

Challenges and Legal Framework for Resolving Electricity Disputes in Cameroon: A Critical Appraisal

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Abstract: *Electricity is crucial for economic development and daily life. In Cameroon, electricity supply is mainly managed by the public sector through ENEO. Despite significant investments in dam construction, persistent power outages continue to affect various sectors, leading to consumer dissatisfaction and legal disputes. This study examines the mechanisms established by the 2011 electricity legislation for resolving electricity - related conflicts and assesses their effectiveness. The findings suggest that existing mechanisms are not consumer - friendly, making it difficult for affected consumers to seek redress. The paper recommends revising the 2011 electricity law to allow consumers to take legal action against service providers directly, ensuring better enforcement of consumer rights.*

Keywords: Electricity disputes, consumers rights, Cameroon electricity law, legal redress, energy regulation

1. Introduction

Electricity is a critical part of modern life, and its uninterrupted supply is vital for the economic development and daily lives of citizens. [1] In Cameroon, unlike in many other African countries, the provision of electricity is mainly a public sector responsibility. A person or group of people have the right to access the legal system and seek legal assistance when their rights are violated. Everybody has the right to a successful remedy from the appropriate national courts for actions that infringe the fundamental rights that the Constitution or the law afford them. [2] This does not exempt consumers of electricity in Cameroon. No sector of an economy is entirely free of problems, and the Cameroonian electricity sector is no exception. The question is how to address these problems when they arise. The Cameroon electricity sector is one of the sectors of the economy that poses a lot of problems to consumers of electricity in general and this is so because of the numerous electricity outages that are observed throughout the national territory. These electricity outages occur without prior notification which causes a lot of difficulties and damage to consumers and also violates consumers right to information. [3] A recent example is the Madagascar market in Douala which got burnt due to unstable electricity supply on the 22nd of December, 2024 affecting more than 100 business persons. [4] Consumers of electricity in many other sectors in Cameroon suffer from similar challenges. Given the numerous challenges faced by electricity consumers in Cameroon, the unavoidable question is the determination of the means of redress. By redress under this rubric, we make reference to a remedy or compensation for the infringement of the right (s) of a consumer of electricity in Cameroon. The 2011 electricity law, which replaced the 1998 law, defines consumer redress mechanisms in part seven. We shall analyze these mechanisms and see how feasible they are with respect to the protection of rights of consumers of electricity in Cameroon and the resolution of electricity - related disputes.

The power supply sector in Cameroon manages the production, transportation, distribution and sale of electricity. This sector is regulated by law No 2011/022 of 14 December 2011 which came to replace law No 98/022 of 24th December 1998. This law governs the production from any primary or secondary energy source, supply, import, export and sale of electricity by any company in Cameroon. [5]

The power supply sector stands out as the corner stone for developing Cameroon in guise of archiving vision 2035 that was announced in 2009 by the president of the Republic of Cameroon. The largest portion of electricity generated in Cameroon comes from hydro sources. These include dams like Edea, Song Loulou, Lom Pangar, Memve'ele just to name a few. [6] Despite the reliance on hydroelectricity, Cameroon has other renewable energy sources like solar, wind which are still timidly exploited. Approximately eighty percent of urban areas have access to electricity even though suffer from persistent electricity outages and just approximately twenty percent of the rural population are connected to the national grid. This does not reflect the rural electrification plan announced in the 2011 law governing activities in the power supply sector in Cameroon. [7] There is constant increase for the demand of electricity in Cameroon both by industries and households. This constant increase in demand places pressure on the existing dams which are not able to satisfy the growing demand. The Energy of Cameroon (ENEO) is the primary electricity utility company responsible for distributing electricity across the country. The replacement of AES - SONEL, the Cameroonian unit of the US - based company AES Corporation, with ENEO Cameroon was intended to illustrate major reform in governance and operations within the electricity sector of Cameroon. This changeover, effected in 2014, was intended to increase electricity sector performance as well as productivity by introducing management from the private sector, which would presumably bring along better management methodologies, financial responsibility, and increasing focus on satisfying customer needs. Ten years after, the transition appears to be more of paper proclamation than practical reality because

consumers of electricity are still faced with the same hurdles in Cameroon.

