

Challenges to the Appropriate and Adequate Implementation of Environmental Protection Measures for the Achievement of a Healthy Environment in Cameroon

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Abstract

Cameroon faces significant environmental challenges, including deforestation, pollution, and climate change, which threaten the health and well-being of its citizens. Despite the existence of environmental laws and regulations, the implementation of environmental protection measures remains inadequate. This paper examines the challenges hindering the effective implementation of environmental protection measures in Cameroon. In a bid to realize the objective of this paper, the researcher makes use of the qualitative research methodology with unstructured interviews and observations as key methods. Hence, the ensuing results identify weak institutional capacity, lack of enforcement, inadequate funding, and limited public awareness as major obstacles. The paper also highlights the impact of corruption, poor governance, and conflicting interests on environmental protection efforts. To address these challenges, the paper recommends strengthening institutional capacity, increasing public awareness and participation, and ensuring effective enforcement of environmental laws. Additionally, it suggests exploring innovative financing mechanisms and promoting sustainable development practices to achieve a healthy environment in Cameroon. The findings of this paper have implications for policymakers, environmental stakeholders, and the general public, emphasizing the need for collective action to protect Cameroon's environment and promote sustainable development.

Keywords: challenges, appropriate, adequate, implementation, environmental, protection, measures, achievement, healthy environment, Cameroon

1. Introduction

Variants of a right to an environment of a particular quality can be found in numerous national constitutions, as well as in the regional human rights instruments of Africa and the Americas and several international declarations

and other soft-law instruments. The right is also included in the multilateral United Nations human rights conventions, although these treaties do guarantee numerous human rights which could be said to possess environmental dimensions, such as the right to health, life, and

an adequate standard of living. United Nations bodies including the Office of the High Commissioner for Human Rights, the United Nations Environment Programme and the Human Rights Council have recognised the close relationship between the environment and human rights and have acknowledged the need for further work on the possible development of the law in this area.¹

The history of environmental protection dates as far back as humans have lived on the earth. From the period when man was a forager to when he adopted a sedentary lifestyle, environmental harm through mostly pollution, ecological degradation, ozone layer depletion, has gradually accumulated to the point where it has become clear that it is a major human problem. Unavoidably, various pollutants are by-products of most human activities. An increase in economic development results in a corresponding increase in the quantity and complexity of the waste generated, deforestation and biodegradation with severe environmental and health consequences. The major sources of pollutants include commercial, construction, residential households, mining, and the agricultural sector. These sources give rise to hazardous waste harmful to the environment.

The concept of environmental protection is relative, as it conveys different meanings to different persons.

During the pre-industrial revolution era, as cities and towns with their populations grew, concerns for public health began emerging through environmental protection measures such as, organized municipal solid waste management systems in ancient cities as way

back and as early as 2000 B.C.². By 500 B.C, the Greeks had organized the first acknowledged Municipalw dumps and issued the first decree against throwing garbage in the streets. Environmental protection during this era consisted mostly of removing waste from buildings and discarding it on the land either uncovered or buried, as well as in open water bodies such as ponds, rivers, lakes, and oceans.³

The Industrial Revolution transformed Europe and America into 'Urban Giants'. As industries pulled populations into urban centers, sanitation problems ensued along with its attendant problems of waste generation, thus necessitating the need for environmental protection policies. Environmental protection therefore became a growing global concern due to increased industrialization and urbanization taking place across the globe. This is due to its impact on the environment and human health. For instance, leachate from municipal waste leads to the pollution of surface and underground water sources; increased risk of cancer due to poorly regulated incineration, thus constituting a hazard to the surrounding communities. These negative impacts of human activities on the environment triggered efforts toward international environmental protection, beginning from the Stockholm Declaration of 1972 to present date.

The Stockholm Declaration of 1972 is a product of the first United Nations Conference that placed environmental issues at the forefront of international discuss and started dialogue between industrialized and developing countries on the link between economic growth, the pollution of air, water, and oceans and the wellbeing of people around the globe. An important milestone of the Stockholm conference was the creation of the United Nations Environmental Program (UNEP) in Nairobi, Kenya. Another outcome of the Stockholm Conference is the 1972 convention for the prevention of Marine pollution by dumping of waste and other matter ⁴ known as the London Convention.

After the Stockholm Conference, the United Nations created the World Commission on

¹ See Office of the High Commissioner for Human Rights, Analytical study on the Relationship Between Human Rights and the Environment, UN Doc A/HRC/19/34, 16 December 2011 para 64-73; John Knox, Report of the Independent Expert on the issue of human rights obligations relating to the enjoyment of a safe, clean and healthy environment: Mapping Report, UN Doc No A/HRC/25/53 (30 December 2013) presented to the Human Rights Council 25th SESS, agenda item 3 (11 March 2014); Office of the High Commissioner for Human Rights and United Nations Environment Programme, Human Rights and the Environment: Rio+20 Joint Report OHCHR and UNEP, Background document for OHCHR-UNEP Side Event 'Human Rights at the Centre of Sustainable Development - Honouring Principle 1', United Nations Conference on Sustainable Development, Rio de Janeiro, 19 June 2012; Alan Boyle, 'Human Rights and the Environment: Where Next?' (2012) European Journal of international Law 23(3) 613, 618.

² Melosi, V. (1983). *Garbage in the cities: Refuse reform and the environment*. Texas A&M University Press.

³ *Ibid*.

⁴ Weiss, B. (2011). The evolution of international environmental law. *Georgetown Law Faculty Publications*, 54, 1-27.

Environment and Development known as the Brundtland Commission in 1983. The work of the commission resulted in the report "Our Common Future" in 1987 which laid the foundation of the concept of Sustainable Development.

The 1992 Rio de Janeiro Earth Summit on Environment and Development resulted in the signing of the United Nations Framework Convention on Climate Change (UNFCCC) and the United Nations Convention on Biological Diversity (UNCBD). The Rio Declaration was equally established which reaffirmed the Stockholm Declaration and the Agenda 21 which is an environmental action plan to deal with some fundamental problems of resource degradation and aid to the developing world.

After the Rio Declaration, most major treaties began to include environmental protection as an important aspect. Some of these include; the Basel Convention(1992) on the Control of Transboundary Movements of Hazardous Waste and their Disposal; the Stockholm Convention (2004) on Persistent Organic Pollutants; MARPOL (1973) Convention for the prevention of Pollution from Ships; the Rotterdam Convention (1998) on the Prior Informed Consent Procedure for Hazardous Chemicals and Pesticides in International Trade; the Kyoto Protocol (1992); the Paris Agreement (COP 21); the 27th Conference of the Parties to the United Nations Framework Convention on Climate Change (COP 27) to establish and operationalize a loss and damage fund; the Bamako Convention (1991) on the ban of the import to Africa and the control of transboundary movement and management of hazardous waste within Africa.

Globally, 7 - 9 billion tons of waste are produced yearly. Waste generation has increased from 635 million tons in 1965 to 1,999 million tons in 2016 and will reach 3,539 million tons by 2050¹. Different types of human activities have different impacts on the environment and human health in relation to the disposal methods. Plastic for instance is durable and can persist in the environment for decades. As such, they have become an urgent global concern.

