

# A CRITICAL EXAMINATION OF ENVIRONMENTAL PROTECTION AND ENFORCEMENT LAWS ON LOCAL COMMUNITIES OF CAMEROON

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## ABSTRACT

The 1994 forestry law reform gave local communities the opportunity to manage some natural resources which have an impact on their livelihoods. But are the strengths and opportunities of these communities had to be uplifted for their aspiration to be met. For this aspiration to meet the purpose for which it is intended there must be follow-up conferences to buttress this aspiration and evaluate implementation. In 1983 the United Nations convened the World Commission on Environment and Development (WCED), also known as the Brundtland Commission. The United Nations Conference on Environment and Development 1992 followed and culminated with the Rio Declaration. The Rio Declaration Agenda 21 and the convention on Biological Diversity, prescribed universal legal standards for the protection of the rights of local communities to their traditional knowledge and practices in relation to environmental management and conservation. In this vein, the main aim of this work is to investigate whether the legal and regulatory standards on environment adequately protects local communities' rights as well as examining the impacts faced by the local communities in Cameroon. The methodology employed in this article is purely doctrinal which is based on both primary and secondary data which enable us to discover that there are a lots of positive and negative impacts of Environmental Protection Laws on the Regional and Local Communities of Cameroon. The paper concludes with some robust recommendations which if effectively implemented and enforced will go a long way to remedied these obstacles thus, enhance sustainable environment.

**Keywords:** *Critical, Examination, Environment, Protection, Enforcement, Laws, Local Communities, Cameroon*

## INTRODUCTION

The Stockholm Conference on the Human Environment 1972 marked the first move to address environmental concerns in relation to Human Rights. Its 26 principles placed environmental issues at the forefront of international concerns and the well-being of people around the world at the international level<sup>i</sup>. Research impact is variously defined but can be summarized as having an effect, benefit, or contribution to economic, social, cultural, and other aspects of the lives of citizens and society beyond contributions to academic research<sup>ii</sup>. Impact simply means something that has a strong effect on someone or a group of people or on something. Impact from the point of view of this paper will be viewed from both the positive and negative angle. The use of impact would be distinctive from the meaning of consequences; impact is the influence of an action/phenomenon on something or someone whereas effect is the consequence or outcome of an action or a phenomenon<sup>iii</sup>. It's from the conclusion on the paper that we can be able to draw a line on whether it's the negative or positive impact of enforcement of environmental protection law that prevail.

The United Nations Conference on Environment and Development<sup>iv</sup> represented a turning point in the promotion of the rights of local community peoples related to their ancestral environment. A number of legal instruments adopted at the earth summit, such as the Rio Declaration Agenda 21 and the Convention on Biological Diversity, established international legal standards to protect the rights of local community people to their traditional knowledge and practices in the area of environmental management and conservation. Most importantly, there exists an international legal framework which recognizes the unique relationship local community people have with their traditional environment. In Rio participants reaffirmed the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972, and seeking to build upon it.<sup>v</sup>

Cameroon today counts over 20 protected reserves made up of national parks, zoos, forest reserves and sanctuaries whose tourism and ecotourism potentials cannot be put into question<sup>vi</sup>. Many of the areas of highest forest and biological diversity in Cameroon are inhabited by local community people. When looking at the global distribution of local community people in Cameroon, there exist a marked correlation between areas of high biological diversity and areas of high cultural diversity. This link is particularly significant in rain forest areas of Ndian division of South West of Cameroon Manyu division. The Korup forest and the Takamanda

forest reserves respectively. The link between the traditions of local community people is quite direct. For quite some time now since the coming of environmental protection and enforcement laws, the relationship between local community peoples and their environment has been eroded because of dispossession or forced removal from traditional lands and sites. Land rights, land use and resources management remains critical issues for the local community peoples around the Southwest region of Cameroon.

It is at this juncture of this paper to examine the impacts of environmental protection Laws on local Communities, questioning whether the communities in Ndian division are indigenous, examining the World Bank's criteria for determining local communities and critically demonstrate how the current environmental protection and enforcement laws affect local community peoples in Cameroon.

