

CAMEROON

D. MOUKOURI & PARTNERS LAW FIRM

FIRM INFORMATION

Website address: www.moukourilaw.com

Languages spoken: English and French

Contacts: Danielle Moukouri Djengue

Address: 1068, Blvd Ahmadou Ahidjo, opposite Afriland First-Bank, Akwa, Douala

Telephone: +237 233 42 25 44 / +237 243 08 23 34

Email: d.moukouri@moukourilaw.com



ENFORCEMENT OF FOREIGN MONEY JUDGMENTS

What Laws Regulate Enforcement

Law No 2007/001 of 19 April 2007 provides for the appointment of a judge to deal with litigation related to the execution of judgments and lays down the conditions for the enforcement in Cameroon of foreign court decisions, public acts and arbitral awards.

Treaties

Cameroon is not party to any treaty concerning the enforcement of foreign judgments.

Jurisdiction over Foreign Judgment Debtors

Jurisdiction is obtained by an application for the recognition and enforcement of the foreign decision to the President of the competent court.

Requirements for Enforcement

The party who seeks the recognition or enforcement of a foreign court decision in a civil or commercial case must file a petition to the judge responsible for litigation related to the execution of the judgment of the place or likely place of enforcement together with the following documents:

- A copy of the decision which must satisfy the conditions required for its validity.
- The original copy of proof of service of the decision or any other act that justifies proof of service.
- A certificate of non-appeal issued by the registrar.
- Where applicable, a copy of the summons served on the party who failed to appeal and any other documents proving that the summons was duly served within the prescribed time-limit.

A foreign judgment is deemed to be final only upon presentation of the no-appeal certificate issued by the registrar (or a no-opposition certificate if the decision was rendered by default).

There is no specific requirement for the international competence (jurisdiction) of the foreign court. However, for matters of public policy such as labour disputes, the Cameroonian jurisdiction has exclusive jurisdiction to decide a labour dispute relating to a contract of employment to be performed in Cameroon and duly performed in Cameroon irrespective of the place where the contract is made and the residence of either party.

The defendant is not required to have been present in the foreign jurisdiction at the commencement of the original action, or resident there. Submission by contract is sufficient for jurisdiction. Submission by conduct is not a relevant factor. The defendant has to be duly served, represented or found to be in default. Formal service of the summons is required.

The enforcement must not offend against public policy in Cameroon or against a final court decision in Cameroon. For example a foreign judgment in a land related dispute falls under Cameroonian jurisdiction. There are no ministerial or other consent required for enforcement.

Authentication and Translation of Judgment

The original copy of the decision must satisfy the conditions necessary for its authenticity. The official languages of Cameroon are English and French. All documents including the decisions of the foreign court must be in one of the official languages.

Procedure

A petition with the required accompanying documents is filed with the judge responsible for litigation relating to the execution of judgments of the place or likely place of enforcement. In practice the case file is transferred to the legal department to carry out its investigation, and for its submissions to the judge. Partial execution of the judgment is possible.

How long does Enforcement take

No legally binding deadline exists. However in practice, a decision is delivered with thirty days following the petition in conformity with section 3(3) of Law No 2007/001 of 19 April 2007.

Judgments in a Foreign Currency

The court will grant the foreign according to the currency stated in the petition. In practice however, an amount in foreign currency will be converted to local currency in the petition.

Interest

No interest is granted on the original judgment amount even if the original amount included interest.



Merits

The court will not review the merits of the case giving rise to the foreign judgment.

Limitation

There are no limitation periods for the enforcement of a foreign judgment.

Security for Costs

There is no law which allows a defendant opposing enforcement to require the plaintiff to provide security for its costs.

ENFORCEMENT OF FOREIGN ARBITRAL AWARDS**Relevant laws and the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards**

The enforcement of foreign arbitral awards is regulated by the:

- New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards
- OHADA Uniform Act on Arbitration
- Law No 2003/009 of July 2003 to designate the competent courts mentioned in the Uniform Act on Arbitration within the framework of the organization for the Harmonisation of Business Law in Africa (OHADA) Treaty and to lay down conditions for referring matters to them
- Law No 2007/001 of 19 April 2007 to appoint a judge responsible for litigation related to the execution of judgments and lay down the conditions for the enforcement in Cameroon of Foreign Court Decisions, Public Acts and Arbitral Awards.

With regards the New York Convention on the Recognition and Enforcement of Foreign Arbitral Awards, it was ratified by Cameroon on 19 February 1988 without reservations.

Requirements for Enforcement

If the New York Convention is relied on, the party applying for recognition and enforcement must, at the time of the application, provide the duly authenticated original award (or a duly certified copy thereof) and the original agreement (or a duly certified copy thereof). If the award or agreement is not made in an official language of Cameroon, the party applying for recognition and enforcement must provide a translation of these documents. The translation must be certified by an official or sworn translator or by a diplomatic or consular agent. Article

IV of the New York Convention has been ratified by Cameroon on 19 February 1988 without reservations

Under the OHADA Uniform Act on Arbitration, an award is only subject to enforcement by virtue of an execution decision issued by the competent jurisdiction in the Member State. The recognition and enforcement of the arbitral award is established by the production of the original award accompanied by the arbitration agreement or copies of these documents meeting the conditions required to establish their authenticity. Where those documents are not written in one of the original language(s) of the Member State where the execution is demanded, the party must submit a translation certified by a translator registered on the list of experts established by the competent jurisdiction.

Procedure

An application or by motion ex parte is made to The President of the Court of First Instance together with documents establishing the existence of the award as set forth in Article 31 of the OHADA Uniform Act on Arbitration. The court shall render a decision within fifteen days. If at the end of this time limit the jurisdiction has not rendered its decision, the court is presumed to have granted the application or motion.

Limitation

There is no legally binding limitation period for the enforcement of foreign arbitral awards.

Security for Costs

The defendant opposing enforcement may require security for costs. This is fixed by the court. Some courts may also require the judgment to be registered at the Tax office.

