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Digital Financial Literacy and AI-Driven Digital Finance Adoption: The Mediating Role of Customer Value Proposition in the Banking Industry in Cameroon

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Abstract

The rapid integration of artificial intelligence (AI) in digital finance has transformed the banking landscape, necessitating a deeper understanding of the factors influencing its adoption. This study investigates the effect of digital financial literacy on customers' intention to adopt AI-driven digital finance, with customer value proposition (CVP) serving as a mediating variable. Surveys were employed to collect data from 466 banking customers in Cameroon, which were analyzed using partial least squares-based structural equation modeling (PLS-SEM). It was revealed that DFL influences CVP, including Functional, Benefit, Symbolic and Emotional Value, which are involved in the intention to use digital finance. The mediation of the nexus between DFL and the intention to use digital finance was carried out using the four dimensions of CVP. Theoretical and practical insights into the development of digital finance services in a developing country are provided by this study's findings. Theoretically, the research on drivers of the customer value proposition in financial services is extended. As practical implications, financial institutions are advised to focus on emotional and symbolic values such as brand image, customer experience, and trust. It is also recommended that the government and institutions continue activities that promote digital financial literacy.

Keywords: digital financial literacy, banking industry, artificial intelligence, customer value proposition, adoption intention

1. Introduction

The banking industry has witnessed a significant transformation with the advent of digital finance, driven by technological advancements and changing customer expectations (Gomber et al., 2018). Artificial intelligence (AI) has emerged as a key driver of digital finance, enabling banks to offer personalized services, improve operational efficiency, and enhance customer experience (Kumar et al., 2022). However, the adoption of AI-driven digital finance remains a challenge, with digital financial literacy and customer value proposition (CVP) playing a crucial role in shaping customers' intentions (Ajzen, 1991).

Financial inclusion is sought through digital finance, which is expected to encourage access to appropriate and affordable financial services by all members of the population in order to ensure a sustainable economy, income equality, and poverty alleviation, aligning with one of the main goals of the SDGs. One of the promising technologies in digital finance technology 4.0 is Artificial Intelligence (AI) (Sfounis et al., 2024). The influence of AI on digital financial inclusion has been noted (Mhlanga, 2020). AI has been utilized in various sectors as a form of technological progress, including in the insurance industry.

The use of digital systems in the financial industry has necessitated the redesign of operational models by banks,

leading to the embrace of digital transformation to achieve bank 4.0. The banking industry's transformation is driven by the adoption of advanced technologies such as AI, blockchain, and mobile banking (King & Nesbitt, 201709). Also, the adoption of innovative business models, particularly within the Fourth Industrial Revolution such as open banking, fintech partnerships, and new payment systems (Zachariadis & Ozcan, 2017). The banking industry has utilized the development of AI to enhance services and product development, fostering more significant innovation. Although the application of AI banking in developing countries remains in its early stages, significant potential benefits are presented, including (1) improve efficiency such as AI automates routine tasks, freeing up human agents to focus on complex issues; (2) the provision of more personally responsive services, building trust and Loyalty; and (3) the development of more innovative banking products to meet customer needs.

AI-driven banking solutions have been implemented using artificial intelligence technologies to enhance, automate, and optimize various processes within the banking industry. AI algorithms, including machine learning, natural language processing, and data analytics, are leveraged to improve efficiency, personalize customer experiences, reduce risks, and make data-driven decisions. The critical applications of AI in banking include (1) Biometric authentication and virtual assistants and Risk Assessment, (2) Fraud Detection and prevention, (3) Customer service and AI-powered chatbots, (4) Personalized Product Recommendations, (5) Predictive Analytics, credit scoring and Insights used by bankers, and (6) personalized financial advice and regulatory compliance. AI-driven banking solutions are intended to streamline operations, enhance decision-making, and deliver better customer services, transforming the traditional banking landscape into a more agile and responsive industry (Nestor et al., 2024).

The potential for AI-driven banking in developing countries significantly enhances accessibility and efficiency, but solutions must be adapted to local contexts. The adoption of AI in the banking industry is expected to provide significant benefits by increasing market penetration in developing countries. However, several barriers have been identified, including high costs, lack of skills, regulatory compliance, customer trust and technological skepticism (Lopez-Garcia & Rojas, 2024).

Despite a growing body of literature investigating the determinants of intention to adopt digital finance (Anane & Nie, 2022; Bhuvana & Vasantha, 2019; Dewi et al., 2023; Frimpong et al., 2022; Jain & Raman, 2022; Jain & Raman, 2023; Kajol et al., 2022; Rahman et al., 2023), but still, limited studies have dealt with banking products, including digital banking products. Bongini et al. (2023) stated that although the banking industry has a significant economic role, few studies investigate the determinants of individuals' banking purchase decisions. Moreover, Kajol et al. (2022) suggest that the adoption behavior in banks needs to be studied. Factors found to be banking influencing purchase decisions have been explored in recent studies. Bongini et al. (2023) revealed that financial literacy affects individuals' bank customers purchase decisions. Higher literacy levels lead to greater participation in the banking business. Moreover, Tomasi and Ilankadhir (2024) stated that financial literacy and perceived trust positively impact digital finance adoption. Kajol et al. (2022) identify the factors influencing the adoption of digital financial transactions in banking and financial industries, including financial literacy, perceived usefulness, ease of use, trust, security, and cost of use. Therefore, this study addresses two research questions. First, does digital financial literacy affect customers' intention to adopt AI-driven digital financial services? Second, does customer value proposition mediate the nexus between digital financial literacy and financial services? This study develops a structural model based on the literature on customer value propositions, digital financial literacy, and customer acceptance. The main finding of this study is that the customer value proposition mediates the relationship between digital financial literacy and the intention to use digital finance. Practically, these findings contribute to financial institutions' ability to identify the value proposition of financial sector customers before offering their financial products. These findings also contribute to the literature, and this study's results serve as a reference for developing a financial literacy research model.

2. Literature Review

Digital financial literacy refers to the ability of individuals to understand and use digital financial services effectively (Lusardi & Mitchell, 2014). Previous studies have shown that digital financial literacy is a critical factor in determining customers' adoption of digital financial services (Kim et al., 2019). Customer value proposition (CVP) refers to the unique benefits and value that customers perceive from using a product or service (Osterwalder & Pigneur, 2010). In the context of AI-driven digital finance, CVP can play a mediating role in the relationship between digital financial literacy and adoption intention (Venkatesh et al., 2003).

Most research on adopting digital financial services relies on information technology (IT) adoption frameworks. The Technology Acceptance Model (TAM) is the most commonly used underpinning theory in studies on the intention to use digital finance. Huang et al. (2019) use TAM as theoretical basis to conduct the study on online insurance products. Song et al. (2024) used TAM to examine the consumer adoption of mobile augmented reality. This model explains that the intention to adopt a new technology or innovation is based on attitudes

toward adoption, perceived ease of use, perceived usefulness, and external factors (Davis, 1989). According to Venkatesh and Davis (2000), TAM is based on the theory of reasoned action (TRA) and the theory of planned behavior (TPB). The TRA suggests that adopting new technology or innovation is an individual's behavioral process, primarily influenced by behavioural intentions shaped by attitudes and subjective norms (Fishbein & Ajzen, 1975). The TPB expands on the TRA by considering a further component called perceived behavioral control, which describes a person's perspective of the external and internal influences on behavior (Ajzen, 1991).

Numerous studies have attempted to explain consumer behavior in the intention to adopt digital financial services. Kajol et al. (2022) revealed that awareness of financial literacy is one factor in digital financial adoption. Individuals who perceive themselves as financially literate are likelier to engage with fintech services (Nguyen, 2022; Prabhakaran & Mynavathi, 2023). Krajčík et al. (2023) studied the digital literacy of the workforce. Higher levels of financial literacy can foster self-confidence and trust in fintech services, which is essential for overcoming an individual's hesitation to adopt new technologies. Ključnikov et al. (2020) explored barriers to adopting and using digital local currency and confirmed the impact of financial literacy on its credibility and trustworthiness.

This finding reinforces the idea that knowledgeable Individuals are more likely to appreciate and utilize the value propositions offered by fintech companies. Although financial technology (FinTech) is supposed to promote financial inclusion and improve financial literacy, FinTech and financial literacy go hand-in-hand and require a delicate balance (Moenjak et al., 2020). Financial literacy further develops into more sophisticated skills and knowledge in using digital financial services, which is known as digital financial literacy. Choung et al. (2023) define digital financial literacy (DFL) as the knowledge and skills required to conduct financial transactions on digital platforms. Morgan et al. (2019) proposed four DFL characteristics: knowledge of digital financial products and services, digital financial risk, digital financial risk control, and consumer rights and redress procedures. Individuals with higher digital financial literacy are more likely to understand the benefits and risks associated with digital finance.

Besides awareness of financial literacy, Kajol et al. (2022) revealed that perceived usefulness, perceived ease of use, compatibility, trust, and security are some factors that motivate the adoption of digital financial transactions, and cost of use, perceived risk, and complexity are some inhibitors of adoption. Another study found that the willingness to adopt digital financial services is affected by perceived value, defined as an individual's overall assessment of usefulness (Alaeddin et al., 2018). Interestingly, Buziene (2024) study revealed that digital financial literacy is declining. The customer-perceived value represents the benefits obtained from service and is shaped by the gap between benefits and costs, distinguishing companies from competitors (Rojas-Martínez et al., 2023). Perceived value influences behavior through emotional, social, and functional aspects (Sweeney & Soutar, 2001). Customer value dimensions are economical, functional, emotional, and symbolic, affecting consumer behavior (Rintamaki & Kuusela, 2007; Cajé & Saviranta, 2020).

Customer value proposition (CVP) refers to the unique benefits and value that customers perceive from using a product or service (Osterwalder & Pigneur, 2010). The customer value proposition (CVP) is a strategic tool that plays a vital role in communicating how a company intends to provide benefits or value to customers (Payne et al., 2017; Gubinelli, 2022) and affects customers' purchase decisions (Bischoff et al., 2023). The literature is yet to demonstrate how various dimensions of the CVP influence customer adoption behavior in AI-driven banking services. This highlights a fundamental gap in growing digital finance adoption behavior studies. This study addresses that gap by examining, developing, and empirically evaluating a conceptual model that explains how CVP dimensions drive adoption intention in the context of AI-driven banking services. Furthermore, this study explores how CVP mediates the relationship between digital financial literacy (DFL) and customer adoption intention in AI-driven services.

Considering all aspects mentioned, the following hypotheses are proposed:

- H1: Digital Financial Literacy positively affects functional value.
- H2: Digital Financial Literacy positively affects the economic value.
- H3: Digital Financial Literacy positively affects emotional value.
- H4: Digital Financial Literacy positively affects symbolic value.
- H5: Functional value positively affects intention to use.
- H6: Economic value positively affects intention to use.
- H7: Emotional value positively affects intention to use.
- H8: Symbolic value positively affects intention to use.

The conceptual model used in this study is illustrated in Figure.

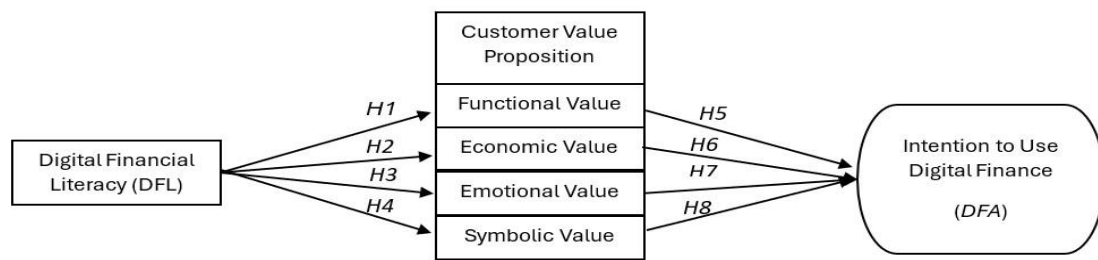


Figure 1. Conceptual Model

Source: Author (2025).

3. Research Methodology

This study used a survey-based approach to collect data from banking customers. A total of 466 responses were collected, and structural equation modeling (SEM) was used to analyze the data (Hair et al., 2019). The measurement model was assessed for reliability and validity, and the structural model was used to test the hypotheses.

Based on existing literature, a research instrument was developed to examine the customer value proposition of digital finance products and services and customer intention to use banking Technology. Dimensions and indicators to measure customer value propositions were identified in previous studies. Functional, economic, emotional, and symbolic value dimensions were utilized to measure the customer value proposition as a mediation variable (Rintamaki & Kuusela, 2007).

Seven indicators of digital financial literacy were adapted from (Morgan et al., 2019) and applied. A 7-point Likert scale was used to assess all operationalized constructs. A pilot test was conducted with 30 respondents to ensure the reliability and validity of the research instrument. Data analysis was performed using PLS-SEM, with Cronbach's alpha values used to assess internal consistency and reliability. The study was conducted between January and April 2024. The research population was defined as bank mobile application users in Cameroon, and a non-probability, purposive sampling method was applied. Screening questions were administered to determine respondents' familiarity with banking products or services. Data collection was carried out through self-administered online surveys. 427 respondents filled out the questionnaire and after cleaning the data, 418 valid responses were included for hypothesis testing. The sample size required to meet the research criteria was five to eight times the number of indicators (Hair et al., 2017). Therefore, the 44 indicators required a minimum sample size of 220–352 respondents. As this study employed 418 samples, it met the minimum sample requirement.

4. Results

The sample in this study comprised 52.72% males and 47.28% females. Most respondents were between 25 and 34 (38.11%) and between 35 and 44 (39.90%). The sample comprised 62.94% staff or employees, 41.55% businessmen, 11.20% self-employees, 9.8% students, and 7.06% housewives. Most respondents held a Bachelor's degree (42.53 %) and spent about \$123 to \$245 monthly.

Robust statistics is a branch of mathematical statistics that acknowledges that statistical models are, at best, only approximate representations of reality (AvellaMedina, 2020). Robustness testing typically involves nonlinearity, unobserved heterogeneity, and endogeneity. The results of the nonlinearity test indicate the model's nonlinearity (Vaithilingam et al., 2024). Nonlinearity testing, commonly used in the PLS-SEM method, particularly with the Smarts tool, involves bootstrapping on quadratic (nonlinear) models.

Table 1. Linearity Test

| Variable | Original sample (O) | Sample mean (M) | Standard deviation (STDEV) | t-statistics (O/STDEV) | p-values |
|--|---------------------|-----------------|----------------------------|--------------------------|----------|
| Digital Financial Literacy -> Customer Value Proposition | | | | | |
| QE (FL) ->EcV | -0.116 | -0.115 | 0.027 | 4.344 | 0.000 |
| QE (FL) -> | 0.018 | 0.018 | 0.028 | 0,456944 | 0,354167 |

| | | | | | |
|---|--------|--------|-------|----------|----------|
| EmV | | | | | |
| QE (FL) -> FV | -0.039 | -0.039 | 0.027 | 1.442 | 0,103472 |
| QE (FL) -> SV | 0.046 | 0.046 | 0.021 | 2.191 | 0.029 |
| Customer Value Proposition -> Intention to use AI-driven Insurance | | | | | |
| QE (FV) -> IU | 0.058 | 0.067 | 0.053 | 1.094 | 0,30625 |
| QE (EcV) -> IU | -0.053 | -0.050 | 0.038 | 1.417 | 0,167361 |
| QE (EmV) -> IU | 0.005 | -0.013 | 0.061 | 0.082 | 0,298611 |
| QE (SV) -> IU | -0.009 | -0.008 | 0.049 | 0,129167 | 0,252083 |
| FL= Financial Literacy; EcV= Economic Value; EmV= Emotional Value; FV= Functional Value; IU= Intention to Use; SV= Symbolic Value | | | | | |

Source: Field (2025).

Table 1 shows that all variables in this study that directly impact the dependent variable (intention to use AI-driven banking) have p-values greater than 0.05, indicating that all independent variables directly influencing intention to use AI-driven banking have a linear relationship. Unobserved heterogeneity testing was conducted using the finite mixture partial least squares (FIMIX-PLS) method, with the best criteria for determining the optimal segments within the model being the minimum values of Akaike's information criterion modified with Factor 4 (AIC4) and the Bayesian information criterion (BIC) (Sarstedt et al., 2011). The requirements for an optimal segment were that the normed entropy statistic (EN) value must be higher than 0.5 and that the optimal segment must be higher than the segment indicated by the minimum description length with Factor 5 (MDL5) and lower than the segment indicated by Akaike's information criterion (AIC) (Hair et al., 2017). If these criteria are unmet, the model is free from unobserved heterogeneity (see Table 2).

Table 2. FIMIX-PLS Heterogeneity Test

| Criteria | Segment 1 | Segment 2 | Segment 3 | Segment 4 | Segment 5 | Segment 6 |
|---|------------|------------|------------|------------|-----------|-----------|
| AIC | 3.173,237 | 2.603,724 | 2.219,813 | 2.141,572 | 2.095,359 | 2.049,52 |
| AIC3 | 3.186,237 | 2.630,724 | 2.260,813 | 2.196,572 | 2.164,359 | 2.132,52 |
| AIC4 | 3.199,237 | 2.657,724 | 2.301,813 | 2.251,572 | 2.233,359 | 2.215,52 |
| BIC | 3.222,937 | 2.706,946 | 2.376,558 | 2.351,839 | 2.359,149 | 2.366,83 |
| CAIC | 3.235,937 | 2.733,946 | 2.417,558 | 2.406,839 | 2.428,149 | 2.449,83 |
| HQ | 3.193,045 | 2.644,862 | 2.282,282 | 2.225,372 | 2.200,491 | 2.175,98 |
| MDL5 | 3.525,735 | 3.335,835 | 3.331,537 | 3.632,909 | 3.966,310 | 4.300,08 |
| LnL | -1.573,619 | -1.274,862 | -1.068,906 | -1.015,786 | -978,680 | -941,762 |
| EN | 0.000 | 0,533 | 0,576 | 0,510 | 0,494 | 0,506 |
| NFI | 0.000 | 0,563 | 0,581 | 0,496 | 0,469 | 0,469 |
| NEC | 0.000 | 78,477 | 57,376 | 89,886 | 97,686 | 91,961 |
| AIC = Akaike's information criterion; BIC= Bayesian information criterion; CAIC= Consistent AIC; HQ = Hannan Quinn Criterion; MDL = minimum description length; LNL = Log-likelihood; EN = Normed entropy statistic; NFI = Non-Fuzzy Index; NEC= Normalized entropy criterion | | | | | | |

Table 2 shows that the results of the unobserved heterogeneity test indicated that the optimal segment, as demonstrated by the minimum BIC values (segment 4), was within the acceptable range, located between the segment with the lowest AIC (segment 6) and MDL5 (segment 1). However, as the EN value was higher than 0.5, it can be concluded that unobserved heterogeneity was present.

Table 3. Endogeneity–Gaussian Copula Test

| Variable | Original sample (O) | Sample mean (M) | Standard deviation (STDEV) | t-statistics (O/STDEV) | p-values |
|---|---------------------|-----------------|----------------------------|--------------------------|----------|
| GC (FL) -> FV | -0,030 | -0,029 | 0,067 | 0,307 | 0,458 |
| GC (FL) -> EcV | -0,174 | -0,173 | 0,053 | 3285,000 | 0,001 |
| GC (FL) -> EmV | 0,081 | 0,079 | 0,056 | 1457,000 | 0,101 |
| GC (FL) -> SV | 0,081 | 0,079 | 0,051 | 2290,000 | 0,022 |
| GC (FV) -> IU | 0,010 | 0,008 | 0,039 | 0,183 | 0,549 |
| GC (EcV) -> IU | -0,010 | -0,011 | 0,036 | 0,188 | 0,547 |
| GC (EmV) -> IU | -0,022 | -0,028 | 0,040 | 0,392 | 0,398 |
| GC (SV) -> IU | -0,026 | -0,028 | 0,049 | 0,365 | 0,416 |
| FL= Financial Literacy; EcV= Economic Value; EmV= Emotional Value; FV= Functional Value; IU= Intention to Use; SV= Symbolic Value | | | | | |

Finally, endogeneity was checked using the Gaussian copula test (Becker et al., 2022). Table 3 shows the results of the endogeneity test. All independent variables directly related to the intention to use digital finance have values above 0.05, indicating that none have endogeneity issues.

Table 4. Harman's Single-Factor Test

| Factor | Initial Eigenvalues | | | Extraction Sums of Squared Loadings | | |
|--------|---------------------|---------------|--------------|-------------------------------------|---------------|--------------|
| | Total | % of variance | Cumulative % | Total | % of variance | Cumulative % |
| 1 | 29.450 | 58.901 | 58.901 | 29.043 | 58.085 | 58.085 |

Table 4 shows the result of Harman's single-factor test applied through exploratory factor analysis (EFA) (unrotated, single-factor) to verify that common method bias (CMB) did not significantly affect this study's results. The analysis produced two factors with eigenvalues greater than 1. The first factor explained 58.085% of the variance, exceeding the 50% threshold, suggesting that CMB was a concern in this study.

4.1 Outer and Inner Models

These tables show the measurement model (outer model) used to evaluate the validity and reliability. On the other hand, it shows the results of the structural model (inner model), which explains the relationships between Digital Financial Literacy, Customer Value Proposition, and Intention to Use. The evaluation of the outer model comprised the assessment of indicator reliability (loading factor value), composite reliability (CR), collinearity statistics (VIF), Cronbach's alpha, and average variance extracted (AVE) (see the following table), as well as discriminant validity (heterotrait–monotrait [HTMT] ratio and Fornell–Larcker criterion correlation).

Table 5. Validity and Reliability Test Results

| Variable | Item indicator | Loading factor | Composite reliability (CR) | Cronbach's alpha | Average variance extracted (AVE) | t-value |
|----------|----------------|----------------|----------------------------|------------------|----------------------------------|---------|
|----------|----------------|----------------|----------------------------|------------------|----------------------------------|---------|

| Criteria | | > 0.7 | > 0.7 | > 0.7 | > 0.5 | > 1.960 |
|-----------------------------------|-----------------------|-----------------------|-----------------------------------|-------------------------|---|----------------|
| Digital Financial Literacy | DFL | | 0.949 | 0.946 | 0.758 | |
| | DFL1 | 0.893 | | | | 65.138 |
| | DFL2 | 0.915 | | | | 81.004 |
| | DFL3 | 0.914 | | | | 75.13 |
| | DFL4 | 0.867 | | | | 37.833 |
| | DFL5 | 0.8 | | | | 21.636 |
| | DFL6 | 0.822 | | | | 29.557 |
| | DFL7 | 0.877 | | | | 52.103 |
| Functional Value | FV | | 0.973 | 0.971 | 0.651 | |
| | CVC1 | 0.831 | | | | 31.907 |
| | CVC2 | 0.809 | | | | 26.461 |
| | CVC3 | 0.822 | | | | 29.388 |
| | CVC4 | 0.834 | | | | 33.467 |
| | EOU1 | 0.847 | | | | 38.126 |
| | EOU2 | 0.833 | | | | 24.700 |
| | EOU3 | 0.887 | | | | 62.957 |
| | EOU4 | 0.817 | | | | 27.942 |
| | FCT1 | 0.785 | | | | 25.475 |
| | FCT2 | 0.813 | | | | 26.047 |
| | FCT3 | 0.858 | | | | 44.504 |
| | PAS1 | 0.859 | | | | 42.381 |
| | PAS2 | 0.848 | | | | 35.679 |
| | PQU1 | 0.847 | | | | 33.799 |
| | PQU2 | 0.817 | | | | 23.752 |
| | PQU3 | 0.813 | | | | 33.261 |
| | SCR1 | 0.712 | | | | 23.352 |
| Variable | Item indicator | Loading factor | Composite reliability (CR) | Cronbach's alpha | Average variance extracted (AVE) | t-value |
| | SCR2 | 0.707 | | | | 22.416 |
| | SCR3 | 0.700 | | | | 24.067 |
| | SCR4 | 0.652 | | | | 19.331 |
| Symbolic Value | SV | | 0.906 | 0.904 | 0.912 | |
| | PTI1 | 0.953 | | | | 100.393 |
| | PTI2 | 0.958 | | | | 143.404 |
| Economic Value | EV | | 0.922 | 0.920 | 0.716 | |

| | | | | | | |
|-------------------------|------|-------|-------|-------|-------|---------|
| | | | | | | |
| | AFD1 | 0.794 | | | | 26,115 |
| | CSB1 | 0.784 | | | | 23,272 |
| | CSB2 | 0.848 | | | | 27,318 |
| | CSB3 | 0.869 | | | | 41,936 |
| | TMB1 | 0.884 | | | | 41,413 |
| | TMB2 | 0.892 | | | | 50,355 |
| Emotional Value | EV | | 0.948 | 0.946 | 0.787 | |
| | PEX1 | 0.906 | | | | 54,019 |
| | PEX2 | 0.907 | | | | 65,227 |
| | PEX3 | 0.856 | | | | 33,808 |
| | REX1 | 0.881 | | | | 54,174 |
| | TST1 | 0.877 | | | | 38,966 |
| | TST2 | 0.895 | | | | 59,254 |
| Intention to Use | IU | | 0.935 | 0.931 | 0.879 | |
| | AKD1 | 0.953 | | | | 136.353 |
| | AKD2 | 0.952 | | | | 108.029 |
| | AKD3 | 0.906 | | | | 54.979 |

Table 5 shows that all indicators had a loading factor greater than 0.6. All latent variables had an AVE of more than 0.6 and a CR value of more than 0.7. This means that all constructs used in the model were reliable, and the indicators used to measure the constructs were valid (Setiawan et al., 2022).

Table 6. Discriminant Validity: Fornell–Larcker Criterion

| Variable | Digital Financial Literacy | Economic Value | Emotional Value | Functional Value | Intention to Use | Symbolic Value |
|----------------------------|----------------------------|----------------|-----------------|------------------|------------------|----------------|
| Digital Financial Literacy | 0.871 | | | | | |
| Economic Value | 0.779 | 0.846 | | | | |
| Emotional Value | 0.773 | 0.795 | 0.887 | | | |
| Functional Value | 0.734 | 0.783 | 0.812 | 0.807 | | |
| Intention to Use | 0.762 | 0.722 | 0.786 | 0.736 | 0.938 | |
| Symbolic Value | 0.770 | 0.708 | 0.827 | 0.732 | 0.739 | 0.955 |

Table 6 shows that each variable has a higher value than its correlation with other variables, meeting the Fornell-Larcker criterion. This means the variables in the model are distinct and do not overlap, fulfilling discriminant validity requirements. This study uses the Heterotrait–Monotrait Ratio (HTMT) for a more robust discriminant validity assessment.

Table 7. Discriminant Validity: Heterotrait–Monotrait Ratio (HTMT) Matrix

| Variable | Digital Financial Literacy | Economic Value | Emotional Value | Functional Value | Intention to Use | Symbolic Value |
|----------|----------------------------|----------------|-----------------|------------------|------------------|----------------|
|----------|----------------------------|----------------|-----------------|------------------|------------------|----------------|

| | | | | | | |
|----------------------------|-------|-------|-------|-------|-------|--|
| Digital Financial Literacy | | | | | | |
| Economic Value | 0.833 | | | | | |
| Emotional Value | 0.812 | 0.845 | | | | |
| Functional Value | 0.764 | 0.822 | 0.846 | | | |
| Intention to Use | 0.809 | 0.774 | 0.833 | 0.773 | | |
| Symbolic Value | 0.829 | 0.771 | 0.893 | 0.782 | 0.804 | |

Table 7 shows that all HTMT ratio matrix values were less than 0.9 (Hair et al., 2022). Thus, all constructs in the model had good convergent consistency.

Table 8. Significance of Path Coefficients (t-statistics)

| Hypothesis | Path | Coefficient | Standard Deviation | t-statistic | p-values | Decision |
|--|------------|-------------|--------------------|-------------|----------|-------------|
| 1 | DFL -> EcV | 0,779 | 0,031 | 24,773 | 0,000 | Significant |
| Hypothesis | Path | Coefficient | Standard Deviation | t-statistic | p-values | Decision |
| 2 | DFL -> EmV | 0,773 | 0,031 | 24,994 | 0,000 | Significant |
| 3 | DFL -> FV | 0,734 | 0,046 | 15,806 | 0,000 | Significant |
| 4 | DFL -> SV | 0,770 | 0,026 | 29,571 | 0,000 | Significant |
| 5 | EcV -> IU | 0,166 | 0,070 | 2,382 | 0,017 | Significant |
| 6 | EmV -> IU | 0,324 | 0,096 | 3,372 | 0,001 | Significant |
| 7 | FV ->IU | 0,182 | 0,079 | 2,314 | 0,021 | Significant |
| 8 | SV-> IU | 0,220 | 0,077 | 2,840 | 0,005 | Significant |
| DFL= Digital Financial Literacy; EcV= Economic Value; EmV= Emotional Value; FV= Functional Value; SV= Symbolic Value; IU= Intention to Use | | | | | | |

Table 8 presents the path coefficients of each independent variable that affected the dependent variable. This revealed that Digital Financial literacy positively affected the Customer Value Proposition, which, in turn, affected the Intention to use AI driven banking services at the 5% confidence interval (CI) level.

