

# The Challenges Bedeviling the Fight for Climate Justice in Cameroon: A Critique

Felix Fung Kum<sup>1,2,3</sup>

<sup>1</sup> PhD Research Fellow, Department of English Law, Faculty of Laws and Political Science, University of Buea, Cameroon

<sup>2</sup> Graduate Teaching Assistant, Department of Business Law, University of Buea, Cameroon

<sup>3</sup> Advocate-in-Training of the Cameroon Bar Association, Cameroon

Correspondence: Felix Fung Kum, PhD Research Fellow, Department of English Law, Faculty of Laws and Political Science, University of Buea, Cameroon; Graduate Teaching Assistant, Department of Business Law, University of Buea, Cameroon; Advocate-in-Training of the Cameroon Bar Association, Cameroon.

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## Abstract

Climate justice in Cameroon addresses the urgent need to confront the disproportionate impacts of climate change on vulnerable communities, particularly indigenous peoples and local populations dependent on natural resources. It recognizes the interconnectedness of environmental protection, social equity, and sustainable development. In Cameroon, climate justice involves ensuring access to and control over natural resources while combating environmental injustices such as deforestation, pollution, and the adverse effects of climate change on livelihoods. This study explores the multifaceted challenges hindering the effective pursuit of climate justice in Cameroon. The background highlights climate change as a critical threat to Cameroon's population, economy, and environment, exacerbated by institutional weaknesses and environmental degradation such as deforestation. The research problem centers on the inadequacy of legal frameworks, limited public participation, and poor implementation of climate policies that obstruct the fight for climate justice. The main objective is to identify key obstacles and propose actionable solutions to enhance climate justice efforts in Cameroon. Employing a qualitative research methodology, the study analyzes policy documents, institutional reports, and stakeholder consultations. Major findings reveal institutional capacity constraints, lack of coordination, corruption, and the dominance of fossil fuel subsidies as critical barriers. The study concludes that Cameroon's climate justice agenda remains limited by systemic and governance issues despite existing strategies. It recommends strengthening legal frameworks, enhancing institutional capacities, promoting inclusive public engagement, phasing out fuel subsidies, and encouraging private sector participation to achieve equitable climate outcomes.

**Keywords:** challenges, bedeviling, climate, justice, climate justice

## 1. Introduction

Climate change stands out as one of the most severe global sustainable development problems affecting mankind and requiring global efforts to tackle same. Climate change is caused by the concentration of greenhouse gases (GHGs)<sup>1</sup> in the atmosphere that serve as a blanket, preventing heat from escaping and thereby causing global warming with consequential impacts. Climate change is defined by the Intergovernmental Panel on Climate

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<sup>1</sup> "Greenhouse gases" means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emits infrared radiation. See Art.1(5) of the UNFCCC, 1992. The Convention concerns all GHGs not covered by the 1987 Montreal Protocol to the United Nations Convention on Protection of the Ozone layer.

Change (IPCC) as “a change in the state of the climate that can be identified by changes in the mean or the variability of its properties that persist for an extended period typically a decade or longer”<sup>1</sup>. The United Nations Framework Convention on Climate Change (UNFCCC), 1992<sup>2</sup> defines climate change as change of climate attributed to human activity directly or indirectly that alters the composition of the global atmosphere and which is in addition to natural climate changes observed over comparable periods of time. It also refers to any change in climate over time, whether due to natural variability or as a result of human activities. Thus, human-induced climate change represents a critical global environmental problem<sup>3</sup>. Among the environmental challenges, climate change is the biggest and most critical of our time, and currently constitutes one of the hottest issues of the 21<sup>st</sup> Century being debated globally.<sup>4</sup>

Countries continue to experience hotter and colder weather, rising sea levels, rising temperature, drought and desertification, fluctuating rainfall pattern, dwindling crop yields and crop failure, famine, poverty, increasing natural disasters (notably flood, diseases outbreak, water scarcity, extreme weather events, etc.) like never before all of which are provoked by climate change. The latter has mutated from being an environmental problem to a sustainable development challenge, affecting almost all sectors of national economies. Indeed, climate change poses severe environmental and socio-economic threats in all the regions of the world and Africa in particular. Researchers<sup>5</sup> have identified Africa as the continent most vulnerable to climate change despite her minimal contribution to the emission of GHGs that are responsible for climate change. Member States of the Africa Union (AU) had long acknowledged Africa’s vulnerability to climate change in their Declaration on Climate Change and Development in Africa adopted in 2007 and expressed threats that it poses to the environment, the

<sup>1</sup> Mzaweba R. and Kotze L, (editors), (2009). *Environmental Governance and Climate Change in Africa*. Pushkin square, Addis Ababa, p.7.

<sup>2</sup> Art. 1(2) of the United Nations Framework Convention on Climate Change (UNFCCC), 1992. The UNFCCC was adopted on May 9, 1992 and entered into force on 21 March 1994. Cameroon ratified the UNFCCC on 14 October 1994. For commentaries, See Nakhouda S. et al., (2014), “Climate finance: is it making a difference? A review of the effectiveness of Multilateral Climate Funds,” Report, Overseas Development Institute, London, p. 20, [www.odi.org](http://www.odi.org), (retrieved on 14/01/2014); OECD, (2008), op. cit., p. 5; Busingye G., (2009), “Gender roles, land degradation and climate change: A Ugandan case study,” in Mwebaza R. and Louis K. J., (dir.) *Environmental Governance and Climate Change in Africa: Legal Perspectives*, Institute for Security Studies, Pretoria, p. 23; Watson J. E. M. (2011), “Planning for Species Conservation in a Time of Climate Change,” in Blanco J. and Kheradmand H., “Climate Change — Research and Technology for Adaptation and Mitigation,” InTech, Rijeka, p. 23.

<sup>3</sup> Ibid note 4, p.7, see also article 1(2) of the UNFCCC.