## **THE IMPACTS OF ENFORCEMENT OF ENVIRONMENTAL PROTECTION LAWS ON LOCAL COMMUNITIES**

The world council on local Community peoples described local community peoples as those people who lived in a territory before the entry of a colonizing population, which colonizing population has created a new state or states or extended the jurisdiction of an existing state or states or territory, and who continue to live in the territory and who do not control the national government of the state or states within which they live<sup>vii</sup>. More detail these communities are those who belong to a common ancestor, dwelling together in the villages. They have agriculture and forest lands in common, subscribe to the same culture and traditions of their ancestors<sup>viii</sup>. Environmental criminal law refers to the set of rules that aim to punish environmental damage in Cameroon. To date, this right remains under construction and is not codified in a single legal text but is rather found in a scattered manner in various legal instruments that deal with various aspects of environmental protection<sup>ix</sup>. Local community peoples of the Southwest Region have been deprived of the rights to the lands and territories occupied by the protected sites of the Korup forest with insignificant or non-adjudication for the justiciable. This protected forest land has been land these local communities traditionally owned, occupied or otherwise use for their traditional and customary rights. This arouses the growing awareness about human rights which are violated as a result of environmental protection and its enforcement, on the people of Ndian division in the Southwest region of

Cameroon. Generally, more than half of the population of the people of Ndian division in the Southwest region live and earn their living out of tilling the soil. Thus, environmental protection in Ndian division has brought in enormous impact on the entire people rendering most of them jobless and poor. These peoples used to hoe their environment which has now fallen under environmentally protected sites in very high esteem. For example, majority of the Korup forest used to be a connecting factor between them and their ancestors. For instance, when Pamol plantation started, Ndian Town, village of the Balondo Badiko Tribe was to be resettled to the current site across the River Ndian. The environment across river Ndian used to be very fertile and during the process, the local community people of that area were forced to abandon their peasant activities against their wishes. The Ten Orocko Tribes of Ndian Division of Southwest Region including the Barombi and Bakole people are those mostly affected by environmental protection laws. The Government of Cameroon and the different international donors<sup>x</sup> have spent a lot of money: between 1988 and 2000 more than 15 Million Euro or around 1.2 Mill Euro a year. This amount is one of the highest conservation budgets (Euro per km<sup>2</sup>) in Africa<sup>xi</sup>. Before the arrival of the German the people of Ndian division were closely attached to their ancestral lands and natural environment so much so that with the coming of environmental protection laws, they lost much of the benefits that they used to obtain from their local environment. The area has been protected since 1937, just as the Korup Native Administration Forest Reserve. Research has revealed that the Korup forest is home to more than 3000 species of trees, plants, insects and animals - including 25% of Africa's primate species<sup>xii</sup>. In the context of developments in international and regional law concerning the protection of the rights of indigenous peoples, some African States including Cameroon have expressed the view that all Africans are indigenous in relation to the European colonization of Africa<sup>xiii</sup>. This position consistent with the understanding of the term "indigenous" as used by the African Commission's Working Group of Expert on indigenous Communities.<sup>xiv</sup> In 2003, the UN Department in the Ministry of External Relations in Collaboration with the Ministry of Social Affairs undertook a study on communities which constitutes indigenous in Cameroon.<sup>xv</sup> To some officials of the above mentioned services, the research is not published for certain reason.<sup>xvi</sup> On the contrary, it has been published but the UN Center for Human Rights for Central Africa in Yaounde.<sup>xvii</sup> Whether the 2003 study is published or not is not the point in issue. But one thing is certain: the indigenous peoples officially recognized as of now in Cameroon are not only the Pygmies and the Bororos but include the Highland People, the

Island, Creek and Cross Border Peoples, etc. <sup>xviii</sup> A question which demands an answer is: why has the Government not officially published the results of the study?. The reasons may be numerous such as that which may lead to social upheavals if not handled with care. However, there should be no cause for concern because if all the Tribes in Cameroon are considered indigenous and awarded indigenous rights, social justice will be rendered. This is because if those found in timber logging area are given timber exploitation rights, those in crude oil exploitation awarded indigenous rights over crude oil exploitation, those in natural reserves area given indigenous rights on that etc, the resource benefits will be evenly distributed to the indigenous peoples concerned.

## **QUESTIONING WHETHER THE COMMUNITIES IN NDIAN DIVISION ARE INDIGENOUS?**

A relevant question at this juncture is whether the local Communities of Ndian Division can be considered indigenous. The answer is in the affirmative. This is so because the question as to whether a particular community in Africa is indigenous is irrelevant, since the African Commission's Working Group of Experts on indigenous population/communities acknowledges the fact that all Africans in the continents are indigenous.<sup>xix</sup> Based on this reasoning, it is clear that the local communities in Ndian Division of Cameroon are indigenous communities. In the case of Korup Project, the inhabitants were uncertain whether they were Nigerians or Cameroonians, before the arrival of the conservationists. 'State', 'government' and 'conservation' did not have a meaning in their concept of the world<sup>xx</sup>. They did not know that in 1974 the Cameroonian government had declared all land to be state property, which was not officially demarcated<sup>xxi</sup> ... In the whole Ndian Division, which covers most of the Korup Project and its surrounds, only one slice of land a state-owned palm oil plantation - has applied for an official land title.

