

Protection of Natural Resources as a Human Rights Imperative Under Cameroonian Law

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Abstract

This article examines the extent to which human rights concerns are protected during the exploitation of natural resources in Cameroon. Cameroon is endowed with a wealth of natural resources, but the exploitation of these resources has not translated into economic prosperity for the majority of its citizens. The exploitation of these resources has led to significant human rights abuses, environmental degradation and social injustices despite the plethora of laws that regulate this sector. Data was collected using primary and secondary sources and analysed using in-depth content analysis for the development of this article. The findings of this article revealed the legislative gaps, inadequate supervision, and discriminatory benefit sharing that hinders the effective protection of natural resources as a human right imperative in Cameroon. It further argues that the rights to environmental justice, a healthy environment, and development are fundamental human rights that are often violated in the context of natural resource exploitation in Cameroon. Constitutional reforms, creation of specialized courts, increase citizen's participation, effective implementation of environmental laws and a fair and equitable benefit sharing with local communities were recommended as measures to protect natural resources as a human rights imperative in Cameroon.

Keywords: natural resource, human rights, protection, environmental justice, benefit sharing

1. Introduction

1.1 Background and Rationale

The availability of natural resources has become practically essential to human society worldwide. The role of natural resources is profound and multifaceted. Natural resources are essential for survival and livelihood.¹ They play a crucial role

for biodiversity and ecosystem balance. Many indigenous communities have long relied on traditional knowledge and natural resources for medicinal purposes, fostering a deep connection with the land and its healing properties.² But as the world population has increased, natural resources have been under more strain, which

¹ Kariuki M., et al. (2015). *Natural Resources and Environmental Justice in Kenya*. Glenwood Publishers Limited, p. 1.

² Michel, T. (2023). The Crucial Role of Natural Resources in

Preserving Earth's Environment. *International Journal of Research in Environmental Science and Toxicology*, 12(4), 1-3.

occasionally result in their degradation and depletion. This has drawn global, regional and national attention. One core focus of the African Union 'Agenda 2063' is the protection of human rights, conservation and sustainable use of natural resources.¹ Similarly, majority of states have adopted policies aimed at ensuring that these resources within the limits of their territorial borders are adequately safeguarded, meeting the nation's economic, social and political objectives. Self-determination, economic, cultural and social rights, all depend on having access to and control over natural resources. Additionally, having these resources increases resilience, and is linked to bettering economic wellbeing, education, nutrition and food security, peace, and a healthy living environment.²

Human rights instruments are being used to regulate and consecrate the protection of natural resources. In this light, United Nations instruments, declaration and resolutions have consecrated the right to natural resources. The Universal Declaration of Human Rights 1948 (UDHR) set the stage for the recognition, protection and promotion of human rights the world over.³ The International Covenant on Civil and Political Rights (1966), provides that: nothing in this Covenant should be interpreted as impairing the inherent right of all peoples to enjoy and utilize fully and freely their natural wealth and resources.⁴ Similarly, the General Assembly of the UN which adopted the principle of permanent sovereignty over natural resources on the 14th December 1962 through resolution 1803(XVII),⁵ provides that: states and international organisations shall strictly and

conscientiously respect the sovereignty of peoples and nations over their natural wealth and resources in accordance with the UN Charter and the principles contained in the resolution.⁶

Natural resources within a sovereign state's borders are *res communis* or *res nullius* even though the state holds it as a trustee for the people. Cameroon is a country endowed with a wealth of natural resources. One of the key features of a democratic society is respect for fundamental freedoms and human rights. However, the exploitation of these resources has led to violations of human rights. Consequently, there has been a growing demand for their protection in Cameroon using human rights instruments. To ensure that these resources are safeguarded while they are being exploited by individuals and companies, the state of Cameroon has enacted legislations and implemented reforms.⁷ In this light, the Constitution of the Republic of Cameroon asserts in its Preamble that, every person shall have a right to a healthy environment. The protection of the environment shall be the duty of every citizen. The state shall ensure the protection and improvement of the environment. The Preamble further stipulates other incidental rights such as, the right to work, the right to life, physical and moral integrity, the right to development, and the right to property, all of which have an environmental component and are thus considered to be part of Cameroon's substantive environmental rights.

Similarly, the Environmental Code holds that, natural resources shall be managed rationally to meet the needs of the present generations without comprising the capacity of future

¹ African Union/AU. (2015). *A Shared Strategic Framework for Inclusive Growth and Sustainable Development and A Global Strategy to Optimise the Use of Africa's Resources for the Benefit of All Africans*. Agenda 2063, p. 34, Available at <https://www.au.in> (Lastly Accessed on 14th February, 2026).

² Landesa. (2012). Issue Brief: Women's Secure Rights to Land, Benefits, Barrier and Best Practices. p.1. Available at <https://www.landsea.org> (Lastly Accessed on 14th February, 2026).

³ UN General Assembly, Universal Declaration of Human Rights, 10 December, 1948, 217 A (III).

⁴ Article 47 of International Covenant on Civil and Political Rights.

⁵ The UNGA voted the resolution 1803 based on its resolution 523(VI) of 12 January 1952 and 626 (VII) of 21 December 1952. This was done bearing in mind resolution 1314(XIII) of 12 December 1958 which establishes the commission on permanent sovereignty over natural resources and conducted it to establish a full survey of the status of permanent sovereignty over natural wealth

and resources as a basic constituent of the right to self-determination, with recommendations, where necessary, for its strengthening... and also resolution 1515(XV) of 15 December 1960, in which it recommended that the sovereign right of every state to dispose of its wealth and its natural resources should be respected.

⁶ Principle 1 of the UNGA resolution 1803(XVII) states that, the right of peoples and nations to permanent sovereignty over their natural wealth and resources must be exercised in the interest of their national development and of the well-being of the people of the state concerned. Principle 7 declares that the violation of the rights of people and nations to sovereignty over their natural wealth and resources is contrary to the spirit and principles of the charter of the United Nations and hinders the development of international cooperation and the maintenance of peace.

⁷ Law No 96/12 of 5 August 1996 Regulating the Management of the Environment in Cameroon; Seme P.M., & Mongo E., (2003), "Répertoire de Textes Officielle Applicable a la Gestion des Ressources Naturel au Cameroun", 2, p. 27.

generations to meet their own needs.¹ In connection to this, the Government shall prepare environmental policies and coordinate their implementation. To achieve this, there is the need to:

- establish quality norms for air, water, soil and any other norms necessary to safeguard human health and the environment;
- establish links between pollution, the state of biodiversity conservation and the state of the environment in general.²

However, even though there exist a plethora of human rights instruments that have been consecrated towards the protection of these natural resources found in Cameroon, there are tendencies for these instruments to be disregarded, including domestic laws that have been enacted in Cameroon geared towards the protection of natural resources. Even though the over-exploitation of these resources is frequently justified by the need for developmental projects, the level of environmental risks and human rights abuses is steadily rising to an intolerable level, particularly in natural resource communities. For example, the Chad-Cameroon pipeline project displaced over 700 households in Douala without proper resettlement or compensation.³ It is against this backdrop that the main purpose of this paper is to examine the extent to which human rights concerns are protected during exploitation of natural resources by the laws currently in place. Additionally, this paper aims to provide a better understanding of human rights implicated in natural resource protection in Cameroon, case studies of how natural resource exploitation has fallen short of human rights standards, and the problems that besets natural resource protection as human rights concerns in Cameroon.

