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The Right of Access to Food in Cameroon: An Appraisal of the Legal Environment

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ABSTRACT

The right of access to food has been recognized universally and further domesticated by states in their constitutions and other legislative instruments, Cameroon inclusive. It has been recognized as a fundamental human right whose realisation is dependent on other factors. In spite of these guarantees, the challenge to realise the right to food is overwhelming. For instance, Cameroon is ranked 70th out of 107 countries and has a global hunger index of 19.1. The right to accessing safe food in Cameroon, especially, for the vulnerable and marginalised groups such as women and children remain unrealised. Thus, this thesis seeks to critically appraise the effectiveness of the regulatory, institutional and policy measures put in place for the realization of the right of access to food universally and Cameroon in particular. To achieve the goal of this study, the research adopts a qualitative research methodology with the content analysis and interpretation of primary and secondary data. The study equally employs some empirical methods such as unstructured interviews and observation of the food situation and availability in some parts of Cameroon. In the course of this study, findings revealed that in spite of the strides to ensure access to food for all, certain implementation problems still persist. First, there are instances of corruption, exclusion, and discrimination in the implementation of the program. The lack of transparency is also manifest in the implementation of the program and lack of reliable official data. The study concludes that the right to adequate food is realized when every man, woman and child, alone or in community with others, has physical and economic access at all times to adequate food or means of its procurement.” It is, thus, apparent that the realization of the right to adequate food is primarily dependent upon everyone having sustainable access to productive resources such as land or work. In Cameroon it is clear that not everybody does have access to adequate food. Based on the findings above, the study recommends that the government should make food programs legal entitlements and not just policy options and that public interest litigation or what is known as strategic litigation in the area of food should be heightened and promoted if Cameroon must strive to attain universal access to food.

Keywords: Right, Access, Food and Legal Environment.

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I. INTRODUCTION

The formal recognition of the individual's right to food dates back to as early as 1215 in the Magna Carta,² where it stated 'no one shall be amerced [fined] to the extent that they are deprived of their means of living'. This has been narrowly interpreted by scholars as implying the right to obtain food unhindered through one's own efforts.³ In 1941, the then US President, Franklin D Roosevelt, included in his 'Four Freedoms Speech', the 'Freedom from Want'.⁴ This freedom was later enunciated in the United Nations (UN) Charter of 1945.⁵ The 1948 Universal Declaration of Human Rights (UDHR) recognises the right to food as part of the right to an adequate standard of living to ensure the health and wellbeing of every individual.⁶

In 1966, the International Covenant on Economic, Social and Cultural Rights (ICESCR)⁷ specifically recognised the right to food- this time not only as an aspect of the right to an adequate standard of living. It provides for the right to adequate food⁸ and the right to be free from hunger⁹ and upon its entry into force in 1976 has been ratified by over 160 countries¹⁰ - Cameroon inclusive- and remains an international instrument that deals with the right to food in a most comprehensive manner.

It is generally agreed that every man, woman and child has the right to adequate food. This agreement has been expressed in political statements at the global, regional and national levels. World food summits and declarations reflect the global commitment to the right to food, which has become part of international discourses on poverty, the economy and the environment, as highlighted in the Rio+20 outcome document. Many States have accepted the right to food as a legally binding obligation, including the 160 States Parties to the International Covenant on Economic, Social and Cultural Rights (ICESCR). An increasing number of countries have also enshrined the right to food in their national constitutions and legislations, thus taking a fundamental step towards the realization of this right. The right to food is being increasingly

² Magna Carta originated as a potential peace treaty between royalist and rebel factions in England in 1215

³ Food and Agriculture Organisation 2002: 'The road from Magna Carta.' Available at <http://www.fao.org/worldfoodsummit/english/newsroom/focus/focus6.htm> (Accessed 10 FEB 2021)

⁴ Roosevelt F 'War—an aid to democracies,' in Rosenman S, *The Public Papers and Addresses of Franklin Roosevelt* (1941) 672

⁵ Article 1(3) Charter of the United Nations (1945) 1 UNTS XVI

⁶ Article 25(1) Universal Declaration of Human Rights (1948) 217A (III)

⁷ International Convention on Economic, Social and Cultural Rights UN General Assembly Resolution 2200A (XXI), 16 December 1966

⁸ Article 11 (1) International Covenant on Economic, Social and Cultural Rights (1966) United Nations, Treaty Series, vol. 993

⁹ Article 11(2) International Covenant on Economic, Social and Cultural Rights (1966) United Nations, Treaty Series, vol. 993

¹⁰ As at the time of this study, the Covenant had 164 parties, as well as six others which had signed but not yet ratified it. For more details see https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV3&chapter=4&lang=en (Accessed 26 FEB 2021)

integrated into ordinary laws and policies relating to food and nutrition security (FNS).

Despite this international agreement, however, there is still a significant gap between formal recognition of the right to food in legislative and Food and Nutrition Security (FNS) frameworks and its practical implementation. Although relevant rights are clearly stated in legislation and policies, FNS programmes have difficulties in translating these commitments into development actions. Experiences in the design, implementation and monitoring of FNS programmes show that putting the right to food into practice is a complex issue and additional instruments are needed to facilitate this process.

Cameroon has constitutional and legal frameworks for the successful realisation of the right to food for its citizenry. In spite of these guarantees, the challenge to realise the right to food is overwhelming. For instance, Cameroon is ranked 70th out of 107 countries and has a global hunger index of 19.1. The right to accessing safe food in Cameroon especially for the vulnerable and marginalised groups such as women and children remains unrealised. In spite of Cameroon being signatory to a plethora of existing laws and international treaties, a continued system of weak enforcement mechanisms leaves consumers at the mercy of retailers with regard to food safety.

Furthermore, there is very little targeted policy engagement towards the realisation of the right to adequate and safe food in Cameroon. Very few civil society groups base their advocacy squarely on the right to adequate and safe food. As a result, policy engagement does not benefit from the added impetus of a dedicated and specific rights and accountability framework surrounding this. There is equally a dearth of litigation on the right to food in Cameroon.

II. THE CONCEPT AND MEANING OF THE RIGHT OF ACCESS TO FOOD

(A) The Legal Environment on the Right of Access to food in Cameroon

a. The Constitution

Generally, a constitution can be described as a set of fundamental legal-political rules that are binding on everyone in the state, including ordinary law-making institutions and regulates the structure and functioning of the governmental institutions, political principles and the rights of citizens.¹¹ It can therefore be understood that the Constitution covers the exact content of the political set up of a state (that is, it sets out the basic structure of the government and also declares and defines the rights and duties of citizens.

