



Human right violations by multinational corporations in Cameroon

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Abstract: This article explores the economic and legal dimensions of multinational corporations (MNCs) operating in Cameroon and their violation of human rights. The study examines the legality of foreign investments in Cameroon, with a focus on their influence on economic growth and the negative consequences that arise from infringement of rights. More precisely, it examines the ways in which MNCs make use of Cameroon's resources in terms of both the economy and the environment, impacting local communities. The primary objective is to understand the economic activities of MNCs in Cameroon that result in abuses of human rights. By so doing, the study provides valuable perspectives on efficiently overseeing the operations of MNCs in Cameroon. Several MNCs have a detrimental effect on Cameroonian society, resulting in both economic and environmental damage across various areas. As a result, their actions often give rise to legal conflicts, demonstrations, formal requests, and organised refusals to support their cause among the groups who are impacted. It is essential to thoroughly examine the operations of these MNCs in Cameroon, especially with the ambiguity surrounding the legality of safeguarding human rights. Based on this knowledge, it is crucial to shift the attention of foreign direct investment (FDI) in Cameroon by precisely delineating and differentiating what is beyond the scope of MNCs.

Keywords: MNCs, human rights violations, FDI, economic, legal disputes.

1 Introduction

The extensive harm caused by MNCs as a result of FDI in Cameroonian society and its people is significant. MNCs operating in various sectors throughout Cameroon have emerged as the primary perpetrators of human rights violations. This article offers insights into the improper practices of MNCs in Cameroon. Essentially, it illustrates the contemporary condition of human rights violations committed by multinational corporations in Cameroon. This text provides a thorough examination of the rights held by MNCs and the rights held by the people of Cameroon as a consequence of foreign direct investments. This work specifically addresses the legal rights of MNCs according to international law. It discusses their obligation to adhere to local rights, their responsibility to safeguard human rights, and the importance of protecting the rights of Cameroonians in relation to FDI. Additionally, the article looks at the types and characteristics of rights that MNCs in Cameroon violate. This text discusses the predominant human rights violations committed by MNCs in Cameroon, as documented by various human rights organisations. There are legal rulings that provide an interpretation of the abuses committed by MNCs in Cameroon. These abuses mostly relate to economic rights and are focused on the specific sectors in which these MNCs operate. It is important to note that these crimes are in contravention of both domestic and international legislation. Furthermore, it is noted that the majority of these infractions specifically address the rights of marginalised people in Cameroon. Furthermore, the range of breached rights extends to social rights in various places where big multinational corporations either operate or have subsidiaries. This article thoroughly explores the responsibility of adhering to FDI regulations and emphasises the need for legal accountability. It highlights the role of both domestic and international organisations in ensuring that MNCs are held accountable. This article presents an examination of the consequences of MNCs failing to comply with human rights in Cameroon. The research focuses on the growing number of human rights violations in this region, which has garnered significant attention.

2 The recognition and enforcement of rights under international human rights law in relation to MNCs

Firstly, it is important to note that MNCs possess legal personality according to international law. Both domestic and international laws are applicable to MNCs in

Cameroon. They have the authority to assert international human rights claims and are legally entitled to both international rights and responsibilities. Thus, it is true that MNCs in Cameroon and the world over have legal status and are entitled to rights and legal responsibilities according to both domestic and international legislation. The fields of law encompassed in this context are international law, international human rights law, and international investment law, which oversee and regulate investments made by individuals and entities. The MNCs that operate in Cameroon's environmental sector are subject to regulation under international environmental law and international human rights law. It should be noted that, due to the influence of MNCs in Cameroon's economic and social sectors, their acts are also subject to criminal law. It is argued that MNCs in Cameroon are responsible for causing harm, specifically by negatively impacting the environment and engaging in other unethical actions. Moreover, the primary rationale for utilising international human rights law to enforce accountability on these foreign investors is due to the inadequacy of Cameroonian law in ensuring their accountability, particularly in the case of MNCs. Our study focuses on examining the obligations that they violate within the private sector in Cameroon. Controlling the actions of MNCs is crucial for ensuring accountability (Wouters and Chané 2013).

Furthermore, this article emphasises that MNCs play an active role in investing in Cameroon. According to Cameroonian investment law and arbitration law, Cameroonian MNCs are granted legal personality, specifically in relation to human rights and investment matters. These provisions aim to safeguard the rights, claims, and interests of Cameroonian MNCs. Such protection is outlined in certain provisions of Cameroon's investment laws, which serve as incentives for foreign direct investments. In Cameroon, the courts have acknowledged the rights granted to foreign companies under specific laws, particularly in cases where human rights are violated. It is important to note that Cameroonians are also entitled to assert their rights against foreign companies and have the legal recourse to pursue judicial options when their rights are infringed upon or violated. These disputes typically arise from the investment laws, criminal laws, or human rights laws of Cameroon. The safeguarding of MNCs and the interests of Cameroonians in relation to investments in Cameroon involves the recognition of legal personality for MNCs. The rights provided by both local and international law encompass the entitlement to uphold the

integrity of the offices, branches, products, and other economic activities conducted by corporations in Cameroon. The recognition of legal personality for Cameroonian MNCs serves the purpose of safeguarding against potential abuses and granting Cameroonians the ability to assert their rights in relation to investment or business matters involving MNCs. The investment law in Cameroon is relatively flexible, which is why foreign enterprises receive significant protection.

