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## PARTICIPANTS' PAPERS

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### ECONOMIC CRIME IN CAMEROON – ITS IMPACT ON THE SOUND DEVELOPMENT OF THE STATE

*Dohgangsine Prudence Tangham\**

#### I. INTRODUCTION

As a result of the declining terms of trade and increasing debt situation of Africa, the continent has been rendered poorer than it was two decades ago thus worsening welfare and increasing its marginalization in this era of globalization. Although globally, foreign investments have increased, Africa receives less than 5% and this capital is heavily concentrated in a few countries. This situation has been exacerbated by the fact that the region is a net exporter of capital to the rest of the world (UNCTAD, 2001). The state of trade and investment and its impact on development in sub-Saharan African countries and in particular the developing countries of the Central African region have greatly worsened.

Cameroon as part of Central Africa has not been spared by this negative trend whose effect on the national economy and the livelihood of its people has been devastating. Severely impacted by the economic crisis of the late '80s the phenomenon of poverty has been amplified. The devaluation of the FCFA, successive reductions of salaries in the public sector and the massive layoffs in the private sector, the winding up of most para-public agencies, private establishments and credit institutions, greatly weakened the national economy. At a macro-economic level, the consequence of the crisis was a total decrease of at least 55% of Cameroon's investment between the financial year 1985/86 to 1991/92. For the private sector this decrease was 37% and the public sector 80%. This economic recession led to the degradation of conditions of living.

This phenomenon was aggravated by the increasing demographic pressure with a growth rate of 2.4% (UNDP). The alarming situation in the urban cities is similar to most urban cities in Africa and other developing countries. Cities in Cameroon are faced with rapid and controlled urban growth of 6% per annum, (Annual Statistics 2000) resulting in inequalities and high unemployment rates.

A perturbing cause and effect of this prevailing phenomenon is one of increasing criminality and insecurity which greatly threatens the security of persons, their property and state property and shakes the foundation of democratic institutions. Of crucial importance are crimes of an economic nature which greatly discourage foreign investors and in a vicious circle negatively impact the already fragile and ailing economy.

Economic crimes are criminal offences that violate the economic rights of the state and its citizens, and frustrate socio-economic conditions. This has also been defined as a state where an individual(s) in the exercise of their liberty, brutally expropriate the individual and collective resources of others for their private interests. (Jean Cartier-Bresson, 1997). Although viable statistics on economic crimes are unavailable and sometimes inaccessible, a known effect has been its disruption of security and social order which are requisites for sound economic development. At a global level where the free and secure movement of persons, goods, services and capital that generate economic growth cannot be guaranteed, this constitutes a discouraging factor for both private internal and foreign investment.

Globalisation offers opportunities that can contribute to the much-needed national economic development. For developing countries like Cameroon there is an increasing fear of economic and financial destabilisation from globalisation. Marginalisation within the market forces in this new world order for trade presents a risk to nations that do not provide a judicial system that is adapted and possesses the necessary capacity to guarantee security for trade and investment within its territorial competence. Another dimension to this threat is the existing technological gaps between developed and developing countries which exacerbates this situation as it erodes the competitiveness of national economies. Though the threat is greater for developing countries, a major challenge of globalisation therefore is that of ensuring that its benefits extend to our country.

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\*Deputy Attorney General, Legal Department, Yaoundé, Cameroon.

It is within this context that within the last decade, the Government of Cameroon, with the support of the Bretton Woods institution, undertook to define a socio-political and economic architecture that is favourable to reversing the current negative trends and put the nation on a path of sound economic development. The sweeping liberalisation of the economic sector led to important structural reforms in the export sector, the privatisation of several productive state agencies and paved the way for financing and credit institutions to be put in place.

Addressing Cameroon's policy, legal, regulatory and institutional framework for combating economic crimes is therefore of critical necessity to the national and international collaborative efforts in addressing the nations financing and investment needs necessary to ensure sustainable development and poverty reduction even within the time frames for the Millennium Development Goals (MDG).