Table 9. Coefficients of Determination (R^2)

| | R^2 | R^2 -adjusted | Strength of the model |
|------------------|-------|-----------------|-----------------------|
| Economic Value | 0.606 | 0.606 | Medium |
| Emotional Value | 0.598 | 0.597 | Medium |
| Functional Value | 0.539 | 0.538 | Medium |
| Symbolic Value | 0.593 | 0.593 | Medium |
| Intention to Use | 0.671 | 0.669 | Medium |

Table 9 presents the coefficient of Intention to Use of 0.669, which indicates that the direct contribution of the Customer Value proposition to Intention to Use amounted to approximately 66.9%. Therefore, this study revealed that the customer value proposition significantly predicted the intention to Use AI-driven insurance.

Table 10. Model Fit

| | Saturated model | Estimated model |
|------------|-----------------|-----------------|
| SRMR | 0.061 | 0.114 |
| d_ULS | 3.691 | 12.853 |
| d_G | 2.231 | 2.546 |
| Chi-square | 3956.465 | 4275.243 |
| NFI | 0.78 | 0.762 |

Table 10 shows the model fit; the closer the Normed Fit Index (NFI) value is to 1, the better the fit (Schuberth & Rademaker, 2023). An NFI value of 0.780 in this model represents an acceptable fit (Henseler et al., 2014). The standardized root mean square residual (SRMR) was introduced as a goodness-of-fit measure for PLS-SEM to avoid model misspecification.

Table 11. Prediction Model Evaluation

| | $Q^2_{predict}$ | RMSE | MAE |
|------------------|-----------------|-------|-------|
| Economic Value | 0.602 | 0.640 | 0.455 |
| Emotional Value | 0.592 | 0.643 | 0.469 |
| Functional Value | 0.532 | 0.691 | 0.465 |
| Symbolic Value | 0.590 | 0.644 | 0.494 |
| Intention to Use | 0.572 | 0.659 | 0.470 |

Note: Predictive relevance criteria: Q squared (Q^2) is more than zero (> 0) (Hair et al., 2017; Ringle et al., 2018); root mean square error (RMSE) is less than 1 (< 1); MAE = mean absolute error.

Table 11 shows the prediction evaluation with Q^2 . The values for the four customer value proposition dimensions and intention to use AI-driven insurance are 0.602, 0.592, 0.532, 0.590, and 0.572. Thus, they are higher than zero, which is the cutoff value. This indicates that the model has predictive relevance.

4.2 Discussion

The findings of this study have important implications for banks and financial institutions seeking to promote the adoption of AI-driven digital finance. By prioritizing customer education and emphasizing the unique value propositions of AI-driven digital finance, banks can increase customers' adoption intentions (Kim et al., 2019).

This study revealed that all hypotheses highlight a positive and significant relationship between digital financial literacy and all CVP dimensions: functional, economic, emotional, and symbolic. The results imply that customers with higher digital financial literacy are more capable of perceived values, are more motivated to adopt digital financial services, and are motivated to use and adapt new technology for their own, which aligns with previous studies (Nguyen, 2022; Prabhakaran & Mynavathi, 2023). With digital financial literacy, customers have the self-efficacy to experience the functional values of AI-driven services, such as ease of use and convenience. Literate customers can also explore the functionalities of AI-driven services and assess the assortment of products offered and the quality and security of AI-driven services. Customers with digital financial literacy can evaluate the economic benefits or values of AI-driven services in terms of cost, time, and other efforts. Moreover, they also appreciate the purchasing experience and have more trust in AI-driven services, which represents emotional value. Finally, digital financial literacy increases customers' symbolic value, which makes them more appreciated and creates more positive impressions among friends and relatives. Hence, banks and regulators should engage in more literacy-building activities, mainly digital financial literacy. Thus, customers will be able to perceive higher value in digital banking services.

This study found that all dimensions of customer value propositions positively and significantly affected the intention to adopt AI-driven banking services in Cameroon. Emotional and symbolic values had a more substantial impact on intention. This implies that building trust, purchasing experience, and other intangible values is essential when launching AI-driven services. Trust can be amplified by guaranteeing transaction

security, such as end-to-end encryption and two-factor authentication, and preventing fraud. AI-driven services should be seamless, easy to use, prompt, and natural and should provide a personalized interface to boost a satisfying and rewarding experience. Banks should also improve their image and should be effectively fiduciary to provide trust and exclusivity, which increases their emotional and symbolic value. Therefore, it helps banks communicate the benefits of AI-driven services.

5. Conclusion

This study examined whether digital financial literacy affects the intention to use digital financial services, particularly AI-driven banking services, with customer perceived value as a mediating factor. Data were collected from 466 respondents in Cameroon and analyzed using partial least squares-based structural equation modeling (PLS-SEM).

The findings indicate that digital financial literacy positively influences all dimensions of customer value propositions in AI-driven banking services, affecting the intention to use these services. Enhancing digital financial literacy equips customers with the capability to perceive customer values in financial, economic, emotional, and symbolic aspects. Consequently, an improved perception of customer value enhances the intention and motivation to adopt AI-driven banking services. The study's theoretical and practical implications are substantial. Theoretically, it contributes to the literature on bank customer value propositions by identifying key drivers in financial services. From a practical perspective, financial institutions are encouraged to emphasize the intangible dimensions of customer values, particularly emotional and symbolic factors, by strengthening bank image, customer experience, and trust. This study contributes to the growing literature on digital finance adoption and provides practical insights for banking institutions seeking to leverage AI-driven technologies. The findings highlight the importance of digital financial literacy and CVP in shaping customers' intentions to adopt AI-driven digital finance.

6. Recommendations

Based on the findings, banks should:

- (1) Prioritize customer education to enhance digital financial literacy. The Cameroonian government continue its efforts to promote digital financial literacy among financial institutions and consumers.
- (2) Emphasize the unique value propositions of AI-driven digital finance.
- (3) Develop targeted marketing strategies to promote adoption.

7. Limitations and Future Research Directions

This study has some limitations, including the use of a survey-based approach and the focus on only the Cameroon banking industry. Future studies can explore other factors influencing AI-driven digital finance adoption and examine the generalizability of the findings. Also, the limitation acknowledged in this study is an imbalance in the number of responses based on gender and occupation. This lack of balance may affect the result of the findings, as the data may not fully represent the perspectives of different demographic groups. To address this limitation in future research, the study could consider using quota sampling and intake-targeted sample strategies. Future studies can investigate the role of other factors, such as trust and security concerns, in shaping customers' intentions to adopt AI-driven digital finance.

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Author Contributions

Ayuk Takemeyang Conceived the topic and manuscript. Henry Jong Ketuma and Tambi Andison Akpor reviewed and revised the manuscript, enhancing its content, clarity and accuracy met the highest standards.

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Data Availability

The data set generated during and/or analyzed during the current study are available from the corresponding author on reasonable request.

Declaration of Competing Interest

The authors declare no competing interest.

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Vehicle Recovery Services and Road Safety Compliance in Port Harcourt Metropolis

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Abstract

This study investigates vehicle recovery services and road safety compliance in the Port Harcourt metropolis. In order to evaluate the state of vehicle recovery services and road safety compliance in the city, a questionnaire was prepared to assess vehicle recovery services and road safety compliance based on 4 main categories: Impact, availability and affordability, performance and challenges. The statistical analysis and tools employed were simple percentage (%) tables and charts. The findings obtained revealed that there are areas for improvement with regard to vehicle recovery in the city, particularly with respect to breakdowns. Distressed vehicles which for one reason or the other are not recovered quickly, contribute significantly to hindering smooth traffic flow, could contribute to secondary crashes and in themselves, contribute to a reduction in road safety compliance. The study recommended that the Rivers State Ministry of Transport should be involved in regulating vehicle recovery services in the state and shaping policy that affects the sector. The involvement of the Ministry in increasing driver education will also contribute towards improving road safety compliance in the state.

Keywords: auto crash, vehicle recovery, congestion, vehicle break down, road safety, Port Harcourt

1. Introduction

Vehicle recovery is the professional and safe removal of a disabled vehicle from the location where it broke down to a designated secure location according to T&C Services (2023). This secure location is often a vehicle storage facility/depot or in some cases, another location such as a private residence or business premises in the case of a private or company vehicle respectively or sometimes, to a garage or workshop where it will receive proper technical attention to address the issues that caused the breakdown.

The Port Harcourt Metropolis, located in Nigeria's oil-rich Niger Delta region, has experienced rapid urbanisation and economic growth over the past few decades. With this growth comes an increase in vehicular traffic, which poses significant challenges to road safety and traffic management. Vehicle accidents, breakdowns, and incidents are common occurrences on the streets of Port Harcourt, often leading to traffic congestion, delays, and, at times, serious accidents. To address these challenges, the availability and efficiency of vehicle recovery services, as well as the compliance with road safety regulations, play a crucial role.

Road Safety Situation:

The road safety situation in Port Harcourt Metropolis has long been a matter of concern. High traffic volumes, inadequate road infrastructure, lax enforcement of road safety laws, and a lack of awareness among drivers contribute to an increased risk of accidents and traffic disruptions. Fatalities and injuries resulting from road accidents are not only a social and human tragedy but also a significant economic burden on the region. **Vehicle**

Recovery Services, commonly known as towing services, are essential for the prompt removal of disabled or wrecked vehicles from roadways, thus ensuring the safety of road users and preventing traffic jams. In Port Harcourt, the availability, accessibility, and efficiency of these services have a direct impact on road safety and traffic flow. The effectiveness of vehicle recovery services is influenced by factors such as response time, service coverage and the quality of equipment used.

Legal Framework and Regulation:

To address road safety concerns, Nigeria has enacted various laws and regulations, including the Federal Road Safety Commission (FRSC) Act (2007), which stipulates rules and standards for road safety compliance together with the National Road Traffic Regulations (2012). However, the enforcement of these regulations within Port Harcourt Metropolis has faced challenges, including corruption, inadequate resources, and a lack of awareness among drivers.

The Port Harcourt Metropolis, a rapidly growing urban centre in Nigeria's Niger Delta region, faces critical road safety challenges due to the increasing volume of vehicular traffic and a lack of effective vehicle recovery services. These challenges have led to a multitude of problems:

The availability and efficiency of vehicle recovery services in Port Harcourt are often insufficient to promptly clear disabled or wrecked vehicles from the roadways. This deficiency results in prolonged traffic disruptions, increased congestion, and heightened risks of secondary accidents.

Traffic congestion caused by disabled vehicles and accidents has become a common occurrence, leading to significant delays for commuters and economic losses due to reduced productivity and increased fuel consumption.

Non-compliance with road safety regulations by drivers and vehicle owners exacerbates the risks associated with breakdowns and vehicular accidents. Inadequate enforcement of these regulations further compounds the issue, increasing the likelihood of accidents and their severity.

Breakdowns, road accidents, traffic congestion, and delays have substantial economic consequences for Port Harcourt metropolis. These include increased healthcare costs associated with accident-related injuries, reduced economic productivity, and damage to infrastructure.

Data from the analysis of millions of annual roadside events in the USA according to Agero (2019) indicates that breakdowns cost a total of \$41 Billion (N18 Trillion) to the US economy annually. From a population of registered vehicles numbering 284.5 million, 69 million breakdowns occur in the USA annually, which is equivalent to 1 in 3 drivers. The sum of \$7 Billion annually is spent on roadside assistance. In economic and social impact terms, this further translates to \$9 Billion (N4 Trillion) in costs to drivers and businesses and \$2 Billion (N874 Billion) as the cost of congestion delays.

In productivity terms, breakdowns cost 260 million hours annually and 30 million workdays. Data revealed that 150 million people sit in traffic caused by breakdowns every year, translating to 120 million hours. These costs take into account the immediate costs to the driver facing the breakdown as well as the accumulation of various derived costs to the driver as well as to other road users and the roadside assistance and other services directly and indirectly connected to the breakdown event.

Relating this to the Nigerian context, data from the National Bureau Of Statistics (NBS, 2018) indicates a total registered vehicle population of 12 million vehicles.

The Lagos State Traffic Management Authority (LASTMA), (2018) reported that about 70% of traffic gridlock was caused by incessant breakdowns. Thus, an increase in the knowledge of the cost of breakdowns will play a beneficial role towards developing an effective vehicle recovery system that is able to attend to breakdowns in a timely and safe manner, thus helping reduce traffic congestion and improve the safe conditions on our roads.

The lack of efficient vehicle recovery services and poor road safety compliance jeopardize the safety of road users, including pedestrians, drivers, and passengers, leading to a higher incidence of injuries and fatalities.

The continued strain on road infrastructure, coupled with the inefficiency of vehicle recovery services, threatens the durability of the road network in Port Harcourt Metropolis. This, in turn, contributes to increased maintenance costs.

Most research already conducted has mainly focused on crashes, it has been observed that literature on other types of non-recurrent incidents such as breakdowns is very sparse, according to Chand et al. (2020).

Addressing these interconnected issues is imperative to enhance road safety, reduce traffic congestion, and promote the overall well-being and economic development of Port Harcourt city. This paper aims to investigate these problems comprehensively and propose solutions that can mitigate these challenges effectively.

Toward achieving this aim the following objectives were pursued:

- 1) Assess the availability, accessibility and efficiency of vehicle recovery services in the city of Port Harcourt.
- 2) Evaluate the responsiveness of vehicle recovery services in handling incidents of disabled or wrecked vehicles on the roadways.
- 3) Analyse the level of road safety compliance among drivers and vehicle owners within the metropolis.
- 4) Identify the challenges, barriers, and factors affecting the effectiveness of vehicle recovery services and road safety compliance.
- 5) Propose recommendations for improving road safety compliance and the effectiveness of vehicle recovery services in Port Harcourt metropolis.

By pursuing these objectives, the research seeks to provide insights and recommendations that can enhance road safety, reduced traffic congestion, and improved overall transportation infrastructure in Port Harcourt Metropolis. Ultimately, the aim is to contribute to the well-being, safety, and sustainable development of the region.

The study holds significant importance for several reasons, among which are:

Enhancing Road Safety: Like many other urban centers, Port Harcourt city faces significant road safety challenges. This study can identify areas where road safety measures are lacking, leading to a higher occurrence of accidents and injuries. By addressing these issues, the study contributes to making the roads safer for all road users and residents.

Reducing Traffic Congestion: Inefficient vehicle recovery services contribute to traffic congestion, which has economic and social consequences. By assessing the state of these services, the study can provide recommendations to improve their efficiency, thus reducing traffic jams and related delays.

Economic Implications: Breakdowns and accidents contribute to traffic congestion and result in economic losses due to reduced productivity due to delays, increased fuel consumption and healthcare costs. The study's findings and recommendations can help mitigate these economic impacts, contributing to the economic development of the region.

Infrastructure Preservation: The strain on road infrastructure caused by breakdowns, accidents and traffic congestion can lead to higher maintenance costs. An improved road safety environment and efficient vehicle recovery services can help preserve infrastructure, reducing long-term costs for maintenance and repairs.

Legal and Regulatory Enhancement: By evaluating the enforcement of road safety regulations and legal frameworks, the study can shed light on the gaps in enforcement. This can lead to recommendations for strengthening regulatory compliance, which is vital for overall road safety.

Improved Emergency Response: Efficient vehicle recovery services are crucial for swift emergency response. This study can highlight areas where improvements are needed, potentially saving lives and reducing the severity of accidents.

Quality of Life: Safer roads and reduced traffic congestion improve the quality of life for residents and commuters. People can spend less time in traffic, are less stressed and feel safer while travelling within the metropolis.

Policy Development: The study's recommendations can serve as a basis for policy development and decision-making by local authorities and government agencies. It provides evidence-based insights into areas that require attention and resources.

Vehicle Recovery Services

Vehicle recovery is the specialised, professional removal of a disabled vehicle from one location to another. Vehicle recovery services play a vital role in maintaining road safety. They offer assistance in the event of accidents, breakdowns, and traffic incidents. These services encompass towing, accident recovery, and roadside assistance. Research by Anderson (2017) emphasises the importance of efficient and responsive vehicle recovery services in reducing traffic congestion and minimising road hazards.

Road Safety Compliance

Ensuring road safety compliance is crucial to preventing accidents and fatalities. Road safety compliance involves adhering to traffic regulations, vehicle maintenance, and the proper handling of emergencies. In the Port Harcourt metropolis, the enforcement of road safety regulations has been a topic of concern. A study by Okafor et al. (2019) highlights challenges in road safety compliance due to inadequate law enforcement and public awareness.

The Nexus Between Vehicle Recovery Services and Road Safety Compliance

Several studies have explored how vehicle recovery services contribute to road safety compliance. Adeyemi (2018) emphasises that swift recovery of accident-damaged vehicles can prevent traffic disruptions and secondary accidents, thereby enhancing compliance with safety regulations. Additionally, the study by Onyejekwe (2020) discusses the role of roadside assistance services in ensuring vehicle maintenance, which is a vital aspect of road safety compliance. A study by Park et al (2018) on real-time prediction and avoidance of secondary crashes under unexpected traffic congestion also provides valuable insight towards improving safety.

Challenges and Opportunities

While vehicle recovery services hold promise in improving road safety compliance, there are challenges to be addressed. These include the need for standardisation of recovery practices, regulation of service providers, and improved infrastructure. A study by Nwachukwu (2019) highlights the need for coordination between recovery services and law enforcement agencies to enhance compliance.

2. Methodology

The research will pay particular attention to non-recurrent incidents of a non-crash nature, which in this case are vehicle breakdowns. As breakdowns are unscheduled and unplanned events, the research design is dependent on the occurrence availability of breakdowns along Agip, Ada-George road axes. These roads are relatively busy and experience a rich diversity of vehicle types and should provide a realistic impression of typical traffic in Port Harcourt metropolis.

In an ideal scenario, live breakdown events which are identified were targeted for investigation and the surrounding area are studied in real time in light of the effects of the breakdown on traffic and the road safety situation. In the absence of live breakdown events from which to gather live data, a selection of respondents situated in the area will be given questionnaires to fill based on their historical experience with breakdowns and traffic disruptions and the results will be collated and analysed.

The selected sample size for this study is 50. Questionnaires were given to the respondents based on the aforementioned instances, with regards to live incidents or narration from previous. The completed questionnaires were subsequently retrieved and analysed.

5-point Likert scale sampling method was selected due to its ability to capture a broad spectrum of opinions, which produce an insightful impression of the perceptions of the respondents. Budnukaeku and Emmanuell (2022), Alexander (2022), Budnukaeku (2024), Alexander, Frank, and Ajiboye (2025), Alexander, Aloni and Amadi (2025) all used the same method and achieved result in their works.

Simple percentage, Tables and Pie char will be used for analysis in this paper.

The analysis for this study is based on four categories namely, impact, performance, availability and affordability and challenges. 4 questions were generated for each category, forming a total of 16 questions for the entire questionnaire.

3. Impact

Table 1. Do vehicle recovery services alleviate or reduce congestion on the roads?

| Response | No. of Respondents | Percentage % |
|-------------------|--------------------|--------------|
| Strongly Agree | 26 | 52 |
| Agree | 19 | 38 |
| Neutral | 2 | 4 |
| Disagree | 3 | 6 |
| Strongly Disagree | 0 | 0 |
| Total | 50 | 100 |

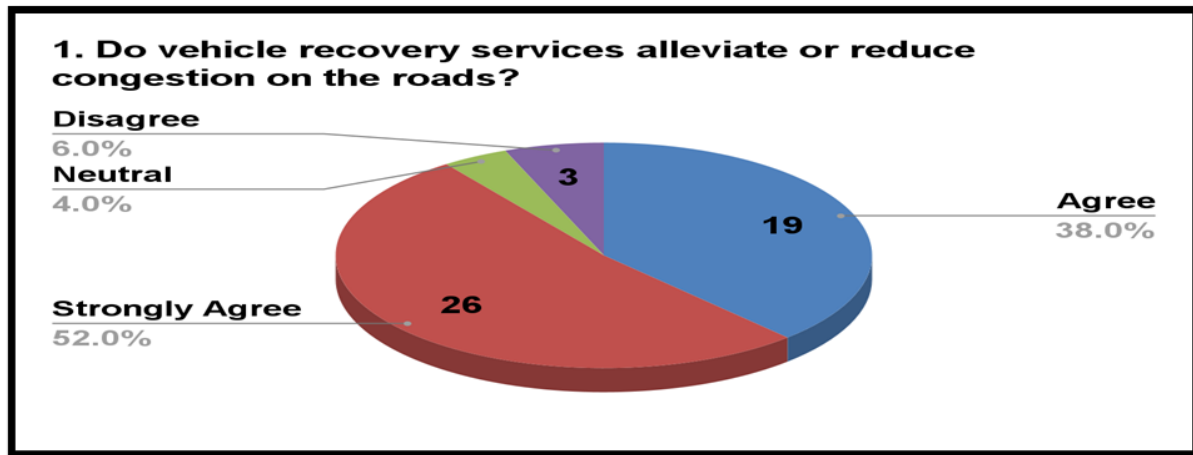


Figure 1. Response to whether or not vehicle recovery services reduce congestion on the roads

Regarding the question on whether or not vehicle recovery services reduce congestion on the roads, 52% strongly agree, while 38% agree with that position. This implies that 90% of the respondents are of the view that vehicle recovery services reduce congestion on the roads. It was also observed that 6% disagreed with the preposition, while 4% were undecided or neutral on the issue. It is worthy to note that among the 50 respondents interviewed, none of them strongly disagreed with the position; therefore the percentage is 0% and hence is not reflected in the corresponding pie chart. The position of this study is that vehicle recovery reduces traffic congestion on the road.

Table 2. Does the recovery of broken-down vehicles affect transportation time?

| Response | No. of Respondents | Percentage % |
|-------------------|--------------------|--------------|
| Strongly Agree | 13 | 26 |
| Agree | 23 | 46 |
| Neutral | 5 | 10 |
| Disagree | 8 | 16 |
| Strongly Disagree | 1 | 2 |
| Total | 50 | 100 |

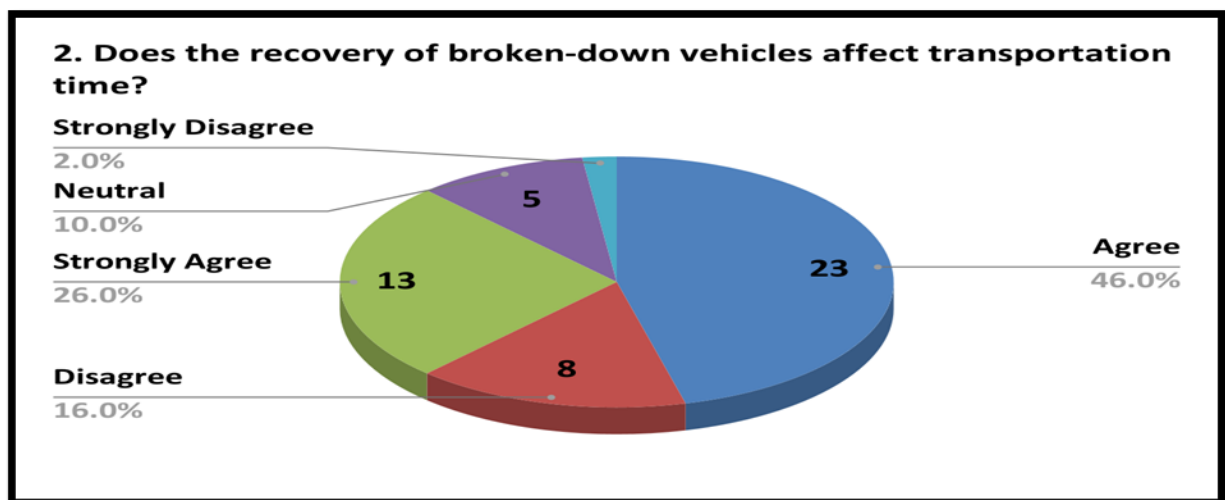


Figure 2. Response to whether the recovery of broken-down vehicles affects transportation time

With regard to the question, Does the recovery of broken-down vehicles affect transportation time? 26% strongly agreed with that position while 46% agreed. This implies that 72% of the respondents are aware that recovery of broken down vehicle affects transportation time. However, 10% were neutral while 16% disagreed and 2% strongly disagreed. 18% of the respondents representing 9 persons did not accept that recovery of broken down vehicle affects transportation time. The responses indicate that the majority of respondents are of the view that the recovery of broken-down vehicles affects the transportation time. Perceptions were based on the processes and time involved in recovering the broken-down vehicle in light of how this could impact regular traffic and ultimately the transportation time.

It was observed that the recovery of broken-down vehicle, in a short time affects transportation time negatively, while on the long run it reduces transportation time, because of easy flow of traffic as a result of the recovery of the broken down vehicle.

Table 3. Does vehicle recovery reduce accidents on the roads?

| Response | No. of Respondents | Percentage % |
|-------------------|--------------------|--------------|
| Strongly Agree | 24 | 48 |
| Agree | 18 | 36 |
| Neutral | 3 | 6 |
| Disagree | 5 | 10 |
| Strongly Disagree | 0 | 0 |
| Total | 50 | 100 |

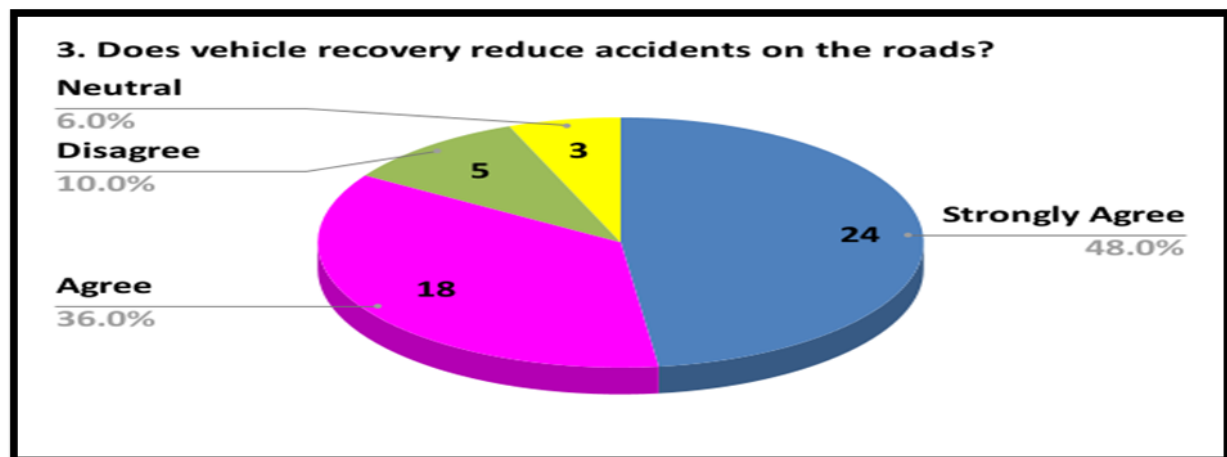


Figure 3. Response when asked if vehicle recovery reduces accidents on the roads

In response to question on Table 3 which states, does vehicle recovery reduces accidents on the roads? 24 respondents accounting for 48% of all the sample size strongly agreed with this view. 18 respondents accounting for 36% of those interviewed agreed with the position. This implies that 84% of the respondents, representing 42 of those interviewed either strongly agreed or agreed that vehicle recovery on the road reduces accidents in the study area. However, 3 persons or 6% were neutral on this question, while 5 persons or 10% disagreed with the position. Similar to the first question, it is also noteworthy that 0 persons representing 0% of the total strongly disagreed with the position and this is reflected in the corresponding pie chart in Figure 3.

