

# An Appraisal of the Law on Consumer Protection in Cameroon with Respect to Technology Products

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**Abstract:** *The safety of consumers is second to none when the consumption of technology products is concerned. But unfortunately, consumers and users of technology products are not adequately protected by the Law on Consumer Protection due to the loopholes in the law. Findings to this research reveal that users and consumers of technology products thread on dangerous grounds as there exists high rates of computer crime and the circulation of low quality products. Consumers of technology products need an efficient consumer protection law that would adequately protect them. To attain this, the paper, therefore, examines the legal framework for the protection of consumers of technology products in Cameroon with the aim of highlighting the loopholes inherent in the law. The questions guiding this research are "Are there loopholes in the law on consumer protection with respect to technology products? If there is, how can they be reformed? The paper employs the exploratory and descriptive research designs as well as the qualitative approach to identifying the loopholes in the law on consumer protection and in the reform of the law. The importance of this paper lies in the contribution it makes in raising awareness and improving knowledge of consumer protection rules, especially among consumers, investigating officers, students and non-specialist legal practitioners who have to deal with consumer protection issues in their work.*

**Keywords:** Law, Consumer Protection, Technology

## 1. Introduction

It is interesting to bring to knowledge that the industrial revolution brought numerous changes in technological advancement and technology products. Despite these changes, consumers faced and are still facing tremendous problems caused by technology products. This is certainly due to the fact that consumers of technology products<sup>1</sup> have little or no knowledge about the production process and the laws on consumer protection. Like the rest of the world, Cameroon has a law on Consumer Protection.<sup>2</sup> Despite the existence of this law, the paper contends that consumers of technology goods are not adequately protected by the law due to the loopholes in the law. Findings to this research reveal that users and consumers of technology products thread on dangerous grounds as there exists high rates of computer crime and the circulation of low quality products. Most importantly, the paper found that the law is very sparse as it does not regulate on sensitive issues like cyber security, the media space and the installation of pylons, masts and antennas.

Consumers of technology products need an efficient Consumer Legislation which would adequately protect them. To attain this, the paper, therefore, examines the legal framework for the protection of consumers of technology products in Cameroon with the aim of highlighting the loopholes inherent in the law. The questions guiding this research are "Are there loopholes in the law on consumer protection with respect to technology products? If there is, how can they be reformed? The paper employs the exploratory and descriptive research designs as well as the qualitative approach to identifying the loopholes in the law

on consumer protection and in the reform of the law. The importance of this paper lies in the contribution it makes in raising awareness and improving knowledge of consumer protection rules, especially among consumers, investigating officers, students and non-specialist legal practitioners who have to deal with consumer protection issues in their work. Also, it would as literature for other researchers seeking to carryout studies in the protection of consumers of technology products. As for the policy makers, it gives them the opportunity to reform the law.

## 2. The Law on the Protection of Consumers of Technology Products in Cameroon

Taking inspiration from international instruments, the government of Cameroon has dedicated much effort in the protection of consumers. Before the coming into force of the law on consumer protection in 2011, consumer protection was within the jurisdiction of Law No. 90/031 of August 10, 1990. This 2011 law and other laws which promote and protect consumers' interests would be discussed below.

### 2.1 Law No. 2011/012 of 06 May 2011 on Consumer Protection in Cameroon

The 2011 law happens to be the very first comprehensive piece of legislation on the protection of consumers in Cameroon and it governs all transactions relating to the supply, distribution, sale and exchange of technology goods and services.<sup>3</sup> The law repeatedly mentions the word consumer throughout the sections of the law. This is evident in section 19 as it is stated that a consumer is "any person who uses goods to satisfy 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."<sup>4</sup> As a matter of fact, consumers of technology products are endowed with a plethora of rights

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<sup>1</sup>This is a material object that have been designed by people and developed through technological practice to serve particular functions' See <https://technology.tki.org.nz/Technological-in-theNZC/Technological-knowledge/Technological-products>.

<sup>2</sup> Law No. 2011/012 of 6<sup>th</sup> May 2011.

<sup>3</sup> Ibid, section 2.

<sup>4</sup> See Law No.90/031 of August 10<sup>th</sup>, 1990, regulating Commercial Activity in Cameroon.

which include the rights to a fair, non-discriminatory treatment by suppliers of technology goods and services;<sup>5</sup> rights to withdraw within a period of 14 days from the signature or execution of a contract;<sup>6</sup> right to make an informed choice<sup>7</sup>, the right to safety and compensation for losses suffered.<sup>8</sup> Evidence of the right to safety and compensation for losses suffered is seen in the case of *Egbe Maureen v Ruth Eyonh, Elf Oil Cameroon & Ors*,<sup>9</sup> wherein the vendors of a defective product of technology (kerosene) was held strictly liable for damage suffered by the plaintiff.