Secondly, the Constitution of the Republic of Cameroon expressly protects the rights of indigenous peoples in its Preamble by stating that the State shall ensure the protection of minorities and shall preserve the rights of indigenous populations in accordance with the law.<sup>xxii</sup> Moreover, the content of the Parliament debate on amendments to the Constitution which took place on the 18th of January 1996 focused on the idea of "indigenous," meaning natives of a particular area by contrast with outsiders or, elsewhere, by contrast with those who are not



natives of the area in question. However, one may be tempted to justify the absence of the aforementioned debate in the 1996 Constitution on the grounds that, all Cameroonians have the rights to settle anywhere in the Country and enjoy equal rights as any other Cameroonian living there.<sup>xxiii</sup> It follows that the term means that all Cameroonians are indigenous,<sup>xxiv</sup> since all ethnic groups are indigenous in their region of origin, and therefore, possess indigenous rights. This of course should include the Orocko ethnic groups in Ndian division. It also follows that the special protection granted to the pygmies and the Bororo who seems to be the only officially recognized indigenous groups in Cameroon is incorrect.

Thirdly, the World Conference on Indigenous Peoples (WCIP) described indigenous peoples as those peoples:

- i. Who lived in a territory before the entry of a colonizing population, the colonizing population, being a jurisdiction of an existing State or States to include the territory, and
- ii. Who continue to live in the territory and who do not control the national government of the State or States within which they live? <sup>xxv</sup>

The ten Orocko <sup>xxvi</sup>Tribes including the Barombi and the KORUP people make up the Orocko ethnic group in that part of the Country, as well as the Bakole and the Isangeles. They did occupy that part of the country before the arrival of the German colonial masters. Interestingly, till date, they are still in occupation of the area with no definite control of those who can be considered indigenous.

Fourthly, and most interestingly, the readiness of Cameroon government to adhere to the World Bank's Operation Directives concerning "Marginalized populations" as a precondition for receiving any financial assistance from these Bretton Wood institutions is clear indication that it has accepted their criteria of who an indigenous community is.

## **THE WORLD BANK'S CRITERIA FOR DETERMINING LOCAL COMMUNITIES**

According to the World Bank, in providing more details to operations staff about groups to which the policy applies, the operational directive 4.20 states that because of the varied and changing contexts in which indigenous peoples are found, no single definition can capture their diversity. Indigenous peoples are commonly found among the poorest segments of a

population. They engage in economic activities that range from shifting agriculture in or near forests to wage labour or even small-scale market-oriented activities. Indigenous peoples can be identified in particular geographical areas by the presence in varying degrees of the following characteristics:

- a) A close attachment to ancestral territories and to the natural resources in these areas;
- b) Self-identification and identification by others as members of a distinct cultural group;
- c) An indigenous language, often different from the national language;
- d) Presence of customary, social and political institutions; and
- e) Primarily subsistence-oriented production.

This position was aptly summarized by the African Commission in its Advisory Opinion addressed to the UN on the occasion of the adoption of the UNDRIP.<sup>xxvii</sup> The Commission reviewed that from the studies carried out on this issue and the decisions it has made on the matter, a definition is not necessary or useful as there is no universally agreed definition on the term and no single definition can capture the characteristics of indigenous populations. Rather, it stated that it is much more relevant and constructive to try to bring out the main characteristics allowing the identification of indigenous populations in Africa.<sup>xxviii</sup>

Moreover, according to the Commission, the majority characteristics which allow the identification of Africa's Indigenous Communities is the favored approach adopted, and it is the same approach at the international level. The concept in effect embodies inter alia, the following constructive elements or characteristics:<sup>xxix</sup> In Africa, the term indigenous population does not mean "first inhabitants" in reference to aboriginality as opposed to non-African Communities or those having come from elsewhere. This peculiarity distinguishes African Continents where native communities have been almost annihilated by non-native populations. Therefore, the ACHPR considers that any African can legitimately consider his/her as indigenes to the Continent.

Linking these characteristics to the people of Ndiabou Division, one may find that the peoples meet a hand full of them. For instance: Self-identification has been fulfilled by the peoples of Ndiabou Division. This Ndiabou Indigenous Peoples Council (NIPC) which was created on the 10th of May 2006 registered and authorized by a Prefectoral Order No. G40/606/BSCA/SP397 of 14th September 2006 acts as a steering committee on behalf of the entire indigenous communities of Ndiabou Division. Its main objective is to promote and preserve the cultural heritage of the IPs there. As a matter of fact, the various tribes in this Division are well

recognized as being among the over 250 tribes which are in Cameroon. That fulfils the World Bank's criteria (b) above.