3 The obligation of MNCs to adhere to international human rights law in Cameroon

Based on existing legal foundations, the duty to comply entails an obligation to uphold and fulfil human rights. Due to the lack of global recognition from the majority of states, MNCs lack international rights and obligations (Friedmann 1964). The duty is necessary within the domain of accountability to enable Cameroonians to hold MNCs accountable. In addition, the United Nations sub-commission on the promotion and protection of human rights has determined that MNCs should be subject to responsibilities. The adoption of the regulations on the duties of transnational corporations and other business enterprises with regards to human rights took place in 2003. The aforementioned regulations serve as a definitive method to establish principles that MNCs operating in Cameroon must strictly follow in relation to human rights, labour rights, environmental regulations, consumer rights, and the prevention of bribery and corruption while making investments in Cameroon. It is important to note that these principles, which are considered soft legislation in international law, play a significant role in ensuring that MNCs in Cameroon are held responsible. Enforcing these responsibilities on MNCs in Cameroon by adopting local law entails implementing mandatory regulations on foreign businesses with regards to their operational activities. Furthermore, it is important to acknowledge that according to international law, the prevailing principle in the field of international criminal law is that corporations are accountable for their unlawful actions (Kamminga 2004). Another piece of legislation that puts requirements of adherence on MNCs in Cameroon is the International Labour Organisation (ILO) Convention against Forced Labour. This convention requires contracting parties to implement measures and systems to eradicate forced labour in their operations (Article 1. of the Convention on Forced Labour, 1930). To fulfil the objective and essence of this convention, Cameroon must ensure that MNCs operating inside its borders implement the necessary measures to

comply with this international legal stance. However, in Cameroon, certain MNCs, such as banks, have not effectively implemented such measures. A significant number of multilateral treaties place direct compliance responsibilities on MNCs in Cameroon. These obligations cannot be evaded by the MNCs in Cameroon, as doing so would result in a gap in the protection of human rights if these MNCs are not held responsible. In order to prevent rampant abuses, it is imperative that MNCs that generate substantial financial profits in Cameroon and violate human rights are held accountable, as their actions would only further consolidate their power at the expense of the Cameroonian population.

Cameroon, as a host nation, needs foreign direct investments in order to effectively compete with other states in Africa and perform its state duties. The activities of non-state actors such as MNCs in Cameroon have a crucial role in driving both growth and globalisation. Consequently, we believe that enforcing human rights standards on foreign enterprises is necessary to safeguard against potential threats to human rights posed by influential corporations, such as the ones mentioned below. Cameroon is a strategic investment destination situated between two prominent economic communities in Africa, namely CEMAC (the Economic Community of Central African States) and ECOWAS (the Economic Community of West African States) (Mbodiam 2019). Cameroon serves as a significant source of investment for multinational corporations, strategically positioned between two prominent economic blocs in Africa. Based on the information provided, it can be concluded that Cameroon is an attractive destination for foreign direct investments due to its vast untapped or underutilised natural resources. The presence of these resources in Cameroon has enticed multiple multinational corporations across different industries. Cameroon, recognising its favourable business environment and available resources, implemented a legislative change in 2013 to enhance its investment rules and attract more foreign direct investments. For over ten years, Cameroonian legislation has been designed to make it easier for private investments to be made in Cameroon by providing fiscal exemptions and other benefits. These legal benefits have driven foreign investors to invest in Cameroon. The majority of foreign corporations working in Cameroon are mostly involved in the mineral and extractive sectors, such as cement companies from France and Switzerland. Moroccan, Nigerian, and Turkish cement businesses are present. Dangote Cement, a Nigerian corporation, operates

in Cameroon alongside Turkey's Medeen and Morocco's Cimaf (Mbodiam 2019). Three Swiss trading businesses bought over 50% of the total crude oil produced by Cameroon's National Hydrocarbons Corporation (SNH) in 2013. Cepsa, a Spanish oil concern, was the primary buyer of oil from SNH, the national oil company of Cameroon. In 2013, the Swiss trading firms Glencore, Gunvor, and Vitol bought 50% of the crude oil that SNH was selling. The sales yielded over \$600 million, which is equivalent to 12 percent of the state's income in 2013.

In 2013, Glencore acquired four shipments from SNH, leading to payments totaling over \$400 million. In 2013, Glencore's turnover reached \$233 billion, surpassing Cameroon's entire GDP in 2012. Based on the information supplied, it can be concluded that FDI in Cameroon offers chances for MNCs and benefits the local population by providing various advantages. However, it is important to note that if MNCs operating in Cameroon's mining sector fail to adhere to human rights and the natural resource rights of Cameroonians, significant devastation will occur in numerous communities in Cameroon as a result of the actions of these MNCs. Corporations have a crucial need to adhere to human rights standards, given their role as facilitators of foreign direct investments.

4 The obligation to collaborate in the safeguarding of human rights by MNCs in Cameroon.

The third meeting of the UN Human Rights Council's working group on transnational corporations and other business enterprises regarding human rights has approved the terms of Resolution 26/9, which was issued on June 26, 2014. The working group was tasked with developing comprehensive and enforceable worldwide legislation that would regulate international human rights law as well as the actions of transnational businesses and other economic entities (Apollin 2017).