On a global scale, plastic production is

increasing at an exponential rate. This large-scale production of plastics started around the 1950's, much of which is discarded almost immediately after use. This has overwhelmed governments and municipal efforts around the globe in managing plastic waste, leading some researchers to describe our present era as the "Plastic Age"².

In comparison with the developed regions in terms of the volume of pollutants generated, the generation rate in Africa is relatively low, but faces an increasing environmental Crisis. Statistics show that 125 million tons/annum of solid waste was generated in Africa in 2012, and the volume of waste is expected to grow to double by the end of 2025. Of the total waste generated, only 55% is collected on average, while close to half of all is dumped along the streets, runoff channels, river channels, and open fields³.

Cameroon shares the same environmental management experiences with most developing countries. A plethora of environmentally related conventions ratified by Cameroon do exist. Some of these conventions amongst others include: The Bamako Convention on the Prohibition to import hazardous waste in Africa and the control of their Transboundary Movements of 30 January 1991; Kyoto Protocol to the United Nations Framework Convention on Climate Change of 11 December 1997; as well as Laws such as Law No.94/01 Of 20 January 1994 to lay down forestry, wildlife, and fisheries regulations; Law No. 96/12 Of 05 August 1996 relating to environmental management. These conventions, laws, and decrees are at the forefront of efforts at the national level to combat environmental harm in relation to human existence.

The plurality of regulations in environmental management has not been matched with practice in the field as mostly, waste management has remained the traditional collect and dump strategy, biodiversity is being depleted with impunity and the climate change has been left unattended to. In some slums and spontaneous build up areas, it is common to see household waste littered along roadsides,

¹ Meng-Chuen, D., et al. (2020). The world's growing municipal solid waste: Trends and impacts. *Environmental Research Letters*, 15. DOI: 10.1088/1748-9326/ab8659

² Richard, C., Shanna, H., et al. (2009). Our plastic age. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 369, 1973–1976.

³ Scarlat, N., et al. (2015). Evaluation of energy potential of municipal solid waste from African urban areas. *Renewable and Sustainable Energy Reviews*, 50, 1269–1286.

stream channels covered with plastic bottles, drainage and runoff trenches blocked with solid waste and a lot more.

Despite the adoption of several continental and regional policies to enhance a healthy environment, the ability to enforce these environmental regulations in many African countries, not least Cameroon, has resulted in impunity, thus weakening the effectiveness of environmental management in general. This problem is best reflected in urban towns and cities of Cameroon.

The status of the right to a healthy environment in international human rights law has attracted much scholarly attention as part of a broader discourse on the interrelationship between human rights and the environment. There is frequent reference to a right to a healthy environment in the literature but little consensus as to what such a right actually guarantees, why it is justified or even whether it exists. It is generally accepted that human rights and the environment are mutually supportive, as environmental degradation can undermine the enjoyment of human rights, while strong human rights protections contribute to better environmental management and conservation, but there is disagreement as to exactly what form this relationship should take.¹ A number of scholars have argued that the interconnectedness between the environment and human rights should lead to a conclusion that humans possess a right to a healthy environment, although there is considerable variation in how these scholars define the right and how they would justify its recognition within international law. There is also disagreement among scholars regarding the status of the right, with some arguing that it does not yet exist but should be adopted, while others say that it is emerging within customary international law or even that it has already attained customary status. There are also strong arguments that the right to a healthy environment does not yet have a place within international law and ought not to be recognised.

It is against this backdrop that this research seeks to conduct a comprehensive investigation of the status and merits of the right to a healthy

environment, what the rights guarantee, how is it justified and if it is actually in existence and to what extent. The research is premised on the notion that assertions of the existence of a human right to a healthy environment or calls for its international legal recognition should be interrogated, as the legitimacy of human rights depends on the justifiability of any new or emerging right. Given the increasing use of human rights principles and language in discussions surrounding climate change and other environmental hazards, the research particularly aims to ascertain how to achieve a right to a healthy environment in Cameroon, what it might mean with respect to environmental challenges and the role played by the State that is considered to be the duty bearer on the one hand and that of non-state actors who are deemed to be ordinary citizens, and private interest operators deemed to be stakeholders in the process. To that end, this article examines a few theoretical, legal, practical, and political aspects of the debate, in an attempt to identify the current legal status of the right and then explore the requirements and limitations which would apply to any future legal recognition and guarantees.

2. National Legal Framework Guaranteeing the Achievement of a Healthy Environment

The Republic of Cameroon has made significant legal commitments to ensure environmental protection and the realization of the right to a healthy environment through its national legal framework. This framework comprises constitutional provisions, legislation, and sectoral laws. A plethora of domestic legislations have been enacted in Cameroon for the regulation and proper management of the environment. These laws include amongst others the 1996 Constitution, the 1996 Law on Environmental Management and the 2016 Penal Code. These laws will be treated in turns.

2.1 The 1996 Cameroon Constitution

The Cameroon Constitution is the organic Law of the land. The reunification of the two Cameroons to form the Republic of Cameroon on the 20th of May 1972 led to the adoption of the 1972 Constitution. As such, the Cameroon Constitution promulgated in 1972 forms the basis of the current Cameroon constitution. On the 18th of January 1996, the Cameroon National

¹ Anton, D., & Shelton, D. (2011). *Environmental protection and human rights* (pp. 118–119). Cambridge University Press.

Assembly passed the 1996 law¹ which amended the constitution of 2 June 1972². In April 2008, Law No.2008/001 of 14 April 2008 was passed to amend and supplement some provisions of the 1996 Law which amends the 1972 Constitution.³

The Cameroon Constitution does not lay much emphasis on environmental management in rendering it healthy for her citizens. This notwithstanding, the preamble to the constitution provides the starting point for environmental protection in Cameroon. It provides that 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.⁴ The right to a healthy environment cannot be attained if waste is not properly managed, biodiversity exploitation not properly regulated as well as control of activities that deplete the ozone layer. The Constitution therefore places the onus on both the state and the citizens to ensure proper environmental management for the benefit of the citizenry.

The Preamble to the Constitution which is considered as part and parcel of the constitution⁵ therefore addresses the issue of environmental management by according the duty to protect the environment to the Cameroonian citizenry.

2.2 Law n° 96/12 of August 5, 1996, on the Framework Law Relating to Environmental Management

The 1996 Framework Law on environmental management, considered as the cornerstone legislation on environmental protection in Cameroon, lays down the general legal framework for environmental management in Cameroon. The law defines waste as any residue from the production, processing or utilization process, any substance or material produced or more generally any movable and immovable goods abandoned or intended to be abandoned.⁶

¹ Law No.96/06 of the 18 January 1996 to institute the Cameroonian Constitution as amended by Law No.2008/001 of 14 April 2008.

² Onang, T. E. M. (2002). *Moderne law and local tradition in the forest heritage conservation in Cameroon: The case of Korup* (Unpublished doctoral dissertation). Brandenburg University of Technology in Cottbus.

³ *Ibid.*

⁴ Constitution of the Republic of Cameroon. Art 5.

⁵ *Ibid.*

⁶ Article 4 (C) of the 1996 Framework Law.

Its Articles 42 – 53 provides for mechanisms for waste disposal and management.