Again, the various tribes which make up Ndian Division do have indigenous languages which they use as a means of communication different from the official languages of Cameroon, to wit: The Balondo Ba Nanga have Londo, the Ngolo have Longolo, the Ekombe have Ekombe, etc, all under the umbrella language of the Orocko Language. Hence, the requirement of a language different from the national language is accomplished.

Moreover, these tribes are ready and are doing their utmost to perpetrate their cultural identities. They have done so by organizing themselves in to Cultural Associations like: the Balondo Cultural and Development Association (BACUDA); the Balue Development Organization (BADO); the Ngolo Cultural and Development Association (NCUDA); the Ekombe Cultural and Development (ECUDA); the Bima Cultural and Development Association (BICUDA); etc. They again have well established customary institutions like the "Ekpe", Nganya; "Ngoba"; "Jocki"; "Mosembe"; "Disongo"; "Diengu";<sup>xxx</sup> etc as well as their secret shrines like the famous "Ndongere" shrine in the Atlantic Ocean.

Worthy of note is that students who come from Orocko decent are not left out in the move toward fostering their cultural identity. This they state clearly in the Preamble of Orocko Students' Association Constitution (O.S.A) viz: "we affirm our desire to contribute to the advent of a more united and developed Orocko; proclaim our desire to the preservation of our cultural heritage...."

The KORUP and the Bakoko people in particular are closely attached to their ancestral lands and natural resources so much so that removing them from these resources as like getting a fish out of water. They are as attached to the resources as the Pygmies are attached to the forest and the Mi'Kmaq of the Atlantic Canada to the sea, a criterion used to recognize the above-mentioned people as indigenes.<sup>xxxi</sup>

Meanwhile, the other Tribes in Ndian Division do practice primary subsistence-oriented production i.e. small-scale farming, or market oriented activities as an alternative means of subsistence, after losing their traditionally owned lands and forests for plantation agriculture and forest reserves to the State. They carry out shifting agriculture in or near forests the same way as the Ogoni and the Ijaw indigenous communities in neighboring Nigeria, a criterion used



to recognize them as IPs together with the Amazigh in Tunisia and Algeria, and the Hadzabe in Tanzania.<sup>xxxii</sup>

Furthermore, the people of these areas are seriously marginalized, in that the division alone plays host to about 95% of the crude oil produce in Cameroon from the Rio Del Ray Basin.<sup>xxxiii</sup> I.e. between 1977-2006 the 14162 million barrels that were produced, about 13453.9 million barrels are from the Rio Del Ray Basin.<sup>xxxiv</sup> It is a huge embarrassment that there exists neither a petrol station nor tarred roads in the entire Division.<sup>xxxv</sup>

PAMOL plc, which is one of the giant agro-pastoral industries in the country on the production of palm section<sup>xxxvi</sup> and a rubber estate<sup>xxxvii</sup> are found in these Division. And recently, the States had alienated land in the Mundemba and Toko Sub-Division to SG Sustainable Oils Cameroon Ltd. These giant industries play a very important role in the revenue got from export in the State budget (GDP), but the situation of the infrastructural developments,<sup>xxxviii</sup> as well as other social amenities in that Division are in deplorable conditions. In fact, these peoples suffer from infrastructural malice. Even the few government schools and other government services within the administrative sphere of the Division are under-staffed.<sup>xxxix</sup>

More so, according to a speech by Mrs. Catherine Bakang Mbock, Cameroon's Minister of Social Affairs at the opening of the Regional Workshop on the Rights of IPs in Central Africa on the 15th of April 2009 in Mont Fèbè Hotel Yaounde, the people of five out of the nine Sub-Divisions<sup>xl</sup> that make up Ndian Division are marginal populations when she said "The following are classified by the State as marginal population: the Pygmies; the Mbororo; the Highland Peoples; and the Island, creek and cross-border populations".

The fact that Bamusso; Idabato; Isangele; Kombo Abedimo and Kombo Itindi Sub-Divisions are constituted by the Island, Creek and cross border people, make them marginal population as per Her Excellency's speech on behalf of the Government of Cameroon. The other four Sub-Divisions are made up of the forest people par excellence and or small scale farmers which of course still qualifies them as indigenous according to the UN; ILO; ACWGEIP, etc criteria.

The Cameroon case law is not left out in the justiciability process. In the case between Struggle to Economics Future Environment (SEFE) v SG Sustainable Oils Cameroon Ltd and Dr. Timiti Isidore,<sup>xli</sup> his Lordship Justice Mukete Tarhle Itoe ruled that the Roundtable on Sustainable Palm Oil (RSPO), to which the defendants/respondents are enrolled, encapsulates the land rights of the Indigenous Peoples of Mundemba and Toko Sub-Divisions by the Principle of

Free, Prior and Informed Consent. That the RSPO principle and criteria guides the way companies deal with local communities including IPs.