¹¹ E., Bulmer, *What is a Constitution? Principles and Concepts*, (Stromborg: International Institute for Democracy and Electoral Assistance, 2017, 2nd edition), p.2.

The Constitution can either be codified or uncodified. A codified Constitution is that which is contained in a single document for example, the Constitution of Cameroon. The Cameroon Constitution is the single source of constitutional law in Cameroon. It is the fundamental law of the land and prevails over all other laws. The supremacy of the Constitution as a source of law is manifested in that all other laws derive their validity from it. An uncodified Constitution such as the British Constitution is one that is not contained in a single document and is made up of different conventional sources, which can be written or unwritten.

The Constitution of Cameroon does not directly protect the right to food. This right can be deduced from the general protection of the environment. The Preamble states:

“Every person shall have a right to a healthy environment. The protection of the environment shall be the duty of every citizen. The State shall ensure the protection and improvement of the environment”.

Ownership of property gives access to food. The Constitution of Cameroon has given room for ownership of property including land. The Preamble provides:

Ownership shall mean the right guaranteed every person by law to use, enjoy and dispose of property. No person shall be deprived thereof, save for public purposes and subject to the payment of compensation under conditions determined by law. The right of ownership may not be exercised in violation of the public interest or in such a way as to be prejudicial to the security, freedom, existence or property of other persons.

It follows from the above that Cameroonians have the right to own land to use to cultivate food. Legislation has made it possible for land to be acquired by persons who need it.

The indirect protection of the right to food in the Constitution of Cameroon exemplifies the protection in other jurisdictions. The Constitution of the Federal Democratic Republic of Ethiopia 1995 is a glaring example. Its article 41 on economic, social and cultural rights states:

1. Every Ethiopian has the right to engage freely in economic activity and to pursue a livelihood of his choice anywhere within the national territory.
2. Every Ethiopian has the right to choose his or her means of livelihood, occupation and profession.
3. Every Ethiopian national has the right to equal access to publicly funded social services.
4. The State has the obligation to allocate ever increasing resources to provide to the public health, education and other social services.

5. The State shall, within available means, allocate resources to provide rehabilitation and assistance to the physically and mentally disabled, the aged, and to children who are left without parents or guardian.
6. The State shall pursue policies which aim to expand job opportunities for the unemployed and the poor and shall accordingly undertake programmes and public works projects.
7. The State shall undertake all measures necessary to increase opportunities for citizens to find gainful employment.
8. Ethiopian farmers and pastoralists have the right to receive fair prices for their products, that would lead to improvement in their conditions of life and to enable them to obtain an equitable share of the national wealth commensurate with their contribution. This objective shall guide the State in the formulation of economic, social and development policies.
9. The State has the responsibility to protect and preserve historical and cultural legacies, and to contribute to the promotion of the arts and sports.

The above provision shows that the protection of the right to food in Ethiopia, even though not expressly stated is however different from the Constitution of Cameroon in its approach. It is more exhaustive than what is enshrined in the Constitution of Cameroon.

In Sierra Leone, article 8(3) of the Constitution of Sierra Leone, 1991 enjoins the State to direct its policy towards ensuring in a fair, just and humane manner that every citizen, without discrimination on any grounds whatsoever has the opportunity for securing adequate means of livelihood as well as adequate opportunities to secure suitable employment conditions of service and work and that there are adequate facilities for leisure and for social, religious and cultural life; the health, safety and welfare of all persons in employment that must be safeguarded and not endangered or abused, and in particular that special provisions be made for working women with children, having due regard to the resources of the State; there are adequate medical and health facilities for all persons, having due regard to the resources of the State; there is equal pay for equal work without discrimination on account of sex, and that adequate and satisfactory remuneration is paid to all persons in employment; and the care and welfare of the aged, young and disabled shall be actively promoted and safeguarded.

Unlike Cameroon, some constitutions expressly provide for the right to food. In Kenya, article 43(1) of the Kenyan Constitution 2010 on economic and social rights states:

Every person has the right:

- (a) to the highest attainable standard of health, which includes the right to health care services, including reproductive health care;
- (b) to accessible and adequate housing, and to reasonable standards of sanitation;
- (c) to be free from hunger, and to have adequate food of acceptable quality;
- (d) to clean and safe water in adequate quantities; (e) to social security; and (f) to education.

From the above provision, it is clear that the right to food has constitutional foundation in Kenya. This is in line with the Universal Declaration of Human Rights 1948.

b. Penal Code

The Penal Code is that Code which has offences and their corresponding sanctions. Cameroon has a well-defined and structured Penal Code. The Penal Code prohibits the adulteration of foodstuffs. Food adulteration (or “food fraud”)¹² refers to the process by which a given food is reduced through addition of adulterants or removal of a vital substance to cause harm. A food product is considered adulterated if it omits a valuable constituent or substitutes another substance.

Food adulteration has been happening from time immemorial and is regarded as a curse for mankind. It takes many forms such as mixing, substituting, concealing the quality, to name a few.¹³ There are three types of adulteration: (1) Intentional Adulteration: The adulterants are added as a deliberate act with intention to increase profit; Deliberate or intentional adulteration (IA) occurs when food systems are deliberately damaged to cause widespread harm to the public health.; (2) Incidental Adulteration: Adulterants are found in food due to negligence, carelessness, ignorance or lack of proper facilities.; This happens when the poisonous or deleterious substance is unavoidable; (3) Metallic Adulteration: When the metallic substances are added intentionally or accidentally. Mercury-contaminated fish can cause brain damage, paralysis, and death.¹⁴

¹² The usage of adulterants has been common in societies with few legal controls on food quality and hence poor or even nonexistent monitoring by authorities. During the times prehistory, humans have altered the state of food to extend its longevity or improve its taste. The act of adulterating food for economic gain began to emerge as time goes on. During the Middle Ages, imported valuable and high prices spices were of high demand and limited supply. Thus, merchants sometimes started to combine it with nutshells, pits, seeds, juniper berries, stones or dust. Accordingly, contemporary accounts of adulteration date from the 1850s to the present day. See B., Misgana, “Food Adulteration and Some Methods of Detection, Review”, *International Journal of Research Studies in Science, Engineering and Technology*, 2020, Vol.7, Iss.4, 2020, pp.9-19:8.

¹³ M., Sadiku, “Food Adulteration: Gentle Introduction”, *International Journal of Science, Environment and Technology*, 2019, Vol. 8, No 4, 2019, pp.786–789:787.

