

# The Protection of Consumers Against Dangerous Goods in Cameroon: An Overview of the Regulatory Framework

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## Abstract

Consumer protection in Cameroon gained legal recognition with the enactment of Law No. 2011/012 on Consumer Protection, which aims to safeguard consumers from unfair trade practices and unsafe products, including dangerous goods. This law, alongside other regulations on hazardous substances, seeks to ensure the safety, health, and economic interests of consumers in a rapidly evolving market environment. Despite the existence of legal frameworks, consumers in Cameroon remain vulnerable to the sale of dangerous and defective goods due to enforcement challenges, scattered regulations, and limited consumer awareness. This situation poses significant risks to public health and safety. This research paper critically assesses Cameroon's legal and institutional frameworks in protecting consumers against the dangerous goods. The study employs a qualitative socio-legal approach, analyzing relevant statutes, case law, and regulatory policies. It also reviews secondary literature and official documents to evaluate the practical enforcement of consumer protection laws in Cameroon. Findings reveal that the 2011 Consumer Protection Law provides a comprehensive framework mandating product safety inspections, immediate withdrawal of hazardous goods, and penalties for illegal advertising and sale of dangerous products. However, enforcement is hindered by fragmented regulations, limited resources, and insufficient consumer education. Additional laws on explosives and hazardous waste complement consumer safety but require better integration and application. While Cameroon has established a solid legal foundation for consumer protection against dangerous goods, significant gaps in enforcement and public awareness limit its effectiveness. Strengthening institutional capacity and harmonizing regulations are essential to improve consumer safety. The research recommends enhancing regulatory enforcement agencies' resources, promoting consumer education on product safety, improving coordination among relevant authorities, and establishing clear mechanisms for product recall and compensation to consumers harmed by dangerous goods.

**Keywords:** protection, consumer, dangerous goods

## 1. Introduction

The complex modern commercial society and the sophistication of the production process and its products with

their imperfections as to the relative strength of the consumer to the producer have heightened.<sup>1</sup> This has led to a quest for countries to enact laws that could afford a greater protection for consumers against the sale of dangerous goods. However, goods may be considered dangerous if they do not meet the required standard by their nature, they are dangerous<sup>2</sup>. A dangerous good is a product which, under normal or reasonably foreseeable conditions of use, presents a risk that is not compatible with the use of the product or service and is considered unacceptable in compliance with a high level of protection of the health and safety of people, pets, property or the environment.<sup>3</sup> Thus, their sale needs to be regulated to protect consumers against such vices in the goods.

Initially, the law of contract provided the basis of consumer protection. Contract law governs the creation and enforcement of agreements between parties. It establishes the rules that parties must abide by in their dealings, including requirements for offer, acceptance, consideration, and capacity. It is a legally binding agreement that outlines the rights and obligations of each party. When one party fails to meet his obligations under the contract, the other party may seek legal remedies, such as damages or specific performance<sup>4</sup>. Additionally, in another dimension under the Sale of Goods Act 1893, the purchaser of goods could bring an action for breach of an express or implied term in the contract. It appears that there are no implied warranties or conditions in a contract of sale as to quality or fitness of goods for any particular purpose, unless two principal conditions are satisfied. The first is that the sale must have been a sale by description.<sup>5</sup> This therefore means that the seller or producer is not in a position to supply goods that are suitable for the purpose unless the goods are adequately described. A good example in Cameroon is the sale of pharmaceutical products where the consumer must produce a “prescription order”, otherwise known in French as “*Ordonnance*” before he can be served by the pharmacist.<sup>6</sup>

The “prescription order” or “*ordonnance*” is a list of the drugs required. Until this requirement is satisfied, the pharmacist may not be held liable for the supply of wrong drugs, which may be detrimental to the consumer’s health. If merchantability will mean suitability for the purpose, then the right pharmaceutical products will only be supplied where they are adequately described.<sup>7</sup>

In regulating the sale of dangerous goods, the rule is that, when the goods are those normally supplied in the seller’s course of business, the word description will be interpreted to mean the actual description by which the goods which are the subject matter of the contract were bought.<sup>8</sup> Sale by a person who deals in goods of that description in the eyes of the law will invariably exclude private sale or sale for private use, consumption, occasional sales or a sale that takes place only once.<sup>9</sup> One justification for the insistence that the sale must be by a person who deals in goods of that description is probably to allow specialists and professionals to display the expertise knowledge and skills in the selection of the goods since they can better appreciate the risk involved in not complying with the implied conditions of fitness for the purpose and sale by description and in some occasions, could even advise the consumer on the availability, sustainability and viability of alternative goods or substitutes.<sup>10</sup> The restriction of the seller to sell only in the course of business or that the sale must not be a private one may promote the sale of sub-standard goods even if they are not sold in the course of business.

In English law, there has been both statutory enactments and case law aimed at protecting consumers against the sale of dangerous goods. In Cameroon such regulations contain in pieces of legislation. The English Sale of Goods Act 1893 (as amended) provides for instance, statutory protection by implying terms into contracts for the sale of goods, the breach of which gives rise to a number of remedies depending on the gravity of the situation.

<sup>1</sup> Eugene, M., (2016). The protection of rights of consumers of goods in Tanzania: A law-based approach. *The African Journal of Finance and Management*, 25, 110–136:110.

<sup>2</sup> L. Sunel, (2017). *Product liability: The common law and the consumer protection act 68 of 2008*, (PQDT-Global, 2017) p. 2.

<sup>3</sup> Article 104 DIRECTIVE No. 02/19/UEAC/639/CM/33 of 8 April 2019 Harmonizing the protection of consumers within the CEMAC ZONE.

<sup>4</sup> Zeija, F., (2018). Consumer protection in Uganda: The law in theory and practice. *Journal of Consumer Policy*, 41(4), 455–471:460.

<sup>5</sup> This condition was upheld by the English Court of Appeal in the case of, *Ashington Piggeries Ltd. v. Christopher Hill Ltd.* (1972) A.C. 441.

<sup>6</sup> *Ibid.*

<sup>7</sup> Mulaku Sema, D. (2021). A critical appraisal of contractual liability for defective products within the perspective of electronic commerce in Cameroon. *Scholars International Journal of Law, Crime and Justice*, 4(9), 566–573, p. 569.

<sup>8</sup> This was in the case of by the court In the English case of *Ashington Piggeries Ltd. v. Christopher Hill Ltd* (1972) A.C 441.

<sup>9</sup> Mulaku Sema, D. (2021). A critical appraisal of contractual liability for defective products within the perspective of electronic commerce in Cameroon. *Scholars International Journal of Law, Crime and Justice*, 4(9), 566–573, p. 569.

<sup>10</sup> *Ibid.*

In 1985 precisely on the 25th of July, the Council of European Union enacted Directive 85/374/EEC to regulate the circulation of goods and services within member states in a bid to ensure the sale defective free goods and services within the Union. Britain in 1987 incorporated the Directive into its national laws, known as the Consumer Protection Act of 1987.<sup>1</sup> France on her own part on the 19th of May 1998 incorporated the Directive into her local laws.<sup>2</sup> Cameroon on her own part has made conscious efforts in the protection of consumers against dangerous goods and services by enacting the much-needed 2011 Consumer Protection Law.<sup>3</sup> The 2015 law on commercial activities in Cameroon, the OHADA Uniform Act Relating to General Commercial Law<sup>4</sup> and CEMAC directives on protection of consumers<sup>5</sup>. While the directive must first be transposed into Cameroonian domestic law in order to have the force of law, this is not the case with the CEMAC regulations, which are directly applicable in Cameroon. Under Directive No. 02/19-UEAC-639-CM-33 of 8 April 2019 harmonizing consumer protection within CEMAC<sup>6</sup>, the implementation of consumer protection provisions must be based on respect for guiding principles that guarantee rights enshrined. The Directive recognizes 13 fundamental consumer rights, establishing the general framework for consumer protection in all CEMAC countries. It protects consumers from certain business practices. In particular, it prohibits: unfair business practices<sup>7</sup>, false and misleading business practices<sup>8</sup>, and abusive business practices<sup>9</sup>. It strengthens consumer protection by setting out a specific legal regime on unfair terms and prohibits economic operators from placing or making available on the market dangerous products or services.<sup>10</sup>

The primary intent of the law is to establish liability on the part of the seller or producer and by so doing, guaranteeing the safety of the consumer and this must be so, irrespective of whether the sale is a private one. This position can be supported by sections 17 and 18(2) of the 2011 Cameroonian Consumer Protection Law. According to section 17: Standards for food, pharmaceutical products and drugs shall be compulsory and comply with those laid down by relevant international organizations.<sup>11</sup> In the light of the foregoing section, all sales whether private or public carried out either once must comply with the set standards and the seller or producer irrespective of the capacity in which he sells, must be held liable for any injury caused to a consumer by the product. In the case of pharmaceutical products for example, the standards are those laid down by the World Health Organization (WHO). On the other hand, section 18 (2) the 2011 Cameroon Consumer Protection Law provides that: The producer or supplier of a technology, good or service supplied or sold to a consumer shall be liable for damage caused by such technology, good or service.<sup>12</sup>

In assessing the dangerous nature of a good, account is taken in particular of the characteristics of the goods, including its composition, packaging, assembly, installation, use and maintenance conditions; the effect of the product on other products if the use of the first with the second can reasonably be anticipated<sup>13</sup>; the presentation of the product, its labeling, any warnings and instructions concerning its use and disposal as well as any other indication or information relating to the product; categories of consumers who find themselves at risk with regard to the use of the product.<sup>14</sup> However, the possibility of achieving a higher level of safety or of obtaining other products presenting a lower risk does not constitute a sufficient reason to consider a product dangerous.<sup>15</sup>

<sup>1</sup> However, in June 2016, Britain in a referendum backed out of the European Union. With the complete negotiation of Brexit.

<sup>2</sup> See for instance Article 1386 (1) – (18) of the French Civil Code.

<sup>3</sup> Law No. 2011/012 of 06 May 2011, known as Framework on Consumer Protection Law in Cameroon.

<sup>4</sup> Law N° 2015/018 of December 21, 2015 governing the commercial activity in Cameroon.

<sup>5</sup> Article 104 DIRECTIVE No. 02/19/UEAC/639/CM/33 of 8 April 2019 Harmonizing the protection of consumers within the CEMAC ZONE.

<sup>6</sup> Herein after refers to the Directive.

<sup>7</sup> Directive, art. 32 on the general obligation of fairness.

<sup>8</sup> *Ibid.*, art. 35.

<sup>9</sup> *Ibid.*, art. 40.

<sup>10</sup> *Ibid.*, art. 103.

<sup>11</sup> See section 17 of the 2011 Cameroon Consumer Protection Law.

<sup>12</sup> *Ibid.*, section 18.