This paper seeks to contribute to the international initiative under the Japanese Government within its JICA programme which, aims at providing a forum for exchange of views and experiences on various issues pertaining to economic crime. It is from this background that this paper attempts to analyse below the current trends of the phenomenon of economic crime in the Republic of Cameroon. The impact of the existing legal and institutional framework will also be examined with the view of identifying opportunities, constraints and areas for further strengthening our reforms.

## II. CURRENT TRENDS

An analysis of emerging trends in criminality of an economic nature clearly depicts two categories of economic crimes: traditional types as defined by existing legal instruments and modern types with peculiarities that do not confine these crimes to the essential elements that constitute any single traditional type.

### A. Traditional Economic Crimes

An examination of the available judicial statistics on economic crimes reveals that the number of prosecutions and convictions are limited to traditional crimes defined by the Penal Code. Although these classic provisions have a limited area of application to the phenomenon it is interesting to observe that their effectiveness is excessively limited even with respect to traditional crimes which are on a continuous increase. The list of such crimes may not be exhaustive but would include economic related offences defined by the Penal Code as enumerated in Part III of this paper.

Although figures for the whole country were unavailable at the time of writing this draft, the classification of offences registered by law enforcement officers in the town of Yaoundé from January-July 2001 are indicative of major urban towns where economic crimes are dominant. Simple theft 49.6%, Armed Robbery 19.5%, Rape 3.5%, Theft by Use of Force or Climbing 16.8%, Others 10.8%. (2002 Diagnostic de la Delinquance Urbaine a Yaoundé. Page 42)

The putting in place of various multi-disciplinary teams by the forces of law and order during this period is conclusive of the increasing rate of violent criminality that came on stage posing serious threats to persons and property. An emerging phenomenon to combat the increase in criminality was the proliferation in the setting up of private security services such as Wackhenhurt and DAK services, etc. to ensure the security of private businesses and residences.

### B. Modern Economic Crimes

This form of delinquency manifested itself at the advent of the economic crisis and has also been described as 'white collar crimes' relating to the quality of offenders and their mode of operations. The most common of these are 'feymania' and corruption. Organized crimes affecting the economy have also taken on a wide dimension both at a national level and on the international scene

#### 1. 'Feymania'

'Feymania' is an economic crime that manifests itself in multidimensional forms but is basically characterised by the classified offences of breach of trust and credit by fraud.

Affected by the high rate of unemployment and poverty, its authors go in search of quick and easy profits, and this goal is achieved based on the victim's naivety.

Statistics on this phenomenon are unavailable and furthermore, the police and the banks are usually unable to detect such crimes. Beyond this, the victims out of shame hardly lodge a complaint against the offender and hesitate to make public their misfortune (Afrique Magazine, No 157, of October 1998, Page 65).

Feymen are a prototype of economic delinquents in Cameroon today. Though well known and very dangerous they maintain solid relationships at high political levels. Aged from 25-35, they are known to live in great affluence and are supposedly understood to be very rich men. Related offences include the manufacture of money through the use of multiple strategies i.e. minting counterfeits or multiplying money, sale of fraudulent precious stones and credit by fraud. They however, have an educational level classified as below minimum.

The mode of operation of feymen though apparently simple is complex. Its operation is preceded by a relationship of confidence established with his victim. The naivety of the victim is exploited and a large amount of money extorted. The tolerance of this phenomenon has led to severe social consequences. An increasing number of delinquents have led to the downfall of businessmen and traders - thus putting at risk economic operations.

## 2. Corruption

Corruption is non-respect of economic regulations which leads to disfunctioning of the market order. Actors are put out of market, the market is disorganized and profit affected. These practices retard social progress, and lead to misappropriation of resources and slow economic development.

Corruption is a phenomenon that is insidious to Cameroon. It has been engraved in certain daily habits i.e. 'Tchoko', 'Gombo' are regularly demanded for service to be rendered for various public services. Other-known practices include percentage charges (30%) in the award of public contracts and the payments of public internal debts.