1.2 Conceptual and Theoretical Framework

1.2.1 Conceptual Framework

The concept of natural resources, which is

dominantly used by environmental law instruments, has a wide range of criteria as regards the content of its definition. Natural resources have been taken to mean materials from the earth surface that are used to support life and meet people's needs.⁴ A complementary definition provided by the African Convention on the Conservation of Nature and Natural Resources (2003), includes renewable resources, tangible and intangible, notably; the soil, water, forest, fauna and flora, and non-renewable.⁵ Air, continental water, maritime water, and ecology are all considered natural resource components under the law of 5th August 1996, which deals with environmental management in Cameroon.⁶ From a broad standpoint, natural resources means three elements; biotic elements of nature, fauna and flora, and the minerals on the earth surface in which one will add air and water.⁷

Natural resources can be renewable and non-renewable. Renewable natural resources are those natural resources such as trees, water, sun and wind that can be replenished at about the same rate at which they are used. Non-renewable natural resources are those that are depleted more quickly than they can regenerate. These resources include fossil fuels and natural gas. Once mined and used completely, they are gone forever. Others include mineral resources which once mined, can no longer become renewable.⁸ The report of the World Trade in 2010 defines natural resources as the stocks of materials present in a natural area, which are at a time very rare and economically usable for production or consumption, either at its raw state or after a minimum stage of transformation.⁹

Human rights constitute a set of rights and obligations essential in preserving human dignity and is inherent to all human beings regardless of nationality, place of residence, sex, national or origin, colour, religion, language, or any other characteristics.¹⁰ Without exception, everyone is entitled to these rights without discrimination. These human rights are

¹ Article 63 of Law No 96/12 of 5th August 1996 Regulating the Management of the Environment in Cameroon.

² Article 10 (1) of the 1996 Environmental Code.

³ Human Rights Watch. (2009). Cameroon: Oil Pipeline Project Threatens Rights. Available at www.hrw.org (Lastly Accessed on 13 February 2026).

⁴ DHEC's Office of Solid Waste Reduction and Recycling, South Carolina. Available at www.scdhec.gov/recycle (Lastly Accessed on 13 February 2026).

⁵ Article 5 of the African Convention on the Conservation of Nature and Natural Resources, 2003.

⁶ Article 4 of the Environmental Management Code.

⁷ Prieur, M. (2016). *Droit de L'environnement*. Dalloz, Paris, p. 885.

⁸ Raven, B. (2009). *Environnement*. Groupe Doeck, Bruxelles.

⁹ Rapport Sur Le Commerce Mondial. (2010b). *Les Ressources Naturelles: Définitions, Structures des Echanges et Mondialisation*, p. 46.

¹⁰ Metolo, F., & Mupeta, P.M. (2023). Human Rights-Based Conservation: The Integral Role of Human Rights Director in the Conservation Sector. *Journal of Environmental Law & Policy*, 3(3), 23-86.

universal, inalienable, interdependent, indivisible, non-discriminatory and constitute the basis of the concepts of peace, security and development. Therefore, human rights are at the core of all work of the UN system. The recognition, protection and promotion of human rights the world over are concretised in the Universal Declaration of Human Rights 1948 (UDHR).¹ These rights are often expressed and guaranteed by the law in the form of treaties, customary international law, general principles and other sources of international law.² Thus, the concept of human rights in the context of natural resource protection refers to the recognition and protection of the rights of individuals and communities in relation to natural resources exploitation.

1.2.2 Theoretical Framework

This article is underpinned by the theory of rights by Hohfeldian, ecocentric theory (Rights of Nature Approach), human rights-based approach (HRBA) and public trust doctrine. Hohfeldian,³ posits that rights which are normatively protected by the state must not be interfered with by whosoever. It equates such rights to human rights as posited by many leading legal philosophers.⁴ There is therefore a correlative duty to ensure the enjoyment of such rights. Similarly, the ecocentric theory places nature at the centre of legal and moral concern, arguing that ecosystems, biodiversity, animals, forests, rivers, and natural processes possess intrinsic value independent of human interests.⁵ This theory lays emphasis on the intrinsic value of ecosystems, ecological balance and sustainability, interdependence between humans and nature, legal recognition of environmental rights and prevention of ecological harm. This theory has a direct relationship with natural

resource protection and human rights as it protects the right to life and health through environmental preservation, supports the right to a healthy environment, protects indigenous cultural and land rights and promotes intergenerational justice which is the focus of this article.

In the same light, the human rights-based approach treats natural resources as essential for the realisation of internationally recognized human rights. The proponents of this approach posit that resource governance must comply with human rights obligations.⁶ The core principles of this theory are: participation, accountability, non-discrimination, transparency and access to remedies. This theory has a direct correlation with human rights in that it seeks to protect civil and political rights such as access to environmental information, protects economic and social rights recognizes environmental rights and protects vulnerable communities. The public trust doctrine states that natural resources are owned collectively by the public, and the government acts as a trustee responsible for managing them for present and future generations, hence owes a duty of accountability on how these resources are managed.⁷ The doctrine rests on the premise that the state is the trustee of natural resources, there is public ownership of common resources, intergenerational equity should be guaranteed and in all, there should be sustainable management of natural resources. The link this doctrine has with natural resource and human rights include: ensures equality and access to natural resources, promotes participation and accountability, protects environmental health, safeguards the rights of future generations which lies within the ambit of this article.

¹ UN General Assembly, Universal Declaration of Human Rights, 10 December, 1948, 217 A (III).

² The International Covenant on Civil and Political Rights, the International Covenant on Economic Social and Cultural Rights, the Universal Declaration of Human Rights as well as their Optional Protocols.

³ Tamasang C., F. (2015). Enhancing the Effective and Sustainable Enjoyment of the Right to Water under Cameroonian Law. In Hohfeldian, W., (Ed.), *Analysis of Rights: An Essential Approach to a Conceptual and Practical understanding of the Nature of Rights*. *Journal of Law African Journal of Law*, 7-20.

⁴ Examples include Jeremy Bentham, H.L.A. Hart, Emmanuel Kant and others.

⁵ Aldo, L. (1994). *A Sand Country Almanac*. Oxford University Press, p. 212; Naess, A. (2005). The Deep Ecology Movement: Some Philosophical Aspects, in a Drengson & Glasser, H., (Eds.), *Selected Works of Naess, A.*, Springer,

pp. 33-55; Holmes R. III. (1998). Saving Nature, Feeding People and the Foundation of Ethics. *Environmental Value*, 7(3), 349-57.

⁶ Vizard, P. (2005). "The Contributions of Amartya Sen in the Field of Human Rights", Centre of Analysis of Social Exclusion, Case paper, 91; Nussbaum, M.C. (1997). Human Rights and Capabilities. *Fordham Law Review* 66(2), 274-300; Boyle, A. (2007). Human Rights or Environmental Rights? A Reassessment. *Fordham Environmental Law Review*, 18(3), 471-511.

