The Right Honourable President of the Senate,

The Right Honourable Speaker of the National Assembly,

The Honourable Prime Minister, Head of Government,

The President of the Economic and Social Council,

The Right Honourable President of the Constitutional Council,

Honourable Ministers of State,

Honourable Ministers,

Distinguished Ministers Delegate, and Secretaries of State,

Distinguished Army Generals,

The Director General of the National School of Administration and Magistracy,

The President of the Cameroon Bar Association,

The President of the National Association of Sheriff/Bailiffs,

The President of the National Association of Notaries Public,

The Government Delegate to the Yaounde City Council,

Distinguished Traditional and Religious Leaders,

Distinguished Judicial and Legal Officers,

Distinguished members of the judicial family,

Ladies and Gentlemen, all protocol respected.

The Supreme Court is especially honoured with your distinguished presence in this sumptuous hall and heartily welcomes you therein.

Today's solemn session is drawn from **section 33 (1) of Law No. 2006/16 of 29 December 2006** to lay down the organisation and functioning of the Supreme Court which provides: "***At the start of each judicial year and on 28 February at the latest, a solemn reopening ceremony of the Supreme Court, attended by heads of appeal courts, lower administrative courts and lower audit courts in judicial robes, shall hold under the chairmanship of the [Chief Justice]***."

Through this ceremony, the Supreme Court intends to comply with the legal provision referred to above and observe what has become a tradition of contemporary Superior Courts of final jurisdiction.

During this ceremony and true to tradition, the Supreme Court will share a discourse with you on the economic developments of our country and especially on relations between the Judiciary, penal standard-setting, and the business climate in Cameroon. As a result, this address will examine a slightly technical theme entitled:

"**THE CHALLENGES OF PENAL PROTECTION OF PAYMENT AND LENDING INSTRUMENTS WITH RESPECT TO THE BUSINESS CLIMATE IN CAMEROON**"

Your Excellencies, Ladies and Gentlemen,

Cameroon can only truly develop if her economy takes off. The blossoming of economic activities is a prelude to development.

In recent years, the various "**DOING BUSINESS**" reports **(1)** and the many forums **(2)** and seminars on investment in Cameroon have tended to blame the Judiciary and the delay in standard-setting activity with respect to economic demands.

The CEMAC lawmaker and the Cameroon penal lawmaker have laid down the penal protection of payment and lending instruments as strong measures to improve the business climate.

Initially feared by the business world, Criminal Law now has an important place in the business enhancement strategy. **(1)**

In a bid to illustrate my point, I will take a look at the CEMAC Regulation No. 2/3/CEMAC/UMAC/CM signed in Yaounde on 4 April 2003 **(2)** and the Cameroon Law No. 2019/21 of 24 December 2019. **(3)**

The first instrument entered into force on 1 July 2004, more than 15 years ago, and the second is only a few months old. Meanwhile, the two laws have many similarities. They both lay down the management of relations between banking and financial institutions, and their customers.

The CEMAC Regulation has criminalised many acts in terms of payment instruments. Payment techniques are major factors in securing economic transactions.

The economies of Central African countries that originally clung to paper currency for instant payments (banknotes, metallic coins), have

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(1) *Droit Pénal des affaires OHADA*. Minsi le Competing Douala, 2007
DJILA Rose, *le Droit pénal des affaires au Cameroun*, l'Harmattan Paris 2015
NDIAW Diouf, *La difficile émergence d'un Droit pénal Communautaire dans l'espace OHADA*, Revue Burkinabe de Droit 2001.
FRIED (c), *les enjeux de la pénalisation de la vie économique*, Dalloz 1997, page 102 et suivantes.
(2) *Règlement CEMAC relatif aux systèmes moyens et incidents de paiement*
(3) Cameroun Tribune No. 12001/8200 of 27 Deceber 2019

gradually shifted to deposit currency (cheques, bills of exchange, promissory notes) for deferred payment.([4])

Not long ago, we saw the birth of another form of instant payment (the payment card), which actually is a form of electronic money.