This legislation, in a more lenient format, seeks to safeguard citizens of host nations from human rights infringements perpetrated by multinational businesses and ensure that victims of rights violations have access to legal assistance. MNCs in Cameroon have an obligation to collaborate and comply with the legislation mentioned above. Nevertheless, this does not hold true in Cameroon. Several multinational corporations operating in different regions of Cameroon infringe upon the rights of the local population by exerting control over their resources and failing to collaborate in

upholding or safeguarding human rights. These communities have the obligation to collaborate in order to have the right to request justice and provide assistance to the victims of such atrocities. In Cameroon, numerous communities suffer from land deprivation, lack of potable water, and pollution of their land, with these populations receiving inadequate retribution for their grievances. The operations of MNCs have a detrimental impact on the livelihoods of indigenous people in Cameroon. These impacts include the exploitation of workers, the deportation of natives from their own communities, and environmental contamination, as exemplified by the example of Herakles Farm. MNCs can face legal action for human rights violations, although they are not subject to prosecution before an international tribunal.

Consequently, MNCs in Cameroon are now required to collaborate in safeguarding human rights. Cameroonians have the option to pursue legal action in court to hold MNCs, as well as their subsidiaries or parent companies, accountable for any violations committed against individuals or communities. Cameroon has the responsibility to safeguard its citizens from the actions of MNCs due to the significant number of MNCs investing in the country. If there is no obligation to collaborate, victims of human rights violations in Cameroon may face significant risks if abuses take place inside communities and the culprits are not held accountable. In accordance with the legislation No. 2002/004 of April 19, 2002, which established the investment charter of the Republic of Cameroon and was modified by Law No. 2004/020 of July 22, 2004, the primary objective of the state is to administer the nation, ensure the provision of justice, and guarantee the security of individuals and their belongings (President of the Republic 2002).

5 The focus on safeguarding rights in Cameroon and the significance of FDI

Various international agreements and documents on human rights establish explicit rules and obligations for MNCs to uphold, safeguard, advance, and fulfil human rights in Cameroon. This encompasses both adverse and beneficial obligations for MNCs operating in Cameroon. The state has a responsibility to safeguard corporations engaged in the exploration of natural resources, such as gas, oil, and minerals, in Africa (President of the Republic 2002; Martin and Kibugu 2022). The African Rights Commission has established the responsibility to safeguard against the infringement of rights by non-state actors, including companies, through several significant rulings. The Commission's findings indicate that governments can be obligated to implement

legislative, administrative, and judicial actions. The Commission has identified some tasks that nations are required to fulfil. These obligations include prosecuting, investigating, regulating, providing redress, ensuring citizen engagement, monitoring, and establishing independent oversight organisations. The corporation, in exercising its duty to protect, would be obliged to impose requirements upon itself to contribute to the realisation of fundamental rights. The Charter imposes duties on corporations by providing that these rights should directly apply to corporations in a horizontal manner. There are specific parts of the African Charter that make it clear that people have duties as well as rights. These and other African-specific features might make the case for holding companies directly responsible for violating human rights through regional enforcement mechanisms stronger. The Charter does not contain any provisions that prohibit such an interpretation; rather, it is contended that the Charter's emphasis on unity, collectivism, and enhanced cooperation on the continent supports the validity of such a reading. An analysis of the Commission's activities indicates a lack of substantial and practical efforts in the area of corporate responsibilities for the achievement of fundamental rights as outlined in the African Charter. With the potential of the provisions in the Charter, there is an expectation that this will change soon since the Commission has initiated a project to examine the accountability of non-state actors.

The impact of international commerce has significantly facilitated the transfer of FDI from developed countries to African states through the activities of MNCs (Ollong 2015). MNCs are attracted to Cameroon due to the abundance of opportunities. It has been observed that MNCs tend to be more practical and feasible at the micro level than at the macro level in Cameroon. These MNCs have made significant contributions to reducing poverty in areas with high economic concentrations through FDI. Research indicates that MNCs played a substantial role in the economic recovery of Cameroon from 1994 to 2003 (Kum and Bang 2009). The impact of MNCs on Cameroon's GDP is of great importance (Njimanted, Ngong, and Nembo 2016). It is suggested that the thriving market economy in Cameroon has attracted MNCs, leading to their widespread presence in the country. The influx of foreign direct investment significantly contributes to the extensive distribution of resources mobilised by the government. Multiple indices have demonstrated that multinational corporations play a significant role in enhancing the economic performance of

Cameroon. In 2018, the Dangote Group released the results of its 2017 financial operations, revealing that Cameroon was among the top three African markets with the highest rise in sales of Dangote cement. In 2017, around 22 million metric tonnes of cement were sold, with Cameroon emerging as the leading producer of this commodity in Sub-Saharan Africa (Mbodiam 2019). In order to enhance economic performance in Cameroon, the government has implemented measures that align with global institutions such as the World Trade Organisation (WTO), the International Monetary Fund (IMF), and the World Bank. These measures ensure compliance with the fundamental economic, monetary, and trade rules and regulations in Cameroon. The legislative and regulatory framework of Cameroon is designed to promote foreign investment by providing a comprehensive set of laws and regulations. Cameroon implemented an investment framework in the 1990s known as the 1990 Investment Code. This code was regulated by ordinance NO80/1/ of January 28, 1990, which pertained to the Free Zone regime in Cameroon. It was subsequently ratified by Law No. 90/23 of August 10, 1990, and Ordinance No. 90/7 of November 8, 1990. These revisions were made with the intention of promoting investment in Cameroon. Cameroon has implemented investment legislation with the goal of developing a competitive and successful economy by promoting investments to achieve the country's economic and social objectives (President of the Republic 2002).