In ensuring the protection of consumers from harms or defects associated with technology products, the law places on suppliers a number of duty. First is the duty to draft in English and French standard agreements and adhesion contracts in characters that are visible and legible at first glance by anyone with normal vision.<sup>10</sup> To add to this, 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>11</sup> Secondly, the vendor/ supplier of a technology is required to provide or deliver to the consumer a product or technology that meets the minimum requirements of sustainability, utilization and reliability and guarantees his right to satisfaction. It is worth reechoing that, the technology goods in question must be accompanied by a manual, receipt, or any other document containing inter alia, utilization and warranty.<sup>12</sup> In addition, vendors are required to dispose of technology 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 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 imported technology 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>13</sup> This explains why products which do not comply with the above standards are prohibited<sup>14</sup> or withdrawn from the market because they constitute a potential hazard and, returned to the vendor or supplier for testing at his expense.<sup>15</sup> This portrays the possibility of the law to carryout product recalls in a bid to eliminate the possibility of harm which consumers of technology products could possibly be faced with. To continue, the law advocates strongly for consumer education, participation and decision-

making. 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 therefore that consumers may participate in public decision making structures wherein they are expected to promote commercial and political activities, insert commercial advertisements in publications<sup>16</sup> and make selective commercial use of information and advice intended for consumers. 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>17</sup>

The protective nature of consumers is seen when it goes to an extent to permit the successor of an injured consumer to lodge an action before a competent court or arbitration body to enforce the right of the consumer. This brings to understanding the reason why section 2 of this law has regard for the person who uses goods to satisfy his own needs and his dependents as well. In addition, the law provides penal sanctions. In an attempt to ensure the punishment of offenders, it is emphasized in section 31 of this law that whoever gives false information on the quality of technology, goods or services supplied to a consumer shall be punished with imprisonment of six months or two years or with a fine of (200.000) francs to one million (1000.000) francs or with both such imprisonment and fine.<sup>18</sup> Same is served on anyone who gives false information to the competent authorities or consumer structure. The amount thereof shall be double with legal interests added if the offence is prejudicial.<sup>19</sup> The presence of repressive sanctions in law protecting consumers keeps manufacturers and vendors alert and diligent enough to do everything within their clout not to let out defective technological products to consumers. To add value to this, we would analyze other laws which guarantee the protection of technology users such as the law on Cyber Security, the Law governing e-Commerce, the Law against Anti-Competitive Practices and the Media Law.

## 2.2 Law No. 2015/018 of 21 December 2015 on Commercial Activities in Cameroon

In a bid to protect consumers of technology products, 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 the consumer odiously. In achieving this end, the Cameroonian legislator requires the seller to supply the purchaser (technology user) 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 prices, tariffs and conditions of sales of goods and services". To wit, this law adds that descriptions

<sup>5</sup> Ibid, section 2(d).

<sup>6</sup> Ibid, section 7.

<sup>7</sup> Ibid; section 3(c) .

<sup>8</sup> Ibid, section 2(e).

<sup>9</sup> 119321 AC562, 599.

<sup>10</sup> Ibid, section 6(1).

<sup>11</sup> Ibid, section 14.

<sup>12</sup> Ibid, section 10.

<sup>13</sup> Ibid, section 16.

<sup>14</sup> Ibid, section 16 (2).

<sup>15</sup> Ibid, section 16 (3).

<sup>16</sup> Ibid, section 22.

<sup>17</sup> Ibid, section 25.

<sup>18</sup> Ibid, section 31(2).

<sup>19</sup> Ibid, section 34.

and qualifications must be added to the list of documents made in the declarations of commercial guarantee, documents and advertising means.<sup>20</sup> More so, this Law provides 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<sup>21</sup> during a period of 6 months for new goods and a period of three months for used goods.