¹⁴ *Ibid.*

Section 258 of the Cameroon Penal Code provides:

Whoever either adulterates any food stuff, whether for human or animal consumption, or beverage or medicinal substance intended to be sold, or keeps any substance designed or fit only for the purpose of effecting such adulteration, shall be punished with imprisonment for from three months to three years and a fine from five thousand to five hundred thousand francs.

It further provides that:

Whoever keeps for sale any foodstuff, beverage or medicament adulterated, deteriorated or harmful to human health, shall be punished in like manner.

From the above provision it is clear that selling or keeping of beverages that are unfit for consumption constitute food crime in Cameroon. Croall¹⁵ listed the following types of food crime: food fraud; food poisoning involving rule violations about the handling of food; labelling offences; anti-competitive trade practices; pricing crimes; human trafficking and labour exploitation in food production (referring to the high number of occupational deaths in agriculture, and the global exploitation of migrant workers in agriculture, commercial fishing, and food processing); and food-related financial crime..

Adulteration of foodstuff threatens human existence. Bains, J asserts in the Indian case of *Paramjit Singh v. State of Punjab*¹⁶ that:

The adulteration of food stuffs has crossed all proportions and hardly anything pure is available in the market. It is the most heinous crime against the society, in any way, times have come when the State Governments should think of adopting more stringent measures to check adulteration of food stuffs.

It is important to assert at this juncture that the *polluter pays principle* is incorporated in the Cameroon Penal Code. Section 261 of the Cameroon Penal Code states:

Whoever by his operations pollutes any drinkable water liable to be used by another¹⁷ or so pollutes the atmosphere as to render it harmful to human health shall be punished with imprisonment for from fifteen days to six months, or with fine of from five thousand to one million francs, or with both such imprisonment and fine.⁴¹²

The above provision is in line with the *polluter pays principle* which states that if anyone intentionally spoils the water of another ... let him not only pay damages, but purify the stream

¹⁵ H., Croall, "Food crime: A Green Criminology Perspective", In A. Brisbane, & N. South (Eds), Routledge international handbook of green criminology, (Routledge, 2013), p.167.

¹⁶ Kumar CASE NO.: Appeal (civil) 2092 of 1997

¹⁷ Section 261(1)

or cistern which contains the water.”

In India, adulteration of foodstuff is also a criminal offence like in Cameroon. The Prevention of Food Adulteration Act, 1954¹⁸ seeks to prevent adulteration and misbranding of foods as defined therein; aims to provide for adequate punishments for food adulteration and to make the definition of the offence comprehensive so as to make it impossible for the culprits to escape on technical grounds.

The act unlike the Cameroon Penal Code provides a comprehensive definition of food. Section 2 of the Prevention of Food Adulteration Act, 1954 defines food as follows:

'Food' means any article used as food or drink for human consumption other than drugs and water and includes:

- a.) any article which ordinarily enters into, or is used in the composition or preparation of human food.
- b.) any flavouring matter or condiments, and
- c.) any other article which the Central Government may, having regard to its use, nature, substance or quality, declares by notification in the official gazette, as food for the purpose of this Act.

The term 'food' as defined under the Prevention of Food Adulteration Act 1954, is very wide, covering all articles used as food and every component which enters into it including flavouring matters and condiments.¹⁹

Food Safety Act 1990, the main legal framework regarding food safety in the UK, establishes that “consumers must have confidence that the food they buy and eat will be what they expect, will do them no harm and that they are protected from fraud”.²⁰ The Food Safety Act applies to every food business, which must ensure not to include or remove anything in or from food or treat it in any way that can harm consumers’ health, and this act establishes the offense of rendering food injurious to health (Section 7 of the Act). It also attempts to ensure the safety of food by prohibiting food which is not of the nature, substance or quality demanded (Section

¹⁸ The Act was amended by Act 49 of 1964, Act 41 of 1971, Act 24 of 1972 and it was amended in 1975 to make the provisions more effective and punishment more stringent. It was again amended in 1986 and conferred power and right on consumer associations to draw samples of food stuffs and initiate legal action if it found to be adulterated. A., Azhar, Under the Indian Legal System, Masters Thesis, Aligarh Muslim University Aligarh (U.P.) India, 1992, p.15.

¹⁹ A., Azhar, *op cit.*, p.17. It covers almost all the articles that are available in reach at hand of the common people. So as to be brought within the mischief of the Act. Anything that is eaten is only for nourishment except drugs.

²⁰ A., Rizutti, Food Crime: A Review of the UK Institutional Perception of Illicit Practices in the Food Sector, available at https://www.researchgate.net/publication/342640894_Food_Crime_A_Review_of_the_UK_Institutional_Perception_of_Illicit_Practices_in_the_Food_Sector/link/5efe13f3a6fdcc4ca445463c/download, visited,22/01/2023.

14), and by rendering illegal the false or misleading description or presentation of food (Section 15).²¹

Section 2 defines food thus:

Food' shall not include:

- a.) feed;
- b.) live animals unless they are prepared for placing on the market for human consumption;
- c.) plants prior to harvesting;
- d.) medicinal products within the meaning of Council Directives 65/65/EEC(1) and 92/73/EEC(2);(e)cosmetics within the meaning of Council Directive 76/768/EEC(3);(f)tobacco and tobacco products within the meaning of Council Directive 89/622/EEC(4);(g)narcotic or psychotropic substances within the meaning of the United Nations Single Convention on Narcotic Drugs, 1961, and the United Nations Convention on Psychotropic Substances, 1971;(h)residues and contaminants.

For the purposes of this Part food fails to comply with food safety requirements if it is unsafe within the meaning of Article 14 of Regulation (EC) No. 178/2002 and references to food safety requirements or to food complying with such requirements shall be construed accordingly.

Going by section 7(1), any person who renders any food injurious to health by means of any of the following operations, namely (a) adding any article or substance to the food; (b)using any article or substance as an ingredient in the preparation of the food; (c)abstracting any constituent from the food; and (d)subjecting the food to any other process or treatment, with intent that it shall be sold for human consumption, shall be guilty of an offence.

Section 8(4) provides that for the purposes of this Part, any part of, or product derived wholly or partly from, an animal (a)which has been slaughtered in a knacker's yard, or of which the carcass has been brought into a knacker's yard; or (b)in Scotland, which has been slaughtered otherwise than in a slaughterhouse, shall be deemed to be unfit for human consumption.

