

The Effectiveness of the Measures Put in Place Protecting Consumers Against Dangerous Goods in Cameroon

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doi:10.63593/LE.2788-7049.2025.10.003

Abstract

Over the years, consumer protection has been driven by increasing concerns about public health and safety due to the circulation of hazardous and substandard products, necessitating legislative responses. The research problem focuses on the gaps and inefficiencies in legal frameworks and enforcement mechanisms that undermine consumer protection against dangerous goods, exposing consumers to significant health and safety risks. The main research objective is to evaluate the adequacy and effectiveness of existing protective measures, legal instruments, and enforcement practices in Cameroon. The study adopts a qualitative methodology involving a review of relevant laws, policies, legal cases, and interviews with stakeholders in consumer protection agencies and industry regulators. Major findings reveal that while Cameroon has established legal provisions such as the Penal Code and Consumer Protection Law to deter the circulation of dangerous goods, enforcement remains weak due to institutional deficiencies, lack of public awareness, and limited regulatory oversight. The study concludes that these challenges compromise consumer safety and hinder the full realization of protective laws. The research recommends strengthening regulatory institutions, enhancing public education campaigns on consumer rights, increasing monitoring and enforcement of safety standards, and improving coordination among agencies to ensure more effective protection of consumers against dangerous goods.

Keywords: consumer, dangerous goods

1. Introduction

This article seeks to examine the effectiveness of the regulatory measures on the protection of the consumer against the sale of dangerous goods in Cameroon.

The word consumer has been offered varied definitions by legislation and scholars. Law No 2011/012 of 06 May, 2011 Framework on Consumer Protection in Cameroon define a consumer as: “any person who uses products to meet his own needs and those of his dependents rather than to resell, process or use them within the context of his profession, or any person enjoying the services provided.”¹ On the other hand, Section 2 of the 2010 law on Electronic Commerce in Cameroon defines a consumer as “any natural or corporate body benefitting from the services or using commercial products to satisfy his personal needs or those of his dependents”. Article 4 of Law No. 2015/018 of 21 December 2015 that modified the Law of 1990 regulating

¹ Section 2 of the Framework Law on Consumer Protection.

commercial activity in Cameroon, defines a consumer as: “any person who uses a property to satisfy his own needs and those of his dependents and not to resell them, transform or use them in the course of his profession, or any person who benefits from the provision of services.” This statutory definition of a consumer, which excludes persons who acquire goods or services for business or professional purposes, is evocative of the definition of a consumer under the English Consumer Protection Act of 1987.¹ Equally, the above definition in the English statute cited above, distinguishes between a consumer of goods and a consumer of services. Guideline 3 of the United Nations Guideline for Consumer Protection (UNGCP) set out a conventional definition while recognizing the need for flexibility. The term consumer generally refers to a natural person, regardless of nationality, acting primarily for personal, family, or household purposes.²

Alvine Longla Boma³ opines that three important elements must unite for any person to acquire the *locus* as a consumer. Firstly, a close scrutiny of this definition reveals that the law ties a consumer to a user of products or services for the satisfaction of his needs as well as the needs of his dependents.⁴ Hence, emphasis is on private use.⁵

Secondly, a consumer is any person who needs products to meet his own needs and those of his dependents rather than resell, process or used them within the context of his professions, or any person enjoying the service provided. The text does seize to apply once the person is acting under a professional capacity but what if the goods procured are such as can be used for both private and business purposes?⁶ The typical Cameroonian experience suggests that a good number of products can serve a dual purpose: private and business.⁷ Lastly, just like the second criteria, the person is bound to use the product to meet his own needs and not as a professional.

The United Nations Conference on Trade and Development (UNCTAD) defines it as the sale or purchase of goods or services over computer mediated networks (broader meaning) or the internet (narrow meaning). It can be further defined as that kind of trade that takes place over the internet with a buyer visiting the seller’s website and it includes business to business (B2B) and Business to customer (B2C), customer to business (C2B) and customer to customer (C2C) trade.

From the above definitions, first, in relation to any goods, a consumer means any person who might wish to be supplied with the goods for his own private use or consumption; secondly, in relation to any services or facilities, a consumer means any person who might wish to be provided with the services or facilities otherwise than for the purposes of any business of his; and thirdly, in relation to any accommodation, a consumer means any person who might wish to occupy the accommodation otherwise than for the purposes of any business of his.⁸ Furthermore, the Molony committee on the consumer protection defines the consumer as one who purchases goods for private use or consumption. This definition includes anyone who consumes goods or services at the end of the chain of production.