The impact of corruption is frustrating to any economy. Generally, the risks to the establishment are increased as management orientations, growth and survival are affected. The growth of banks for example, is conditioned by the capacity for self-financing generated by credibility and security. Corruption affecting the banking sector has great repercussions on the national economy.

## 3. Organized Crimes

Drug trafficking, firearms trafficking, etc.

## 4. Offences Linked To Recent Communication Technology

Recent technological advancements in the communication sector have been used by economic crime offenders to render their crimes more complex and difficult to investigate. The proliferation of Cyber cafés and the increasing use of electronic banking/credit cards have generated diverse types of technological related economic crimes. Law enforcement officers, bank officials and managers of business operations are unable to identify these crimes.

## **C. Victims**

An analysis of socio-professional categories of victims to economic crimes highlights the following groups:

- Traders are principal victims of armed robbery and feymanism. Target businesses being petrol stations, pharmacies, supermarkets, banks, bakeries, bars, hotels and telephone booths.
- Economic operators and businessmen. They are subjected to giving inducements or paying percentages to be awarded contracts. They are also victims of armed robbery, and feymanism
- International civil servants, diplomats and tourists. They are targets for aggravated theft and misappropriation.

## **III. LEGAL AND REGULATORY FRAMEWORK**

A description of Cameroon's legal architecture is based on International Conventions, the Constitution, Laws, Sectoral laws and regulatory texts

### **A. International Conventions**

The trans-border nature of most economic crimes greatly affects the common interests of humanity and thus makes it necessary to cooperate in the exchange of information and harmonisation of strategies for intervention. Cameroon's adherence to international legal movements is a determination and demonstration of political will by the public power to cooperate with the global community. It is in this regard that Cameroon has participated over the years in various international and regional initiatives relevant to the investigation and execution of decisions against criminal offenders in general and those specific to economic crimes and maintaining economic order, such as several UN and other international organized conferences relating to Crime Prevention and Criminal Justice on organized crime, money laundering, etc.

### **B. Constitution**

The liberalisation of the socio-political environment in Cameroon necessitated major reforms in the Constitution to create an enabling environment for economic growth. The amended Constitution of 1996 has enshrined in its preamble various fundamental principles and rights that provide a framework for security in economic activities. The Constitution guarantees the right to freedom and security, free movement of persons and goods, and the right to ownership of property.

### **C. Criminal Law and Procedure**

It is worth mentioning here that Cameroon has a chequered legal history that is linked to its historical background. Ruled under protectorate, mandate and trusteeship regimes, Cameroon was administered by the Germans, British and French whose legal systems have greatly influenced Cameroon's legal architecture for combating economic crimes. As a colonial legacy the English speaking provinces of Cameroon, formerly under British administration, continue to apply the common law legal system while the French speaking provinces, formerly under French administration, apply French civil law. The institution of local legislation in substantive and procedural law has been a gradual process since independence in 1960 and 1961. As an outcome, Cameroon today applies three categories of substantive and procedural law. Harmonised local legislation applies throughout the national territory and in default of such laws, each criminal or civil court applies the Civil law or Common law systems as was applied by that court before independence.

In examining the extent to which the current substantive and procedural laws are effective in combating economic crimes as a means to maintaining economic order, pieces of local legislation and provisions of applicable common law and civil law need to be visited.

In Criminal law, the Cameroonian legislator through the Penal Code (Law No. LF -1 of 12th June 1967) makes available various economic offences, which provide the opportunity for the judiciary to protect economic development. These offences of the Penal Code include Misappropriation of Public Funds (Art. 184), Forgery of Treasury Security (Art. 202), Counterfeiting (Art. 211), Striking Money (Art. 215), Other offences against the national economy (Arts. 222-226), Cheque without cover (Art. 253), other offences against the public economy (Art. 252-257), Signature in blank (Art. 309), Violation of commercial secret (Art. 311), Corruption of public servant/employee (Art. 134, 312), Deception of Shareholder (Art. 313), Forgery (Art. 314). Offences against proprietary interests include (Aggravated) theft, misappropriation and stealing by false pretences (Art. 318 -326), offences against copyright, patents, trademarks (Arts. 327-330), Insolvency/bankruptcy (Art. 331-336), etc.