<sup>4</sup> See Mwebaza R. (2009a), “The impact of climate change in East Africa”, in Mwebaza R. and Louis K. J., (dir.) *Environmental Governance and Climate Change in Africa: Legal Perspectives*, Institute for Security Studies, Pretoria, p. 4; Parry M. et al., (2009b), “Climate Change and Hunger Responding to the Challenge”, World Food Programme, Rome, p. 4, available at [http://www.preventionweb.net/files/12007\\_wfp212536.pdf](http://www.preventionweb.net/files/12007_wfp212536.pdf), (retrieved on 31/10/2013); OECD, (2008), “Climate Change Mitigation: What do we do?”, OECD, p. 3; Crow D. A. and Maxwell T. B., (2014), “Culture, Politics and Climate Change: How information shapes our common future”, Routledge Taylor & Francis Group, London & New York, p. 1; Hall C., (2014), “Beyond, Gloom and Doom or Hope and Possibility: Making Room for both Sacrifice and Reward in our Visions of a Low-carbon Future”, in Deserai A. Crow and Maxwell T. Boykoff, “Culture, Politics and Climate Change: How information shapes our common future”, Routledge Taylor & Francis Group, London & New York, p. 23; UNEP, (2014b), op. cit., p. 6; Laing T., (2014), “Assessing the impact of institutional conditions upon REDD+”, Doctoral Thesis, Environmental Economics, London School of Economics and Political Science, London, p. 15; Somorin O. A. et al., (2011a), “The Congo Basin forests in a changing climate: Policy discourses on adaptation and mitigation (REDD+)”, *Global Environ. Change*, Elsevier Ltd., p. 1; Blanco J. and Kheradmand H., (2011), “Climate Change — Research and Technology for Adaptation and Mitigation”, InTech, Rijeka, p. ix; Rustam B. et al., (2011), “Space Technology as the Tool in Climate Change Monitoring System”, in Blanco J. and Kheradmand H., “Climate Change — Research and Technology for Adaptation and Mitigation”, InTech, Rijeka, pp. 115 and 116; Pittock A. B., op. cit., p. xiii; Bodegom V. et al., (Eds), (2009), “Forests and Climate Change: adaptation and mitigation”, Tropenbos International, Wageningen, p. v; Duncan R. et al., (2010), “Climate change: impacts and adaptation in England’s woodlands”, Research Note of Forestry Commission England, Pedunculate oak, p. 2; Ouro-Bodi O.G. (2014) “Les Etats et la protection internationale de l’environnement: La question du changement climatique”, PhD Thesis, Université de Bordeaux, p. i.

<sup>5</sup> Ngwome G.F., (2023). “Soil Security Concerns in the Era of Climate Change: An Assessment of African Union’s Legal Framework for Sustainable Soil Management and Implications for Combating Climate Change in Africa,” *LEAD Journal*, special Issue, Vol. 19/1, p. 268. DOI: <https://doi.org/10.25501/SOAS.00038950>; J. C. Nkomo J.C., Nyong A.O. and Kulindwa K., (2006). *The Impacts of Climate Change in Africa*, Final Draft Submitted to The Stern Review on the Economics of Climate Change, pp. 3-8, available at [http://mediadon.co.za/wp-content/uploads/2019/09/2009-Chapter\\_5\\_The\\_Impacts\\_of\\_Climate\\_Change\\_in\\_Africa-5.pdf](http://mediadon.co.za/wp-content/uploads/2019/09/2009-Chapter_5_The_Impacts_of_Climate_Change_in_Africa-5.pdf), (accessed on 15 November 2023).

wellbeing of Africans and the socio-economic progress of the continent. The IPCC<sup>1</sup> and the AU<sup>2</sup> have expressed the same concerns about the threats posed by climate change in dry areas of sub-Saharan Africa, where the majority of the populations depend on rain-fed agriculture.

Cameroon is one of the African countries most affected by climate change. The vulnerability of Africa and Cameroon in particular is due to at least four factors. The one is that Africa and Cameroon in particular depend on climate-sensitive activities such as rain-fed agriculture, harvesting of non-timber forestry products and high dependence on natural resources. Another factor is the low adaptive capacity of African countries and Cameroon in particular owing to inadequate technology, know-how and finance. Other factors include poverty, low level of education and limited access to credit facilities and bad governance<sup>3</sup>. Although these characterize the vulnerability of the African continent and Cameroon in particular to climate change, the factors and consequential impacts are not uniform across the continent and across all the regions of Cameroon. In other words, vulnerability to climate change in Africa and specifically in Cameroon is not uniform. Different ecological zones and social classes experience the impacts of climate change in different magnitudes. With respect to social groups, the old, youths and women are the most vulnerable to the impacts of climate change and also suffer disproportionately in adapting to such impacts because of their age range, financial capability and the nature of their economic activities.

Despite the magnitude of the threats posed by climate change, responses to it from political leaders, and from the public at large, have been inadequate. There is a consensus among scientists that the balance of evidence points towards discernible anthropogenic activities that are responsible for global climate change.<sup>4</sup> Notwithstanding the ambitious global agreements such as the UNFCCC and its enabling instruments such as the Paris Agreement of 2015,<sup>5</sup> and the various annual conference of parties (COPs), emission of GHGs continues to rise. At each annual COP to the UNFCCC, the negotiating parties battle selfishly to protect their respective interests, and the prospects of a global climate regime which ensures that emissions reduce to a safe level and does so equitably appears to be a distant hope. The UNFCCC, the Paris Agreement and the now redundant Kyoto Protocol contain obligations for states to implement climate change mitigation and adaptation actions. For example, to ensure the observance and enforcement of the UNFCCC, the international community converged in Kyoto and, with the exception of some major industrialised world powers, in the example of the United States, and Canada who withdrew from it with effect from December 15, 2012, adopted the Kyoto Protocol<sup>6</sup>. As a consequence, the United States did not become bound by any emission limitation and reduction commitment. The United States was then the largest GHG emitter (now surpassed by China) and its GHG emissions represented a large share of the emissions of developed states that the Kyoto protocol sought to regulate. Notwithstanding the fact that developing countries contribute less to the total global GHG emissions, they are identified as the most vulnerable and those who suffer the brunt of the impacts of climate change.