According to the CEMAC legislator, 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.⁹ Thus, goods maybe considered dangerous if they do not meet the required standard or purpose which they are meant for, or by their nature they are dangerous. Thus, dangerous goods refer to substances or materials that can pose a risk to health, safety, property, or the environment when they are being transported, stored, handled, or used. These goods may have inherent physical, chemical, or biological properties that make them hazardous under certain conditions. The potential risks associated with dangerous goods can

¹ Section 10 (7) and 20 (6) of the Consumer Protection Act 1987.

² Guideline 3 of the United Nations Guideline for consumer protection (UNGCP).

³ A. Longla Boma, (2011). Contemporary challenges in consumer protection discourse: identifying the consumer under Cameroonian law. *Juridis Periodique*, N^o 87, p. 69. See also A. Longla Boma, (2021). *Principles of Consumers Protection in Cameroon*. Ultratnet House, Baffoussam.

⁴ *Ibid*, p. 73.

⁵ *Ibid*.

⁶ A. Longla Boma, (2011). Contemporary challenges in consumer protection discourse: identifying the consumer under Cameroonian law. *Juridis Periodique*, N^o 87, p. 74.

⁷ *Ibid*.

⁸ *Ibid*.

⁹ Article 104 DIRECTIVE No. 02/19/UEAC/639/CM/33 of 8 April 2019 Harmonizing the protection of consumers within the CEMAC ZONE.

vary widely depending on the nature of the substance or material.¹ These goods can cause harm through various means, such as fire, explosion, contamination, or other forms of damage.²

2. Achievements in Regulating Dangerous Goods in Cameroon

This section seeks to present the successes recorded as far the attempt the regulate the sale of dangerous goods is concerned in Cameroon.

2.1 Compliance to Rules of Regulating Sales of Dangerous Goods by the Operators or Seller of Dangerous Goods

The legislators have provided for rules which must be complied with by vendors and manufacturer of dangerous goods.³ This implies that for the products or categories of products, safety requirements must be complied with. However, some vendors of dangerous goods in Cameroon have made efforts to comply to such rules. These safety requirements relating in particular to: the composition, conditions of production, assembly, installation, use, maintenance, reuse of the product as well as its name, presentation, packaging, wrapping, labelling and marking; (ii) the conditions of provision, use and presentation of the service; (iii) the nature, form and presentation of the information that must accompany the product or service and intended to reduce the risks presented by their use, such as warnings or precautions for use; (iv) the hygiene conditions that must be observed in the places of production and distribution of the product or provision of the service, as well as the persons working there; (V) the traceability of the product; (Vi) the assessment of the conformity of the product to the safety requirements applicable to it.⁴

However, the above requirement is considered as a specific general rule. In this light, specific technical regulations may be issued that include in particular the essential safety requirements, the technical specifications, including the reference to the applicable standards, the procedures to be followed to assess the conformity of the product to the safety requirements applicable to it, the technical documentation to be collected and kept to establish proof of the safety of the product, and any rules for mandatory marking of the product.⁵

Some efforts have been made to comply to such safety requirements. For instance, sellers of some inflammable liquids with authorisations and well-known business stations endeavours to respects the safety standards prescribed by the legislator. However, illegal traders of some dangerous goods fail to comply to such regulations leading to dominancy in sells of some dangerous goods in the streets of Cameroon.

One of the achievement or successes recorded by the attempts to regulate the sale of dangerous goods in Cameroon has been the imposition of some obligations on the producers and vendors of dangerous goods. The safety obligation imposed on the producer or importer of products to assess the risks presented by a product before they are placed on the market. The safety obligation also obliges the producer or importer of products to provide the consumer with useful information enabling him to assess the risks inherent in a product during its normal or reasonably foreseeable period of use and to protect himself against them, when these risks are not immediately perceptible to the user without adequate warning.⁶

Again, the safety obligation obliges the producer or importer of products to adopt measures to keep informed of the risks that the product may present, and to take the necessary actions to control these risks, including withdrawal from the market, adequate and effective warning of consumers, recall from consumers of products already made available to the consumer on the market. In compliance to this, some vendors of dangerous goods have been able to be (i) carrying out tests on marketed products; (ii) indicating on the product or its packaging the identity and address of the producer, its representative or the importer, as well as how to contact them to report a problem or submit a complaint; (iii) indicating on the product or its packaging the reference of the product or batch of products to which it belongs; (iv) examining complaints received from users and, where

¹ Some examples of dangerous goods include explosives, flammable liquids, toxic substances, corrosive materials, and radioactive materials.

² H. Yuan, E. Hofmann, A., Daniel, (2009). Hazardous Substances And Waste, Other Than Nuclear. *Yearbook of International Environmental Law*, 20(1), pp. 331-348:333.