These provisions are not exclusive of other economic criminal provisions contained in various laws and regulatory instruments notably the Tax Code, Customs Code, Investment Code, etc., which enable the criminal judge to ensure that economic order is established.

#### **1. Procedure**

Cameroon's judicial revolution of 1972 shaped after the nation's political revolution of the same year had a major impact on the criminal procedure that is applicable today. Ordinance 72/4 of 26<sup>th</sup> August 1972 on the Judicial Organisation (JO), led to the harmonisation of the repressive jurisdictions, their competence *rationae materiae* and *territoriae* and the competent authorities in criminal and civil matters. Certain procedural matters relevant to preliminary inquiries and prosecution were also addressed.

While these major aspects of the rules of criminal procedure were unified, section 34 of the JO referred the courts for further procedural matters to the procedures, usages and practices formerly in force in the two states (today the French and English provinces) before the promulgation of the ordinance. By virtue of this clause, criminal procedure in the investigation and prosecution of offenders of crimes of an economic

nature and the execution of related judgments is defined by the Criminal Procedure Ordinance (Common law) and the *Code D'Instruction Criminelle* (French Civil Law).

## 2. Investigation and Trial

As a major innovation, the JO of 1972 makes mandatory the conduct of a preliminary inquiry for offences classified as felonies and discretionary for misdemeanours and charges the State Counsel as the competent authority to conduct such inquiries. Although slow judicial processes have been attributed to preliminary inquiries, the importance of this pre-trial process is relevant to gathering evidence in economic related felonies and misdemeanours of a very complex nature. In the event of a committal for trial, the deposition and attendance of sometimes high-ranking witnesses involved in economic crimes, such as corruption and organized crimes, are secured.

The application of two criminal procedures has led to the application of the accusatorial and inquisitorial procedural system in the common law and civil law courts respectively. Although attempts have been made at instituting a mixed procedural system, by virtue of Art. 34 of the JO, the common law and civil law courts, continue to apply the procedural systems in force prior to 1972. Under the accusatorial system as applicable in the English speaking courts, the presence of the accused during trial is mandatory and the burden of proof cast upon the prosecution can only be discharged by proof beyond reasonable doubt. The accused who may opt not to give evidence, may by cross examination throw doubt on the truth of the evidence by the prosecution. The inquisitorial system as applicable in the French speaking jurisdictions is conceived on the basis that the interests of society are a priority. Here the accused is presumed guilty until he discharges the burden, which is incumbent on him. The accused once notified of his trial may be tried by default and the presiding magistrate plays a prominent role in the conduct of the trial.

Under both systems a victim may apply for the award of civil damages during a criminal trial through a civil claimant procedure ('Constitution des parties civiles') which, limits the duplication of actions.

In the absence of any unifying laws on various aspects of procedural law, this constitutes the general state of the applicable procedures by the criminal and civil courts that provides a framework for pursuing economic criminals and compensating their victims.

The myriad of procedures involved, their sometimes ill adapted nature and the complexities that arise when litigants opt in favour of one legal system over the other, where economic offences/violations cross the boundaries of legal systems, are complicated issues business operators and victims often face. An on-going government initiative aimed at addressing this state of affairs is the drawing up, by the Ministry of Justice, of a draft Criminal Procedure Code which takes into account Cameroon's double heritage and the peculiarities of the Cameroonian society. It is expected that this draft will soon be tabled in parliament.