Who are the investors in Cameroon? As per the provisions of Law No. 2002/004 of April 19, 2002, which established the Investment Charter of the Republic of Cameroon and was subsequently amended by Law No. 2004/020 of July 22, 2004, Section 3 of this legislation defines an investor as an individual or corporate entity of Cameroonian or foreign origin, whether residing in Cameroon or not, who engages in the acquisition of assets with the intention of generating interest. Law No. 2013/004 of April 18 was implemented in Cameroon to establish private investment incentives in the Republic of Cameroon. Section 1(1) applies to foreign individuals or entities, regardless of their presence in Cameroon, who engage in business activities or own shares in Cameroonian enterprises. The purpose of this section is to promote private investments and enhance domestic production in Cameroon. The law offers various investment incentives to firms, as outlined in sections 4, 5, 6, 7, 8, 9, 10, 11, and 12. An important manifestation of foreign direct investments in Cameroon is the Cameroon oil pipeline that extends to Chad. One of the largest US investments in

sub-Saharan Africa is the stake that US companies Exxon and Chevron jointly own. This corporation holds a majority stake of more than 65% in American assets in Cameroon. The existence of multinational corporations in Cameroon is evident through the participation of French companies in the exportation of medicinal products. French pharmaceutical companies dominate around 70% of the domestic market in Cameroon. France has around 110 French subsidiary enterprises in Cameroon, employing approximately 30,000 individuals. In addition, companies from South Africa, Morocco, and India are expanding their presence in Cameroon's economy. Multinational corporations, through foreign direct investment, have had a significant impact on Cameroon's economy and society (Greer and Singh 2000). Cameroon has consistently undergone significant economic and social transformations in international trade due to its openness to FDI. MNCs in Cameroon primarily contribute to the country's GDP per capita, the development of infrastructure, the return on investment of capital, the openness of the economy, and political stability (Kum and Bang 2009).

The economic growth of Cameroon can be attributed significantly to FDI facilitated by the activities of MNCs. FDI has significantly influenced Cameroon's economic performance and has played a crucial role in advancing the country's economy, surpassing other economic factors (Forgha 2009). FDI has created numerous opportunities in Cameroon, and one important legal aspect that facilitates investment in the country is its participation in the New York Convention on the Recognition and Enforcement of International Arbitral Awards, which establishes the International Centre for Settlement of Investment Disputes (ICSID). Law No. 2013/004 of April 18 grants Cameroon the authority to participate in bilateral and multilateral agreements that ensure investment incentives in the Republic of Cameroon. Cameroon is a signatory to the Seoul Convention, which established the Multilateral Investment Guarantee Agency (MIGA) to address non-commercial risks. Cameroon is a member of the Organisation for the Harmonisation of Business Law in Africa (OHADA). OHADA has enacted legislation in member nations that governs investment activity. The implementation of these investment and business rules by Cameroon is anticipated to enhance investment, particularly FDI. Cameroon is a member of CEMAC and has officially approved the CEMAC Investment Charter. The CEMAC Investment Legislation is a comprehensive set of measures designed to enhance the

institutional, fiscal, and financial conditions for businesses, with the goal of fostering economic growth and diversification in the member states of CEMAC. As a member state of CEMAC, Cameroon must prioritise the promotion of legal and judicial security and the reinforcement of the rule of law. The community court of justice, of which Cameroon is a member, has the authority to enforce the rights and responsibilities that result from the treaty. Cameroon is legally required to carry out the protocols and judgements of the court of justice and arbitration of CEMAC, as well as adhere to OHADA legislation and judicial decisions that stem from the ratified treaty of OHADA. Cameroon is obligated, according to Regulation No. 17/99/CEMAC-020-CM-03, to provide training for judges in the field of commercial affairs and maybe establish specialised courts for commercial disputes. These courts have the responsibility to effectively guarantee the implementation of court rulings in member states. Cameroon is obligated to promote the use of arbitration procedures and secure the enforcement of arbitral verdicts. Cameroon is obligated, as stated in the rule mentioned above, to decrease administrative procedures and obstacles and furnish investors with all necessary data for the efficient processing of important documents essential for their activities. Cameroon has been instructed to establish a system for welcoming, informing, and supporting investors, as well as streamlining the process of starting and approving firms. Cameroon is obligated to ensure that foreign enterprises receive the same treatment as domestic businesses. Foreign investors in Cameroon are required by the CEMAC legislation to refrain from engaging in any actions or practices that may adversely affect the interests of the host nation. According to Section 9 of No. 2013/004 of April 18, which establishes private investment incentives in the Republic of Cameroon, MNCs are obligated to conduct their business while prioritising the well-being and safety of consumers and users. Both individuals are equally obligated to adhere to moral principles and the legal enforcement of ethical standards that are inherent in every profession. According to Section 10 of the same law, in accordance with general principles and basic rights, the state is obligated to ensure that every individual or company that is legally established or wishes to establish themselves in Cameroon and follows the specific requirements for their economic activity is protected.