⁷ Sax J.L. (1970). Public Trust Doctrine in Natural Resources: Effective Judicial Intervention. *Michigan Law Review*, 68(3), 471-566; Wood, M.C. (2009). Advancing the Sovereign Trust of Government to Safeguard the Environment for Present and Future Generation (Part I): Ecological Realism and the Need for A Paradigm Shift. *Environmental Law*, 39(91), 91-139.

2. Human Rights Implicated in Natural Resource Protection in Cameroon

The right to environmental justice, rights to a healthy environment, development and benefit sharing are the focus of discussion in this article.

2.1 The Right to Environmental Justice

Environmental justice which began as a grassroots movement, has emerged as an issue of international and national concern. Environmental justice is defined through various expressions that attempt to capture the complexity and scope of what is included in the term. Environmental justice broadly defined, entails the right to have access to natural resources; not to suffer disproportionately from environmental policies, laws and regulations; and the right to environmental information, participation and involvement in decision-making.¹ Environmental justice defined in

universal terms means “the principle that all people have the right to be protected from environmental threats and to benefit from living in a clean and healthy environment”.² A key feature of environmental justice is that it begins in the environment and protection of the environment but ends in society resulting benefits to both nature and humanity.³ Environmental justice serves two purposes. First, it ensures no groups of persons bear disproportionate environmental burdens and second, that all have an opportunity to participate democratically in decision-making processes.

2.1.1 Dimensions of Environmental Justice

There are four principal dimensions of environmental justice which is articulated in this article. These dimensions are summarised in the table below:

Table 1. Dimensions of Environmental Justice⁴

Dimension of Justice	In Environmental Justice
Distribution <i>Who ought to get what?</i>	Reducing environmental burdens, and increasing environmental benefits and capabilities, for environmental justice communities and the earth
Procedure <i>Who ought to decide?</i>	Participation and influence in environmental decision making by historically excluded groups, particularly in frontline communities Protection of individual and group rights through law, regulation, enforcement, and informed consent
Recognition <i>Who ought to be respected and valued?</i>	Respect for environmental justice communities’ diverse environmental cultures and knowledges, and for the interests of future generations and nonhuman nature
Transformation <i>What ought to change, and how?</i>	Restoration of nature and reparation of damages to environmental justice communities from colonialism, racism, economic exploitation, and other systems of oppression Systemic and structural transitions to create just power relations, regenerative economies, and reciprocal relations with nature

2.1.2 Components of Environmental Justice

The 1992 Rio Declaration, succinctly captures the key components of environmental justice. It provides that environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level,

each individual should have appropriate access to information concerning the environment held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes.⁵ Further, it

¹ Ako, R. (2011). Resource Exploitation and Environmental Justice: The Nigerian Experience, in Botchway, F.N. (ed), *Natural Resource Investment and Africa’s Development*, Edward Elgar Publishing, pp. 74-76.

² Davies T., & Mah. (2020). *Toxic Truths: Environmental Justice and Citizen Science in A Post Truth Age*, Manchester University Press, p. 4.

³ Wood, C.D. (2023). *Environmental Justice in Theorizing Justice*, Bristol University Press, p. 143.

⁴ Matsuoka, M., & Chad R. (2024). *Environmental Justice in Ground Truths*. University of California Press, p. 10.

⁵ Principle 10 of the 1992 Rio Declaration.

obligates states to facilitate and encourage public awareness and participation by making information widely available.¹ In addition, states are to provide effective access to judicial and administrative proceedings, including redress and remedy.² Essentially, the Declaration contains the critical components that are germane in promoting environmental justice. These are access to information, public participation and access to justice in environmental matters. The three components are interdependent and functionally interlinked. Access to environmental information is a prerequisite to public participation in decision-making and to monitoring governmental and private sector activities. Effective access to justice in environmental matters presumes that there is an informed public that can bring actions before informed institutions.³

2.1.2.1 Access to Environmental Information

In order for the public to make informed decisions about their lives and to engage in public affairs in a meaningful way, information is necessary. Therefore, access to environmental information is significant both in its own right as an absolute value as well as in the role it plays in facilitating and enabling meaningful participation.⁴ Since the UN Charter was adopted, there has been growing recognition of the right to information, while the need for public access to information on the environment became critically apparent with disasters such as *the Bhopal gas leak* in 1984 and the *Chernobyl nuclear disaster* in 1986.⁵ Access to information refers to

the availability of environmental information (including that on hazardous materials and activities in communities) and mechanisms by which public authorities provide environmental information.⁶ Environmental information in the public domain should include, among other things, information about environmental quality, environmental impacts on health and factors that influence them, in addition to information about legislation and policy, and advice about how to obtain information.⁷

Access to environmental information is well articulated in principle 10 of the Rio Declaration. To put this provision into action, the Bali Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters was adopted in 2010.⁸ Similarly, the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters of 1998, strongly support access to environmental information. The Convention postulates that each party shall in response to a request for environmental information, make such information available to the public, within the framework of national legislation.⁹ The revised African Convention of Nature and Natural Resources also reiterated access to environmental information.¹⁰ However, the Aarhus Convention just like the Bali guideless provides circumstances under which access to such information may be denied.¹¹

Unfortunately, the right to access environmental

¹ *Ibid.*

² Principle 10 of the 1992 Rio Declaration.

³ UNEP. (2006). Training Manual on International Environmental Law, pp. 80-81.

⁴ Stephen, S., & Jesse W. (2015), "Putting Rio Principle 10 into Action: An Implementation Guide for the UNEP Bali Guidelines", United Nations Environment Programme (UNEP), p.12.

⁵ *Ibid.*

⁶ *Ibid.*

⁷ Guideline 3 of the 2010 Bali Guidelines.

⁸ Guidelines 1-7 of the 2010 Bali Guidelines. Guideline 1 provides that: Any natural or legal person should have affordable, effective and timely access to environmental information held by public authorities upon request (subject to Guideline 3), without having to prove a legal or other interest. In addition, Guideline 4; states should ensure that their competent public authorities regularly collect and update relevant environmental information, including information on environmental performance and compliance by operators of activities potentially affecting the environment. To that end, States should establish relevant systems to ensure an adequate flow of information about proposed and existing activities that

may significantly affect the environment.

⁹ Article 4(1) of the 1998 Aarhus Convention.

¹⁰ *Ibid*, Article XVI provides that the parties to the convention shall adopt legislative and regulatory measures necessary to ensure timely and appropriate a) dissemination of environmental information; b) access of the public to environmental information; c) participation of the public in decision making with a potentially significant environmental impact and d) access to justice in matters related to protection of environment and natural resources.