³ The Carriage and handling of dangerous goods. <https://www.cncc.cm/en/article/the-carriage-and-handling-of-dangerous-goods-59> (Accessed on 16/3/2022); The Legal Framework for the Safe Transportation of Dangerous ... <https://www.pioneerpublisher.com/slj/article/view/1199>

⁴ Article 106 DIRECTIVE No. 02/19/UEAC/639/CM/33 of 8 April 2019 Harmonizing the protection of consumers within the CEMAC ZONE.

⁵ *Ibid*, article 107.

⁶ *Ibid*, 109.

appropriate, keeping a register of complaints; (v) informing distributors about the monitoring of these products.¹ In this light, producers or importers of products is under an obligation to cooperate with the competent administration, at the request of the competent authority, in the actions taken to prevent, reduce or eliminate the risks posed by products or services that they place or have placed on the market.²

On the part of the distributors, they are required to act diligently to contribute to compliance with the applicable safety obligations, in particular by not making available to the consumer products that they know or should have considered, on the basis of the information in their possession and as professionals, that they do not meet those obligations.³ Thus, within the limits of their respective activities, they have been participating in monitoring the safety of products placed on the market, in particular by transmitting information concerning the risks of the products, by keeping and providing the documents necessary to trace the origin of the products, as well as by collaborating in the actions undertaken by producers or importers and the competent administration in order to prevent, reduce or eliminate risks.⁴

For certain products, categories or groups of products which are likely, because of their characteristics or the conditions of distribution or use, to present a serious risk to the health and safety of persons, domestic animals, property or the environment, economic operators may be required to set up a traceability system or to adopt an existing traceability system.⁵ The traceability system has been provided for by some economic operators and it has permit the collection of and storage of data allowing the identification of the product and of the economic operators involved in its supply chain. This is evident as there is the affixing of a data storage device on the product, on its packaging or on the documents accompanying it and which allows consultation of this data.

2.2 *There Has Been Progressive Regulations of the Sale of Dangerous Goods in Cameroon*

One great achievement of the regulating the sale of dangerous goods in Cameroon has been the progressive and continual regulation in line with changes in time and operations of sales of goods in Cameroon. As far back as the 1970s, the Government of the United Republic of Cameroon signed a Decree to put in place regulations for instituting establishments considered dangerous and inconvenient to the public. This Decree was amended and supplemented by other Decrees in 1998 and 1999 respectively.⁶ In the latest version of its amendment in 1999, Articles 3 and 2 of Section 1 and Article 14 of Section 2 of this Decree spelled out perspicuously the conditions to be fulfilled by individuals wishing to create establishments considered in the same Decree as dangerous, unhealthy and inconveniencing to the public. These Laws and Decrees did not exclude installations having to do with the distribution of inflammable liquid products considering that they fall in the category of products considered dangerous, unhealthy and inconveniencing to the public. In spite of this prime ministerial edict, the practice in the sale of dangerous good like informal petrol⁷ trading generally still leaves much to be desired. The muddle that reins in this sector seems to suggest that this decree is far from being implemented. Makeshift petrol vendors mushroom on major streets in the major towns and cities of some regions in the country, imported fuel are stored in domiciles and living quarters which exposes the inhabitants to risk of fire disasters.

2.3 *The Specificity in Regulating the Sale of Inflammable Liquid*

In 1997, a Decree⁸ was passed to clarified issues around involvement in petrol trading activities in the country. The Decree spelled out that the right to be involved in petroleum activities would be granted by the Ministry in charge of petroleum products to any Cameroonian for a period of five (5) years renewable.⁹ Besides, the Decree further clarified the processes of transporting, storing and sales of petroleum products in Cameroon. The Decree was followed up by another Order of the Minister of Mines Water and Energy on July 13, 1995¹⁰ which explained the procedures to be involved in trading in petroleum activities in Cameroon. Among the issues raised in these texts, were quality controls, storage of petroleum products and transportation in designated vehicles.

¹ *Ibid*, article 110.

² *Ibid*.

³ *Ibid*, article 112.

⁴ *Ibid*.

⁵ *Ibid*, article 114.

⁶ Decree N° 76/372, 1999; Law N° 98/015, 1998; Prime Ministerial Decree N° 99/81/PM, 1999.

⁷ Apart from being flammable, the petroleum products especially that which is imported from Nigeria generally produces very exasperating malodor and also had the potential capacity of causing health hazards to those who were exposed to it.

⁸ Decree N°95/135 /PM, 1993; Decree N° 77/528, 1977.

⁹ *Ibid*, article 19.

¹⁰ Order N° O16/95 MINMEE, 1995.