## 3. Punishment

The nature of sanctioning economic crimes is defined on the same general principles for other crimes as contained in the Penal Code. Based on principal penalties as provided for by Section 21(1) of the Penal code, a felony is punishable with death or with loss of liberty for a maximum of more than 10 years while a misdemeanour is punishable with loss of liberty or with a fine where the loss of liberty may be for more than ten days but not more than 10 years. The traditional economic crimes as outlined above are thus sanctioned in accordance with the provisions of the specific section of the law, which follows the classification given above. For example, Misappropriation of public funds is punishable either as a felony with 15 - 20 years and life imprisonment or as a misdemeanour with 5 - 10 years imprisonment based on the value of the property lost. The issuing of cheques without cover, simple theft, breach of trust and stealing by false pretences are punishable as misdemeanours with an imprisonment term of 2 - 5 years, corruption of a public servant 5 - 10 years and corruption of employees 1 - 3 years. Aggravated theft and misappropriation are however punishable as felonies, etc.

These provisions notwithstanding, the criminal judge is empowered to mete out a lesser sanction unless otherwise prohibited by the law creating the offence. Where an accused is a first offender or other mitigating circumstances are established, and this happens to be the prevailing situation, the judge has a wide discretion in mitigating the sentence with a less severe sanction.

Various accessory penalties such as the publication of a judgment, closure of an establishment and confiscation may accompany the principal penalty. While the later penalty ensures that offenders are punished and the victims compensated in the event of a civil award of damages, accessory penalties provide a framework for the criminal judge to raise public awareness on the commission of serious economic crimes and further pursue the ill-gotten proceeds from these crimes. Where the owners of confiscated property are unknown, such proceeds are ordered to be part of the state funds or estate.

#### **D. Civil Law and Procedure**

In Civil law, several national efforts have led to the enactment of relevant harmonised legal instruments with defined procedures for contractual relationships of specified business transactions, conditions for resolving disputes, penal and administrative sanctions for violators and compensating victims of various economic violations. The Insurance Law (Code CIMA), Labour Law and the Africa Regional Business and Commercial Law (OHADA) adopted at the close of the twentieth century seek to address the challenges of economic activities within the global market economy. Foreign investments in the oil, gas, mining and forestry sectors have led to an increase in finance and economic related violations in these sectors. The last decade thus saw the enactment of sweeping local legislation to regulate these sectors providing sanctions for violators and compensation measures for victims.

Cameroon's civil procedure is based on the English received legal instruments (Magistrates Court Civil Procedure Ordinance of 1948, Southern Cameroon's High Court Procedure of 1955) and the French '*Code de Procedure Civile*', whose provisions have sometimes become obsolete in their countries of origin. The Supreme Court is however regulated by a local legislation, Ordinance 72/6 on the Organisation and Functioning of the Supreme Court. The Government in recognition of the ill-adapted nature of these procedures of relevance to economic activities and their negative effect on victims of economic crimes, notably major financial institutions, adopted a number of regulatory instruments which, though piecemeal in nature, seek to speed up the process of judicial recourse. These include the Simplified Procedure for the recovery of debts; Ordinance N0 92/008 of 14<sup>th</sup> August 1992 on the Stay of Execution of Judgments, etc.

#### **E. Preventive Measures**

The measures adopted at an administrative level to combat the phenomenon of criminality of an economic nature have been principally disciplinary and preventive in character.

Administrative disciplinary action, though closely related to criminal proceedings, is nonetheless an autonomous action specifically applicable to a defined institution or profession. Although the rules for instituting such actions may be the same, their spheres of application greatly differ. The use of disciplinary measures such as recovery of deficits, warnings, and suspensions have been of great significance in pursuing civil servants charged with the misappropriation of state finances or other property under their control and custody. Charges for misappropriation of public funds for example, are initiated after an investigation by fiscal or administrative control services. The Public Department of State Control upon the detection of these offences have recommended and proceeded with forwarding suspects to the Prosecution department for further investigation and trial. The State Counsel of the Yaoundé Court of First Instance was seized of the famous Mounchipou case (Former Minister and high-ranking officials of the Ministry of Telecommunications), after the control and recommendation of the State Control Department.

During Cameroon's 3 year Economic and Financial Development Plan for 1997/2000, major economic, financial and structural reforms were achieved with the support of donor organisations. Within the Structural Readjustment programme a major achievement was the putting in place of a Good Governance Programme which envisages various economic development measures. These amongst others include: the respect of rules of public contracts whereby independent auditors were instituted; reforms on the system of award of contracts; the strengthening of the state of law to ensure judicial security for investments and the intensification of the fight against corruption by improving public access (transparency) to information on public affairs.