¹¹ *Ibid*, Article 4(3) provides a request for environmental information may be refused if: (a) The public authority to which the request is addressed does not hold the environmental information requested; (b) The request is manifestly unreasonable or formulated in too general a manner; or (c) The request concerns material in the course of completion or concerns internal communications of public authorities where such an exemption is provided for in national law or customary practice, taking into account the public interest served by disclosure. Article 4(4) further provides a request for environmental information may be refused if the disclosure would adversely affect: (a) The confidentiality of the proceedings of public authorities, where such confidentiality is provided for under national law; (b)

information is not specifically mentioned in the Cameroon Constitution.¹ Nevertheless, since one needs information to form an informed opinion, the Preamble guarantees the right to freedom of expression, which has been considered supporting the right to access information. Logically, the right of access to information could be inferred from the right to freedom of expression. Accordingly, the government is obliged to respect people's right to freedom of expression to the extent that it facilitates and permits ordinary citizens to make informed opinions on matters that affect them. In the environmental context, this relates making well informed decisions regarding environmental quality issues that could guarantee one's good health, as well as actions to strengthen environmental protection.² Without an understanding of what the ideals of an environmentally just society should be, communities cannot be meaningfully involved in issues pertaining to the environment and the exploitation of natural resources.

The right to access environmental information is guaranteed by the Environmental Management Code in Cameroon. It ensures that everyone has the right to be informed of the negative effects of harmful activities on their health and the environment.³ It is required of private sectors to inform the public of the possible impacts that their activities could make on the environment, and on people's environmental right, through the publication of environmental management plans and programs.⁴ Consequently, it is the collective responsibility of the state and private entities to educate the public about the possible potential deleterious impacts of their environmental-related activities. Therefore, providing Cameroonians with access to relevant

environmental information in formats they would find useful must be the first step towards attaining environmental justice for them. This could be done in different ways, including through newspapers, television, posters, release of reports, barazas, amongst other processes, provided in law where communities can get the relevant information in forms and languages that they can understand and appreciate. Information of this nature, if submitted, may not only help to promote the implementation of environmental laws and policies, but could also greatly serve to enhance governance for sustainability in the country.⁵

However, empirical studies revealed that during the Chad-Cameroon pipeline project, the community did not have access to information as far as the project was concerned. As a result, the government resorted to the use of intimidation and incessant non-disclosure practices in the preparatory and execution phases of the project against the local communities.⁶ Similarly, the mining communities in Kambele and Nerke II-East region of Cameroon were not informed of the environmental effects of mining activities in their surrounding communities. These mining communities have been victims of water and air pollution generated from mining activities.

2.1.2.2 Public Participation

Public participation is a key aspect of natural resources management. It allows individuals to express their views on key governmental policies and laws concerning the environmental conditions in their communities.⁷ According to Cedeño et al, it is now generally agreed that environmental problems cannot be solved by solely relying on technocratic and bureaucratic monopoly of decision-making.⁸ Public participation is defined as the process by which

International relations, national defence or public security; (c) The course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature; (d) The confidentiality of commercial and industrial information, where such confidentiality is protected by law in order to protect a legitimate economic interest. Within this framework, information on emissions which is relevant for the protection of the environment shall be disclosed; (e) Intellectual property rights; (f) The confidentiality of personal data and/or files relating to a natural person where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided for in national law; (g) The interests of a third party which has supplied the information requested without that party being under or capable of being put under a legal obligation to do so, and where that party does not consent to the release of the material; or (h) The environment to which the information relates, such as the breeding sites of rare

species.

¹ Ashukem, J. C. (2017). Access to Environmental Information in the Context of Development Activities in the Legal Framework of Cameroon. VRU, 50(4), 435-450.

² *Ibid.*

³ Section 7 of the 1996 Environmental Management Code.

⁴ *Ibid.*, Section 6.

⁵ Ashukem, J. C. (2017). *op.cit.*, p. 444.

⁶ Citizen's government initiative, the right to information and administrative transparency in Cameroon. Available at www.citizen.government/initiative (Lastly Accessed on 15 February 2026).

⁷ Marianela, C., et al. (2004). Environmental Law in Developing Countries: Selected Issues, Vol. II, IUCN, p. 7.

⁸ *Ibid.*

public concerns, needs and values are incorporated into governmental and corporate decision-making with the overall goal of better decisions that are supported by the public.¹ Dietz and Stern give a broader definition by stating that, “*public participation includes organized processes adopted by elected officials, government agencies or other public or private sector organizations to engage the public in environmental assessment, planning, decision making, management, monitoring and evaluation.*”²

The importance of public participation is the recognition that better decision-making flows from involving the public. Participation helps the public realise its potential to take part in public affairs, while it also improves the outcomes of policy and decision-making by bringing information, analysis and considerations to bear. Not only can the quality of decisions be improved, the participation of the public by itself improves the likelihood that decisions will be implemented with the support and participation of the affected public.³ From the point of view of public authorities, public participation can be seen as having three main objectives: information, public engagement, and conflict resolution. The information objective allows authorities to gain access to information not otherwise available, and helps the authority to diagnose problems and needs, develop alternative solutions, and evaluate the consequences of alternatives. The public engagement objective builds capacities, empowers citizens, legitimizes the authority’s role and the role of stakeholders, and develops confidence and trust. Finally, public participation helps defuse conflicts.⁴

Public participation in environmental and natural resources governance should not be cosmetic but should be meaningful in order for the public to feel that their concerns are addressed and consequently for them to have trust and support government decisions relating to particular natural resources and environmental concerns.⁵ In public

participation, there is an organized process of involving the public so that they can have some level of impact or influence on the decisions being made. According to Creighton, the definition of public participation excludes some kinds of participation that are legitimate components of a democratic society such as the electoral process, litigation and extra-legal protests.⁶

The 2010 Bali Guidelines provides, that states should ensure opportunities for early and effective public participation in decision-making related to the environment. To that end, members of the public concerned should be informed of their opportunities to participate at an early stage in the decision-making process.⁷ This guideline share the same inspiration with the Aarhus Convention regarding public participation in decisions on specific activities.⁸ Public participation within the context of Cameroon may be provided for in law through at least three legal mechanisms; entrenchment in the Constitution as part of the Bill of Rights; in environmental impact assessments; and through direct locus standi for the public in environmental matters. One of the national values and principles of governance entrenched in the Constitution is participation of the people. Just like with the right to access to information, the Constitution did not expressly provide for public participation.⁹ However, one can infer from the Preamble of the Constitution that the right to freedom of expression also captures public participation.

The Environmental Code of 1996 provides for the right to public participation in environmental decision-making and explicitly requires that environmental decisions should be made only after full consultation with and the participation of concerned individuals and other relevant actors.¹⁰ The state is also obliged to facilitate, encourage and allow for public participation in environmental management through mechanisms that allow and promote free access to information; to create a consultative mechanism to allow the public to form an

¹ Creighton, J.L. (2005). *The Public Participation Handbook: Making Better Decisions through Citizen Involvement*. John Wiley & Sons, p. 7.

² Dietz, T. & Stern, P.C. (2008). *Public Participation in Environmental Assessment and Decision Making*. National Academies Press, p. 1.

³ Stephen, S., & Jesse W. (2015). *op.cit*, p. 12.

⁴ *Ibid.*

⁵ Baiye, E. G., & Forjindam D., M. (2024). *Illicit Financial*

Flows and the Petroleum Sector in Cameroon: Hitches and Policy Considerations. Law and Economy, 3(7), 1-20.