Meanwhile, without always waiting for the reaction of the lawmakers of member countries, the CEMAC lawmaker realised that it was urgent to initiate a significant reform enshrining the penal protection of payment techniques.([5])

Regulation No. 2/3/CEMAC/UMAC/CM signed in Yaounde on 4 April 2003 and that entered into force on 1 July 2004 relating to systems, means and payment incident:

– revolutionised the criminal law on cheques,
– strictly monitored the manufacture and use of electronic cards,,
– defined punishable attempted fraud on automated data processing systems in a payment system.

The Regulation, like all payment instruments, lays down the method of payment which allows any person to transfer funds regardless of the medium or the technical process used.([6])

In this regard, the method of payment includes payment by cheque, bill of exchange, promissory note, wire transfer, electronic debit, payment card, electronic money.

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(4) ANOUKAHA François, *Les infractions commises dans l'utilisation des instruments de paiement dans la zone CEMAC* March 2010, in *recueil des cours de l'ERSUMA* 2015 P.337 and following, *Recueil des cours de l'ERSUMA*, 2015.
(5) *Cf. règlement n°02/03/CEMAC relatif aux systèmes, moyens et incidents de paiement*.
(6) Cf. Article 12 of Regulation 2/3/CEMAC

In a bid to give more credibility to these payment techniques, the CEMAC lawmaker criminalises certain forms of behaviour likely to weaken them.

On the whole, the CEMAC lawmaker has limited the choice of payment method for users. ([7])

Thus, in localities where there is at least one credit institution or a postal cheque service or an approved establishment which issues payment methods, any payment which exceeds the sum of CFAF500,000 must be made by cheque, interbank or postal transfer, payment card or any other payment method that debits the amount paid from an account opened with a credit provider, in the name of the payer.

This amount is raised to CFAF1,000,000 where payment is made between non-commercial individuals.

In terms of sanctions, article 5 of the CEMAC Regulation (**8**) provides for a fine of 5% of the amount of sums unduly paid in cash.

Concerning cheques, the CEMAC lawmaker went beyond what was provided for by national laws. **(9)**

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(7) Anoukaha – *les infractions commises dans l'utilisation des instruments de paiement dans la zone CEMAC Recueil des cours de l'ERSUMA 2015. Droit pénal des affaires page 337 et suivantes.*
Articles 4 and 5 of CEMAC Regulation.

(8) Cf. Article 5 of CEMAC Regulation provides: "Violation of articles 4 and 5 above shall be punishable with a fine of 5% of the unduly paid amounts in cash."

(11) Section 253 of the Cameroon Penal Code provides: "Whoever:

a) issuues a cheque on a bank or postal account within or without the Republic and without pre-existing, adequate or free cover, or

b) after issue withdraws, whether within or without the Republic all or part of the cover or stops payment,

shall be punished with the penalties laid down under section 318."

(12) Article 250 of CEMAC Regulation provides for a fine of from CFAF100,000 to CFAF300,000,000 against any defaulting credit provider.

Thus, in addition to the classical offence of issuance of a cheque without cover, the Regulation provides for offences attributable to the credit provider (declaration of an inaccurate reserve) **(10)** and even to the beneficiary of the cheque (acceptance of a deposit cheque) **(11)**.

With regard to applicable sanctions, the major innovation concerns a fine provided for the credit provider (bank) but more especially, the accessory penalties in addition to the principal penalties.

Indeed, Article 197 of the CEMAC Regulation has instituted the procedure of ban on banking against the drawer of a cheque without cover and provides:

"The credit provider who refuses payment of a cheque for lack of sufficient funds shall order the account holder, by registered mail with acknowledgment of receipt or any other means with paper trail, to return to all the establishments to which he is a customer, the cheque forms, and payment cards in his possession and in the possession of his agents.