Major judicial structural reforms carried out were aimed at implementing Government policy of bringing justice closer to the people, decongesting the courts, speeding the judicial process and thus instituting a credible judicial system in the fight against crimes. These measures provided an appropriate response to criticisms of the judiciary relating to slow judicial processes in treating case files and the high number of preventive detainees awaiting trial. The recent creation of several Courts of First Instance and

infrastructural investments in the judiciary has provided a more conducive working environment. Statistics of the Centre Province for example reveal that, the Yaounde-Ekounou and Ngoumou Magistrate Courts were created within the last two years. Construction of the State Counsels Chambers for the Yaoundé Administrative Centre and the Yaounde-Ekounou Magistrates Court were completed, and the Construction of the Bafia Court is on-going.

Other efforts by the Government provide a preventive mechanism for the commission of economic crimes due to mismanagement of public property. Preventive measures for example, taken in implementation of the National Programme on the Fight Against Corruption include the vast national campaign in 1998 to sensitize the public as both culprits and victims of corruption. Within this programme a National Commission with a coalition of partners, CSO/Private Sector/Public Sector, has been created and placed at the level of the Prime Ministry. Various Observatories which feed into this commission have been created at the level of ministerial departments for an improved management of public affairs. These measures are expected to control and prevent the increase in economic crimes against the state.

A significant effort of the private sector worth mentioning is that of the banking sector aimed at preventing financial and economic crimes. At the dawn of the 21st century, major para public corporations such as the National Electricity Corporation (SONEL), National Water Corporation (SNEC), Cameroon Airlines (CAMAIR), National Social Insurance (CNPS), etc., and major private institutions, due to less rigorous accounting systems, were victims of diverse types of cheque related offences. Bank officials though unable to produce specific statistics of offences identified, confirm that an increasing number of fraudulent and stolen cheques were being cashed, signatures of heads of institutions falsified and fraudulent identification papers used by the offenders. The culprits, who sometimes worked with the complicity of employees of these institutions, were mostly unidentified. The impact of these bank related economic crimes on customers and the likely impact on their relationships with the financial institutions led to a change in the banking policy and the adoption of preventive measures in the payment of cheques. By a decision of the Professional Association of Credit Institutions of Cameroon (APECA), counter payments of cheques issued to third parties were abolished. All cheques issued to customers are required to be pre-barred and can only be paid through a bank account of the third party. These provisions notwithstanding, bank officials complain of emerging trends in new methods of falsification where payments are made under 'Transfer Orders'.

#### **IV. INSTITUTIONAL ARRANGEMENTS**

The institutional framework for combating economic crime includes repressive jurisdiction, law enforcement institutions, penitentiary institutions and the following.

##### **A. Criminal Law Courts**

In accordance with the judicial organisation regulated by the JO of 1972, the Court of First Instance (Magistrates Court) will be competent to entertain economic crimes classified as misdemeanours and simple offences and all criminal matters pertaining to juvenile offenders below the age of 18 years. Actions for civil remedy by victims of economic offences will be entertained by this court where the damage claimed does not exceed 5 millions Fcfa (approximately \$8000). Where however the economic offence is classified as a felony, the High court is competent and in civil matters can hear and determine claims in economic issues with an amount exceeding 5 million Fcfa. At an appellate level, the Court of Appeals established at Provincial levels entertains appeals from the courts below. Appeals from a Courts of Appeal are heard by the Supreme Court whose decisions bring an end to any litigation of an economic nature.

The legal Departments headed by legal officers are charged with heading and controlling investigations of crimes by the judicial police officers

##### **B. Judicial Police Officers**

As forces of law and order, the Police and Gendarmes are also specifically charged with the investigation of criminal offences. In the exercise of this function they act as judicial police officers (JPO) under the control of the legal department.