<sup>13</sup> Article 104 DIRECTIVE No. 02/19/UEAC/639/CM/33 of 8 April 2019 Harmonizing the protection of consumers within the CEMAC ZONE.

<sup>14</sup> *Ibid.*

<sup>15</sup> *Ibid.*

## 2. Major Classification of Dangerous Goods

This generally entails the elements that make up goods dangerous. Goods can either be considered as dangerous by their nature, or they contain a hidden defect in it which causes harm when consumed.<sup>1</sup>

### 2.1 Goods Dangerous by Their Nature

There are some products which, in the present state of human knowledge, are quite incapable of being made safe for their intended and ordinary use. This is not only limited to goods whose defects are caused by a miscarriage of the manufacturing process (the traditional defective product), but products which are dangerous because of their design or composition.<sup>2</sup> Also, a product not inherently dangerous will be treated as dangerous if its use has caused harm because of improper directions or inadequate warning. Even foreseeability of harm, given the state of available knowledge, that is the development risk defense, has occasionally, not afforded an excuse from liability. Retailers have not been excused simply because they bought from otherwise reliable suppliers and were not negligent in inspecting. Strict liability is therefore far more than negligence liability in disguise. For strict liability to apply, the drug has to cause harm or death, due to a defect in the pharmaceutical drug (proximate cause).

### 2.2 A Defect in the Goods that Makes it Unsafe

A good at some instance maybe considered dangerous if there is defect in it. The question that begs for answer is what is a defect? there is a defect in a product “if the safety of the product is not such as persons generally are entitled to expect; and ... ‘safety’ in relation to a product, shall include safety with respect to products comprised in that product and safety in the context of risks of damage to property, as well as in the context of risks of death or personal injury”.<sup>3</sup> Safety then is a relative notion, and this reduces considerably from the alleged strict liability basis of the scheme. In determining what persons generally are entitled to expect in relation to a product: “all the circumstances shall be taken into account, including (a) the manner in which, and the purposes for which, the product has been marketed, its get-up, the use of any mark in relation to the product and any instructions for, or warnings with respect to doing, or refraining from doing anything with or in relation to the product; (b) what might reasonably be expected to be done with or in relation to the product; and (c) the time when the product was supplied by its producer to another; and nothing in this section shall require a defect to be inferred from the fact alone that the safety of a product which is supplied after that time is greater than the safety of the product in question.”<sup>4</sup>

It is implicit in the foregoing that in determining the issue of defectiveness, approaches such as the cost-benefit analysis and the consumer expectation test will be relevant. These concepts detract from the spirit of strict liability and are more suited in negligence. Cost-benefit computations and the notion of reasonableness (for example, in determining what people are entitled to expect in section 3(2)(b)) are factors used in deciding whether the defendant’s conduct is negligent or not.

Moreover, the list of factors in section 3(2) for the purpose of determining defectiveness is not exhaustive. It has to be said that the expression “such as persons generally are entitled to expect”, instead of “a person”, covers consumers, other users, and bystanders. But must they expect absolute safety? The answer here is certainly negative, since the interests of potential victims must be balanced against various other factors such as the manner in which the product is marketed, the reasonable expectations of the producer as to the products used and the role of warnings/instructions.<sup>5</sup> Perhaps a compromise between these two obviously unintended (and indeed undesirable) extremes, may be reached by stating that the standard expected ought to be one of reasonable safety, and then taking into account the expressed circumstances and (all other relevant factors) as to reasonableness. It must be noted though, that there cannot be absolute safety, not even in a scheme of strict liability.<sup>6</sup>

### 2.3 Design and Warning

For the sake of clarity, it may be useful to distinguish between warnings and directions for use, although quite

<sup>1</sup> W. Yuanxi, “Dangerous goods detection based on transfer learning in X-ray images”, *Neural Computing and Applications* 32 (12) 2020, pp.8711-8724:8720

<sup>2</sup> P. Jean, M. Christian, A. Marie, (2001). Hazard identification of dangerous goods. *International Conference on Safety and Reliability*. (ESREL 2001), p. 17.

<sup>3</sup> Section 3(1) of the British Consumer Protection Act, 1987.

<sup>4</sup> 6 S. 3(2) of the British Consumer Protection Act, 1987.

<sup>5</sup> S. D. Galega, ‘Insidious Disease, Product Injury and the Causal Nexus in Tort Law,’ *op. cit.*, see also A. Longla Boma, *Principles of consumers protection law in Cameroon, op. cit.*

<sup>6</sup> *Ibid.*

frequently, the inclination is to use these expressions interchangeably.<sup>1</sup> The function of a warning is to acquaint the consumer with dangers associated with the product, whereas instructions for use, on the other hand, indicate how the optimum beneficial effects may be achieved by using the product. Safety is thus a factor in determining defectiveness, and in making that determination the design of the product, whether “adequate” or “effective” warnings/instructions accompanied the product in question, are relevant factors. This adds to the relativity of the concept.<sup>2</sup> In one sense, this may be laudable, especially from the manufacturer’s perspective, for it is inconceivable to expect products to be perfect. The public utility of some products such as medicaments makes them unavoidably unsafe.<sup>3</sup> However, using warnings to determine the safety of products has been castigated as a technique to lower the relevant “expectations of safety”, a mechanism to enhance the cost-benefit assessment in the defendant’s favors.<sup>4</sup> One may wonder whether warnings can make “safe” a product known to be clearly dangerous, such as cigarettes. All these simply point to the limits of strict liability. Where risks of failing to follow instructions/directions are neither mentioned nor obvious, such instructions/directions, standing alone, could be insufficient to discharge the producer’s duty. In the case of design or structural “defects” in a product, it is doubtful if warnings/instructions can be of much help. This brings to mind the question as to when warnings are necessary, their adequacy and even their effectiveness. All these compounds the question of safety and ultimately, defectiveness. Indeed, courts usually adopt a cost-benefit approach reminiscent of negligence in design defect cases.<sup>5</sup>

Hence, not only the interests of consumers should be considered, even in a “consumer protection” legislation. It is difficult to think of a product which can be absolutely safe under all circumstances. Hence, notwithstanding the criticism of warnings within the scheme, it seems that their role is so vital and necessary that the Cameroonian legislator would be making a serious error of judgment to exclude it in a strict liability legislation for defective products.<sup>6</sup>

Inadequate warning as one of the defects has also been established for strict liability in defective medicinal product cases. The standard for determining the adequacy or need for warning has been to avoid any side effects or injuries that may occur to the consumer of a medical drug to be aware of its effects before using or consuming it. The duty to warn arises if a manufacturer knows or should have known of a dangerous condition.<sup>7</sup> The manufacturer of a prescription drug is under a duty of care and is liable for failure to inform the medical professionals who are to make prescriptions to their patients that a drug may be dangerous or have side effects when taken for certain conditions even if the percentage of users who might be harmed were few.<sup>8</sup> This duty of the manufacturer, however, does not extend beyond warning the medical professionals. The drug manufacturer has no duty to warn the patient for this now is the duty of the prescriber or retailer.<sup>9</sup> In most cases in Cameroon, the retailers do not give such warnings because they are mostly business men who lack even the basic knowledge of medical care and so can be strictly liable for selling defective drugs, whose sources are unknown sometimes. It becomes imperative for one to look at strict liability in defective medical drugs by determining the liability of the various groups of persons involved from the stage of production to consumption or usage.

### 3. Types of Dangerous Goods

Dangerous goods are classified into nine main classes based on their specific hazards, each posing distinct risks during handling, storage, and transportation. Each class of dangerous goods requires tailored handling, packaging, and transport regulations to mitigate their unique risks.<sup>10</sup> Explosives and flammable materials pose

<sup>1</sup> A. Longla Boma, *Principles of consumers protection law in Cameroon*, *op. cit.*

<sup>2</sup> *Ibid.*

<sup>3</sup> Despite their known inherent dangers, in such cases the products may not be regarded as defective.

<sup>4</sup> Stapleton, J. (1986). Product liability reform: Real or illusory? *Oxford Journal of Legal Studies*, 6, 392–406, pp 392–406:394.

<sup>5</sup> *Morris v. West Hartlepool Steam Navigation Co* [1956] AC 552, 574; *Caterpillar Tractor Co. v. Paula Beck*, 593 F 2d 871 (Alas. 1979).

<sup>6</sup> S. D. Galega, ‘Insidious Disease, Product Injury and the Causal Nexus in Tort Law,’ *op. cit.*

<sup>7</sup> Siggins C.S., (1986), “Strict Liability for Prescription Drugs: Which Shall Govern Comment K or Strict Liability Applicable to Ordinary Products?”, 16 *Golden Gate University Law Review*, 1986, p. 316, at <http://digitalcommons.law.ggu.edu/ggulrev/vol16/iss2/2> (Accessed 23/10/2023)

<sup>8</sup> See *Finn v. G.D. Searle & Company* at 697-98, 677 P.2d at 1150-51, 200 Cal. Rptr. at 873-74.

<sup>9</sup> Siggins C.S., (1986), “*op. cit.*”, p. 319.

<sup>10</sup> Dangerous goods classes and hazard labels - CASA  
<https://www.casa.gov.au/operations-safety-and-travel/safety-advice/dangerous-goods-and-air-freight/dangerous-goods-classes-and-hazard-labels> (Accessed on 18/6/2025)

immediate fire and blast hazards, demanding strict segregation and containment.<sup>1</sup> Gases, whether toxic or flammable, risk leaks and asphyxiation. Toxic and infectious substances threaten health through exposure or contamination, requiring biohazard controls. Radioactive materials pose long-term health risks from radiation exposure, necessitating shielding and monitoring. Corrosives can cause severe injuries and damage to transport infrastructure. Miscellaneous goods, though varied, still demand careful risk assessment.<sup>2</sup>

Regulatory frameworks like the UN Model Regulations and national agencies (e.g., CASA, FAA) provide classification, labeling, and handling standards to ensure safety during transport. However, challenges remain in enforcement, especially with mixed or newly developed materials, requiring ongoing vigilance and training.

### 3.1 Class 1: Explosives

These substances and articles can explode, causing mass explosions, fire, projection hazards, or minor blast hazards. Examples include ammunition, fireworks, flares, blasting caps, and airbag inflators.<sup>3</sup>

Consists of explosives that have a mass explosion hazard. A mass explosion is one which affects almost the entire load instantaneously. Explosives with a severe projection hazard consist of explosives that present a projection hazard but do not cause a mass explosion. Explosives with a fire hazard consist of explosives that pose a fire hazard and either a minor blast hazard, a minor projection hazard, or both—but not a mass explosion hazard. Minor fire or projection hazard consists of explosives that present a minor explosion hazard. The explosive effects are largely confined to the package and no projection of fragments of appreciable size or range is to be expected. An external fire must not cause virtually instantaneous explosion of almost the entire contents of the package.