Climate justice movement emerged in 1999<sup>7</sup>, and subsequently began gaining more grounds in 2009 during the UNFCCC COP in Copenhagen, Denmark. The Copenhagen Conference<sup>8</sup> created the Climate Justice Action (CJA) Network. It proposed civil disobedience and direct action to enforce its implementation and many climate

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<sup>1</sup> Martin L Parry et al., (eds), (2007). IPCC, *Climate Change 2007: Impacts, Adaptation and Vulnerability, Contribution of Working Group II to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change*. Cambridge University Press, pp. 12 and 13.

<sup>2</sup> African Union Climate Change and Resilient Development Strategy and Action Plan (2022-2032), p. 10. <[https://au.int/sites/default/files/documents/42276-doc-CC\\_Strategy\\_and\\_Action\\_Plan\\_2022-2032\\_23\\_06\\_22\\_ENGLISH\\_compressed.pdf](https://au.int/sites/default/files/documents/42276-doc-CC_Strategy_and_Action_Plan_2022-2032_23_06_22_ENGLISH_compressed.pdf)>, (accessed on 22 November 2023).

<sup>3</sup> See generally Ngwome G.F., op. cit., p. 268.

<sup>4</sup> Tamasang C. F., (2009). "The Clean Development Mechanism and Forestry Projects in Africa: The Case of Forestry Projects in Cameroon", in Mwebaza R. and Liou K. J., (dir.), *Environmental Governance and Climate Change in Africa: Legal Perspectives*, Institute for Security Studies, p. 172.

<sup>5</sup> The Paris Agreement was adopted on 12 December 2015, signed on 22 April 2016 and entered into force on 04 November 2016. Cameroon ratified the Paris Agreement on 29 Jul 2016.

<sup>6</sup> Tamasang C. F., (2009), op. cit., p. 172.

<sup>7</sup> Widick R., (2021). *The Climate Justice Movement*, The International Institute of Climate Action and Theory, available at <https://iicat.org/climate-justice-movement>, (accessed on 22 of November 2023).

<sup>8</sup> Heinrich Böll Foundation, (2009). "Climate Change and Justice: On the road to Copenhagen", Archived 21 December 2018 at the Wayback Machine.

activists used the slogan “system change, not climate change”<sup>1</sup>. However, ten years after the Earth Summit in Rio-de Janeiro 1992, a conference was held in Johannesburg where the Bali Principles of Climate Justice<sup>2</sup> were adopted. In 2004, the Durban Group for Climate Justice was formed at an international meeting in Durban, South Africa where representatives from Non-Governmental Organizations and people’s movements discussed realistic policies for addressing climate change. At the 2007 Bali Conference, the global coalition “Climate Justice Now” was founded, and, in 2008, the Global Humanitarian Forum focused on climate justice at its inaugural meeting in Geneva. In April 2010, the World People’s Conference on Climate Change and the Rights of Mother Earth that took place in Tiquipaya, Bolivia, gathered global civil society and governments, and

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<sup>1</sup> At the Copenhagen summit there was a 100,000 march for “System Change not climate change” with masses and NGOs advocating on addressing climate justice through changing the system.

<sup>2</sup> The Bali Principles of Climate Justice were adopted by an international coalition of groups including CorpWatch, Third World Network, Oil Watch, the Indigenous Environmental Network, etc., during the preparatory negotiations for the Earth Summit in Bali in June 2002. The Principles of Climate Justice which capture the whole idea of justice in the context of combating climate change consist of 27 core principles that underlie the concept of climate justice. The 27 core principles of climate justice include: Affirming the sacredness of Mother Earth, ecological unity and the interdependence of all species, Climate Justice insists that communities have the right to be free from climate change, its related impacts and other forms of ecological destruction; Climate Justice affirms the need to reduce with an aim to eliminate the production of greenhouse gases and associated local pollutants; Climate Justice affirms the rights of indigenous peoples and affected communities to represent and speak for themselves; Climate Justice affirms that governments are responsible for addressing climate change in a manner that is both democratically accountable to their people and in accordance with the principle of common but differentiated responsibilities; Climate Justice demands that communities, particularly affected communities play a leading role in national and international processes to address climate change; Climate Justice opposes the role of transnational corporations in shaping unsustainable production and consumption patterns and lifestyles, as well as their role in unduly influencing national and international decision-making; Climate Justice calls for the recognition of a principle of ecological debt that industrialized governments and transnational corporations owe the rest of the world as a result of their appropriation of the planet’s capacity to absorb greenhouse gases; Affirming the principle of ecological debt, Climate Justice demands that fossil fuel and extractive industries be held strictly liable for all past and current life-cycle impacts relating to the production of greenhouse gases and associated local pollutants; Affirming the principle of Ecological debt, Climate Justice protects the rights of victims of climate change and associated injustices to receive full compensation, restoration, and reparation for loss of land, livelihood and other damages; Climate Justice calls for a moratorium on all new fossil fuel exploration and exploitation; a moratorium on the construction of new nuclear power plants; the phase out of the use of nuclear power worldwide; and a moratorium on the construction of large hydro schemes; Climate Justice calls for clean, renewable, locally controlled and low-impact energy resources in the interest of a sustainable planet for all living things; Climate Justice affirms the right of all people, including the poor, women, rural and indigenous peoples, to have access to affordable and sustainable energy; Climate Justice affirms that any market-based or technological solution to climate change, such as carbon-trading and carbon sequestration, should be subject to principles of democratic accountability, ecological sustainability and social justice; Climate Justice affirms the right of all workers employed in extractive, fossil fuel and other greenhouse-gas producing industries to a safe and healthy work environment without being forced to choose between an unsafe livelihood based on unsustainable production and unemployment; Climate Justice affirms the need for solutions to climate change that do not externalize costs to the environment and communities, and are in line with the principles of a just transition; Climate Justice is committed to preventing the extinction of cultures and biodiversity due to climate change and its associated impacts; Climate Justice affirms the need for socio-economic models that safeguard the fundamental rights to clean air, land, water, food and healthy ecosystems; Climate Justice affirms the rights of communities dependent on natural resources for their livelihood and cultures to own and manage the same in a sustainable manner, and is opposed to the commodification of nature and its resources; Climate Justice demands that public policy be based on mutual respect and justice for all peoples, free from any form of discrimination or bias; Climate Justice recognizes the right to self-determination of Indigenous Peoples, and their right to control their lands, including sub-surface land, territories and resources and the right to the protection against any action or conduct that may result in the destruction or degradation of their territories and cultural way of life; Climate Justice affirms the right of indigenous peoples and local communities to participate effectively at every level of decision-making, including needs assessment, planning, implementation, enforcement and evaluation, the strict enforcement of principles of prior informed consent, and the right to say “No; Climate Justice affirms the need for solutions that address women’s rights; Climate Justice affirms the right of youth as equal partners in the movement to address climate change and its associated impacts; Climate Justice opposes military action, occupation, repression and exploitation of lands, water, oceans, peoples and cultures, and other life forms, especially as it relates to the fossil fuel industry’s role in this respect; Climate Justice calls for the education of present and future generations, emphasizes climate, energy, social and environmental issues, while basing itself on real-life experiences and an appreciation of diverse cultural perspectives; Climate Justice requires that we, as individuals and communities, make personal and consumer choices to consume as little of Mother Earth’s resources, conserve our need for energy; and make the conscious decision to challenge and reprioritize our lifestyles, re-thinking our ethics with relation to the environment and the Mother Earth; while utilizing clean, renewable, low-impact energy; and ensuring the health of the natural world for present and future generations; Climate Justice affirms the rights of unborn generations to natural resources, a stable climate and a healthy planet.”