The law also guarantees an after sale service<sup>22</sup> 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<sup>23</sup> and provides punishment<sup>24</sup> to manufactures and vendors of technology products who violate the provisions and commits aggressive or deceptive practices towards the consumer. In achieving this end, it applies article 256 of the penal code to the one that violates the provisions regarding guarantees for goods and services, fails to organize and commits an aggressive or deceptive practice with respect to the consumer.<sup>25</sup> 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,<sup>26</sup> fines<sup>27</sup> and seizures of products prohibited for consumption or not in conformity with the standards.<sup>28</sup>

### 2.3 Law No. 2010/012 of December 21, 2010 on Cyber Security and Cyber Criminality

This is another law which contributes to the protection of consumers of technology products by placing on the administration in charge of telecommunication the duty to formulate and implement electronic communications security policies taking into account technological developments and government priorities in that domain. In this respect, the administration is required to among others promote the security of electronic communication networks and information systems and monitors the evolution of issues related to security and certification activities; coordinates activities that contribute to the security and the protection of electronic communication networks and the

information systems at the national level and to ensure the setting up of an electronic communication's security framework; draw up the list of certification authorities; represent Cameroon in international bodies in charge of activities related to the security and protection of electronic communication networks and information systems.

In enforcing the principles of e-commerce, the government in 2012 established the National Agency for Information and Communication strategies (ANTIC). Another issue of enforceability is seen in the case of *The people v. Tita Njanjo Kevin*<sup>29</sup> wherein, the defendant who was in an estranged relationship with a South African lady, dubbed her of a huge amount of money, returned to Cameroon and changed his identity. Given the circumstances of the case and the mitigating circumstances, the defendant was slammed a 5 year prison sentence.

### 2.4 Law No. 2010/021 of 21 December 2010 governing e-commerce in Cameroon

E-Commerce is another platform which requires the protection of consumers and their rights. This law aims at regulating any activity for the production and exchange of goods and services carried out using electronic or material media, by any natural or corporate body. It also governs aspects concerning electronic certificates, electronic mails, electronic documents and electronic signatures. The efforts of this law in protecting consumers is seen in the restrictions it places on legally authorized money games, betting and lotteries, activities concerning legal representation and aid<sup>30</sup> and unsolicited advertising sent by electronic mail.<sup>31</sup> Attached to these restrictions is the obligation of the seller to provide the buyer and authorities with information about their full name, physical address e-mail address and telephone number and the company name.<sup>32</sup>

### 2.5 Law No.98/013 of 14 July 1998 Against Anti-Competitive Business practices

When the protection of consumers with respect to technology products is in question, we see the efforts of anti competition laws also known as anti-trust laws. 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>33</sup> This was the case in 2011 when a local company was found

<sup>20</sup> Article 42(2) of the Law of December 21, 2015: "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>21</sup> Ibid, article 51.

<sup>22</sup> Ibid, article 58 (1).

<sup>23</sup> Ibid, article 42(2).

<sup>24</sup> Ibid, article (1)(c).

<sup>25</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>26</sup> Ibid, article 90(2).

<sup>27</sup> Ibid, article 91 (1).

<sup>28</sup> Ibid, article 90(2).

<sup>29</sup> 1234 BCA 239.

<sup>30</sup> Section 3(1) of Law No. 2010/021 of 21 December, 2010.

<sup>31</sup> Ibid, section 3(2).

<sup>32</sup> Ibid, section 30 (1).

<sup>33</sup> Article 5 of Law No. 98/013 of 14 July 1998



guilty of anti-competitive business practices and fined a sum of 525 million.<sup>34</sup>

## 2.6 Law No. 90/052 of December 19, 1990, regulating the Media

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>35</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.

As an effect, we count this law of legislation as one of the laws which protect the rights of consumers of technology products because they become aware of the information of technological products through news papers and advertisements made on the televisions and radio stations, giving them an opportunity to make informed choices. Also, the self regulatory aspect of the entertainment industry in putting age restrictions to movies and TV programs such as (G, PG-13, R and NC-17, VL, VLS and NVL-18) has helped the society a great deal in curbing moral decadence and promoting a society of high standing morals. This goes most especially in the protection of children because they are a vulnerable group in the society in need of special care and protection. An effort of this law in preventing harmful programs is seen in section 36 which states that: "The content of advertising messages shall be in conformity with the requirements of decency, morality, 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 the mental and psychological health of consumers. The prohibition of pornographic, erotic or violent films save in where the channels concerned are encoded is a bold step taken by the legislation to reduce the rate of crimes like rape, theft and murder which are fast gaining grounds in the Cameroonian society. 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>36</sup> This explains why advertisements must be done to the credit of the state and for the interests of the consumer.

<sup>34</sup> <https://www.bowmanslaw.com/wp-content/uploads/2016/12/Guide-Competition-3.pdf>

<sup>35</sup> Peter Tiako Ngangum; Media Regulation in Cameroon: African Journalism Studies>volume 40, 2019 <https://www.tandfonline.com/doi/full/10.1080/23743670.2020.1725777?scroll=top&needAccess=true>.

<sup>36</sup> Article 30 of Law No. 2006/018 of December 29, 2006, governing Advertising in Cameroon.