***He shall also order him to stop issuing cheques and to stop using payment cards for a period of five years from the date of registration of the incident.*"**

The credit provider (bank) informs the borrower that he can catch up by paying the amount of the cheque or by paying a penalty agreed by both

(13) Article 238 (5) provides: "Whoever knowingly accepts a cheque without cover shall be punished with the penalties provided for in Article 237 above."

parties. ([12]) The ban on banking can be rehabilitated. The borrower may even challenge the ban before a court.

If the credit provider does not initiate the ban on banking procedure, the court can compensate for the deficiency by issuing a order to that effect as an additional penalty.

In this regard, Article 206 of the CEMAC Regulation provides:

"*The court order not to issue cheques, other than those referred to in Article 196 (2), or to be issued a payment card, may be delivered as an accessory or principal penalty, by any court with jurisdiction to hear and determine offences relating to cheques, payment cards*".

The ban on banking or the court order and the authors of cheques without cover entered in the file of customers at risk established in each State Party within the meaning of article 210 of the CEMAC Regulations must be notified to the Central Bank (BEAC).

With regard to electronic card offences, it should be noted that the CEMAC lawmaker distinguishes three types of cards:

– The payment card which can be defined as any card issued by a credit provider that enables its holder to transfer funds.

The payment card gives rise to the immediate debit of the account of the holder. It may give rise to a deferred debit or to any other form of credit by virtue of an express provision of the contract concluded between the issuer and the card holder.

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(12) Cf. Article 201 of CEMAC Regulation: *"The penalty agreed by both parties shall be paid into the public treasury for the three-quarters of the amount, and to the Central Bank for the remaining quarter. It shall be fixed at CFAF10,000 per instalment of CFAF100,000 paid."*

– The credit card enables its holder to withdraw funds or make payments, but the debit is deferred and this is based on a revolving credit previously and contractually defined with a credit provider.
– The withdrawal card enables its holder to make cash withdrawals from ATMs. ([13])

Several offences relating to electronic cards have been provided for.

Thus,

- Whoever counterfeits or falsifies a payment, credit or withdrawal card;
- Whoever knowingly uses or attempts to use a counterfeit or falsified payment, credit or withdrawal card;

shall be punished with imprisonment for from one (1) to ten (10) years or with fine of from one hundre thousand (100,000) to ten million (10,000,000) CFA francs or with both such imprisonment and fine.

In the event of conviction, counterfeit or falsified cards are confiscated and destroyed.

Similarly, the materials, machines, apparatus or instruments, computer programmes or data which would have served or intended for the manufacture of the said objects may be seized.

- the use of or an attempt to use a lost or stolen card is also criminally punishable.

The card holder who uses his card after having declared its loss or theft is criminally punishable.

(13) The most used by civil servants and workers.

The CEMAC lawmaker has since 2003, laid down the legal provisions to deal with the dematerialization of banking operations and the development of electronic money. Manual payment, for example, has become electronic payment.

Therefore, it is imperative for the Cameroon lawmaker to adapt our legislation to technological developments. That is why data processing in a payment system is highly protected, and he severely sanctions:

- fraudulent access and maintenance in a payment system;
- fraudulent access and manipulation of data in a system;
- authorised access and manipulation of data in a system;
- participation in a group formed or in an established agreement, with a view to prejudicing data processing (Articles 274, 275, and 276 of CEMAC Regulation).

More than 15 years after the entry into force of **CEMAC Regulation No. 2/3** on payment instruments, systems and incidents, it is still proper to take stock of its application and measure its impact on the business climate in Cameroon.

Has the CEMAC Regulation brought any significant changes in banking practice and the use of payment instruments?

Has it facilitated commercial transactions?

The results seem to be mixed. Concerning electronic cards and violation of automated data processing, the lawmaker has done a very useful job by availing the courts of instruments to settle disputes arising therefrom

(14). However, there is a doubt on the implementation of innovations introduced in matters relating to cheques.