published the “People’s Agreement” calling among other things, for greater climate justice.<sup>1</sup> Recently in December 2018, the People’s Demand for Climate Justice, signed by 292,000 individuals and 366 organizations, called upon government delegates at the Conference of Parties (COP) 24 to comply with a list of six climate justice demands.<sup>2</sup>

The UNFCCC in article 7 holds on to the decisions of the COPs and supporting protocols and agreements to ensure the ultimate objective enshrined in article 2 of the Convention is achieved. While the Kyoto protocol called for a top-down approach, the Paris Agreement combines the top-down and bottom-up approach to address the matter by giving states the voluntary basis for meeting emission reduction targets while at the same time ensuring sustainable development and climate justice. Goal 16 of the Sustainable Development Goals calls for peace, justice, and strong institutions<sup>3</sup>. It therefore calls for the primacy of justice, particularly climate justice, to anchor on states as a responsibility to ensure environmental peace through effective and efficient strong judicial institutions.

Climate litigation is being used as a vehicle for enhancing and enforcing emission reduction and commitments pledged by governments, but also as a tool to cause businesses and individuals to cut down on their rates of GHG emissions that are responsible for climate change. It has been reported that globally, 73 climate-related litigation cases have been filed challenging government to enhance their responses to climate change.<sup>4</sup> Judgments have been handed down in 8 of such cases with 6 of them producing favourable results for climate action.<sup>5</sup> Apart from climate suits directed at governments, a large chunk of such cases are filed against major GHG or carbon emitters mostly fossil fuel companies, but also companies in the transport, agriculture, plastic and finance sectors. These statistics speak volume of the crucial role that climate litigation plays in enhancing climate justice across the globe.

Cameroon ratified the UNFCCC on 19th October 1994, the Kyoto protocol on 28th August 2002, the Paris Agreement on 29<sup>th</sup> July 2016, and entered into force on 4<sup>th</sup> November 2016. In accordance with Article 45 of the Cameroon Constitution<sup>6</sup>, Cameroon is bound as a matter of international law and national law to enforce and sanction non-compliance with any violations of these laws (UNFCCC and the Paris Agreement), hence the obligation to enhance climate justice. Thus, as much as there is a paucity of write-ups under Cameroonian law with regards to climate justice, then climate justice development under Cameroonian law will be impressive supposing the law can help curb greenhouse gas emissions, ensure fairness to the vulnerable, prevent further actions through deterrence, and guarantee a certain degree of climatic equilibrium and survival of the human race.

Cameroon, as a party to international climate agreements such as the Paris Agreement, has incorporated various environmental and natural resource laws that implicitly cover climate change issues. However, the country lacks a comprehensive, dedicated climate change statute, which limits the scope and effectiveness of climate litigation. The admissibility of climate-related cases is further constrained by restrictive conditions on standing and capacity to act, particularly for civil society organizations and individuals, who face significant barriers to accessing courts in environmental matters. Despite these challenges, existing laws on environmental protection, natural resource management, and administrative procedures provide some legal avenues for holding the state and private actors accountable for climate-related harms. Moreover, Cameroon’s institutional framework, including the Ministry of Environment, Nature Protection and Sustainable Development and the National Observatory on Climate Change, plays a key role in shaping climate policy and enforcement. The growing awareness of climate change impacts and the need for legislative reforms suggest that climate litigation in Cameroon will increasingly rely on a combination of environmental, administrative, and human rights laws to establish responsibility and seek remedies for climate-related damages.

## 2. Procedural Challenges Affecting the Fight for Climate Justice in Cameroon

<sup>1</sup> World People’s Conference on Climate Change and the Rights of Mother Earth, People’s Agreement. Archived 5 July 2011 at the Wayback Machine April 22, Cochabamba, Bolivia.

<sup>2</sup> “The People’s Demands for Climate Justice”. The People’s Demands for Climate Justice. Archived from the original on 8 December 2018. Retrieved 8 December 2018.

<sup>3</sup> UNDP. (2015). “Sustainable Development Goals”.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> Law No.96/6 of 18 January 1996 to amend the Constitution of 2nd June 1972 as subsequently amended by Law No.2008/001 of 14 April 2008, Article 45, “Duly approved or ratified treaties and international agreements shall, following their publication, override national laws, provided the other party implements the said treaty or agreement”.