(5)In subsection (4) above, in its application to Scotland, "animal" means any description of cattle, sheep, goat, swine, horse, ass or mule; and paragraph (b) of that subsection shall not apply where accident, illness or emergency affecting the animal in question required it to be slaughtered as mentioned in that paragraph

²¹ *Ibid.*

c. Consumer Protection Framework Law 2011

This law covers a wide range of consumers to wit: the health, pharmacy, food, water, housing, educating, financial services, and banking, transport, energy, and communication sectors.²² Pursuant to the law, a consumer is defined as any person who uses products to meet his own needs and those of his dependents rather than to resell in a business process or use them within the context of his profession, or any person enjoying the services provided.²³

The law protects consumers of products including food. The question to ask here is who is a consumer?

Several definitions have been advanced for who a consumer is, some of which are quite broad while others are restrictive. The implication of this is that there is no generally accepted definition of the term. This is not to say however, that an indication of who a consumer is, is not reasonably ascertainable.

In Black's Law Dictionary²⁴ a consumer is defined simply as one who consumes, an individual who purchases, uses, maintains and disposes of products and services; user of the final product; a member of the broad class of people who is affected by pricing policies, financial practices, qualities of goods and services, credit reporting, debt collection and other practices for which the state and general consumer protection laws are enacted.

Schiffman and Kanut²⁵ classify consumer into two categories: the personal consumer and the organizational consumer. A personal consumer according to the authors is an individual who buys goods and services for his own use, for the use of his/her household or even as a gift for a friend. In all these contexts, the goods are bought for "final" or "end" use. Organizational consumers include private businesses, government agencies and institutions.

The Law on Commercial Activities in Cameroon 1990 which regulates commercial activities defines a consumer as any person who uses goods to satisfy his own needs and those of his dependant; such a person shall not resell or process the good or use them in his occupation.²⁶ From section 19 of the Law on Commercial Activities in Cameroon 1990, it can be deciphered that the term "consumer" is not confined to purchasers but extends to ultimate consumers.

The Framework law protects the right to food by providing for the Right to fair value, good

²²*Ibid.* Section 1(3).

²³*Ibid.* Section 2.

²⁴ Henry Campbell, *Black Law Dictionary* M.A., 6th ed. (1990) p. 316.

²⁵ Schiffman L.G. and Kanut, L.L. *Consumer Behaviour*. (Englewood Cliffs: Prentice Hall Inc.,1978), pp 4-5.

²⁶Section 19 of the 1990 Law.

quality and safety of products. It states that consumers have the right to the preservation of life, health, safety and environment in the consumption of technology, goods or services.²⁷ As a follow up, competent authorities and consumer groups are obligated to establish and strengthen appropriate institutional frameworks to ensure that activities relating to the management, collection and disposal of hazardous or toxic waste, water management and wastewater treatment comply with the laws and regulations in force governing environmental protection.²⁸

Pursuant to the framework law 2011, any locally produced or imported technology or good must be inspected, tested and measured by the relevant authorities to ensure that it is safe for consumption and complies with national and international environmental, health and safety standards.²⁹ Section 16(2) of the Framework law prohibits the sale of a technology or good that has not initially complied with national environmental, health and safety standards. Any technology or product that constitutes a potential hazard should, upon ascertaining that state, be immediately withdrawn from the market and returned for testing at the supplier's or vendor's expense, without prejudice to other penalties provided for by the laws and regulations in force.³⁰ Section 17 of the Framework Law provides that food, pharmaceutical products and drugs must comply with the standards of relevant international organizations and cover chemical and biological safety. The producer or supplier of a technology, good or service supplied or sold bears liability for damage to a consumer caused where it is established that the consumer was not adequately informed about the risk posed by the technology, good or service.³¹ The sale of unpackaged foods, with the exception of raw products is prohibited.³²

Section 16(1) of the framework law mentioned above is in line with the Sale of Goods Act 1979 which provides that goods must be of merchantable quality.³³ The SGA provides that goods must be fit for their normal purpose; this is the requirement of fitness. Thus, a consumer is only deemed to have accepted the goods they have purchased if they have been given a reasonable opportunity to inspect or examine the goods within a reasonable time.³⁴

Section 14 of the SGA 1979 provides that where the seller sells goods in the course of a

²⁷*Ibid.* Section 3(a).

²⁸*Ibid.* Section 15.

²⁹*Ibid.* Section 16(1).

³⁰*Ibid.* Section 16 (3).

³¹Section 18(1).

³²Section 19(1).

³³ Section 14 of the Sale of Goods Act 1893. It states: "where goods are bought by description from a seller who deals in goods of that description (whether he be the manufacturer or not), there is an implied condition that the goods shall be of merchantable quality; provided that if the buyer has examined the goods, there shall be no implied condition as regards defects which such examination ought to have revealed...An implied warranty or condition as to quality or fitness for a particular purpose may be annexed by the usage of trade.

³⁴Section 2 of the Sale and Supply of Goods Act 1994.

business, there is an implied term that the goods supplied under the contract are of satisfactory quality.³⁵ It can be deciphered from this section that it is only applicable where the seller sells goods in the course of a business. It has nothing to do with private sales although there may be an action for breach of an express term or misrepresentation in some circumstances.

What is therefore quality as used in the Act? The quality of goods includes their state and condition, specifically, fitness for all the purposes for which goods of the kind in question are commonly supplied, appearance and finish, freedom from minor defects, safety, and durability.³⁶ In order to guide the court in establishing if goods are of satisfactory quality, the *acceptability and usability tests* are used.³⁷ The acceptability test which applies to consumer transactions looks at whether a reasonable purchaser would have accepted the goods at the same price had they known of the defect.³⁸ The usability test on its part is applicable in business to business transactions. Here, the court has to consider if a reasonable purchaser could have used the goods for purposes for which the goods were commonly supplied.³⁹

Consumers of products including food also have the right to disclosure and information to enable them to make an informed choice during any transaction concerning the supply of technology, goods and services.⁴⁰ Pursuant to this law, suppliers and providers of technology, good or service are required to provide the consumer with correct, adequate, clear and legible information, in English and French, concerning the goods and services offered to enable him make appropriate and rational choices before concluding a contract.⁴¹ False advertisement is prohibited in section 32 of the Framework law. It states:

Whoever gives false information on the quality of technology, goods or services supplied to a consumer shall be punished with imprisonment of from six months to two years or with a fine of from 200 000 (two hundred thousand) to 1000 000 (one million) francs, or with both such imprisonment and fine.(2) Whoever gives false information to the competent authorities or to any consumer structure, body or association during an investigation under this law shall be punished with the penalties provided for in Subsection (1) above.⁴²

A further protection is seen in section 10(2) of the framework law which is to the effect that “good or service provided or delivered must be accompanied by a manual, receipt or any other

³⁵ Section 14(2) SGA 1979.