In another administrative move to check excesses in the informal petrol trade sector, the Head of State in a Law in 1998¹ prescribed the regulations for the types and conditions for putting in place of equipment for the pumping of gas and other such liquid and vapor. The various sections of this Law elaborate the procedures for the Construction, Use, Maintenance and Repairs of such pumps; Administrative and Technical supervisions, Administrative Sanctions among others². This Law was definitely passed with the risk of poor handling of gaseous and petroleum products in mind. By the spirit of this Law, the sale of flammable Liquids or Gas must not only be done with the use of prescribed pumps but such pumps must be constructed and rendered effectively functional according to laid down rules. Like other laws and regulations, this Law is also almost completely flouted by the very practice of informal sale of dangerous inflammable liquids in Cameroon towns and cities. Consequently, the practice is antithetic to the prescriptions in this Law. Actors in the informal sale of such liquid goods do not use pumps in the sale of the product. The product is sold in gallons which are scaled down in smaller containers of at least One (1) liter with the use of funnels. This exposed both the sellers and the buyers to direct skin contact with the product with attendant far reaching health ramifications.

Apparently, the high point of the regulatory measures taken by the government to regulate petrol trade in Cameroon was the Petrol Code³ passed in 1999.⁴ Though the Law encompasses activities dealing with the exploitation of crude oil and natural gas, it equally touches on the sale of petroleum products in the entire Cameroonian territory. The Law defined the processes of prospecting, exploration exploitation, transportation, storage and processing activities of petroleum products in the country. As far as petrol trade is concerned, the salient point of this Code is that it spelled out the conditions under which an individual could carry out petrol trade in the country. According to this Law, any individual wishing to invest in the petrol trade must be duly authorized by the competent authorities before such business could be engaged. Thus, the non-compliance with the terms of this Law especially as far as the obtainment of authorization to carry out petrol trade was largely disrespected. Most of the actors in the informal petrol trade in Cameroon possessed no such authorization. It followed that makeshift kiosks were set up by individuals at strategic places in Cameroonian cities to carry out the business.

In 2008 another Prime Ministerial Decree⁵ was passed which fixed modalities for the designation of Agents for the control of petroleum products in Cameroon. This Decree laid down conditions to be respected by the Ministry in charge of Energy Resources to appoint Inspectors and Deputy Inspectors for the control of the quality of petroleum products in Cameroon. The duties of the Inspectors and Deputy Inspectors were to visit possible installations and petrol filling stations as well as manufacturing sites and vehicles transporting the petroleum products to check and determine the quality of the product before they were put on the market.⁶ While this Law in practice was applied in the formal petrol trade sector in the country, it was never applied in informal petrol trade sector. The quality of fuel sold along the streets in Cameroonian towns and cities was never checked and most often was doubtful due to deliberate adulteration by the sellers or accidental adulteration emanating from poor handling, transportation and storage.

Ministerial Decree of 2009 which modified certain dispositions of the Decree No. 2002/2044 of November 20, 2002 which created a committee for the fight against fraud in the petroleum products in the country.⁷ The Committee that was created by the Ministry in charge of petroleum products was charged with the responsibility of fighting against the importation, exportation, detention, transportation and consumption of petroleum products in the country. It was also to propose to the government the measures that could be taken to eradicate the trade in illicit petroleum products in the country. In 2001, the Minister of Mines, Water and Energy signed another Order⁸ which fixed the levels and geographical zones for the storage and control of petroleum products in Cameroon and in 2004, a joined Order of the Ministers of Mines, Water and Energy and the Industrial and Commercial

¹ Law N° 98/020, 1998.

² *Ibid*, chapter 2, 3, and 4.

³ Law n° 99/13 of 22 December 1999 to Institute the Petroleum Code.

⁴ This law was followed up by the Prime Ministerial Decree No. 2000/ 485 of June 30, 2000 which fixed the modalities for the application of the Petroleum Code in Cameroon. As a result, the Petroleum Code went into effect in the year 2000. As a follow up to the Petroleum Code the Law N° 2002/013 of December 30, 2002 to Institute the Gas Code was passed to govern the downstream gas sector comprising transportation, distribution, processing, storage, importation, exportation and marketing of natural gas within the national territory.

⁵ Decree No. 2008/0149, 2008.

⁶ *Ibid*.

⁷ Decree No. 2009/1593, 2009.

⁸ Order N°023/MINMEE, 2001.

Development hinging on the specification of the quality of some petroleum products to be sold in Cameroon.¹

The legal instruments duly deliberated and signed by the respective authorities were either largely unknown to the actors in the petrol trade in Cameroon or are disregarded with impunity by same. This led to the growth and illicit practices in the informal petrol trading activities in many Cameroonian towns and cities with attendant far reaching implications.