Finally, existing documentary evidence confirms the indigenosity of Ndiain Peoples. This includes Document No. B.16.21/SG/P.R from the presidency of the Republic titled “Project de décret portant attribution en concession provisoire a la Société SG Sustainable Oils Cameroon Plc. d’un dépendance du domaine national” to 29/04/2011; Document No. B.70/d.20/SG/PM from the Prime Ministry on the same topic, specifying that the project will be carried in Ndiain Division from 13/06/2011 and Document No. 00002939/L/MINDAF/S.G/DI/DW of 20/07/2011 from the Ministry of State Property and Land Tenure, all describing the peoples of the concession areas as “zones d’habitation des autochtones” loosely translated as: The Area inhabited by indigenous peoples. Bluntly speaking therefore, there is no gainsaying that the local communities of Ndiain Division are indigenous peoples. As a result of these, they are entitled to be called indigenous peoples and should be allowed to enjoy their indigenous rights particularly, their rights over natural resources.

## **THE EFFECTS OF CURRENT ENVIRONMENTAL PROTECTION AND ENFORCEMENT LAWS ON LOCAL COMMUNITIES IN CAMEROON**

“We do not see a need to follow any order from government. Government only takes and does nothing for us. We do not need government.” Korup Project is perceived as a ‘master’ or ‘government’: an alien institution, which tries to steal their land and their “traditional” user-rights in the name of something, which does not hold any meaning for them<sup>xlii</sup>. The link between cultures and environment is clear amongst local community peoples, land use and forest resource management remain a critical issue for the local community peoples of the south west region. Cameroon like many other African countries is a young and new democratic nation in comparison with most developed countries with respect to the adoption<sup>xliii</sup> and implementation of national and international environmental laws. The environmental laws of Cameroon have to consider the link between the local community peoples and their inherited environment, this is to enable them sustain their customary way of life because they have been heavily depending on the environment for their subsistence and cultural survival. Despite the explicit recognition of the linkage between human rights and environment, the multifaceted nature of addressing environmental issues within the local communities of the south west

region leaves the peoples with diverse negative impacts. The local community peoples from their creation, they have special protection on the basis of their inextricable connection with the land, forest and its resources. On the contrary, Cameroon's environmental laws focuses entirely upon enforcement of such environmental laws paying very little concerned on the negative impact of environmental protection laws on the peoples.

According to the UN Human Rights system, local community peoples refer to national or ethnic, religious and linguistic group of peoples, as laid out in the UN local community people's declaration.<sup>xliv</sup> All State have local community peoples within their national territories, characterized by their owned national, ethnic, linguistic or religious identity, which differs from that of the other local community.

In practical terms, a definition made in 1977 by *Francesco Capoto*, the then Special Rapporteur to the UN Sub-Commission on the Prevention of Discrimination and Protection of local community peoples is useful. To him, local community peoples are: A group numerically inferior to the rest of the population, in a non-dominant position, consisting of nationals of the States, possessing distinct ethnic, religious or linguistic characteristics and showing a sense of solidarity aimed at preserving those characteristics.<sup>xlv</sup>

The subject of enforcement of environmental rights in the context of local community peoples becomes particularly relevant due to the severe effects or impacts of environmental protection laws on these local community peoples. Given the special relationship that local community peoples have with their inherited environment, abuse in the exploitation and enjoyment of their natural resources attached to the environment, is an assault against their right to develop autonomously. The legal framework for addressing violations of environmental human rights of local community peoples of the south west region in particular and the entire ten regions of Cameroon in general should be well established. Violation of local community peoples' rights are being increasingly addressed under both domestic and international laws in most countries today.<sup>xlvi</sup> As a result of the emerging global environmental concerns, many international treaties and declarations now provide for the protection of the local community peoples whose environmental rights have been violated.<sup>xlvii</sup> Numerous international instruments challenge the national's laws of signatory countries to regulate and to implement laws that ensure the absolute respect of the indigenous environmental rights of local community peoples. Human rights to their local environment are the main concerns of modern international law as

violations of the rights of local community peoples to their environment is threatening life and health at the local communities .<sup>xlvi</sup>

According to *Dianah Shelton*, a leading expert in environmental human rights and benefits, environmental human rights present an overlapping social value with a core of common benefits that are enjoyed by a people so attached to their inherited environment. The highest quality of human life can be attained once you are so closely attached to your environment. According to the world Charter for nature, mankind is part of nature and life depends on the uninterrupted functioning of natural systems which ensure the supply of energy and nutrients.<sup>xlix</sup> The vision of integrating human rights to the environment, is very necessary and also very important for a number of reasons, first, the incorporation of environmental rights issues strengthens the peoples and allows for a more effective protection of human beings, generates preventative and remedial solutions for future harms, establishes policies and legal mechanism to ensure the enjoyment of the right to a high-quality of life. The first nexus between human rights and the environment emerged in the 1972 Stockholm Declaration which provides that aspects of Mans's environment, the natural environment is essential to his well-being and to the enjoyment of basic human rights, even the right to life itself.<sup>1</sup> Although it did not create a new human right to the environment per se, it represented the first real international recognition of the importance of local community environment to local community peoples of the south west region of Cameroon. The Stockholm Declaration served as a basis for the 1992 Rio Declaration, which now provides for the fundamental principles of international environmental local community rights.