This paper aims to critically analyze the legal mechanisms available for resolving electricity - related disputes in Cameroon, assesses their effectiveness, and propose legal reforms to enhance consumer protection.

This study is significant as it highlights the challenges faced by electricity consumers in Cameroon, evaluate the shortcomings of the current dispute resolution mechanisms, and propose legal reforms to enhance access to justice in the electricity sector.

The 2011 law regulating the power supply sector's activities in Cameroon has provided mechanisms through which electricity - related disputes can be resolved between consumers and service providers. These mechanisms are examined below.

2. Mechanisms for the Resolution of Electricity - Related Disputes in Cameroon

Under this rubric, we shall examine two sets of mechanisms available for resolving disputes arising from the Cameroon electricity sector. The mechanisms include both out of court and court.

2.1 Non - judicial Methods of Dispute Resolution: Focus on the 2011 Cameroon Electricity law

The 2011 law regulating activities in the power supply sector in Cameroon has provided a framework for resolving electricity - related disputes between consumers and service providers.

The Electricity Law of Cameroon enacted in the year 2011 reformed and put under regulatory oversight a systematic approach of managing the conflicts that may arise among different stakeholders in the electricity industry in the country. Traditional dispute resolution methods are characterised by conventional techniques employed in conflict resolutions. In Cameroon, non - judicial institutions play an important role in the settlement of disputes related to electricity and also present alternatives for consumers and service providers to seek solutions without going through judicial process. [8]

Disputes exist almost everywhere in the society beginning from family settings to the society at large and so the power supply sector in Cameroon does not constitute an exception. These disputes warrant mechanisms for redress. The traditional systems of dispute resolution (court) have limitations, therefore making ADR to be indispensable in the resolution process. The 2011 law regulating the Cameroon electricity sector has adopted ADR mechanisms as principal means for resolving disputes between consumers of electricity and service providers in Cameroon. The mechanisms retained under the law include; conciliation, mediation and arbitration which will be discussed seriatim below.

2.1.1 The Conciliation of Electricity related Disputes in Cameroon

The 2011 Cameroon Electricity law stipulates that, the Electricity Regulatory Board may, in a conciliation procedure, be seized by any natural person or corporate body, any professional organization or users' association to resolve conflicts between users, on the one hand, and operators, on the other hand. [9]

Conciliation is an alternate dispute resolution mechanism in which the parties in an electricity related dispute depend on a neutral third party, known as the conciliator, to help them resolve their disagreement. The conciliator who can either meet with the parties jointly or separately, does this by decreasing tensions, increasing communication, interpreting difficulties, and supporting parties in achieving a mutually acceptable conclusion. [10] Conciliation, unlike litigation or arbitration, is a voluntary, private, and flexible means of settling problems that does not need formal legal processes. The conciliation procedure has no legal status, which means that the conciliator's judgment is not binding. The conciliator normally has no power to gather evidence or summon witnesses, publishes no ruling, and does not issue any awards. [11]

The conciliation process starts when the parties concern, consent to make use of it as a means of settling their conflict. This kind of alternative conflict resolution has a wide range of applications, including international intellectual property, legislative assemblies, peace initiatives, and other community concerns. [12] Conciliation is a favored technique of dispute settlement over the natural court system. The parties in the dispute are permitted to choose a conciliator by way of mutual agreement or via an appointed agency. The conciliator then collects information to better understand each side's problems and aims. The conciliator facilitates the parties' progress toward a favorable conclusion in an electricity - related dispute. In the event of conciliation, the Board shall prepare a conciliation report noting the settlement Conditions. [13] This report shall be signed by the two parties and the Board. It shall be submitted to the president of the court of competent jurisdiction to become executory. Conditions for settling disputes in line with the conciliation procedure between professional organizations, users and users' associations on the one hand, and operators on the other hand, shall be defined by the power sector regulatory board in Cameroon. [14]

Article 85 (3) of the 2011 Cameroon electricity law permits us to question the effectiveness of the power sector regulatory board in terms of rendering justice to consumers of electricity in Cameroon who are affected by the poor - quality supply of electricity and persistent electricity outages. This is so because the board establishes the conditions for settling electricity - related disputes and at the same time the main referee between dissatisfied consumers of electricity and service providers.