Table 4. Does vehicle recovery affect the cost of transportation?

| Response | No. of Respondents | Percentage % |
|----------------|--------------------|--------------|
| Strongly Agree | 4 | 8 |
| Agree | 18 | 36 |
| Neutral | 3 | 6 |

| | | |
|-------------------|-----------|------------|
| Disagree | 22 | 44 |
| Strongly Disagree | 3 | 6 |
| Total | 50 | 100 |

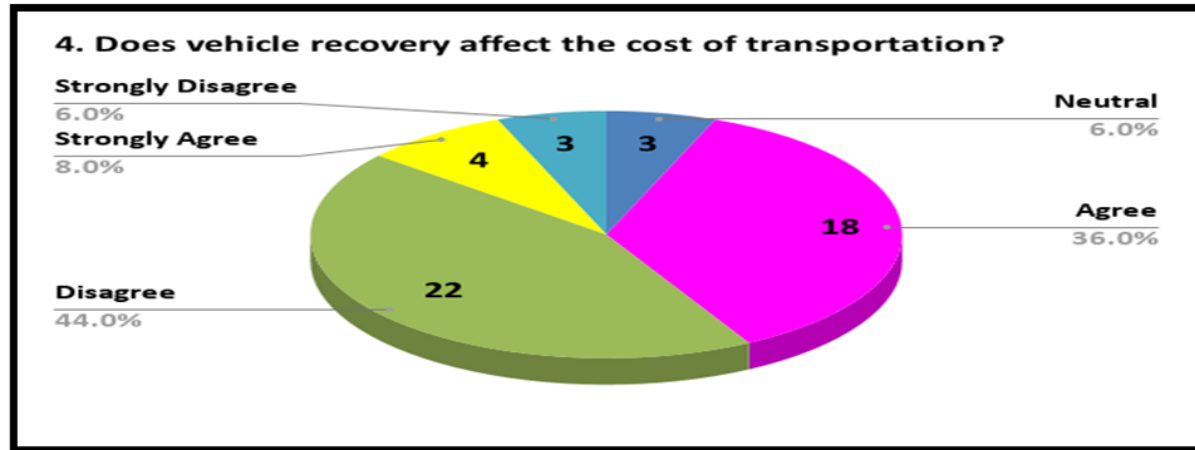


Figure 4. Response when asked if vehicle recovery affects the cost of transportation

When analysing question in Table 4 does vehicle recovery affects the cost of transportation? It was observed that only 4 respondents representing 8% of the sample size strongly agreed while 18 people accounting for 36% agreed with this view. 3 people or 6% were neutral. On the other hand, it was also observed that 22 people representing 44% of the sample disagreed that vehicle recovery affects the cost of transportation. 3 people representing 6% strongly disagreed with the position. It can be analysed that the majority of respondents are of the view that vehicle recovery does not affect the cost of transportation. From this study, observation shows that 50% of the respondents were of the views that vehicle recovery does not change the cost of transport in a particular route. This can be explained as most of the drivers and commuters cannot pre-empt when a vehicle can breakdown or recovered. The closeness in the opinion of the respondents however shows that depending on the position of a vehicle, drivers aware of a broken down vehicle may increase fare based on time it will take him.

4. Performance

Table 5. Are there effective vehicle recovery services in Port Harcourt?

| Response | No. of Respondents | Percentage % |
|-------------------|--------------------|--------------|
| Strongly Agree | 6 | 12 |
| Agree | 11 | 22 |
| Neutral | 10 | 20 |
| Disagree | 16 | 32 |
| Strongly Disagree | 7 | 14 |
| Total | 50 | 100 |

When the question, Are there effective vehicle recovery services in Port Harcourt? was asked, Table 5 shows that 6 people representing 12% strongly agreed while 11 people or 22% agreed with the position. By implication, 17 of the respondents representing 34% of those interviewed says that vehicle recovery service in the study area "Port Harcourt" was effective. Neutral to this position were 10 people representing 20% of the respondents. This means that 10 respondents do not know much about vehicle recovery service in Port Harcourt.

On the contrary, 16 people accounting for 32% disagreed while 7 people or 14% strongly disagreed with the position. From the results obtained, it can be deduced that the majority of respondents are of the view that there are no effective vehicle recovery services available in Port Harcourt. The views are shown in Figure 5 below.

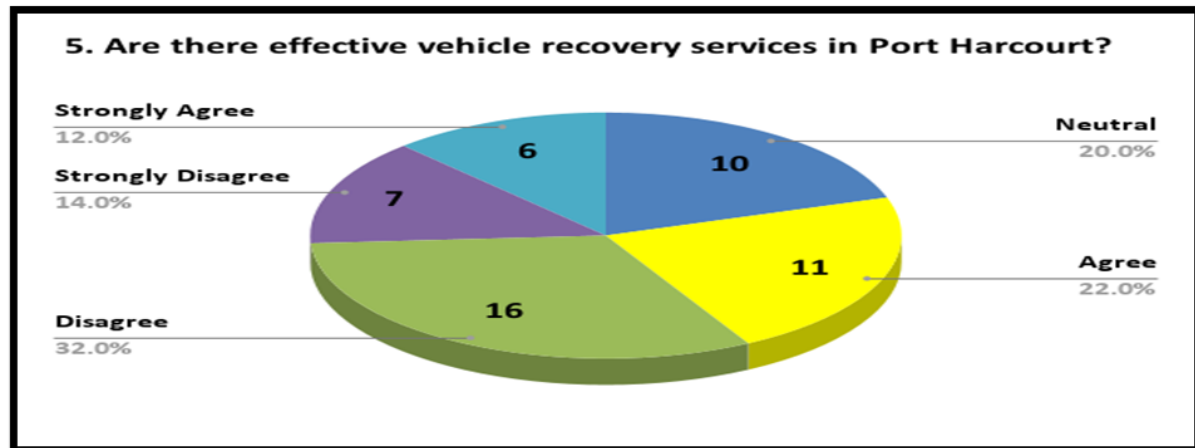


Figure 5. Response to the question on whether there are effective vehicle recovery services in Port Harcourt

Table 6. Does vehicle recovery affect the state of the roads?

| Response | No. of Respondents | Percentage % |
|-------------------|--------------------|--------------|
| Strongly Agree | 7 | 14 |
| Agree | 19 | 38 |
| Neutral | 6 | 12 |
| Disagree | 16 | 32 |
| Strongly Disagree | 2 | 4 |
| Total | 50 | 100 |

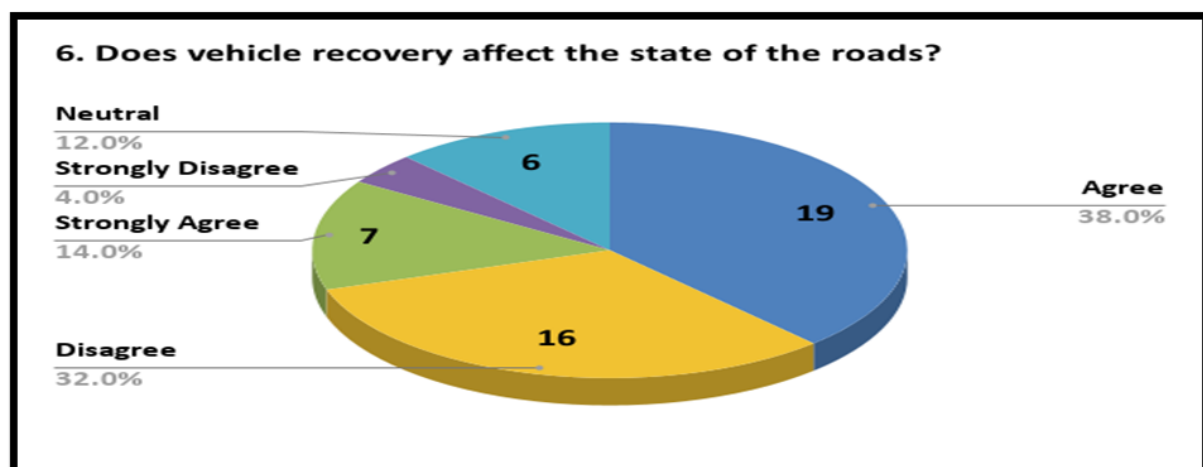


Figure 6. Response when asked if vehicle recovery affects the state of the roads

Figure 6 shows the responses of the respondents as captured in Table 6. With the question do vehicle recovery affects the state of the roads? The results obtained shows that 7 people representing 14% strongly agreed while 19 people accounting for 38% agreed. It was observed that 6 people or 12% were undecided while 16 people or 32% disagreed and 2 people or 4% strongly disagreed. From the results it can be deduced that the majority of respondents are of the view that vehicle recovery affects the state of the roads. Obviously, it has been observed that after recovery, there were no post clean-up of the recovery spot, Sometimes the equipment used damage the road.

Table 7. Do vehicle recovery services respond timely to incidents?

| Response | No. of Respondents | Percentage % |
|-------------------|--------------------|--------------|
| Strongly Agree | 2 | 4 |
| Agree | 7 | 14 |
| Neutral | 12 | 24 |
| Disagree | 22 | 44 |
| Strongly Disagree | 7 | 14 |
| Total | 50 | 100 |

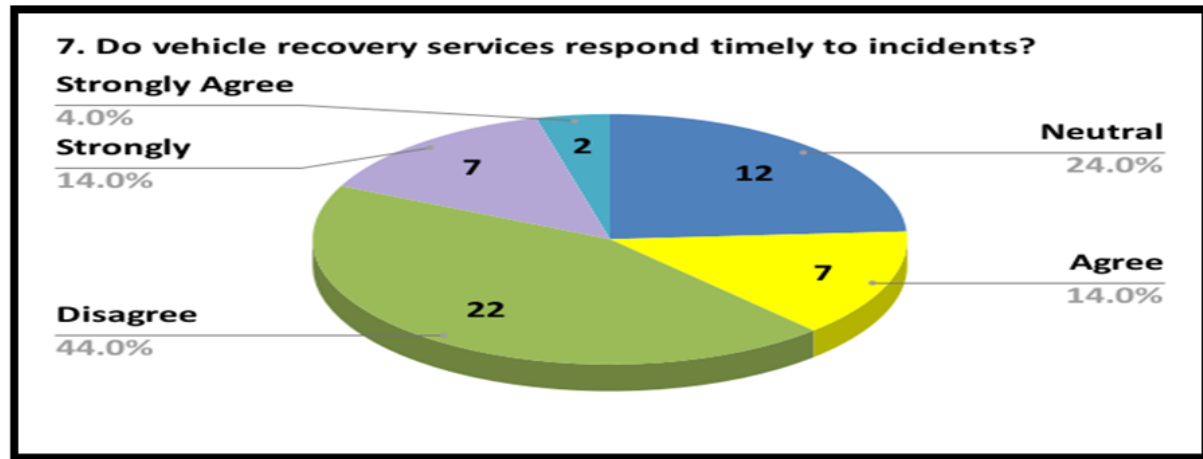


Figure 7. Response when asked if vehicle recovery services respond timely to incidents

The responses on Table 7 question relating to performance, upon investigating if vehicle recovery services respond timely to incidents. Just 2 respondents representing 4% of the respondents strongly agreed while, 7 people representing 14% agreed. 12 people (24%) were neutral. Opposed to this view were 22 people which accounts for 44% while 7 people or 14% strongly disagreed with the position. From the results obtained, it can be deduced that a significant majority of respondents hold the view that vehicle recovery services do not respond to incidents in a timely manner.

Table 8. Do vehicle recovery services carry out the recovery competently?

| Response | No. of Respondents | Percentage % |
|-------------------|--------------------|--------------|
| Strongly Agree | 4 | 8 |
| Agree | 19 | 38 |
| Neutral | 13 | 26 |
| Disagree | 11 | 22 |
| Strongly Disagree | 3 | 6 |
| Total | 50 | 100 |

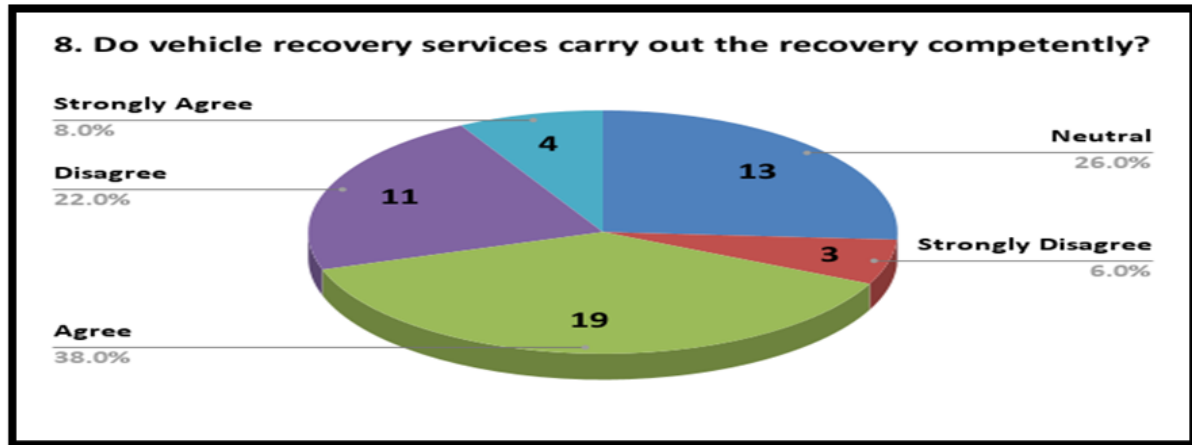


Figure 8. Response when asked if vehicle recovery services carry out the recovery competently

When asked if vehicle recovery services carry out the recovery competently as shown in Table 8, and further explained in Figure 8, it was observed that 4 people were strongly in agreement with that position, which represents 8% of the respondents. 19 people comprising 38% of the respondents were in agreement and 13 people or 26% were neutral and could not decide. In disagreement were 11 people (22%) while 3 people or 6% strongly disagreed with the position. Analysing the results in totality, they indicate that the majority of respondents are positive about the level of competence of vehicle recovery services in Port Harcourt.

5. Availability and Affordability

Table 9. Are vehicle recovery services available in Port Harcourt?

| Response | No. of Respondents | Percentage % |
|-------------------|--------------------|--------------|
| Strongly Agree | 5 | 10 |
| Agree | 28 | 56 |
| Neutral | 8 | 16 |
| Disagree | 7 | 14 |
| Strongly Disagree | 2 | 4 |
| Total | 50 | 100 |

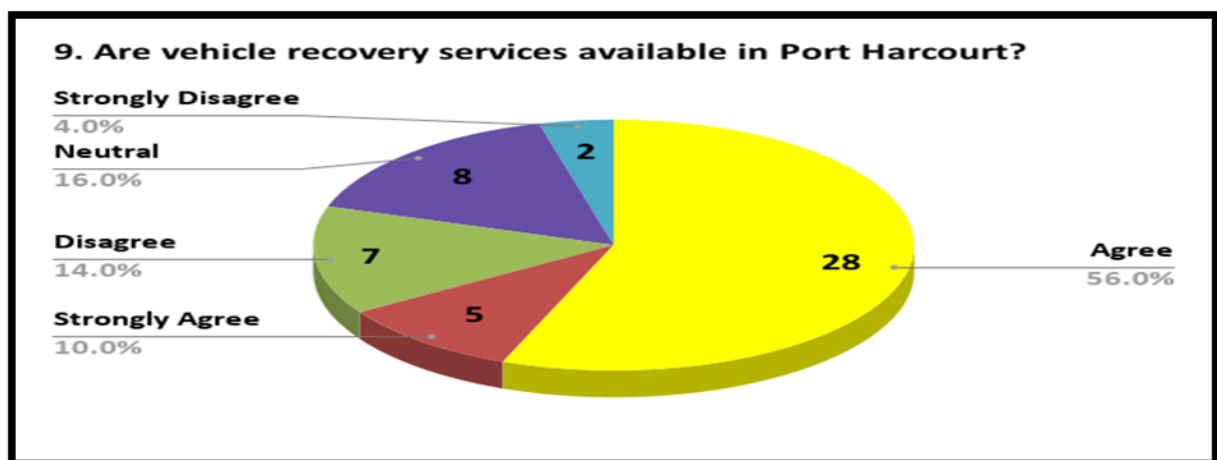


Figure 9. Response to the question on the availability of vehicle recovery services in Port Harcourt

When asked about the availability of vehicle recovery services in Port Harcourt, 5 people or 10% strongly agreed

that such services are available. This was complemented by 28 people in agreement or 56%. Among those who were undecided were 8 people or 16%. On the other hand, 7 people or 14% were in disagreement while 2 people or 4% strongly disagreed.

Insight from the results obtained show an overwhelming majority sharing the view that vehicle recovery services are available in Port Harcourt and are not a rarity.

Table 10. Are vehicle recovery services affordable?

| Response | No. of Respondents | Percentage % |
|-------------------|--------------------|--------------|
| Strongly Agree | 1 | 2 |
| Agree | 13 | 26 |
| Neutral | 18 | 36 |
| Disagree | 15 | 30 |
| Strongly Disagree | 3 | 6 |
| Total | 50 | 100 |

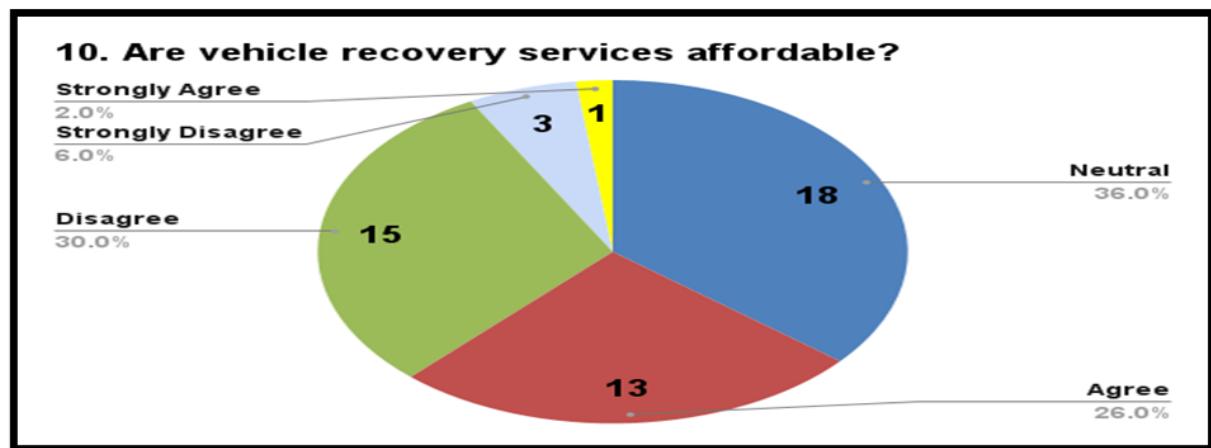


Figure 10. Response when asked if vehicle recovery services are affordable

When asked about the affordability of vehicle recovery services in Port Harcourt, 1 person (2%) strongly agreed while 13 people (26%) were in agreement. A total of 18 people (36%) were undecided, 15 people (30%) disagreed and 3 people (6%) strongly disagreed. It is interesting to note that while the majority of respondents were undecided on the affordability of vehicle recovery services, the second largest group of respondents were in strong disagreement with their affordability and perceived their cost to be on the high side for motorists.

Table 11. In the event of breakdowns, are vehicle recovery services for heavy goods and commercial vehicles also available?

| Response | No. of Respondents | Percentage % |
|-------------------|--------------------|--------------|
| Strongly Agree | 2 | 4 |
| Agree | 15 | 30 |
| Neutral | 13 | 26 |
| Disagree | 15 | 30 |
| Strongly Disagree | 5 | 10 |
| Total | 50 | 100 |

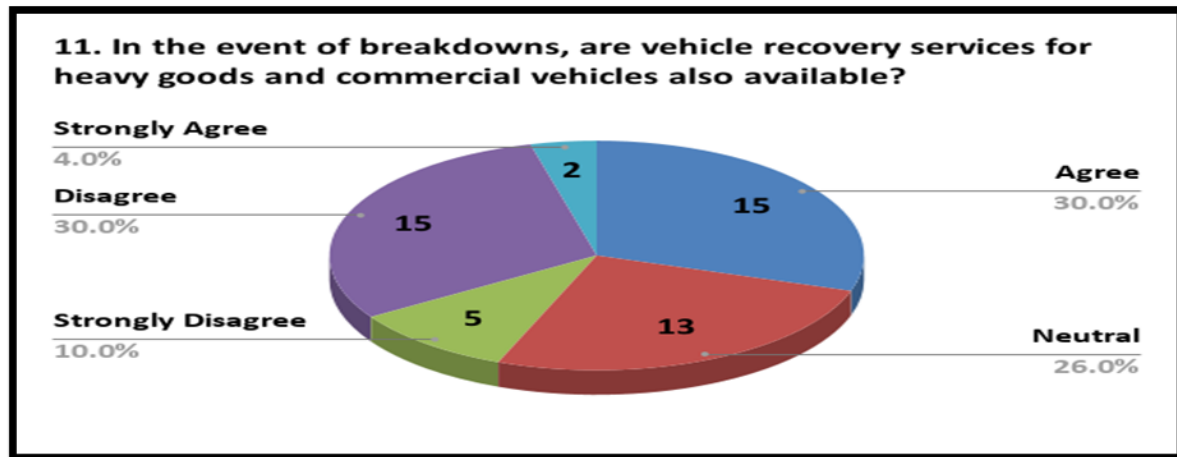


Figure 11. Response when asked about the availability of vehicle recovery services for heavy goods and commercial vehicles

As part of the research work, respondents were also asked about the availability of vehicle recovery services for the class of heavy goods and commercial vehicles such as trucks and buses since these also ply the roads and as such, could break down or encounter situations whereby they too would require the assistance of vehicle recovery services which are capable of handling that class of vehicle.

From the responses received, 2 people (4%) strongly agreed while 15 people (30%) agreed with their availability. A total of 13 people (26%) were neutral on the question while similar to those in agreement, 15 people (30%) disagreed on their availability while 5 people (10%) strongly disagreed. Analysing the results in more detail, while it was observed that opinions were split evenly between the number of respondents who agreed and disagreed (30% each), when considered in the broader perspective taking into account the totality of agreement and disagreement, it can be derived that the majority of respondents disagreed with the position and are of the view that vehicle recovery services to cater to the class of heavy goods vehicles and commercial vehicles are not available in Port Harcourt.

Table 12. If the cost of vehicle recovery were more affordable, will more motorists utilise their services?

| Response | No. of Respondents | Percentage % |
|-------------------|--------------------|--------------|
| Strongly Agree | 23 | 46 |
| Agree | 24 | 48 |
| Neutral | 2 | 4 |
| Disagree | 1 | 2 |
| Strongly Disagree | 0 | 0 |
| Total | 50 | 100 |

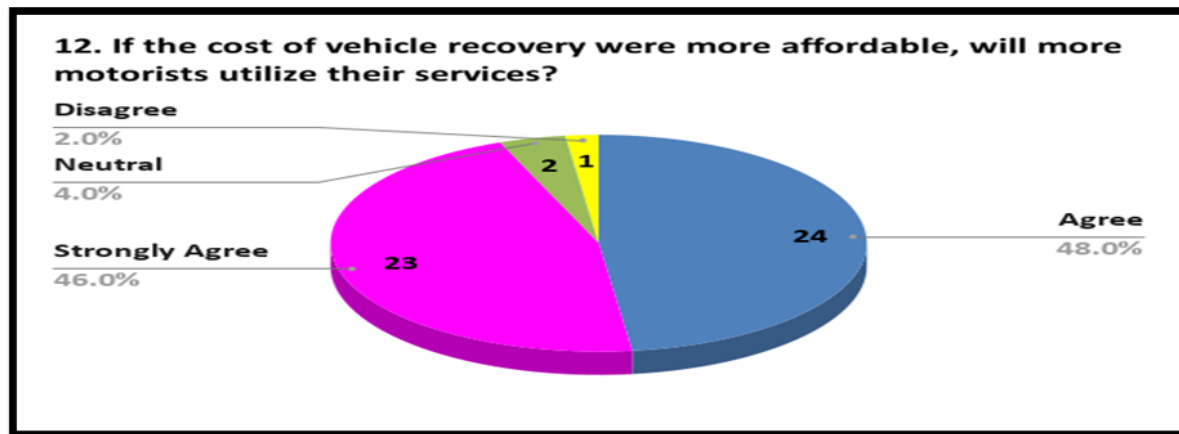


Figure 12. Response on whether more motorists will utilise vehicle recovery services if they were more affordable

Next, the survey set out to investigate whether or not more motorists will utilise vehicle recovery services if they were more affordable.

To this question, 23 people (46%) strongly agreed while 24 people (48%) agreed. 2 were neutral (4%) while 1 person (2%) disagreed and 0 persons (0%) strongly disagreed, which is why the 0% is not indicated in the pie chart of Figure 12. The results indicate a very significant majority of respondents agreed with the position that more motorists will utilise vehicle recovery services if they were more affordable as opposed to making alternative private arrangements and fending for themselves in such situations.

6. Challenges

Table 13. Should the State Ministry of Transport Regulate Vehicle Recovery Services?

| Response | No. of Respondents | Percentage % |
|-------------------|--------------------|--------------|
| Strongly Agree | 26 | 52 |
| Agree | 20 | 40 |
| Neutral | 4 | 8 |
| Disagree | 0 | 0 |
| Strongly Disagree | 0 | 0 |
| Total | 50 | 100 |

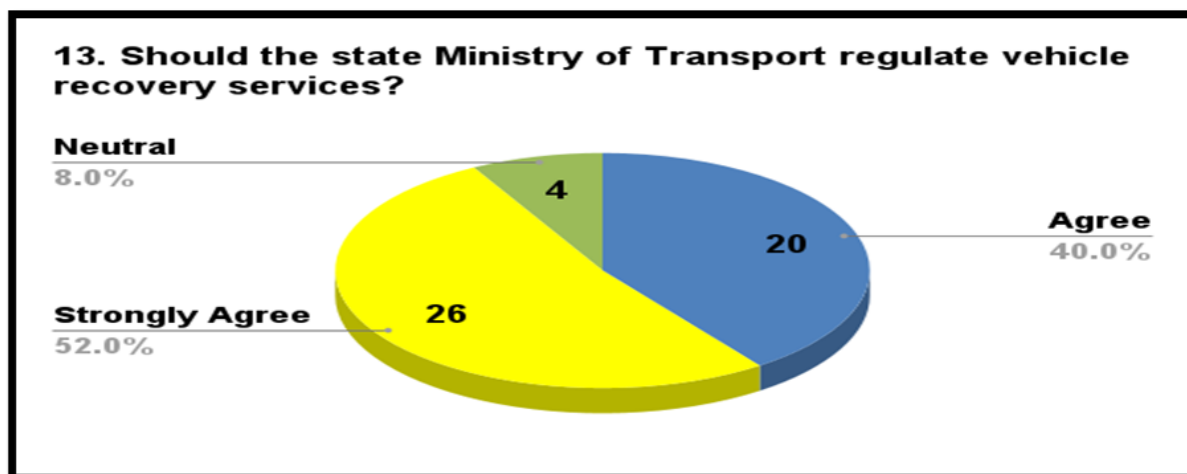


Figure 13. Response when asked if the state Ministry of Transport should regulate vehicle recovery services

Proceeding further, respondents were asked if the Rivers State Ministry of Transport should regulate vehicle recovery services in the state. This yielded the following results. 26 people (52%) strongly agreed, 20 people (40%) agreed and 4 people (8%) were undecided. Worthy of note are the absence of opinions which strongly disagree or disagreed with the question, hence the 0% as indicated in Table 13 and the corresponding pie chart of Figure 13. The overwhelming position of those interviewed is that of agreement, which indicates a strong preference for the Ministry of Transport to be actively involved in regulating the vehicle recovery services sector in the state and shaping policy in that regard.