Furthermore, *Christopher Weeramantry*, Vice-President of the international Court of Justice, made one of the most persuasive propositions supporting the linkage between local community rights to the environment in a separate precedent-setting opinion, which declared that local community environment is likewise a vital part of contemporary human rights such as the right to health, the right to life. To him, the right to local community environment is justified on the grounds of its importance to the enjoyment of basic human rights and human survival. The World Bank also realize that, the special linkage with the local community peoples to their environment and its resources, exposes them to heightened types of risk and a high-level impact if such rights are violated. The World Bank states, violation of the rights of local community peoples to their environment, exposes them to risk and levels of impact from development projects, including loss of identity, culture, and customary livelihoods, as well as exposure to



disease.<sup>li</sup> The World Bank is a vital global source of financial assistance to developing countries Cameroon inclusive. She plays a critical role in safeguarding the environment of local community peoples without violating their basic human rights. It sets a mission to fight poverty as a result of environmental protection.

## CONCLUSION AND THE WAY FORWARD

Local Community Peoples of the South West Region of Cameroon depend on the environment for their livelihood, their identity, their culture and their customary inheritance. The enforcement and implementation of environmental human rights that is, the right to use and manage their inherited environment in Cameroons' legal framework will go a long way to alleviating poverty and misery within the local communities. This area of human right is of main concern now to modern international law, and the deterioration of the standard of living of the local community peoples is threatening to international world order. While continuous enforcement of environmental protection laws in the local communities, affects negatively these peoples, it is particularly devastating to these peoples whose culture and indigenous inheritance is impacting their ability to survive as a distinct people in the near future. Local community peoples themselves should now be viewed as an active partner in the use and preservation of their environment for posterity. Realizing the significance of the linkage between local community peoples and their environment, the Inter-American Human rights system pioneered in elevating the rights of the local community peoples to their environment this was by adopting Article 11 of the San Salvador Protocol.<sup>lii</sup>

This study proposed that the laws governing environmental protection in Cameroon should be redefined to include the restitution of indigenous inherited rights to the environment of local community peoples. Local community peoples have not been having it easy seeking relief from the government as a result of gross violation of rights due to the enforcement of environmental protection laws in Cameroon. Many legal systems in the world today have begun to incorporate local community rights to their inherited environment into their laws on environment and Cameroon must not linger behind. The Environmental and Social Framework (ESF) became effective on October 1, 2018 and applies to all Investment Policy Financing (IPF) projects initiated after this date....The ESF approved by the Board on August 4, 2016, consists of the World Bank's Vision for Sustainable Development<sup>liii</sup>. According to the Britton Woods



violation of the rights of local community people to their environment and its resources, exposes these communities to risks which include loss of identity, culture livelihoods and exposure to disease. Curiously, some national laws protecting the environment do not reflect the realities of the local people despite the fact that Human Rights as to local environment are the main concern of modern international law violations of local community rights. Mankind is part of nature hence environmental exigencies must reflect his/her aspirations. Also, it has to be for the benefit of mankind and the environment. This brings the importance of community implication and participation to attain effective protection. Our community in this article is the Ndian, Korup and Taka Manda mountain inhabitants in particular and the Orocko community in general. Dispossession of community people of the freedom to land use is zoomed in the article and the removal of community from ancestral sites is spot-lighted. The law is at crossroads as concerns the true definition of indigenous populations though it is enshrined in the constitution, this article suggests that they be considered local communities and defined as per the ethnic, linguistic, religious and other relevant indicators peculiar to the particular nation in question. This article proposes measures to reducing the negative impact of environmental laws of Cameroon on local population. One of such measures is the amendment of the national laws protecting the environment of Cameroon so as to take into consideration the interest of the local communities. It is right to conclude that Cameroon has expressed commitment to international environmental law given the legal framework for the protection of the environment of Cameroon and environmental policies. But does the impact of these laws on local communities respect the rights of these locals and by so doing portray the state as citizen friendly?