3. Challenges for Effective Regulation of the Sale of Dangerous Goods in Cameroon

The regulation of the sale of goods in many countries and Cameroon has often been associated with several upheavals that render an effective control over this activity a problem. Ensuring effective regulation has never been an easy task in any given sector. The porous nature of the country's borders, amongst other challenges, makes it impossible to control the entry of every good. These inadequacies in the control of commercial dealing in Cameroon therefore accounts for the ineffectiveness in regulating this activity.

3.1 Ineffective Enforcement of Laws in Cameroon

There exist several pieces of legislation on the regulation of sales of goods in Cameroon. These laws regulate the production, importation and distribution of goods as well as control the personnel handling the goods for the prescription and purchase for consumption. It is however frustrating that the law itself poses a challenge for proper regulation. This is so in that; the implementation of the law is poor and slow.

In spite of the numerous official texts taken to contain the sale of dangerous goods in Cameroon, it continued to thrive in the markets. This indicated some setbacks in the measures taken to contain or regulate the sale of such goods. However, the ineffectiveness of the regulatory measures taken by government could be accounted for partly by the prevalence of corrupt practices and the lack of political will on the part of government. The fight against sale dangerous goods like inflammable liquids-petrol in Cameroon is shrouded in corrupt circumstances which greatly hampered the process. This account for the illegal sale of petroleum products in the streets of Cameroon.

While the existing legal framework regulated the process of importation, transportation and sale of goods in Cameroon, many actors capable to literally "buy their way" through with the products. Even within the Cities, the vendors paid money to the control teams to keep selling. This indicated the double standard posture of the officials involved in the fight against sale of dangerous goods. This rendered the regulation of sale of dangerous goods ineffective in Cameroon. This poor implementation of regulations has in Cameroon led to the soaring of and expansion of illicit practices in Cameroonian towns and cities, which is also associated with attendant adverse consequences on the populations.

Also, these pieces of legislation are lacking in many aspects which if provided would help in protecting consumers more as well as deterring defaulters. The OHADA Uniform Act on General Commercial Law for example has provisions dealing with the sale of goods. It is however frustrating that this piece of legislation is limited only to commercial sales and does not handle consumer problems. The 2011 Law on consumer protection on its part is only a framework law and not a law per se thereby requiring other pieces of legislation for its proper implementation. It focuses on protecting the consumer against destructive sales, fraudulent maneuvering and reticence, illegal practices, subordination of contracts to game conditions, lottery and other product subscription. The law refers only to restrictive business practices, unfair business practices, the repairs of goods and services of the merchant. The above argument in itself proves the inadequacy of the Consumer protection Law as it does not efficiently protect consumers by regulating prices of goods and services.²

Another argument for the non-implementation of regulatory instruments in the informal petrol trade sector was the general lack of political will on the part of the government. While the need for regulation is indisputable and the legal instruments available, follow up for implementation has remained a mirage. This situation is largely blamed on the lack of political will on the part of the government. The non-implementation of official texts is a common practice in many sectors of national life. The gap between regulation and implementation remained gulfing and a veritable cause for concern in Cameroon. For instance, this has been the case the sale of plastic papers, the importation and sale of drugs along the streets as well as other products considered by the government as contraband.³

These loopholes identified from the laws allows the consumer to only one remedy which is litigation which

¹ Order N° 000012/ 2004/MINMEE/MINDIC, 2004.

² D. L. Ngaundje, (2021). An Appraisal of the Law on Consumer Protection in Cameroon with Respect to Technology Products. *International Journal of Science and Research (IJSR)*, 10(2), pp. 828-835.

³ R. Njingti Budi, (2019). Growth And Illicit Practices in Informal Petrol Trade in Cameroon: Assessing the Level of Implementation of Official Texts. *Afro Asian Journal of Social Sciences*, X(II), pp. 1-21.

cannot serve the consumer of dangerous goods well in due time considering the long and time-consuming court processes.¹ This makes the protection of consumers not to be considered as a matter of utmost importance. In laying more emphasis, there is no permanent body charged with the responsibility to enforce the laws on sale of dangerous goods.

3.2 Excessive Bureaucracy and Corruption

The public administration in Cameroon is characterized by strict hierarchical structures, which are infiltrated to a large extent of corruption.² There is excessive bureaucracy and the complex nature of acquiring a marketing authorization for the opening and sale of some goods considered as dangerous in Cameroon and it is discouraging. This has therefore led to the increase in corruption as illegal business dealers or sellers of dangerous goods wanting to open up within the shortest time possible engage in corrupt activities to get their approvals signed. One of the most corrupt sectors engage in dangerous goods control are the police and customs.