⁶ Creighton, J.L. (2005). *op.cit*, p. 8.

⁷ Guideline 8 of the 2010 Bali Guidelines.

⁸ Article 6 of the Aarhus Convention.

⁹ Ashukem, J. C. (2017). *op.cit*, p. 442.

¹⁰ Section 9(e)(i–iii) of Law No 96/12 on Environmental Management.

opinion; to glean public opinion from public representatives serving on consultative organs on matters relating to the environment; to establish mechanisms that ensure the dissemination of environmental information and to establish mechanisms relating to the sensitization, training, research and education of local communities on the environment and environmental issues.¹ The law makes provision for environmental and social impact assessment regulation that provides for and requires the participation of concerned individuals and other interested and affected persons in decision-making processes as a necessary measure to ensure environmental protection.² It is important to note that decree No. 2013/0171/PM to lay down the conditions for conducting environment and social impact assessment (ESIA) replaced decree No 2005/0577/PM to lay down the procedures for carrying out an environmental impact assessment (EIA). The change from EIA to ESIA caused a simultaneous change in appellation specific to Cameroon.³ The 2013 decree introduced strategic environmental and social assessment (SEA) and environmental impact statement (EIS) as tools for effective environmental assessment.

Although the Rio Declaration provides that environmental issues are best handled with the participation of all concerned citizens, at the relevant level,⁴ public participation is hampered by factors such as financial cost of engaging the public, time constraints, fear that participants may not be truly representative and belief that citizens lack knowledge of complex technical issues.⁵ Also, public participation cannot be achieved in a situation where the citizenry do not have an understanding of those problems, and where they have any knowledge be it traditional or any other, there must be a harmonization of the same with scientific knowledge. Thus, a first step to achieve this is through educating the public on the available scientific knowledge in a comparative manner so as to make them

appreciate the similarities or differences arising therein. Access to information plays a pivotal role in fostering public participation as demonstrated in the case of *the local population against the Kilum-Ijim* mountain biodiversity conservation project whereby, the government of Cameroon, in its effort to maintain the natural biodiversity of the mountain forest, entered into a contract with the NGO Birdlife International to conserve the mountain forests.⁶ The decision was taken without involving the inhabitants who were asked to quit the forests. As a result, the decision was never implemented due to resistance from the local population. Also, the Cameroonian government has been criticised for not seeking community consent and carrying out thorough environmental impact assessment during the construction of Nachtigal dam project.⁷

Similarly, in *Lake Turkana v. Attorney General and others*.⁸ This case is related to an alleged memorandum of understanding between the Government of Kenya and the Government of Ethiopia, entered into in 2006, to purchase of 500 MW of electricity from Gibe III as well as an \$800 million grid connection between Kenya and Ethiopia. To generate electricity, the Ethiopian Government constructed dams on River Omo, a principal source of water for Lake Turkana. A civil society organisation – Friends of Lake Turkana – sued, arguing that the construction of the dam would adversely affect the environment and Lake Turkana. The failure of the Government of Kenya to provide access to information on the nature of agreement with the Government of Ethiopia was also raised. The court held that access to information was important for public participation and monitoring government actions.

2.1.2.3 The Remedy and Redress Component/ Access to Justice

The remedy and redress component of Principle 10 of the Rio Declaration promotes accountability and the rule of law. It recognises that the

¹ *Ibid*, Section 72(i–iv).

² *Ibid*, Section 17.

³ Tamasang, C.F. (2018). Environmental Impact Assessment Under Cameroonian Law, in Oliver C. Ruppel & Kam Y., E., D. (Eds), *Environmental Law and Policy in Cameroon: Towards Making Africa the Tree of Life*, NOMOS, p. 280.

⁴ Principle 10 of the Rio Declaration.

⁵ Senach, S.L (2004). The Trinity of Voice: The Role of Practical Theory in Planning and Evaluating the Effectiveness of Environmental Participatory Process, in Depoe, S.D. et al, (eds), *Communication and Public Participation in Environmental Decision Making*. Suny Press

Ltd., p. 16.

⁶ Tamasang, C.F. (2018). Forests, Forest Rights, Benefit-Sharing and Climate Change Implications under Cameroonian Law. *Law and Constitution in Africa*, 38, 137-164. Available at <http://www.nomos-elibrary.de/agb> (Lastly Accessed on 16th February, 2026).

⁷ World Bank. (2018). Cameroon: Nachtigal Dam Project Environmental Impact Assessment. Available at <http://www.documents1.worldbank.org> (Lastly Accessed 16th February, 2026).

⁸ (2014), eKLR.

achievement of sustainable development depends upon the judicious use of fair and impartial administrative and judicial mechanisms to establish enforceable norms. Access to justice ensures that standards for implementation of the principle's information and participation provisions will be fostered and upheld in a fair, judicious and effective manner.¹ Access to justice is not an easy concept to define. It is broadly described as a situation where people in need of help, find effective solutions from justice systems that are accessible, affordable, comprehensible to ordinary people, and which dispense justice fairly, speedily and without discrimination, fear or favour and offer a greater role for alternative dispute resolution.² It also refers to those judicial and administrative remedies and procedures, available to a person (natural or juristic) who is aggrieved or likely to be aggrieved by an issue. Further, it refers to a fair and equitable legal framework that protects human rights and ensures delivery of justice.³

Access to justice also entails the opening up of formal systems and legal structures to the disadvantaged groups in society, removal of legal, financial and social barriers such as language, lack of knowledge of legal rights and intimidation by the law and legal institutions.⁴ Access to justice could also include the use of informal conflict management mechanisms such as ADR and traditional dispute resolution mechanisms, to bring justice closer to the people and make it more affordable.⁵ Access to justice is a basic and inviolable right guaranteed in international human rights instruments and national constitutions. Regrettably, the Constitution does not guarantee the right to gain access to justice. The Constitution only refers to the right to a fair hearing before an impartial tribunal or forum.⁶ It has been argued that because a right to a fair hearing can be exercised only if one has a right to have access to court, the right to a fair hearing in the Cameroonian context could be conceived as a right to gain access to justice.⁷ Consequently, the right to a fair hearing

relates to the core right to have access to justice, and because the two are directly related, they could be used where appropriate to enforce claims for the violation of human rights, including the environmental right.

As a justifiable right, it has two important dimensions: procedural access (fair hearing before an impartial tribunal) and substantive access (fair and just remedy for a violation of one's rights). In the case of *FEDEV v. China Road and Bridge Corporation*,⁸ the Bamenda Court of First Instance recognized the right of Foundation for Environment and Development (FEDEV), an NGO with the mission to protect the environment, to have legal standing in the matter. Being the first case to deal with the right, it clearly sets a precedent on the right and the need for future courts decisions to recognize and enforce the right to locus standi of individuals and groups to protect the environment.