In this regard, the following propositions are inevitable: firstly, the implication of the local communities in the preparation planning, evaluation and monitoring of environmental management together with state experts would infuse collective intelligence and collective responsibility for the good of the stakeholders. Communities must be implicated. Secondly, the guarantor of environmental issues which is the state should show political will towards the concurrent benefit of environment and community by revamping the current legal system which regulates the environment and enact legislation that reflects the situation on the ground without favour. Present laws do not mirror the reality. Thirdly, the constitution which is the basis for all law must be reviewed to give an unequivocal definition of the communities, give them a status, enumerate them and put in place a modus operandi for dealing with the classified

communities. Moreover, the communities should be empowered through capacity building training, sensitization and the accompanying of their leaders and women in the sustainable use of the environment for the benefit of tripartite community, environment and law. Above all, there has to be a full-scale revolution in the methods of environmental exploitation like the modernizing of agriculture, provision of high yielding seedings. This would optimize the use of land surface and by extrapolation reduce human impact. If this is coupled with provision of alternative sources of protein like empowerment in poultry farming, animal husbandry and pisciculture a positive impact would be felt in the quantum of wildlife. Nevertheless, the concerned communities must be made to see their interest in this venture, failure to do so would be a fight in futility and no stakeholder would be satisfied. This can be obtained by putting in place a special curriculum for environmental education which takes consideration of the specificities of areas that fall within this dynamic. It could be implemented from senior primary up to high school.

## ENDNOTES

<sup>i</sup>United Nations Conference on the Human Environment, Stockholm 1972 | United Nations (consulted on 16/04/2022).

<sup>ii</sup> Metrics and Research Impact Alvin Hutchinson, in *Science Libraries in the Self-Service Age*, 2019.

<sup>iii</sup> Ali Alhayany University of Diyala 2018.

<sup>iv</sup>See the earth summit held in 1992 Brazil in 1992.

<sup>v</sup> Preamble of The United Nations Conference on Environment and Development, 3 to 14 June 1992 in Rio de Janeiro.

<sup>vi</sup> Mesmin Tchindjang , Clair RÈnÈ Banga, Appolinaire Nankam , Jean Sylvestre Makak; mapping of protected areas evolution in Cameroon from the beginning to 2000: lesson to learn and perspectives.

<sup>vii</sup> See World Council of local community peoples, Draft Covenant Memeo (1984).

<sup>viii</sup> What is Local Community | IGI Global (igi-global.com).

<sup>ix</sup> Oliver C. Ruppel & Emmanuel D. Kam Yogo Chapter 8; Frédéric Foka Taffo; *Le Droit Pénal De L'environnement Au Cameroun*.

<sup>x</sup> EU, WWF, ODA (DFID), KFW, GTZ, WCS and US DoD.

<sup>xi</sup> Dr. Kai Schmidt-Soltau; Conservation initiatives and local responses around Korup National Park (Cameroon).

<sup>xii</sup> Ibid.

<sup>xiii</sup>S. Weissner, "indigenous sovereignty: A Reassessment in light of the UN Declaration on the Indigenous peoples", (, October 2008) *Vanderbilt Journal of Transnational law*, P.1163.

<sup>xiv</sup>See the Report of the African Commission's Working Group of experts on indigenous population/communities, see also the Report on the Third Workshop on Multiculturalism in Africa: peaceful and Constructive Group Accommodation in Situations Involving Minorities and Indigenous Peoples para 9.

<sup>xv</sup> From structured interviews with the Director of the UN Center for Human Rights for Central Africa Yaounde 9th of March 2011.

<sup>xvi</sup> From structured interview with some of the Officials in the Ministries of Social Affairs and UN Department MINREX on the 10th of March 2011.

<sup>xvii</sup> Interview with the Director of the UN Center for Human Rights for Central Africa-Yaounde, 9th of March 2011.