Judging from section 2 above, we can see that the Law on Consumer Protection has put in so much effort in ensuring the economic and technological interests of the consumer. By so doing, it lays emphasis on the right to good health and safety of the consumer. In accordance with this right, the consumer has further rights which include the right to make an informed choice, the right to consumer education, the right to create voluntary and autonomous independent consumer associations and most especially the freedom from contractual imbalance. In achieving a concise protection of consumers, further laws were examined which concern technological products. With a thorough examination of the Law on Consumer Protection alongside other laws, we can now proceed to examining the loopholes in the Law on consumer protection with respect to technology products.

## 3. Limitations in the Law on Consumer Protection

Cameroon, being a member state and signatory to the United Nations Convention on Trade and Development (UNCTAD), has adhered to a number of principles, policies and guidelines for the promotion and protection of consumers. This could be seen in the steps which she has taken to enhance consumer confidence in electronic commerce and privacy. From the judgment of an ordinary man, the Law on Consumer Protection would be a mirror image of the UN Guidelines on the Protection of Consumers but this is not the case because the Law in itself is too sparse, lacks enforcement mechanisms, fails to regulate the price and quality of technology products and does not give an ordinary meaning of the word 'technology'. This would bring us to the purpose of this section which is to identify and examine the loopholes of the Law on Consumer protection with respect to technology products.

### 3.1 The sparse nature of the law

Firstly, the Law is too general and sparse.<sup>37</sup> This is because it does not identify the crucial issues which consumers of technology products face. The law focuses on guarding the consumer against aggressive sales, fraudulent maneuvering, fraudulent reticence, illegal practices, subordination of contracts to game conditions, lottery and other product subscription. The law refers only to restrictive business practices,<sup>38</sup> unfair business practices,<sup>39</sup> 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 of technology

<sup>37</sup> The Framework Law No. 2011/012 of 06 May on Consumer Protection in Cameroon contains only 39 articles. In foreign legislation, codes are intended for consumer law.

<sup>38</sup> Article 2 of the 2011 Framework Law: "Restrictive business practice: any commercial practice that requires the consumer to purchase, lease, or procure any technology, good or service as a condition or prerequisite to purchase, lease or acquire any other technology, good or service".

<sup>39</sup> Section 2 of the 2011 Law provides that "Unfair business practice that, in promoting the sale, use or supply of a good, service or technology, adopts a methodology, including oral statement, written statement or visual representation that affects fairness in a transaction."

products because the law fails to legislate against computer crime, breach of consumer privacy and illicit media content.

### 3.2 Lack of Enforcement Mechanisms

This is yet another fact evincing that consumers, mostly those of technology products are not given adequate protection. The law gives room for freedom of association but in actual fact, this is not enough given that there exist just a few consumer associations some of which are ineffective. This allows the consumer of technology products to only one remedy which is litigation which would in effect not serve the consumer well in due time considering the long and time consuming court processes. 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 consumer protection.

### 3.3 Failure to regulate on the quality and price of technology products

It is unbeatable that Cameroon is more of a consumer than a producer of technology products, reasons why her citizens depend on technological products imported into the country. This is another point to prove the ineffectiveness of the law in protecting consumers. The permissive import of low quality products leads to the free flow of low quality (second-handed) products thus, putting the consumers of technology products at levels of risk which they cannot by the judgment of an ordinary man detect. In Cameroon, most of the second handed goods are sold without user manuals and guarantees, as it is evident with the sale of second-handed phones. This is in contravention with section 16 of the 2011 Law.<sup>40</sup> More so, the vendors of such technological products themselves do not have the technological skills in determining the extent of the wear and tear or damage of the products which they let out. This is the case with second hand vehicles imported into the country. Interestingly enough, propeller engines which ply the roads emit harmful gases such as nitrogen oxides, carbon monoxides, sulfur oxides and hydrofluoro carbons which are a major cause of air pollution and consequently lead to the depletion of the ozone layer. This makes the efforts of Standards and Quality Agency (ANOR)<sup>41</sup> questionable as it has failed to place standards for protecting consumers by allowing the importation of low life and sub-standard technological products into the country, whose prices are determined by the rate of import tariffs.