³⁶ Section 14(2) (b) SGA 1979.

³⁷ <http://e-lawresources.co.uk/Statutory-implied-terms.php>, visited, 20/03/2023.

³⁸ See *Shine v. General Guarantee Corp* [1988] 1 All ER 911.

³⁹ *Aswan Engineering v..Lupdine* [1987] 1 All ER 135.

⁴⁰ Section 3(c).

⁴¹ Section 13

⁴² Section 32 (1) and (2).

document containing, inter alia, information on technical features, mode of operation, utilization and warranty”. Disclosing information does not suffice to protect consumers; such information should be comprehensible to the consumer. No wonder section 37 of the Framework Law states that Consumer contracts should be interpreted to preserve the rights of consumers.

i. Consumers of products also have the right to fair, just & reasonable terms and conditions.

Section 5(1) of the Framework Law prohibits contractual clauses that: exempt, exclude, reduce or limit the liability of suppliers or service providers for defects, deficiencies or shortages of any kind in technology, the good supplied or service rendered; imply the loss of rights and freedoms guaranteed consumers or limit the exercise thereof; create unjust, unreasonable, unfair or repressive contractual terms or conditions, or that transfer liability for defects, deficiencies or shortages not immediately obvious to the consumer; impose a unilateral arbitration clause.

If any contractual clause violates this provision, a competent court may automatically declare the clause void.⁴³ As a requirement, standard agreements or adhesion contracts must be drafted in English and French in characters that are visible and legible at first glance by anyone with normal vision.⁴⁴ The *raison d'être* for this is to provide legal protection to the consumer.

According to section 35 of the Framework Law, any clause exempting, limiting liability or reducing the scope of guarantees contained in the contract for sale, supply of goods or technology or delivery of a service to a consumer shall be null and void.

It is worthy to note that there are two fundamental rights that guarantee the enforcement of the other rights of consumers already mentioned such as the right to form associations and the right to redress.

ii. The Right to Form Associations

In principle, consumers have the right and freedom to form voluntary, autonomous and independent consumer associations or organizations to promote and protect or participate in the promotion and protection of their rights.⁴⁵

Consumers may participate in public decision-making structures.⁴⁶ However, section 22 of the Framework Law stipulates that consumer associations shall be apolitical and non-profit making

⁴³Section 5(2).

⁴⁴Section 6 (1).

⁴⁵ M., Anne, An Appraisal of Consumer Protection Mechanisms in Cameroon, Masters Thesis, University of Buea, 2016, p.90.

⁴⁶Section 21.

groups.⁴⁷ In performing their activities, they have to refrain from promoting commercial and/or political activities; inserting commercial advertisements in their publications; making selective commercial use of information and advice intended for consumers. Section 23 of the Framework Law enumerates the objectives of consumer associations. They include:

- Promote and protect consumers' interests;
- Represent the individual or collective interests of consumers before the State or public and private sector suppliers and providers;
- Collect and process objective information on goods and services available on the market;
- Implement consumer training and education programmes.⁴⁸

iii. Right to Redress

The right to redress is enshrined in section 3(e) of the Framework law. It is to the effect that consumers have the right to full compensation for the wrongs or losses suffered which, according to this law or other regulations, shall be attributable to suppliers or providers. Individuals as well as consumers' organizations or non-organizations involved in consumer protection may defend the interest of a consumer for wrongs or losses suffered by suppliers.⁴⁹ These persons or the injured consumer may file an action before the competent courts or arbitration bodies to defend the interests of consumers.⁵⁰ This action can either be preventive or remedial.⁵¹ Going by section 28 of the Framework Law, in any trial proceedings relating to consumer protection, the burden of evidence to the contrary of the allegations shall lie with the vendor, supplier or service provider.

A redress available to consumers is a mere request for the cancellation or revision of the contract, without prejudice to the right to compensation for the damage suffered.⁵² Such a request must be based on hidden defects or faults affecting the quality of the technology, good or service under contract.⁵³ The consumer has the right to request the replacement or repair of the technology, good or service at the expense of the vendor, supplier or service provider,

⁴⁷Section 22.

⁴⁸ M., Anne, *op cit.*, p.95.

⁴⁹ Section 26 of the Framework Law.

⁵⁰Section 27(1) of the Framework Law.

⁵¹*Ibid.* Section 27(2). Preventive action shall be that which seeks to remove the threat of infringement of consumers' rights. See section 27(3). It may be lodged only by a consumers' association or a non-governmental organization. Remedial action shall be that which stems from the infringement of the rights of a consumer or group of consumers. See section 27(4).

⁵² Section 31(1).

⁵³ Section 31(2).

without prejudice to his right to compensation for the damage suffered.⁵⁴

In the course of the repair period not exceeding 15 days with effect from the date of return of the good or discovery of a defective technology or service, the vendor, supplier or service provider must provide the consumer with an alternative good, technology or service in order not to inconvenience him. Non-compliance with this provision amounts to damages negotiated with the consumer.⁵⁵ If negotiation proves unsuccessful, the unsatisfied consumer shall have the right to appeal.⁵⁶

d. The 1994 Forestry, Wildlife and Fisheries Regulations

This law⁵⁷ and the implementing instruments thereof lay down the forestry, wildlife and fisheries regulations in view of attaining the general objective of the forestry, wildlife and fisheries policy, within the framework of an integrated management ensuring sustainable conservation and use of the said resources and of the various ecosystems.

The forestry law of 1994 classifies animal species living in the national territory for the purpose of their protection into three classes: A, B and C, according to conditions laid down by order of the minister in charge of wildlife; according total protection to the species of class A. The species of class B shall be protected and may be hunted, captured or killed subject to the grant of a hunting permit. The species of class C shall be partially protected. Their capture or killing shall be regulated by conditions laid down by order of the minister in charge of wildlife.

The forestry law does not give any specific definition of hunting. Nevertheless, pursuant to section 85 of this law, actions aimed at pursuing, killing or capturing wild animals or guiding expeditions for that purpose; photographing and filming wild animals for commercial purposes are considered as an act of hunting.

Section 80 of the forestry law 1994 prohibits the following: hunting at night, especially with search lamps, head lamps, or in general with any lighting equipment whether designed for synergetic purposes or not; hunting with drugs, poisoned bait, tranquilizer guns or explosives; hunting with unconventional devices; hunting with fire; the importation, sale and circulation of hunting lamps; hunting with fixed guns and dane guns; hunting with a modern net. Hunting methods should therefore not endanger the conservation of certain animals. Section 138(1) of the forestry law of 1994 provides for sanitary inspection and the control of fishery product. One

⁵⁴ Section 31(3).