6 Instances of misconduct by MNCs in Cameroon facilitated by FDI

Cameroon has experienced multiple instances of business activities involving MNCs that have violated human rights, while the Cameroonian authorities have shown reluctance to take action. There are allegations that foreign corporations operating in Cameroon are involved in causing or contributing to violations of labour and health norms. The Business and Human Rights Resource Centre's analysis reveals that there were a total of 181 human rights claims associated with Chinese investment in Africa, specifically Cameroon, from 2013 to 2020. Moreover, although investments might be advantageous, they are frequently perceived as enabling foreign investors to obtain the majority of the benefits, while local residents in Cameroon sometimes experience detrimental outcomes.

These examples unequivocally demonstrate the violation of human rights by multinational firms due to FDI in Cameroon (Serious Fraud Office v. Glencore, 2022). Within the framework of human rights violations, there is a legal lawsuit being pursued against Glencore for engaging in economic practices that infringe upon the rights of individuals in Cameroon. Glencore has admitted guilt to a significant charge, which implicates the corporation in a corrupt plan involving the exploitation of oil and gas resources in Cameroon. The allegation states that Glencore paid a total of EUR 10.532,712 as bribes and corruption to employees of *Société Nationale des Hydrocarbures* and the *Société National Raffinage* ("SNH" and "SNR") in Cameroon between 1 March 2012 and 1 March 2015. These firms are the national oil and gas corporations of Cameroon, as well as an oil refinery company.

An issue of great significance in the Glencore case is the lack of respect for the rights of the Cameroonian people and the illicit encroachment upon the natural resources of the Cameroonian state in an unjust manner. In this case, Glencore disregarded the Cameroonian constitution's mandate to uphold the rights of the country's citizens as recipients of the revenues derived from their resources. There is a contention that MNCs tend to neglect the concept of fundamental human rights when they engage in expansion, despite the importance of these rights for sustainable development (Lifafe 2581). The company neglected its responsibilities as an MNC in advancing the economic welfare of Cameroonians, instead exacerbating economic issues and violating their rights. Glencore's acts are in violation of the African Convention on the Conservation of Nature and National Resources as well as the 2003 African Union

Convention on Preventing and Combating Corruption. The African Union Convention against Corruption actively advocates for good governance in business, specifically targeting corruption by MNCs. Glencore did not actively support the promotion of Cameroonians' right to economic success through the utilisation of their natural resources. The sanctions imposed show that there has been no effort to advance the economic well-being of the Cameroonian people, which is sufficient justification for multinational corporations' failure to recognise and promote business rights in Cameroon.

The protection of the rights of the oil-producing community through the equitable distribution of profits that can be enjoyed by all citizens of Cameroon is necessary for the sustainable development of oil exploitation and distribution. Glencore's activities can be criticised for their failure to sufficiently uphold the rights of Cameroonians as outlined in the constitution of Cameroon and the African Charter. Both the constitution of Cameroon and the African Charter on Human and People's Rights mandate the advancement and safeguarding of human rights by both individuals and incorporated businesses (South African Institute for Advanced Constitutional Studies 2010). The company's violation of socio-economic rights extends beyond Cameroon to other countries in Africa. These actions can be subject to sanctions under the Africa Charter, which is incorporated into Cameroonian human rights law and forms an integral part of Cameroonian substantive rights law. Cameroon ratified the African Charter in order to safeguard the rights of its citizens. Glencore's actions in Cameroon violated the regulations outlined in the legally binding agreement on business and human rights in Africa, impacting the right to development on the continent. The intrinsic right of Cameroonians to develop through the utilisation of their natural resources should be acknowledged. Under the African and Cameroonian legal framework, safeguarding and upholding the people's right to development is an essential obligation that enterprises must fulfil (Atabongawung 2021).

The judicial ruling against Glencore, which pertains to their actions in Cameroon and their violation of economic rights, clearly highlights the responsibilities of incorporated organisations such as MNCs to safeguard and uphold human rights. It is important to acknowledge that African countries, including Cameroon, have a legal obligation, as stated in Article 1 of the African Charter, to actively support, uphold, and satisfy the rights enshrined in the Charter. According to the British court, the *Glencore v.*

Cameroon case serves as an example of the relationship between corporate responsibility and human rights. This lawsuit unequivocally demonstrates the infringements on economic and developmental rights committed by Glencore. This case in Cameroon exemplifies the concerns over human rights, corporate accountability, and the contribution of MNCs to underdevelopment. If the natural resources of Cameroon, as stipulated in Article 16 of the African Charter, are not effectively administered, the pertinent question is whether Glencore bears responsibility for ensuring that the Cameroonian people achieve economic prosperity through their oil resources, as mandated by the African Commission working group on extractive industries, human rights, and environment. While the court did not explicitly claim that Glencore breached economic rights, it is evident that the company's corporate liability towards Cameroon and specific state agencies such as SNR and SONARA constitutes unambiguous infringements of the Cameroon constitution and the African Charter.

The decision involving SNH and SONARA, both Cameroonian organisations, plainly demonstrates that Glencore, along with these corporations, has neglected its responsibility to safeguard and uphold the rights of Cameroonians by participating in corrupt practices. Company managers and businesses have a duty to refrain from participating in activities that harm the rights of Cameroonians. These companies failed to adhere to the rights of Cameroonians as stipulated in the constitution and the African Charter. This statement provides additional clarification that the majority of MNCs in Cameroon actively disregard human rights by collaborating with government authorities, and they also handle natural resources in an inadequate manner. By holding Glencore accountable, it becomes evident that the violation of economic rights in Cameroon must be addressed in order to promote the country's development. The decision to hold Glencore responsible is praiseworthy. This ruling pertains to the assessment of the economic damages incurred by Glencore due to its involvement in activities that could have been avoided had the business adhered to the anti-corruption treaties agreed by the United Nations and African Union. These two conventions serve as preventive measures against the perilous practices of corruption, particularly by multinational corporations engaged in global ventures.