- <sup>xviii</sup> See the speech of the Minister of Social Affairs, at the opening of the regional workshop on the Rights of Indigenous Peoples in Central Africa, held at Hotel Mont Febe, Yaounde, 15th of April 2009.
- <sup>xix</sup> This was the *raison d'être* of chapter IV section 5 of the 2005 Report viz: "Almost all African States host a rich variety of different ethnic groups, some of which are dominant and some are in subordinate positions. All these groups are indigenous to Africa."
- <sup>xx</sup> Schmidt-Soltau 2000.
- <sup>xxi</sup> Dr. Kai Schmidt-Soltau; Conservation initiatives and local responses around Korup National Park (Cameroon). The official land titled is owned by PAMOL.
- <sup>xxii</sup> Constitution of Cameroon of 1972, revised by Law No. 96-06 of 18 January 1996.
- <sup>xxiii</sup> See the preamble of the 2008 amended Constitution of Cameroon.
- <sup>xxiv</sup> National Assembly, 5th Legislature 1995/1996, Extraordinary Session, December 1995, a report presented by Hon Etong Hilarion before the constitutional committee the Human Rights and Freedom committee, the committee for legislative and regulation as well as that on Administration and Arm Forces for the project of Law No 590/PJL/NA during the revision of the Constitution of 2<sup>nd</sup> of June 1972, December 1995, No 2205, P. 32.
- <sup>xxv</sup> World Council of Indigenous Peoples, Draft Covenant (Mimeo 1984).
- <sup>xxvi</sup> Balondo Ba Diko; Balondo Bananga, Balue; Bakoko; Batanga: Bima; Ekombe; KUROP; Barombi and Ngolo.
- <sup>xxvii</sup> Advisory Opinion of the African Commission on the UNDRIP as its 41th Ordinary Session held in May 2007 in Accra Ghana.
- <sup>xxviii</sup> The National Bilingual daily Cameroon Tribune of Monday 16th Feb 1998 PP 2, 3 and 4.
- <sup>xxix</sup> a) Self-identification; b) A special attachment to and use of their traditional land whereby their ancestral land and territory have a fundamental importance for their collective physical and survival as peoples; c) A state of subjugation, marginalization, dispossession, exclusion, or discrimination because these peoples have different cultures, ways of life or mode of production than the national hegemonic and dominant model.
- <sup>xxx</sup> These are some of the traditional Organizations in Ndian Division with specific purposes like unity, discipline, solidarity, development, etc endowed with strong spiritual powers.
- See the Report of the Africa Commission's Working Group on Indigenous Peoples in Africa "Indigenes Peoples in Africa: The Forgotten Peoples" (2006), p 16.
- <sup>xxxi</sup> Ibid.
- <sup>xxxii</sup> Ibid.
- <sup>xxxiii</sup> J. Longmore and J. Lee (2010) *supra*.
- <sup>xxxiv</sup> Bernard Gauthier & Albert Zeufack "GOVERNANCE AND OIL REVENUES IN CAMEROON" (2009) Revenue Watch Project, OxCARRE, Oxford University
- <sup>xxxv</sup> J.N. Okolle., *Improving the Welfare of our Local Communities With a special Focus on the Orocko People*, (Buea, World Changers Publishers, 2010).
- <sup>xxxvi</sup> Iioani Palm Estate.
- <sup>xxxvii</sup> Mokoko Rubber State.
- <sup>xxxviii</sup> Infrastructural includes telecommunication, power, piped born water supply, sanitation and sewage, roads, dams, ports, and urban transport, which shapes the life and determines the standard of living of a people.
- <sup>xxxix</sup> For Example, the tone High School in Bamusso Sub-division located in Mbonge Balondo can only boast of a principal, 2 Vice Principal, a Discipline Master and a Mathematics teacher as government employees, a situation common to all the schools in Ndian Division.
- <sup>xl</sup> Bamusso, Dikome, Balue, Ekondo –Titi Idabato, Isangele, Kombo Abedimo, Kombo Abedimo, Kombo Itindi, Mundemba Central and Toko.
- <sup>xli</sup> Suit No.HCN/003/2011/1M/2011.
- <sup>xlii</sup> Dr. Kai Schmidt-Soltau; Conservation initiatives and local responses around Korup National Park (Cameroon).
- <sup>xliii</sup> De Larney; Mark W (2000) *Historical dictionary of the Republic of Cameroon* (3<sup>rd</sup> edition) p. 45 Lanham, Maryland: The Scare Crow Press.
- <sup>xliv</sup> Ibid.
- <sup>xlv</sup> E/CN.4/Sub.2/384/Rev.1, para 568.
- <sup>xlvi</sup> See Hitchcock, at p. 14.
- <sup>xlvii</sup> Ibid.
- <sup>xlviii</sup> Ndofo Mbom, (1997) "impact of one on the coastal environment of Cameroon" UNEP Forum Technical publications P.45.
- <sup>xlix</sup> See World Charter for nature, G.A. Res.37/7, U.N. Doc. A/37/51 (1982)
- <sup>l</sup> Declaration of the United Nations Conference on the human Environment, adopted June 16, 1972 U.N. Doc.

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<sup>li</sup> See the World Bank Operational Manual 4.1 (July 2005), at p. 16.

<http://web.worldbank.org/WBSITE/EXTERNAL/PROJECT/EXTPOLICIES/EXTOPMANUAL/0,,contentMDK:20553653>.

<sup>lii</sup> Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social, and Cultural Rights : “Protocol of San Salvador” : Signed at San Salvador, El Salvador, on November 17, 1988, at the Eighteenth Regular Session of the General Assembly.

<sup>liii</sup> The world bank environmental and social framework. ESFFramework.pdf (worldbank.org).