Custom officers sometimes allow the smuggling of fake and illicit goods into the country when given huge sums of money. Also, sometimes importers ask for lower import fees and therewith initialize corruption. The complex and sometimes corrupt import procedures often cause long delivery times in the ports. There exist a variety of possibilities to hinder import and transport by apparently legal bureaucratic procedures for example, incorrect and manipulated documents, lengthy questions, roadside checks with additional charges, etc.³ Where custom officials get paid to facilitate the importation of goods which are not safe and effective, this poses a serious problem.⁴ It becomes very difficult to stop circulation as most of the drugs are already made available to retailers and informal dealers.⁵

3.3 Poor Quality Control Systems

Ordinance No. 50/78 of 21 August 1978 on the quality control of some products include the protection of consumers. The Ordinance applies to both goods and services. It prohibits any misleading of consumers as to the essential qualities, composition and useful content of goods and the type, origin, quality and identity of items delivered. It also requires compliance with national standards where they exist, and regional standards where these have been adopted by the Government. There are some goods that are not ordinary consumer products as they directly affect the lives of people who take them⁶. They are thus complex products and their quality cannot be seen by merely looking at them. This means that consumers need guidance on how to use them. Even professionals selling them need special training and access to specialized information to safely deal with them at all stages of their development, production, distribution and dispensing.⁷

Cameroon is more of a consumer than a producer of many products, with dangerous goods inclusive. Reasons why consumers of dangerous goods depend on products imported into the country. This is another point to prove the ineffectiveness of the law in regulating the sale of dangerous goods in Cameroon. The permissive import of low-quality products some of which are dangerous goods leads to the free flow and sale of dangerous products thus, putting the consumers of goods at risk which they cannot identify by the judgment of an ordinary man detect. In Cameroon, most of the dangerous goods are sold without user manuals and guarantees. This is in contravention with section 16 of the 2011 Law.⁸ More so, the vendors of such dangerous goods do not have the skills in determining the extent of the wear and tear or damage of the products which they sell. This is the case with second hand vehicles imported into the country. This makes the efforts of Standards and Quality Agency (ANOR)⁹ questionable as it has failed to place standards for protecting consumers by allowing the sell of

¹ D. L. Ngaundje, *op. cit.*

² A. Schumann and L. Streit-Juotsa, (2013). Distributing medical products in Cameroon – status quo and measures to enhance logistic performance. Technische Hochschule Mittelhessen – University of Applied Sciences, Germany, p. 6.

³ *Ibid.*

⁴ J. Braithwaite, (1993). Transnational Regulation of the Pharmaceutical Industry. *The Annals of the American Academy*, p. 27.

⁵ The United Nations Guidelines for Consumer Protection (UNGCP). <https://fra.europa.eu/fr/law-reference/united-nations-guidelines-consumer-protection-ungcp-revised> (Accessed on 15/2/2025)

⁶ Like drugs.

⁷ The Challenge of Protecting consumers from Unsafe Products. <https://www.consumersinternational.org/media/155104/productsafetyreport-full.pdf> (Accessed on 15/2/2025)

⁸ Law No. 98/013 of 14 July 1998 Against Anti-Competitive Business Practices.

⁹ Regulation No. 1/99/UEAC-CM-639 of 25 June 1999, against Anti-Competitive Business Practices.

dangerous products into the country, whose prices are determined by the rate of import tariffs.¹

Hence, money spent on poor quality goods is not only wasted but it causes damages that results in human suffering and additional cost. This goes to undermine the confidence in professionals, manufacturers, distributors of such goods. Using the case of pharmacists as an example, they appear to be the most informed about drugs. This may be due to the fact that from their basic training, they are the most implicated in drugs as well as the fact that they have a day-to-day contact with patients where they are involved in delivery, preparation and explaining to the patients.² But these pharmacists sometimes overlook certain things and since they know consumer preferences and full knowledge of control systems and how they work, they can easily evade control authorities.

3.4 Lack of Awareness by Consumers

It is commonly said that *ignorantio jus non excusa*.³ It is however baffling and surprising that even officers who are supposed to uphold the law with regards to marketing of goods are unaware of the existing law. It then becomes difficult to regulate sales within the state. On the part of consumers, most of them are unaware of the adverse effects counterfeit goods may cause. Most consumers see such goods as cheaper. Also, most of them are unawareness to the fact that most stores operate in illegality.