Pursuant to Article 42, waste shall be treated in an ecologically rational manner to eliminate or curb their harmful effects on human health, natural resources, the fauna and flora and on the quality of the environment in general. Article 46 (1) points out that decentralized territorial councils shall eliminate household waste, possibly with the competent state services, in keeping with the laws in force while Article 46 (2) adds that the decentralized territorial councils should ensure that all midnight and abandoned dumps be eliminated with assistance of the competent authority.

More so, Article (48) of the law adds that when waste is abandoned, dumped or processed in violation of the prescription of this law and its enabling regulations, the authority vested with police powers shall automatically eliminate the said waste at the expense of the said producer, after charging the producer to pay.

The law prohibits the burial of waste in the sub-soil. Any person intending to do so must be authorized by competent authorities.⁷ The burial of waste without authorization shall lead to evacuation of the waste by the person who buried it.⁸ Waste immersion, incineration or elimination by any procedure in the continental and or maritime waters under the Cameroonian jurisdiction is strictly prohibited under the law.⁹ The law prescribes as penalty for any person who degrades the soil or subsoil or alter the quality of waters for want of proper waste management an obligation to pay a fine of 1000,000FCFA to 5000,000FCFA and an imprisonment sentence of 6 (six) months to 1 (one) year or only one of these two.

The framework law on environmental management is therefore very strict when it comes to solid waste management.

The Law equally defines environmental rights, sustainable development, and pollution control and mandates environmental impact assessments (EIA) for activities that are susceptible to causing harm to the environment¹⁰.

2.3 Law No 2016/007 of 12th July 2016 to Institute

⁷ Article 51 (1) of the 1996 Law.

⁸ Article 52 (2) *Ibid.*

⁹ Article 49 *Ibid.*

¹⁰ Law No 96/12 of 5 August 1996.

the Cameroonian Penal Code

The Penal Code¹ is that code that defines specific offenses and their respective sanctions. The function of penal laws is to protect the most important values of the society, by criminalizing offences. Cameroon has a well-defined and structured Penal Code which aims at punishing defaulters. Worthy of mention is the fact that the Cameroon Penal Code is not too strict with regards to ineffective waste management. Rather it gives a general sanction to acts against public safety and Environmental Protection thereby showing its relevance to this article.

As provided in Section 229(1) of the Cameroon Penal Code, whoever unauthorized does not in immediate effect discard of dangerous or toxic waste generation by its company shall be punished with imprisonment of from 5 years to 10 years and a fine of from 5000,000 to 500,000,000 XAF. Section 261 emphasize more on pollution. As per the provisions of Section 261 whoever by his operations, pollutes any drinkable water liable to be used by another, or so, pollutes the atmosphere as to render it harmful to human health, shall be punished with imprisonment for from 15 days to 6 months or with fine of from 5000 to 1000000 XAF or with both such imprisonment and fine.

This legal provision underscores the imperative for individuals to adhere to the laws governing the environment. Failure to comply could result in both fines and imprisonment.

2.4 Law No. 94/01 of 20 January 1994 on Forestry, Wildlife, and Fisheries

This Law regulates the sustainable exploitation of natural resources.² The right to a healthy environment is increasingly recognized as a fundamental human right both internationally and within domestic legal systems. In Cameroon, one of the most significant legal instruments for environmental protection is Law No. 94/01 of 20th January 1994 relating to the management of forests, wildlife, and fisheries. This law plays a foundational role in operationalizing the right to a healthy environment by setting forth principles and regulatory mechanisms for sustainable natural resource management.

Law No. 94/01 was enacted in response to both

domestic environmental challenges and international commitments, such as the 1992 Rio Earth Summit, which emphasized sustainable development and environmental stewardship. While the Cameroonian Constitution does not explicitly recognize the right to a healthy environment, Article 9(1) of the law reflects the principle of sustainable use of natural resources, which is a component of that right. This legal instrument is grounded in a preventive and precautionary approach, emphasizing environmental impact assessments (EIA) as mandatory for projects likely to affect natural ecosystems³.

Law No. 94/01 classifies forests into permanent and non-permanent domains, with the aim of curbing deforestation and biodiversity loss. It promotes reforestation and mandates that logging companies operate under approved management plans⁴.

This law introduced EIAs into Cameroonian legislation. Article 17 requires that major development projects must undergo environmental scrutiny to prevent degradation⁵. This tool ensures that potential threats to the environment are identified and mitigated before implementation.

Through its provisions on wildlife conservation, including the creation of national parks and protected areas, the law ensures habitat preservation. This not only protects ecological integrity but also supports the broader objective of a clean and safe environment⁶.

This law equally recognizes the rights of local and indigenous communities to participate in the management and benefit-sharing of forest resources. This aligns with the principle of environmental democracy, a core element of the

¹ Law N0 2016/007 of 12th July 2016.

² Republic of Cameroon. (1994). Law No. 94/01 of 20 January 1994 on Forestry, Wildlife and Fisheries.

³ Republic of Cameroon. (1994). Law No. 94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations, Article 17.

⁴ Tchawa, P. (2009). Forest policy and legislation in Cameroon. *Forest Policy and Economics*, 11(5-6), 345–356. <https://doi.org/10.1016/j.forpol.2008.10.001>

⁵ Oyono, P. R., Biyong, M. B., & Samba, S. A. N. (2012). Beyond the Decade of Policy and Community Euphoria: The State of Livelihoods under New Local Rights to Forest in Rural Cameroon. *Conservation and Society*, 10(2), 173–181.

⁶ Karsenty, A. (2007). Questioning rent for development swaps: New market-based instruments for biodiversity acquisition and the land-use issue in tropical countries. *International Forestry Review*, 9(1), 503–513.

right to a healthy environment¹.

Despite its progressive nature, Law No. 94/01 faces challenges in enforcement, including inadequate institutional capacity, corruption, and conflicts between development interests and environmental protection. Illegal logging and weak monitoring continue to undermine the environmental rights of citizens².

Law No. 94/01 contributes significantly to environmental governance in Cameroon. It indirectly enforces the right to a healthy environment by establishing legal obligations for sustainable resource use, ecological conservation, and public participation. In doing so, it aligns with international human rights and environmental standards, such as the African Charter on Human and Peoples' Rights (Article 24)³.

2.5 Law No. 98/005 of 14 April 1998, Governing Water Resources in Cameroon

Water is an essential component of the environment, and its protection is intrinsically linked to the realization of the right to a healthy environment. Cameroon's Law No. 98/005 of 14 April 1998 establishes the legal framework for the management and protection of water resources. This law forms a cornerstone in national efforts to guarantee access to clean water, prevent pollution, and promote sustainable development which are key components of environmental rights. Law No. 98/005 provides for the protection of both surface and underground water against pollution and misuse. It defines water as a national patrimony and emphasizes its rational and equitable use. The law prohibits the pollution of water sources and requires that any industrial or economic activity likely to affect water quality must undergo prior environmental impact assessments and obtain government authorization⁴. Articles 14–17 of the

law criminalize the discharge of harmful substances into water bodies without treatment, thereby safeguarding human health and ecosystems⁵.

The law mandates the rational exploitation of water resources, in line with the principles of sustainable development⁶. The Law equally provides mechanisms for public involvement in water management, including local communities affected by water projects⁷.

The right to a healthy environment, although not expressly enshrined in the Cameroonian Constitution, is implied through the combination of various environmental statutes and international commitments. Law No. 98/005 supports this right by ensuring access to clean and safe water, preventing environmental degradation, and reinforcing government accountability in environmental protection.