The Police Service is made up of the department of information, public security, judicial repression and immigration. Public security is particularly responsible, amongst others, for the security of persons and their goods. The Mobile Intervention Group (GMI) of the police is charged with special interventions, while the

Special Operation Unit (GSO) as a specialised unit is made up of 'anti-gangs' for the fight against grand criminality and serious offences.

The Gendarmerie is also charged with the security of persons and their goods and as judicial police officers investigate criminal offences. Equally structured as the Police, this service consists of a criminal investigation office, a Mobile Unit 'Escadron Mobile' charged with special interventions, and a Gendarmerie Operational Centre (COG) charged with the fight against grand criminality.

Upon receipt of a complaint or information as to the commission of an economic crime, the Judicial Police office are charged with conducting investigations and establishing a case file which is forwarded to the legal department for perusal, inquiry and committal where necessary.

### **C. Penitentiary Units**

Regulated by Decree 92/052 of 27 May 1992 on the penitentiary system in Cameroon, various penitentiary centres created nationwide are charged with the detention of convicts or detainees. The over-population of these prisons has been a cause of great concern. The Yaoundé prison for example constructed more than 40 years ago with a capacity of 800 inmates today has 3024 persons.

### **D. Multidisciplinary approach**

The multidimensional characteristics of serious crimes and modern crimes call for a multidisciplinary approach to be adopted in the prevention of and fight against increasing criminality. Faced with an increase in criminal activities, particularly organized crimes with the use of arms which greatly threatened persons, their property and the business community in urban towns and most particularly Cameroon's economic city, Douala, a series of multi-disciplinary teams of the forces of law and order were set up with the mission to carry out operations aimed at strengthening existing intervention forces. Major operations carried out in February 2000 were the 'Commandement Operationnel' in Douala and 'Operation Vautour' in Yaoundé.

Besides these repressive measures, have been preventive measures of great significance. An on-going initiative by the Government of Cameroon and UNDP is the 'Yaounde Plus Sure' and 'Douala Plus Sure' Initiative which, aims at putting in place a multi-sectoral and multi-stakeholder programme for the prevention of urban and juvenile delinquency in Cameroon's political and economic capitals.

## **V. CONSTRAINTS TO EFFECTIVENESS**

Although economic crimes have considerably multiplied, taking on diversified and complex forms, Cameroon's criminal legislation enacted in 1967 is yet to be reviewed to render it effective in regulating the current forms of economic crimes. In its obsolete form, the traditional economic crimes legislated upon, provide an inappropriate and ill adapted framework to vigorously combat emerging forms of serious crimes which greatly hamper the global economy. Enforcement of criminal court judgments encounters increasing difficulties in the Civil law jurisdictions where accused persons are tried in default. Default judgments in criminal matters so delivered have recorded alarmingly low levels of execution.

A major problem has been one of unavailability, insufficiency, non-viability and inaccessibility to statistics on the phenomenon. Where there is available data, this is usually not properly managed due to a lack of technological resources. As an outcome of these weaknesses, the dimension of economic crimes and the extent of the effectiveness of the judicial system to fight this phenomenon needs to be given increased and particular attention.

Major difficulties encountered during investigations and inquiries include unavailability and inaccessibility of information. The high ranking officials both of the public and private sector involved in economic crimes and the sometimes political nature of the issues surrounding the commission of the offence render investigations and inquiries an arduous task for the judicial police officer and the legal and judicial officer.

Wanton behavioural patterns of victims not only compound their plight but render investigations difficult. Victims of economic crimes committed by feymen, behave as if they were seemingly tied under a pact of secrecy and are usually unwilling to denounce the act. Complacency by the society to certain economic criminal acts will have a long-term impact as the young generation continues in like manner. Securing the attendance of prosecution witnesses during inquiries and trial is also faced with difficulties where witnesses

exhibit great impatience with judicial procedures. Regular complaints from process servers charged with executing summonses relate to witnesses who do not respond to the witness addresses provided during investigation.