Table 14. Should motorists invest more in preventive maintenance of their vehicles to reduce the occurrence of breakdowns?

| Response | No. of Respondents | Percentage % |
|-------------------|--------------------|--------------|
| Strongly Agree | 34 | 68 |
| Agree | 15 | 30 |
| Neutral | 1 | 2 |
| Disagree | 0 | 0 |
| Strongly Disagree | 0 | 0 |
| Total | 50 | 100 |

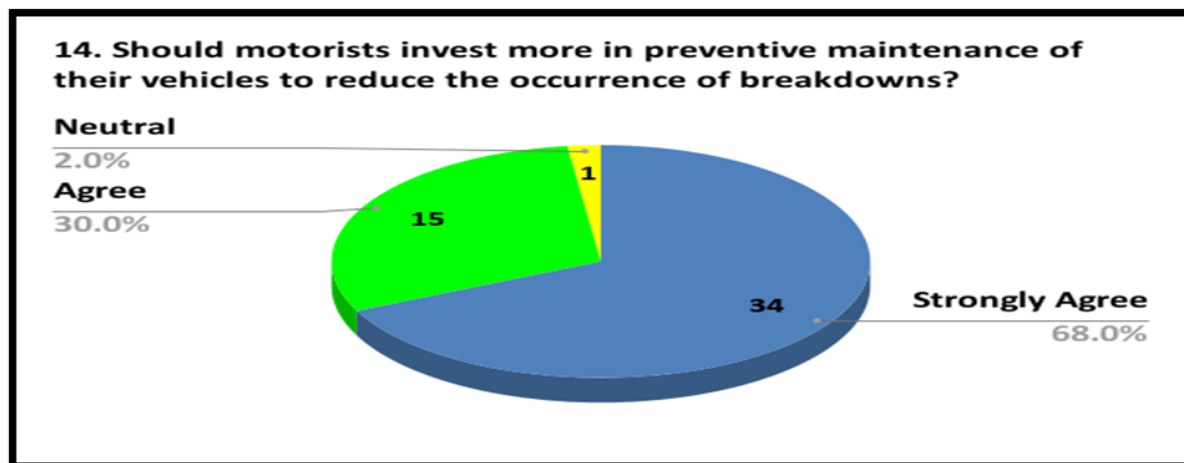


Figure 14. Response to the question, Should motorists invest more in preventive maintenance of their vehicles to reduce the occurrence of breakdowns?

Respondents were then asked if motorists should invest more in preventive maintenance of their vehicles to reduce the occurrence of breakdowns. The following results were recorded. 34 people, representing 68% strongly agreed with this position followed by 15 people (30%) who agreed. 1 respondent (2%) was undecided. It is interesting to note that none of the respondents disagreed or strongly disagreed with the position and this is again represented by the 0 scores in Table 14 and the pie chart of Figure 14.

Analyses of the results indicate an overwhelming majority in support of increased investment in preventive maintenance by motorists as a measure to reduce the occurrence of breakdowns on the roads.

Table 15. Does road safety and vehicle knowledge among motorists need to increase?

| Response | No. of Respondents | Percentage % |
|----------------|--------------------|--------------|
| Strongly Agree | 32 | 64 |
| Agree | 16 | 32 |
| Neutral | 2 | 4 |
| Disagree | 0 | 0 |

| | | |
|-------------------|-----------|------------|
| Strongly Disagree | 0 | 0 |
| Total | 50 | 100 |

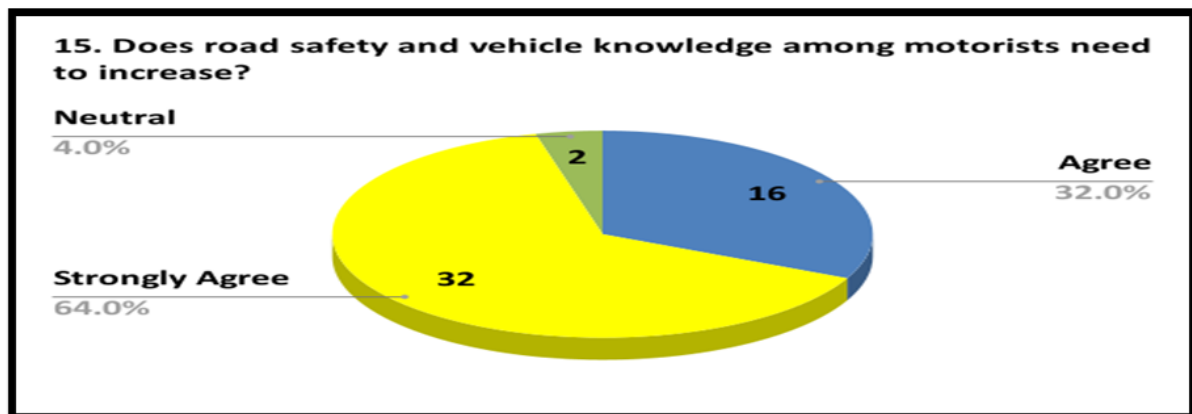


Figure 15. Response to the question, Does road safety and vehicle knowledge among motorists need to increase?

Following the previous question on preventive maintenance, respondents were then asked if road safety and vehicle knowledge among motorists needs to increase. From the sample covered, 32 people (64%) were in strong agreement 16 people (32%) agreed and 2 people (4%) were neutral. Again, none of the respondents disagreed or strongly disagreed with the position, hence the 0 scores indicated in Table 15 and the non-reflection of that score in the corresponding pie chart of Figure 15.

From the results gathered, they show strong agreement on the need for an increase both in the level of road safety knowledge as well as knowledge about the vehicle system by motorists.

Table 16. Can regular patrols along the major roads help reduce the impact of breakdowns on the roads?

| Response | No. of Respondents | Percentage % |
|-------------------|--------------------|--------------|
| Strongly Agree | 27 | 54 |
| Agree | 18 | 36 |
| Neutral | 2 | 4 |
| Disagree | 3 | 6 |
| Strongly Disagree | 0 | 0 |
| Total | 50 | 100 |

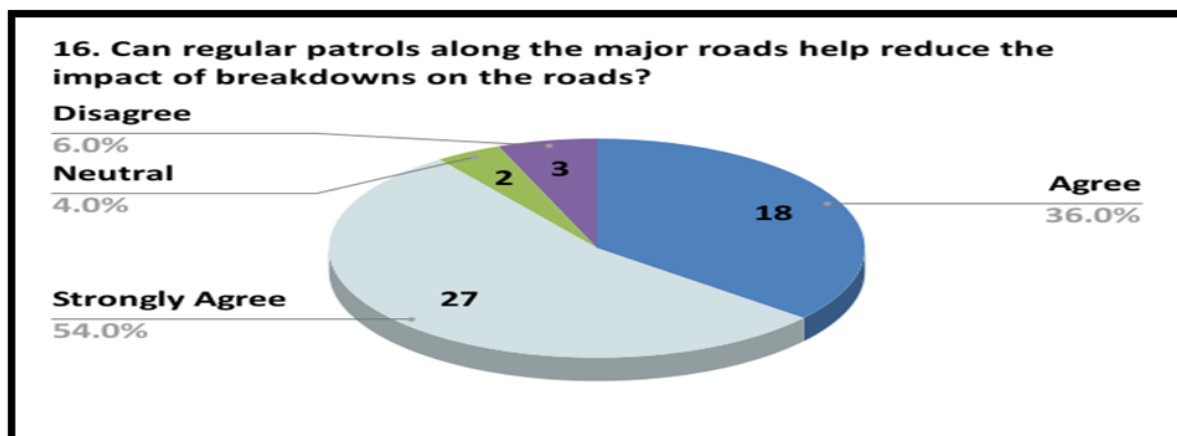


Figure 16. Response to the question; can regular patrols along the major roads help reduce the impact of breakdowns on the roads?

The survey concluded with the 16th and final question of the survey in which respondents were asked if regular patrols along the major roads could help reduce the impact of breakdowns on the roads.

Responding in strong agreement were 27 people, representing 54% of the sample. In agreement with this position were 18 people which are 36%. 2 people were neutral (4%) and 3 people (6%) disagreed. Worthy of note is that the absence of any result in strong disagreement with the position, hence a 0 score in Table 16 and no reflection of that score in the corresponding pie chart of Figure 16.

The obtained results indicate that majority of respondents were strongly in favour of regular patrols by the designated traffic authority along the major roads as a measure to reduce the impact of breakdowns on the roads.

In the area of impact, the study found that vehicle recovery services reduce congestion on the roads. It also found that the recovery of broken down vehicles affects the transportation time. Vehicle recovery reduces the risk of accidents on the roads, particularly secondary accidents. On the impact on transportation cost, findings indicate that vehicle recovery has no impact on the transportation cost.

With regards to performance, findings indicate that there are no effective vehicle recovery services available in Port Harcourt. It also found that vehicle recovery affects the state of the roads. This pointed to the fact that the presence of prolonged breakdowns which are not recovered in a timely manner negatively affects the state of the roads. Further assessing the performance, it was found that vehicle recovery services do not respond to incidents on time. This slow response time in turn significantly impacts traffic flow and road conditions.

In terms of the level of competence of the recovery work, findings indicate that vehicle recovery services carry out the recovery competently.

When availability and affordability were considered, findings indicate the presence of vehicle recovery services in Port Harcourt. On the question of affordability of vehicle recovery services, the cost of vehicle recovery is perceived to be high and not affordable to common people.

Addressing the issue of breakdowns of the commercial vehicles and heavy goods vehicles, findings indicate that vehicle recovery services to cater specifically to the classes of heavy goods vehicles and commercial vehicles are not available in Port Harcourt. This is generally observed to be the case when such classes of vehicles break down in the metropolis, when recovery often tends to take several days. It was also found that more motorists will utilize formal vehicle recovery services if they were more affordable, pointing to cost being the overwhelming factor keeping the majority of motorists from accessing the services.

Addressing challenges, there is a strong perception that the Rivers State Ministry of Transport should be involved in regulating vehicle recovery services in the state and shaping policy that affects the sector. When addressing aspects of preventive maintenance, it was found that increased investment in the preventive maintenance of vehicles on the part of motorists will help reduce the occurrence of breakdowns on the roads. This challenge of personal responsibility is invariably linked to economic factors as it is typically cost that plays a major role in the delay in maintenance of vehicles by motorists. Furthermore, it was also found that the level of vehicular and road safety knowledge among motorists needs to increase. More technical knowledge of the vehicle as a system will help motorists take better care of their vehicles. Combining this with better road safety knowledge with its attendant impact on good driving practice will contribute positively to improved road safety compliance in the Port Harcourt metropolis. Finally, findings indicate that regular patrols by designated traffic authorities along the major roads in the city are a measure to reduce the impact of breakdowns on the roads. This is owing to the fact that regular patrols offer the possibility of early detection of breakdowns and the ability to more quickly attend to them and coordinate a more effective response among the relevant services, whether emergency response or vehicle recovery services.

7. Conclusion

The study set out to investigate vehicle recovery and road safety compliance in Port Harcourt metropolis. The findings obtained revealed that there are areas for improvement with regard to vehicle recovery in the city, particularly with respect to breakdowns. Distressed vehicles which for one reason or the other are not recovered quickly, contribute significantly to hindering smooth traffic flow, could contribute to secondary accidents and in themselves, contribute towards a reduction in road safety compliance in cases where motorists resort to improper and unsafe driving practices in order to circumvent vehicles that have been broken down for prolonged periods and have not been towed away, for example. The economic and financial impact of vehicles not promptly recovered on traffic and commuters is also significant. It was also revealed that there are areas for improvement in road safety compliance among the motoring public. The increase in the level of road safety knowledge among motorists will contribute significantly towards improving the overall road safety compliance in the metropolis.

As a measure to complement existing efforts by established national bodies such as the Federal Road Safety Commission (FRSC) on a local level, concerted effort and involvement of the Rivers State Ministry of Transport

to regulate the vehicle recovery sector in the state will play a positive role in improving the traffic flow management. The involvement of the Ministry in increasing driver education will also contribute towards improving road safety compliance in the state.

8. Recommendations

From the research questionnaire and various interactions with respondents as well as taking a critical look at the issue of vehicle recovery services and road safety compliance, the following recommendations are hereby presented;

- 1) The Rivers State Ministry of Transport should explore strategic partnerships with the vehicle recovery sector as a means to reduce the impact of breakdowns in Port Harcourt metropolis. Conducting research to identify breakdown hotspots in the metropolis is recommended. Research insight such as is contained in the RAC (2006) Breakdown Britain report, could form a good basis for investigating the local motoring landscape.
- 2) Effort should be made to establish vehicle recovery guidelines and procedures applicable to all classes of vehicles operating in the state. An example of vehicle towing policy of the Netherlands Government — Local Laws And Regulations — Vehicle Towing Policy (2015) provides a rich source of insight into vehicle towing policy formulation. Performance standards for vehicle recovery should also be set. Areas of critical focus should include accessibility to such general recovery services, the ability to report distressed/disabled vehicles to the designated authorities, who will then spring into action and attend to such disabled vehicles in a prompt, professional, safe and cost effective manner. The standards set should ensure that irrespective of the nature of the situation by which vehicles become disabled and the financial and other means available to the vehicle owner or operator, the vehicle is recovered within a specified time period and the affected roads are rendered fully motorized as soon as possible. A fair and appropriate mechanism for adequate financial and administrative compensation for the recovery service to be paid by the vehicle owner/operator pre or post-recovery is highly recommended. Such costs may include vehicle towing and retrieval from a designated garage or depot by the vehicle owner/operator.
- 3) Promote the increased utilization of car insurance and stimulate greater synergies between car insurance providers and roadside assistance services. The creation of more attractive insurance packages whose benefits are marketed and linked to roadside assistance services could create a natural incentive for motorists to become members of formal roadside assistance organizations, which among other benefits include access to professional vehicle recovery and roadside assistance in the event of breakdowns as well as a rich suite of other transport related services. The British Automobile Association (AA) (1905), The Dutch ANWB (1883) and the German ADAC (1903) are three notable motoring organisations who provide similar comprehensive services to a large population of motorists, the majority of whom are active members/subscribers.
- 4) State campaigns to stimulate and encourage a better maintenance culture among motorists could contribute to a reduction in the occurrence of breakdowns via a preventive approach.
- 5) Physical infrastructure modifications in the form of creating more Lay Bays in strategic locations where breakdowns could be temporarily moved until professional roadside assistance arrives is recommended.
- 6) Regular patrols along major routes with known breakdown hotspots for the active monitoring of traffic to facilitate the early detection of breakdowns and other hindrances to traffic will contribute to prompt information flow and the coordination of an effective and timely response with traffic police and roadside assistance services.
- 7) Setting up dedicated official phone lines, website and social media platforms for the prompt reporting of breakdowns and other traffic hindrances by the general public will assist the designated authorities in communicating the relevant information required to coordinate an effective response to attending to such traffic disrupting events.

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The Liability of Freight Forwarding Agents as Middlemen in International Transactions: The Case of Cameroon

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Abstract

International trade relies heavily on effective logistics intermediaries, notably freight forwarding agents, who play a pivotal role in facilitating cross-border transactions. In Cameroon, the complex interplay between legal frameworks, industry standards, and operational realities shapes the liability faced by these agents as middlemen. Despite the foundational legal structures, the liability of freight forwarders in Cameroon is often ill-defined due to fragmented legislation, ineffective implementation, and inconsistent industry practices. Ambiguities in the law and lax enforcement mean stakeholders face uncertainty about the standards of responsibility, compensatory mechanisms, and dispute resolution processes in cases of cargo loss, damage, or delay. The primary aim of this article is to critically assess the legal basis, scope, and practical effectiveness of the liability regime governing freight forwarding agents in Cameroon's international transactions environment. The methodology adopted is purely qualitative research methodology. The method is doctrinal engulfing an in depth analysis of both primary and secondary sources of data. The primary sources of data are gotten from laws, case law why the secondary sources of data are gotten from books, journal articles, reports, newspapers. Finding reveal that Freight forwarders in Cameroon are generally liable for loss or damage to cargo under a presumption of fault, although liability can be limited or excluded by contract, statutory exemptions (such as force majeure), and international convention provisions. The article concludes the current regime governing the liability of freight forwarding agents in Cameroon broadly supported by domestic and international legal instruments, is hampered by inconsistencies, enforcement gaps, and operational ambiguities. This results in uncertainty for parties and impedes effective recourse in the event of disputes or losses. The article recommends that there is the need for the Government of Cameroon to harmonize and clarify liability standards within Cameroonian law and align them more closely with international conventions.

Keywords: liability, freight forwarding agents, middlemen, international transactions

1. Introduction

Since ancient times, mankind has embarked on the path of international trade and transactions. Naturally, with the geographical expansion of the market came the development of transport¹. In the conditions of modern

¹ Cain P., (2014). Complexity, Confusion and the Multifaceted Legal Roles of the international Freight Forwarder. *Macquarie Law Journal*, 13-14, pp. 12-45: 12.

globalization and large flows of goods, the demand for forwarding companies is huge.¹ The continuous flow of movement of goods on the world market forces manufacturers to turn to intermediaries or middlemen who are able to organize cargo transportation services. At the moment, the most common intermediary when it deals with International Transactions is a freight forwarder². The freight forwarder is an intermediate link between the client and the cargo carrier.³ The tasks of the forwarder may include such tasks as the organization of loading and unloading of goods, storage, consolidation, packaging, labelling, selection of performers, documentation, carrying out operations during customs control.⁴

The development and historical evolution of middlemen can be traced to ancient times⁵ and has undergone notable transformations over the centuries. During the ancient times and the early days of International trade,⁶ middlemen were referred to as “Phoenician merchants”⁷ who acted as intermediaries by linking different regions thereby facilitating the exchange of goods and services.⁸ They were in charge of transporting goods across long distances and often by Sea, performed functions such as negotiating prices, ensuring quality of goods, and managing logistics.⁹ As time elapse, middlemen continued to play a crucial role in the trade between China, Central Asia and Europe during the period called “Silk Road Era”.¹⁰ These middlemen men were referred to as intermediaries who organized caravans and facilitated the exchange of goods including spices, precious metals, silk and other commodities. They navigated the logistics challenges of crossing vast distances and cultural barriers.¹¹

During the colonial period¹², and before the industrial revolution¹³, the main person that exercises the place of middlemen was “Grand Distributor”.¹⁴ The grand distributor sold all types of goods and performed all kinds of commercial transactions as “exporter, wholesaler, importer, retailer, ship-owner, banker and insurer”¹⁵. This middleman selected goods from small scale manufacturers and supplied consumers. These conditions changed considerably around the 1800s. One reason was the industrial revolution that over time resulted in substantial

¹ Hesse, M & Rodrigue, J-P, (2004). The Transport Geography of Logistics and Freight Distribution. *Journal of Transport Geography*, 12(3), pp. 171-184: 173.

² Poliak M, Šimurková P, Mrníková, M and Komačková L., (2016). Market Access in Freight Forwarding and Responsibility of Freight Forwarder Transport and Communications. *International Transport Journal*, 2, pp. 67-98: 67.

³ Murphy, PR & Daley, JM, (1995). International Freight Forwarders: Current Activities and Operational Issues. *International Journal of Purchasing and Materials Management*, 31(2), pp. 21-27: 22.

⁴ Cain P., 2014, *Op.cit* p.1.

⁵ Ancient time generally refers to the time period before the Middle-Ages and can be classified as the time period from around 3000 BCE to 500 CE.

⁶ Abhiroop M., (2004). Essays in international trade. The Pennsylvania State University.

⁷ A “Phoenician merchant” refers to a trader from the ancient civilization of Phoenicia, known for their extensive maritime trade across the Mediterranean Sea, particularly famous for their trade in purple dye derived from murex shells, which made them renowned as “traders in purple” in the ancient world; essentially, a Phoenician merchant was a seafaring trader who transported goods across the Mediterranean using their advanced sailing skills.

⁸ Ayelet G., (2022). The Southern Levantine Roots of the Phoenician Mercantile Phenomenon. *Bulletin of the American Society of Overseas Research*, 3(4), pp. 381-405: 382.

⁹ Agbebi F., Fagbote T., (2012). The role of middlemen in fish marketing in Igbokoda fish market, Ondo-state, South Western Nigeria. *International Journal of Development and Sustainability*, 1(3), pp. 880-888: 882.

¹⁰ Adams T., (1988). *The development of Middlemen in international commercial transactions in Europe*. Oxford: Oxford Publishing House, p. 4.

¹¹ Marzena K., Joanna F., Roksana P., (2018). The challenges for Logistics in the aspect of industry. *Journal of Multidisciplinary Aspects of Production Engineering — MAPE*, 1(1), pp. 553-559: 555.

¹² The Colonial period typically refers to the time period in which European powers established colonies and settlements in North and South America, Africa, and Asia from the 15th century to the late 19th century. This period saw significant expansion of European influence and control over various regions around the world.

¹³ The industrial revolution period is typically considered to be the time between the late 18th and early 19th centuries when significant advances in technology, manufacturing, and transportation transformed the economic and social landscape in many parts of the world. This period is often associated with the rise of factories, mass production, and the mechanization of industry.

¹⁴ *Ibid*.

¹⁵ Chandler, A., (1977). *The Visible Hand. The Managerial Revolution in American Business*. Cambridge: Harvard University Press, p. 15.

expansion of the size of companies in the manufacturing sector, consequently enhancing manufacturers' powers.¹ During the industrial revolution in the 18th and 19th centuries, the role of middlemen in International commerce was transformed². Due to the technological advancements which facilitated greater productivity and transportation capabilities, middlemen became involved in a broader range of transactions. They coordinated supply chains³, managed distribution networks, and handled import-export activities.⁴

The first international freight forwarders were innkeepers in London, England who held and re-forwarded the personal effects of their hotel guests in the early 1800s.⁵ One of the earliest freight forwarders was Thomas Meadows⁶ and Co. Ltd., established in 1836.⁷ With the increase in trade between Europe and United States, Medows served as an intermediary to arrange for the transportation of freight from the manufacturers to customers through rail transport and steamships. The services were later expanded to cover consultative solutions and handling customs requirements⁸. Their services can be sought irrespective of the mode of transportation to be used by the shipper. In this light, the use of air freight dramatically reduced transit times, allowing goods to be transported across the globe in a matter of hours.⁹ This development was a game-changer for the international freight forwarding industry, and air freight quickly became a popular choice for time-sensitive and high-value goods.

It is no doubt that middlemen have contributed to the development of trade in Cameroon and therefore have a great impact on the economic landscape of the country. However, some scholars¹⁰ have argued that, middlemen extract excessive profits leaving producers with minimal returns and the presence of multiple intermediaries can lead to a lack of transparency and traceability, making it challenging to ensure fair trade.¹¹ In recent years, there has been a growing trend towards direct trade, with producers seeking to by-pass middlemen and engage directly with consumers. This shift has been facilitated by the rise of e-commerce platforms and social media, allowing producers to market their products and reach a wider audience directly.¹²

Cameroon has several ports, Douala being the major one, followed by the smaller ports of Limbe, Kribi, and Garoua. Doula port has served Central Africa since the 19th century, and although it handles 95 percent of Cameroon's port cargo volume, is also known for its inefficiency.¹³ In an effort to improve the efficiency

¹ Hale U., (2017). Characteristics of international trade intermediaries and their location in the supply chain. *Globalization: Strategies and Effects*, pp. 207-241: 234.

² Carmen P., (2013). Middlemen, informal trading and its linkages with IUU fishing activities in the port of Progreso, Mexico. *Marine Policy*, 39, pp. 135-143: 138.

³ Schramm H., (2007). *The role of Freight Forwarders in International Logistics Chains*. Dresden, Germany: Dresden University of Technology, Faculty of Transportation Sciences, p. 23.

⁴ Pranab B., Dilip M., Masatoshi P., (2013). Middlemen margins and globalization. *American Economic Journal: Microeconomics*, 5(4), pp. 81-119: 96.

⁵ Jackson, Sarita., (2021). *International Trade in Services Effective Practice and Policy*. Taylor & Francis, p. 12.

⁶ Thomas Meadows (1815–1889) was a British artist and writer known for his contributions to the field of Chinese art and culture. He served as an official in the British consulate in China during the 19th century. Meadows is particularly recognized for his watercolor paintings and illustrations depicting Chinese landscapes, architecture, and everyday life. His notable work includes “Chinese and Other Sketches,” which reflects his deep appreciation for and understanding of Chinese culture. Meadows played a significant role in bridging Western and Eastern artistic traditions during a period of significant intercultural exchange.

⁷ U.S. Government Printing Office, (2013). How Logistics Facilitate an Efficient Freight Transportation System, p. 5.

⁸ Mac S, Dennis W, Zheyuan T., (2021). The Evolution of Freight Forwarding Sales. *The Digital Transformation of Logistics: Demystifying Impacts of the Fourth Industrial Revolution*, pp. 329-344: 337.

⁹ Markides V. and Holweg M., (2006). On the diversification of international freight forwarders — A UK perspective. *International Journal of Physical Distribution and Logistics Management*, 36(5), pp. 336-359 :339.

¹⁰ Some scholars who argued that middlemen extract excessive profits include Karl Marx, Adam Smith, and John Maynard Keynes. These scholars emphasized that middlemen were able to exploit their position in the supply chain to charge higher prices and extract more profits for themselves, often at the expense of producers and consumers. They believed that middlemen played a significant role in exacerbating inequalities and inefficiencies in the economy.

¹¹ Rabiya H., Edward K., (2016). Analysis of transport logistics challenges affecting freight forwarding operations in Malawi. *African Journal of Business Management*, 10(24), pp. 607-614: 612.

¹² *Ibid* at p. 5.

¹³ NgonjiNjungwe E., (2008). *Picam position statement: The political economy of sustainable development in Cameroon*. Cameroon: PICAM, p. 24.

indicators, ports were granted administration autonomy in 2000. Transport efficiency however, relies on the state of the infrastructure.¹

As Cameroon experienced economic growth and increased participation in global trade, the role of middlemen continued to evolve. They became more diversified in their activities, adapting to changing market demands and adopting new technologies. Within the agricultural sector, middlemen played a critical role in the trade of cash crops like cocoa, coffee and palm oil.² The middlemen acted as intermediaries between small-scale farmers and exporters, facilitating the purchase, storage and transportation of these commodities.

2. The Legal Status of Freight Forwarding Agents

A forwarder, or forwarding agent is a person or company that organizes shipments for individuals or other companies and may also act as a carrier.³ A forwarder is often not active as a carrier and acts only as an agent, in other words as a third-party logistics provider, they have the expertise that allows them to prepare and process the documentation and perform related activities pertaining to international shipments.⁴ Freight forwarding is a crucial component of the global trade industry, facilitating the movement of goods across borders and between countries. However, this business sector faces several challenges, including operational, economic, and regulatory hurdles.⁵

A forwarder does not directly undertake the moving of goods but acts as an expert in the logistics network. The carriers can use a variety of shipping modes, including ships, airplanes, trucks, and railroads, and often use multiple modes for a single shipment.⁶ For example, the freight forwarder may arrange to have cargo moved from a plant to an airport by truck, flown to the destination city and then moved from the airport to the customer's building by another truck. Some of the typical information reviewed by a freight forwarder is the commercial invoice, shipper's export declaration, bill of lading and other documents required by the carrier or country of export, import, or transshipment. Much of this information is now processed in a paperless environment.⁷

Under the OHADA Uniform Act on General Commercial Law⁸, the forwarding commission agent or the agent responsible for transportation who, for remuneration and in his own name, undertakes to send or forward goods on behalf of his principal, shall be considered as a commission agent but shall be no less subject to the provisions governing the contracts for the carriage of goods.⁹ These forwarding commission agents can be likened to a freight forwarding agent. The forwarding commission agent or agent responsible for transportation shall, inter alia, be liable for the arrival of the goods within the agreed time limit and for any damages and missing goods, except where this results from the act of a third party or an act of God.¹⁰ The customs clearing agent shall be bound to pay, on behalf of his client duties, taxes or fines charged by customs services. The customs clearing agent who has paid, for a third party, duties, taxes or fines charged by customs services shall be subrogated to the rights of the customs services.¹¹ The customs clearing agent shall be accountable to his principal for any error in the customs declaration or in the implementation of customs tariffs, and for any loss which may arise from delay in the payment of duties, taxes or fines. He shall be liable to the Customs and

¹ *Ibid.*

² *Ibid.*

³ Opinions on the value added by freight forwarders varied. While some viewed them as necessary facilitators, others criticized them for potential exploitation and lack of direct accountability to clients. This split perspective suggests a need for a clearer definition of the role and responsibilities of middlemen in the logistics chain. Interview Conducted on the 18/4/2025 in Douala Cameroon.

⁴ The Role Of Freight Forwarders In The Global Supply Chain <https://globalshopaholics.com/blog/role-of-freight-forwarders-in-global-supply-chain/> (Accessed on 18/11/2024)

⁵ Radesh D., Gupta S., Illinish S., Singh N., (2023). An Assessment of Challenges and Factors influencing the Freight Forwarding Businesses in the Logistics Industry. *Economic, Finance and Management Review*, 2(2), pp. 4-23: 5.

⁶ Understanding the Role of Freight Forwarding in Global Trade <https://www.linkedin.com/pulse/understanding-role-freight-forwarding-global-trade-versaclouderp-vwmte> (Accessed on 12/11/2024)

⁷ *Ibid.*

⁸ Hereinafter referred to as UAGCL.