The procedural challenges of climate justice in Cameroon notably impede effective climate litigation and broader climate governance. A critical discussion of these challenges is as follows:

**a) Inconsistent Environmental Laws**

Cameroon's environmental and climate-related legal framework is fragmented and inconsistent, lacking comprehensive and structured legislation that explicitly addresses climate change.<sup>1</sup> Multiple laws touch on environment and natural resources but do so only implicitly regarding climate impacts, with no overarching law requiring climate integration into public policy or planning.<sup>2</sup> This inconsistency creates gaps and overlaps that hinder coherent climate action and litigation, as it is difficult for courts to apply clear standards or hold actors accountable in the absence of precise rules. For example, forestry laws do not adequately prioritize climate mitigation or adaptation, which weakens litigation claims related to deforestation impacts.<sup>3</sup>

**b) Limited Access to Justice**

Legal standing and procedural requirements severely restrict who can bring climate-related cases in Cameroon. Environmental law prioritizes public authorities and approved associations, effectively excluding many NGOs, communities, and individuals unless they meet stringent criteria like official approval or direct legal interest<sup>4</sup>. This limits civil society's ability to challenge harmful projects or enforcement failures, despite their frontline experience with climate impacts. The Ministry of Forests and Wildlife often dominates environmental litigation, further marginalizing grassroots actors. Such barriers constrict procedural justice by reducing participation and representation of affected populations in climate matters.<sup>5</sup>

**c) Difficulty Establishing Causation**

As in many jurisdictions, establishing the direct causal link between specific environmental harm and climate change or particular actors is complex and technically demanding. Cameroon faces additional difficulties due to limited scientific data, lack of specialized expertise, and weak state capacity for environmental monitoring and climate impact assessment. This complicates plaintiffs' ability to prove that specific actions or omissions caused the harm they allege, reducing the effectiveness of litigation strategies that rely on precise attribution of responsibility. Without robust evidence, courts may dismiss cases or defer to governmental and corporate claims.<sup>6</sup>

**d) Lack of Specialized Knowledge**

Courts and legal practitioners in Cameroon generally lack specialized knowledge of climate science, environmental law, and the technicalities of climate policy enforcement.<sup>7</sup> This knowledge gap affects judicial capacity to understand complex climate cases, evaluate scientific evidence, and interpret evolving climate regulations, which are themselves in flux. Poor communication between judiciary and environmental agencies exacerbates this problem, leading to inconsistent case outcomes and limiting the judiciary's role as an effective arbiter in climate matters. It also constrains strategic legal developments advancing climate justice through litigation.<sup>8</sup>

### **3. Legislative and Policy Challenges Affecting the Fight for Climate Justice in Cameroon**

Ensuring access to justice regarding climate change mitigation and adaptation is central to resolving climate-related disputes. Moreover, within this framework, it is essential to encompass proactive measures aimed at reducing environmental harm, fostering sustainable development, and upholding the right to a healthy

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<sup>1</sup> Akoted-Daniel M., (2025). Combating Climate Change to Promote the Right to Health in Cameroon: A Legal Appraisal of Practical Measures and Conundrums Faced. *Law and Economy*, 4(5), pp. 24-32:30.

<sup>2</sup> *Ibid.*

<sup>3</sup> Idiatou B, Roussel L., (2025). Normative Pluralism and Socio-Environmental Vulnerability in Cameroon: A Literature Review of Urban Land Policy Issues and Challenges. *Urban Science*, 9(6), pp. 219-245:230.

<sup>4</sup> Innocent N, Jude N, Gerald K., (2019). Diagnosing climate adaptation constraints in rural subsistence farming systems in Cameroon: gender and institutional perspectives. *Sustainability*, 11(14), pp. 3767-3787.

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

<sup>7</sup> Lotsmart, Regina N., (2023). Climate change, water availability, and the burden of rural women's triple role in Muyuka, Cameroon. *Global Environmental Change*, 82, 102709.

<sup>8</sup> *Ibid.*

environment.<sup>1</sup> Greenpeace Africa's launch of the Cameroon Climate Justice Movement in 2024 mobilized civil society and local communities to demand government action against massive deforestation causing climate and social harm. Despite this, institutions have been slow to respond meaningfully, illustrating the political, institutional, and legislative inertia curbing climate justice.<sup>2</sup>

#### **a) Legislative Challenges**

Cameroon has signed and ratified international climate instruments, namely the UNFCCC and the Paris Agreement. Cameroon's legislative framework is fragmented and lacks comprehensive climate-specific laws. Climate change issues are mostly addressed implicitly in various environmental and natural resource laws but not in a unified or explicitly integrated manner, which complicates enforcement and coordinated action. Moreover, weak implementation of existing laws, poor public participation in legislative processes, and corruption undermine legislative effectiveness. For example, despite constitutional recognition of environmental rights, enforcement gaps allow continued deforestation and environmental degradation affecting communities.

#### **b) Policy Challenges**

Policy implementation is hindered by lack of coordination and integration of climate change into sectoral and fiscal policies. Cameroon lacks a regulatory framework that systematically mainstreams climate risks into planning, budgeting, and procurement, impeding prioritization of climate projects. There is also poor coordination between central and local governments leading to duplication and inefficiencies. Additionally, the private sector's participation is limited due to an inadequate Public-Private Partnership framework and underdeveloped capital markets for climate finance.

### **4. Institutional Challenges Affecting the Fight for Climate Justice in Cameroon**

Institutions face capacity constraints, unclear roles, and governance weaknesses. Ministries and agencies operate in silos, with overlapping mandates that reduce synergy in climate action. Interactions between government bodies and civil society organizations are weak, restricting collaborative problem-solving. Corruption and lack of political will exacerbate institutional inefficiency. For instance, local community demands on stopping deforestation have been repeatedly unmet, highlighting institutional inertia.