3.5 Porous Borders control in Cameroon

The challenges facing African states to manage their borders are compounded by globalization that is tearing down traditional borders through advancement in technology and transformation of international relations.⁴ Trans-border crimes represent a number of illegal and notorious activities carried out by individuals and groups across national and international borders, either for financial or economic benefits. These crimes are manifested through individuals, groups and traders who smuggle goods including medical drugs into the country using similar techniques such as legitimate traders,⁵ though some legitimate traders engage themselves in the trafficking of medical drugs into the country. Border security is critical and a necessity for the protection of lives in every territory.⁶

Cameroon borders have become free entry and exit points for smugglers of all manner of contraband goods who carry out their illicit activities with little or no reservation. The security challenges have become very difficult only because of unhindered influx of criminals through the country's very porous borders.⁷ Funteh posits that, the Cameroon-Nigeria border is very permeable and so encourages many economic activities including smuggling and this is so because indigenes of the border villages for example are able to evade customs officers given that they cooperate with their actions as well as being familiar with the terrain.⁸

3.6 Problems Associated with Imports

Most goods existing and consumed in Cameroon are imported due to the low level of research, poor infrastructure as well as other constraints. The limited numbers of manufacturing companies are out-numbered by the numerous numbers of exporters of goods. As such, it is very easy upon the importation of goods since there exist no quality control of imported goods as to the composition, regulatory authorities rely on the information on the quality of the goods provided by importers as requested. Another situation arises when other types of goods such as clothes, foodstuffs, household equipment, are being imported. It is very usual to find dangerous goods wrapped in containers that do not have a marketing authorization amongst the goods of general traders.

3.7 Illegal Distribution Chain of Dangerous Goods

¹ D. L. Ngaundje, (2021). An Appraisal of the Law on Consumer Protection in Cameroon with Respect to Technology Products. *International Journal of Science and Research (IJSR)*, 10(2), pp. 828-835.

² F. Nde, *et al.*, (2015). State of knowledge of Cameroonian drug prescribers on pharmacovigilance. *The Pan African Medical Journal*, at <http://www.panafrican-med-journal.com/content/article/20/70/full/> (Accessed on 15/4/2025)

³ Meaning ignorance of the law is no excuse.

⁴ G. U. Osimen, *et al.*, (2017). The Borderless-Border and Internal Security Challenges in Nigeria. *International Journal of Political Science (IJPS)*, 3(3), p. 17.

⁵ P. Addo, (2006). Cross-Border Criminal Activities in West Africa: Options for Effective Responses. KAIPTC Paper No.12, Ghana.

⁶ *Ibid*

⁷ S. A. Adewoyin, (2019). Porous Borders, Small Arms Proliferation, and Insecurity in Oke-Ogun Area of Oyo State, Nigeria. *International Journal of Research and Innovation in Social Science (IJRISS)*, III(I), p. 84.

⁸ M. B. Funteh, (2015). The Paradox of Cameroon-Nigeria Interactions: Connecting between the Edges of Opportunity/benefit and Quandary. *International Journal of Peace and Development Studies*, 6(3), p. 33.

Due to the lack of adequate infrastructure to host certain goods, poor roads and inaccessibility to many parts of the country, the distribution of dangerous goods to all areas becomes a problem. This has therefore made it possible for the establishment of an illegal distribution chain to emanate within the country. Unauthorized and even licensed wholesale companies have seized the opportunity to make more profits. Since workers or agents of these companies are known, they take advantage to import their own goods from unknown sources to add to supply which they make to retailers, who sale in rural areas.

There is the continuous importation of dangerous goods¹ into the country by unauthorized persons, some of which are traders and others who are not traders. It is a very common phenomenon to find in containers carrying goods of different nature stocked with cartons and barrels of dangerous good. Most of these goods do not have any marketing authorization in Cameroon and the importers themselves do not have the special license to import them. Sometimes when some of these goods are apprehended by custom officers at the different ports of entry, the owners bribe their way. Most often, owing to time constraint as well as improper checks, these illegally imported goods are not found by regulatory authorities at the ports of entry as they are often hidden amongst other goods. Some authors² has noted that, there is the constant exportation of unsafe goods (such as pharmaceutical drugs) to Cameroon by multinational companies. Some of these drugs which have either reached or are closed to their shelf life are repackaged and exported into Cameroon.³ some of such dangerous goods come in through donations are so are hardly suspected to be defective. Manufacturers from jurisdictions with stricter laws continue to export goods that have been banned in their home country into Cameroon, thereby making it difficult to combat the problem of dangerous goods.

3.8 The Implication of Poor Control of Dangerous Goods

The growth of sale of dangerous good which in most cases are always illegal is in an increase. Anywhere in the world, it invariably affects official trade deal. Such effects are usually far reaching as the relations between the informal and the formal trade deals are usually a disproportion. The phenomenon of illegal sale of dangerous goods has been expanding in the African continent since the demise of colonial rule despite efforts to reduce it.⁴ Our towns are made up of weak economies but strong informal sectors. For instance, the buoyant informal petrol sale in Cameroon has tended to produce unpleasant outcomes on the official economy. It trades robbed the state of millions of Francs CFA of revenue and helped to inhibit some of those involved in the formal trade sector.⁵

Worse still it is one of the goods classified as dangerous goods by its nature and need special regulations for its transportation and storage. However, the poor regulation of such illegal sale of petrol in Cameroon proves that consumers of such of goods are not properly protected.⁶ It is evident that, some dangerous goods need special transportation services, some imported petrol especially from Nigeria is usually transported in ordinary cars rather than specialized cars designed for this purpose like petrol tankers. Even the manner in which the product is stored also posed great danger to life in some neighborhoods in the country. Some of the vendors store the product in their houses for fear of burglary. This situation exposes the wholesaler and his neighbors to risk of fire disaster but as it is, most of them claimed they have no choice as far as storage of the product is concerned.