Payments of more than CFAF500,000 for traders and CFAF1,000,000 for non-traders continue to be made in cash in spite of a fine of 5% to be paid by any offender thereof. Do both traders and individuals really have the feeling of committing an offence by paying the prohibited amounts in cash?

Banks hardly prohibit their customers from carrying out bank transactions in spite of the criminal penalties provided for in the event of their possible indulgence. The banker simply ignores his obligations of vigilance and diligence. **(15)**

The practical consequence is the existence of unscrupulous customers who with impunity, continue to issue cheques without cover. Banking establishments find it difficult to forward the names of their customers to the customers-at-risk file of the Central Bank.

More seriously, traders refuse to use the instruments provided for by law to buy on credit (bill of exchange, promissory note) and prefer to use cheques as credit instruments which they deposit with their suppliers.

However, the CEMAC lawmaker intended to discourage the use of cheques as a credit instrument. The practice of the deposit cheque does not seem to have dropped in spite of the criminalisation for its acceptance. **(16)**

The courts that have a clearly defined role in the management of payment incidents seem to be amorphous and sluggish.

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(14) Offences in matters of electronic cards or computing in financial institutions are known by our courts that apply the CEMAC Regulation.
(15) Cf. Tchemalieu Fansi (Roland), *Droit et pratique bancaire dans l'espace OHADA*. L'Harmattan, Paris, p. 124.
(16) Cf. Article 238 (5) of CEMAC Regulation.

Thus, the criminal courts that convict for the issuance of cheques without cover, only rarely include in their judgments, the court order prohibiting bank transactions as provided for in Article 206 of the CEMAC Regulation.

Similarly, the courts do not seem to have integrated the role conferred on them by Article 235 of the CEMAC Regulation which requires them to forward forthwith to the Central Bank, court orders prohibiting bank transactions, the withdrawal of such orders, the lifting or suppression of ban on banking.

In return, the Central Bank must inform the Legal Departments at the courts concerned, of any violation of the ban on banking or court order reported to it or which it has observed.

This does not seem to be the reality at the level of the courts and Legal Depatments. There is an unnamed form of resistance to the penal protection of payment instruments and systems.

It is as if the credit providers which are the first recipients of this reform accept it only timidly in certain aspects.

The customers of banks and economic operators who are also the users of payment instruments do not seem to abide by the requirements of the CEMAC Regulation.

The intimidation of potential offenders does not seem to be producing the expected results.

Regarding the effectiveness of laws, Potalis, in urging the creators of legal norms to be more cautious held that: **"*Laws are not pure acts of power; they are acts of wisdom, justice and reason. The lawmaker exercises less***

of an authority than priesthood. He must not lose sight of the fact that laws are made for men and not men for laws; that they must be adapted to the character, habits, the situation of the people for whom they are made."

It is a law that is partially observed, and partially violated even by bankers.

Concerning the violation of laws, **Marguerite Yourcenar** holds that:

"***Any law that is too often violated is a bad law. It is up to the lawmaker to repeal or change it.***"

The said CEMAC Regulation, the application of which for 16 years is expected to boost the business climate and the banking system, has still not produced the expected results. Of course, there is a properly structured legal setting to fight against offences in matters of electronic cards and automated data processing, but there is still a systematic refusal to use cards and cheques for transactions as required by the Regulation.

Besides, in matters relating to cheques, there is a resistance from old practices and a difficult implementation of the ban on banking or court order.

It is in this context that the Cameroon lawmaker adopted Law No. 2019/21 of 24 December 2019 on the penal protection of credit activities. This law was inspired by the CEMAC Regulation and presents financial institutions and their customers as the main stakeholders.

Law No. 2019/021 of 24 December 2019 to lay down some rules governing credit activities in the banking and microfinance sectors in Cameroon brings major and unprecedented innovations in the area of bank debt recovery. It lays down a regime for responsibilities in the event of non-repayment of the debt due.