### **5. Inadequate Finance and Funding Sources**

Financial constraints are a major bottleneck. Cameroon estimates needing over US\$32 billion until 2030 for adaptation projects but heavily depends on external funding, which is uncertain and often slow to materialize. Public financing frameworks do not incorporate climate risk budgeting, and there is limited mobilization of domestic resources or private investment. The insufficiency of funds limits implementation of adaptation and mitigation projects, including climate-smart agriculture and resilient infrastructure.

### **6. Political Challenges**

Political will is inconsistent and subject to competing interests. The influence of fossil fuel industries, subsidies on fuels, and prioritization of short-term economic gains hinder climate ambition. Corruption and lack of transparency further weaken trust in government commitments. Electoral politics and governance instability may overshadow sustained climate policies. The political neglect of local voices, including indigenous peoples affected by deforestation and climate change, weakens justice and equitable participation in decision-making.

### **7. Judicial Challenges**

The judiciary in Cameroon faces a lack of climate-specific jurisprudence, limited access to environmental justice, and procedural hurdles. Standing rules restrict community or civil society litigation, and judges often lack scientific expertise to adjudicate complex climate cases. Enforcement of environmental rights is weak, and corruption or political influence can affect judicial independence. The procedural complexities and lack of climate-focused capacity hinders effective claim resolution on climate harms.

### **8. High Cost**

Litigation on climate change, similar to any other type of litigation, involves costs depending on the cause of action, complexity and duration of the suit.<sup>3</sup> In some jurisdictions, a litigant may be asked to provide security for

<sup>1</sup> Peel J and Osofsky HM, (2020). Climate Change Litigation. *Annual Review of Law and Social Science*, 16(1), pp. 21–38; United Nations Environment Programme, 'Global Climate Litigation Report 2020 Status Review', p. 6.

<sup>2</sup> *Ibid.*

<sup>3</sup> SAK Mwesigwa and PD Mutesasira, (2021). Climate Litigation as a Tool for Enforcing Rights of Nature and Environmental Rights by NGOs: Security for Costs and Costs Limitations in Uganda. *Carbon & Climate Law Review*, 15(2), 139–49, 144.

the costs of the defendants, a development that may discourage the pursuit of public interest litigation.<sup>1</sup> Often, litigants in public interest litigation are non-governmental organizations (NGOs) that generally have few or no assets to provide for such security. In pursuing litigation, litigants may also incur considerable costs<sup>2</sup>, which may be a disincentive in suing government and private companies for harm to the environment and for human rights violations.<sup>3</sup> Such costs, include filing fees, payments to expert witnesses, travel expenses, legal practitioners' fees and miscellaneous other fees.<sup>4</sup> Even where complainants are publicly funded or lawyers are acting pro bono, the expenses payable on litigation may be a deterrent to litigation.<sup>5</sup>

The meaningfulness of a state's duty to 'protect' in the context of climate litigation can be measured by the applicable approach to costs in environmental proceedings. The award of costs in litigation is one of the procedural aspects of various legal systems.<sup>6</sup> Though a court hearing a matter has a wide discretion when it comes to awarding costs,<sup>7</sup> the traditional approach in various legal systems is that costs follow the outcome.<sup>8</sup> This implies that a party losing a case is usually required to pay the costs of the successful party. Costs may be a very sizeable figure if litigation has gone through different courts until being finalized, especially since the losing party will be required to pay the costs of the winning party and his or her own costs.<sup>9</sup>

Costs play a significant role in the state's obligation to 'protect' rights within the context of climate change litigation, as the threat of an adverse cost order can strongly discourage public interest lawsuits. Climate change is a matter of broad public concern since it impacts everyone<sup>10</sup>. Potential plaintiffs who might otherwise pursue climate-related cases on behalf of the public often hesitate due to the fear of being burdened with substantial cost penalties if their case fails. As a result, individuals or NGOs interested in these issues may be reluctant to engage in litigation because of the financial risks involved.

In the Global South, climate issues frequently manifest as environmental damage, pollution control, or disputes over natural resources and infrastructure projects. Given limited protections against legal costs and intense competition for legal representation, litigants are generally unlikely to initiate cases aimed solely at protecting the climate. For example, in South Africa, most climate-related legal actions focus on challenges connected to mining and coal-based energy production, with a common theme being the harmful consequences of maintaining existing practices.<sup>11</sup>

In Cameroon there are no provisions in existing legislation or rules that an unsuccessful litigation of environmental matters should be exempted from an award of cost. The latter allows the court to exercise its discretion in awarding costs or to act otherwise in matters relating to the variation or discharge of ex parte orders.<sup>12</sup> The rules of courts of some states are not as ambivalent, as they provide that a successful party is generally entitled to be indemnified for the expenses used in enforcing his/ her civil rights.<sup>13</sup>

<sup>1</sup> 'Taking Action to Protect the Environment', <https://queenslandlawhandbook.org.au/the-queensland-law-handbook/living-and-working-in-society/laws-affecting-the-environment/taking-action-to-protect-the-environment/>, accessed 14 January 2025)

<sup>2</sup> *Ibid.*

<sup>3</sup> Mayeda G., (2010). Access to Justice: The Impact of Injunctions, Contempt of Court Proceedings, and Costs Awards on Environmental Protestors and First Nations. *McGill International Law Journal of Sustainable Development Law & Policy*, 6(2), 143–76, 166.

38 Mayeda (n 37), 147.

<sup>4</sup> *Ibid.*

<sup>5</sup> Schutter O., *et al.*, (2012). Commentary to the Maastricht Principles on Extraterritorial Obligations of States in the Area of Economic Social and Cultural Rights. *Human Rights Quarterly*, 34, pp. 1084-1096:1089.

<sup>6</sup> Budlender S, Marcus and N Ferreira, (2014). Public Interest Litigation and Social Change in South Africa: Strategies, Tactics and Lessons (The Atlantic Philanthropies), 136.

<sup>7</sup> *Naylor v Jansen* 2007 (1) SA 16 (SCA).

<sup>8</sup> Theophilopoulos C, *et al.*, (2020). *Fundamental Principles of Civil Procedure*. 4th ed, 499. (LexisNexis).

<sup>9</sup> *Ibid* at p.500.