Also, the law aligns with Cameroon's obligations under international instruments such as the African Charter on Human and Peoples' Rights, which enshrines the right of peoples to a satisfactory environment favorable to their development⁸.

In essence, Law No. 98/005 is a vital legal instrument in Cameroon's environmental governance regime. It not only regulates the use of water resources but also operationalizes the components of the right to a healthy environment through mechanisms of prevention, control, and public involvement.

2.6 Law No. 98/005 of 14 April 1998

Law No. 98/005 of 14 April 1998 relating to the Orientation of Education in Cameroon is a key legal instrument that, while primarily focused on educational policy, plays an indirect but significant role in achieving the right to a healthy environment. This law recognizes the importance of environmental education and the development of environmental awareness among learners, contributing to long-term sustainable development. The law mandates the integration of environmental education into school curricula, ensuring that students acquire knowledge, attitudes, and behaviors that

¹ Bigombé Logo, P. (2003). Decentralised forest management in Cameroon: the 'Community Forest' experience after five years of implementation. *The Rural Development Forestry Network*, 25e, 1–13.

² Cerutti, P. O., & Tacconi, L. (2008). Forests, illegality, and livelihoods in Cameroon. *Forest Policy and Economics*, 10(5), 497–508. <https://doi.org/10.1016/j.forpol.2008.04.003>

³ African Commission on Human and Peoples' Rights. (1981). African Charter on Human and Peoples' Rights, Article 24.

⁴ Republic of Cameroon. (1998). Law No. 98/005 of 14 April 1998 to Lay Down Regulations Governing Water in Cameroon, Article 9.

⁵ Ibid., Articles 14–17.

⁶ Ibid., Article 7.

⁷ Ibid., Article 21.

⁸ African Charter on Human and Peoples' Rights, June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. (1982), Article 24.

promote environmental protection. This contributes to building a culture of environmental responsibility and sustainability from a young age. "Education shall ensure the training of a responsible citizen who is committed to the protection of the environment..."¹

In a provision that reflects the State's commitment to empowering future generations with the skills and values necessary to preserve and improve the environment, aligning with international environmental principles like those in the Rio Declaration on Environment and Development (1992)².

The Constitution of Cameroon (1996) guarantees every citizen the right to a healthy environment and the duty to protect it. Law No. 98/005 operationalizes this right through educational policy, thus reinforcing the constitutional framework. "Everyone has the right to a healthy environment. The State shall protect and improve the environment".

By embedding environmental concerns in education, Law No. 98/005 contributes to realizing this constitutional right. The law promotes national development in harmony with environmental sustainability. Through training programs and curricula focusing on ecological balance, the law helps shape policies and attitudes that are essential to long-term ecological sustainability.

2.7 Law No. 2003/003 of 21 April 2003 on the Safety of Biotechnology

Cameroon's commitment to the right to a healthy environment is reflected in various legal instruments, including Law No. 2003/003 of 21 April 2003 on the Safety of Biotechnology. This law was enacted to regulate the use of genetically modified organisms (GMOs) and biotechnology to ensure environmental and human safety³. It embodies a precautionary approach consistent with international obligations such as the Cartagena Protocol on Biosafety to the Convention on Biological Diversity⁴. This law is particularly significant

because biotechnological developments, while potentially beneficial for agriculture and health, also pose risks to biodiversity, ecosystems, and public health. This Law establishes a legal framework to assess and manage these risks through mechanisms such as prior informed consent, risk assessment procedures, and monitoring systems⁵.

By controlling the introduction and use of GMOs, the law aims to prevent environmental degradation and protect biodiversity, which are key components of the right to a healthy environment. It also mandates public participation and access to information, aligning with Principle 10 of the Rio Declaration⁶, which is central to environmental justice and sustainability.

To a greater dimension, the law creates the National Biosafety Committee and provides for the establishment of a biosafety clearing house, which facilitates coordination and information sharing. These institutional mechanisms are critical for enforcing environmental protection standards and ensuring accountability in the use of biotechnology. In essence, Law No. 2003/003 supports the realization of the right to a healthy environment in Cameroon by ensuring that biotechnological advancements are safely and sustainably integrated into society.⁷

2.8 Law No. 2003/003 of 21 April 2003

This law, although primarily focused on the safety of persons and property, has implications for environmental protection and public health. This discussion analyses how Law No. 2003/003 contributes to achieving the right to a healthy environment in Cameroon.

Law No. 2003/003 of 21 April 2003 governs the safety of persons and property by regulating activities that may pose risks to public order, safety, and health. It provides mechanisms for preventing accidents, disasters, and other events that may harm human life or the environment. The law applies to both natural and

¹ Republic of Cameroon. (1998). Law No. 98/005 of 14 April 1998 to lay down guidelines for education in Cameroon. Yaoundé: Government Printer.

² Law No. 98/005 of 14 April 1998, Article 4(1)(e).

³ Republic of Cameroon. (2003). Law No. 2003/003 of 21 April 2003 on the safety of biotechnology. Yaoundé: Government of Cameroon.

⁴ United Nations. (1992). Convention on Biological Diversity. Retrieved from <https://www.cbd.int>

⁵ United Nations Environment Programme. (2000). Cartagena Protocol on Biosafety to the Convention on Biological Diversity. Montreal: Secretariat of the Convention on Biological Diversity.

⁶ United Nations. (1992). Rio Declaration on Environment and Development. Retrieved from <https://www.un.org/documents/ga/conf151/aconf15126-1annex1.htm> accessed on 14/3/2025.

⁷ Republic of Cameroon. (2003). Law No. 2003/003 of 21 April 2003 on the safety of biotechnology. Yaoundé: Government of Cameroon.

technological risks and prescribes responsibilities for individuals, corporate bodies, and administrative authorities. Although Law No. 2003/003 is not an environmental law per se, it plays a supportive role in ensuring environmental safety through the various mechanisms.

The law mandates that individuals and organizations take precautions against environmental hazards, such as pollution, chemical spills, or industrial accidents. This preventive approach helps protect air, water, and soil quality, which are essential components of a healthy environment¹.

The law emphasizes that public authorities are empowered to implement safety standards and monitor compliance. This includes environmental safety inspections and the imposition of sanctions against non-compliant entities. These mechanisms promote accountability in environmental management². This law equally promotes public education on safety matters, including environmental risks. It indirectly strengthens the environmental awareness of citizens, encouraging their participation in environmental protection initiatives³. These instruments collectively reinforce environmental governance and the protection of ecological systems necessary for human health. Despite its importance, the implementation of Law No. 2003/003 faces challenges such as limited public knowledge of the law, inadequate enforcement mechanisms, overlapping institutional mandates.

These laws demonstrate Cameroon's attempt to create a comprehensive legal environment that supports the right to a healthy and sustainable ecosystem.

2.9 Decrees, Orders and Circulars Regulating Environmental Management

In addition to the above-mentioned laws in Cameroon are orders, decrees and circulars for the management of the environment.

Decree No. 95/230/PM of 31/04/95 creating the Commission for Municipal Waste Management

¹ Fombad, C. M. (2007). *Environmental protection and human rights in Cameroon*. Yaoundé: University of Yaoundé II Press.

² Ngoh, J. N. (2008). *Cameroon: From a federal to a unitary state, 1961–1972*. Limbe: Design House.