### 3.4. Prevalence of monopolies and anti-competitive business practices

Despite the fact that the law on consumer protection is so loud in speaking against anti-competitive practices, there still occur traces thereof in the Cameroonian Economy. This

is evident in the existence of state owned companies, which distort the competitive landscape. A glaring example could be seen with Cameroon Telecommunication which has exclusive control over national telephone and internet infrastructure, including fiber optic cables and the telephone network. These distortions of competition in the country exist with many State Owned Enterprises, that have a history with poor management and being in critical sectors, they create real risks to consumers. An example thereto is SONARA who provides the entire country's access to refined petroleum. More so, the privatization of state monopolies from 1990 has led to the creation of many regulatory agencies for the sector concerned (electricity, telecommunication, banking/finance sectors), whose power overlap with National Competition Commissions.

From the above issues raised in justifying the inadequacies of the Law on Consumer Protection with respect to technology products, it is evident that the piece of legislation fails to regulate sensitive aspects which concern consumers of technology products. Some of the things crucial when technology products are concerned include; a safe cyber space, consumer privacy and a formidable media. Even though these aspects are regulated under the auspices of different laws it would be of good if they are discussed for a proper completion of this work. These inadequacies would include the following: the prevalence of computer crime; breach of consumer privacy and the presence of illicit media contents.

### 3.5 other inadequacies in the laws guaranteeing consumer protection in Cameroon

#### 3.5.1. The prevalence of computer crime

Despite the law on Cyber Security and Cyber Criminality, there still exist an outstanding number of cyber crime and fraud in Cameroon. According to the 2014 report<sup>42</sup> from ANTIC, cyber criminality cost Fcfa 3.5 billion to Cameroon between November and December 2013. ANTIC even indicated that over 90% of software and operating systems used in Cameroon are hacked. This risk also extends to the mobile telephone sector, where telephone calls fraud has caused operators to loss up to 18 billion and 4 billion for the state.

#### 3.5.2. Breach of consumer privacy

Privacy is a key component of internet and computer usage reasons why privacy laws are put in place to keep private information safe in a world where information is available at the click of a button. This is not the case in Cameroon even with the enactment of Decree no 2013/03399/PM of February 2013 which aims at protecting the electronic communications of consumers. This is because of the existence of government practices like internet censorship which undermines the privacy of consumers. This is evident with the government of Cameroon as ANTIC uses the state-of-the-art tools or cutting-edge tools to continuously watch social networks. This consists of browsing various profiles on social networks to detect illicit content presenting a potential threat for the national security and the image of Cameroon and to weed them out. The question which pops

<sup>40</sup> Section 16 of Law No. 2011/012 of May 26, 2011 states that: Any locally product or imported technology or good must be inspected, tested and measured by the relevant authority to ensure that, its consumption and compliance with national, international, environmental, health and safety standards.

<sup>41</sup> <https://min-midt-gov.com/standards-and-quality-agency-anor/>

<sup>42</sup> <https://www.businessincameroon.com/cit/0909-6507-cameroon-is-a-country-vulnerable-to-cyber-criminality>

up at this point is “what about protecting the image of the internet users in Cameroon?” we see that there is a problem as consumers are not guaranteed their rights to privacy as purported by the Law. Also, in 2009, the government launched a campaign aimed at capturing the personal information of mobile phone holders, allegedly “to ban the unfair use of mobile phones [in a way that can prejudice] law and public order and the safety of citizens”<sup>43</sup>. In effect, these practices go contrary to the right of privacy of consumers.<sup>44</sup> More so, the government monopoly over all mobile and internet infrastructures through its sole state owned telecom operator, CAMTEL (Cameroon Telecommunications), facilitates communication surveillance. This was exposed during an interview given to the online media outfit Cameroon-Info, where Woungly Massanga, a Cameroonian dissident, stated that his phones have always been tapped.<sup>45</sup>

### 3.5.3. The presence of illicit media content

It is common knowledge that the physical diet you consume will most certainly define your physical health. The same can be said about the media diet available to consumers. The most dangerous part about the ways and the extent to which the media affects consumers on their health is that, they often do not see the damage it does because it does not show itself in physical ways. It comes in the form of generalized anxiety, irritability, information overload, confusion, depression and sadness.<sup>46</sup> These things develop slowly and it can be difficult to point our media consumption habits as the source. Most of these unknown problems faced by the consumer are due to the fact that the self-regulation strategy of the entertainment industry is not enough as it would not stop children from watching films which have violent and illicit contents. Even though article 27<sup>47</sup> of the 2006 Law<sup>48</sup> regulates the nature of advertisements, it does not speak much about the social media which carries with it vile and illicit content. The internet exposes children to a wealth of opportunities but also exposes them to risks including cyber bullying, data protection issues, online grooming, and cybercrime and child sexual abuse<sup>49</sup>. It is at this point that I would say that, the legislator has done very little in the protection of consumers with respect to technology

products, especially when it comes to the regulation of media content.