2.2 Rights to a Healthy Environment

Intentional attention to the links between human rights and environmental protection has expanded considerably in the past decades. As early as the 1972 Stockholm Conference on the Human Environment, participating states recognised that environmental degradation hampers the enjoyment of internationally guaranteed human rights. In the Conference's concluding declaration, the participating states referred to the fundamental rights of freedom, quality and adequate conditions of life in an environment of quality that permits a life of dignity and well-being.⁹ Nonetheless, in the dissenting opinion of the Vice-President of the International Court of Justice in the case of *Gabcikovo-Nagymaros Project-Hungary v. Slovakia*,¹⁰ Justice Weeramantry clearly underlined the inevitable nexus between human rights and environmental protection and stated that:

The protection of the environment is... a vital part of contemporary human rights doctrine, for it is *sine qua non* for numerous human rights such as the right to health and the right to life itself. It

¹ Stephen, S., & Jesse W. (2015). *op.cit*, p. 12.

² Ladan, M.T. (2018). Access to Justice as a Human Right under the Ecowas Community Law. A Paper Presented at the Commonwealth Regional Conference, p.15.

³ *Ibid*.

⁴ Global Alliance against Traffic in Women (GAATW). Available at <http://www.gaatw.org/atj/>, (Lastly Accessed on 15th February 2026).

⁵ Muigua, K. & Kariuki F. (2015). ADR, Access to Justice and Development in Kenya. *Strathmore Law Journal*, 1(1), pp.

1-21.

⁶ Preamble of the Constitution.

⁷ Ashukem, J. C. (2017). *op.cit*.

⁸ Unreported decision No CFIB/004M/09. (2009).

⁹ Dinah L.S. (2011). *Human Rights and The Environment: Substantive Rights, Research Handbook on International Law*. Edward Elgar, p. 265.

¹⁰ [1998], ICJ, ILM 162, at para 54.

is scarcely necessary to elaborate on this, as damage to the environment can impair and undermine all the human rights spoken of in the *Universal Declaration on Human Rights* and in other human rights instruments.¹

This was reinforced two decades later by the 1992 Rio Declaration, which placed human beings at the centre of sustainable development concerns.² In 2022, the United Nations General Assembly, through a historic resolution, formally recognised the human rights to a clean, healthy, and sustainable environment, calling upon states to scale up efforts to ensure it for all.³ It has been suggested that a poorly protected environment could also have an indirect impact on the enjoyment of a host of human rights,⁴ to the extent that it may either impact on an individual's or community's capacity to realize their human rights, or impede the ability of a government to protect the rights of its citizens. For example, the competing demand for natural resources could apparently result in a state prioritizing immediate human rights concerns to the detriment of the broader environment.⁵ It is against this premise that the notion of sustainable development and, recently, the Sustainable Development Goals (SDGs) find anchor in the proposition for the protection of both human rights and environmental concerns through the merger of economic, social and environmental needs within the context of development activities. Thus, there exists a significantly important relationship between the environment and human rights, on which basis people are entitled to a justifiable claim to a right to a healthy environment as a human right that deserves similar protection like other fundamental human rights.⁶

At the African regional level, the African Charter on Human and Peoples Rights of 1981 (the African Charter) is highly instructive and

provides a collective human right to the environment. The Charter has been considered to have the most explicit normative provision of an environmental right in any binding (regional) human right instrument.⁷ The African Charter provides that 'all people shall have the right to a general satisfactory environment favourable to their development'.⁸ The justiciability of this provision was decisively confirmed by the African Commission on Human and Peoples' Rights in the landmark case of *Social and Economic Rights Action Center (SERAC) v. Nigeria* (the Ogoniland case). In its landmark decision, the Commission held the Nigerian government responsible for violations of Article 24 due to its involvement in and failure to prevent the environmental devastation caused by oil companies in the Niger Delta. The Commission articulated the state's duty to "take concrete and targeted steps, within its available resources," to protect this right, including preventing pollution and ecological degradation.⁹ This decision established a powerful regional precedent, demonstrating that the right to a satisfactory environment is not merely rhetorical but imposes concrete, actionable obligations on states party to the Charter, including Cameroon.¹⁰

In Cameroon, the Constitution of 1996 provides the basis for the legal protection of human rights, including the right to a healthy environment. Regrettably, fundamental rights are provided for only in the Preamble, which is part and parcel of the Constitution.¹¹ In terms of the Preamble, "every person shall have a right to a healthy environment." The protection of the environment shall be the duty of every citizen. The State shall ensure the protection and improvement of the environment.¹² Clearly, the Preamble provides for a distinctly restrictive environmental right, with an accompanying right and two obligations. There is the right of everyone to a healthy

¹ *Ibid*, para 92.

² Principle 1 of the Rio Declaration.

³ UNGA Resolution A/RES/76/300(July 28, 2022), "The Human Rights to Clean, Healthy, and Sustainable Environment".

⁴ Bridget, L. (2012). Environmental Rights or a Right to the Environment? Exploring the Nexus between Human Rights and Environmental Protection. *Macquarie Journal of International and Comparative Environmental Law*, 8(1), 36-47.

⁵ *Ibid*.

⁶ Edumbong, S.N. (2021). Environmental Sustainability in Cameroon: Implications for Human Rights. *Texas Journal of Multidisciplinary Studies*, 2, 65-76.

⁷ Werner, S. (2015). Human Rights and the Environment in

the African Union Context, in Grear, A., & Louis J Kotzé L. J., (eds), *Research Handbook on Human Rights and the Environment*, Edward Elgar, p. 405.

⁸ Article 24 of the African Charter. The term 'people' in the Charter is used in the collective sense.

⁹ *Social and Economic Rights Action Center (SERAC) and the Center for Economic and Social Rights (CESR) v. Nigeria*, Communication No. 155/96, African Commission on Human and Peoples' Rights (2001), para. 52.

¹⁰ Nah, A., T. (2026). The Right to a Healthy Environment: Assessing the Justiciability of this Constitutional Principle in Cameroonian Courts. *Revue Internationale de Droit et Science Politique*, 6(1), 313-331.

¹¹ Article 45 of the Constitution.

¹² Preamble of the Constitution.

environment. This right is reinforced with an explicit obligation on citizens in conjunction although an implicit obligation on the state to protect the environment. While the Preamble bestows a clear-cut obligation on citizens to ensure the protection of the environment, the obligation on the state could be an abstract notion, as the state is only required to ensure the protection and improvement of the environment.