Corruption is a prevalent issue that plagues numerous African nations. The Glencore scandal, characterised by the act of bribing and inducing state officials to gain unfair

access to natural resources, is highly illegal. The pervasive corruption within the private sector in Cameroon has significantly impeded the Cameroonian people's ability to exercise their right to progress. MNCs are entities that exert significant influence over national economies, notably in terms of controlling private development resources. However, they operate within the framework of state regulation and control. Glencore flagrantly contravened Article 4(1)(e) and (f) of the AU Convention on Corruption by engaging in corrupt activities that are in direct violation of Cameroonian legislation. The Glencore issue in Cameroon bears resemblance to the Halliburton case, wherein the business was accused of bribing Nigerian government operatives to manipulate the contract allocation for the Liquefied Natural Gas project in Nigeria (Rudolf 2012).

The Herakles Farms case in Cameroon is an instance of an MNC being implicated in human rights crimes. The corporation participated in widespread illegal land procurement, resulting in adverse impacts on the residents and communities in Ndian Division in the South West Region (Dawe et al. 2012). The business established the Fabe palm nursery through their subsidiary SGSOG (SG Sustainable Oil Cameroon). Following the establishment of the nursery, a judge granted a restraining order in August 2011, halting the operations of the nursery. However, Herakles Farm persisted in carrying out its activities. It is crucial to emphasise that the corporation broke Cameroonian law when they disregarded a Mudemba court decision that forbade their operations as the local population demanded. The farm was unable to acquire an operational licence in accordance with Article 7 of the legislation that regulates the eligibility criteria for plantations in Cameroon, which is Decree No. 76-166 of April 1976 to establish the terms and conditions of management of national lands and land grants in the "natural" domain in excess of 50 hectares requiring presidential consent. The case involved a violation of various rights, including economic, environmental, land, social, and property rights. The lack of biodiversity protection in the area constitutes a violation of the African agreement on the conservation of nature and natural resources. The violation of environmental rights resulted in the destruction of land that housed protected rare habitats and species, as stipulated by the Biodiversity Convention. This is clear under the Algiers Convention adopted in 1968. The legislation has dealt with the relevant provisions, which most MNCs violate. Going into investigations, it was discovered that the animals whose

rights were abused were elephants, chimpanzees, and aquatic species. The area also functioned as a natural habitat for medicinal plants that were used by the local populations. The widespread environmental degradation caused by the push for palm plantation expansion in the South West Region has been identified by many advocates as one of the world's 25 most crucial regions for conserving biodiversity. The corporation was convicted of engaging in unlawful deforestation based on documentary evidence provided by officials from the Ministry of Forests and Wildlife. Here we observe a blatant contempt for the rules and institutions of Cameroon, including the presidential decree, operational legislation, and judicial orders.

It is important to note that the corporation violated the rights of civilians when local residents were imprisoned and subjected to torture for resisting the company. The torture was condemned by the World Organisation Against Torture (OMCT) and the International Federation for Human Rights (FIDH). In 2012, Cameroonian human rights activists affiliated with the organisation Struggle to Economise Our Future Environment (SEFE) orchestrated a nonviolent and peaceful protest against Herakles Farms. However, they were apprehended and unlawfully detained for an extended period without being formally charged (Dawe et al. 2012).

Herakles Farm committed another violation of environmental law and environmental rights by failing to do an Environmental and Social Impact Assessment (ESIA). The aforementioned stringent requirement is stipulated in the 2003 revision of the African agreement on the conservation of nature and natural resources. The updated law addresses various additional environmental rights and concepts, such as the right to a sustainable and satisfactory environment as stated in Article 3 of the convention, which the firm neglected to uphold. Cameroon may be held responsible for breaching Article 2 and Article XIV(2)(b) of the convention, which stipulates that Cameroon must guarantee that its policies, plans, programmes, strategies, projects, and activities that could impact natural resources, ecosystems, and the environment as a whole undergo a thorough impact assessment as early as possible. Additionally, regular monitoring and auditing of the environment must be carried out. The failure of Cameroon to enforce the provisions of this convention resulted in the violation of numerous environmental rights in Cameroon by Herakles Farm, which had direct repercussions for the local people. Here we observe the lack of governmental accountability in executing its own rules, notably the polluter pay principle that

Herakles Farm breached according to International Environmental Law. Their actions posed a significant danger to the economic survival of the residents and agricultural workers in Mudemba. (Cameroon/SGSOC/2009, Oakland) (Dawe et al. 2012). The American MNC began its operations by seizing the farmlands of farmers without providing sufficient compensation for the land. It is argued that the performance conditions of the International Finance Corporation (IFC) utilised in palm oil plantings by Herakles Farm were extremely inadequate. The project failed to adhere to several regulations, including the omission of restrictions and the failure to establish a specific threshold for greenhouse gas emissions.