2.1.2 The Mediation of Electricity - Related Disputes in Cameroon

A neutral third party assists the disputing parties by making efforts for them to come to an agreement during mediation. Compared to the normal court process, it is less formal and aims to help the parties concern, reach an agreement.

Mediation is particularly important when parties in the electricity sector have differing expectations or interpretations of their contracts.

Mediation is a dispute settlement mechanism that has been addressed by the Organization for the Harmonization of Business law in Africa referred in its French acronym as (OHADA). Parties who are not able to come to a compromise on their own, may seek the assistance of an independent third party. The 2011 law governing activities in the Cameroon electricity sector has elected mediation as one of the principal mechanisms for redress in the sector. This said, we shall therefore consider the definition found in the OHADA Uniform Act on Mediation before looking into what scholars have said with respect to mediation. As per the OHADA Uniform Act on Mediation, "mediation" refers to any process in which parties ask a third party to help them resolve their disagreement, adversarial relationship, or dispute ("the dispute") arising out of a legal or contractual relationship, or related to such relationship, involving natural persons or legal entities, including public bodies or states; "mediator" refers to any third party asked to conduct a mediation, regardless of the name or profession of this third party in the Member State to the treaty in question. According to the United Nations (UN) Guidance for Effective Mediation, mediation is voluntary. According to the Oxford Dictionary, mediation is an alternative dispute resolution mechanism where a neutral third party (a mediator) helps the parties to a dispute or negotiation, reach a mutually agreeable resolution of the points of conflict. The mediation conditions are equally established by the regulatory board in the electricity sector in Cameroon, which doesn't make the settlement process transparent.

2.1.3 The Arbitration of Electricity - Related Disputes in Cameroon

The 2011 Cameroon Electricity Law acknowledges arbitration as a potential mechanism for resolving disputes in the power supply sector in Cameroon, particularly for commercial and investment - related conflicts. [15] Through arbitration, a disagreement is agreed to be submitted to a single or many arbitrators, who then render a legally binding ruling on the matter. By selecting arbitration, the parties forego going to court in favor of a private dispute settlement process. [16] Arbitration is a legally enforceable process. Arbitrators are often selected by the parties based on their substantive knowledge. The OHADA Uniform Act on Arbitration's requirements must be adhered to by the parties who intend to settle their electricity - related dispute via arbitration. This is so because, arbitration is one of the mechanisms for redress expressly mentioned in the 2011 electricity law of Cameroon. [17]

The Cameroon Electricity law stipulates that, Conditions for settling disputes between operators and dissatisfied consumers, shall be define by the Electricity Sector Regulatory Board, in accordance with the provisions of the Uniform Act on Arbitration. [18]

When arbitration is employed as stipulated in the electricity law, the end results are solutions which are referred to as awards. Similar to a court verdict, an arbitral award is a

decision or outcome based on the merits of an arbitration by an arbitration panel. Among these awards are the following:

- a) Interim Award. This award is temporal, which is granted until the tribunal gives its final decision in the Electricity - Related dispute in question. An interim arbitration award is only granted when the parties agree to, and can include a temporal order for payment to be made.
- b) Partial Award. This award is granted when just part of the parties' claim in the electricity - related dispute have been resolved, but there are still issues that need to be settled before the final decision is taken.
- c) Consent Award: this award is granted when parties reach a settlement agreement and the terms of the agreement are included in the award, which can be enforced similarly to a judgement by consent. When one party in the dispute involving electricity fails to follow the terms of the settlement agreement, the other party may pursue an enforcement action in a court of competent jurisdiction.
- d) Final Award. This award comes when all the issues raised in the Electricity - Related dispute are settled. Usually, the Uniform Act on Arbitration requires that, it should be in writing and signed by each arbitrator. Reasons and the place of the arbitration must be included in the award. Additionally, it has to be dated, which is crucial for figuring out interest on payments. The arbitration process comes to an end when the final award is granted.