⁹ UAGCL, article 172.

¹⁰ *Ibid* Article 173.

¹¹ *Ibid* Article 174.

Treasury Authorities for customs operations carried out by him.¹

In addition to attracting third-party performers, freight forwarders can carry out cargo transportation by their own forces and vehicles. In the process of transportation, road, rail, water, and air transport can be used separately or in any combination thereof². In addition to the service role, it is necessary to study the legal role of the forwarder.³ The main factor determining the legal role of the forwarder is the entire course of business relations between the forwarder and the shipper, including the contractual terms of the contract.⁴ This means that in any specific claim against the freight forwarder after damage or loss of cargo, the court is likely to consider a general or comprehensive agreement(s) between the shipper and the freight forwarder and a specific contract(s) of carriage related to the carriage of the relevant cargo. The freight forwarder may act contractually as a principal, agent, carrier, or some other legal mixture or hybrid⁵.

Determining the status of the forwarder is further complicated when a third party performs the actual carriage. In the case of *Colverd v. Anglo Overseas*⁶ the court went through the various criteria, no bill of lading was issued but the parties had extensive past dealings. In this case watches were stolen from the vehicle (due to the negligence of the driver) owned and operated by the third party. This 3rd party had been contracted by the defendant forwarders to carry their goods. The plaintiffs, in this case, claimed that the first defendants were under an obligation to fulfill the contract notwithstanding that they had sub contracted the transport to a third party - the second defendants. The judge agreed that the first defendants would be vicariously liable for the acts or omissions of the second defendant's driver but declined after examination of the past dealings to find that the first defendants were negligent.⁷

Generally, Freight Forwarders can act in three legal statuses:

a) Proxy

In this legal status, they (Freight Forwarder) act as direct representatives, working on behalf of and for the account of the shipper or consignee. Here, legal relationships are established directly between the shipper or consignee and the actual service providers.⁸ The freight forwarder is responsible for professionally selecting subcontractors and representing the shipper or consignee during negotiations, contracting, and the execution of services. Payments for these services are made directly by the shipper or consignee to the subcontractors, while the freight forwarder receives separate compensation from the customer.⁹

b) Forwarding agents

In this capacity, the freight forwarder acts as an indirect representative, operating on their own behalf but for the account of the shipper or consignee. Consequently, the legal relationships are established between the freight forwarder and the actual service providers. The freight forwarder is responsible for delivering the services to the shipper or consignee according to the forwarding contract. Payments to subcontractors are made through the freight forwarder, who assumes the risk if the shipper or consignee fails to pay. Besides managing payments, the freight forwarder is also accountable for organizing the entire transportation process and bears the risks associated with delays and other costs resulting from poor coordination.¹⁰

c) Transport Operator

Under this status, the freight forwarder acts as a contractual carrier and issues house shipping documents to the shipper or consignee. The subcontractor issues the master shipping documents in the name of the freight forwarder. Beyond the risks and responsibilities associated with forwarding, the transport operator is also liable for any cargo damage or loss and has the right to pursue claims against subcontractors.

¹ *Ibid* Article 175.

² Gnap J, Poliak M, Sosedová J and Jagelčák J., (2021). *Zasielateľstvo* (Žilina: EDIS-vydavateľské centrum ŽU), p. 262.

³ *Ibid*.

⁴ Smeele F., 2023, *Op.cit*, p.11.

⁵ Cain P., (2014). Complexity, Confusion and the Multifaceted Legal Roles of the international Freight Forwarder. *Macquarie Law Journal*, 13-14, pp. 12-45: 34.

⁶ [1961], 2 Lloyd's Rep. 352.

⁷ *Ibid*.

⁸ Donau Transit Internationale Spedition, *The role of freight forwarder*. Available at <https://donau.bg/en/article/useful/the-role-of-the-freight-forwarder-published-on-30/12/2024> (Accessed on 18/1/2025)

⁹ *Ibid*.

¹⁰ *Ibid*.

Freight forwarders can offer global logistics services without limitations on geographic area, transport mode, or cargo type. Due to their specialized expertise, they often collaborate with other freight forwarding companies, which explains the high level of cooperation within the freight forwarding industry.

3. Liability of Freight Forwarding Agents in Cameroon

Freight forwarders in Cameroon are typically held liable for the period from acceptance of goods to delivery, assuming responsibility for any loss or damage that occurs during this time, as well as for the actions of their chosen substitutes or subcontractors. Their liability extends only so far as they exercise discretion in appointing parties involved in the transaction. The liability regime draws upon domestic regulations, the OHADA Uniform Act, and international conventions such as the CMR, Hague-Visby Rules, or the Montreal Convention, often limiting liability based on contractual terms or exonerating the agent for losses due to force majeure or inherent vice in the goods. Freight forwarders must exercise reasonable care and skill in their duties, selecting competent carriers and acting in good faith. Failures in this fiduciary duty such as negligence or intentional misconduct—may increase or remove statutory protections, exposing the forwarder to broader liability.

The Freight Forwarder's liability to the customer may vary, depending on the conditions of the shipment. The freight forwarder as an intermediary (direct representative) shall also be liable for any other party to the contract, which is involved in the execution of the shipment on its behalf, and shall be liable for all services rendered by them in accordance with the regulations. Freight Forwarders will be held liable as a carrier, following pertinent provisions, if they arrange transportation of the shipment in accordance with freight forwarding contract, assume contractual responsibility for its fulfillment, and come to an explicit agreement with the principal. In running a freight forwarding business, contractual liability is extremely important to clarify its duty, responsibility, and accountability. Without definite liability in contracts, freight forwarders will be exposed to higher risks in operations.¹ Contractual liability in the operational context is often described in Standard Trading Conditions (STC) or General Terms and Conditions (GT&Cs). These are crucial for risk management for freight forwarding business. It is important to discuss the grounds for establishing liability and the types of liability.

Grounds for Establishing Liability of Freight Forwarding Agents

Generally, the creditor² of an unfulfilled obligation is entitled to an execution by equivalent to what was supposed to be performed to his benefit. This makes tortious liability different from liability for contractual non-performance. Indeed, the emergence of professional obligations in freight forwarding agent relationship has given rise to a professional responsibility on the agent that must adapt to the framework of the activity. The freight forwarding agent thus responds to because of the contract he enters into with his clients that is the principal, and because of his general obligation, safety and prudence towards third parties. This section seeks to determine whether, the liability is an indirect liability, a borrowed liability or shared liability. The notion of indirect liability is mostly used to qualify the liability of the managing organs for wrongs committed by its agents. The head of the enterprise is considered as the indirect person to the crime while the agent is the author of the crime.³ Delimiting the scope of liability of commercial intermediaries is a cause for concern and has never been as daunting as it is today.⁴

a) Fault (by Commission or by Omission)

Fault includes both acts (commission) and failures to act (omission) by intermediaries that lead to damage or loss. This standard holds intermediaries accountable when their actions or inactions deviate from accepted practices or contractual obligations⁵. The determination of fault can hinge on the reasonable standards of care expected in international contexts, which might vary significantly across jurisdictions.⁶ Establishing fault may be complicated by the complexity of international transactions and the varying roles intermediaries may play, complicating expectations of performance or knowledge. Intermediaries may argue mitigating circumstances (e.g., reliance on third-party information) to offset claims of fault.⁷ Freight forwarders are liable for damages

¹ Risks and Liabilities of a Freight Forwarder, <https://www.shippingandfreightresource.com/risks-and-liabilities-of-a-freight-forwarder/> (Accessed on 15/9/2024)

² Creditors in this context are referred to commercial agents.

³ *Ibid.*

⁴ Riordan J, (2016). *The liability of internet intermediaries*. Oxford University Press, p. 8.

⁵ *Ibid.*

⁶ The Strict Liability in Fault and the Fault in Strict Liability. <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=5250&context=flr> (Accessed on 18/5/2025)

⁷ Koelman J., (2000). "Online Intermediary Liability" Copyright and Electronic Commerce (Ed. by P. Bernt Hugenholtz), *NXB Kluwer Law International*, London, UK, pp. 7-57: 28.

caused by their own fault, whether by commission (active wrongdoing) or omission (failure to act). This liability arises when their negligent actions result in breach of contract or harm to the principal's interests. For example, failure to properly select a competent carrier or to supervise third parties can constitute fault leading to liability¹. The forwarder must exercise due diligence in all activities to avoid liability.

b) Negligence

Negligence is a central ground for liability. Negligence is defined as the failure to take reasonable care resulting in damage or injury. For intermediaries, proving negligence typically requires showing that they owed a duty of care, breached that duty, and caused harm as a result.² The standard for negligence can depend on the industry norms and expectations, which can be fluid in international environments. The intermediary's role is crucial; a broker may have different liabilities than an agent or distributor, affecting how negligence is assessed. Intermediaries can argue about the foreseeable nature of harm, potentially limiting their liability when outcomes were unexpected or 'beyond their control.'³ Freight forwarders are expected to act with the care of a prudent businessman in organizing transport and handling goods. Negligence includes failure to comply with instructions, improper choice of transport, failure to provide advice, or failure to track shipments.⁴ Even if unintentional, negligence can lead to liability unless the forwarder proves due diligence or force majeure⁵. Negligence also extends to the acts of third parties the forwarder engages, as the forwarder is responsible for selecting competent service providers.⁶

c) Abuse of Functions

Abuse of functions occurs when intermediaries exceed their authority or act in their own interest, contrary to their obligations to contracting parties. This ground focuses on the misuse of the position granted by a business arrangement. The definition of "abuse" may vary across legal systems, thus complicating claims related to abuse of functions in international transactions.⁷ Demonstrating intent or knowledge of improper conduct can be challenging, creating a higher burden of proof for claimants.⁸ Effective mechanisms for oversight and compliance are critical in preventing abuse and ensuring accountability; however, these mechanisms can be inconsistent in international transactions.⁹ Abuse of functions occurs when the freight forwarder exceeds the scope of their agency or intermediary role, acting beyond their contractual authority or engaging in improper conduct. This can lead to liability if the forwarder acts in bad faith or causes damage by misusing their position. For instance, if a forwarder acts as a carrier without proper authorization or issues documents improperly, they may be liable as a carrier rather than just an agent¹⁰. Abuse of functions undermines trust and breaches the fiduciary duties owed to the principal.

d) Breach of Contractual Duties (Bad faith, Disclosure of Information)

Breach of contractual obligations can lead to liability, especially when intermediaries act in bad faith or fail to fulfill their duties, such as disclosure of material information. Contractual duties are generally more straightforward to enforce given their specificity; however, cultural differences in business practices may complicate interpretations of good faith and disclosure requirements.¹¹ Issues arise concerning the enforceability

¹ Borka Tushevska, (2014). The Liability of the Freight Forwarder, PhD Thesis submitted to the Department of Law, University of Burlington, p. 11. Available at <https://core.ac.uk/download/pdf/35340895.pdf> (Accessed on 19/5/2015)

² Ansgar O., (2021). The liability of intermediaries for trade mark infringement. *Research Handbook on Trademark Law Reform*, 2, pp. 396-431: 401.

³ *Ibid.*

⁴ Risks and Liabilities of a Freight Forwarder. <https://www.shippingandfreightresource.com/risks-and-liabilities-of-a-freight-forwarder/> (Accessed On 19/5/2025)

⁵ The liability of the freight forwarder: scope and limits — Solent Avocats. <https://solent-avocats.com/en/freight-forwarders-liability/> (Accessed on 19/5/2025)

⁶ *Ibid.*

⁷ Guadamuz A., (2014). Developments in intermediary liability. *Research Handbook on EU Internet Law*, pp. 312-336: 318.

⁸ Module 10 Insurance – Traceca. https://traceca-org.org/fileadmin/fm-dam/TAREP/42jram/ps_lib/42_68_AN11_ENG_83.pdf (Accessed on 19/5/2025)

⁹ *Ibid.*

¹⁰ The Liability Of Freight Forwarder - Kılınç Hukuk & Danışmanlık. <https://kilinclaw.com.tr/en/the-liability-of-freight-forwarder/> (Accessed on 19/5/2025)

¹¹ Husovec M., (2016). *Accountable, not liable: Injunctions against intermediaries*. TILEC discussion paper, p. 18.

of contracts in jurisdictions where certain practices (e.g., oral agreements or expectations of disclosure) are not uniformly recognized. Claimants must balance the proof of a breach with potential defenses by intermediaries arguing the ambiguity in contract terms or differing interpretations of “bad faith.”¹ Freight forwarders owe contractual duties including good faith, proper disclosure, and adherence to agreed terms. Breach of these duties, such as acting in bad faith, withholding critical information, or failing to comply with contract terms, grounds liability.² Bad faith may involve misleading the principal or acting for personal gain at the expense of the client. Failure to disclose relevant information affecting the shipment or delivery can cause damage and result in claims against the forwarder³. Contractual breaches are often coupled with fault or negligence to establish liability.⁴

4. The Basis of Liability of Freight Forwarding Agents

Whenever a contract has been formed by employing an agent, issues arise as to the liability of the three parties. Since the agent is only a conduit or means to bring about the contract, the agent does not normally fact legal liability to the third party. The legal liability is between the third party and principal. Accordingly, when the agent discloses to the third party that he is contracting as agent for a named principal, only the principal and not the agent, may sue and be sued on the contract. The Freight Forwarder is liable if he fails to exercise due diligence and take reasonable measures in the performance of the Freight Forwarding Services, in which case he, subject to Art 8, shall compensate the Customer for loss of or damage to the Goods as well as for direct financial loss resulting from breach of his duty of care.⁵ The Freight Forwarder is not liable for acts and omissions by third parties, such as, but not limited to, Carriers, warehousemen, stevedores, port authorities and other freight forwarders, unless he has failed to exercise due diligence in selecting, instructing or supervising such third parties.⁶

Freight forwarders owe an obligation of results to ensure goods arrive on time and in good condition⁷. Liability arises upon proof of damage or loss without needing proof of fault. They are personally liable for their own faults, such as failure to comply with instructions, improper transport choice, failure to advise, or documentary errors.⁸ They also have vicarious liability for acts of substitutes (carriers, warehousemen, handlers) they freely choose, covering all damage caused by these substitutes- Liability covers the period from acceptance of goods to delivery; damage before or after this period is generally excluded.

a) Regime of Liability before the Contracts

The silence of the legislator on the subject of the responsibility of the commercial intermediary towards the third party appears in fact to be a detrimental oversight. Its contract shows in reality a legal relationship turned towards the third party in the pursuit of the economic interests of the principal. The responsibility of the commercial intermediary towards the third party thus deserved special attention. If it is possible to admit that the contractual fault is then doubled by a tort fault, the latter however remains independent of the former. Far from identifying with it and being a necessary consequence of it, tortious fault only coincides, so to speak by chance, with a contractual non-performance, because it is not as a contractual breach that it is usefully and very often invoked by third parties, but as a breach of an extra-contractual duty. It will not be a question here of studying the different forms of liability that can be envisaged with regard to a professional. The business of the commercial intermediary works in two directions. Its intervention is made for the benefit of a principal and a

¹ *Ibid.*

² Limited Freight Liability - DHL Global Forwarding - Cameroon
<https://www.dhl.com/cm-en/home/global-forwarding/freight-forwarding-education-center/limited-freight-liability.html> (Accessed on 20/5/2025)

³ Freight Forwarder Liability and Handling of Claims Sample Clauses | Law Insider
<https://www.lawinsider.com/claue/freight-forwarder-liability-and-handling-of-claims> (Accessed on 18/5/2025)

⁴ Liability of carriers and shipping companies. <https://www.gabler-hendel.de/en/haftung-von-frachtfuehrer-und-spedition/> (Accessed on 20/5/2025)

⁵ Article 6.1.1 of FIATA Model Rules for Freight Forwarding Services as adopted by Bahri 2019 (Hereinafter referred to as the FIATA Model Rule). The Model Rules are not mandatory international law but a recommended framework; adoption depends on national associations or individual companies incorporating them into contracts.

⁶ *Ibid.*, article 6.1.2.

⁷ The liability of the freight forwarder: scope and limits - Solent Avocats <https://solent-avocats.com/en/freight-forwarders-liability/> (Accessed on 18/4/2025)

⁸ *Ibid.*

third party. The liability regime resulting from his contract will thus be questioned in this double sense.¹

The activity of the freight forwarding agent is deployed through the contractual link that he will forge with his customers. The contract that he enters into with this clientele must then set out the various prerogatives and essential obligations of the stakeholders. It is actually a multitude of contracts between the professional intermediary and the various contractors. It is the agency contract which thus forms the basis of the contractual liability of the commercial agent when it is established that the non-performance of an obligation arising from it is established. This is why the non-performance or improper performance of its obligations may result in its liability. This is fault liability.²

Before any contractual relationship is established, liability of freight forwarders is generally limited or non-existent because no formal obligations have been assumed. However, if the forwarder acts negligently even in preliminary negotiations or arrangements, some jurisdictions may impose liability under tort principles (e.g., fault-based liability). Still, without a contract, claims are difficult to enforce, and liability depends on proving fault or negligence outside contractual duties. In practice, liability mainly arises once a contract is in place, defining the forwarder's obligations and responsibilities.³

It is obvious that the exercise of a profession imposes on a man an activity which is productive for him, and sometimes harmful for the others. There are thus cases where this activity must be allowed despite the dangers it presents, for example that of the doctor trying a treatment; there are cases where it is necessary to oblige to repair, because it is too embarrassing for others: the example of the industrialist who annoys his neighbors. In other words, you cannot treat the professional like a normal man.⁴ The professional's responsibility will thus be considered differently depending on the nature of his activity, his field of action and above all by an appreciation of the rules which govern the exercise of the profession.⁵

The finding is clear. A professional may be held liable for the non-performance of the contract or the poor performance of the contract; but also, a liability established outside the contract that binds it to its co-contracting party. In the case of the OHADA commercial agent in law, the foundations of his contractual liability of the commercial agent have been framed by the texts of uniform law. The implementation of this responsibility remains subject to the classic rules of ordinary law.

b) The Regime of Liability when the Contract is a Going Concern

The regime of liability when the contract is a going concern refers to the legal responsibilities and obligations that parties have under a contract that involves an ongoing business or operation. When a contract is characterized as a "going concern," it means that the business is expected to continue operating indefinitely and is not in the process of being liquidated or terminated.

Once a freight forwarding contract is concluded, the forwarder's liability regime becomes active and is primarily governed by the terms of that contract and applicable law.⁶ The forwarder may be liable:

- As an agent who arranges carriage on behalf of the client, limiting liability to failure to properly select carriers or advise the client.
- As a principal, especially when issuing their own transport documents, assuming full carrier-like liability for loss, damage, or delay of goods in transit.⁷

Courts tend to hold forwarders liable under an obligation of result, meaning proof of damage is sufficient to establish liability, shifting the burden to the forwarder to prove exemption (e.g., force majeure)⁸. The contract's nature, whether a single shipment or ongoing relationship, affects the scope and duration of liability.

¹ Riordan J, 2016, *Op.cit.*, p.12.

² Ansgar O., 2012, *Op.cit.*, pp. 396-431: 415.

³ Risks and Liabilities of a Freight Forwarder. <https://www.shippingandfreightresource.com/risks-and-liabilities-of-a-freight-forwarder/> (Accessed on 21/5/2025)

⁴ *Ibid.*

⁵ Labarthe F, Noblot C, *Traité des contrats, Le contrat d'entreprise, op. cit.*, p. 374.

⁶ Freight forwarder: status, contract and liability - Solent Avocats. <https://solent-avocats.com/en/freight-forwarder-complete-guide/> (Accessed on 21/5/2025)

⁷ Freight-forwarder liability at a glance – Interlegal. <https://interlegal.com.ua/en/freight-forwarder-liability-at-a-glance/> (Accessed on 21/5/2025)

⁸ Freight forwarder's liability insurance. <https://ergo.ee/en/corporate-clients/freight-forwarders-liability-insurance> (Accessed on 21/5/2025)

While legal liability regimes cannot create intermodal transport hubs and transport corridors,¹ it is suggested that they can gently encourage or hinder choices of intermodality by transport users compared to, for example, using a door-to-door road service only.² The complex liability regime resulting from multimodal transportation in particular was subject to a number of investigations and reports, and has been subjected to a number of failed attempts at harmonization. The latter fate is shared by an earlier attempt at regulating contracts of agency for forwarding agents relating to international carriage of goods, making good contracting key to successful troubleshooting when the transaction runs into difficulties and for effective recourse for damages claims.³

Liability can arise from multiple sources and contractual obligations, and each type of freight forwarder liability carries its own legal risks,⁴ which is why having the right contractual protections and insurance coverage is critical.⁵

- Contractual Liability of Freight Forwarding Agent as Commercial Intermediaries

Contractual liability arises from the freight forwarding contract between the forwarder and their client.⁶ The forwarder undertakes an obligation to arrange or perform the carriage of goods, and if they fail to meet these contractual obligations-such as delivering goods late, damaged, or lost-they can be held liable for breach of contract⁷. This liability is governed by the terms agreed upon in the contract and may include limits or exclusions specified therein. The freight forwarder's responsibility here is primarily to fulfill the agreed services with due care.⁸

This type of liability is based on agreements between freight forwarders, shippers, and carriers. Forwarders are legally bound by the terms and conditions of their contracts, including service levels, liability limitations, and dispute resolution mechanisms.⁹

Subject to an obligation of safety and diligence in a general way, and more specifically, to the various obligations resulting from the contract that it enters into with the principal, the commercial intermediary saw the regime of its responsibility in the regard to the co-contracting party will strengthen over time. This strengthening, which stems from the professionalization of the mandate on which its activity is based, seems to be perfectly balanced with the rights recognized to it and the various obligations placed on the principal. Freight forwarders, as commercial intermediaries, have their liability increasingly anchored in contractual terms that explicitly define their duties, limits, and responsibilities. This contractual liability is "consecrated" by:

- Clear service agreements specifying the forwarder's role (agent or principal).
- Standard trading conditions or FIATA Model Rules often incorporated to regulate liability.
- Courts enforcing these contracts strictly, especially when forwarders issue their own transport documents, thereby assuming principal liability.¹⁰

This contractual framework ensures predictability and risk allocation between parties in international trade logistics.

On its part, the OHADA general commercial law establishes the mandate conferred on the agent as the

¹ And these must be created by other methods such as the CT Directive and other initiatives.

² In preparation of the Proposal studies undertaken, albeit having a very different focus, issues of the liability regime were nevertheless mentioned as causing problems in unifying transport documentation (see And REFIT ex-post evaluation of Combined Transport Directive 92/106/EEC Final Report, SWD (2016) 140 final, p. 38, <http://ec.europa.eu/smart-regulation/evaluation/search/download.do?documentId=17165337> (Accessed on 18/2/2025))

³ Tushevska B., (2015). Liability Of The Freight Forwarders according To National And International Law. *Iustinianus Primus Law Review*, 6(1), pp. 1-15: 2.

⁴ *Ibid.*

⁵ Miloš P, Ekaterina S., (2023). Research of the relevance of changing the liability limit of freight forwarders in selected countries. *Transportation Research Procedia*, 74, pp. 88-92: 89

⁶ *Ibid.*

⁷ Rogers W., (1980). Two Statutory Strict Liabilities. *The Cambridge Law Journal*, 39(1), pp. 124-136: 127.

⁸ Sheinman H., (2020). Contractual liability and voluntary undertakings. *Oxford journal of legal studies*, 20(2), pp. 205-220: 211.

⁹ Ben-Shahar O., (2003). Contracts without consent: exploring a new basis for contractual liability. *University of Paris Law Review*, 152, pp. 1829-1856: 1835.

¹⁰ *Ibid.*

foundation on which the responsibility of the commercial agent must be established.¹ But it should be noted that this liability goes beyond the responsibility derived from the mandate. The commercial agent liability may also be engaged when he has not performed his contractual obligations, or when he has performed them poorly, as required by the principles of law. This led us to question on the extent of the liability of commercial agent. In clarifying this extent of liability, classically, the liability of the agent in its contractual dimension refers to a jungle of very dense special regimes², but which it is nevertheless possible to cross with complete assurance by examining on the one hand the non-performance of contractual clauses and, on the other hand, the poor execution of contractual clauses.³

It is a general rule that the freight forwarding agent contract, once validly formed, must be performed under the terms stipulated by the parties and in accordance with custom, good morals and legal requirements.⁴ This is expressed in the Latin maxim *pacta sunt servanda*. The principle of *pacta sunt servanda* is literary interpret to mean “promises must be kept”.⁵ This principle requires the parties to comply with their freely expressed will at the time of the formation of their contract by performing it in good faith. The *pacta sunt servanda* principle is the direct corollary of the doctrine of sanctity of contract and presupposes that contracts made by solemn promises by the parties must be respected. Under French contract law, the principle of the binding force of contracts is formally recognised and given a prominent place in the “*Code Civile*”. Article 1103 reuses almost identically the near sacrosanct wording of old article 1134, paragraph 1, that legally formed agreements have the force of law between the parties. This means that contracts must be given effect and adhered to: *pacta sunt servanda*, one must perform that which one has promised. It is a principle that is perceived to promote legal certainty and justify the centrality of specific performance as a remedy for breach.⁶

Forwarders are liable for breaches of specific contractual clauses, which may include:

- Failure to deliver goods on time or in good condition.
- Non-compliance with client instructions.
- Inadequate disclosure or misrepresentation.
- Improper selection or supervision of carriers and subcontractors.

Such breaches expose the forwarder to claims for damages, including direct losses and consequential damages, depending on the contract terms and governing law⁷.

- **Tortious/ Civil Liability**

Tort liability arises when a freight forwarder is found responsible for negligence, misrepresentation, or failure to exercise due diligence in handling cargo or providing logistics services.⁸ To establish the tortious liability of a freight forwarder, the following conditions must be critically examined:

- **Conditions to establish Tortious Liability**

Tortious liability of a freight forwarder is established by proving the existence of a duty of care, breach of that duty, resulting damages, and a direct causal link between the breach and the damages.⁹ The scope of liability depends on the nature of the forwarder’s role-whether purely intermediary or also acting as a carrier-and the terms of the contract. See the case of *Donoghue v Stevenson*.¹⁰

i) The Duty of Care owed by the Agent

A freight forwarder owes a duty of care to the consignor or cargo owner to handle goods with due diligence and

¹ Article 182 of UAGCL.

³ Nguiffeu Tajouo E. L., (2015), *op. cit.*, p.

⁴ Article 177 of the UAGCL.

⁵ This entails that obligations in the terms of the contract must be honoured since they were entered into voluntarily and thus, must be enforced by the courts.

⁶ Rowan, S., (2001). The new French law of contract Review. *International & Comparative Law Quarterly*, 3, pp. 1-21: 24.

⁷ General conditions for Freight Forwarding, available at <https://www.mauriceward.com/gr/trading-terms.pdf> (Accessed on 22/5/2025)

⁸ Yadav V., (2023). Essentials for the Formation of Tortious Liability. *Indian Journal of Law & Legal Research*, 5(2), pp. 1-22: 5.

⁹ Jeremiah S., (1911). Legal cause in actions of tort. *Harvard Law Review*, 25, pp. 303-334: 305.

¹⁰ [1932] AC 562.

protect them during transit.¹ This duty arises from the contractual relationship and the nature of the forwarding service, which involves either arranging or sometimes directly undertaking carriage of goods. The duty includes selecting competent carriers and ensuring proper handling of cargo. Therefore, anyone claiming compensation from the freight forwarder needs to establish that, the Freight Forwarder owes him/her a duty of Care and not directed to someone else.²

ii) The Breach of the Duty

A breach occurs when the freight forwarder fails to exercise the required standard of care, such as negligence in handling, improper packaging, or failure to prevent loss or damage. Courts often assess whether the forwarder acted reasonably under the circumstances and fulfilled contractual obligations.³ If the forwarder acts beyond intermediary roles and assumes carriage, their liability may be akin to that of a carrier. It is not only sufficient for anyone claiming Compensation to show that the forwarder not only owes him a duty of care but that he (the freight forwarder) has breach that duty owed to him. The breach of duty here might entails and act or omission committed by the Freight Forwarder.⁴

iii) Consequential Damages suffered as a result of the breach

Damages must be actual and quantifiable losses resulting from the breach, such as loss, damage, or delay of goods. The freight forwarder is liable for damages directly linked to their failure unless they prove the damage was unavoidable or caused by factors outside their control (e.g., force majeure). So, the person claiming Compensation must show that as a result of that breach of duty, he has suffered some consequential damage. Some authorities have held that the damage must be access in financial calculations.⁵

iv) Link between the Breach of Duty and the Damages suffered

There must be a causal connection between the breach and the damages. The plaintiff must prove that the damage was caused by the freight forwarder's negligence or failure to meet the duty of care⁶. This causal link is essential for liability; without it, the forwarder cannot be held responsible. Most of the time, for the person to recover damages, he or she must show a closed link between the breach of duty and the damage suffered by the person. This is so because failure to establish the causal link might lift the person uncompensated.