⁵⁵ Section 31(4).

⁵⁶ Section 31 (5).

⁵⁷ Law NO. 94/01 OF 20 January 1994 to Laydown Forestry, Wildlife and Fisheries Regulations

of the reasons for this inspection is to ensure that fishery products are good for consumption.

The nexus between the forestry law and the right to food is that it provides for sustainable management of forestry, fishery and wildlife, thus enabling sustainable access to food.

e. The 1974 Land Tenure Ordinance

Cameroon land tenure system⁵⁸ regards all unoccupied land as national land and recognizes land ownership based on the acquisition of a land title. This situation is a big challenge for many communities of small holder farmers especially those who do not even know the importance of a land title, let alone the procedure to obtain it. Most peasants cannot afford the cost necessary for land registration and are unable to go through the cumbersome procedure. The erosion of Customary Land Rights threatens the survival base of indigenous people who depend on their land and natural resources therein for their livelihood.

The effectiveness of these laws and their enforcements in securing individuals' Right to Adequate Food, however, is questionable. Usually there is a big divide between the law and its application for the following reasons: - Vulgarization of the laws is poorly done. Consequently, most people do not know the laws; - those who know the law use it to exploit poor and illiterate community members; - the law is subject to varied interpretations and there is no scrupulous follow up of the law after adoption; the respect for gender issues, the Constitution is very silent with respect to issues of gender and the land tenure ordinance does not make any allusion on access to land for women. This silence coupled with the application of customary practices, especially over land, though repealed by the 1974 Ordinance impacts very negatively on women. The judiciary in Cameroon is under the President of the Republic and the extent of its independence is questionable. For very sensitive issues, political influence comes into play and most often the poor are unable to properly access the judiciary system.

III. CHALLENGES ON THE REALISATION OF THE RIGHT OF ACCESS TO FOOD

Since the Uruguay Round, many researchers have confronted with great scholarly curiosity the arduous relationship between human rights obligations and international trade law. This has particularly regarded the obligations stemming from the major human rights instruments protecting the right to food, especially the ICESCR, and the rules of the most relevant international trade organisation, the WTO. Although the impact between the two has been said to be unidirectional, meaning that it is just trade law impacting on the enjoyment of human rights⁵⁹, the fundamental incompatibilities occurring between these regimes are twofold. From

⁵⁸ Land Ordinance N° 74-1 of 06 July 1974 related to access and ownership of land

⁵⁹ FERGUSON (2018)

the one side, trade agreements openly promote the liberalisation of international trade, free competition, and the reduction of trade barriers to spur economic development. On the other, the right to food is based on a human rights-based approach which values the individual to fulfil its fundamental needs respecting human dignity and promotes local food systems and shorter food value-chains⁶⁰. Grounding on this, researchers, Special Rapporteurs, and human rights advocates have questioned the occurrence of a potential conflict of norms between international trade rules on agriculture and human rights, impacting on the enjoyment of the right to food for rights' holders⁶¹. This statement holds true especially as long as States are required to comply with their obligations under one regime when stipulating an agreement with another⁶². This implies that ICESCR' State parties should respect its descending human rights obligations also when ratifying WTO's agreements, whose *raison d'être* is its reverse: the one trying to protect people's fundamental rights with dignity, the other advancing international trade relations, to remove all barriers in the market, possibly enhancing human development and well-being as a side-effect⁶³. Notwithstanding the significance that trade instruments have on food and agricultural production, analysing WTO agreements – especially, the Agreement on Agriculture (“AOA”) – it can be noted that no mention to the right to food is ever made⁶⁴. Conversely, the AoA mentions food security in its preamble, comprising it among the Non-Trade Concerns that its members should address. Yet, this small step – albeit formal – has not been complemented by effective actions, as many disproportions in terms of trade conditions can still be observed between developed and developing countries⁶⁵, thus negatively impacting on the possibility of harmonisation between trade and right to food.

As argued by Prof. De Schutter in the report on his mission to the WTO, trade arrangements should be designed in order to contribute as well to the implementation of human rights, in particular of the right to food⁶⁶. To fulfil this objective, according to De Schutter, the competition between developing countries' farmers against industrialised ones should be eased, and trade agreements should strengthen agriculture's special role, acknowledging that agricultural products are more than mere commodities, but fundamental means of livelihood⁶⁷. Grounding on this elaboration, trade agreements would become more compatible with States

⁶⁰ Voluntary Guidelines of the Committee on World Food Security of 14-18 October 2019, CFS 2019/46/2, Zero Draft of the Voluntary Guidelines on Food Systems and Nutrition

⁶¹ Ferguson (2018).

⁶² De Schutter (2009).

⁶³ Ferguson (2018).

⁶⁴ *ibid*

⁶⁵ *ibid*

⁶⁶ Report of the Human Rights Council of 4 February 2009 A/HRC/10/5/Add.2, Report of the Special Rapporteur on the right to food, Olivier De Schutter – Mission to the World Trade Organization.

⁶⁷ De Schutter (2009).

obligations to fulfil the right to food.

On the contrary, however, other scholars argue that the alleged tension between trade and human rights derives from a “clash of underlying values”⁶⁸ and that, grounding on the ethos and scope of the two, actually there is no conflict of norms. This can be proved by the fact that the international trade system is based around the notion of comparative advantage and competition, whereby “unequal accretion of gains globally and negative outcomes for some individuals are implicitly accepted”⁶⁹. Yet, also people’s fundamental needs and rights are equally relevant in terms of macroeconomic growth⁷⁰. Nevertheless, despite the reasoning based on the finding that there is no technical conflict is theoretically correct, it should not automatically imply that the rules in question are harmonious, or neither that international trade provisions are supportive of the right to food and States’ relative obligations. However, it is once again State’s lack of political will that cause trade rules neglect the right to food, especially given the weaker compliance pull of this right with respect to other international legal norms. Yet, the predictions that in the next future serious environmental challenges will threaten food production, likewise the expected increase in world population growth, will involve to even more efficiently organise and distribute food production⁷¹. Therefore, such challenges highlight that States parties are called to determine their stance during trade negotiations compliant with national programmes addressing the right to food, as well as the urge that right to food concerns are seriously regarded into multilateral trade agreements.