Law No 96/12 on Environmental Management is Cameroon's main environmental framework legislation and is intended to give effect to the constitutional right to a healthy environment through measures that ensure and promote the protection and management of the environment.¹ Like the Constitution, this law obliges every citizen to safeguard the environment and contribute to its protection.² Under the law, the environment is a national common heritage, and as such, it is crucially important to ensure its protection in order to ensure the rational management of the country's resources for the general interest of all Cameroonians.³ Environmental protection is also necessary in order to ensure the conservation and enhancement of the country's cultural and architectural heritage, which constitute an integral part of the state's national policy of environmental protection and development.⁴ The Law provides for relevant environmental management principles that are crucially vital for ensuring and promoting the constitutional right to a healthy environment.⁵ In furtherance of the protection of the environmental right, the law prohibits pollution of any kind, to the extent that it does not adversely affect the environment. The law obliges the state to establish quality norms for air, water and soil, as well as any other norms that could be necessary to safeguard human health and the environment.⁶ The Petroleum Law has not been indifferent with regards to the protection of the environment. The Law disposes

that holders of petroleum operations shall carry out their activities in such a manner as to ensure, under all circumstances, the conservation of natural resources, in particular hydrocarbon deposits, and due protection of essential features of the environment.⁷

Apart from the above, the National Environmental Management Plan (NEMP) serves as Cameroon's environmental policy. Its objective is to develop policies, strategies and actions for environmental protection and for the rational management of natural resources that contribute to biodiversity conservation and the sustainable exploitation of its components, public participation, benefit sharing and sustainable development. This policy is given full effect by Law No 96/12 of 5 August 1996 on Environmental Management.⁸ Law No 96/12 established the Interministerial Committee on the Environment and a National Consultative Commission on the Environment and Sustainable Development to assist the state in the formulation, coordination and implementation and monitoring of environmental policies.⁹ In the domain of the petroleum sector, the 2023 implementing decree of the Petroleum Code has created the "committee to prevent hydrocarbons-based pollution" whose mission is to provide assistance to the state in implementing laws and regulations governing environmental protection.¹⁰

2.3 *The Right to Development*

The Declaration on the right to development which stated unequivocally that the right to development is a human right, was adopted by the UN in 1986 by an overwhelming majority with the US casting the single dissenting vote.¹¹ This declaration came almost 38 years after the adoption of the Universal Declaration of Human Rights according to which human rights constituted both civil and political rights,¹² and economic, social and cultural rights.¹³ The right

¹ Section 1 of Law No 96/12 on Environmental Management.

² Section 9(e) (ii) of Law No 96/12 on Environmental Management

³ *Ibid*, Sections 2(1)–2(2).

⁴ *Ibid*, Section See s 39(1–2).

⁵ Section 9(a–f) of Law No 96/12 on Environmental Management. These principles include: the principle of precaution, the principle of preventive action and correction, the polluter pay principle, the principle of liability, the principle of participation and the principle of substitution.

⁶ Section 10(1) (i) of Law No 96/12 on Environmental Management.

⁷ Section 91 of the 2019 Petroleum Code.

⁸ Sections 10 and 13 of Law No 96/12 on Environmental Management.

⁹ Section 10(2) of Law No 96/12 on Environmental Management.

¹⁰ Article 81(1)(2) of Decree No. 2023/232 of 4 May 2023 to lay Conditions for Implementing Law No.2019/008 of 25 April 2019 to Institute the Petroleum Code.

¹¹ Article 9 of UN Declaration on the Right to Development; Arjun, S. (2001). Right to Development as a Human Right. *Economic and Political Weekly*, 36(27), 2527–2536.

¹² Articles 1–21 of the UDHR.

¹³ *Ibid*, Article 22–28.

to development is an inalienable human right by virtue of which every human person and all people are entitled to participate in and contribute to and enjoy economic, social, cultural and political development in which all human rights and fundamental freedom can be fully realised.¹ From this definition, first, there is a human right that is called the right to development, and this right is ‘inalienable’, meaning it cannot be bargained away. Then, there is a process of “economic, social, cultural and political development”, which is recognised as a process in which all human rights and fundamental freedom can be fully realised.² The right to development is a human right, by virtue of which, every human person and all peoples are entitled to “participate in, contribute to and enjoy” that processes of development. It be noted that the Declaration makes a clarification as to the fact that not only ‘every human person’ but ‘all peoples’ are entitled to the right to development.³ Thus, the process of development in which all human rights and fundamental freedom can be fully realised would lead to the constant improvement of the wellbeing of the entire population and in the fair distribution of benefits resulting therein.⁴ The measures for realising the right to development shall ensure “equality of opportunity for all” in their access to basic resources, education, health services, food, housing, employment and fair distribution of income.⁵ The realisation of the right would also require that women have an active role in the development process, and that appropriate economic and social reforms should be carried out with a view to eradicating all social injustice. The state who is the custodian of these resources must ensure that they are used for the development and wellbeing of all the people. This is because the Declaration states that, states have the duty, individually and collectively to formulate policies be it national, ⁶ and collectively to facilitate the realisation the right to development.⁷ Despite the presence of natural

resources in the country, Cameroon was ranked 21 in Africa in Human Development Index (HDI) that was published by the United Nations Development Programme in 2019. Gabon and Congo were ranked 8th and 14th respectively. ⁸ This is a testament to show how the country has not fully appropriated its natural resource to drive economic growth and development. This situation remains slightly unchanged even with the 2023 HDI where the country scored 0.588 and Republic of Congo scored 0.649.⁹ In addition, the natural resource communities remain without access to basic resources, education, health services, food, housing, employment and fair distribution of income.

2.4 Benefit Sharing of Natural Resources

Benefit sharing has emerged as an underlying approach to support the commodification of biodiversity in Cameroon. Benefit sharing was first articulated as a legal expression by the Convention on Biological Diversity (CBD) in 1992, a time that coincided with escalating global concern about biodiversity loss, a growing movement to assert the cultural and environmental rights of indigenous peoples and local communities, as well as changes in science and technology that were opening up commercial opportunities for the use of biodiversity in lucrative pharmaceutical, biotechnology, and agricultural and food industries. This pertained to the use of genetic resources in novel applications, and in particular those arising from the use of non-domesticated plants, fungi and micro-organisms.¹⁰

Benefit sharing may be defined as the distribution of monetary and non-monetary benefits derived from the use of natural resources to relevant stakeholders within a country’s legal architecture. ¹¹ Benefit sharing refers to a commitment to channel some returns, whether monetary or non-monetary, back to the range of designated participants or affected communities.¹² Benefit sharing revolves around

¹ *Ibid*, Article 1.

² Arjun, S. (2001). *op.cit*, p. 2528.

³ Article 1 UDHR.

⁴ *Ibid*, Article 2(3).

⁵ *Ibid*, Article 8.

⁶ Emphases laid by the author.

⁷ Article 4 of the UDHR.

⁸ Business in Cameroon. (2019). Available at www.businessinCameroon.com. (Lastly Accessed on 15 February 2026).

⁹ World population Review; Most developed countries in Africa, Available at www.worldpopulationcom. (Lastly Accessed on 15 February 2026).

¹⁰ Article 1 CBD; Wynberg R., B., & Brewer, J. C. (2023). “Benefit Sharing and Biodiversity Commodification in Southern Africa: A Failed Approach for Social Justice, Equity, and Conservation”, p. 4.

¹¹ Tamasang, C.F. (2018). *op.cit*, p.153.