### 3.2 Class 2: Gases

Gases are divided into flammable gases (e.g., propane, butane), non-flammable/non-toxic gases (e.g., helium, nitrogen), and toxic gases (e.g., chlorine). They may be compressed, liquefied, or dissolved under pressure and can pose fire, toxicity, or asphyxiation risks.<sup>4</sup> Gases are defined by dangerous goods regulations as substances which have a vapour pressure of 300 kPa or greater at 50°C or which are completely gaseous at 20°C at standard atmospheric pressure, and items containing these substances. The class encompasses compressed gases, liquefied gases, dissolved gases, refrigerated liquefied gases, mixtures of one or more gases with one or more vapors of substances of other classes, articles charged with a gas and aerosols. Gases which ignite on contact with an ignition source, such as acetylene and hydrogen. This gas can either be flammable or non-flammable gas.

Flammable gas means any material which is ignitable at 101.3 kPa (14.7 psi) when in a mixture of 13 percent or less by volume with air, or has a flammable range at 101.3 kPa (14.7 psi) with air of at least 12 percent regardless of the lower limit. Gases which are neither flammable nor poisonous. Includes the cryogenic gases/liquids (temperatures of below -100°C) used for cryopreservation and rocket fuels. This division includes compressed gas, liquefied gas, pressurized cryogenic gas, compressed gas in solution, asphyxiant gas and oxidizing gas. A non-flammable, nonpoisonous compressed gas means any material which exerts in the packaging an absolute pressure of 280 kPa (40.6 psia) or greater at 20°C (68°F), and does not meet the definition of Division

### 3.3 Class 3: Flammable Liquids

Liquids that can ignite easily, such as gasoline, alcohols, adhesives, and paints. They present fire hazards and require careful packaging and handling to prevent ignition.<sup>5</sup> Flammable liquids are defined by dangerous goods regulations as liquids, mixtures of liquids or liquids containing solids in solution or suspension which give off a flammable vapour (have a flash point) at temperatures of not more than 60-65°C, liquids offered for transport at temperatures at or above their flash point or substances transported at elevated temperatures in a liquid state and which give off a flammable vapour at a temperature at or below the maximum transport temperature.

A flammable liquid means a liquid which may catch fire easily or any mixture having one or more components with any flash point. As example: acetone, diesel, gasoline, kerosene, oil etc. There is strongly recommended for transportation at or above its flash point in a bulk packaging. There are three main groups of flammable liquid.

<sup>1</sup> *Ibid.*

<sup>2</sup> What are Dangerous Goods? | Federal Aviation Administration. [https://www.faa.gov/hazmat/what\\_is\\_hazmat](https://www.faa.gov/hazmat/what_is_hazmat) (Accessed on 18/6/2025)

<sup>3</sup> Classes - Dangerous Goods International <https://dgglobal.com/classes/> (Accessed on 18/6/2025)

<sup>4</sup> The Nine Classes of Dangerous goods, available at <https://www.sainthelena.gov.sh/wp-content/uploads/2024/08/THE-9-CLASSES-OF-DANGEROUS-GOODS.pdf> (Accessed on 18/6/2025)

<sup>5</sup> *Ibid.*

Low flash point group – liquids with flash points below  $-18^{\circ}\text{C}$ ; Intermediate flash point group – liquids with flash points from  $-18^{\circ}\text{C}$  to  $+23^{\circ}\text{C}$ ; High flash point group – liquids with flash points above  $+23^{\circ}\text{C}$ . Flammable liquids are capable of posing serious hazards due to their volatility, combustibility and potential in causing or propagating severe conflagrations.

### 3.4 Class 4: Flammable Solids

Includes solids liable to spontaneous combustion, substances that emit flammable gases on contact with water, and self-reactive substances. Examples are matches, sulfur, and certain metal powders.<sup>1</sup> Flammable solids are materials which, under conditions encountered in transport, are readily combustible or may cause or contribute to fire through friction, self-reactive substances which are liable to undergo a strongly exothermic reaction or solid desensitized explosives. Also included are substances which are liable to spontaneous heating under normal transport conditions, or to heating up in contact with air, and are consequently liable to catch fire and substances which emit flammable gases or become spontaneously flammable when in contact with water.

### 3.5 Class 5: Oxidizing Substances and Organic Peroxides

These materials can cause or enhance the combustion of other materials. Oxidizers like ammonium nitrate and organic peroxides require special care as they may intensify fires.<sup>2</sup> Oxidizers are defined by dangerous goods regulations as substances which may cause or contribute to combustion, generally by yielding oxygen as a result of a redox chemical reaction. Organic peroxides are substances which may be considered derivatives of hydrogen peroxide where one or both hydrogen atoms of the chemical structure have been replaced by organic radicals.

### 3.6 Class 6: Toxic and Infectious Substances

Toxic substances that can cause death or injury by ingestion, inhalation, or skin contact (e.g., arsenic, pesticides). Infectious substances containing pathogens that cause diseases in humans or animals (e.g., medical waste, infected specimens).<sup>3</sup> Toxic substances are those which are liable either to cause death or serious injury or to harm human health if swallowed, inhaled or by skin contact. Infectious substances are those which are known or can be reasonably expected to contain pathogens. Dangerous goods regulations define pathogens as microorganisms, such as bacteria, viruses, rickettsiae, parasites and fungi, or other agents which can cause disease in humans or animals.

### 3.7 Class 7: Radioactive Materials

Substances emitting ionizing radiation harmful to humans and animals, such as uranium, radium, and medical isotopes. They require strict controls to prevent contamination and exposure.<sup>4</sup> Dangerous goods regulations define radioactive material as any material containing radionuclides where both the activity concentration and the total activity exceeds certain pre-defined values. A radionuclide is an atom with an unstable nucleus and which consequently is subject to radioactive decay.

Radioactive substances comprise substances or a combination of substances which emit ionizing radiation. Whilst undergoing radioactive decay radionuclides emit ionizing radiation, which presents potentially severe risks to human health.

### 3.8 Class 8: Corrosives

Materials that cause severe damage to living tissue or other materials on contact, including acids, battery fluids, and corrosive cleaners. They pose chemical burns and material degradation risks.<sup>5</sup> Corrosives are substances that, by chemical action, degrade or disintegrate other materials upon contact. Corrosive materials mean a liquid or solid that causes full thickness destruction of human skin at the site of contact within a specified period of time. A liquid that has a severe corrosion rate on steel or aluminum is also a corrosive material. Corrosives cause

<sup>1</sup> What Are the Nine Classes of Dangerous Goods? – VinciWorks. <https://vinciworks.com/blog/what-are-the-nine-classes-of-dangerous-goods/> (Accessed on 18/6/2025)

<sup>2</sup> Ibid.

<sup>3</sup> Types of Dangerous Goods and Commodities | UPS - United States. <https://www.ups.com/us/en/support/shipping-support/shipping-special-care-regulated-items/hazardous-materials-guide/types-of-dangerous-goods-and-commodities> (Accessed on 18/6/2025)

<sup>4</sup> Understanding Dangerous Goods: Examples Across the 9 Hazard ... <https://www.airseadg.com/general-news/understanding-dangerous-goods-examples-across-the-9-hazard-classes/> (Accessed on 18/6/2025)

<sup>5</sup> The 9 Classes of Dangerous Goods - Storemasta Blog. <https://blog.storemasta.com.au/9-classes-dangerous-goods> (Accessed on the 18/11/2025)

severe damage when in contact with living tissue or, in the case of leakage, damage or destroy surrounding materials.

### *3.9 Class 9: Miscellaneous Dangerous Goods*

A catch-all category for substances that present hazards not covered by other classes, such as dry ice, genetically modified organisms (GMOs), asbestos, and airbag modules. These materials may pose environmental or other specific risks.<sup>1</sup> Miscellaneous dangerous goods are substances and articles which during transport present a danger or hazard not covered by other classes. This class encompasses, but is not limited to, environmentally hazardous substances, substances that are transported at elevated temperatures, miscellaneous articles and substances, genetically modified organisms and micro-organisms and (depending on the method of transport) magnetized materials and aviation regulated substances.

A material which presents a hazard during transportation, but which does not meet the definition of any other hazard class. This class includes: any material which has an anesthetic, noxious or other similar property which could cause extreme annoyance or discomfort to a flight crew member so as to prevent the correct performance of assigned duties or material for an elevated temperature material, a hazardous substance, hazardous waste, or a marine pollutant. Miscellaneous dangerous goods present a wide array of potential hazards to human health and safety, infrastructure and/ or their means of transport.

## **4. Legal Frameworks Regulating Dangerous Goods in Cameroon**

The framework regulating the sale of dangerous goods in Cameroon can be ascertained from national as well as some regulations with international characters.

### *4.1 National Framework Regulating the Sale of Dangerous Goods in Cameroon*

The regulation of the sale of dangerous goods in Cameroon is relied upon on pieces of legislation regulating other sectors of the economy. This is both laws on commercial activities and laws regulating consumers protection.

#### **a) The 1996 Constitution of Cameroon as amended**

The 1996 Cameroonian Constitution, while foundational in Cameroon's legal framework, does not explicitly articulate direct protections for consumers against dangerous goods in detailed provisions. However, the Constitution sets principles and guidelines for the protection of public welfare, safety, and economic rights<sup>2</sup>, which indirectly support consumer protection mechanisms including protection against dangerous goods. Key points relevant to consumer protection and dangerous goods protection in Cameroon are derived from a combination of constitutional duties and complementary laws enacted under or alongside the constitutional framework. The Constitution obliges the state to direct policies towards securing equitable distribution of resources for the common good, which includes safeguarding the welfare of consumers.

Article 45 of the Constitution elevates duly ratified international agreements above national laws, allowing Cameroon's consumer protection regime to incorporate international safety and consumer protection standards. The Constitution ensures equality, human rights protection, and environmental protection, which collectively establish a broad mandate for consumer safety, including protection from dangerous goods.

#### **b) The Law Relating to Establishments Classified as Dangerous, Unhealthy or Obnoxious, 1998**

Adopted on 14<sup>th</sup> July 1998, this law governs, within the framework of the principles of environmental management and protection of public health, establishments classified as dangerous, unhealthy or obnoxious.<sup>3</sup> Dangerous, unhealthy or obnoxious establishments are divided into two classes according to the dangers or the gravity of the inconveniences inherent in their activities: Class I comprise establishments whose activities can be authorized only if measures are taken to prevent the dangers or inconveniences it can caused; such authorization may be subject to the location of the said establishments outside residential areas or far away from water catchments, the sea or buildings occupied by third parties.<sup>4</sup> Class II comprise establishments which, although not constituting major dangers or inconveniences to the interests are nonetheless subject to the general

<sup>1</sup> Dangerous Goods: Definition, Regulations, and Classes. <https://www.inboundlogistics.com/articles/dangerous-goods/> (Accessed on the 18/6/2025)

<sup>2</sup> Preamble of Law No. 96/007 of 18 January 1996 as amended. Under Article 65, "The preamble shall be part and parcel of this Constitution. In the wordings of the above cited Article, the aim of the legislators was to incorporate the preamble and elevate it to be part of the Constitution."

