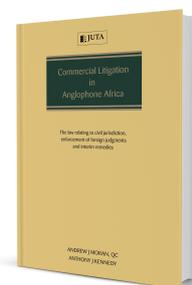


Commercial Litigation in Anglophone Africa (eBook)



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About this Publication:

Increased international investment and accelerating economic growth in Africa in general and in Anglophone Africa mean that businesses located both within and outside these jurisdictions will increasingly demand and require advice on cross-border commercial litigation. As the scope and scale of economic activity increases, the law governing commercial litigation will have to be developed and refined to reflect Africa's importance as a commercial hub.

In *Commercial Litigation in Anglophone Africa*, the authors, for the first time in a work of this nature, set out the broad framework of the private international law rules in operation in each of the sixteen Anglophone jurisdictions considered (Botswana, Gambia, Ghana, Kenya, Lesotho, Liberia, Malawi, Namibia, Nigeria, Sierra Leone, South Africa, Swaziland, Tanzania, Uganda, Zambia and Zimbabwe).

The authors identify and clarify the law to be applied as it relates to: (i) civil jurisdiction over commercial disputes involving a foreign element; (ii) the enforcement of foreign judgments; and (iii) the availability and nature of the interim remedies, in each of the sixteen jurisdictions addressed.

Contents Include:

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- Chapter 13: The Gambia
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- Chapter 16: Zimbabwe
- Appendix: Table of The Statutory Regimes for the Enforcement of Foreign Judgments in Place in each Jurisdiction

Of Interest and Benefit to:

- Lawyers, advocates and judges in each of the jurisdictions covered who are concerned with the resolution of commercial disputes.
- Considers the various ways in which a court can assume jurisdiction over a business dispute in common law jurisdictions (Gambia, Ghana, Kenya, Liberia, Malawi, Nigeria, Sierra Leone, Tanzania, Uganda and Zambia) and Roman-Dutch law jurisdictions (Botswana, Lesotho, Namibia, South Africa, Swaziland and Zimbabwe);
 - Discusses the potential benefits and difficulties which commercial litigants will experience in legal systems where jurisdiction is based entirely on service of process and in legal systems where jurisdiction is based on attachment of the defendant's person or property;
 - Examines the circumstances in which a court, once seized of jurisdiction over a business dispute, may, on the application of one of the parties, decline jurisdiction in deference to another jurisdiction;
 - Provides a detailed appraisal of the various mechanisms, both statutory and non-statutory, which are available to litigants seeking to enforce or prevent the enforcement of a foreign judgment in the jurisdictions covered; and
 - Considers the various interim/interlocutory remedies available to commercial litigants in each of the jurisdictions addressed. Specifically, the work concentrates on the principles which govern, inter alia: asset freezing (and asset disclosure) orders; search and seize orders; third-party disclosure orders; *mandement van spolie*; and arrest *suspectus tanquam de fuga* orders.