However, there have been attempts to regulate it sale and also calls to denounced such illegal acts to the authorities. This has been evident in the North West where the government explained that⁷:

Petroleum products are extremely dangerous. Their manipulation exposes mankind to illnesses and several security risks such as fire outbreak or explosion with a lot of consequences (loss of lives, loss of property etc.). To this effect, the Governor hereby invites the population of the North West Region to denounce to the Authorities of the Ministry of Water Resources and Energy the premises used by smugglers as stores of these products in order to preserve their lives. Therefore,

¹ Among which are pharmaceutical drugs which have been banned because of their dangerous nature.

² S. D. Galega, (2002). In the Wilderness at Dawn of the Millennium: The Untold Truth about Cameroonian Consumers and the Global Change. *The African Society of International and Comparative Law*, pp. 319-336:320.

³ *Ibid.*

⁴ S. Golub, (2015). Informal cross-border trade and smuggling in Africa. *Research Gate*, p. 179.

⁵ R. Njingti Budi, (2019). Growth and Illicit Practices in Informal Petrol Trade in Cameroon: Assessing the Level of Implementation of Official Texts. *Afro Asian Journal of Social Sciences*, X(II), pp. 1-21.

⁶ *Ibid.*

⁷ In a Radio Announcement Ref. No. 019/L/E/GNWR/IG/RS, 2016, signed by Governor LeleLafriqueTchoffo Deben Adolphe of the North West Region.

*anyone involved in this illicit activity exposes himself to sanctions by the laws in force.*¹

The Order of the Minister of Mines Water and Energy on July 13, 1995² which explicated the procedures to be involved in trading in petroleum activities in Cameroon. Among the issues raised in these texts, were quality controls, storage of petroleum products and transportation in designated vehicles.³ Nonetheless, practices largely spurn these regulations. While the question of quality of the goods remains moot, the manner in which the product is transported and stored increases public risks around it practices. For instance, fuel imported from Nigeria is usually transported in ordinary vehicles and sometimes on motorbikes and stored in living homes or warehouses located in living quarters at the risk of the population.⁴

It is a well-known fact that, Petrol is flammable liquid and is very dangerous and this explains why government has been taking some regulatory mechanism like the case of petrol tanks which must be buried in the ground so that there is security and safety on the lives of people. But unfortunately, the illicit fuel and its proliferation along the streets and at nearly all the corners of our towns and villages can cause terrible damages on lives and property if proper care is not taken. Examples abound of fire accidents resulting from such carelessness in fuel management by untrained private individuals. With this illicit fuel, which is being sold and kept in the houses, it is very dangerous especially when you consider the fact the business is in the hands of mostly young ones.⁵ The poor storage method of the product was further compounded by the manner in which the product was handled. Sometimes, unsuspecting children of tender ages are involved in the handling of the product.

4. Conclusion

All actors involve in the regulation of sale of dangerous goods in Cameroon face certain challenges. For the Government, one major challenge is that of transposing the development of a unique law which aims at regulating dangerous goods in Cameroon. For public agencies, the main challenges relate to independence and interministerial cooperation. Companies face the challenge of self-regulation. Consumer associations are confronted with the challenges of professionalization and accountability. The ability of product safety regulation to protect consumers from harm depends on the extent to which it can keep pace with evolving product markets. People increasingly buy goods from different markets and platforms which creates different risks from goods sold on the high street. Changing product types also create new risks. Many consumer goods are imported, and new trading relationships with the country and the rest of the world may mean changes to regulatory framework applicable and create difficulties in effective regulating the sale of dangerous goods.

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¹ *Ibid.*

² Order N° 016/95 MINMEE, 1995.

³ *Ibid.*

⁴ R. Njingti Budi, (2019). Growth And Illicit Practices in Informal Petrol Trade in Cameroon: Assessing the Level of Implementation of Official Texts. *Afro Asian Journal of Social Sciences*, X(II), pp. 1-21.

⁵ Nkwenti, I., (2017, July 18). "Rampant sales of Illicit Fuel is killing the business of petrol stations in NW" in *Watchdog Tribune*, Issue 0239.

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