<sup>3</sup> Article 1 Law No. 98/015 Of 14 July 1998 Relating to Establishments Classified as Dangerous, Unhealthy or Obnoxious.

<sup>4</sup> *Ibid*, article 3.



prescriptions aimed at protecting such interests.<sup>1</sup>

In order to further strengthen the protection of consumers for sale of dangerous goods, the for the settlement of disputes mechanisms. The law provides that the ministry in charge of classified establishments shall have full powers to enter into a settlement. To that end, the matter should be duly referred to it by the offender. The amount of the settlement shall be fixed in consultation with the ministry in charge of finance. This amount may not be less than the corresponding minimum penal fine.<sup>2</sup> The settlement procedure shall precede any possible legal procedure, under pain of being declared null and void. The proceeds of the settlement shall be paid in full to the National Environment and Sustainable Development Fund, as provided for in Section 11 of Law No. 96/12 of 5 August 1996: outline law on environmental management.

#### **c) Law on Safety Regulations Governing Modern Biotechnology in Cameroon, 2003**

The law governs the safety, development, use including contained use, manipulation and cross-border movement, including the transit of any genetically modified organism that may negatively affect human and animal health, biodiversity and the environment. The safeguarding of products thereof that may negatively affect human and animal health, biodiversity and the environment.<sup>3</sup>

The law further provides that the competent national administration in charge of biosafety shall have full powers to work out a compromise. To this end, the accused must refer the matter to the authority concerned. The amount of money paid as settlement shall be determined in consultation with the authority in charge of finance. The said amount shall not be less than the minimum amount of the corresponding penal fine. Under pain of nullity, the settlement procedure shall be carried out before any possible court proceeding. The method of collecting and allocating the proceeds of the settlement shall be determined by regulation.<sup>4</sup>

#### **d) The 2011 Framework law on Consumers Protection and Regulation of Sale of Dangerous Goods**

Law No. 2011/012 of 06 May 2011 is a framework law on Consumer Protection in Cameroon. This law is of great imperative. It handles chapter IV physical safety<sup>5</sup> and environmental protection, protection of consumer's economic and technological interests, consumer education, participation in decision-making, compensation for damage suffered by consumers and penal provisions. This law features among the first all-inclusive law on the protection of consumers in Cameroon and it governs all transactions relating to the supply, distribution, sale and exchange of goods (including dangerous goods) and services.<sup>6</sup> However, the law is a framework law which must be read alongside other laws for the purpose of interpretation and application. The law repeatedly mentions the word goods, but it fails to clearly define what dangerous goods is.

As a matter of fact, consumers of dangerous goods or products are endowed with a plethora of rights one of the rights relates to the right to safety and compensation for losses suffered. Evidence of the application of this right to safety and compensation for losses suffered is seen in the case of *Egbe Maureen v Ruth Eyonh, Elf Oil Cameroon & Ors*,<sup>7</sup> wherein the vendors of a dangerous product (kerosene) was held strictly liable for damage suffered by the plaintiff.

In ensuring the protection of consumers from dangerous products, the law places on suppliers a number of duty. The vendor must provide the consumer with correct, adequate, clear and legible information. Such pieces of information as required by this Law must be in French and English which would enable the consumer to make appropriate and rational choices before concluding a contract.<sup>8</sup> Secondly, the vendor/ supplier of a goods is required to provide or deliver to the consumer a product that meets the minimum requirements of sustainability, utilization and reliability and guarantees his right to health and safety. It is worth reechoing that, the goods in question must be accompanied by a manual, receipt, or any other document containing inter alia, utilization and warranty.<sup>9</sup> In addition, vendors are required to dispose of dangerous products in such a way that the environment would not suffer effects from its toxic components while the competent authorities and consumer groups are by

<sup>1</sup> *Ibid*, article 3.

<sup>2</sup> Article 40, Law No. 98/015 Of 14 July 1998 Relating to Establishments Classified as Dangerous, Unhealthy or Obnoxious.

<sup>3</sup> Article 1, Law on Safety Regulations Governing Modern Biotechnology in Cameroon, 2003.

<sup>4</sup> *Ibid*, article 64.

<sup>5</sup> Which include dangerous goods.

<sup>6</sup> Section 2, Law No. 2011/012 of 06 May 2011 on Consumer Protection in Cameroon.

<sup>7</sup> 1193, 21 AC562, 599.

<sup>8</sup> Section 14, Law no.2010/021 of 21 December 2010.

<sup>9</sup> *Ibid*, section 10.

section 15 required to “...establish and strengthen appropriate institutional framework to ensure activities relating to the management, collection and disposal of hazardous or toxic waste to ensure the protection of the environment”.

Still on the issue of consumer safety, any local product or goods must be inspected, tested and measured by the relevant authority to ensure that it complies with national and international environmental, health and safety standards.<sup>1</sup> This explains why products which do not comply with the above standards are prohibited or withdrawn from the market because they constitute a potential hazard and, returned to the vendor or supplier for testing at his expense.<sup>2</sup> This portrays the possibility of the law to carryout product recalls in a bid to eliminate the possibility of harm which consumers of products could possibly be faced with.

The use of the word “*imported*” implies the law does not only apply to domestic sales but also from sale across national borders. The international element can be seen when the law states that the functional equivalence of certificates and signatures delivered by certification authorities (accredited authorities) from foreign countries have the same value like certificates delivered in Cameroon, if the accredited body is recognized by a mutual agreement of recognition concluded by the competent authority of the concerned states.<sup>3</sup> The recognition of certificates and signatures from a foreign country is not automatic but has to be done by a text.<sup>4</sup>

The law offers an explanation of commercial activity. It from the basis of such activities that the transaction and sale of dangerous enters the market. A contract is the most recognized method of economic exchange. The legislator has the important task of reconciling economic efficiency with contractual justice. This is because it forms the basis for commercial activities which engage parties to transact in certain classes of goods considered as dangerous goods. Commercial activity has been defined in article 2(1) of the law and has to do with all commercial relationships be it contractual or not. It holds that commercial activity includes all production activity and exchange of goods (including dangerous goods) and services exercised on the basis of supporting or electronic materials by all physical or moral persons conformingly to the provision of texts having legislative, regulatory or conventional character regulating commerce.<sup>5</sup> Commercial relationships are said to include: any trade transaction for the supply or exchange of goods.

To continue, the law advocates strongly for consumer associations and NGOs. This is seen in section 21 where it is stated that “consumers have the right and freedom to form voluntary, autonomous and independent consumer associations with defined domains”. It follows that consumers may participate in public decision-making structures, in which they are expected to contribute to the promotion of commercial and political activities. This explains why the National Consumer Council was established to: Promote the exchange of ideas between private and public authorities, consumer and employer associations; Foster dialogue between persons defending consumers “interests and delegates of employees” organizations on issues relating to consumer protection.<sup>6</sup>

#### **e) Regulating the Sale of Dangerous Goods in the Law Governing Commercial Activities in Cameroon**

The sale of dangerous goods is a commercial activity, and commercial activities are governed in Cameroon by Law No. 2015/018 of 21 December 2015 on Commercial Activities in Cameroon. In a bid to protect consumers against the sale of dangerous goods, this law advocates for a balance in contract. By this, this law prohibits the seller from taking advantage of his economic skills and judgment to disadvantage of the consumer odiously. In achieving this aim, the Cameroonian legislator requires the seller to supply the purchaser including consumer of dangerous goods, with qualitative, quantitative information of the entire transaction. Thus, Article 46 (1) of this Law stipulates that “every salesperson or service provider is obliged to inform consumers about the conditions of sales of goods and services”.<sup>7</sup> To add, this law adds that descriptions and qualifications must be added to the list of documents made in the declarations of commercial guarantee, documents and advertising means. The law expressly provides that: “any description of the characteristics and qualities of a good or service made in documents and means of advertising, as well as any statement of commercial or communicated to the consumer shall be deemed to be an integral part of the contract relating to the goods and services”.<sup>8</sup> This is by providing

<sup>1</sup> *Ibid*, section 16.

<sup>2</sup> *Ibid*, article 16.

<sup>3</sup> See Article 40 (1) of Law No.2010/021 of 21 December 2010.

<sup>4</sup> *Ibid*, Article 40 (2).

<sup>5</sup> Article 2 (1) of Law No.2010/021 of 21 December 2010.

<sup>6</sup> *Ibid*, section 25.

<sup>7</sup> Article 46(1) of the Law on Commercial Activities in Cameroon.

<sup>8</sup> *Ibid*, Article 42(2).

consumers with preventive instruments aimed at reinforcing their consent while at the same time introducing remedies against abuses of weaknesses and by so doing guarantees the buyer's right to peaceful possession by obliging the seller to guarantee the peaceful and helpful possession and the actual use of the sold item during a period of 6 months for new goods and a period of three months for used goods.<sup>1</sup>

The law also guarantees an after-sale service provided by the trader or a third party. It puts the consumer at a privileged position, by giving him the power to unilaterally terminate a contract and provides punishment<sup>2</sup> to manufactures and vendors of goods, including vendors of dangerous goods who violate the provisions and commits aggressive or deceptive practices towards the consumer. In application, this position is read in line with, article 256<sup>3</sup> of the penal code to the one that violates the provisions regarding guarantees for goods, fails to organize and commits an aggressive or deceptive practice with respect to the consumer.

The law equally provides curative remedies to cure contractual imbalance. This could be seen in the penalties provided for in articles 90 to 96 which include suspension to a maximum of six months, the affixing of seals leading to the temporary cessation of the activity without tax exemption, fines and seizures of products prohibited for consumption or not in conformity with the standards.<sup>4</sup>

#### **f) Regulating the Consumption of Dangerous Goods in Advertisement Law and Media law**

This is regulated in Cameroon by the 2006 law on advertisement. This law is one of the laws which protect the rights of consumers against the advertisement of dangerous goods or products because they become aware of the information concerning the dangerous products through newspapers and advertisements made on the televisions, radio stations and other media outlets, giving them an opportunity to make informed choices.