It applies to credit institutions and microfinance institutions operating within the territory of the Republic of Cameroon, borrowers and customers/members of credit institutions or microfinance institutions operating within the territory of the Republic of Cameroon.

The law brings major innovations on debt recovery in general ([17]) and on the recovery of bank loans in particular. ([18]) It should be noted that Professor Paul Gérard Pougoué holds that: **"*Debt recovery is essential for the vitality of the law and the economy.*"**

The said law provides for criminal proceedings against the debtor of a bank or of a microfinance institution who has not repaid his loan on the due date. It does not matter whether the borrower is a natural person or a corporate body. The time limit for initiating proceedings is **60 days** from the day of due payment, failing which the financial institution shall be precluded from doing so.

Section 20 of the said Law provides, relating to loan default liability for natural persons: "***Whoever, in bad faith, defaults on a loan granted by a credit provider shall be punished with imprisonment for from six (6) months to five (5) years or with fine of from one hundred thousand (100,000) to one hundred million (100,000,000) CFA francs, or with both such imprisonment and fine.***" Imprisonment does not cancel the loan and is not worth compensation. At the end of his sentence, the borrower remains liable.

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(17) Paul Gérard Pougoué, *préface de l'ouvrage, la prévention et le recouvrement des impayés* in Droit OHADA p. 5.
Debt recovery is governed by the OHADA Uniform Act on simplified recovery procedures and measures of execution
(**18**) Bank loans did not have any special regime due to collateral

Regarding the criminal liability of legal persons who are loan defaulters, **section 27** of the Law referred to above provides:

"(1) Legal persons shall be criminally liable for offences committed by their managers or employees.

(2) The criminal liability of legal persons shall not preclude that of natural persons who are perpetrators or accomplices of the same offences.

(3) The penalty incurred by the legal person shall be a fine.

(4) Notwithstanding the penalty provided for in Subsection 3 above, one of the ancillary penalties provided for in the Penal Code may also be imposed on the accused legal persons."

The fines provided for in section 20 of the law referred to above are imposed according to the amount of the unpaid loan, the maximum being one hundred million (100,000,000) CFA francs for a loan higher than one billion (1,000,000,000) CFA francs.

In addition to the main penalties (imprisonment and/or fine), the criminal court before which the matter is brought may impose an additional penalty including a ban on credit, against the convicted natural or legal person.

It should be noted that the said Law provides for a ban on credit against the defaulting borrower. This procedure which is similar to the regime of the ban on banking **(19)** in matters of payment instruments, aims to disseminate to all financial and banking institutions, the danger **(20)** that debtors who are natural or legal defaulting persons constitute.

Henceforth, they are ***persona non grata*** in all banks.

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(19) The ban on credit and the ban on banking aim to discourage defaulting bank customers.
(20) They are presented as an economic risk for all financial institutions.

The ban on credit procedure is also applicable to co-obligors where the non-repayment is the result of a co-obligor.

In the event of a ban on credit, the credit provider is required, within 48 hours, to inform the Secretary-General of the National Credit Council **(21)** or any other body in lieu thereof **(22)**.

However, in the event of regularization by repayment, the banking establishment must lift the ban within 48 hours and notify same to the Secretary-General of the National Credit Council **(23)**.

The prosecuted borrower may apply for stay of proceedings within the meaning of section 64 of the Penal Code.

Nevertheless, a borrower can be imposed a ban on credit by error; in such case, the borrower may challenge the ban and even apply for compensation. He can also apply for the lifting of the ban before the competent court in charge of urgent applications **(24)**.

The said law also punishes the filing of false documents in the conclusion of a loan transaction **(25)**.

The said Law also consolidates the offence, attempts at frauding automated data processing in a payment system in section 23 which provides: **"*Whoever fraudulently causes the deletion or modification of***

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(21) The National Credit Council plays the same role as BEAC concerning the ban on banking.

(22) Such information should be centralised at the national level.

(23) The lifting of the ban on credit is done in the same form as the ban on banking.