(A) Food Loss and Waste and food insecurity

Among the current issues challenging the achievement of food security for all, is the challenge posed by Food Loss and Waste (“FLW”), which directly impacts on the right to food realisation having a severe environmental, economic, and social impact. Not only chronic hunger rising at the global level (821 million people in 2019), and world population is expected to increase to 9.7 billion by 2050 with an estimated relative rise of 60% in food demand, but also an estimated third of all food produced for human consumption is lost or wasted along the food chain⁷². With an equivalent of 1.3 billion tonnes/year of food that is lost or wasted, this amount proves that FLW affects food security and the sustainability of food systems, which are already broken⁷³ food systems, according to the FAO. Affecting the accessibility, availability and

⁶⁸ Ferguson (2018).

⁶⁹ *ibid*

⁷⁰ *ibid*

⁷¹ FAO, IFAD, UNICEF, WFP, WHO (2019)

⁷² HLPE (2014).

⁷³ *ibid*

distribution of resources, the occurrence of FLW constitutes a failure of the food system, thus infringing the right to food. Conversely, Article 11 ICESCR requires States to ensure that food production, conservation and distribution methods are improved in order to ensure the most efficient development and use of natural resources⁷⁴, implying that only a small amount of food is lost or wasted.

Therefore, it is commonly believed that the issue of FLW should be targeted as critical issues to be confronted with specific programmes both from a legal and a policy standpoint at all levels within the broader framework of right to food protection. This section will thus focus on some concrete examples of the viable solutions to FLW that have been provided at the international, regional and national level.

The theme of FLW has been addressed by some relevant initiatives presented at the international level. Firstly, it has been addressed within the context of Agenda 2030, through SDG2 on the challenge of ending hunger by 2030 through the promotion of a responsible use of resources, but additionally through SDG12.3, which thus reads:

by 2030, half per capital global food waste at the retail and consumer levels and reduced food losses along production and supply chains, including post-harvest losses

Moreover, this theme has been discussed also within the context of the 21st session of the Conference of the Parties to the UN Framework Convention on Climate Change held in Paris in 2015⁷⁵, whereby FLW reduction was presented as a necessary requirement to tackle climate change. Additionally, also the FAO is working tirelessly for mainstreaming global awareness towards FLW, in order to encourage its member States for developing appropriate policies and sensitise world consumers to changing their shopping habits and consumption behaviours.

At the regional level, reference can be made to the Asia-Pacific Economic Cooperation (“APEC”) Action Plan for Reducing Food Loss and Waste⁷⁶ adopted in 2014, or to the Regional Alliance for Food Loss and Waste Reduction⁷⁷ established by the Community of Latin American and Caribbean States (“CELAC”). Taking into account the recommendations issued by the SDGs and grounding on the Communication on Circular Economy made by the European Commission, in 2016 the EU has also launched its Platform on Food Losses and Waste to support its member countries to prevent food waste, manage food donations, and share best

⁷⁴ Resolution of the UN General Assembly of 16 December 1966, A/RES/2200(XXI)A, International Covenant on Economic, Social and Cultural Rights, Art. 11.2a.

⁷⁵ Paris Agreement, Paris, 22 April 2016

⁷⁶ Action Plan of APEC of 20-21 August 2014, for Reducing Food Loss and Waste

⁷⁷ FAO (2018a).

practices regarding monitoring and implementation mechanisms.

At national level, this issue has been properly addressed especially by two countries in particular. France has been the first country in the world to adopt a law concerning FLW prevention. Adopted in 2016 by the National Assembly, the “Loi 2016-138”⁷⁸ has introduced the duty for supermarkets to donate unsold food to charities and food banks or for feeding animals, instead of throwing it away or destroying it to reduce FLW amounts⁷⁹. Following the example of France, Italy has been the second country to endorse a law specifically challenging food waste. Approved in 2016, the so-called “Legge Gadda”⁸⁰ has the merit of having eliminated the bureaucratic obstacles halting food donations, introducing new measures aimed at encouraging the donation of unsold food and favouring the development of a particular sensitivity to the theme⁸¹. The anti-waste law has favoured the recovery of unsold food and allowed to improve the quality of the food donated to the neediest people of the country through a series of incentives, such as the reduction of the waste tax. The Legge Gadda also strengthened the role of education which, through food education projects or communication campaigns, has made the consumer more responsible and involved in the process of combating FLW. The examples provided above illustrate that an awareness towards FLW is spreading globally, and yet further improvements can be made grounding on a right to food perspective.

(B) Feeding the world in times of climate change

It is impossible not to mention climate change when listing the questions directly challenging the achievement of the right to food. Yet, food and agricultural production are both a driver of climate change and an impacted sector. Agriculture is indeed responsible for nearly 35% of greenhouse gas emissions globally⁸². Yet, with increasing temperatures, soil erosion, growing sea levels, extreme natural events, climate change is harming food security in many ways, threatening also the content of the right to food and communities’ traditions. The growing consensus that climate change exacerbates hunger has led to greater efforts towards finding new ways to feed the world. According to Anne Saab⁸³, the approach that has prevailed over the issue of feeding the world in times of climate change has been influenced by neoliberal principles, in line with the dominant contemporary global food regime. At the same time, in

⁷⁸ Loi du 11 février 2016, No. 138/2016, Lutte contre le gaspillage alimentaire

⁷⁹ Ferrando, Mansuy (2018).

⁸⁰ Legge del 19 agosto 2016, No. 166/2016, Disposizioni concernenti la donazione e la distribuzione di prodotti alimentari e farmaceutici a fini di solidarietà sociale e per la limitazione degli sprechi. 467 FERRANDO, MANSUY (2018)

⁸¹ FAO, IFAD, UNICEF, WFP, WHO (2019)

⁸² 8 FAO, IFAD, UNICEF, WFP, WHO (2019)

⁸³ Anne Saab. *Narratives of Hunger in International Law: Feeding the World in Times of Climate Change*. Cambridge: Cambridge University Press, 2019. Pp. 222.

opposition to it, a current driven mainly by food sovereignty movements has developed aiming at countering neoliberal solutions to hunger. Indirectly reflecting the wider contemporary debate on how to govern the global food system, thus presenting a different understanding of hunger, and proposing contradictory solutions to feed the world. In particular, these two narratives presented opposite perspectives especially as for the use of climate-ready seeds⁸⁴.