In advertisements, the messages must respect the integrity of the consumer. This is guided by a plethora of instruments which prohibits the sale of guns, explosive or other instruments or products which threaten the physical integrity of consumers.<sup>5</sup> Article 38(1) of the 2006 law on advertisement provides that, advertisement of arms and explosives of any kind or for any other instrument or product capable of causing death or impairing the physical integrity of human being is prohibited, whatever their use or purpose may be.<sup>6</sup> Thus, seller of goods which fall under these categories are prohibited from advertising goods which have been banned by the law. The purpose behind this provision lies in the fact that the legislator does not qualify the sale and advertisement of such products to constitute commercial transaction under the 2015 law on commercial activities in Cameroon based on its dangerous character. The legislator thus holds that the advertisement of arms and explosives is capable of inciting vulnerable individuals, who may not fully appreciate the dangerous nature of such products, to procure and use them.

The regulating the advertisement of dangerous product with the aim of protecting the consumers, one of the major products which has drawn the attention of the legislators is the sale of tobacco. The state might therefore be expected to intervene to restrict this advertising and prevent consumers being under any delusions about the dangers implicit in their choice.<sup>7</sup> There is thus the need to limit the promotion of the product to reduce the number of victims and eventual deaths caused by the tobacco. The 2006 law on advertisement states that advertisement for cigarettes and other tobacco products are prohibited in the print press, via radio, TV broadcast, outdoor advertising and in movies or any other comparable structure.<sup>8</sup> The law further provides that, the prohibition indicated in sub-paragraph 1 also applies to any form of sponsorship or under writing displaying cigarettes and other tobacco products, as well as cross-border advertising broadcast from within Cameroon territory.<sup>9</sup> Moreover, advertisements for cigarettes and other tobacco products communicated under conditions other than those set forth in sub paragraph 1 and 2 above are subject to restrictions whose conditions are set by

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<sup>1</sup> *Ibid*, article 51.

<sup>2</sup> *Ibid*, article (1)(c).

<sup>3</sup> Article 256 of the Cameroonian Penal Code stipulates that: "A prison sentence of two months to two years and a fine of 400,000 to 20 million francs shall be imposed on any person who, by any fraudulent means, causes the artificial increase or decrease of the price of goods or public or private securities".

<sup>4</sup> Article 90, of the Law of December 21, 2015.

<sup>5</sup> Article 38(1) of the 2006 law on advertisement in Cameroon.

<sup>6</sup> *Ibid*.

<sup>7</sup> Howells G., (2011). *The Tobacco Legal Policy and Consumer Protection*. Ashgate Publishing Limited, Surrey, p. 240.

<sup>8</sup> Article 26(1) on the law of advertisement in Cameroon.

<sup>9</sup> *Ibid*, article 26(2).

regulatory provisions.<sup>1</sup>

The advertising message must be in a form which is accepted by law. Thus, it must be expressed in clear language and be able to identify the product and its nature. The obligation of identification is different from that previewed in other forms of consumers protection information in national and supranational legislation. National instruments provide explicitly for the obligations to clearly indicate the words “advertising” when broadcasting advertising messages. This concern for the clear identification of advertising messages is driven, on the one hand, by the desire to raise the vigilance of message recipients, and on the other hand, to avoid any confusion between informational obligations and commercial or advertising content.<sup>2</sup> The obligation simply instruct the advertising message should be clear and easily identifiable.<sup>3</sup>

An effort of this law in preventing harmful goods is seen in section 36 which states that: “The content of advertising messages shall be in conformity with the requirements of..., truthfulness and the respect for national values and traditions.” Looking at the above paragraphs, we see that the law has the consumer at heart and seeks to protect health of consumers. We see that the interests of consumers especially in the telecommunication and audiovisual sectors are followed right up to the stage of advertisements, as the law regulates against the advertisements of illegal and counterfeited products.<sup>4</sup> This explains why advertisements must be done to the credit of the state and for the interests of the consumer. Judging from section 2 of the law, we can see that the Law on Consumer Protection has put in so much effort in ensuring the economic and interests of the consumer. By so doing, it lays emphasis on the right to good health and safety of the consumer.

This law being a landmark law, it liberalized the press from state control, pre-publication oversight and censorship. This was followed by an increase in the number of news paper publishing houses and media broadcasting.<sup>5</sup> This law is related to different categories of the media such as film, radio and TV, publishing, theatre, multimedia, fine arts and design. Media law is a field that relates to regulations of the telecommunications industry, information technology, broadcasting, advertising, the entertainment industry and online services. A growing area of concern relates to the right to free speech, censorship and defamation. By this, media law defines very fine lines between many legally permissible forms of speech and unprotected speech that results in liability and also guarantees the freedom of the press.

#### **g) Regulation the Sale of Dangerous Goods in the Law Regulating Against Anti-Competitive Business practices**

When the protection of consumers with respect to dangerous products is in question, the efforts of anti-competition laws also known as anti-trust laws play a role in regulating sale of dangerous goods. This law has as purpose or desire to maintain competition in the market in order to promote efficiencies and reduce prices. This law safeguards and protects consumers from large companies, especially those which engage in anticompetitive practices and exert harmful monopoly powers over consumers and competitors. This law is also meant to increase consumer choice and eliminate practices that reduce or restrict new entrants from entering into the market. The law equally prohibits agreements that have the effect of fixing prices, tariffs, rates or discounts or impeding the freedom to set those prices, tariffs, rates or discounts individually.<sup>6</sup>

#### **h) Environmental Management Law 1996 (Law No. 96/12)**

This law establishes the general legal framework for environmental management in Cameroon, defining environmental protection as a national interest and setting out procedures for environmental impact assessments and resource management<sup>7</sup>.

This law<sup>8</sup> provides a broad regulatory framework for managing chemical, harmful, and dangerous substances in Cameroon. It mandates prior authorization for the production, importation, transit, and marketing of such substances, thereby controlling their entry and circulation in the market. The law also sets conditions for

<sup>1</sup> *Ibid*, article 39(3).

<sup>2</sup> Thus, this obligatory is supplementary to other information obligations.

<sup>3</sup> Article 28 of the 2006 law on advertisement in Cameroon.

<sup>4</sup> Article 30 of Law No. 2006/018 of December 29, 2006, governing Advertising in Cameroon.

<sup>5</sup> Tiako Ngangum P., (2019). Media Regulation in Cameroon. *African Journalism Studies*, 40.

<sup>6</sup> Article 5 of Law No. 98/013 of 14 July 1998.

<sup>7</sup> Law No. 96/12 of 5 August 1996 relating to Environmental Management.

<sup>8</sup> LAW NO. 96/12 OF 05 AUGUST 1996 RELATING TO Environmental Management, available at Minepded. <https://minepded.gov.cm/wp-content/uploads/2020/01/LAW-NO.-9612-OF-05-AUGUST-1996-RELATING-TO-ENVIRONMENTAL-MANAGEMENT.pdf> (Accessed on 18/2/2025)

transport, packaging, and sale to ensure safety and environmental protection.

Violations of these provisions lead to seizure and destruction of dangerous goods, with strict liability for damages caused by their use or transport, including fines and rehabilitation obligations. This framework ensures that dangerous goods are sold only under controlled conditions, reducing risks to public health and the environment.<sup>1</sup>

#### **i) The 1977 Law Regulating Explosive Substances**

This legislation controls the manufacture, possession, transport, and use of explosive substances and detonators, ensuring safety and security.<sup>2</sup>

This law strictly regulates the manufacture, sale, import, transport, and storage of explosive substances and detonators.<sup>3</sup> It requires prior authorization for all activities involving explosives, including the operation of depots. The sale of explosives is tightly controlled, with sellers responsible for verifying buyers' authorization. The law also allows for prohibition of manufacture in certain regions for public safety and mandates destruction of explosives posing danger without compensation to operators.<sup>4</sup> This ensures that explosive goods are sold and handled under stringent safety protocols, minimizing risks associated with their sale and distribution.<sup>5</sup>

#### **j) The 1989 Law on Toxic and Hazardous Waste (Law No. 89/27)**

This law regulates the management, handling, and disposal of toxic and hazardous waste to protect human health and the environment in Cameroon<sup>6</sup>. This law<sup>7</sup> specifically targets toxic and hazardous wastes, prohibiting their unauthorized introduction, production, storage, transport, and discharge within Cameroon. It defines toxic wastes broadly to include flammable, explosive, radioactive, and other dangerous substances.<sup>8</sup> The law requires industries generating such wastes to declare their volume and nature and to handle them safely. Severe penalties, including imprisonment and heavy fines, are imposed for violations, emphasizing the seriousness of controlling hazardous waste. This law indirectly regulates dangerous goods by controlling their waste management, thus preventing illegal or unsafe disposal that could result from their sale and use.

Together, these laws create a layered regulatory system that governs dangerous goods in Cameroon by controlling their production, sale, transport, and disposal, backed by strict penalties and enforcement mechanisms to protect public safety and the environment.<sup>9</sup>

#### **k) The Cameroon Penal Code**

The Cameroon Penal Code protects consumers against the sale of dangerous goods primarily through criminal sanctions targeting manufacturers, sellers, and distributors who engage in unsafe practices. Section 289 of the Penal Code punishes anyone who, through lack of due skill, carelessness, or disregard of regulations, causes harm or sickness to others. This includes reckless manufacture or supply of products like medicines that may endanger public health, with penalties ranging from imprisonment (3 months to 3 years) to fines (10,000 to

<sup>1</sup> Law on Environmental Management - snh.cm. <https://www.snh.cm/images/reglementation/EN/Law%20Environment.pdf>, (Accessed on 18/8/2025)

<sup>2</sup> Law No. 77/15 of 6 December 1977 to Regulate Explosive Substances and Detonators in Cameroon.

<sup>3</sup> Law No. 77/15.

<sup>4</sup> Loi n° 96-12 portant loi-cadre relative à la gestion de l'environnement. <https://www.fao.org/faolex/results/details/en/c/LEX-FAOC019578/> (Accessed on 18/3/2025)

<sup>5</sup> *Ibid.*

<sup>6</sup> Law No. 89/27 of 29 December 1989 on Toxic and Hazardous Waste.

<sup>7</sup> Loi n° 89-27 portant sur les déchets toxiques et dangereux. – ECOLEX. <https://www.ecolex.org/details/legislation/loi-no-89-27-portant-sur-les-dechets-toxiques-et-dangereux-lex-faoc039382/> (Accessed on 16/10/2024)

<sup>8</sup> THE ENVIRONMENT - MINEPAT Cameroun. [https://minepat.gov.cm/wp-content/uploads/2022/01/Rapport-Etat-de-lenvironnement-SRADDt\\_OUEST-05-11-2018.pdf](https://minepat.gov.cm/wp-content/uploads/2022/01/Rapport-Etat-de-lenvironnement-SRADDt_OUEST-05-11-2018.pdf) (Accessed on 18/2/2025)

<sup>9</sup> The legal and institutional framework for the control of environmental... <https://www.researchkey.net/the-legal-and-institutional-framework-for-the-control-of-environmental-pollution-in-cameroon/> (Accessed on 20/11/2024)

500,000 francs) or both.<sup>1</sup>

Section 258(1) specifically punishes those involved in the sale of illegal or falsified medications and defective products that pose risks to consumers.<sup>2</sup>

The Penal Code outlines principal penalties such as imprisonment and fines for individuals, and fines, closure, or dissolution for corporate bodies involved in offenses, including those related to dangerous goods. Failure to take necessary precautions is considered evidence of creating risk, making manufacturers and sellers liable even without direct proof of intent to harm. The Penal Code works alongside the 2011 Consumer Protection Law, which mandates product safety standards, recalls of unsafe goods, and provides consumers with rights to redress such as refunds or replacements.