In the Herakles Farm case, a Cameroonian individual and an international non-governmental organisation (NGOs) expressed their opposition to the project, alleging its illegality (Dawe et al. 2012). The corporation violated the conventions established by the Centre for Environment and Development (CED) and Reseau de Lutte Contre la faim (Relufa), two local NGOs, that are recognised under both national and international law. Herakles Farm was equally held responsible for the illegal deforestation. The company did not meet the requirements and standards set by RSPO, including its principles and criteria, as well as the performance standards of the IFC. The corporation failed to ensure the promotion of sustainable oil palm goods in accordance with the regulations set by worldwide standards. They failed to halt deforestation and the clearing of peat lands. The corporation faced allegations of engaging in habitat destruction through the practice of land grabbing from local communities while also emitting millions of tonnes of carbon. Additionally, it failed to meet its environmental standards.

It is evident in this situation that the American company implemented its development strategy in Cameroon without obtaining legal authorisation from the Cameroonian population. When the local residents opposed the company's actions, which had negative consequences for their community, the leaders were unjustly detained. Based on the information provided, it has been shown that the corporation indeed employed harmful environmental practices, since its operations were aggressive and detrimental to the environment. Article 1 of the RTD Declaration, which was adopted by the UN General Assembly on December 4th, 1986, recognises the right to development as an inherent and non-transferable right that is enjoyed by individuals and communities. The concept of the right to development is aligned with the goals

and principles outlined in Agenda 2030 for sustainable development (Atabongawung 2021). The failure of Glencore and Herakles Farm to respect the developmental rights necessary for achieving sustainable growth or progress in Cameroon, while their activities infringed upon these community rights, not only contravenes international human rights standards but also violates the African Charter on Human and Peoples Rights, to which Cameroon is a signatory.

The Cameroonian communities did not benefit economically from the environmental infractions resulting from FDI by MNCs. The residents of Mudemba were subjected to rights violations, which had a negative impact on their development. Herakles Farm, however, evaded accountability for these violations, notwithstanding the lack of real justice. The Cameroonian government's inability to hold these two major firms accountable through legal means can be attributed to either their contribution of foreign direct investment to Cameroon or their affiliation with powerful powers such as the USA. According to Atabongawung (2021), the actions of corporate entities as investment agents can have repercussions on individuals and communities when these corporations engage in unethical corporate practices. Based on the aforementioned cases, it is strongly contended that foreign direct investment in Cameroon has significant negative consequences, particularly in terms of human rights abuses. This, in turn, hinders economic and rights development as these corporations fail to uphold or demonstrate a commitment to promoting and safeguarding these rights. From the aforementioned incidents, it is evident that foreign direct investment initiatives failed to safeguard, advance, or uphold human rights, particularly the right to development, which is an inherent and non-negotiable human right. MNCs are recognised as legal entities, which means that they have legal rights and can be held responsible for committing serious violations and abuses of rights according to both national and international laws (Sengupta 2002). It is important to note that the right to a fair trial also applies to incorporated firms that are members of Cameroonian society. Consequently, businesses conducting business in Cameroon can be summoned to court for committing human rights crimes. Herakles Farm and Glencore violated the corporate obligation to uphold human rights in the aforementioned instances.

According to Article 29(1) of the Universal Declaration of Human Rights, individuals and corporate bodies have a duty to fulfil communal commitments for development.

Contrary to expectations, the actions of Glencore and Herakles Farm in Cameroon did not align with this. Furthermore, it is worth noting that Article 30 of the aforementioned declaration imposes a duty on both persons and organisations to refrain from engaging in any harmful activities that infringe against the rights outlined in Article 29. The actions of Glencore and Herakles have significantly impacted Cameroonians in terms of sustainable rights violations resulting from foreign direct investment (FDI). Glencore and Herakles Farm, as the holders of rights, acted unlawfully. They neglected their community obligations. In addition, the African Charter on Human and Peoples Rights stipulates that “all individuals shall possess the entitlement to their economic advancement while respecting their liberty and identity and in the equitable enjoyment of the collective inheritance of humanity.” It is important to highlight that African nations have both an individual and collective responsibility to guarantee the implementation of the right to development, as stated in Article 22 of the African Charter. Article 21 of the African Charter addresses the utilisation of wealth and natural resources for the sole benefit of the African people. Article 22 is interpreted in conjunction with Article 24 of the same Charter, as was determined in the case of Social and Economic Rights Action Centre (SERAC) & Another v. Nigeria.

This Cameroonian experience is analogous to that of other countries throughout the African continent. Over 80 multinational corporations worldwide have been linked to the illicit exploitation of natural resources in Cameroon, similar to the involvement of Herakles Farm, an American company, in the Democratic Republic of the Congo. The companies in Africa that engage in human rights violations are active in various sectors such as forest resources, gold, palm oil, manganese, cobalt, platinum, uranium, oil, and gas (Forstater et al. 2010). One significant issue identified here is the lack of sufficient measures to hold MNCs accountable for their violations of human rights, which poses a fundamental challenge in Cameroon and throughout Africa. Without a determination from the Cameroonian authorities to hold these firms responsible, numerous victims, such as those in the Herakles case, will be denied access to justice (Mujyambere 2017). In the case involving Anvil Mining, a Canadian-incorporated company that operated in the Democratic Republic of Congo (DRC), the company was accused in a United Nations report of committing various human rights abuses. The report found that the company was responsible for acts such as rape,