³ Tamo, A. M. (2012). Public awareness and environmental protection in Cameroon: Legal and institutional perspectives. *Journal of Environmental Law and Policy*, 18(2), 101–117.

in Cameroon and charged with formulating policy development for appropriate municipal solid waste management strategies in the country. More recently is the Prime Ministerial Decree No. 2012/2809/PM of September 26th, 2012, on the use of non-biodegradable plastics for manufacturing, importation and commercialization in Cameroon. This decree was later elaborated by the Joint Ministerial Order N. 004/MINEPDED/MIN Commerce of 24th October 2012 on inter alia, the ban of plastic packing less than 6 microns thick.

Also, Order No. D67/N6/NN/ST/SG/BMPHP/NNPA of 11/08/87 and Circular No. D69/ N6/NMHK/SHPA of August 1980 creating Hygiene and Sanitation Units in councils by the Ministry of Public Health for the purpose of waste collection, transportation and treatment norms of industrial, domestic waste and emptying of septic tanks. More so, the Ministry of Urban Development and Housing signed Order N^o. 00072/MINAT/MINVILL of 21/05/00 for the development and implementation of urban restructuring, management strategies, sanitation and drainage as well as defining and enforcing norms of hygiene/sanitation, collection and/or treatment of household waste.

Decree No. 2011/2581/PM of 23 August 2011, Lays down the modalities for the protection of the environment against pollution⁴. It specifies mechanisms for monitoring, controlling, and reducing pollution from industrial and domestic sources.

Decree No. 2005/0577/PM of 23 February 2005, this decree defines modalities for conducting Environmental Impact Assessments (EIA)⁵. It sets procedures and thresholds for EIAs before beginning development projects.

Decree No. 2001/718/PM of 3 September 2001 that regulates hazardous waste management in Cameroon⁶. It provides classification, control, and disposal methods for hazardous substances.

⁴ Republic of Cameroon. (2011). Decree No. 2011/2581/PM of 23 August 2011 laying down the modalities for the protection of the environment against pollution. Yaoundé: Prime Minister's Office.

⁵ Republic of Cameroon. (2005). Decree No. 2005/0577/PM of 23 February 2005 fixing the modalities for conducting environmental impact assessments. Yaoundé: Prime Minister's Office.

⁶ Republic of Cameroon. (2001). Decree No. 2001/718/PM of 3 September 2001 on the regulation of hazardous waste management. Yaoundé: Prime Minister's Office.

Decree No. 94/259 of 31 May 1994 to implement the 1994 Forestry Law, which includes environmental protection provisions. It expands on the procedures for the sustainable use of forest resources and environmental protection¹.

Order No. 0070/MINEP of April 8, 2005. This ministerial order lays down procedures for conducting environmental and social impact assessments (ESIA)². It defines the steps, required documentation, and approval mechanisms necessary for EIA compliance.

Order No. 00001/MINEPDED of February 7, 2012. This order further strengthens environmental governance by establishing guidelines for environmental audits and monitoring of development projects.³

Order No. 222/MINEF of May 25, 2001, Relates to forest exploitation and biodiversity conservation.⁴

Order No. 0073/MINEP of April 4, 2005: Addresses waste management, including hazardous waste⁵.

Order No. 00005/MINEPDED of January 2013. This order focuses on the classification and management of environmentally sensitive areas⁶.

Circular No. 007/MINEPDED of 27 April 2012. To set out guidelines for Environmental Impact Assessment (EIA) Procedures.

This circular clarifies the procedures for conducting Environmental Impact Assessments (EIA) in line with Law No. 96/12 of 5 August 1996 (Framework Law on Environmental

Management in Cameroon)⁷. It operationalizes the requirement for EIAs for development projects that may affect the environment.

Circular No. D/MINEPDED/SG/DRH/SDCC of 20 January 2014. It sets out guidelines on Environmental Audits. It equally promotes periodic environmental audits to monitor compliance of approved projects with environmental standards, ensuring sustainable use of resources⁸.

Prime Minister's Circular No. 001/CAB/PM of 12 January 2006. Aimed at the Integration of Environmental Concerns into Development Planning. This circular, mandates all ministries to integrate environmental sustainability in their sectoral development policies and plans, reinforcing cross-sectoral collaboration⁹.

Circular No. 002/MINEPDED/CAB of 15 March 2016 on waste Management guidelines for Urban (City) Councils¹⁰. It is aimed at municipalities, this circular provides guidelines for the segregation, collection, and disposal of urban solid waste in line with sustainable practices. Circular No. 005/MINATD/MINEP of 9 July 2007. It provides for collaboration between Local Councils and Environmental Services.¹¹ This circular encourages local councils to collaborate with the Ministry of Environment to promote environmental governance at the local level.

With all these laws and conventions, Cameroon can be said to be a nation fully equipped with all the legal instruments for successful collection, transportation and disposal of waste from within the areas of production. However, the

¹ Republic of Cameroon. (1994). Decree No. 94/259 of 31 May 1994 to lay down the modalities for implementing the 1994 Forestry, Wildlife and Fisheries Law. Yaoundé: Prime Minister's Office.

² Ministry of Environment, Nature Protection and Sustainable Development (MINEPDED). (2012, April 27). Circular No. 007/MINEPDED on EIA procedures. Yaoundé: Government of Cameroon

³ Ministry of Environment, Nature Protection and Sustainable Development (MINEPDED). (2012). Order No. 00001/MINEPDED of February 7, 2012.

⁴ Ministry of Forestry and Wildlife. (2001). Order No. 222/MINEF of May 25, 2001, relating to forest exploitation.

⁵ Ministry of Environment and Nature Protection. (2005). Order No. 0073/MINEP of April 4, 2005, on waste management.

⁶ Ministry of Environment, Nature Protection and Sustainable Development. (2013). Order No. 00005/MINEPDED of January 2013 on sensitive area management.

⁷ Ministry of Environment, Nature Protection and Sustainable Development (MINEPDED). (2012, April 27). Circular No. 007/MINEPDED on EIA procedures. Yaoundé: Government of Cameroon.

⁸ Ministry of Environment, Nature Protection and Sustainable Development (MINEPDED). (2014, January 20). Circular No. D/MINEPDED/SG/DRH/SDCC on Environmental Audits. Yaoundé: Government of Cameroon.

⁹ Office of the Prime Minister. (2006, January 12). Circular No. 001/CAB/PM on integrating environmental concerns in development planning. Yaoundé: Government of Cameroon.

¹⁰ Ministry of Environment, Nature Protection and Sustainable Development (MINEPDED). (2016, March 15). Circular No. 002/MINEPDED/CAB on Waste Management. Yaoundé: Government of Cameroon.

¹¹ Ministry of Territorial Administration and Decentralization (MINATD) & Ministry of Environment (MINEP). (2007, July 9). Circular No. 005/MINATD/MINEP on Local Council and Environmental Service Collaboration. Yaoundé: Government of Cameroon.

1996 law relating to environmental management which is supposed to set the pace for environmental control has the section for waste highly inadequate to adequately define procedures for waste management and control in the country. Notwithstanding, the laws can still play a recommendable role in the process of environmental management. However, escalating challenges suggests the missing link between the laws and the community of implementation.