- Criminal Liability of the Freight Forwarder

Criminal liability of a freight forwarder arises when the forwarder violates specific laws or regulations related to transportation, customs, or other statutory duties. Unlike civil liability, which usually involves compensation for loss or damage, criminal liability involves penalties such as fines or prosecution for unlawful acts.⁷

- Conditions Necessary before Criminal Liability is Imposed

Criminal liability of a freight forwarder is imposed only when there is a clear breach of statutory duties involving unlawful acts, supported by intent or negligence, causation of harm or risk, and compliance with procedural rules. It differs from civil liability by focusing on penal sanctions rather than compensation and requires strict proof of illegal conduct beyond contractual or tortious breaches.⁸

i) Existence of a Criminal Offense (Actus Reus)

The freight forwarder must have committed an act that is expressly prohibited by law, such as fraud, smuggling, violation of cabotage regulations, or operating without required licenses or authority. For example, ordering cabotage transport in violation of regulations can trigger criminal liability only if the transport has been fully carried out unlawfully. The act must have been made an offence.⁹

¹ Krvavac M., (2010). Tortious Liability and Conflict of Laws. *Acta Universitatis Danubius Juridica*, 6(2), pp. 109-126: 115.

² *Ibid.*

³ Goodhart A., (1938). The Foundation of Tortious Liability. *Model Law Review*, 2(1), pp. 2-15.

⁴ *Ibid.*

⁵ Forell C., (1990). The Statutory Duty Action in Tort: A Statutory/Common Law Hybrid. *Indiana Law Review*, 23, pp. 781-803: 781.

⁶ Glanville W., (1939). The foundation of Tortious liability. *The Cambridge Law Journal*, 7(1), pp. 111-132: 115.

⁷ Minchenko R, Lutsyuk P, Dmitriy K, et al., (2021). Civil and criminal liability in the field of transport relations: the impact of the Covid-19 pandemic. *Amazonia Investiga*, 10(40), pp. 212-221: 212.

⁸ *Ibid.*

⁹ As expressed in the Latinism "Nullum Crimen Nolla peona Sine Lege" meaning there is no punishment for an act which has not been recognized as crime. Also as enshrined under Section 17 or the Cameroon Penal Code i.e. Law No. 2016/007 of July 12, 2016, relating to the Penal Code.

ii) Breach of Legal Duties or Regulations

The forwarder must have breached specific statutory duties, such as failing to report theft or accidents to authorities, or engaging in interstate operations without proper registration or operating authority. Such breaches may lead to criminal penalties, including fines up to \$10,000 or more depending on jurisdiction and severity.¹

iii) Mens Rea (Intention)

It is often said that an act alone does not make a man guilty unless his mind is blameworthy. This simply means that for someone to be held liable for a criminal offense, the person must have intended his or her actions that accompanied the act.² Criminal liability generally requires proof that the freight forwarder acted knowingly, recklessly, or negligently in violating the law. Mere accidental or unavoidable events typically do not incur criminal liability.³ As earlier mentioned, a freight forwarder can be an individual who personally engaged in contracts or it may take the form of a Corporate Body. Where it operates as individual, in case of Criminal offense, the punishment is that subject to natural persons under the Penal Code.⁴ However where the Freight Forwarder operates as a Corporate Body with Separate Legal Personality, in case where the corporation is used to commit offense, the courts can impose the punishment prescribed under Section 25-2 and Section 25-3 of the Penal Code.⁵ Corporate bodies shall be criminally responsible for offences committed on their behalf by their organs or representatives.⁶ The provisions of the subsection above shall not apply to the State and its agencies.⁷ The criminal responsibility of natural persons who are authors of reprehensible acts may be compounded with that of corporate bodies.⁸

- Statutory Liability

Statutory liability is defined by international transport laws and conventions that regulate the liability of freight forwarders based on the mode of transport used. Defined under CMR Convention, Hague-Visby Rules, Montreal Convention, and Rotterdam Rules.⁹

Statutory liability is imposed by laws and regulations that govern freight forwarding operations. This includes compliance with customs laws, transportation regulations, licensing requirements, and safety standards.¹⁰ If the forwarder violates these statutory duties—such as failing to comply with customs declarations, operating without proper licenses, or breaching safety regulations—they may face fines, penalties, or other legal sanctions. Statutory liability ensures the forwarder adheres to mandatory legal frameworks beyond contractual terms¹¹.

Under maritime law, the concept of General Average applies when a voluntary sacrifice is made to save a vessel and its cargo from peril. Freight forwarders may be required to contribute to these costs, making it essential to understand their potential financial exposure under international regulations.¹²

- The Liability of the Agent to Third-Party (Third Party Liability)

Freight forwarders often subcontract warehousing, trucking, and last-mile delivery services, which can expose them to liability if third parties fail to meet their obligations¹³. Freight forwarders must ensure that contracts with subcontractors include contractual defenses in freight claims, limiting their liability for third-party actions.¹⁴

¹ Rahman F, (2018). *Shipper liability for cargo*. City, University of London, p. 11.

² This is enshrined in Section 74(2) of the above cited Cameroon Penal Code which states that “Criminal responsibility shall lie on him who intentionally commits each of the ingredient acts or omissions of an offence with the intention of causing the result which completes it.”

³ *Ibid*.

⁴ Section 23, 24, and 25-1 of the Penal Code which talks about principal penalties like death penalty, imprisonment term or fine.

⁵ Dissolution, permanent or temporary close up, fines.

⁶ Cameroon Penal Code 2016, Section 74-1(a).

⁷ *Ibid*, Section 74-1(b).

⁸ *Ibid*, Section 74-1(c).

⁹ Kamaluddin A, Vandawati C., (2025). Liability of Freight Forwarding Companies for Losses on Delivery of Fishery Products Due to Container Shortage Effects. *Media Juris*, 8(1), pp. 23-54: 50.

¹⁰ Davies M., (1997). Common law liability of statutory authorities. *UW Australia Law Review*, 27, pp. 21-47: 21.

¹¹ Roger's W., 1980, *Op.cit*, pp.124:136:129.

¹² *Ibid*.

¹³ Brishen R., (2010). Toward third-party liability for wage theft. *Berkeley Journal of Employment and Labor Law*, 31(1), pp. 1-64: 29.

¹⁴ Goldberg V., (1988). Accountable accountants: Is third-party liability necessary? *The Journal of Legal Studies*, 17(2), pp. 295-312: 299.

Third-party liability covers claims arising from damage or injury caused to persons or property not directly involved in the freight forwarding contract. For example, if the forwarder's operations cause bodily injury to a third party or damage to third-party property (such as accidents involving cargo handling equipment), the forwarder can be held liable. This liability protects against legal claims from external parties and often requires specific insurance coverage to mitigate financial and reputational risks.

The Freight Forwarder is not liable for acts and omissions by third parties, such as, but not limited to, Carriers, warehousemen, stevedores, port authorities and other freight forwarders, unless he has failed to exercise due diligence in selecting, instructing or supervising such third parties.¹

The liability of a freight forwarding agent to third parties is complex and depends on the agent's role, contractual terms, and applicable laws. A freight forwarder may act as an agent arranging transport through third parties (carriers, warehousemen, customs brokers), or as a principal if they undertake carriage themselves, issue their own transport documents, or use own equipment². When acting as an agent, the forwarder's liability to third parties is generally limited; they are responsible for exercising due diligence in selecting and supervising third parties but not for the third parties' acts unless negligent in oversight³. As a principal or contracting carrier, the forwarder assumes full carrier liability akin to that of a carrier, responsible for loss, damage, or delay of goods.⁴

If the agent claims that he is acting as an agent but in fact has no authority to enter into the contract in question, the agent can be sued by the third party for the untrue representation of authority he made. See *Collen v Wright*⁵. A commercial intermediary, who acts without authority or beyond the scope of his authority shall, in the absence of ratification, be bound to compensate the third party so that the latter is put back in the position in which he would have been if the commercial intermediary had acted with authority and within the scope of such authority. The commercial intermediary shall, however, incur no liability where the third party knew or should have known that the intermediary had no authority or was acting beyond the scope of his authority.⁶ The principal shall reimburse the commercial intermediary, in terms of principal and interest, any advances paid and costs incurred by the latter in the normal performance of the mandate, and shall release him from obligations entered into.⁷

5. Conclusion

The liability of middlemen in international transactions, particularly freight forwarding agents in Cameroon, is shaped by a combination of legal frameworks, contractual obligations, and industry practices. Freight forwarders occupy a crucial intermediary role in the logistics chain, navigating between importers, exporters, customs, and carriers to ensure timely delivery and compliance with regulatory requirements.

In Cameroon, issues such as customs delays, regulatory fragmentation, and the presence of unlicensed operators heighten the complexity of freight forwarding. New initiatives, such as the unification of forwarders under organizations like Gotram, reflect industry efforts to advocate for better practices, reduce disputes, and increase operational transparency. However, while freight forwarding agents in Cameroon benefit from certain legal protections and limitations, their intermediary status imposes a duty to diligently manage the risks inherent in international transactions. Compliance with statutory, contractual, and ethical standards remains critical for protecting both their interests and those of their clients in the increasingly dynamic landscape of global trade. It is recommended that, there is the need for the Government of Cameroon to harmonize and clarify liability standards within Cameroonian law and align them more closely with international conventions; enhance judicial specialization in transport law to promote consistent and timely dispute resolution; encourage professionalization and licensing of freight forwarding agents to enforce higher standards of diligence and accountability; and to promote sector-wide adoption of best practices and transparent risk management tools, such as comprehensive cargo insurance policies, to safeguard stakeholders.

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¹ FIATA Model Rules, Article 6.1.2.

² Liability Limitations of Freight Forwarders - Delta Global Solutions. <https://www.deltaglobalsolutions.com/blog/liability-limitations-of-freight-forwarders> (Accessed on 20/5/2025)

³ Freight Forwarding – Bahri. <https://www.bahri.sa/en/logistic-services/freight-forwarding/> (Accessed on 20/5/2025)

⁴ The Liability Of Freight Forwarder - IR Global. <https://irglobal.com/article/the-liability-of-freight-forwarder/> (Accessed on 20/5/2025)

⁵ (1857) 8 E & B 647.

⁶ UAGCL *Op.cit*, Article 153.

⁷ *Ibid* Article 154.

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Determinants of Mobile Banking Services Adoption in the Fako Division of Cameroon

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Abstract

This study examines the key determinants of mobile banking adoption in the Fako Division of Cameroon, focusing on perceived trust and security, perceived cost, and marketing communication, while accounting for gender and education. A quantitative approach was employed, collecting data from 356 respondents via structured questionnaires. Reliability analysis confirmed strong internal consistency for all constructs (Cronbach's $\alpha > 0.70$). Pearson correlation and multiple regression analyses revealed that trust and security ($\beta = 0.428$, $p < 0.001$) and marketing communication ($\beta = 0.367$, $p < 0.001$) positively and significantly influence mobile banking adoption, while perceived cost ($\beta = -0.312$, $p < 0.001$) negatively affects adoption. Education also positively predicted adoption ($\beta = 0.164$, $p = 0.023$), whereas gender was not significant. The model accounted for 55% of the variance in adoption ($R^2 = 0.551$), indicating a strong explanatory power. These findings highlight the importance of building trust, implementing affordable pricing strategies, and enhancing awareness campaigns to increase adoption rates. The study provides practical insights for financial institutions, telecom operators, and policymakers seeking to improve mobile banking uptake and promote financial inclusion in emerging economies.

Keywords: mobile banking, trust and security, cost, marketing communication, Cameroon, financial inclusion

1. Introduction

Mobile banking has emerged as one of the most transformative innovations in the global financial sector, reshaping the way individuals and businesses access and utilize financial services. In both developed and developing economies, mobile banking has been promoted as a tool for financial inclusion, cost reduction, and efficiency in service delivery. Across Sub-Saharan Africa, the proliferation of mobile phones has catalyzed the adoption of mobile financial services, bridging the gap for previously unbanked populations. Cameroon has not been left out of this trend, as mobile money and banking services have grown rapidly, especially in urban centers such as Buea and other parts of the Fako Division. Studies such as those by Elle and Embi (2023) and Meli, Djoumessi, and Djiogap (2022) have emphasized how socio-economic factors, digital product attributes, and consumer characteristics shape the adoption of mobile financial services in Cameroon, reflecting the dynamic interplay between technology and consumer behavior.

Despite the rapid growth of mobile financial services in Cameroon, adoption levels of mobile banking services remain uneven, with many users relying more heavily on mobile money transfers than on integrated mobile banking platforms. Research by Loua (2023) and Wantchami et al. (2021) highlights that factors such as trust, ease of use, perceived security, and socio-economic status strongly influence adoption decisions. Similarly, international studies, including Mulili (2022) in Kenya and Wamai and Kandiri (2015), provide evidence that consumer awareness, accessibility, and financial literacy significantly determine mobile banking usage in developing countries. Yet, in the Fako Division, where financial infrastructure is still developing, many potential

users remain skeptical about mobile banking services due to concerns over fraud, limited digital literacy, and poor consumer protection frameworks, as also observed by Stephane (2018). These challenges point to a persistent gap between the availability of mobile banking services and their effective utilization.

The problem therefore lies in the paradox that, while mobile banking services are readily available and increasingly marketed by financial institutions in Fako Division, adoption levels remain suboptimal compared to the potential user base. Issues such as limited trust in digital platforms, inconsistent network quality, and lack of consumer education on mobile banking functions continue to hinder widespread adoption. Furthermore, cultural factors, risk perception, and socio-demographic characteristics, including education level and income, appear to constrain consumer willingness to shift from traditional banking and mobile money transfers to fully integrated mobile banking systems (Mefoute Badiang & Nkwei, 2024). Consequently, the potential of mobile banking to promote financial inclusion and enhance economic development in the Fako Division is not being fully realized.

In light of this, the study seeks to address the central research question: what are the determinants of mobile banking services adoption in the Fako Division of Cameroon? More specifically, it explores the extent to which factors such as perceived ease of use, perceived security, trust, socio-economic characteristics, and consumer awareness influence mobile banking adoption. The research objectives are therefore to examine the impact of technological and socio-economic factors on mobile banking adoption, to assess the role of trust and security perceptions in shaping consumer decisions, and to determine the extent to which demographic characteristics, including education and income, affect adoption levels. By doing so, the study contributes to a better understanding of the drivers and barriers to mobile banking services adoption in a developing economy context, providing insights that may guide financial institutions, regulators, and policymakers in enhancing financial inclusion strategies in Cameroon.

2. Literature Review

2.1 Theoretical Literature

The Technology Acceptance Model (TAM), developed by Davis in 1986 and further refined in 1989, is one of the most widely applied theoretical frameworks for understanding how individuals come to accept and use new technologies. The model was originally introduced to explain the determinants of computer acceptance and has since been extended across different domains, particularly in the adoption of information systems and financial technologies. The central statement of TAM is that two main beliefs Perceived Usefulness (PU) and Perceived Ease of Use (PEOU) directly influence an individual's attitude toward using a technology, which in turn affects their behavioural intention to use it and ultimately their actual usage. Perceived usefulness refers to the degree to which a person believes that using a particular system will enhance their performance, while perceived ease of use relates to the degree to which a person believes that using the system will be free of effort.

The model is built on the assumption that user acceptance of technology is primarily determined by these perceptions, and that external factors such as system design, user training, or socio-economic conditions influence adoption only indirectly through their impact on PU and PEOU. TAM also assumes that behavioural intention is a strong predictor of actual system use, thereby establishing a causal link between attitudes and technology adoption. In practice, this means that if users perceive mobile banking services as useful in performing financial transactions efficiently and easy to navigate without technical difficulty, they are more likely to develop a favourable attitude toward adopting such services in the Fako Division.

The framework of TAM is simple and parsimonious, focusing on PU and PEOU as the core constructs, which influence attitudes, behavioural intention, and actual system use. Over time, the model has been extended into TAM2 and TAM3, incorporating factors such as subjective norms, facilitating conditions, and experience, but the original structure remains foundational. In the context of mobile banking adoption, the model allows researchers to map out how consumer perceptions about convenience, efficiency, security, and system usability translate into adoption behaviour. For instance, mobile banking users in Fako Division may be influenced not only by the perceived benefits of quick money transfers and balance inquiries but also by the degree to which they find the applications user-friendly despite limited digital literacy levels.

An appraisal of the model reveals its strengths in its clarity, predictive power, and adaptability across various technological contexts. It has been successfully applied in studies such as those by Wamai and Kandiri (2015) in Kenya and Bara and Ali (2025) in Jordan, which found that perceived ease of use and perceived usefulness significantly drive mobile banking adoption. Similarly, Loua (2023) and Mefoute Badiang and Nkwei (2024) demonstrate its relevance in African contexts, where consumer perceptions are critical to overcoming barriers such as trust deficits and financial illiteracy. The model's simplicity makes it easy to operationalize and test empirically, allowing for straightforward measurement of constructs in survey-based research such as the current dissertation.

However, TAM is not without criticisms. Scholars argue that it is overly simplistic, focusing too narrowly on PU and PEOU while ignoring other critical determinants of adoption such as cultural influences, trust, risk perception,

and socio-economic constraints. Critics such as Venkatesh et al. have noted that TAM may fail to capture the complexity of technology adoption in developing countries, where structural issues like infrastructure, regulatory environment, and consumer protection significantly shape adoption outcomes. In the case of Cameroon, where concerns about fraud, poor network connectivity, and limited awareness persist, relying solely on PU and PEOU may not provide a complete picture of adoption behaviour.

Despite these limitations, TAM remains highly relevant to the present study on the determinants of mobile banking services adoption in the Fako Division of Cameroon. Its constructs provide a strong theoretical lens for analysing how users' perceptions of mobile banking services influence their intention to adopt. By integrating TAM with context-specific variables such as trust, security, and socio-economic status, the study can produce a more comprehensive understanding of adoption behaviour. This makes TAM not only a suitable but also a practical framework for grounding the investigation, as it aligns with the study's objective of identifying the key factors that influence mobile banking adoption in a developing country context where financial inclusion is a critical policy goal.

2.2 Empirical Literature

Loua's (2023) study looks at what influences the uptake of online mobile lending and how financial laws in Cameroon affect SMEs in a moderating method. Utilizing TAM factors (Technological Infrastructure Awareness, Trust, Perceived Risk, Usefulness, and Behavioural Intention). The study explores the ways in which financial rules affect SMEs' adoption of mobile money through the financial liberalization theories as well as the moderating impact of financial regulations on the SME's intention to adopt mobile money in Cameroon. Using a questionnaire and Smart PLS version 3.3.7 for analysis, the study uses a mixed-method analysis with a sample size of 384 participants. According to the findings, financial management procedures may be improved via mobile money services and technology advancements. In addition to offering useful insights into the advantages of mobile financing for SMEs and economic growth, the research advances the theoretical understanding of financial inclusion and literacy. The research contributes theoretically by providing theoretical improvements to advance financial inclusion and financial literacy Recommendations cover consumer security and privacy, licensing, permission, and service execution.

Wantchami et al. (2021) examines the factors that enhance the adoption and use of mobile money in Buea, capital of the South West Region of Cameroon. The theoretical framework used is the diffusion of innovation. The qualitative approach is adopted, with 10 mobile money operators and 10 mobile money users interviewed using a structured interview protocol. Results show that participants prefer adopting and using mobile services because they are easy to use, convenient, readily accessible, and have less charges compared to the traditional banking system. Telecommunications companies should therefore, continue to consider less charges and bonuses as a strategy to increase penetration and adoption of mobile money services. Likewise, the instructions and language essential to effect Mobile Money operations like internet and airtime purchase should remain simple.

Bara & Ali (2025) examines user behaviour across new banking technologies and resistance to adoption, focusing on factors such as perceived ease of use, usefulness, cost, social influence, and trust. The study employed convenience sampling because of privacy restrictions and the lack of a reliable customer database. 498 individuals completed a structured questionnaire, and 437 of them provided valid answers (87.8%). Using a 5-point Likert scale, the questionnaire evaluated demographic information and opinions about the adoption of mobile banking. The responses were analysed using SmartPLS software. The results reveal that perceived usefulness is a key predictor of the willingness of the Jordanian population to adopt mobile banking. Perceived risk also positively impacts mobile banking usage, while perceived ease of use presents a moderate but significant barrier to adoption. Perceived ease of use also has a significant influence on perceived usefulness, which mediates its effect on adoption. While social influence plays an important role in adopting mobile banking services, trust does not directly affect the intention to use these services.

Mefoute Badiang & Nkwei (2024) examines the antecedents of Mobile banking (M-banking) app adoption, explores post-adoption effects, and tests the moderating effect of consumer status orientation on the relationship between adoption intention and its consequences. The conceptual model hypothesized 20 relationships, including 10 moderations. Hypotheses are tested using the structural equation modelling method (PLS-SEM) on a sample of 509 individuals. The results reveal that the main variables of 'users' rational perception, namely behavioural control and terminal security, significantly influence the intention to adopt the application, which in turn impact relationship quality and financial inclusion. However, hedonic expectations do not have a significant impact on the intention to adopt the application; the impact of culture in these relationships is further established; indeed, traditional and modern values moderate the impact of the intention to adopt the application on key post-adoption factors, financial inclusion, and relationship quality. The main recommendations and limitations of the research are discussed.

Mulili (2022) examine the influence of perceived risks (financial risk), perceived usefulness (convenience and cost

reduction) and regulatory factors (interoperability and privacy) on the adoption of mobile banking. A sample size of 57 was obtained through convenient sampling. A correlation analysis between perceived usefulness, perceived risks, regulatory factors and mobile banking adoption was conducted. A statistically significant correlation between perceived usefulness and adoption of technology was found ($r=.63$, $p=0.00$). The study found the correlation between perceived risks and adoption of technology to be strong and statistically significant ($r=.82$, $p=0.00$). A statistically significant correlation between regulatory factors and technology adoption ($r=.89$, $p=0.00$) was established. From the findings, banking institutions must improve their systems security, enhance security, and reduce cost of mobile banking services.

Wamai & Kandiri (2015) investigates the effects of important factors that affect adoption of mobile banking technology by customers of Microfinance Institutions in Nairobi County, Kenya. Mobile technology usage has had various impacts on individuals and enterprises at different levels. Several factors have been sighted by different researchers as contributing either positively or negatively to the adoption of Mobile banking technology. Banks have implemented this technology to enable them reach more customers due to its ubiquitous nature and to reduce the cost of putting up new branches in their areas of operations. For this effort to be felt and for the technology to be implemented effectively, there is need to understand the factors contributing to its adoption by the customers. A sample of 210 customers were selected randomly and the researcher extended the Technology Acceptance Model (TAM) framework. The study found that both perceived usefulness and perceived ease of use positively correlate and affects adoption of mobile banking technology positively. On the other hand, Perceived Risk and Perceived transaction costs were found to have negative correlation with the adoption of mobile banking technology.

Kamdjou et al. (2021) study aims to know what are the factors determining the adoption of M-Banking app among customers in Cameroon. In other words, what are the factors that influence users in their decisions to adopt and use a system or technology such as the M-Banking app, and indirectly, what is the impact of this use on both the customers and financial inclusion? The research model developed relying on a combination of Technology Acceptance Model (TAM), Unified Theory of Acceptance and Use of Technology (UTAUT2), Information System Success Model (ISSM), and Protection Motivation Theory (PMT) and other constructs; it was then tested with a sample of 223 users of the “SARA” M-Banking app of the financial institution called “Afriland First Bank”. Findings revealed that: (1) utilitarian expectation, hedonic motivation, and status gain, habit, and perceived privacy concern have a significant influence on the intention to adopt M-Banking apps; and (2) the exploitative/explorative use of this technology has an impact on user’s loyalty and satisfaction but also contributes strongly to fostering financial inclusion in Cameroon. Also, the multi-group analysis was performed on the sample using 2 gender-based groups (males, $n=121$; females, $n=102$).

Tengeh & Gahapa (2020) examine the factors justifying the adoption and usage of Mobile Money Services (MMS) among SMEs, the types of Mobile Money Services used by these SMEs, and the interdependences between these variables, this study adopted an exploratory approach. Representatives of 12 SMEs were interviewed during the qualitative phase to corroborate the 285 SMEs surveyed in the quantitative part of the study. Descriptive and inferential statistics were adopted to analyse the quantitative data using the Statistical Packages for Social Sciences version 26 (SPSS version 26). The researchers described the qualitative data according to themes, and the findings were combined after that. While no single factor was accountable, it emerged that accessibility, safety, and convenience were the main factors that entice SMEs in Douala, Cameroon to embrace mobile money services in the effort to receive money from clientele, pay suppliers, and purchase airtime for additional transactions (most preferred mobile money services). Furthermore, it was found that there was a statistically significant association between most of the motivating factors cited and the most preferred mobile money services used by SMEs in Douala. These findings validate the role that mobile money plays in promoting the inclusive finance agenda for SMEs, mainly in the context of emerging economies where the majority of people and businesses do not have access to banking services and therefore may be of interest to policymakers and different stakeholders.

3. Methodology

The methodology of this study is designed to provide a systematic approach for examining the determinants of mobile banking services adoption in the Fako Division of Cameroon. Given the objectives of the research, a quantitative research design is adopted, as it allows for the collection and statistical analysis of numerical data to test the hypothesized relationships between the independent variables perceived usefulness, perceived ease of use, trust, security, and socio-economic characteristics and the dependent variable, mobile banking adoption. A cross-sectional survey approach is employed, which is suitable for capturing data from a large number of respondents within a single period of time. This design is also justified because it enables the study to generalize findings to the wider population of mobile banking users in the Fako Division, thereby providing meaningful insights into adoption behaviour in a developing economy context.

The target population of the study consists of individual customers of commercial banks and microfinance institutions in the Fako Division who have access to mobile phones and are either current users or potential users

of mobile banking services. This population is considered appropriate since mobile banking services are delivered through banks and financial institutions, and customers' perceptions are central to adoption decisions. Given the large and diverse nature of the population, the study relies on a sample of 356 respondents, which is statistically sufficient for quantitative research of this type. The sample size determination is based on Cochran's (1977) formula for calculating representative samples, adjusted for the estimated mobile banking user base in the division. A stratified random sampling technique is applied to ensure that respondents are drawn proportionally from different strata such as gender, age groups, education levels, and income brackets, thus enhancing representativeness and minimizing sampling bias.

The model specification for this study is grounded in the Technology Acceptance Model (Davis, 1989), extended with additional constructs relevant to the Cameroonian context, such as trust and security. The general model can be expressed as:

$$MBA = \beta_0 + \beta_1PTS + \beta_2PEC + \beta_3PMC + \beta_4GEND + \beta_5LEDU + \varepsilon$$

Where MBA represents mobile banking adoption, PU represents perceived trust & security, PEC is perceived cost, PMC is perceived marketing communication, GEND captures Gender (Control), LEDU represents Education (Control), and ε is the error term. This specification allows the study to empirically test how the key constructs influence the adoption of mobile banking services among customers in the Fako Division.

The study employs a structured questionnaire as the main instrument for data collection. The questionnaire is divided into sections that capture demographic information, perceptions of mobile banking services, and adoption behaviours. Measurement of constructs is done using a five-point Likert scale ranging from "strongly disagree" (1) to "strongly agree" (5). Perceived usefulness and perceived ease of use are measured using items adapted from Davis (1989) and Venkatesh and Davis (2000). Trust and perceived security are measured through items adapted from prior mobile banking and mobile money adoption studies such as Wantchami et al. (2021) and Loua (2023). Socio-economic characteristics are measured through categorical items such as gender, education level, age, and income. The questionnaire is pre-tested on a small group of respondents to ensure reliability and validity, with necessary modifications made before the main data collection.