Non disclosure, unavailability of information and victim behaviour compromise the pursuit of proceeds from economic crimes and victim compensation. A major factor that contributes to combating money laundering is accessibility to information and disclosure by individuals, the banks and other channels.

In another area, the cross boarder (national/international) nature of economic offences necessitates a huge investment in human, financial and material resources that are usually inadequate and sometimes unavailable.

Of critical importance are problems related to the wanton expertise to deal with the complex and complicated nature of emerging economic crimes. The want of highly specialised experts to establish expert reports has led to protracted inquiries. A major problem is related to lack of expertise in communications technology. Technological dependency is a root of economic dependency. Opportunities offered by recent technological advances to combat crime are not fully exploited yet this is a crucial issue that determines the extent of success of any preventive or repressive measures.

The capacity of Police and Gendarme forces in the wave of increasing criminality, especially armed bandits, is insufficient. Yaoundé urban town for example is made up of 1300 uniformed policemen thus giving an insignificant ratio of 2.5/1000 for police/population.

Sub-regional cooperation to combat increasing trans-boundary criminality needs to be strengthened. Instability from civic wars, which affect most neighbouring countries of the sub-region, has negatively impacted economic stability. The influx of refugees and the trans-boundary movements of arms have resulted in increased pressures on natural resources, generated labour problems and increased criminality. The free movement of persons, goods, services and capital, which are generators of economic growth, cannot be guaranteed within the sub-region faced with these socio-economic problems.

## **VI. RECOMMENDATIONS AND CONCLUSIONS**

The celerity in treating case files, the quality of the judgments delivered and objectivity in the use of discretionary powers is certain to make the judge a major actor in economic development and support of the State in its fight against economic crimes. The existing legal and institutional framework can no longer cope with emerging and new forms of economic crimes. As the nation seeks to put its economy on the path of growth and increase the efficiency of Africa's economy for the enhanced welfare of its people, there is an urgency to define ways of providing the much-needed judicial security which is a priority incentive for attracting investment.

A proactive stand calls for a number of priority and appropriate measures to be put in place

### **1. Adapting the Legal and Regulatory Framework**

- Reform of repressive legal instruments to be adaptable to emerging economic crimes
- Define preventive strategies to combat the increasing crime wave
- Implement victim compensation measures

### **2. Strengthening Capacity of Major Actors Involved In Combating Economic Crimes**

- Enhance institutional capacity to investigate, prosecute and execute court decisions
- Support law enforcement agencies and courts involved in the fight against economic crime
- Build capacities of legal and law enforcement officers to master the new communication technology and thus reinforce capacity to open up to the global village

### **3. Availability and Management of Information**

- Provide up to date history on economic crimes
- Enhance capability/capacity to effectively expand the collection and sharing of information and intelligence on economic offences

4. Implement and Institute Economic Crime Prevention Programmes

- Alternatives to repressive approaches: Citizen Education on Economic Crime Prevention
- Juvenile delinquents. Educate and prevent involvement in crime
- Effectively implement National Good Governance and Fight against Corruption programmes that aim at ensuring security and judicial credibility

5. Promote Multi-disciplinary Economic Crime Management

- Develop collective steps to mitigate, reduce, control and prevent economic crime
- Integrate members from various operation programmes to strengthen and enhance capacity to achieve operation priorities specific to economic crimes

6. International

- International Policing to contribute to global security by improving national capacity to collect and share intelligence
- Enhance bilateral cooperation within the sub-region to combat crime

In conclusion, building on the manifested political will through the Government's initiative alongside the support of The Bretton Woods institution, to put in place conditions favourable to a credible justice system, provides an opportunity for revamping Cameroon's vulnerable economy. A major lesson from the economic depression experienced is that solid economic growth must be accompanied by the security of persons and their property as an incentive to attract foreign and private investments. Strengthening the existing legal and institutional framework to prevent and fight crimes and making it particularly adaptable to traditional and emerging serious economic crimes paves the way for greater investment and constitutes a major contribution to Cameroon's criminal justice system in support of diverse national efforts aimed at putting the economy on the right path for economic development.