3. Challenges Faced in Achieving a Healthy Environment in Cameroon

Notwithstanding the provisions of some substantive and procedural (environmental) rights aspects in Cameroon's legal, policy and institutional framework, as canvased above, these provisions are limited in several respects that render the legal framework ineffective, inadequate and insufficient, and they have been characterized by enormous challenges. These limitations or challenges are substantive and procedural, and they could pose significant challenges for the practical realization of environmental rights in Cameroon.

3.1 Substantive Challenges

The right to a healthy environment in Cameroon suffers a major substantive limitation. The right is restrictively distinctive and does not refer to people's health or well-being; nor does it make a link between environmental protection and the health and well-being of people. In this regard, it is unclear what a healthy environment means within the broader context of the right to a healthy environment.¹ For this reason, it might be interesting to know whether a healthy environment relates to protecting the environment from all toxic and dangerous substances and activities that have the potential to cause pollution and ecological degradation that impacts negatively on the environment, or whether a healthy environment is understood as not being excluded from other socio-economic rights which could be negatively affected, should the environment deteriorate.²

Given this context, it is evident that one cannot rely on the constitutional provision where

claims for health-related hazards are associated with an environmental activity that occurs outside the geographical sphere where a person lives. The constitutional right is merely cosmetic and highly illusory and lacks adequacy and thorough and carefully formulated content relating to its scope of application, enforcement and challenges. It has been suggested that both the Constitution and Law No 96/12 on Environmental Management obscure obfuscate the concept of the right to a healthy environment, since they are completely unclear on the meaning of a healthy environment,³ as would enable the use of human rights norms and standards to guarantee a healthy environment. In other words, it is uncertain what can be achieved by legal means towards achieving the protection of the environment. In this regard, it is apposite to note that until the law makes clear what constitutes a healthy environment and its link with human rights, the use of human rights approaches to ensure a healthy environment might not be properly achieved and properly implemented and advocated for. Perhaps the absence of guidance as to what constitutes a healthy environment in Cameroon could account for the futility of its constitutional adjudication. Relatedly, the Constitution intentionally excludes the state from any obligation to protect the environment. The position is reiterated in Law No 96/12, which bestows a duty and responsibility on citizens and corporations to protect and contribute toward achieving the improvement of the environment. It is strange that the state, which is a duty-bearer of rights under international law, does not have a corresponding obligation to protect the environment. Instead, there is only a vague promise that the state shall ensure and improve the environment, without stating exactly how the state will do this.⁴ This vagueness explains the sluggishness of the state in translating its international commitments at the domestic level, as exemplified by the enactment of incomplete environmental laws.⁵ It has been suggested that the environmental

¹ Ashukem, J. N. (2019). Exploring the effectiveness of the rights-based approach to environmental governance in Cameroon: What could be learned from South Africa. *Comparative and International Law Journal of Southern Africa*, 50(1), 64–65.

² *Ibid.*

³ *Ibid.*

⁴ Ashukem (n 67) 68.

⁵ See for example the 21 years and still counting years of the incomplete of section 7 (2) of Law No 96/12 relating to the conditions and procedures of access to information. Also see the glaring avoiding of explicit provisions for the public participation in the 1994 Forestry, Fisheries and Wildlife Law to enable concerned citizens and individuals to effectively engage and participate in forestry-related decision-making processes.

rights provided for under Cameroon's legal framework constitute a mere declaration of state intent, rather than an obligation on the state to respect, protect and fulfil people's environmental rights.¹ Perhaps the exclusion of any obligation on the state is predicated on the belief that the state itself, as a creature of laws, is among the most powerful social artifacts of humanity and, somewhat convolutedly, is equally the primary creator of law. However, without any corresponding obligation and responsibility on the state, any claim to pursue a rights-based approach to environmental protection in Cameroon could be a mere declaration of intent, as the state often undertakes or authorizes activities that negatively impact on the environment. It was inappropriate for the President to have authorized the development of a palm oil project by Herakles Farms in four biodiversity hotspots,² and the destruction of mangroves in the Bakassi Peninsula for timber with the complicity of local authorities for example. The project has had negative impacts on the environment and on the country's rich biodiversity.³ The environmental right also lacks a clear link with the overarching notion of sustainable development and clarity on what the right to future generations in relation to the environment might be, notwithstanding its definition in law No 96/12. The fact that the Constitution was adopted in 1996, after the Brundtland Report and several decades after the Stockholm Conference, means that it was reasonably expected for the government to include the all-encompassing relevant notion of sustainable development within the broader ambit of the environmental right, to the extent that it reflected the government's international

commitments.⁴ However, this is not the case, and evidently the environmental right does not apply to future generations and it is unclear how their environmental right could be protected. Similar to the Constitution and Law No 96/12 on Environmental Management, the NEMP makes no substantive and meaningful contribution to the overarching notion of the environmental right. On this basis, the substantive bases of the right⁵ to a healthy environment are inadequate and could be challenged in courts of law, where and when the interpretation of its substantive bases are called to question. Perhaps this inadequacy stems from the fact that environmental law is still in its infancy in Cameroon and has not gained traction among academics, researchers, and lawyers. To be precise sure, there is no environmental law programme, either at undergraduate or postgraduate levels in Cameroon, as there are in other countries.

3.2 Procedural Limitations

The effective exercise of the right to access to information, and specifically environmental information, remains highly questionable, particularly seeing that there is no national legislation to give effect to the right. The situation has been exacerbated by the fact that Law No 96/12 on Environmental Management has failed completely to provide for the requisite conditions and procedures of access, and only subjects them to a presidential decree, which is still to be promulgated.⁶ It has been argued that, without the requisite conditions and procedures of access, the right to access to information, including environmental information, is only illusory and elusive, to the extent that it hinders the possibility of properly enhancing environmental protection in Cameroon. It has been suggested that the practical realization of the right to public participation has been proven to be more a myth than a reality.⁷ It has been indicated that rules, processes and procedures for public participation in Cameroon are not aligned with governance practices that allow for the views of local communities to be taken into account, and that instead, they are harassed and

¹ *Ibid.*

² These are the Bayang-Mbo Wildlife Sanctuary, Korup National Park, Rumpi Hills Forest Reserve and the Bakossi National Park.

³ For details on this, see Greenpeace "Herakles Farms in Cameroon: A showcase of bad palm oil production" <https://www.greenpeace.org/usa/wp-content/uploads/legacy/Global/usa/planet3/PDFs/HeraklesCrimeFile.pdf> accessed 5 April 2019; "Palm Oil Plantation Cuts Core from Cameroon's Biodiversity" (2012) <https://www.oaklandinstitute.org/palm-oil-plantation-cuts-corecameroon%E2%80%99s-biodiversity> accessed 5 April 2024; "Cameroon's Biodiversity Hotspot in Grave Danger as Palm Oil Conglomerate Quits Sustainability Group" (2012) <http://www.panda.org/?206114/Cameroon-biodiversity-hotspot-in-grave-danger-as-palm-oil-conglomerate-quits-sustainability-group> accessed 5 April 2024.

⁴ Also see s 14(2) of Law No 96/12.

⁵ See s 7(2) of Law No 96/12.