Although not strictly a classical method of dispute resolution, litigation is often the final resort when these alternative methods fail. In the case of the 2011 Cameroon Electricity Law, courts may be involved in enforcing decisions made through other dispute resolution methods or when an issue cannot be resolved via negotiation, mediation, or arbitration.

2.1.4 The Ministry of Energy and Water Resources

The Ministry responsible for the development of electricity in Cameroon, implements and monitor's government policy in the Cameroon electricity sector in view of technological developments in the sector, development needs and priorities defined by the Government in this domain. [19] The Ministry of Energy and Water Resources (MINEE) is responsible for formulating and implementing policies related to the energy sector in Cameroon. While not directly handling disputes, the Ministry can be an intermediary for resolving disputes between consumers and electricity providers.

2.1.5 The Energy of Cameroon (ENEO)

The Energy of Cameroon (ENEO - CAMEROON S. A.), the successor to AES - SONEL, was set up on 12 September 2014 and manages the production of up to 1150 MW and the distribution of electrical energy in Cameroon. SONEL was the first national electricity company created on 18 May 1974 after the reunification of Cameroon. It absorbed ENELCAM (electrical energy of Cameroon, created in 1948) and EDC (Cameroon Electricity Corporation, created in 1963) attached to East Cameroon and then POWERCAM (Cameroon Electricity Corporation, created in 1962) attached to West Cameroon. The concession agreement between ENEO and the Cameroon government has been extended to 2031. It is a semi - public company with British private equity firm Actis acquiring a majority stake of 56% in 2014 with the remaining 44% held by the Cameroon government. ENEO has an installed generation capacity of 968 MW with a capacity limit

set at 1000 MW, consisting of 39 generation power plants, including 13 grid power plants and 26 remote thermal power plants with 74 % of the electricity generated sourced from hydro power. At present, ENEO reports employing 3, 700 permanent staff and supplies more than 950 000 customers of whom approximately 45% live in the cities of Douala and Yaoundé. ENEO Cameroun is responsible for the generation, distribution and sale of electricity in Cameroon and can intervene in receiving and treating complaints of consumers of electricity.

2.1.6 The Electricity Sector Regulatory Agency (ARSEL, French abbreviation)

This agency created on 15 June 1999, is responsible for the regulation, control and monitoring of activities in the Cameroon electricity sector. ARSEL is responsible for regulating the electricity sector, setting the electricity rates in line with consumers' rights and determining electrical standards and acts as Cameroon's impartial regulator. It reviews and approves the annual tariff to be paid to the power utility by consumers, and promotes fair competition by analyzing new investments in the sector and studying applications for concessions, licenses and authorizations before they are granted by the Ministry of Energy and Water Resources (which has authority over ARSEL). ARSEL can also pronounce penalties for the power producers. The organization of activities to control electric energy as well as the conditions for the implementation of the National Energy Control Program shall be governed by regulation. They shall fall under the competence of the Ministry in charge of energy. The Electricity Sector Regulatory Board is responsible for the implementation of the National Energy Control Program.

Since creation in 1999 to 2024, ARSEL (French abbreviation) has not complied with the responsibilities provided for in section 72 of the electricity law in Cameroon. One of the underlying responsibilities is to promote fair competition and protect consumer rights. We can observe as of 2024, that ENEO enjoys monopoly in the power supply sector in Cameroon. This monopoly has greatly affected consumers of electricity because of the absence of competition in the sector. The agency is poorly protecting the rights of consumers as provided for under section 72 of the 2011 law regulating activities in the Cameroon electricity sector, notably in terms of rendering justice to consumers of electricity.