### 3.5.4. Irregular installation of pylons, antennas and masts

To continue, the law on Consumer protection fails to protect consumers of technology products from electromagnetic transmissions which are harmful to the human body. This is so because, the Law says little or nothing about the installation of radioactive antennas close to human habitation. The installation of antennas thereof have only been mentioned in Decree no. 2013/0403/PM of 27 February 2013 which lays down maximum thresholds for public exposure to electromagnetic emissions from equipments used in electronic networks or from any other instrument capable of producing electromagnetic emissions. This decree seeks to protect occupants of educational establishments, nurseries and health centers. Likewise, it means that the decree protects school children, babies and patients. The failure of the Law on Consumer Protection is seen as it does nothing to protect the afore-mentioned category of persons from the effects of electromagnetic waves and the dangerous consequences which come with it. A glaring example of this act was identified in Nkamlikum Street and the other in Krama Street Kumba, where the MTN Company had their antenna implanted. The pictures below demonstrate and corroborate the facts above.

In a nutshell, the protection of consumers is an issue which is very critical, especially when it comes to technology products. This is however not the case in Cameroon as the law on Consumer Protection fails to adequately guarantee the protection of consumers of technology products despite the position which they occupy in the Cameroonian economy. This is seen in the sparse nature of the 2011 Law and its inability to regulate very crucial aspects of technology users which include; cyber security, consumer privacy and the media space. More so, the Law has failed in ensuring the effective implementation of same as concerns technology products. This is revealed in the existence of state owned monopolies like Electricity company in Cameroon (ENEO) and SONARA, which distort the competitive landscape and thereby, put the consumer at a disadvantaged position wherein, they pay for low quality services at high prices. The inability of the Law to disallow the continuous import of low quality and second handed products contributes in expressing the weak nature of the law on consumer protection. This is so because consumers of such technology products are put in harm's way as they cannot escape from potential defects and harms from such products. The act of enacting laws is not what matters but the implementation of the law and in its ability to impact the behavior of the society positively. To sum up this paper, it would be laudable to say that the 2011 law on the protection of consumers still has a lot to do when technology products are concerned in protecting consumers and this would be seen in the recommendations which are brought up in the next section.

## 4. Way forward

The protection of consumers is very important as it would go to deliver the consumer from harmful and low quality

<sup>43</sup> The stammering of Cameroon's communications surveillance authored by Serge Daho Sylvie Siyam <https://giswatch.org/en/country-report/communications-surveillance/cameroon>.

<sup>45</sup> Ngangue, Y. (2014, May 19). Interview de Woungly Massanga, Homme politique et nationaliste Camerounais: Le Cameroun est une véritable bombe à retardement”. Cameroon-Info.Net. [www.cameroon-info.net/stories/0,61441,@cameroun-20-mai-2014-interview-de-woungly-massanga-homme-politique-et-nationalist.html](http://www.cameroon-info.net/stories/0,61441,@cameroun-20-mai-2014-interview-de-woungly-massanga-homme-politique-et-nationalist.html)

<sup>46</sup> Modern-mojo.com/consuming-media/

<sup>47</sup> Article 27(1) of Law No. 2006/018 Of 26 December 29, 2006 regulating advertisements states that: when it is addressed to children, advertising must not be of a character to compromise their education, involve visual presentations or written or oral declarations that could cause them physical, material, mental or moral harm.

<sup>48</sup> Law No. 2006/018 of 29<sup>th</sup> December 2006.

<sup>49</sup>

[https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805caa9b](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805caa9b)



technology products placed at his/her disposal. This therefore, calls for the need of water tight and outstanding piece of legislation which would regulate all aspects on consumer protection and protect the consumer at all levels, especially where technology products are concerned. From the above findings of this research, the following recommended actions are necessary for the legislator, government and the consumer, as they would also act as solutions to the loopholes in the Laws protecting consumers. First and foremost, the Cameroonian Legislator should carry out a major law reform on the law on consumer protection. This is so that, it should include several aspects such as cyber security, e-commerce, consumer privacy and media regulations which are very essential in the protection of consumers of technology products.

