Chapter V, paras. 224-281).

So far, however, no successful attempt seems to have been made to pursue legal integration at a continental level. In the following, we would like to modestly point out two recent developments that might have a potential to make a difference in this respect.

First, the HCCH has welcomed the announcement of the establishment of a Regional Office in Africa during GCAP 2024. In particular, the Kingdom of Morocco stated that it will submit a proposal for the establishment and hosting of such a PB subdivision next year (C&D 64). After several unsuccessful attempts,[1] a physical presence in Africa, which will likely also extend to the Arabian Peninsula, represents a major step towards the involvement of African States in the HCCH while increasing the global visibility of the world organisation for judicial cooperation. Indeed, multilingual Morocco, at the crossroads of North Africa with both Europe and the Arab world, seems to be a good location for such an endeavour.

Second, the African Union (AU) appointed Prof. Hajer Gueldich, Université de Carthage, as legal counsel to the Union in February 2024. In this role, the former chairperson of AUCIL will examine, among other things, how legal cooperation between the Member States might be improved and what degree of judicial integration is feasible within the framework of the African Union. This ambitious project is a manifestation of Aspiration 3 of the Agenda 2063: “The continent’s population will enjoy affordable and timely access to independent courts and judiciary that deliver justice without fear or favour”.

This could well be the beginning of a fruitful consolidation of legal cooperation structures on the African continent (AU) and the successful integration of this world region into the context of interregional and global judicial cooperation (HCCH).

[1] See HCCH Prel. Doc. No. 6 of 2015 – Africa Strategy, paras 7 and 10.