#### 4.2 *Regulating Dangerous Goods in Supranational Laws*

These supranational laws are both OHADA laws and CEMAC regulations.

##### 4.2.1 The OHADA Laws (OHADA Uniform Act on General Commercial Law)

OHADA is an international organization composed of 17 West and Central African Countries<sup>3</sup> whose goal is to promote regional economic development through the harmonization of its member states business laws. Harmonization is mainly achieved through the Uniform Acts which compiled all relevant legal norms in specific areas of business. OHADA relies on specific institutions such as the Common Court of Justice and Arbitration (CCJA) which is an arbitral institution and assumes the role of a Supreme Court in all disputes regarding the application of the Uniform Acts. It should be noted that its headquarters is in Abidjan and ordinary litigants and consumers in Cameroon will hardly have access to this institution. Thus, only big companies and entrepreneurs can easily have access to the CCJA. To resolve this difficulty, litigants will be more exposed to ADR mechanisms which are locally provided.

The Uniform Acts is very pragmatic; it gives prominence to the will and conduct of the party's mandatory rules. It also provides solutions regarding commercial sale, the transfer of ownership, the transfer of risks, and the period of limitation for commercial sales which is fixed by article 274 at two years, depending on the date the action may be instituted.

Also, article 225 of the UA relating to general commercial law imposes liability on any vendor for a dangerous product. Although the provisions of the OHADA Uniform act relating to general commercial law in Africa do not apply to sales to consumers or other services<sup>4</sup>, it has a persuasive character in the protection of the rights of the consumers. The OHADA law applies directly and supersedes national regulations per Article 10 of the Treaty on the Harmonization of Business Law in Africa. Members signatory to the Uniform Act, Cameroon inclusive, are expected to implement these principles and laws in enacting local law. Thus, enabling, the protection of the rights of consumers against unsafe goods, unfair contract terms among others.<sup>5</sup> It is against this backdrop that the need to protect consumers of dangerous goods has been daunting in Cameroon. The existing legislation notably; the 1990 law on the regulation of commercial activities and the OHADA Uniform Act on General Commercial Law have proven themselves inadequate in baiting these hurdles.

##### 4.2.2 The CEMAC Community Legislator and the Protection of Consumers of Dangerous Goods

The protection of the consumer including the consumers of dangerous goods saw the light with the putting in

<sup>1</sup> Section 258 of Law No. 2016/007 of July 2016 Relating to the Cameroon Penal Code punishes adulteration of food, beverages, or medical substances with imprisonment and fines. On its part, Section 228 punishes failure to guard against bodily harm from dangerous activities with imprisonment.

<sup>2</sup> *Ibid.*

<sup>3</sup> The Treaty creating OHADA was signed at Port-Louis, Mauritius Island on 17 October 1993, as revised at Quebec, Canada, on 17 October 2008. The revisions became effective on 21 March 2010. As of July 7, 2010, the West African members of OHADA are Benin, Burkina Faso, Cote d'Ivoire, Guinea, Guinea-Bissau, Mali, Niger, Senegal, and Togo, and the Central African members of OHADA are Central African Republic, Chad, Cameroon, Comoros, Congo, Equatorial Guinea, and Gabon.

<sup>4</sup> OHADA Uniform Act, the preparation of the Act is reviewed in Part I and the broad outline of its content is presented in Part II of this document. The provisions of Book V of the Uniform Act apply to all contracts of sale of goods between traders, be they natural persons or corporate bodies. The provisions of the Book do not apply to sales to consumers, sales after seizure, sales of chattels as well as to contracts in which the major part of the obligation of the party that delivers the goods shall be the supply of manpower or other services. See Article 203 of the OHADA Uniform Act Relating to General Commercial Law.

<sup>5</sup> Article 10: The Uniform Acts are directly applicable and obligatory in contracting states, notwithstanding any contrary provisions of a previous or subsequent internal law.

place of a CEMAC directive on the 22 of March 2019.<sup>1</sup> In a general manner, CEMAC Directives do impose on member states the obligation to fully extend the application to the said directives to their national laws. The directives are obligatory provisions which are to be transferred by individual member states according to their competence and means. This transposition must not only conform to the directive but must be clear and precise. Directives are the principal means of legislative action at the level of CEMAC. It is comprised of over 173 articles.

This CEMAC Directive is revolutionary in the protection of consumers of dangerous goods at the CEMAC level as it adds to the existing substantive, procedural and the institutional mechanisms geared towards consumer protection. The CEMAC Directive adds new substantive rules by providing a list of unfair contract terms in its article 88(1) (I-xxvii), the obligation to inform the consumer on the nature and quality of the goods is equally made obligatory under Chapter 2 of the directive, anti-commercial practices are prohibited by the Directive. The Directive obliges sellers to guarantee their products. The CEMAC Directive provides that in the absence of specific guarantee regimes for specific products, the regime of guarantee is two (2) years for new products and six(6) for occasion products.<sup>2</sup> This directive equally prescribes the conduct to be adopted during consumer proceedings such as the rules of interpretation<sup>3</sup>, competent jurisdiction<sup>4</sup>, and the burden of proof<sup>5</sup>. In general, the CEMAC Directive on consumer protection thus completes the status of consumers vis a vis dangerous goods. This is seen as the directive further creates three more institutions in charge of protecting consumers viz, the National Council for consumers for consultations and commissions<sup>6</sup>, commission for abusive clause<sup>7</sup> and Commission for the security of the consumers.<sup>8</sup>

The relevance of a CEMAC Directive on consumer protection against sale of dangerous goods is seen on the existence of a CEMAC regulation on the transportation of dangerous goods. This is due to the inability of national consumer protection laws to adequately protect the rights of consumers of danger which must be commenced from the moment it is manufactured and transported to the markets. The application of this directive in Cameroon explained by the principle contained in article 21 known as the principle of ‘direct applicability’<sup>9</sup>. This principle is to the effect that regulations adopted at the CEMAC zone are integrated as they are passed into the national legal order without the need of any national measures of reception. Thus, once the CEMAC legislator passed the law, they are applied immediately and without any contestations by the national authority.<sup>10</sup>

#### 4.2.3 International Covenant on Economic, Social and Cultural Rights (ICESCR)

The ICESCR (1966) more concretely engages with economic and social rights related to consumer protection. Article 12 enshrines the right of everyone to the highest attainable standard of physical and mental health. This right includes safe access to food, water, and goods, hence requiring protection against dangerous products. Article 11 guarantees the right to an adequate standard of living, echoing protection from harmful goods compromising that standard.

States parties to the ICESCR are obligated to take steps, including legislative and administrative measures, to protect health and well-being. This extends to establishing standards for product safety and controls on dangerous goods. The ICESCR establishes an obligation for progressive realization, meaning consumer protection frameworks must improve continually to better secure health and safety from dangerous goods.

The Committee on Economic, Social and Cultural Rights (CESCR), the treaty’s monitoring body, has emphasized in its General Comments the state’s responsibility to regulate harmful products, enforce safety standards, and ensure remedies for consumers harmed by defective or dangerous goods.

#### 4.2.4 United Nations Model Regulations on the Transport of Dangerous Goods

<sup>1</sup> Directive N° 02/19-UEAC-639-CM-33. Herein after referred to as CEMAC Directive on Consumer Protection.

<sup>2</sup> (Article 94(1)(2)) of the CEMAC Directive.

<sup>3</sup> *Ibid*, article 6.

<sup>4</sup> *Ibid*, article 10.

<sup>5</sup> *Ibid*, article 20

<sup>6</sup> See chapter 4, Title VIII of the CEMAC Directives.

<sup>7</sup> *Ibid*, see chapter 5.

<sup>8</sup> Chapter 6 of the CEMAC Directive on consumer protection.

<sup>9</sup> Article 21 of the Additive to the CEMAC treaty.

<sup>10</sup> Bongyu, G. M., (2010). The Economic and Monetary Community of Central Africa (CEMAC) and the decline of sovereignty. *Journal of Asian and African Studies*, 44, 389–406.

These regulations harmonize hazard classification, communication, and transport conditions internationally to ensure safety in the carriage of dangerous goods by all modes of transport, preventing accidents and environmental damage.

These recommendations were developed by United Nations Economic and Social Council Committee of Experts on the Transportation of Dangerous Goods in 1956. The objective is to be a model regulation to set the standard in the multimodal transport of dangerous goods and to assure the safety of health, environment and properties in the Carriage<sup>1</sup>. These recommendations refer to the international organizations and governments involved in the transport of dangerous goods regulations.<sup>2</sup> These recommendations regulate the standard of the container, label, notification and dangerous goods documentary for the transporter, consignor and inspector in case of the possession or control of the dangerous goods.<sup>3</sup>

The scope of these Regulations ensures the worth of all those who deal in the Transport of Dangerous Goods directly or indirectly. Among various other aspects, these Regulations cover principles of definition, classification, listing of dangerous goods, packing requirement, labeling or placarding, marking, testing procedures or transportation documents. Moreover, they also provide for special requirement related to a particular class of dangerous goods.<sup>4</sup>

According to the classification, packing, listing, marking, labeling, carriers and document in general use, inspecting authorities and consignors have an advantage from streamlined transportation, control, and handling and from a decrease in time consuming rules<sup>5</sup>. Resultantly, their jobs will be easier or more simplified as impediments to the international transportation of the goods will be reduced. On the other hand, benefits will become more obvious as the commerce in the goods classified as dangerous increases.<sup>6</sup>

#### 4.2.5 The Universal Declaration of Human Rights (UDHR) 1948

The UDHR, adopted in 1948, does not explicitly mention consumer protection or dangerous goods but sets foundational human rights principles that underpin consumer rights. Article 25 of the UDHR provides the right to a standard of living adequate for health and well-being, including food, clothing, housing, and medical care. This implies protection against hazardous and dangerous goods that could jeopardize health. Article 3 guarantees the right to life, liberty, and security of person, which encompasses protection from unsafe and dangerous products threatening physical safety. By establishing a broad human dignity and safety framework, the UDHR supports the right to safe goods and services, reinforcing that consumers should not suffer harm from defective or dangerous products.