Secondly, an efficient enforcement mechanism should be put in place. This would go to detangle the consumer of defective technological products from the chains of long court processes and procedures; and to ensure strict implementation of consumer protection Laws in the country. Also it would lead to the respect of the consumer protection laws that would followed by the eradication of restrictive and anti-competitive business practices, breach of consumer privacy, cyber-related crime and illicit media content. This research has proven that Cameroon is more of a consumer than a producer of technology products. This results in the importation of technology products which have been to be sub-standard and defective.<sup>50</sup> To avoid the circulation of defective technologies, the government should be strict on the category of products which they allow into the country and also, place high import duties to deter or stop the inflow of end-of-life technologies into the country. In as much as there is a law which guarantees the protection of consumers, there is a need for consumer education in the country. By this, consumers need to be aware of the existence of this Law and rights which it protects and promotes. Consumer education is also about enabling citizens adapt to personal, environmental, economic, social and technological changes in order to make rational decisions and act efficiently in the market place.<sup>51</sup>

Again, it has been noticed that Cameroonian consumers are not well informed on the dangers most technology products pose to their health and are left to be aware of the products which they buy.<sup>52</sup> With this, there is the need for consumer advocacy through voluntary Consumer Associations through which consumers would have the opportunity to know their rights and the laws guaranteeing those rights. As for the government, it should increase the income level of the average Cameroonian so as to enable consumers purchase brand new technological products which will be free from

defects and accompanied with guarantees. Also, the government should encourage technological creations in the country because technological innovations constitute the backbone of every emergent and successful economy. This can be done through subsidizing technical education and reducing taxes on technology companies in Cameroon. This would help consumers to have access to locally-made technological items and to ensure locate the manufacturers in case of any defect identified in the good. Finally, the government should place high sanctions and necessary steps to demolish radioactive antennas which are located close to human habitation. This is due to the fact that, such pieces of technology pose unknown risks to the health of children, pregnant women and fetuses and patients.

## 5. Conclusion

Before concluding on this paper, it is necessary to make a recap of the various issues and points of interests discussed in the above sections. From the starting point of this paper, the main law on consumer protection was examined. Upon examining the effectiveness of the 2011 Law, it was found wanting in certain technological aspects such as the regulation of the cyber space, regulation of media content, electronic commerce and consumer privacy. This was proceeded by an examination of the loopholes in the law which includes among other things the fact that the law is too general which accounts for its inability to regulate essential aspects of consumer protection, the lack of enforcement mechanisms, the circulation of low quality products and the prevalence of monopolies and anti-competitive business practices. The chapter ends with proposals for reform.

## References

### Journals

- [1] Christain Campbell, Legal Aspects of Doing Business in Africa 2009
- [2] Kennedy, J. F. (1962). Special Message on Protecting the Consumer interest. Retrieved
- [3] Peter Tiako Ngangum; Media Regulation in Cameroon :African Journalism Studies>volume2019
- [4] P.e Okwurawe; Perspective on Consumer as Missing link in the court of Consumer Protection available at <https://www.nigerianobsewvernews.com/4220220/features-6-html>.
- [5] Samgena N. Galega LLM, PhD, Compensation for victims of defective products at Common Law in the Republic of Cameroon (1999), 38 Jurisdis Periodique-Numero 38.
- [6] SG1RGQ/38, "Consumer protection in respect of electronic communication products and services in Cameroon", Republic of Cameroon.

### Website

- [7] <https://www.avbend.com/blog/technology-stone-age-through-the-glass-age/>
- [8] <https://books.google.cm/books?id=mUhNAQAAMAAJ&PG=RA1-PA104&Ipg=RA1PA104&dq=bluett+v+osborne&source=bl&ots=eFgkx8-k6f&sig>

<sup>50</sup> Monye Felicita : A critical examination of consumer protection law and practices in Nigeria

At [https://www.codesria.org/IMG/pdf/t\\_nwanne\\_monye\\_felicia.pdf?6451/bbc1015976dcb8023a](https://www.codesria.org/IMG/pdf/t_nwanne_monye_felicia.pdf?6451/bbc1015976dcb8023a).

<sup>51</sup> P.e Okwurawe; Perspective on Consumer as Missing link in the court of Consumer Protection available at <HTTPSS://WWW.NIGERIANOBSEWVERNEWS.COM/4220220/FEATURES-6-HTML>.

<sup>52</sup> Egute Matthew Amandong LL.B(Hons), LL.M., PhD. Principles of Product Liability Law in Cameroon at page 150, p.2.