(24) Section 17 ((3) provides: "*Where a borrower considers illegal a ban on credit issued against him/her by a credit provider and confirmed by the Secretary-General of the National Credit Council or any other body in lieu thereof, he/she may file an appeal before the competent court [in charge of urgent applications] to seek lifting of the ban.*"

(25) False summary financial statements.

- False land title
- False turnover
- False expertise

***credit data or causes alteration of the functioning of the data processing system, shall be punished with imprisonment for from six (6) months to three (3) years or with fine of from one hundred thousand (100,000) to five million (5,000,000) CFA francs, or with both such imprisonment and fine.*"**

For all these offences including non-repayment of loan, use of false documents, damage to the data processing system, the law referred to above also targets employees of banking establishments as it provides in section 24: **"*The provisions of the Penal Code relating to an attempted participation in and aiding and abetting of an offence shall apply to employees of the credit provider for the offences provided for in Sections 20, 21, 22 and 23 above.*"**

The lawmaker has understood that the risk comes both from outside and inside; the causes of non-repayment of credit are exogenous and endogenous; there are external dangers, but also internal dangers which combine to limit credit fluidity **(26)**.

The said Law which punishes the non-repayment of loan does not apply to a loan with collateral as **section 11 (5)** provides: **"*Where such default concems a collateralized loan, the lending credit provider may redeem the collateral under the terms of the revised OHADA Uniform Act on the Organization of Collateral.*"** What procedure should be applied where the collateral does not cover the full loan?

(26) The non-repayment of loans often results from the complacency of agents in charge of checking the loan file.

This law was adopted in a special context. Cameroon banks noted in December 2019, the existence of 500 billion CFA francs of accumulated compromised debts. These overdue debts weigh on the banks. **(27)**

The lawmaker stepped in with regard to the situation of conventional banks, but especially given the need to protect microfinance institutions which now play an important role in our economic system **(28)**.

Viewed from this perspective, this law can serve as a trigger for the recovery of bank debts in Cameroon.

The concern to improve the business climate pushes the lawmaker to seek ways and means of breaking the resistance of the dishonest borrowers. However, should that be done at all costs?

Is the criminalisation of the non-repayment of a concluded loan synonymous with default of collateral to which the OHADA lawmaker has devoted a whole uniform act? **(29) Professor Laurent Aynes** held more than a decade ago that: **"*The practical importance of collateral cannot be over-emphasised: without collateral, there is no credit; without credit, there is no modern economy.*"**

Have personal guarantees (surety and autonomous guarantee), real movable security (pledge, Right of retention, pledge of stocks) and real estate security shown their limits?

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(27) Cf. *le magazine de la banque et la finance de l'APECCAM* n°007, p. 38.
(30) 419 microfinance institutions were authorised to operate as at 30 June 2019 in Cameroun. Cf. Cameroon Tribune No. 12020/8219 of 24 January 2020.
This law does not target borrowers with collateralised loan.
(31) Uniform Act of 15 December 2010 on the organisation of collateral.

It should be noted, for example, that real security interests in movable and immovable property can now be settled out of court. It is the triumph of the *commissoria lex* (assignment clause) with the security reform in 2010 **(30)**.

This means that the conclusion of a loan should focus more on the reliable guarantees of repayment required before the loan is granted. That is why one writer held: **"*The effectiveness of debt recovery depends on the preventive measures taken upstream by creditors to offset the risk of unpaid debts. In fact, the recovery of loans is prepared even before the loans are granted.*" (31)**

In addition, the said Law provides for new offences in matters of recovery due to poor behaviour that the OHADA lawmaker did not provide for, either in the uniform act on collateral, or in the uniform act relating to simplified recovery procedures and measures of execution.

Is this new overlapping between the OHADA law and the Cameroon internal law not likely to pose practical challenges? **(32)**

In any case, we need the force of the Law and the law itself to make our banking and financial institutions blossom.

We need legal rules as a prerequisite for economic boom.