<sup>10</sup> 3 J Peel and J Lin, (2019). Transnational Climate Litigation: The Contribution of the Global South. *American Journal of International Law*, 113, 679–726; J Setzer and L Benjamin, (2020). Climate Litigation in the Global South: Constraints and Innovations. *Transnational Environmental Law*, 9(1), pp.77–101:100.

<sup>11</sup> *Ibid.*

<sup>12</sup> Fundamental Rights (Enforcement Procedure) Rules 2009, r. 6.

<sup>13</sup> Order 49 of the High Court of Ogun State (Civil Procedure Rules) 2014; Ord. 53 of the High Court of Lagos State (Civil Procedure Rules) 2019; and Ord. 25 of the Federal High Court (Civil Procedure) Rules 2019.





considered.<sup>1</sup> However, requests for such evidence may be denied if the information is deemed privileged or confidential.<sup>2</sup> This can include communications involving legal advice or any confidential documents or exchanges created primarily for ongoing or anticipated litigation between a company and its representatives.<sup>3</sup> One potential consequence of this exemption is that, without proper legislative protections, corporations and government bodies might use the justification of confidentiality to withhold communications that are important for understanding the causes and effects of climate change.<sup>4</sup>

## 10. Conclusion and Recommendations

The advancement of climate litigation in Cameroon encounters numerous challenges, primarily due to restricted access to the judicial system. Besides the interest and ability of civil society organizations (CSOs) to take action being dependent on approval and involvement with public or semi-public institutions, environmental law tends to prioritize legal entities as the main parties eligible to bring environmental cases before the courts.<sup>5</sup> Despite these limitations, civil society groups actively engage in various efforts to protect the environment and combat climate change. Their activities include advocacy, raising public awareness, and monitoring the legality of natural resource management, particularly in the forestry sector. Additionally, there appear to be emerging opportunities for climate litigation to grow, such as lawsuits initiated by public authorities or civil liability claims filed by individuals.<sup>6</sup> It is also possible that indirect litigation focused on safeguarding natural resources may increasingly be recognized as a common form of climate litigation in Cameroon. In such matters, the willingness to litigate despite risks of punitive costs may be undermined by the risk of high costs. While Cameroon has made strides in developing climate change adaptation plans and policies, the procedural aspects of climate litigation remain a significant area for improvement. The country's legal system, influenced by both civil and common law traditions, requires further development to effectively address the complex challenges posed by climate change.<sup>7</sup>

## 11. Recommendation

For adequate accountability mechanisms — both in relation to climate change and other issues — a number of things are needed.

### The Need for Climate Litigations

International climate agreements, such as the United Nations Framework Convention on Climate Change (UNFCCC)<sup>8</sup> and the Paris Agreement,<sup>9</sup> clearly outline global objectives for mitigation and adaptation that require legal responses at various levels. Reflecting the global mitigation goal, Article 2 of the Paris Agreement urges countries to limit the rise in global temperature to 1.5°C above pre-industrial levels and to make nationally determined contributions toward mitigation efforts<sup>10</sup>. Building on Article 4 of the UNFCCC, Article 7 of the Paris Agreement sets the global adaptation goal, which involves enhancing adaptive capacity, strengthening resilience, and reducing vulnerability to climate change.

Therefore, domestic legislation is essential to implement the commitments states make during international climate negotiations. Such laws also provide a basis for legally evaluating how well a country meets global standards and institutional expectations for climate adaptation and mitigation. For example, legislation aimed at adaptation can be subject to legal challenges if it fails to sufficiently enhance adaptive capacity, increase resilience, or decrease vulnerability to climate impacts. Similarly, regarding mitigation, the adequacy of existing

<sup>1</sup> Wasim, R, (2019). Corporate (Non) Disclosure of Climate Change Information. *Columbia Law Review*, 119(5), 1311–54.

<sup>2</sup> Brown DK, (2019). Evidence Disclosure and Discovery in Common Law Jurisdictions, in DK Brown and others (eds), *The Oxford Handbook of Criminal Process*, Oxford University Press, 543–61.

<sup>3</sup> Ho HL, (2006). Legal Advice Privilege and the Corporate Client. *Singapore Journal of Legal Studies*, 231–263.

<sup>4</sup> *Ibid*

<sup>5</sup> Jegede A.O, (2016). *The Climate Change Regulatory Framework and Indigenous Peoples' Lands in Africa: Human Rights Implications*. Pretoria University Law Press, p.11.

<sup>6</sup> *Ibid*.

<sup>7</sup> Eric E., (2019). *Power, spaces and capabilities: rethinking communication for development in climate change-related natural resource management: The case of the Ngoyla Mintom projects in Cameroon*. University of East Anglia Press, p.78.

<sup>8</sup> United Nations Framework Convention on Climate Change (UNFCCC) (1992) ILM 851.

<sup>9</sup> Paris Agreement under the UNFCCC adopted 30 November – 11 December 2015 at the 21st Sess., Conference of the Parties, FCCC/ CP/ 2015/ L.9/ Rev.1 (Paris Agreement 2015).

<sup>10</sup> Paris Agreement 2015 *Ibid*, art. 4(2).

legal frameworks may be questioned and scrutinized.

An effective approach to reducing greenhouse gas (GHG) emissions requires that mitigation laws comprehensively cover all major sectors known to significantly contribute to CO<sub>2</sub> emissions<sup>1</sup>. If key established sectors are excluded from such legislation,<sup>2</sup> it may raise concerns about the law's effectiveness. Comprehensive legal frameworks create a strong foundation for litigation, enabling challengers to hold governments accountable for compliance with existing laws and to evaluate whether these laws meet the state's constitutional or international human rights obligations. Additionally, such frameworks align with the goals of the Paris Agreement, which calls on states to respect, promote, and consider their responsibilities in climate action.<sup>3</sup>

Government actions or initiatives that contribute to climate change should be subject to legal review. This could specifically include state withdrawal from coal or other fossil fuel investments, as well as time-bound afforestation and reforestation efforts. Likewise, government inaction—particularly failure to meet climate commitments outlined in its policies, official documents, or regional and international agreements it has joined—should be addressed within the scope of thorough and effective climate legislation.