For data analysis, both descriptive and inferential statistical techniques are applied. Descriptive statistics such as frequencies, percentages, means, and standard deviations are used to summarize the demographic profile of respondents and general adoption trends. Inferential statistics, including correlation and multiple regression analysis, are employed to examine the relationships between the independent variables and mobile banking adoption. The multiple regression model allows for testing the significance and strength of each determinant while controlling for demographic factors. Additionally, the level of education is treated as a categorical control variable, analysed using dummy variables within the regression model. Statistical software such as SPSS or STATA is employed to conduct the analysis, ensuring accuracy and robustness of results. Reliability of the measurement scales is tested using Cronbach's alpha, while construct validity is established through factor analysis.

To test the internal consistency of the scales used in this study, Cronbach's alpha was computed for each construct. A reliability threshold of 0.70 or higher was considered acceptable (Nunnally, 1978).

Table 1. Cronbach's Alpha Results

| Construct | Number of Items | Cronbach's Alpha (α) |
|-------------------------------------|-----------------|-------------------------------|
| Mobile Banking Adoption | 4 | 0.861 |
| Perceived Trust & Security | 5 | 0.876 |
| Perceived Cost | 4 | 0.791 |
| Marketing Communication & Awareness | 5 | 0.842 |

Source: Author Computation.

The reliability analysis presented in Table 1 shows that all the constructs used in this study have Cronbach's alpha values above the widely accepted threshold of 0.70, indicating satisfactory internal consistency of the measurement instruments (Nunnally, 1978; Hair et al., 2019). Specifically, Mobile Banking Adoption ($\alpha = 0.861$) and Perceived Trust & Security ($\alpha = 0.876$) demonstrate excellent reliability, reflecting that the items measuring these constructs are highly consistent. Marketing Communication & Awareness equally recorded strong reliability with an alpha value of 0.842, falling within the "good" range as classified by George and Mallery (2016). Perceived Cost, with a Cronbach's alpha of 0.791, also surpasses the 0.70 benchmark, suggesting acceptable reliability. Overall, these results affirm that the measurement scales applied in this study are reliable and suitable for further statistical

analysis, including correlation and regression modelling.

The high reliability of the constructs, as evidenced by Cronbach's alpha values above 0.70, provides a solid foundation for the regression analysis conducted in this study. Reliable measurement scales ensure that the observed relationships among variables — namely, Mobile Banking Adoption, Perceived Trust & Security, Perceived Cost, and Marketing Communication & Awareness reflect true associations rather than random measurement error (Nunnally, 1978; Hair et al., 2019). Consequently, the significant effects observed in the regression results can be interpreted with confidence, as the consistency of the underlying survey items reduces the likelihood of bias or noise distorting the findings. In essence, the validated reliability of the constructs strengthens the overall robustness and credibility of the statistical conclusions drawn regarding the determinants of mobile banking adoption in the Fako Division.

Ethical considerations are observed throughout the research process. Participation is voluntary, and respondents are assured of confidentiality and anonymity in handling their responses. Informed consent is obtained from all participants, and the study complies with ethical research guidelines. This methodological framework is therefore well suited to addressing the research objectives and providing reliable empirical evidence on the determinants of mobile banking adoption in the Fako Division of Cameroon.

4. Results and Discussion

The analysis examines the effects of perceived trust and security, perceived cost, and marketing communication and awareness on mobile banking adoption while controlling for gender and level of education.

4.1 Descriptive Statistics

Table 2. Demographic Profile

| Variable | Category | Frequency | Percentage (%) |
|---------------------|---------------|-----------|----------------|
| Age | 18–25 | 102 | 28.7 |
| | 26–35 | 128 | 36.0 |
| | 36–45 | 78 | 21.9 |
| | 46–55 | 32 | 9.0 |
| | 56+ | 16 | 4.5 |
| Gender | Male | 186 | 52.2 |
| | Female | 170 | 47.8 |
| Level of Education | Primary | 34 | 9.6 |
| | Secondary | 102 | 28.7 |
| | Tertiary | 180 | 50.6 |
| | Other | 40 | 11.2 |
| Occupation | Student | 88 | 24.7 |
| | Employed | 142 | 39.9 |
| | Self-employed | 86 | 24.2 |
| | Unemployed | 40 | 11.2 |
| Mobile Banking User | Yes | 312 | 87.6 |
| | No | 44 | 12.4 |

Source: Author Computation.

The demographic profile of the 356 respondents reveals that the majority of participants are young adults, with 36.0% aged between 26–35 years and 28.7% aged 18–25 years, indicating that mobile banking adoption in the Fako Division is predominantly influenced by the younger population. Gender distribution is relatively balanced, with males constituting 52.2% and females 47.8%, suggesting an equitable representation of both sexes in the study. In terms of education, over half of the respondents (50.6%) have attained tertiary education, while 28.7% have secondary education, reflecting a generally well-educated sample. Regarding occupation, 39.9% are employed, 24.7% are students, 24.2% are self-employed, and 11.2% are unemployed, indicating that the study covers a diverse workforce and student population. Notably, a high proportion of respondents (87.6%) are current

users of mobile banking services, highlighting the relevance of the sample for examining adoption behaviour. Overall, the demographic distribution suggests that age, education, and occupation may influence mobile banking adoption, while gender appears to be evenly distributed.

4.2 Inferential Statistics

Table 3. Correlation Matrix

| Variable | Adoption | Perceived Trust & Security | Perceived Cost | Perceived Marketing Communication | Gender | Education |
|-----------------------------------|----------|----------------------------|----------------|-----------------------------------|--------|-----------|
| Adoption | 1 | | | | | |
| Perceived Trust & Security | 0.63** | 1 | | | | |
| Perceived Cost | -0.41** | -0.12* | 1 | | | |
| Perceived Marketing Communication | 0.59** | 0.58** | 0.08 | 1 | | |
| Gender | 0.04 | 0.05 | -0.04 | 0.06 | 1 | |
| Education | 0.15* | 0.18** | 0.12* | 0.20** | 0.02 | 1 |

Source: Author Computation. Note: * $p < 0.01$; $p < 0.05$.

The Pearson correlation matrix in Table 3 indicates the strength and direction of relationships among the study variables. Mobile banking adoption is strongly and positively correlated with Trust & Security ($r = 0.63$, $p < 0.01$) and Marketing Communication ($r = 0.59$, $p < 0.01$), suggesting that higher perceived security and greater awareness significantly enhance adoption. Conversely, Perceived Cost shows a moderate negative correlation with adoption ($r = -0.41$, $p < 0.01$), indicating that higher costs discourage users from adopting mobile banking services. Gender exhibits a very weak and non-significant correlation with adoption ($r = 0.04$), implying no meaningful difference in adoption between males and females. Education has a weak but statistically significant positive correlation with adoption ($r = 0.15$, $p < 0.05$), suggesting that respondents with higher educational levels are slightly more likely to adopt mobile banking. Overall, these results support the expected relationships, highlighting Trust & Security, Perceived Cost, and Marketing Communication as key determinants of mobile banking adoption, while demographic factors, particularly gender, appear less influential.

Table 4. Regression Results (with Control Variables)

| Variable | Coefficient (β) | Std. Error | p-value |
|-----------------------------------|-------------------------|------------|---------|
| Perceived Trust & Security | 0.428 | 0.058 | 0.000 |
| Perceived Cost | -0.312 | 0.049 | 0.000 |
| Perceived Marketing Communication | 0.367 | 0.063 | 0.000 |
| Gender | 0.041 | 0.052 | 0.430 |
| Education | 0.164 | 0.072 | 0.023 |
| _cons | 1.212 | 0.214 | 0.000 |
| Observation | 356 | | |
| R-square | 0.551 | | |
| Adjusted R-square | 0.544 | | |
| F-statistics | 0.001 | | |

Source: Author Computation.

The regression results in Table 4 show the effects of the independent variables—Perceived Trust & Security, Perceived Cost, and Marketing Communication—on mobile banking adoption, while controlling for gender and education. Perceived Trust & Security has a significant positive effect on adoption ($\beta = 0.428$, $p < 0.001$), indicating that respondents who perceive mobile banking services as secure and trustworthy are more likely to adopt them. Perceived Cost, on the other hand, has a significant negative effect ($\beta = -0.312$, $p < 0.001$), suggesting

that higher costs reduce the likelihood of adoption. Marketing Communication also has a significant positive impact on adoption ($\beta = 0.367$, $p < 0.001$), highlighting the importance of awareness campaigns and effective communication in encouraging users to adopt mobile banking services.

Among the control variables, gender does not have a significant effect on adoption ($\beta = 0.041$, $p = 0.430$), implying that males and females do not differ meaningfully in their adoption behavior. Education, however, shows a positive and significant effect ($\beta = 0.164$, $p = 0.023$), indicating that higher educational attainment slightly increases the likelihood of adopting mobile banking services. The constant term (intercept) is positive and significant ($\beta = 1.212$, $p < 0.001$), representing the baseline level of adoption when all predictors are held at zero.

The model explains a substantial proportion of the variation in mobile banking adoption, with an R^2 of 0.551 and an adjusted R^2 of 0.544, meaning that approximately 55% of the variance in adoption is accounted for by the independent and control variables combined. The overall model is statistically significant, as indicated by the F-statistic ($p < 0.001$), confirming that the predictors jointly have a meaningful influence on mobile banking adoption. These results suggest that trust and security, cost considerations, and marketing communication are key determinants of mobile banking adoption in the Fako Division, while education slightly moderates adoption, and gender does not play a significant role.

4.3 Discussion

The variable Perceived Trust & Security exhibits a significant positive relationship with mobile banking adoption ($\beta = 0.428$, $p < 0.001$). This aligns with findings from Merhi et al. (2019), who identified perceived security as a critical determinant of mobile banking usage. Their study highlighted that institutional and technological trust significantly influence users' behavioural intentions to adopt mobile banking applications.

Perceived Cost shows a significant negative effect on adoption ($\beta = -0.312$, $p < 0.001$), suggesting that higher perceived costs deter users from adopting mobile banking services. This finding corroborates the work of Wessels and Drennan (2010), who concluded that perceived cost negatively affects mobile banking adoption intentions.

The coefficient for Perceived Marketing Communication is positive and significant ($\beta = 0.367$, $p < 0.001$), indicating that effective marketing communication strategies enhance mobile banking adoption. This supports the findings of Çelik and Özköse (2023), who emphasized the role of marketing communication in influencing consumer acceptance of mobile banking services.

5. Conclusion

The study investigated the determinants of mobile banking adoption in the Fako Division, focusing on perceived trust and security, perceived cost, and marketing communication, while controlling for gender and education. The findings indicate that perceived trust and security is the strongest positive predictor of mobile banking adoption, highlighting that users are more likely to adopt services when they perceive transactions to be secure and the system to be reliable. Perceived cost was found to significantly deter adoption, suggesting that high or unclear charges reduce users' willingness to engage with mobile banking platforms. Additionally, marketing communication and awareness positively influence adoption, demonstrating that informed and well-targeted campaigns effectively increase user uptake.

The analysis of control variables revealed that education positively affects adoption, indicating that more educated individuals are better able to understand and use mobile banking services. Conversely, gender was not a significant predictor, suggesting that both males and females have similar adoption patterns in this context. Overall, the regression model explained approximately 55% of the variance in mobile banking adoption, demonstrating that the selected determinants and controls are relevant and meaningful. These results affirm that a combination of trust, affordability, and effective communication, alongside consideration of user education, are essential for promoting mobile banking adoption in emerging economies like Cameroon.

6. Policy Recommendations and Implementation

Based on the findings, the following policy recommendations are proposed to enhance mobile banking adoption in the Fako Division and similar contexts:

(1) Strengthening Trust and Security

- Financial institutions and mobile network operators should invest in robust security systems, including two-factor authentication, encryption, and fraud monitoring.
- Transparent communication regarding security measures, privacy policies, and user protection mechanisms should be prioritized to build consumer confidence.

Mobile banking providers should prioritize robust security infrastructure and transparent communication regarding safety measures. Since perceived trust significantly drives adoption, investments in cybersecurity, fraud detection, and privacy protection can strengthen customer confidence and retention.

(2) Reducing Perceived Cost Barriers

- Banks and telecom operators should adopt transparent and affordable pricing structures, avoiding hidden fees that could discourage adoption.
- Consider introducing tiered pricing or subsidies for low-income users to promote financial inclusion.

Providers should adopt affordable and transparent fee structures to reduce cost-related barriers. Implementing tiered pricing or subsidies for low-income users can enhance accessibility, thereby expanding the customer base.

(3) Enhancing Marketing Communication and Awareness

- Implement continuous educational campaigns through SMS alerts, social media, community outreach, and workshops, particularly targeting populations with lower digital literacy.
- Highlight the benefits, safety measures, and step-by-step usage of mobile banking services to reduce apprehension and encourage adoption.

The significant impact of marketing communication suggests that providers must engage in continuous educational campaigns. Utilizing digital channels, social media, SMS, community workshops, and local influencers can improve awareness, demystify mobile banking processes, and increase adoption.

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Criminalization of “Genital Mutilation” in Cameroon: The Inadequacy of the Criminal Law

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Abstract

This paper addresses the inadequacies of the criminal law in eradicating FGM in Cameroon. It adopts a qualitative methodology grounded in doctrinal studies and based on the interpretation of primary and secondary data. FGM is entrenched in some regions of Cameroon and has met with a variety of responses from the state ranging from sensitization campaigns to outright criminalization. “Genital mutilation” was explicitly penalized under section 277-1 following the amendment of the Penal Code in 2019. The euphoria that greeted this initiative is questionable as the implementation of the provision has largely been ineffective. The complexity of the practice, the absence of political will on the part of the state, and the non-proactive approach of the criminal law are among the factors that have rendered ineffective the criminal law. Consequently, incidences of the practice increased during the era of the COVID-19 pandemic with devastating effects on victims. The eradication of the practice requires an approach that goes beyond the purview of the criminal law, which in its current form, remains a weak link in the fight against the scourge.

Keywords: Cameroon, criminal law, custom, female genital mutilation, and penal code

1. Introduction

Female Genital Mutilation (FGM) was explicitly criminalized in Cameroon following the amendment of the Penal Code in 2019.¹ This amendment was provoked by pressure from women rights groups. The argument that informed, and eventually won, the debate was that although FGM was among conducts implicitly outlawed under several general-worded provisions of the code, an explicit provision was imperative if the practice is to be effectively eradicated. The novelty of section 277-1 gives credence to this argument.

The criminalization of FGM poses tensions between tradition on the one hand and human rights and the law on the other. Custom is entrenched in Cameroonian law, playing an important role in its conceptualization. The Constitution, 1996,² complemented by subsequent laws in force, recognizes custom as a form of law. Customs such as polygamy, primogeniture, witchcraft beliefs, levirate, and restorative justice, etc. have found expressions in the law; some have been incorporated into the corpus of municipal law whereas others, including FGM, are outlawed for being non-justiciability.

FGM deals with various traditional practices that involve the cutting and removal of all or part of the female genitalia. Its prevalence rate in the Southwest, East, and Far North regions is difficult to ascertain. It is believed

¹ The Penal Code, 1966, was amended in 2019 by Law No. 2019/020 of 24 December 2019 to amend and supplement some provisions of Law No. 2016/9 of 12 July 2016 relating to the Penal Code.

² Law No. 96-6 of 18 January 1996 to amend the Constitution of 2 June 1972.

that approximately 20% of women in those regions have undergone the practice.¹ Numerous reasons have been advanced to justify the practice. Nonetheless, in as much as it violates the human rights of victims it is also inconsistent with the law.

Numerous attempts have been made to eradicate FGM with minimal success. Most of these involve public sensitization campaigns by government agencies and local NGO's, supported by their Western allies. To this end, a National Action Plan was adopted by the government to combat FGM in 2011. Similarly, local committees in areas where the practice was most prevalent were established by the Ministries of Social Affairs and of Women's Empowerment and the Family to address it through sensitization and education programmes.² A collaboration agreement was also signed in June 2013 with the Council of Imams and Muslim Dignitaries of Cameroon (CIDIMUC) to fight against FGM, forced or early marriages and other forms of violence.³

These initiatives are complemented by legislation. Hitherto, FGM was among conducts sanctioned implicitly under several general-worded provisions of the Penal Code, including section 277. The ineffectiveness of these provisions in eradicating FGM was partly blamed on their non-specificity, an argument that prevailed with the amendment of the Penal Code culminating in the enactment of section 277-1, a novel provision that explicitly criminalizes the practice. Although lauded by women's rights groups, evidence suggests that section 277-1 is also unlikely to have far-reaching effects. The strong belief-system underpinning the practice, amid its complexity, are among the factors that have rendered its criminalization ineffective.

This paper appraises the effectiveness of the criminal law in eradicating FGM in Cameroon. It unravels the tensions the custom evokes with human rights and the law, revealing some of the challenges inherent in its criminalization. It appeals to an alternative approach that goes beyond the purview of the criminal law. The paper adopts a qualitative methodology based on doctrinal research and the interpretation of primary and secondary data. Primary data consulted included legislative and human rights texts whereas textbooks, journal articles, newspaper reports etc. were consulted as secondary data. The paper is divided into three sections. Section 1 provides an overview of FGM, highlighting the rationales and effects on women. Section 2 documents the conflict FGM evokes with the law and human rights, and Section 3 discusses the challenges in the criminalization of FGM, proposing measures aimed at combatting the scourge beyond the scope of the criminal law.

2. Section 1: Overview and Effects of FGM

FGM is notorious in some regions of Cameroon, performed in various ways by practitioners, often elderly women, on women of various ages, producing far reaching consequences on the victims.

2.1 Overview of the Practice of FGM

According to the WHO, UNICEF and UNFPA "FGM involves the partial or total removal of the external female genitalia or other injury to the female genital organs for non-medical reasons."⁴ The practice is termed variously: Female Circumcision or Female Genital Cutting, propositions that denounce the use of the objectionable term "mutilation" as practitioners deny mutilating their victims in the performance of the practice. Four main types of FGM are recognized: excision of the clitoral hood with or without removal of parts or the entire clitoris (clitoridectomy); excision of the clitoris together with parts or all of the labia minora; excision of parts or the whole of the clitoris, labia minora, and labia majora and stitching or narrowing of the introitus (infibulation); and other harmful procedures to the female genitalia for non-medical purposes including pricking, piercing, incising, scraping and cauterization and even hymenectomy.⁵

Women, and mostly female children, are reportedly subjected to the ordeal in isolated areas of Cameroon. In the

¹ Trent R. Nelson, Female Genital Mutilation in Cameroon, *The Borgen Report* (17 of June 2021), available at: Female Genital Mutilation in Cameroon - The Borgen Project (Accessed on 28th of August, 2022).

² US Department of State, (2015). Cameroon 2015 Human Rights Report, p. 30, available at <https://www.state.gov/documents/organization/252873.pdf> (accessed 25th of August 2022).

³ Committee on the Rights of the Child, (2015). Consideration of reports submitted by States parties under article 44 of the Convention: Combined third to fifth periodic reports of States parties due in 2015, Cameroon, p. 25, available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRC/C/CMR/3-5&Lang=en (accessed 25th of August 2022)

⁴ WHO, UNICEF, UNFPA, Female Genital Mutilation. A Joint WHO/UNICEF/UNFPA Statement. Geneva: WHO (1997). Also see World Health Organization, Female Genital Mutilation, 21 January 2022, available at: Female genital mutilation (who.int). (Accessed on 28th of May, 2022).

⁵ World Health Organization, Female Genital Mutilation (21 January 2022), available at Female genital mutilation (who.int) (accessed on 28 of May, 2022).

Southwest region, it is prevalent in Manyu Division among the Ejagham tribe¹ whereas in the Far North it is prevalent in the Logone, and Chari divisions, where it is notorious with the Haoussas, and Arapshouas tribes.² Incidences have also been reported in urban centers, including Yaoundé and Douala where the prevalence rate is below 1%.³

FGM is embraced by practitioners of all the major faiths in the country including Christianity, Islam, and traditional worshippers. It is performed at varying age groups, from the first week of life, during infancy, before puberty, before the first childbirth and other periods in the woman's life dependent on the location and reason underlying the practice.⁴ Rudimentary and unhygienic instruments are often used in performing it such as razor blades, unsterilized sharpened kitchen knives, scissors, glass, sharpened rocks, and fingernails,⁵ often without the use of anesthesia. Rarely do health professionals perform the procedures. Four main rationales have been advanced for the practice: psychosexual, sociologic, religious, and hygienic reasons.⁶

2.2 Effects of FGM on Victims

FGM has serious negative social and medical effects on victims including ostracization, absence of sexual satisfaction, urinary and vaginal infections, chronic pains, infertility, among others. The practice aims, among others, at reducing promiscuity and ensuring virginity before marriage, an objective fulfilled through reduction in sexual satisfaction of victims.⁷ Circumcised women have reported low sexual desires and the level of sexual dissatisfaction among them depend on the types of circumcision performed.⁸ With infibulation, the husbands' inability to penetrate the vagina can result to anal intercourse or even using the urethral meatus as an opening.⁹

FGM produces psychological consequences such as post-traumatic stress disorder, anxiety disorders, panic disorders, inhibition, depression, and suppression of feeling and thinking and sometimes attempted suicide.¹⁰ These effects are due to psychological trauma of the painful procedure, sense of humiliation and betrayal by parents, use of physical force by those performing the procedure, negative genital image, lack of sense of ownership of their bodies, devastating sexual life, infertility and vesicovaginal fistulae. Infibulation causes more distressing psychosocial complications in relation to sexual problems and infertility with a documented infertility rate of 30%. These, among others, account for 16.3% of divorce and marital discord in a study among circumcised women.¹¹

FGM also produces adverse effects on the reproductive health of victims. Infertility may result from the

¹ Sianga Mutula, Ngambouk Vitalis Pemuta, *et al.*, (2021). The Fight Against Female Genital Mutilation/Cutting among the Ejaghams of Cameroon: Kinks in the Legal Approach and Implications for Public Health Practice. *International Journal of Sexual Health*, 34(1), 160.

² Trent R. Nelson, Female Genital Mutilation in Cameroon, *The Borgen Report* (17 of June 2021), available at: Female Genital Mutilation in Cameroon — The Borgen Project (Accessed on 28th of August, 2022).

³ CEDAW — NGO Background Information, (February 2014), available at http://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/CMR/INT_CEDAW_NGO_CM_16206_E.pdf. (Accessed on 3 April, 2021).

⁴ United Nations Children's Fund, Female genital mutilation/cutting: A global concern. (2016), available at: https://www.unicef.org/media/files/FGMC_2016_brochure_final_UNICEF_SPREAD.pdf (accessed on 28th of August, 2022).

⁵ Michael Miller M, Moneti F, Lewnes A, et al., (2005). *Changing a harmful social convention: female genital mutilation/cutting*. UNICEF Innocent Research Centre, Florence, Italy.

⁶ Dokenoo Efua, (1996). *Cutting the Rose: Female Genital Mutilation: The Practice and Its Prevention*. University of California: Minority Rights Publications.

⁷ Abdel-Azim S., (2013). Psychosocial and sexual aspects of female circumcision. *African Journal of Urology*, 19(3), 141-142.

⁸ Hassan I MA, Helmy YA, Fathalla MM, et al., (2010). Prevalence and characteristics of female sexual dysfunction in a sample of women from Upper Egypt. *International Journal of Gynecology & Obstetrics*, 108(3), 219.

⁹ Rushwan H., (2013). Female genital mutilation: A tragedy for women's reproductive health. *African Journal of Urology*, 19(3), 130; EL-Defrawi MH, Lotfy G, Dandash KF, et al., (2001). Female genital mutilation and its psychosexual impact. *J Sex Marital Ther*, 27(5), 465-73.

¹⁰ World Health Organization (WHO), Health risks of female genital mutilation (FGM), available at www.who.int/reproductivehealth/topics/fgm/health_consequences_fgm/en/ (Accessed on 13th April, 2021).

¹¹ Sharfi AR, Elmegbou MA, Abdella AA., (2013). The continuing challenge of female genital mutilation in Sudan. *African Journal of Urology*, 19, 136-140.

practices and during pregnancy victims have higher risks of obstetric complications.¹ Circumcised women have increased risks of adverse events during labour and delivery with negative effects on their newborn babies. These risks include postpartum hemorrhage, episiotomies, perineal lacerations, prolonged second stage of labour, operative vaginal delivery, caesarean deliveries, prolonged maternal hospital stay, infant resuscitation, stillbirth, or neonatal death.² Neonatal death rate increases for women who have undergone the practices with an estimate of additional one to two babies per 100 deliveries dying because of it.³

The immediate complications associated with FGM include excruciating pain (when anesthetic agents are not used), hemorrhage, shock, acute urinary retention, injury to adjacent tissues and even death.⁴ For those who survive, medium term complications are infections of the reproductive tract following use of unsterilized or poorly sterilized instruments, and raw wound surfaces. This may cause tetanus infection, hepatitis and human immune deficiency viruses and abscess formation.⁵

3. Section 2: FGM and the Law in Cameroon

FGM is often justified by practitioners on traditional beliefs that reinforce gender stereotypes and bias against women. Practitioners assume it is beneficial to victims, an assumption validated by unconscionable prejudices against women. FGM is inconsistent with the law, and it is an affront to human rights.

3.1 FGM in Cameroon: A Clash Between Tradition, Human Rights, and the Law

By virtue of article 45 of the Constitution, duly ratified international treaties have direct effect and applicability in Cameroon. Most of these conventions, supplemented by municipal legislation, frown on FGM. The Constitution and the Penal Code are the main municipal legislative instruments aimed at eradicating FGM.

FGM cannot be isolated from the traditional beliefs that underpin the practices. In some communities, the status of womanhood is achieved upon undergoing the practice, an important rite of passage, making it highly desirable for them.⁶ It also leads to the elimination of sexual ambiguity and improves genital esthetics, which some communities, perceived to be dirty, ugly,⁷ and a source of enthralling temptation. The female child feels satisfied despite the pain, of being made clean and marriageable like every other female in the community rather than becoming despised and made the target of ridicule with no one in the community to marry her.

Studies reveal that the Ejaghams of the Southwest region believe that the clitoris was responsible for sexual immorality among women and that its removal helped women to have self-control over their sexual desires. Victims were therefore expected to live a dignified sexual life devoid of promiscuity, and FGM played a pivotal role in ensuring this. According to the Ejaghams, FGM is a feminist symbol of cultural identity which distinguish Ejagham women from all others and it is therefore practiced imbuing tribal pride and dignity among women.⁸ Traditionalists hold that, against the background of the HIV/Aids pandemic, non-circumcision of women has given rise to a free fall in moral values as epitomized by multiple sexual encounters. FGM is

¹ Agugua, N., and Egwuatu, V., (1982). Female circumcision: Management of urinary complications. *Journal of Tropical Paediatrics*, 28(5), 248-252.

² Johnson EB, Reed SD, Hitti J, et al., (2005). Increased risk of adverse pregnancy outcome among Somali immigrants in Washington state. *American Journal of Obstetrics & Gynecology*, 193, 475, 481.

³ Johnson EB, Reed SD, Hitti J, et al., (2005). Increased risk of adverse pregnancy outcome among Somali immigrants in Washington state. *American Journal of Obstetrics & Gynecology*, 193, 475, 481

⁴ Marian A. H., (2014). Services for Women with Female Genital Mutilation in Christchurch: Perspectives of Women and Their Health Providers. Master's Dissertation, University of Canterbury, at page 11; Berg RC, Underland V, Odgaard-Jensen J, et al., (2014). Effects of female genital cutting on physical health outcomes: a systematic review and meta-analysis. *BMJ Open*, 4, 1-12.

⁵ Marian A. H., (2014). Services for Women with Female Genital Mutilation in Christchurch: Perspectives of Women and Their Health Providers. Master's Dissertation, University of Canterbury, at page 11; Adekunle AO, Fakokunde FA, Odukogbe AA, et al., (1999). Female genital mutilation–post circumcision vulval complications in Nigerians. *J Obstet Gynaecol*, 19, 632-635.

⁶ Anne M. Gibeau, (1998). Female Genital Mutilation: When a Cultural Practice generates Clinical and ethical Dilemmas. *JOGNN Clinical Issues*, 27(1), 85-91.

⁷ Sianga Mutula, Ngambouk Vitalis Pemuta, et al, (2021). The Fight Against Female Genital Mutilation/Cutting among the Ejaghams of Cameroon: Kinks in the Legal Approach and Implications for Public Health Practice. *International Journal of Sexual Health*, 34(1), 160-168.