We need to simplify the debt recovery procedures for the development of banking and financial institutions.

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(30) Cf. Article 199 of the Uniform Act on collateral.

(31) Wambo (jeremie), *la prévention et le recouvrement des impayés* in Droit OHADA, éditions JERBERAS, 2018 p. 402.

(32) The Law of 19 April 2007 to designate the Judge in charge of disputes on execution in Cameroon has still not been welcomed b the CCJA.

We need to further secure the use of payment, withdrawal and credit cards and the automated data processing in financial institutions. As a banker points out: **"*The digitalisation of banks gives us no choice and in this rapidly changing banking era, the watchword of course, is adaptation*."** **(33)**

We need to adapt in order to survive, and our Law, our Judges must not lag behind technological developments.

However, criminal law has started taking a giant stride in the non-performance of civil or commercial contracts in Cameroon.

Indeed, the breach of a contractual obligation should in principle, only give rise to a civil or commercial sanction.

But increasingly, we are witnessing the criminalisation of civil and commercial matters.

– section 322-1 of the Penal Code of 12 July 2016 provides for and punishes renting fraud:

"(1) Whoever rents a built or un-built property on the basis of a duly registered contract, owing two months rents, and who has not paid such rents or vacated the said property, one month after service of a notice to pay or quit, shall be punished with imprisonment for from 6 (six) months to 3 (three) years or with fine of from CFAF 100 000 (one hundred thousand) to CFAF 300 000 (three hundred thousand), or with both such imprisonment and fine.

(2) Upon conviction the Court shall, in addition, order the eviction of the tenant or any other occupant."

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(35) Alphonse Nafack, President of APECCAM in *Magazine de la Banque et de la finance de l'APECCAM,* December 2019, p. 38.

– section 20 of the Law of 24 December 2019 criminally punishes loan default.

Such provisions may facilitate the payment of rents or the repayment of bank loans. However, the frequent resorting to criminal law to settle civil and commercial matters may constitute a drawback for our country from the Rule of Law. We must move forward in the penal protection of loans with caution and tact and by managing the notion of "bad faith" as well as possible. Section 20 of the law referred to above provides: **"*Whoever, in bad faith, defaults on a loan…*"**

If care is not taken, the determination to recover at all costs may likely sink the conclusion of loans and discourage potential investors.

On the whole, the penal protection of payment and credit techniques is beneficial in reorganising economic transactions and protecting banking and financial institutions: Criminal law seems to have precedence over other remedies. In fact, a writer once held that:

"*Although the use of criminal sanctions in the business sector is seriously challenged by economic operators, it should be noted that of all the sanctions such as civil sanctions, administrative sanctions that the lawmaker may consider applying to prevent or remedy the development of uncouth behaviour, only the implementation of the criminal sanction can effectively raise the awareness of economic stakeholders*." (34)

Is there any reason to believe that the criminal court will succeed where civil and commercial courts have failed in the recovery of bank loans through collateral?

Whatever the objective envisioned, Financial Institutions should thoroughly review their strategy of approaching their customers, so as not to help in emptying the laws of their substance when they are applied. **(35)**

Their unscrupulous customers should not be protected.

Professor Stanislas Melone on criminal policy held that: **"*Criminal justice punishes the offender who has sinned so that he no longer sins*."** **(36)**

The ban on banking and the ban on credit procedures, for example, should be effectively implemented without complacency.

It is in this way and in this way alone that the Penal Protection of Payment and Credit Techniques can brighten the sky of the business climate in Cameroon, for the happiness of investors.

I thank you for your kind attention.

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(36) Djila (Rose), *le Droit pénal des affaires au Cameroun*. L'harmattan, Paris 2015, p. 278

(37) Alphonse Nafack, President of APECCAM in *Magazine de la Banque et de la finance de l'APECCAM* December 2019, p. 38.

(36) Melone (S), *les Grandes Orientations de la Législation Pénale en Afrique : le cas du Cameroun* – R-C-D n°7, p. 33