Consumer Protection Organizations

The Electricity Consumers Association in Cameroon represents the interests of consumers of electricity in Cameroon. This organization advocates for fair pricing, reliable services, an overall protection of consumer rights regarding the usage of electricity. [20] This organization helps consumers to mediate between them and the utility companies, providing information on rights, and guiding them through the process of filing complaints to the institutions charged with the responsibility to provide solutions to affected consumers of electricity in Cameroon as provided in the 2011 law governing activities in the electricity sector.

2.2 Judicial Mechanisms for Resolving Electricity - Related Disputes in Cameroon

A judicial mechanism refers to a judicial system, which is the system of courts that interpret and implement the law. The administration of justice is under the responsibility of the Ministry of Justice in Cameroon. There is a Judicial Organization of Courts in Cameroon. The judicial powers of the State are exercised by the Supreme Court, the High Court of Justice, and the courts and tribunals created by the Constitution. They constitute the judiciary. In the exercise of their functions, magistrates are exclusively subject, in the interest of the service and under the supervision of the judicial hierarchy, to the authority of the law alone. The organization of the judiciary in Cameroon is regulated by an Organic Law, which happens to be the 2006 law as amended. Jurisdiction extends to disputes in all areas subject to the jurisdiction of the courts. Each party is expected to give notice of their address at the location where the proceedings occur unless the law provides otherwise. No one may be sentenced to any penalty that does not have a legal basis. A law is not supposed to vary the right to get access to justice in Cameroon. But this is the case with the 2011 law governing activities in the electricity sector. The law in a way to define mechanisms for redress in the power supply sector, has elected alternative dispute resolution mechanisms over the traditional court mechanisms. Any consumer who has suffered damage as a result of consuming a good or service, has the right to initiate an action in the competent jurisdiction as provided by the 2011 law on consumer protection in Cameroon, to obtain compensation for the damage suffered. [21] In the context of consumer protection, it is created at the level of each subdivision, a committee for redress whose mission is to ensure the public service arbitration of disputes relating to consumer protection. [22]

If a consumer of electricity in Cameroon brings a case before the non-judicial bodies and the matter is not resolved through the regulatory bodies, the consumer may pursue legal action by taking the issue to the competent court. This can include seeking damages for poor service or for any violations of consumer rights. Such cases can be filed at the competent courts in Cameroon. For fear of floodgates, the courts in Cameroon have not been ready to decide in favour of consumers of electricity which in itself is an injustice. Justice delayed is justice denied.

3. Technical and Procedural Hitches involved in the Resolution of Electricity - Related Disputes in Cameroon

The effective enjoyment of consumer rights to access justice in the Cameroon electricity sector is hampered by a number of factors including the problem of access to justice, bureaucratic inefficiencies, complexity in billing systems and lack of political will.

3.1 The Problem of Access to Justice for Consumers of Electricity in Cameroon

Every consumer of electricity in Cameroon who is affected by any act of the service providers is supposed to adequately be

compensated, but this is not the case. The various bodies charged with the responsibility to receive and treat complaints from consumers of electricity include; the Energy of Cameroon (ENEO), the agency in charge of regulating activities in the sector and courts. These bodies are not mandated to effectively address consumer grievances in the power supply sector in Cameroon. It is worst in rural and underserved areas where access to electricity is limited. In these areas, consumers face a lot of difficulties to access justice. This is due to the unavailability of institutions having jurisdiction to handle electricity - related disputes. The agency which has jurisdiction in electricity - related disputes is not evenly represented in Cameroon. Also, the low level of literacy in these areas, means many consumers of electricity are unaware of their rights and procedure to seek redress.