⁶ *Ibid.*

⁷ Ashukem, J. N. (2018). Public participation in environmental decision-making in Cameroon: Myth or reality? In P. Kameri-Mbote et al. (Eds.), *Law/Environment/Africa* (pp. 357–373). NOMOS.

intimidated.¹ The effective participation of local communities and other interested and affected parties during Environmental and Social Impact Assessment processes is a major hurdle,² and it is unclear whether the ESIA is meant to facilitate and support public participation, or merely to facilitate internationally financed projects.³ Without public participation, it is difficult to actually challenge administrative decisions on environmental matters.

The 1994 Forestry Law has been criticized for failing to have an explicit provision for public participation.⁴ Yet, concession-based forest management⁵ is common and continues to play a major role in the forestry sector, as opposed to the envisaged community forest management and the forest model management meant to promote the effective and full participation of local communities in the management of forestry activities. The recent initiation and participation in the EU Voluntary Partnership Agreement (VPA)⁶ by the government was widely believed to cement the country's EU timber market, and not to emphatically promote and facilitate public participation, given that there was no participation by forest communities and indigenous people in the VPA negotiations.⁷ It is reported that stakeholders were not consulted prior to the decision made by the government to enter into the VPA

process, except for informal consultations on how to define legality, traceability and control systems during and in the pre-negotiation phase.⁸ External stakeholders find it difficult to have a say on policy-making processes, inter alia. Not surprised, communities, indigenous people and individuals, including small-scale chainsaw operators and traders, were not represented and did not participate in the meetings and decisions of the VPA, despite it being crucially important in terms of the legality of the country's forestry sector. The Ministry of Forestry (MINFOF) decides who should attend and participate at the VPA negotiation process, and this approach has excluded important participants, such as local communities who are often affected by the impact of forestry-related activities.⁹ The question arises as to why local communities and/or their representatives are systematically excluded from decision-making processes regarding forestry related activities. The answer seems to rely on the very objective and purpose of Law No 94/1, which, in addition to promoting sustainable forest management, encourages an increase in tax revenue from the forest sector through the commercial exploitation of forest produce to augment and implement radical socio-economic development that favours a forest management decentralization model.¹⁰ This indicates that the law indirectly favours large-scale forest companies and, arguably, provides and facilitates their eminent role in decision-making processes, at the expense of local communities and their representatives. This is in contradiction to the concept of community forest management, which, as indicated above, requires a participatory approach in benefit sharing and decision-making regarding forestry-related activities. Another reason could lie in the fact that the 1994 Forestry law created and instilled the concept of hegemony control over natural resources, including forestry, which prompts the need to disregard the involvement and participation of local communities in decision-making processes, while placing heavy reliance on the role of the state as the guarantor and protector of these resources. The logic here

¹ Also see Ashukem, J. C. N. (2016). Included or excluded: An analysis of the application of the free, prior and informed consent principle in land grabbing cases in Cameroon. *Potchefstroom Electronic Law Journal*, 19, 1-29; Freudenthal, E., Lomax, T., & Venant, M. (2013). The BioPalm oil palm project. In M. Colchester & S. Chao (Eds.), *Conflict or consent? The oil palm sector at a crossroads* (pp. 345–350). Forest Peoples Programme.

² For more details on the flaws in the system of public participation in Cameroon, see Ashukem (n 78).

³ *Ibid.*

⁴ Ashukem (n 78) 366.

⁵ Concession-based Forest management is the allocation of a portion of a forest to a foreign largescale timber company for the purpose of harvesting timber produce. Also see Karsenty, A. (2007). *Overview of industrial forest concessions and concession-based industry in Central and West Africa and consideration of alternatives* (pp. 1–45); Alemagi, D., & Kozak, R. A. (2010). Illegal logging in Cameroon: Causes and the path forward. *Forest Policy and Economics*, 12(8), 554–556.

⁶ http://eeas.europa.eu/archives/delegations/cameroon/documents/eu_cameroon/note_information_apv_cameroun_en.pdf accessed 13 May 2024.

⁷ Wodschow, A., Nathan, I., & Cerutti, P. O. (2016). Participation, public policymaking, and legitimacy in the EU Voluntary Partnership Agreement process – The Cameroon case. *Forest Policy and Economics*, 63, 5; Carodenuto, S. (2014). Local participation from VPA to REDD+ in Cameroon. *ETFRN News*, 55, 119.

⁸ *Ibid.*, Wodschow et al.

⁹ *Ibid.*

¹⁰ Oyono, P. R., Kouma, C., & Mala, W. (2005). Benefits of forest in Cameroon: Global structure, issues involving access and decision-making hiccoughs. *Forest Policy and Economics*, 7(3), 357–368.

is that environmental decision-making processes in Cameroon follow a top-bottom approach. It would have been appropriate if a bottom-top approach had been designed, adopted and implemented in the governance of natural resources generally, and specifically in the forestry sector, to provide for the meaningful, full and effective consultation and participation of local communities in decision-making, to the extent that their input could significantly inform and shape the final decision, thus promoting sustainable forest management¹ for the benefit of present and future generations. According to the UN Food and Agricultural Organization, participatory forest management entails processes and mechanisms that enable people (local communities), with a direct stake in forest resources, to become part of decision-making processes in all aspects of forest management, including policy formulation processes.² Thus, participatory forest management is vital and a necessary prerequisite for sustainable forest management,³ particularly as it serves to ensure that the socio-economic, environmental, cultural and ecological values of local communities generally, and specifically those relating to the use and management of community/concession-based forests, are fully considered. This approach would have been appropriate had the state strictly applied and implemented the concept of concession-based forest management envisaged in the 1994 forestry law. Regrettably, this is not the case.

On land matters, Ordinance No 76/166 provides for contradictory provisions for public participation in land-related matters, and it is not clear how and the extent to which the public are provided a chance to become involved in these decision-making processes. The lack of an explicit and broadly formulated provision for the right to access to justice demonstrates the deliberate failure on the part of the state to meet its international human rights obligation to

respect, protect and fulfil the fundamental rights and freedoms of its people at the domestic level,⁴ including the environmental right.

4. Conclusion

Axiomatically, an inextricable relationship exists between human rights and the environment, for which human rights norms, principles, standards and approaches remain crucially relevant for ensuring environmental protection and national legislation that professes the use of such an approach, is worthy of praise in this current state of global ecological degradation, largely perpetrated by human-induced activities. Although legal questions are fundamentally relevant and decisive for the forging of an effective legal framework to properly protect the environment, one cannot ignore the fact that Cameroon's legal framework highlights some prospect for using and following a human rights approach to environmental protection. While such prospect exists, it needs to be complemented with laws that are complete and sufficient laws that would adequately and proactively ensure a significant paradigm shift to environmental protection. As shown above, the current legal framework suffers from both substantive and procedural deficiencies and arguably falls short of redressing environmental protection by means of human rights claims. These shortcomings illuminate some of the significant challenging tensions in domestic legal relationships between human rights and environmental protection. While the Preamble in the Constitution provides for the right to a healthy environment, it was clearly established that the constitutional guarantee was limited and therefore problematic, since it exonerates the state from any social justice and moral responsibility relating to environmental protection. It was argued that the right therefore remains highly abstract. Moreover, a certain standard of environmental quality cannot be ensured by the state, as it currently has no obligation to take measures to control pollution and other environmental degradation that might negatively affect human health and private life. Presumably, such an obligation on the state, as there is on citizens, could significantly augment environmental protection and help to promote the rule of law in that context, given the state would be directly accountable for failing to

¹ Alemagi, D., Hajjar, R., Tchoundjeu, Z., & Zozak, R. A. (2013). Cameroon's environmental impact assessment decree and public participation in concession-based forestry: An explanatory assessment of eight forest-dependent communities. *Journal of Sustainable Development*, 6(10), 8.