From the one side, the neoliberal narrative has advised to increase food production through agricultural biotechnologies with private sector seed companies taking on a leading role⁸⁵. This has become particularly evident as the number of patent applications for allegedly “climate-resilient” crops have considerably grown, and also as the vast majority of these patent applications are filed by a handful of large private seed companies⁸⁶. By contrast, on the other hand, the narrative promoted by the food sovereignty movement has promoted greater access to and distribution of available food and, above all, is determined to contest the technological solutions backed by the neoliberal narrative. To further express its commitment to advocating for an approach respectful of the right to food, ... have started protests against large seeds companies, such as Monsanto, under the fierce claim for “No seed patents!”⁸⁷

Yet, despite these opposite standpoints, scholars have agreed upon the fact that climate change is a complementary problem to food insecurity⁸⁸. Therefore, it is global leaders and international organisations’ responsibility to arrange effective methods that protect the environment and its inhabitants, also within a right to food perspective. In this sense, since 2014 the FAO has been promoting an integrated approach based on agroecology as the most sustainable solution to face the interconnected challenges of zero hunger and climate change. Although not a new concept, agroecology is an approach aimed at tackling climate change and the challenges faced by food systems through the dissemination and co-creation of knowledge⁸⁹. With family farmers, including smallholder farmers, indigenous peoples, fisher folks, mountain farmers and pastoralists at its heart, agroecology seeks to transform food and agriculture systems, thus incorporating the transformative approach required by Agenda 2030⁹⁰. Based on the widespread consensus among a wide range of actors supporting it as a key solution to achieving a sustainable and hunger-free world, the FAO has committed itself to adding strength to

⁸⁴ A. Saab, op cit

⁸⁵ *ibid*

⁸⁶ *ibid*

⁸⁷ *ibid*

⁸⁸ *ibid*

⁸⁹ *ibid*

⁹⁰ *ibid*

agroecology.⁹¹ Opening the Regional Symposium on Agroecology for Europe and Central Asia held in Budapest in 2016, the FAO former DG Graziano Da Silva has expressed his full support forward this approach, stating: “The future of agriculture is not input-intensive but knowledge intensive. We need the integrated approach that agroecology can offer”⁹². Responding to many of the SDGs targets⁹³, this multi-sectoral approach is thus contributing to the achievement of the Paris Climate Agreement⁹⁴, the Convention on Biological Diversity⁹⁵, and the United Nations Convention to Combat Desertification.⁹⁶

Finally, having taken into consideration the challenges that threaten the realisation of the human right to food, it seems now appropriate to bring the discussion to assess how this right has been enforced judicially by examining some concrete exemplary cases pertaining to the legal category of all relevant dimensions.

IV. CONCLUSION AND RECOMMENDATIONS

Although the study adopted an integrated approach in concluding each chapter, this section provides a general conclusion of the study based on the findings above. The right to adequate food is realized when every man, woman and child, alone or in community with others, have physical and economic access at all times to adequate food or means of its procurement.” It is thus, apparent that the realization of the right to adequate food is primarily dependent upon everyone having sustainable access to productive resources such as land or work. In Cameroon it is clear that not everybody does have access to adequate food. Through identifying those vulnerable and the processes governing their sustainable access to productive resources the following documentation is concerned with illustrating how the government of Cameroon is far from meeting its obligations under the International Covenant on Economic, Social and Cultural Rights. The right to adequate food clearly imposes three levels of obligations on to the State, namely the obligation to respect, protect, and to fulfil. These obligations clearly do not only necessitate immediate actions to be undertaken by the State, but also require the progressive implementation of measures, for instance the legislation and implementation of land reform. Cameroon is failing to comply with these obligations not only at the national level through its own domestic legislation and activities, but also through its agreements with intergovernmental

⁹¹ *ibid*

⁹² Declaration of FAO Director-General José Graziano da Silva, Budapest, 24 November 2016.

⁹³ FAO (2018c)

⁹⁴ Paris Agreement, Paris, 22 April 2016.

⁹⁵ Convention on Biological Diversity, Rio de Janeiro, 5 June 1992

⁹⁶ United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, Paris, 14 October 1994

organizations and in its relations with private enterprises and trans-national corporations.

The government of Cameroon is responsible for protecting the right to food for all of its population. In order to comply with international human rights law the government of Cameroon must take steps which would prevent these fraudulent practices from occurring

(A) Recommendations

1. More generally, the institutionalization of programmes that contribute to the implementation of the right to food (i.e., the transposition of such programmes into legislative acts) presents a number of advantages and can significantly contribute to their effectiveness and sustainability. The clear definition of beneficiaries in legislation - making access to social assistance or support schemes a right for the beneficiaries - may limit the risk of resources being diverted as a result of corruption or clientelism. It can also improve accountability of the administration responsible for implementation, particularly if courts or other independent institutions are empowered to monitor implementation. Defining the benefits allocated through the programme as a right held by all (or by all those who qualify, where the programme is targeted) can reduce the element of stigma attached to participating in the programme, which could otherwise reduce significantly the participation of eligible persons.

2. The government should be encouraged to make food programs legal entitlements and not just policy options. For instance, In Brazil for instance, while the school-feeding programme (PNAE) is placed under a legislative framework, the Bolsa Familia program is not a legal entitlement and could thus be abolished in 2011 by the next government. By making these programs legal entitlements, permanency is ensured. Similarly, in India for example the National Employment Guarantee Scheme is framed through a National Rural Employment Guarantee Act (NREGA, see hereunder) which stipulates the legal obligations the governments and States have in implementing the program, thus facilitating independent monitoring of the implementation of the programme and providing remedies to victims of inadequate or discriminatory implementation.

3. It is imperative that national institutions are created to monitor and assess the right to food situation in a country. Right to Food Guideline 5 declares that States 'should assess, where appropriate, the mandate and performance of relevant public institutions, and where necessary establish, improve, or reform their organization and structure to contribute to the realization of the right to food. The government of Cameroon needs to demonstrate its political dedication on the right to food, and continues to enhance its institutional framework on the right to food.

4. Public interest litigation or otherwise known as strategic litigation in the area of food should be heightened and promoted if Cameroon must strive to attend universal access to food. For instance, One of the most powerful examples of a successful court case is the People's Union for Civil Liberties (hereinafter PUCL) case filed in 2001 before the Supreme Court of India⁹⁷. The case was filed out of the indignation of the occurrence of starvation deaths in the State of Rajasthan while at the same time there was a national surplus of food grains, which was left to unused instead of being distributed to the people. The case was brought before the Supreme Court using India's public litigation system, which allows one to go to court in the interest of the public, without having to name aggrieved victims.

⁹⁷ *People's Union for Civil Liberties v. Union of India & Others*. Writ Petition (Civil) No. 196/2001