torture, killings, unlawful seizure of property, and unlawful arrests. Although legal processes were initiated in both the Democratic Republic of the Congo and Canada, these claims were deemed inadmissible. In the *Okpabi & Others v. Royal Dutch Shell* case, the court rejected the tort allegations made against the Royal Dutch Shell business (Atabongawung 2021). Despite the inadmissibility of the claims, it is evident that multinational firms can face lawsuits both domestically and internationally. It is important to mention that in both the *Glencore* and *Herakles* cases, MNCs could face legal action in the jurisdictions where they were established. Nevertheless, in the legal case brought before the African Commission involving the Democratic Republic of the Congo, Burundi, and Uganda, it was determined that the denial of the Congolese people's right to freely control and utilise their wealth and natural resources constitutes a violation of their rights. These rights are protected under Article 22 of the African Charter. In the legal case of *Vendanta Resources Plc & Another v. Lungowe & Others* in Zambia, a group of Zambians filed a class action lawsuit on behalf of their community about the emission of environmental gases from the Nchanga Copper Mine. These instances illustrate that individuals from Cameroon have the ability to initiate legal proceedings against MNCs, either domestically or internationally, particularly where they have been subjected to human rights abuses as a consequence of foreign direct investment. International and national human rights law allows Cameroonian communities to authorise certain individuals to legally represent them in suing MNCs when their communal properties are damaged. This delegation of power must follow established legal procedures and be officially recognised. However, this scenario may not occur when individuals who have been given authority do not possess it or if the authority is revoked. Article 9.1 of the Third Draft African Convention on Business Rights states that cases involving serious violations of human rights can be brought to courts with the authority to handle such matters. The court will hear and decide on these cases, which the victims or their representatives may initiate. According to this article, the laws of the jurisdiction where a legal process is launched will control any claims that arise from alleged acts or omissions.

7 Analysis

The article has concluded that foreign direct investment, as a discipline under international trade law, has legal consequences. These consequences mostly relate

to the human rights violations carried out by multinational firms in Cameroon. Furthermore, we have examined other instances of irresponsibility within different communities. Upon investigating these transgressions, we have observed a dearth of effective and adaptable government intervention in resolving instances of human rights violations, hence exacerbating worries regarding the growth and safeguarding of human rights in Cameroon. It is remarkable that in the contemporary period, we witness foreign corporations transgressing human rights in the countries where they operate, and Cameroon is one such country. These companies have violated both international and national laws. Additionally, they have disregarded corporate standards that are meant to regulate their actions, despite the existence of regulations and principles of fairness and justice. Furthermore, these MNCs lack respect for human rights, and their actions have caused economic and environmental harm to rural communities in Cameroon. It is evident from international laws that legal action should be taken against the actions of MNCs. However, the Cameroonian government has failed to effectively address the conflicts arising from economic and environmental abuses resulting from foreign direct investment. The administration, as observed in multiple instances, displayed apathy towards these infractions, which we categorise as both direct and indirect. The article has disclosed that in Cameroon, MNCs exploit natural resources and economic opportunities, resulting in human rights crimes against the country's citizens. Furthermore, the numerous instances of rights violations not only contribute to community turmoil but also pose a threat to the well-being of both the population and the enterprises involved. It is evident that the self-centred behaviour exhibited by many multinational corporations operating in Cameroon is very perilous and contributes to societal instability. The occurrence of human rights abuses has not only resulted in the displacement of individuals who are unable to coexist with big MNCs in their communities, but the surge of human rights violations in Cameroon also serves as an obstacle and a cause of social disunity. Certain MNCs impose restrictions on local community members, preventing them from accessing their facilities. Individuals in the majority of communities are prohibited from freely accessing or approaching the premises of MNCs. In addition, specific communities are denied the opportunity to derive advantages from the products or services, which is a blatant infringement upon their inherent and essential rights.

7.1 Conclusion

In conclusion, it can be argued that MNCs, in their determined pursuit of exploiting the resources within Cameroon's territorial space, have failed to bring about significant improvements in respecting human rights and have instead violated the rights of Cameroonians. Every day, a significant number of impoverished, disadvantaged, and marginalised Cameroonians face the ongoing hardships caused by these violations. It is important to recognise that the difficulties encountered by many communities due to the negative impacts of MNCs require immediate resolutions. These transgressions are regarded as posing significant challenges to the survival of communities. Furthermore, the advancement and economic success of these communities cannot be attained due to the lack of empowerment and accountability from these corporations, particularly the absence of justice, fairness, and equity. When big businesses infringe upon the rights of individuals with their multi-billion-dollar profits generated from resource investments, it becomes unjust. Furthermore, these firms are in violation of Cameroonian tax legislation by failing to disclose their tax payments. The failure to tax Cameroonian properties is a violation of Cameroonian tax law. We recommend that the authorities strictly enforce all human rights laws against MNCs to prevent them from evading taxes, concealing profits through illegal methods, and infringing upon the rights of individuals and the society in which they operate. Additionally, conducting investigations into various MNCs in Cameroon may yield beneficial outcomes for the communities whose rights have been violated. Sufficient evidence will reveal that the majority of MNCs in Cameroon not only evade human rights abuses but also avoid being accused or prosecuted for the offences they conduct, which is clearly incorrect. Based on these instances, it may be said that Cameroon has not made progress in advocating for the rights of communities affected by MNCs. Regrettably, Cameroon has yet to adopt the practice of holding multinational corporations accountable for causing harm to individuals and communities, consequently causing significant damage to these communities through their egregious actions.

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