⁸ Sianga Mutula, Ngambouk Vitalis Pemuta, et al, (2021). The Fight Against Female Genital Mutilation/Cutting among the Ejaghams of Cameroon: Kinks in the Legal Approach and Implications for Public Health Practice. *International Journal of Sexual Health*, 34(1), 160.

perceived as a useful native response to the ravages of the pandemic.¹

FGM is inconsistent with the law and human rights. The preamble to the constitution alludes to several human rights principles. Article 45 incorporates ratified conventions into national law. The preamble alludes to the principles of equality and non-discrimination, the right to life, physical and moral integrity, and to humane treatment in all circumstances. It prohibits torture, cruel, and inhumane or degrading treatment, and protects the physical integrity of the person, provisions that implicitly denounced FGM. Some human rights treaties signed by Cameroon frown against FGM. The Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (the Maputo Protocol) calls on State Parties to prohibit all forms of harmful practices against women, including FGM, through legislative methods backed by sanctions.² It requires African states to play a proactive role to eliminate harmful traditions and other practices based on the ideal of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women.³

The General Recommendation No. 14 of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) calls on State Parties to "take appropriate and effective measures with a view of eradicating the practice of female circumcision."⁴ In 2012, the United Nations General Assembly adopted resolution 67/146 on "intensifying global efforts for the elimination of FGMs" urging States to condemn all harmful practices that affect women and girls, in particular female genital mutilations, including enacting and enforcing legislation, to prohibit female genital mutilations and to protect women and girls from this form of violence.⁵ This is reinforced by subsequent General Assembly resolutions 69/150 of 2014 and 71/168 of 2016 that emphasized that FGM is a human rights violation requiring stronger global efforts to end the practice. In 2012 the General Assembly dedicated February 6 as the International Day for Zero Tolerance for FGM with the aim to amplify and direct the efforts on the elimination of the practice.⁶

In 2014, the Committee on the Elimination of Discrimination Against Women and the Committee on the Rights of the Child adopted a Joint General Recommendation on Harmful Practices.⁷ Both committees clarified the obligations of State Parties to the CEDAW and Convention on the Rights of the Child to adopt legislative, policy and other appropriate measures to ensure full compliance with their obligations under the conventions to eliminate harmful practices.

The Sustainable Development Goal 5 calls for the elimination of all harmful practices, such as FGM and forced marriage amongst others.⁸ In March 2015, the Office of the United Nations High Commissioner for Human Rights issued the "report on good practices and major challenges in preventing and eliminating FGM" which emphasized that "states have an obligation to respect, protect and fulfil the right of women and girls to live free from female genital mutilation."⁹ In July 2016, the United Nations Human Rights Council adopted a resolution on the elimination of FGM,¹⁰ recognized as an act of violence against women and girls, and urged States to adopt national legislation prohibiting the practice.

In July 2017, the Committee on the Elimination of Discrimination Against Women adopted General

¹ Vitalis Pemunta Ngambouk, (2010). Gendered Identity and Anti-Female Genital Cutting (FGC) Activism among the Ejaghams, Cameroon. *Arts and Social Sciences Journal*, 15(1), 6.

² Article 5(b) of the Protocol.

³ Article 2(2) of the Protocol.

⁴ Recommendation (a) of CEDAW General Recommendation No. 14: Female Circumcision

⁵ Recommendation 1 of UN General Assembly Resolution 67/146 of 5 March 2013. Available online at: Refworld | Intensifying global efforts for the elimination of female genital mutilations: resolution / adopted by the General Assembly (accessed on 29th of August, 2022).

⁶ WHO, The International Day of Zero Tolerance for Female Genital Mutilation (FGM), available at: The International Day of Zero Tolerance for Female Genital Mutilation (FGM) (who.int) (accessed on 29th of August, 2022).

⁷ Committee on the Elimination of Discrimination Against Women and the Committee on the Rights of the Child, Joint general Recommendation No. 31 of the Committee on the Elimination of Discrimination Against Women/General Comment No. 18 of the Committee on the Rights of the Child on Harmful Practices, CEDAW/C/GC/31-CRC/C/GC/18, 14 November 2014, para. 2.

⁸ Target 5.3 of the Sustainable Development Goals.

⁹ United Nations Human Rights Council. Report of the Office of the United Nations High Commissioner for Human Rights, good practices, and major challenges in preventing and eliminating female genital mutilation, A/HRC/29/20, 27 March 2015. Available online at: OHCHR | Report on good practices and major challenges in preventing and eliminating female genital mutilation (Accessed on 29th of August, 2022).

¹⁰ Resolution 32/21 on the Elimination of Female Genital Mutilation, A/HRC/RES/32/21, 19 July 2016. Available online at: Refworld | Elimination of female genital mutilation: resolution / adopted by the Human Rights Council (accessed on 29th of August, 2022).

Recommendation No. 35 on Gender-Based Violence Against Women, updating General Recommendation No. 19 of 1992. In this general recommendation, the Committee noted that the prohibition of gender-based violence against women has become a norm of customary international law. The Committee recommended that State Parties ensure that all forms of gender-based violence against women are criminalized, and to introduce or strengthen legal sanctions and civil remedies.¹

Supplementing the Constitution, and read alongside international law and declarations, the Penal Code is the main municipal instrument expressly prohibiting FGM. Criminalizing FGM is not a new phenomenon. According to the World Bank's Compendium of International and National Legal Frameworks on FGM, 2018, about 60 countries have adopted laws that criminalize the practice, including 24 African countries.²

3.2 *The Criminalization of FGM by the Penal Code*

The Penal Code is the substantive law regulating criminal conducts in Cameroon. Prior to its amendment in 2019, several provisions of the code were interpreted as penalizing FGM, among which, is section 277. This provision, entitled "Grievous Harm," punishes "whoever permanently deprives another of the use of the whole or of any part of any member, organ, or sense... with imprisonment for from 10 (ten) to 20 (twenty) years." In the case of death of the victim, section 278(1) on "assault occasioning death" may be applicable. Where the victim is under the age of 15, section 350 on "Assault on Children," may become applicable and the punishments prescribed under sections 277 and 278(1) shall become death and imprisonment for life, respectively. These provisions, not specifically addressed to FGM, apply to all conducts, FGM inclusive, violating the physical integrity of the person leading to the deprivation of any bodily organ. Depending on the consequences of the conduct to the victim, any of these provisions could potentially be invoked against FGM.

With the amendment of the Penal Code,³ FGM was specifically criminalized under section 277-1 which reads:

(1) Whoever mutilates the genital organ of a person, by any means whatsoever, shall be punished with the penalties provided for in Section 277 above; (2) The penalty shall be imprisonment for life where: a) the offender habitually carries out such practice or does so for commercial purposes; b) it leads to the death of the victim; (3) The Court may also impose the forfeitures provided for in Sections 19 and 30 of this Code; (4) The provisions of Sub-sections 1 and 2 above shall not apply where the acts were performed by a qualified person and in order to save life. (5) Torture may not be justified by command of a superior or public authority. (6) The requirements provided in section 10(1) of this Code shall not be applicable to torture.

Section 277-1 does not define genital mutilation *per se* but mentions only the material element of the offence, being the "mutilation of the genital organ of a person" performed by a non-qualified practitioner using all conceivable means. Therefore, any act of genital mutilation performed by a non-qualified person not predicated on saving the life of the victim is punishable under the provision. The use of the phrase "genital organ of a person" implies a gender-neutral victim, an inference reinforced by the title of the provision which reads "Genital Mutilation", leading to the logical conclusion that the provision punishes genital mutilation performed on both men and women. It is therefore as offensive to section 277-1 to mutilate the female genitalia as it is to circumcise the male genitalia by an unqualified practitioner. Nonetheless, it is often assumed that section 277-1 is more of a response against female genital mutilation which is more objectionable. Section 277-1 does not outlaw all forms of genital mutilation; indeed, genital mutilation performed by a "qualified person" for health reasons does not fall within the ambit of the provision. Certified medical practitioners may therefore perform FGM only on the purpose of saving the life of the victim, otherwise their action may offend against section

¹ Committee on the Elimination of Discrimination Against Women. General Recommendation No. 35 on Gender-Based Violence Against Women, updating General Recommendation No. 19, CEDAW/C/GC/35, 26 July 2017, available at: CEDAW/C/GC/35 (ohchr.org) (Accessed on 29th of August, 2022).

² Among the African countries that have criminalized the practice are Ghana (1994), Burkina Faso (1996), Ivory Coast (1998), Senegal (1999), Djibouti (1995), and Togo (1998). Zimbabwe, Uganda, South Sudan, Kenya, Guinea Bissau, Mozambique, The Gambia, and Cameroon have enacted laws that punish the practice of FGM/C, by either introducing new laws or amending existing ones. See Satang Nabanehl & Adamson S. Muula, (2019). Female genital mutilation/cutting in Africa: A complex legal and ethical landscape. *International Journal of Gynecology & Obstetrics*, 145(2), 139-257 at 254-255.

³ Law No 2016/007 of 12 July 2016 and Decree No 2016/319 of 12 July 2016.

277-1.

The punishment for genital mutilation is provided under section 277 as “imprisonment for from 10 (ten) to 20 (twenty) years”. Section 277-1 cannot be read in isolation of section 277 which punishes “grievous harm”. Section 277-1(2) (a) & (b) provides for life imprisonment where the practitioner habitually performs the practice, does so for commercial reasons or it leads to the death of the victim. By imposing one of the severest of punishments in life imprisonment for practitioners who habitually performs FGM, and for those who engaged in it for commercial reasons, the criminal law adopts an uncompromising approach to curtailing the practice.

In addition to the pain of incarceration, practitioners may be subjected to forfeitures under sections 19 and 30 including removal and exclusion from any public service; incapacity to be a juror, assessor, expert referee or sworn expert; incapacity to be guardian, curator, etc.; prohibition on wearing any decoration; prohibition on serving in the armed forces; and prohibition on keeping a school, on teaching in any educational establishment, and in general on holding any post connected with the education and care of children.

Subsection (5) identifies “genital mutilation” as a form of torture, which cannot be justified even where it is approved by a superior authority. The ‘superior order’ defense is inadmissible as justification for performing FGM. Subsection (6) alludes to section 10(1) that ascribes universal jurisdiction to the state to try felonies or misdemeanors committed abroad by Cameroonian nationals provided the conduct qualifies as a crime in the foreign jurisdiction where it was committed.

The prohibition against torture has attained *jus cogens* status under international law. Article 53 of the Vienna Convention on the Law of Treaties 1969 defines *jus cogens* as “a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.” Such norms qualify as obligation *erga omnes* owed by a state to itself and to the international community at large. Among these obligations are the prohibition of the use of force, of genocide, slavery, of gross violations of the right of people to self-determination, of racial discrimination, of crimes against humanity, and equally prohibition on torture.¹ As a peremptory norm, violations on the prohibition on the use of torture warrants the exercise by states of universal jurisdiction to arrest the conduct irrespective of jurisdiction. By qualifying FGM as torture, the criminal law also recognizes the conduct as an infringement of general international law, justifying the harshest of punishments.

Section 277-1 should be seen for what it is - an authoritative and coercive provision aimed at arresting “genital mutilation” through deterrence and retribution. Nonetheless, the reality on the ground suggests that the provision is yet to produce far-reaching consequences.

4. Section 3: The Inadequacy of the Criminal Law to Combating FGM

The use of the criminal law providing for the severest of punishments, not excluding life imprisonment, remains the most draconian measure adopted to date to arresting FGM in Cameroon. One would have thought that deterrence and retribution would deter practitioners from further engaging in the conduct. Evidence on the ground suggests otherwise, making the criminal law an inadequate tool in the fight against the scourge. The ritualistic foundations that underpin the practice, the absence of a “victim” of the offence, and the lack of political will on the part of the state, are among factors that undermine the effective application of the criminal law, almost rendering section 277-1 a dead letter.

4.1 The Ritualistic Foundations Underpinning the Practice

Although FGM is inconsistent with the law, it has shown resilience as its foundation is rooted in deep spiritual and ritualistic observances that have been handed down from generations to generations, reflecting the heartbeat of the community’s identity. Its eradication is liable to deprive the community of its cultural symbol thereby transforming it into something other than itself. In an ethnographical study of the Ejaghams of the Southwest region, Cameroon, FGM is perceived as a traditional symbol reflecting a specific cultural identity.² The standard Ejagham woman is the one without a clitoris and that keeping one’s clitoris intact was considered as belonging to a “third gender” that did not exist in the Ejagham imagination. Circumcision therefore becomes a form of body construction to restore cultural identity. FGM is also reinforced by cultural taboos, which threaten members of the community with mystical repercussions for non-compliance with the obligation to perform it. It is also a status symbol for women who are practitioners of the ritual who gain respect and reverence in their communities.

¹ Malanczuk Peter, (1997). *Akehursts Modern Introduction to International Law*, 7th revised edition. London & New York: Routledge, 57-59; Aust Anthony, (2010). *Handbook of International Law*, Second Edition. Cambridge: Cambridge University Press, 9-10.

² Vitalis Pemunta Ngambouk, (2010). Gendered Identity and Anti-Female Genital Cutting (FGC) Activism among the Ejaghams, Cameroon. *Arts and Social Sciences Journal*, 15(1), 4.

In Gambia only women of the Blacksmith's caste perform the practice whereas in Sierra Leone, practitioners may be leaders of secret societies such as the Bondo.¹

Essentialism accounts for the resilience of FGM. Although custom is described as unbounded, shifting, evolving, contested, and constructed based on prevailing social climate, descriptions which indicate the indeterminateness of the concept,² contrarily, traditional societies view custom in an essentialist manner as a cultural package from which no deviation is permitted. As a cultural package, custom is handed down in its pristine form to the present generation, derogations from which are sanctioned by the spirits of the ancestors that continue to hover and direct the actions of the living. Therefore, attempts at reforming custom, not least eradicating it, are often resisted by conservatist forces as this may entail a departure from the ways of the past, provoking the wrath of the ancestors.³ Under these circumstances, FGM has thrived over laws in conflict with it and this trend has not been altered even with the explicit criminalization of the practice. An approach that addresses the essentialist undertones of custom is more liable to alter the current trend in the practice.

4.2 The Absence of a "Victim" of the Offence

Arguably, there is rarely a "victim" of the offence, at least in the mindset of practitioners and elderly women subjected to it. Unlike offences such as theft, murder, false pretense, etc., where victims avail themselves of the right to initiate prosecutions under Section 60 of the Criminal Procedure Code,⁴ this rarely occurs with FGM. Contrarily, FGM is perceived as a "victimless" crime, where those deemed to be victims, except for children, are voluntary participants in the criminal enterprise. The notion of a victim is a creation of the criminal law. Most adult participants, as the situation in Ejagham reveals, voluntarily consent to the procedures, or feel obliged to participate. Being an offense often committed based on mutual consent between practitioners and adult "victims", it is inconceivable that any of the parties involved could subsequently avail themselves of the protection afforded by the criminal law.

In communities that practice FGM people often accept it as a normal part of growing up as a woman.⁵ In such communities, denial of women to be subjected to it victimizes them. In the Ejagham community, non-circumcised women are considered as outlaws, being neither men nor women, and are not eligible for marriage, a stigma that extends to their families. Overcoming this label for these women is to undergo an inevitable circumcision which, according to the criminal law, further makes them victims. The criminal law has therefore produced victims who do not see themselves as such, making them apprehensive of engaging with the law. The exceptions are children subjected to the ordeal deserving of protection. The potency of the criminal law in affording protection to these victims is undermined by the lack of political will amidst the complexity of the practice.

4.3 The Complexity of FGM in a Duty-Bound Society

The unique complexity of FGM has rendered the application of the criminal law fraught with difficulties. FGM is usually performed within family circles amid approval from the community. It is shrouded in secrecy, sanctioned by taboos in case of violations. Where family members are not the practitioners, relatives of victims are usually aware of it, and often make the necessary arrangements for the performance of the rite. Parents,

¹ Anne M. Gibeau, (1998). Female Genital Mutilation: When a Cultural Practice generates Clinical and ethical Dilemmas. *JOGNN Clinical Issues*, 27(1), 87.

² Sally Engle Merry, (2001). Changing rights, changing culture, in *Culture and rights: Anthropological Perspectives*, eds. J. A. Cowan, M.-B. Dembour, & R.A., Wilson, Cambridge: Cambridge University Press, 31-35; Bonny Ibhawoh, (2001). Cultural tradition and national human rights standards in conflict, in *Legal cultures and human rights: The challenge of diversity*, ed. Kirsten Hastrup, Kluwer Law International, 85-102.

³ Mikano Emmanuel Kiye, (2015). Conflict between Customary Law and Human Rights in Cameroon: The Role of the Courts in Fostering an Equitably Gendered Society. *African Study Monographs*, 36(2), 75, 78-79; Chukwemeka Ebo, (1979). Indigenous Law and Justice: Some Major Concepts and Practices, in *African Law and Legal Theory*, eds. Gordon R. Woodman & Obilade, A.O. (Aldershot: Dartmouth Publishing Company Ltd.).

⁴ This prosecution may either be at the behest of the Legal Department, or any Government Department or the Injured Party himself under conditions laid down by law.

⁵ Ronan Van Rossem, Dominique Meekers & Anatasia J Gage, (2015). Women's Position and Attitudes towards female genital mutilation in Egypt: A Secondary Analysis of the Egypt Demographic and Health Surveys, 1995 – 2014. *BMC Public Health*, 15, 2.

especially mothers, have often been implicated in the initiation of their daughters into the tradition.¹

The duty-bound nature of Cameroonian society makes it even more difficult to invoke the provisions of the criminal law. Being the main care givers to their children, mothers share a special bond with their children and act as role models to them. The duty-bound obligation provides children with a reciprocal responsibility to carter for their parents at old age. Indeed, in communitarian societies, children act as a form of social security to their parents.

It is an inconceivable proposition for a victim of FGM to ally with the state to initiate criminal proceedings against her own parents and the community, amounting to a serious abnegation of the duty she owes. Unsurprisingly, during this research there were no recorded instances of victims having initiated prosecutions against practitioners as that would drag their parents into the proceedings. This trend obtains in other countries in Africa where FGM is criminalized. Kenya and Gambia have recorded some prosecutions and Burkina Faso appears to have initiated more prosecutions for FGM, a success attributed to the strong political will of the leadership.² Aside from these few examples, in many other African countries FGM/C is performed without legal consequences for offenders, despite laws prohibiting the practice.³

4.4 Lack of Sensitization and Absence of Political Will

It is barely four years since FGM was criminalized in Cameroon. Unfortunately, this legislative breakthrough is yet to receive much publicity. In communities where the practice obtains there is limited awareness of its criminal status, as people still engage in it with impunity. Due to illiteracy, knowledge of its criminalization is limited.

This is compounded by the absence of political will on the part of the state to aggressively employ the criminal law. Seemingly, the preferred approaches of the state are sensitization and advocacy campaigns with the apparent fear of a potential backlash from local communities. FGM, unlike other crimes, is committed with the involvement of the community at large. Any criminal action will extend beyond the so-called victim to involve as accessories or accomplices' members of the community, a development liable to pit the state against the local community. This may be a therapy for disaster, social unrest, and instability which the state is hesitant to provoke. Further, the state is embroiled in more pressing issues, including the fight against terrorism in the North and Anglophone regions and FGM is a lower priority.

The Far North region, where FGM is most prevalent, presents a unique problem. It is densely populated and has always been a source of political leverage for the regime in power. The fear is that an aggressive implementation of section 277-1 would not only be viewed as confrontational to the local communities but will also alienate the regime from the people which could be costly during multiparty elections. Without effective education of the masses and strong political will, the criminal law would remain impotent.

4.5 Poverty, Insecurity, and the COVID-19 Pandemic

Poverty, insecurity, and the COVID-19 pandemic also account for the impotency of the criminal law. In some communities, providers of FGM are induced by financial gains arising from its performance. The practice constitutes a valuable source of income to their families which may dry up should it be eradicated. In the absence of alternative sources of income, providers are hesitant to lose their only source of livelihood by not engaging in

¹ This accounts for the fact that in the few recorded instances of criminal prosecutions, be they in jurisdictions in Africa or in the West, parents of the victims have often been subjected to criminal charges for the offence. For instance, in February 1993, Taky Traore and Oura Dacoure, both 31-year-old immigrants from the West African state of Mali, admitted paying another woman \$30 each to cut genital parts from their 3-year-old daughters in 1989 in a French Court. In two separate cases, the father of one girl and the mother of another were jailed by a French jury for allowing their daughters to be excised. See Rone Tempest 'Ancient Traditions vs. the Law: Prosecutions of two immigrants for 'female circumcision' in France highlight an increasingly common cultural clash. Customs in one part of the world are viewed as repulsive in another', Los Angeles Times, February 18, 1993. Available at: COLUMN ONE: Ancient Traditions vs. the Law: Prosecutions of two immigrants for 'female circumcision' in France highlight an increasingly common cultural clash. Customs in one part of the world are viewed as repulsive in another. - Los Angeles Times (latimes.com) (accessed September 2 2023). In Burkina Faso, where there have been numerous prosecutions against the practice, records reveal that those prosecuted included traditional cutters and accomplices including parents and family members. See Satang Nabaneh & Adamson S. Muula, (2019). "Female genital mutilation/cutting in Africa: A complex legal and ethical landscape." *International Journal of Gynecology & Obstetrics*, 145(2), 256.

² Satang Nabaneh & Adamson S. Muula, (2019). Female genital mutilation/cutting in Africa: A complex legal and ethical landscape. *International Journal of Gynecology & Obstetrics*, 145(2), 256.

³ Satang Nabaneh & Adamson S. Muula, (2019). Female genital mutilation/cutting in Africa: A complex legal and ethical landscape. *International Journal of Gynecology & Obstetrics*, 145(2), 256.

it. Poverty is provided as a justification for the continuance of FGM among providers.¹

The government's socio-economic neglect and marginalization of the Ejaghams have also prevented them from cooperating with efforts advanced by the state to eradicate the practice. The lack of trust by this community of the government which is only interested in eradicating its culture rather than advancing the development of the community has created a feeling of resistance to anti-circumcision initiatives advanced by the state.² The absence of alternative projects has consolidated reliance on cultural practices, including those opposed to by the state.

Insecurity in Northern Cameroon due to the fight against Boko Haram and the Anglophone separatists war have limited the activism of advocacy groups in these regions, contributing to the resurgence of FGM.³ Coincidentally, FGM is most prevalent in these troubled regions. The COVID-19 pandemic is also blamed for this resurgence as the restriction of movement prevented advocacy groups from engaging with the concerned communities. The focus of the government was also shifted to addressing the pandemic which is perceived as a greater threat.

4.6 The Nature of the Criminal Law

By its very nature, the criminal law is inadequately adapted to the fight against FGM. The law kicks into action when an alleged offence is reported to the competent authorities. In criminal matters, section 29(2) of the Law on Judicial Organization 2006,⁴ authorizes the State Counsel, and without prejudice to the rights of the victim, to investigate and record offences, conduct judicial inquiries, institute proceedings and investigations, issue arrest and detention warrants, and refer cases to the competent courts. In accordance with section 30(2) a judicial police officer or any officer of the law may arrest a suspect. In accordance with sub section (3) any person who witnessed the commission of an offence *flagrante delicto* may arrest the suspect.

Most criminal actions commenced at the behest of the State Counsel after investigations of a complaint from an aggrieved party. Since most adult victims of FGM do not see themselves as victims, it is unlikely for them to avail themselves of this option. The situation is compounded by the fact that the practice is shrouded in secrecy rendering abortive the likelihood of a practitioner being caught performing it in *flagrante delicto*. In principle, anyone who witnesses the commission of an offence could initiate the commencement of action by arresting the suspect. Although a feasible option, it is yet to play out in the case of FGM which is often performed in rural areas with limited accessibility. It is not surprising that during this research, no action was found to have been listed before the state courts of the Southwest region despite the prevalence of the practice in Manyu Division of the region. Even where prosecutions maybe initiated, the outcome is not certain. For there to be a conviction under Cameroonian criminal law, the prosecution must prove beyond a reasonable doubt of the existence of both the material (*actus reus*) and mental (*mens rea*) elements of the offence, the latter requirement susceptible to contention.⁵ *Mens rea* comprises the guilty or evil mind, which in the case of FGM, is the voluntary criminal intention of the practitioner to cause physical harm to the victim.

The argument that parents nursed the evil intent to deliberately cause harm to their own daughters is unsustainable despite the negative repercussions of the practice. Evidence may suggest otherwise: parents, based on belief-system and the love and affection they have for their children are motivated to subject them to the

¹ In his report for Voice of America online, Edwin Kindzeka observed that the lack of alternative sources of income, amid the insecurity that prevails in the Northern and English-speaking regions of Cameroon together with the ravaging COVID-19 virus, have increased incidences of the practice. Moki Edwin Kindzeka, Cameroon Says Female Circumcision Resurfacing Because of COVID-19, Other Crises, Voice of Africa Online, (February 7, 2021), available at: Cameroon Says Female Circumcision Resurfacing Because of COVID-19, Other Crises (voanews.com) (Accessed August 13, 2021).

² Sianga Mutula, Ngambouk Vitalis Pemuta, *et al.*, (2021). The Fight Against Female Genital Mutilation/Cutting among the Ejaghams of Cameroon: Kinks in the Legal Approach and Implications for Public Health Practice. *International Journal of Sexual Health*, 34(1), 165.

³ The government of Cameroon is currently engaged in two separate armed conflicts in Northern and the Anglophone regions of the country. The fight against the Islamic group, Boko Haram, from across the Nigerian Border in the North and armed separatist groups in Anglophone Cameroon in the South West and North West have led to security concerns in these regions as scarce resources are now diverted to prosecuting these wars. See Human Rights Watch, (2021, April 5). Cameroon: Boko Haram Attacks Escalate in the Far North; Manu Lekunze, (2023). Insurgency and national security: a perspective from Cameroon's separatist conflict. *Third World Quarterly*, 44(6), 1155-1173.

⁴ Law No. 2006/015 of 29 December 2006 on Judicial Organization.

⁵ Section 74 (1) of the Cameroonian Penal Code provides for the *mens rea*: "No penalty may be imposed except upon a person criminally responsible" Subsection (2) provides that "Criminal responsibility shall lie on him who intentionally commits each of the ingredient acts or omissions of an offence with the intention of causing the result which completes it".

practice. Courts in Europe often grappled with these dilemmas in the prosecution of immigrant parents accused of performing FGM on their daughters. The defense of cultural relativism, coupled with the argument advancing the benefits of FGM to victims, have undermined the *mens rea* element leading, in some instances, to non-custodial sentences against practitioners.¹ Although convictions have been more successful in France, the arguments of the cultural background of the accused and error of law have often been invoked leading to lighter sentences to parents.² This is certainly not going to be any different in a Cameroonian court where the evil intent of the accused is more likely to be undermined in communities that believed in the benefits of the practice.

5. Conclusion

FGM has severe social and medical ramifications for women. Following the amendment of the Penal Code, it was criminalized under section 277-1, a provision that has remained a dead letter with virtually no attempts at enforcing it. The offence of “genital mutilation” is unique in various ways: unlike other offenses, it involves the participation of the community going beyond individual criminal responsibility; it is shrouded in secrecy; and involves collaboration between adult victims and accused persons. These are some of the reasons that have rendered impotent the criminal law. Recent statistics suggest that rather than declining, incidences of FGM have increased during the COVID-19 pandemic.³

Besides simply relying on the criminal law, the state should intensify its engagement with traditional authorities. To alter the mindset of conservatist elements, more reliance on education and sensitization is required. Teenage girls should be insulated from the practice which should only be available to adults provided their consent is sought. Where consent is voluntarily granted, only trained personnel should be authorized to perform the practice in conformity with the law. Whether this view is acceptable to conservative elements is questionable. The criminal law has been dismal so far, which is unlikely to change for a custom whose very nature makes the law unsuitable for its eradication.

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¹ Ruth M. Mestre I Mestre and Sara Johnsdotter, (2019). Court Cases, Cultural Expertise, and “Female Genital Mutilation” in Europe. *Cultural Expertise and Socio-Legal Studies. Studies in Law, Politics, and Society*, 78, 95-113.

² Renée Kool & Sohail Wahed, (2014). Criminal Enforcement in the Area of Female Genital Mutilation in France, England and the Netherlands: A Comparative Law Perspective. *International Law Research*, 3(1), 4-5.

³ Moki Edwin Kindzeka, (2021, February 7). Cameroon Says Female Circumcision Resurfacing Because of COVID-19, Other Crises, Voice of Africa Online, available at: Cameroon Says Female Circumcision Resurfacing Because of COVID-19, Other Crises (voanews.com) (Accessed August 13, 2021).

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