The UDHR's principles have informed subsequent international consumer protection guidelines, such as the UN Guidelines for Consumer Protection, which detail physical safety measures for consumer goods, including recalls and hazard notifications. Critically, as a declaratory instrument, UDHR sets normative goals but lacks enforcement mechanisms, requiring states to adopt specific laws for effective consumer protection against dangerous goods.

#### 4.2.6 African Charter on Human and Peoples' Rights (ACHPR)

While primarily a human rights instrument, the ACHPR implicitly protects consumers by guaranteeing the right to health<sup>7</sup> and the right to a satisfactory environment<sup>8</sup>. These rights encompass protection from harmful and dangerous goods as part of the broader right to health and wellbeing. The Charter obliges states to take positive

<sup>1</sup> United Nation, (n.d.). Recommendations on the Transport of Dangerous Goods. [https://www.unece.org/fileadmin/DAM/trans/danger/publi/unrec/rev17/English/00ERev17\\_Recommendations.pdf](https://www.unece.org/fileadmin/DAM/trans/danger/publi/unrec/rev17/English/00ERev17_Recommendations.pdf) (last visited July. 28, 2024)

<sup>2</sup> Consumer Protection against Dangerous Goods - LawTeacher.net. <https://www.lawteacher.net/free-law-essays/commercial-law/consumer-protection-against-dangerous-goods-commercial-law-essay.php> (Accessed on 28/7/2024)

<sup>3</sup> *Ibid.*

<sup>4</sup> Li Zhaohua, (2022). Research on safety, supervision of dangerous goods road transportation based on 4R crisis management model. Three Gorges University.

<sup>5</sup> Nikaki, T., Soyer, B. (2012). New International Regime for Carriage of Goods by Sea: Contemporary, Certain, Inclusive and Efficient, or Just Another One for the Shelves. Retrieved from HEINONLINE: [http://heinonline.org/HOL/Page?handle=hein.journals/berkjintlw30&div=13&g\\_sent=1&collection=journals](http://heinonline.org/HOL/Page?handle=hein.journals/berkjintlw30&div=13&g_sent=1&collection=journals). (Accessed on 28/7/2024)

<sup>6</sup> *Ibid.*

<sup>7</sup> Article 16 of ACHPR 1981.

<sup>8</sup> *Ibid* Article 24.



measures to protect individuals from risks, including unsafe consumer products. The African Commission on Human and Peoples' Rights, interpreting the Charter, has reinforced the state's duty to regulate and monitor products that can harm health. Although not a consumer protection law per se, it provides a vital legal basis to hold governments accountable for ensuring consumer safety, including against dangerous goods.

### 5. Institutional Framework for Protecting Consumers Against Dangerous Goods

For purposes of clarity, it is worth mentioning that there are several institutions put in place with purposes of ensuring the protection of Consumers against dangerous goods ranging from ministries to NGOs, to Civil Society, to Law enforcement personnel, and several other stakeholders.

#### 5.1 Consumers Protection Associations (Standards and Quality Control Institutions)

Institutions like the Cameroon Agency for Standardization (ANOR) develop and enforce standards and technical regulations that goods must meet, targeting the quality and safety of products.

The encouragement for consumers to form association aimed at protection consumers including regulation against the sale of dangerous goods is visible from the 1990 laws on freedom of association<sup>1</sup> and the 2011 framework law on consumer protection in Cameroon. This is to fight and protect the interest of the consumers and regulate the sale of dangerous goods.<sup>2</sup> The 1990 law on commercial activities announced and advocate for the creation of consumer protection associations, fails to delimit the scope of these associations. Thus, judges before 2011 were invoking the principles of common and equity in attributing *locus standi* to consumers associations.

Cameroonian law provides that, consumers shall have the right and freedom to form voluntary, autonomous and independent consumer associations or organizations with well-defined domains and areas of intervention.<sup>3</sup> Consumer associations can also provide consumers with independent and objective advice on nature of the products based on tests and surveys they have conducted. These are groups that seek to protect people from abuse like sale of unsafe products, false advertising and pollution. Consumer's protection organizations activities are lobbying, campaign, protest, negotiation or even litigation with the aim of enforcing consumer's rights which are violated by business practices aimed at deceiving the consumers on the nature and quality of the product among others.<sup>4</sup> However, a bird eye view of the above cited areas which it seeks to protect with the aim of protecting the consumption of dangerous, shows the main area of intervention of these association is to plead on behalf of the consumers before a competent authority. Also, on its part, the Customs and Border Control regulate imports and exports, ensuring that potentially dangerous and substandard goods do not enter the Cameroonian market.

They collaborate with regulatory authorities to inspect and seize hazardous goods.

A case establishing the *locus standi* of consumer protection association in lodging civil action with the aim of protecting the consumers of dangerous goods in Cameroon especially when the association was not a party to the contract is; *The Organisation for Consumers Sovereignty (OCOSO) v. Ets. Ndifor and Bros.*<sup>5</sup> Justice Tabufor F. T. in this case opinioned that, "it very clear that the doctrine of privity of contract entails only that non-party cannot bring an action on the contract. It has no bearing on the possibility that a third-party victim bringing some other cause of action like negligence as in the case of *Donoghue v. Stevenson*<sup>6</sup> or nuisance or breach of stator duty". This implies consumers' protections may intervene only in case where only classic rules on civil responsibility could be applicable when actions concern mass wrong. That consumer protection associations will intervene where the act of the professional amount to negligence, nuisance and a breach of statutory obligation. The judge in case of *The Organisation for Consumers Sovereignty (OCOSO) v. Ets. Ndifor and Bros.*,<sup>7</sup> went further to express that based on the present-day dispensation when statutory law is becoming the principal source of law, the breach of any statutory duty upon which the consumers stand as the beneficiary gives any consumer

<sup>1</sup> See Law no. 2020/009 of 20<sup>th</sup> July 2020 modifying and completing certain provisions of Law no. 90/053 of 19 December 1990 relating to Freedom of Association in Cameroon.

<sup>2</sup> See article 21 of the 2011 Legal Framework Law on the Consumers Protection in Cameroon.

<sup>3</sup> See the Framework Law on Consumer Protection in Cameroon, section 3 (f).

<sup>4</sup> The national movement of consumers is very active in promoting consumers interest in Cameroon and some common consumers associations in Cameroon include: Ligue Camerounaise des consommateurs (LCC), Bureau national pour la protection des consommateurs (BNPC), Organization for consumer sovereignty (OCOSO) among others.

<sup>5</sup> Suit no. HCB?48?04-05 (Unreported).

<sup>6</sup> (1932) AC 562.

<sup>7</sup> Suit no. HCB?48?04-05 (Unreported).

protection association the *locus standi* to plead on their behalf.<sup>1</sup> The rules in the privity of contract have been relax in cases where there is the violation of consumers rights.<sup>2</sup> This intend to protect the consumers of dangerous whose rights maybe be violated at any time by the professionals who best understand the master the nature of the goods and the regulations of the goods.

As noted earlier, the main area of intervention of these association is to plead on behalf of the consumers before a competent authority, the 2011 Framework Law on Consumers protection has clearly delimited the powers of the consumer protection associations in pleading on behalf of the consumers. The law provides that the associations can defend the interest of consumers before any competent arbitration body or court. This is evident in the Prime Ministerial decree no. 119<sup>3</sup> which provides that the access to the Appeals Committee is open solely to consumers, Consumers associations and Non-Governmental Organization created for the purpose of consumers protection and who esteem that the consumer is often the aggrieved party in the contract.

However, Cameroon law on consumers protection fails to determine the interest of the consumers of dangerous goods where the consumers protection association can intervene. It can be safely ascertained that this interest touches on the rights wielded by consumers. Once these rights are violated, the consumer protection association becomes competent in intervening.<sup>4</sup>

For the non-governmental organizations (NGOs), they are vested with the powers to engage actions suits in Cameroon, the legislator also includes NGOs as actors in the enforcement of consumers rights.<sup>5</sup>

### 5.2 The Role of Disputes Settlement Institutions: Judicial; Courts

In principle, all citizens who have been affected with a defect from the goods have the liberty to seize the competent court to obtain redress. Courts in Cameroon enforce consumer rights through civil and criminal litigation. Criminal law provisions penalize adulteration, falsification, and distribution of unsafe products, carrying imprisonment and fines. However, this liberty is of a formal nature and any exercise thereof must be judged by weighing the realities or outcome. It is in this light much attention has been tilted to informal routes in resolving consumer disputes. It is pursuant to this that most legislators have emphasized on the peculiarity of consumer access to justice. The consumer stands tall as a major beneficiary of this right based on the plethora of rights that are constantly being violated by shoddy practices devised by economic operators. The institution of the justice system (both institutional jurisdiction and ADR redress mechanism) capable of upholding this right is a *conditio sin qua non* for the respect of the rights of consumer in Cameroon including consumers of dangerous goods. Without an efficient dispute resolution mechanism, the law on consumer protection would be a piece of printed futility for want of respect of consumer rights.

In court, a consumer or association of consumers may bring a civil or penal action. A group of consumers or a consumer alone may claim depending of the amount of the demand. He can bring his action before the Court of first instance or the high court. The Court of first instance shall have jurisdiction: In criminal matters: To hear matters where the number of damages claimed does not exceed ten million francs. In civil matters, it shall have jurisdiction: To hear matters where the amount of damages claimed does not exceed ten million francs; to recover by way of simplified recovery procedure, all claim where the amount does not exceed ten million francs. The High Court shall have jurisdiction: In civil and commercial matters: To hear matters where the amount of damages claimed is exceed ten million.<sup>6</sup> To recover by way of simplified recovery procedure, all claim where the amount exceeds ten million francs. However, the courts sometimes face challenges such as delays and limited consumer-friendly remedies, which can undermine effective protection.

### 5.3 National Council on Consumer Protection (NCCP)

One of the key institutions responsible for ensuring the protection of consumers against dangerous goods in Cameroon is the National Council on Consumer Protection. The National Council Consumer Protection is empowered to carry out administrative regulatory measures aimed at protecting consumers. These measures include actions such as suspending licenses of businesses that supply dangerous or defective products, ordering the replacement of defective products, and enforcing compliance with consumer safety standards. The Council

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<sup>1</sup> *Ibid.*

<sup>2</sup> *Ibid.*

<sup>3</sup> Decree no. 119/PM of 10 August 2012.

<sup>4</sup> There rights and principles are six in numbers as contained in the 2011 Framework Law on consumers Protection in Cameroon.

<sup>5</sup> This is justified by the dame reasons that are offered for the decentralization of justice in consumers protection law to consumers associations.

<sup>6</sup> See generally the Law on judicial Organization in Cameroon.

serves as a regulatory agency that enforces consumer protection laws, minimizing consumer abuse, and ensuring harmful goods do not endanger public health and safety.