3.2 Bureaucratic challenges

The 2011 electricity law of Cameroon has rendered the procedures to gain access to justice unnecessarily bureaucratic. [23] Reading from the 2011 Cameroon electricity law we come to the understanding that, when a consumer of electricity is affected by any act of the service providers, he/she has the possibility of filling a complaint with ENEO who will then transmit it to ARSEL or the complainant goes directly to ARSEL but cannot go to court directly. This so because the electricity law has elected the alternative dispute resolution mechanisms to be the main mechanisms for resolving electricity - related disputes in Cameroon. In the process of conciliation, the regulatory board is expected to prepare a conciliation report noting the settlement Conditions. The report must be signed by the two parties and the board. It is then submitted to the president of the court of competent jurisdiction to become executory. Conditions for settling disputes within the framework of the conciliation procedure between professional organizations, users and users' associations on the one hand, and operators on the other hand, are defined by the Electricity Sector Regulatory Board. [24] These procedures are lengthy and time consuming. The board is expected to make known its decisions, subject to secrets protected by the law. It shall notify the parties concerned of its decision. [25] This is in violation of the principle of publicity of justice in Cameroon which stipulate that, justice should be seen as done. The plaintiff is only permitted to seize the court of competent jurisdiction when the above - mentioned institutions fail to provide remedy to his complain. These bureaucratic inefficiencies entail a lot of delays in rendering justice to consumers of electricity in Cameroon. Worthy of note is the fact that, justice delayed is justice denied.

3.3 Complexity in Billing Systems of Services Providers in the Electricity Sector in Cameroon

One of the main problems encountered by consumers of electricity in Cameroon is the lack of transparency on how the consumption of electricity is calculated and billed. Majority of consumers in the sector do not have adequate knowledge on how the billing system works. This lack of education has made it easy for ENEO to exploit consumers. They don't know when they are wrongly and rightly charred by the service providers. Consumers most often report disparities in their electricity bills, when charges seem disproportionate to

actual usage. This most at times is due to faulty meters or incorrect readings by the ENEO agents. Many consumers of electricity in Cameroon complain about faulty meters that either over - record or fail to reflect actual consumption. In some cases, the meters are not calibrated properly or break down frequently, causing discrepancies in the bills attributed to consumers at month end. When the meters are not repaired or replaced on time, consumers are billed for consumption that exceeds what they actually used.

Again, consumer protection laws related to electricity billing in Cameroon are not well defined or enforced. Consumers of electricity lack awareness of their rights when it comes to challenging over billing, which makes it harder for them to assert their claims. In the absence of clear regulation on billing practices in the sector, many consumers are left vulnerable to exploitation by the service providers. The Electricity Sector Regulatory Agency has jurisdiction to monitor activities in the sector and resolve electricity - related disputes via ADR mechanisms. Its effectiveness in resolving disputes relating to overbilling remain questionable. Most often, there is lack of prompt action taken to address consumers complaints.

3.4 Insufficient Political Will

One is at ease to state that the government of Cameroon is not taking its responsibilities relating to the rights of consumers of electricity in Cameroon satisfactorily. The government has rendered the resolution of electricity - related disputes completely out of court through the ADR mechanisms as provided for in the 2011 Cameroon electricity law. This is for fear of floodgate which has instead varied the rights of consumers in the power supply sector in Cameroon. Alternative Dispute Resolution should be a choice between the service providers and the affected party and not mandatory by law.

4. Conclusion and Recommendations

The right to justice is a fundamental human right, yet electricity consumers in Cameroon face significant barriers to seeking redress. Despite the 2011 electricity law's establishment of dispute resolution mechanisms, these measures are bureaucratic and often favor service providers over consumers. To enhance consumer protection, the government should revise the law to allow direct legal action against electricity providers, ensuring transparency and fairness. Additionally, clearer billing systems and increased competition in the electricity sector could improve consumer rights enforcement.

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and welfare, as it allows consumers to make informed decisions and ensures transparency in business transactions. The provision of information includes details about the product or service, its features, pricing, terms and conditions, and any potential risks or side effects

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- [22] See article 30 of same law
- [23] See article 85 and 86 of law No 2011/022 of 14 December 2011 which came to replace law No 98/022 of 24th December 1998. This law governs the production from any primary or secondary energy source, the conveyance distribution, the supply, the import, export and sale of electricity by any company in Cameroon. Mechanisms for resolving electricity-related disputes are briefly mentioned in this law.
- [24] See article 85(1)(2) of the 2011 Cameroon electricity law
- [25] See article 88 of same law above

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