¹² IUCN / International Union for Conservation of Nature (2012), Benefit Sharing in Uganda’s Forestry Sector; Issues and Options for REDD Implementation in Uganda.

different kinds of benefits to be shared, how stakeholders are entitled to receive the benefits and the rules governing the allocation and sharing of those benefits. With respect to the different kinds of benefits, they can be grouped as either being monetary or non-monetary in nature. From a monetary point of view, benefits are allocated in terms of payment of royalty. Apart from direct cash flows, non-monetary benefits could also be made by building social infrastructures promoting community development and poverty reduction activities. In this respect, the 1994 Forestry Law require the project participant to undertake to carry out industrial installations, developmental works and to provide social amenities for the benefit of the local population.¹ Similar dispositions are found in the Petroleum Code.²

Furthermore, in accordance with Article 15(3) and (7) of the Convention on Biological Diversity, benefits should be shared in a fair and equitable way and that such sharing shall be upon mutually agreed terms.³ The Protocol directs that each Party takes legislative, administrative or policy measures, as appropriate, with the aim of ensuring that benefits arising from the utilisation of genetic resources that are held by indigenous and local communities, in accordance with domestic legislation regarding the established rights of these indigenous and local communities over these genetic resources are shared in a fair and equitable way with the communities concerned and based on mutually agreed terms.⁴ The issue which still raises concern within the Cameroonian context is that the prescriptions of “fair and equitable” distribution remain inapplicable though the natural resource communities suffer most during the extraction of these natural resources. Empirical studies carried out in Cameroon underscored that the local communities where natural resources exploitation takes place often times, do not benefit adequately in relation to such activities. The Baka and Mbedam faces problem of loss of traditional lands, cultural heritage and livelihoods. Mining and logging activities in the Djam et Lobi regions have threatened the Baka’s ancestral lands and way of

life.⁵ Yet the resources allocated for the betterment of the community ends up in the pocket of few individuals. Poverty remains endemic in most communities that accommodate the natural resources.⁶

3. Natural Resource Protection as a Human Rights in Cameroon: Upshots

This section of the article is devoted to discuss the difficulties that makes the effective protection of natural resources as a human rights imperative in Cameroon challenging.

3.1 Lack of Specialised Courts in Cameroon

Cameroon’s judicial system lacks specialised courts with expertise in environmental and natural resource law. Coupled to this is the fact that the country’s judicial infrastructure is underdeveloped, leading to delays and inefficiencies in processing cases related to natural resource protection. The absence of the specialised courts and inadequate capacity limit access to justice for communities and individuals affected by natural resource exploitation, leading to human rights abuses. Most of the inhabitants of the natural resource exploiting areas in Cameroon are poor which further limits their access to justice.

3.2 Legislative Gaps

Failure of the Constitution to recognised certain fundamental rights has undermined the effective protection of natural resources as a human rights imperative in Cameroon. The constitution does not explicitly recognise the right to access to environmental information, public participation and access to justice in environmental matter. Though the Environmental Code recognises the right to access to environmental information, public participation and access to justice in environmental matter, it fails to provide adequate mechanisms to achieve this, thus hindering the effective implementation of environmental protection measures.

3.3 Inadequate Supervision and Control

There are inadequate supervision and control of the activities of natural resource exploiting companies due to institutional weaknesses. The Ministries of Mines and Environment which acts

¹ Sections 50 and 61(3) & (4) of the 1994 Forestry Law.

² Sections 62, 64(1) of the 2019 petroleum Code.

³ Article 5(1) of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity.

⁴ Article 5(2) and (3) of the Protocol.

⁵ Mollins J. (2021). Logging and Mines occupy Baka Pygmy Hunting Areas in Cameroon. Available at www.forestnews.org (Lastly Accessed on 15 February 2026).

⁶ Tamasang, C.F. (2018). *op.cit*, p.156.

as oversight institutions have failed to adequately control and supervise the activities of companies involved in natural resource exploitations in Cameroon. Inactive mining sites in Cameroon are continuously abandoned without restoration by foreign companies, leaving behind huge pits in the ground that later form into artificial lakes which endanger local populations and damaged ecosystems. For instance, the case of the Samba where the mining pit has been abandoned by Metallicon S.A.¹

Similarly, there are cases where mining exploitations have impacted the quality of water in the mining exploiting areas. Inhabitants of Kambele III has decried how mining exploitations have brought changes in the colour and taste of their drinking water, followed by destruction of the course of rivers and no fish in the river again because of pollution. These results imply that villages around active mining sites are more impacted severely as a result of mining exploitations principally in the area of water quality as in they had been experiencing changes in the colour and taste of potable water.² This inadequate control and supervision is caused by the high rate of corruption that prevails in the country and the mineral resource sector in particular.

3.4 Discriminatory Benefit Sharing

In accordance with Article 15(3) and (7) of the Convention on Biological Diversity, benefits should be shared in a fair and equitable way and that such sharing shall be upon mutually agreed terms.³ The issue which still raises concern within the Cameroonian context is that the prescriptions of “fair and equitable” distribution remain inapplicable though the natural resource communities suffer most during the extraction of these natural resources.⁴ The inhabitants of Kambele and Kombo Batouri decried the fact that their farming lands were expropriated for mining purposes with little or no compensation. Many complaint that they were given 500, 000 FCFA after expropriating three to four hectares of their

farm lands for mining activities.⁵

4. Conclusion and Recommendations

The protection of natural resources is a pressing human rights imperative in Cameroon. Despite existing laws and regulations, the country faces challenges in ensuring effective protection and management of these resources. This has led to significant human rights abuses, environmental degradation, and socio-economic challenges for local exploiting communities. The rights to environmental justice, a healthy environment and benefit sharing are often compromised due to inadequate supervision, discriminatory benefit sharing and lack of access to justice. To address the aforementioned challenges, this work recommends that, the Cameroonian government should create specialised courts or chambers with expertise in environmental and natural resource law to ensure effective protection of natural resources as a human right imperative. Capacity building and training programs should be provided for judges and magistrates and other judicial officials to enhance their expertise in environmental and natural resource law.

Furthermore, implement measures to accelerate access to justice. This should be done by creating more courts in those areas, that is subdivisions and divisions where courts are absent. Organise public awareness campaigns to educate Cameroonians particularly those in the natural resource communities about their environmental rights and the importance of natural resource protection. There should be a constitutional reform, where in the preamble should provide a clear and enforceable environmental rights. Free, prior and informed consent should be strengthened especially in the natural resource exploitation communities since they are the most affected during natural resource exploitation.

In addition, the government should establish clear consultation processes, participatory and inclusive systems in decision making. This can be by developing and implementing transparent consultation processes that include local

¹ Herman, G., & Keri, G. O. (2014). Mercury Exposure and Health Impacts among Individuals in the Artisanal and Small-Scale Gold Mining Community: A comprehensive Review. *Environmental Health Perspectives*, 28(122), pp. 667-672; Kenne Y. (2023). Treacherous Pits and Lakes Left in the Wake of Cameroon’s Abandoned Mining Sites. Available at www.news.mongabay.com (Lastly Accessed on 17 February, 2026).

² Obase R., et al. (2018). Impact of Artisanal Gold Mining on Human Health and the Environment in the Batouri Gold District, East Cameroon. *Academic Journal of*

Interdisciplinary Studies, 7(1), 22-44.

³ Article 5(1) of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity.

⁴ Tamasang, C.F. (2018). *op.cit*, p.156.

⁵ The Guardian Post. (2024). East Region: When Abandoned Mining Sites Wreak Havoc on Batouri Population, available at www.guardianpostcameroon.com (Lastly Accessed on 17 February 2026).

communities which will ensure that their concerns and needs are heard and properly addressed. Design and adopt a more effective system that ensures local communities have a fair share of the exploitation of natural resources.

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