Administrative measures by the Council tend to be more accessible and less costly for consumers than court processes, enabling quicker and more effective remedies. The Council can act on complaints and take preventive action against suppliers who deal in unsafe or dangerous goods.

The Council operates within a broader legal and regulatory framework including criminal law provisions under the Penal Code that penalize adulteration, falsification, and distribution of unsafe goods. For example, criminal sanctions exist for those providing defective foods, beverages, or medical substances that pose health risks.

The National Council on Consumer Protection is thus a vital institutional actor combining regulatory oversight and administrative authority to ensure consumers in Cameroon are protected from dangerous goods through enforcement, sanctions, and consumer redress mechanisms.

This institutional framework, however, faces challenges including delays and inefficiencies in judicial enforcement and the need for wider consumer awareness. Strengthening the Council's capacity and integration with criminal and civil law enforcement can further enhance consumer protection against dangerous goods in Cameroon.

#### *5.4 Ministry of Public Health*

This Ministry regulates the safety and quality of consumable goods including food, beverages, and medicines. It monitors and inspects the production, importation, and distribution of potentially dangerous goods, particularly in the pharmaceutical and food sectors. The Ministry issues health and safety alerts and can mandate withdrawal of hazardous products from the market.

#### *5.5 Ministry of Small and Medium Sizes Enterprises in Cameroon*

This Ministry helps regulate commercial activities relating to the supply and distribution of goods. It plays a role in licensing and inspection of commercial enterprises to ensure compliance with consumer safety laws. It also oversees standardization policies and prevents unfair trade practices related to dangerous goods.

### **6. Policy Frameworks Protecting Consumer from Dangerous Goods in Cameroon**

Cameroonians through their government has enacted and adopted several principles aiming at protecting Consumers from dangerous goods.

#### **a) AU Decision on Protecting Consumers in Africa (Ex.CL/Dec.115 (V))**

This decision is a policy directive calling for member states to establish legal frameworks targeting consumer protection, especially against dangerous goods. It emphasizes consumer rights to safe products, adequate information, and effective avenues for compensation and redress. The decision also urges states to adopt sanctions and robust enforcement mechanisms for violations affecting consumer safety. It promotes adherence to international safety and consumer protection standards, reinforcing local laws. Crucially, it stimulates member states to harmonize consumer protection efforts across Africa, facilitating regional cooperation on dangerous goods safety.

#### **b) African Continental Free Trade Area (AfCFTA) and Consumer Protection**

The AfCFTA, operational from 2021, aims to create a single continental market facilitating free movement of goods and services. Beyond the direct regulations, AfCFTA's emphasis on eliminating tariffs and non-tariff barriers is coupled with measures to monitor trade remedies like anti-dumping, countervailing duties, and safeguards. These help prevent dumping of substandard or dangerous goods that could exploit tariff elimination, thereby protecting consumers from unsafe imported products. Regarding consumer protection from dangerous goods: The AfCFTA Protocol on Trade in Goods incorporates provisions on product standards, sanitary and phytosanitary (SPS) measures, and technical barriers to trade<sup>1</sup>. These safeguard consumer health and safety by enforcing rigorous quality controls and testing procedures before products can move across borders. SPS measures ensure that goods, particularly food and agricultural products, meet health standards to prevent harmful goods circulation. Cooperation and transparency in implementing these measures among member states strengthen consumer protection. The Protocol allows member states to apply safeguard measures<sup>2</sup> against sudden surges of goods that threaten domestic industries or consumer safety, including dangerous goods. Rules of origin, under negotiation but critical, establish criteria for product authenticity to prevent unsafe and counterfeit goods benefiting from tariff concessions.

<sup>1</sup> See the provisions of Article 21 and 22 of AfCFTA.

<sup>2</sup> *Ibid* Article 19.

### c) African Union (AU) Consumer Protection Framework

The AU promotes harmonized consumer protection laws among member states to ensure cross-border safety and trade reliability. This includes directives to safeguard consumers from unsafe and dangerous products, emphasizing liability, product safety standards, labeling, and recall mechanisms. Though direct binding regional legislation specific to dangerous goods on the consumer level is still evolving, the AU's policy frameworks set principles for member states to adopt and enforce.

### d) United Nations Guidelines for Consumer Protection

These guidelines emphasize the protection of consumers from hazards to their health and safety, requiring manufacturers and distributors to notify authorities and the public about unforeseen hazards promptly.<sup>1</sup> They also recommend recall and compensation if products are seriously defective or hazardous. The United Nations Guidelines for Consumer Protection (UNGCP) provide a comprehensive framework to protect consumers against the sale of dangerous goods by emphasizing several key measures<sup>2</sup>. The guidelines affirm consumers' right to access non-hazardous products, promoting just, equitable, and sustainable development while protecting health and safety.<sup>3</sup> Member States are encouraged to adopt or maintain legal systems, safety regulations, national or international standards, and voluntary standards to ensure products are safe for their intended or reasonably foreseeable use.<sup>4</sup> Manufacturers, suppliers, importers, and retailers must ensure goods remain safe during handling and storage and provide consumers with proper instructions and information about risks, including through internationally understandable symbols.<sup>5</sup>

If unforeseen hazards arise after products are marketed, manufacturers and distributors must notify authorities and the public promptly. Serious defects require product recalls, replacements, or compensation to consumers<sup>6</sup>. The guidelines stress the importance of adequately resourced consumer protection enforcement agencies to promote compliance and facilitate consumer redress<sup>7</sup>. The guidelines encourage consumer and business education and high ethical standards in production and distribution to prevent abusive practices.

## 7. Conclusion and Recommendations

Cameroon has established a comprehensive legal and regulatory framework to manage the sale, transport, and handling of dangerous goods, aimed at protecting human life, property, and the environment. This framework includes national laws such as the 1996 Environmental Management Law, the 1977 Law regulating explosive substances, and the 1989 Law on toxic and hazardous waste, which set strict conditions for the manufacture, importation, transport, and sale of dangerous substances<sup>8</sup>. These laws require prior authorization, impose safety and environmental standards, and provide for the seizure and destruction of non-compliant goods<sup>9</sup>. Moreover, Cameroon aligns with regional regulations, particularly those of the CEMAC sub-region, which regulate the transportation of dangerous goods by road through specific regulations adopted in 1999. These regulations classify dangerous goods into categories based on their risks and impose strict conditions on consignors and carriers to ensure safety during transport<sup>10</sup>. The government also enforces quality and safety standards to prevent the importation of dangerous or counterfeit products through programs like PECAE, supervised by agencies such

<sup>1</sup> United Nations Guidelines for Consumer Protection. [https://www.un.org/esa/sustdev/publications/consumption\\_en.pdf](https://www.un.org/esa/sustdev/publications/consumption_en.pdf) (Accessed on 27/7/2024)

<sup>2</sup> United Nations Guidelines for Consumer Protection | UNCTAD. [https://unctad.org/system/files/official-document/ditccplpmisc2016d1\\_en.pdf](https://unctad.org/system/files/official-document/ditccplpmisc2016d1_en.pdf) (Accessed on 27/7/2024)

<sup>3</sup> *Ibid.*

<sup>4</sup> Dangerous Goods – UNECE. <https://unece.org/transport/dangerous-goods> (Accessed on 27/7/2024)

<sup>5</sup> *Ibid.*

<sup>6</sup> UN Guidelines for Consumer Protection | One Planet network. <https://www.oneplanetnetwork.org/knowledge-centre/resources/un-guidelines-consumer-protection> (Accessed on the 27/7/2024)

<sup>7</sup> UN Guidelines for Consumer Protection: Draft Resolution ... – Unctad. [https://unctad.org/system/files/official-document/ditc-ccpb2015\\_02res\\_en.pdf](https://unctad.org/system/files/official-document/ditc-ccpb2015_02res_en.pdf) (Accessed on 27/7/2024)

<sup>8</sup> LAW NO. 96/12 OF 05 AUGUST 1996 RELATING TO ... - Minepded <https://minepded.gov.cm/wp-content/uploads/2020/01/LAW-NO.-9612-OF-05-AUGUST-1996-RELATING-TO-ENVIRONMENTAL-MANAGEMENT.pdf> (Accessed on 18/2/2025)

<sup>9</sup> The Legal Framework for the Safe Transportation of Dangerous ... <https://www.pioneerpublisher.com/slj/article/download/1199/1098> (Accessed on 18/9/2024)

<sup>10</sup> *Ibid.*

as SGS and ANOR.<sup>1</sup>

Based on the above, the article recommends the following:

To policy makers and government, it is evident that consumer engagement with product safety is weak. Thus, regulators can support consumers by informing them of potential risks, to encourage them to avoid buying unsafe goods. In various regulated sectors, consumers do not prioritise safety considerations. Consumers consider safety when purchasing a product behind factors such as price and ease of purchase. Understanding consumer and business perceptions and experiences is crucial to ensure that regulations work, and to influence effectively. Also, regulating the sale of dangerous goods and ensuring product safety should keep pace with trends especially in online commerce. Online commerce rose steadily over the past decade, a trend that accelerated few years ago during the outbreak of COVID-19 pandemic. This includes growth in online marketplaces. These platforms, provided by websites such as online stores and social media sites, can be used by anyone to sell products, but are not responsible for the safety of goods sold by third parties. These platforms have become increasingly popular with people who sell from home rather than business premises, or from overseas, both of which present challenges for regulators to investigate or take enforcement action.

In all, the government has to promote a culture of consumer protection and strengthening consumer education and information activities using all available media, with a focus on vulnerable and disadvantaged populations, in partnership with consumer associations to ease the protection of consumers against sale of dangerous. This is by Increase consumers' awareness of risks to their health and safety, including the risks posed by the abuse of traditional medicines. It should also ensure and promote sustainable consumption patterns, including through consumer education and information, the promotion of good business practices and the suppression of misleading business practices. Furthermore, considering the inclusion of consumer protection in the digital strategy, in order to ensure effective consumer protection in both online and offline commerce, ensuring that laws adapt to the evolution of marketplace.

To the sellers of dangerous goods there is need for transparency and disclosure by operator or actors in the sale of dangerous goods in Cameroon. This should be by providing complete, accurate and not misleading information regarding the goods, terms and conditions of usage to enable consumers to take informed decisions. Thus, they should ensure easy access to this information, especially to the key terms and conditions, regardless of the means used.

Also, sellers of dangers goods should deal fairly and honestly with consumers at all stages of their relationship, as an integral part of the business culture. Businesses should avoid practices that harm consumers, particularly with respect to vulnerable and disadvantaged consumers. This is by not subjecting consumers to illegal, unethical, discriminatory or deceptive practices, such as abusive marketing tactics, or other improper behavior that may pose unnecessary risks or harm consumers. Thus, sellers of dangerous goods and their authorized agents should have due regard for the interests of consumers and responsibility for upholding consumer protection as an objective.

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