- [9] <https://lawgovpol.com/case-study-donoghue-v-Stevenson-1932>.
- [10] <https://www.presidency.ucsb.edu> (accessed 6 June 2020).
- [11] <https://cdt.org/wp-content/uploads/2018/04/2018-04-16-IoT-Strict-Products-Liability-FNL.Pdf>.
- [12] [https://www.researchgate.net/publication/309695295\\_Artificial\\_Intelligence\\_and\\_Legal\\_Liability](https://www.researchgate.net/publication/309695295_Artificial_Intelligence_and_Legal_Liability)
- [13] <https://dictionary.Cambridge.org/dictionary/english/protection>.
- [14] [www.collinsdictionary.com/us/dictionary/English/legal-protection](http://www.collinsdictionary.com/us/dictionary/English/legal-protection).
- [15] <https://dictionary.Cambridge.Org/dictionary/english/consumer-protection>
- [16] <https://technology.tki.org.nz/Technology-in-theNZC/Technological-knowledge/Technological-products>
- [17] <https://icpen.org>
- [18] <https://min-midt-gov.com/standards-and-quality-agency-anor/>
- [19] <https://www.businessincameroon.com/cit/0909-6507-cameroon-is-a-country-vulnerable-to-cyber-criminality>.
- [20] <https://www.bowmanslaw.com/wp-content/uploads/2016/12/Guide-Competition-3.pdf>
- [21] <https://www.Scientificamerican.com/article/mind-control-by-cell/>
- [22] [https://ethw.org/cell\\_phone-Antenna\\_Links](https://ethw.org/cell_phone-Antenna_Links)
- [23] [https://www.eastcountymagazine.Org/cell\\_phone\\_towers\\_284](https://www.eastcountymagazine.Org/cell_phone_towers_284)
- [24] <https://min-midt-gov.com/standards-and-quality-agency-anor/>
- [25] <https://www.iso.org/fr/member/1623.html>
- [26] [www.anorcameroon.info/index.php/article/view/Charles-booto-a-ngon-anor--preparation-for-product-marking-program](http://www.anorcameroon.info/index.php/article/view/Charles-booto-a-ngon-anor--preparation-for-product-marking-program).
- [36] Law No 2011/012 of 06 May 2011 on Consumer Protection.
- [37] Law No.90/031 of August 10<sup>th</sup>, 1990, regulating Commercial Activity in Cameroon.
- [38] Law No. 2010/021 of 21 December 2010 governing e-commerce in Cameroon.
- [39] Law No. 2006/018 of December 29, 2006, governing Advertising in Cameroon.
- [40] Law No. 98/013 of 14 July 1998 Against Anti-Competitive Business Practices.
- [41] Regulation No. 1/99/UEAC-CM-639 of 25 June 1999, against Anti-Competitive Business Practices.
- [42] Law No. 90/052 of December 19, 1990 regulating the Media.

#### Books

- [43] Diana Ridley, The literature review: a step by step guide for students. Sage, London, 2012, p.3.
- [44] Collins Webb and Julian D.C Jones, Handbook of Laser Technology and Applications (three volume set) 2003.
- [45] Egute Matthew Amandong LL.B(Hons)., LL.M., PhD. Principles of Product Liability Law in Cameroon
- [46] Miriam Webster Dictionary.

#### Interview

- [47] Ngangue, Y. (2014, May 19). Interview de Woungly Massanga, Homme politique et nationaliste Camerounais: Le Cameroun est une veritable bombe retardement". Cameroon-Info.Net. [www.cameroon-info.net/stories/0,61441,@,cameroun-20-mai-2014-interview-de-woungly-massanga-homme-politique-et-nationalist.html](http://www.cameroon-info.net/stories/0,61441,@,cameroun-20-mai-2014-interview-de-woungly-massanga-homme-politique-et-nationalist.html)

#### Thesis and Dissertations

- [48] Monye Felicita , A critical examination of consumer protection law and practices in Nigeria Department of Commercial and Industrial Law, University of Lagos Nigeria, 1999.

#### Legislation

- [27] Article 1386 of the French Civil Code.
- [28] Directive 02/19-EUAC/639/Cm/18 of 22 March 2019 to harmonize the protection of consumers within CEMAC.
- [29] Directive No 09/08/EUAC-133/CM/18 of 19 December 2008 to harmonize the Legal Frameworks of Electronic Communications in the CEMAC region.
- [30] Directive No 07/08/EUAC/133/CM/18 of December 2008 on the legal framework for the protection of users of Electronic Communication.
- [31] Decree no 2019/150 of 22 March 2019 on the organization and function of the National Information and Communication Agency.
- [32] Decree no 2013/03/99/PM of 27<sup>th</sup> February 2013 for the protection of consumers of electronic products.
- [33] Decree no 2012/203 of 20<sup>th</sup> April 2012 on the Organization and functioning of the telecommunications Regulatory Agency (ART).
- [34] Decree no 2012/1637/PM of 14 June 2012 to lay down the identification requirements for subscribers and terminals.
- [35] Decree no 2013/0403/PM of 27 February 2013 laying down modalities maximum thresholds for public exposure to electromagnetic emissions from equipments