² FAO. (2012). Website on Participatory Forestry. <http://www.fao.org/forestry/participatory/en/> accessed 13 May 2024.

³ Kozak, R. A., Stetic, W. C., Harshaw, H. W., Maness, T. C., & Sheppard, S. R. J. (2008). Public priorities for sustainable forest management in six forest-dependent communities of British Columbia. *Canadian Journal of Forest Research*, 38(12), 3071–3084.

⁴ Ashukem (n 29) 244.

regulate environmental degradation.¹ Without such an obligation, it is impossible to hold the state accountable for its actions or failures to act.

The right to public participation needs to be explicitly provided for in the 1994 Forestry Law, and it also needs to be properly reformulated and reconceptualized in the ESIA and Ordinance 76/1. The state should urgently enact the enabling decree that provides for conditions and procedures of gaining access to information so as to permit ordinary people and private bodies to effectively protect the environment and provide clarity on what exactly constitutes a state security concern. It is evident that a review is required of Cameroon's current legal framework which would address the inadequacies, ineffectiveness and insufficiencies and provide improved prospects for effectively connecting human rights and the environment. Without such a rigorous review, it would be practically difficult to effectively use human rights norms, standards, principles and approaches to ensure environmental protection in Cameroon.

Therefore, it is urgent to address these shortcomings in order to properly connect the linkages between human rights and the environment, and in so doing, deliver an environmental friendly legal framework that protects the environmental rights of both present and future generations.

Until this is done, the human rights-based approach to environmental protection in Cameroon would remain highly in the abstract, with little prospect for protecting the environment and human rights.

5. Recommendations

5.1 *Creation of Comprehensive Environmental Management Laws*

Cameroon has a plethora of laws for the management of the environment and fostering of human rights guarantees. Legal compliance and implementation of existing documents or texts remains problematic for efficient and effective environmental management in Cameroon. There is a need for environmental law reforms that effectively combine theory and practice in the management and implementation of environmental policies.

These laws are however not comprehensive

enough especially for the contemporary world. Our national laws for instance do not mention or encourage community-based environmental management initiatives and modern management initiatives. Evolving environmental challenges necessitate a legal framework that encompasses modern and stringent environmental management practices. This new legislation should address contemporary issues, emphasizing on aspects like waste recycling procedures, community-based environmental management and involvement initiatives, and the construction of environmentally sound landfills. Such a law would provide a robust legal foundation for sustainable environmental management practices, aligning with both international standards and local needs. One of such innovations which should be incorporated and encouraged by law makers is recycling. This is a sustainable approach to pollutants management to curb environmental pollution, reducing the overall burden on the environment. The law should provide for recycling practices in its pollutant's reduction management strategy. This should be followed by the establishment of recycling centres or partnerships with existing recycling facilities to process recyclable materials. This initiative not only mitigates environmental impact but also creates economic opportunities within the recycling industry.

5.2 *Source Separation of Pollutants*

Source separation enhances the potential for recycling and sustainable pollutants management. Source separation is the process of sorting and separating different types of waste materials at the point of generation, such as homes, businesses, or institutions. This typically involves separating materials like paper, plastic, glass, metal and organic waste into designated containers for recycling, composing, or proper disposal. The implications of not practicing this, results in landfills and can make it difficult and costly to properly recycle or dispose of the materials. The state should introduce source separation of waste as an option in major towns, emphasizing the importance of segregating recyclables from general waste. Labelled trash cans could be provided to households, businesses, and public spaces to facilitate easy sorting. This initiative aligns with urban agriculture trends, promoting the recycling of domestic waste for manure production and energy generation and can lead to reduced waste going to landfills, increased rates of

¹ Also see Boyle (n 2) 613.

recycling and composting and more efficient use of resource and will resolve the issues of erosion and soil degradation and safeguard human habitats and reduce diseases.

5.3 Community Engagement and Education

The state should conduct awareness campaigns to educate the community about the importance of proper environmental use and the environmental consequences of improper environmental management, sustainable use of biodiversity and natural resources to prevent its loss, appropriate environmental practices to safeguard the environment for all. Communicative instruments such as awareness raising campaigns and educational programmes on pollution and other environmental harmful practices should be given priority.

In Cameroon, there is shortage of comprehensive public awareness campaigns and educational programs focused on environmental management. Without consistent messaging and outreach efforts and sensitization, many Cameroonians are not abreast of the environmental and health implications of improper environmental management. It is therefore crucial to invest in educational initiatives that target all segments of the population, including schools, communities and businesses. Collaboration between government, agencies, non-governmental organizations, and local communities will be essential in promoting a culture of environmental responsibility and sustainable environmental management. This will foster a sense of responsibility among residents through community programs, encouraging active participation in environmental harm reduction and appropriate initiatives. Capacity building programmes could help to enhance local knowledge and capacity to manage the environment more effectively.

5.4 Provision of Trash Cans

It has been noticed that one of the major challenges in effective soil, air and water pollution is the lack of Trash cans. The state and the Councils should collaborate with service providers to distribute sufficient and strategically placed trash cans throughout communities in towns. Furthermore, the provision of trash cans is supposed to be commensurate to the population size of the area. Most often, trash cans meant for home use, are seen at major junctions of quarters thereby defeating the purpose and need to enhance a

healthy and diseases free environment. This poses a lot of problems as they get full within minutes of placing them. The only option left is for residents to place the waste besides these trash cans. Increased trash cans will facilitate convenient waste disposal and discourage littering, contributing to a cleaner environment and reducing hazards associated with improper environmental management.

5.5 Encourage Research and Innovation

The State should encourage research and innovation in environmental management practices, exploring sustainable and environmentally friendly solutions. This could be done by collaborating with research institutions to develop and implement innovative environmental harm reduction and enhancement technologies. This research could go a long way to identify and develop innovative environmental management technologies that are suitable to the local context. For example, the government could encourage research which facilitates waste-to-energy technologies and innovations, alternative energy sources like green energy. By fostering the culture of research driven problem solving and embracing innovative solutions, the Cameroonian government can make significant strides towards sustainable and effective environmental management practices.

5.6 Access to Justice and Right Justiciability

Enforce existing laws and directives on environmental management and enforcement of the rights to a healthy environment in Cameroon by building the capacity of government officials especially judges to be able to entertain environmental mismanagement issues appropriately and equally to expand the scope of locus standi to represent individual interests in the prosecution of environmental harmful practices and responsibilities upon individuals who cause harm to the environment, thereby making this right justiciable and will enhance a healthy environment. There is need for the state to enable and facilitate public access to relevant environmental information through clear conditions and procedures of access, by enforcing good governance practices and heavy penalties for defaulters, would serve as a deterrent to would be culprits of environmental crimes.

5.7 Conservation

Implement environmental preservation projects

with the support of technical and financial partners and equally conserve the environment especially for medicinal plants and biodiversity and endangered species from extinction and reforestation policies. Set up a mechanism for the systematic control of pollution and discharges into surface and groundwater.

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