Reforming procedural laws related to access to remedies is equally crucial in climate change litigation. Barriers such as costs, disclosure requirements, standing, and the burden of proof need to be addressed in both climate and other public interest cases. The government should reconsider and revise its approach to costs in climate litigation, ideally exempting individuals or groups advocating for climate protection from expenses like legal fees, witness costs, and lost time, or at least implementing a cost cap for environmental cases. This exemption is justified because climate change is a global issue, and encouraging litigation that promotes a safe climate benefits everyone. The potential burden of cost orders should not discourage climate activists or NGOs from pursuing legal action on behalf of the public.

Access to climate change-related information should be exempt from statutory restrictions on information access. The principle of disclosure should specifically exclude communications—especially scientific evidence—about the causes and impacts of climate change from being treated as privileged or confidential. This change could help overcome the common challenges litigants face in climate and environmental cases. Reforms should require the disclosure of reports, memoranda, or internal defense documents created by defendants, their lawyers or agents, as well as statements made by defendants, government officials, or defense witnesses related to climate cases. Such measures would alleviate the difficulties applicants often encounter when trying to obtain crucial information held by respondents to support their claims.

There should be a specific procedure in place to enforce state obligations in relation to climate change and provide compensation to the victims of this phenomenon. However, in the Cameroonian legal system, judges do not have extensive discretion when it comes to climate-related issues as, unlike common law jurisdictions, they cannot recognize new causes of action under suitable circumstances.

Government should work on strengthening the capacities of various actors and raising public awareness of environmental issues and related regulations. The potential actors that can be of help here are environmental monitoring and inspection officers, judges who are experts in the substantive and technical aspects of environmental issues, and environmental protection associations that care about environmental litigation, and are privileged by public benefit status.

It is also advisable to work on enhancing cooperation and coordination among various stakeholders, including observation and inspection agencies, executors and judges, law enforcement bodies and civil society. Last but not least, it is crucial to recognize the existence of environmental damage independent of its impact on human beings within civil law. Prior to these efforts, the government has to ensure that the relevant laws are prepared prior to their promulgation, or at least by establishing a clear enactment programme

Finally, civil society's involvement in climate litigation is weak and ineffective. This is due to the weakness of the relevant laws and the vulnerability of the associations themselves in terms of the possibilities and resources available to them, as well as their technical knowledge of the environment and its requirements.

#### **a) To the Government of Cameroon**

- 1) Enact a comprehensive national climate change law that clearly defines institutional roles, responsibilities, and coordination mechanisms to ensure effective climate governance and justice.

<sup>1</sup> G Van Calster et al (eds), (2016). *Research Handbook on Climate Change Mitigation Law*. Edward Elgar, p.12.

<sup>2</sup> On the link of rights to climate change, see recent Resolution by the Human Rights Council on human rights and climate change (Resolution 4/ 24), adopted 26 July 2021 at the 47th Session of the Human Rights Council, A/ HRC/ RES/ 47/ 24.

<sup>3</sup> Paris Agreement 2015 *Ibid*, Preamble.

- 2) Integrate climate justice principles into all sectoral policies and development plans to reduce inequality and ensure marginalized groups are prioritized in adaptation and mitigation efforts.
- 3) Increase investment in climate resilience and adaptation infrastructure, including early warning systems for extreme weather events and climate-smart agriculture to protect livelihoods.
- 4) Secure and transparently manage climate finance, ensuring that funds reach the most vulnerable communities, especially indigenous peoples and women, to support sustainable livelihoods and ecosystem preservation.
- 5) Strengthen institutional capacity and accountability by building climate expertise within public agencies and establishing independent oversight mechanisms to monitor climate actions and enforce environmental laws.

#### **b) To the Community**

- 1) Raise local awareness on climate justice issues and rights through education and capacity building, empowering communities to participate actively in climate decision-making.
- 2) Preserve and apply Indigenous knowledge and traditional sustainable practices to enhance climate resilience and protect biodiversity vital to cultural heritage.
- 3) Form or strengthen local climate action groups and networks to advocate for community needs and hold government and private actors accountable.
- 4) Adopt sustainable livelihood practices such as climate-smart agriculture and resource conservation to reduce vulnerability to climate impacts.
- 5) Engage in participatory monitoring and reporting of environmental violations and illegal resource exploitation affecting community lands and ecosystems.

#### **c) To International Communities**

- 1) Provide increased and predictable climate finance targeted at Cameroon's adaptation and mitigation priorities, with special funds dedicated to vulnerable indigenous and marginalized groups.
- 2) Support capacity building and knowledge transfer to strengthen Cameroon's institutional and technical ability to implement climate justice policies effectively.
- 3) Facilitate global platforms and partnerships that amplify Cameroon's climate justice concerns and ensure political visibility at international climate negotiations.
- 4) Promote fair and transparent mechanisms for technology transfer to enable Cameroon's transition to renewable energy and climate-smart infrastructure.
- 5) Encourage accountability through international environmental and human rights frameworks, supporting Cameroon to meet its climate commitments and protect vulnerable populations.

#### **d) To Those in Charge of Environmental Protection**

- 1) Implement comprehensive environmental monitoring systems incorporating community input to detect and address environmental harm linked to climate change.
- 2) Ensure enforcement of existing environmental laws and regulations with transparent reporting and sanctions to protect ecosystems and vulnerable populations.
- 3) Promote participatory environmental governance, involving local communities, women, and marginalized groups in planning and decision-making processes.
- 4) Develop climate-smart environmental management approaches, such as restoring degraded landscapes and conserving biodiversity hotspots significant for carbon sequestration.
- 5) Collaborate closely with civil society organizations and international partners to leverage resources, expertise, and advocacy for stronger climate justice actions.
- 6) These recommendations reflect integrated action points grounded in Cameroon's current challenges and strategic plans, fostering a just climate future for all stakeholders.

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