

# **TRANSBOUNDARY WETLAND DIPLOMACY: CONTRIBUTIONS OF THE 1996 ENVIRONMENTAL MANAGEMENT LAW OF CAMEROON**

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## **ABSTRACT**

This paper seeks to examine the contributions of the 1996 Environmental Management Law of Cameroon in solving disputes between two or more countries sharing a common trans-boundary wetland ecosystem and by so doing building peace and diplomatic cooperation between the countries. The article aimed at discussing the role played by the Environmental Management Law in wetland diplomacy. The paper argued that although the Environmental Management Law did not expressly protect trans-boundary wetlands in Cameroon, it implicitly did so under article 29, 82 and 92 of the law. To the paper, the Environmental Management Code of Cameroon is not without shortcomings as far as trans-boundary wetland diplomacy is concern. To arrive at this finding, the research relies essentially on the analysis of primary and secondary data, using intensive desk research technique to collect relevant information from text books, articles and internet sources. To remedy this situation the paper proposed the putting into place of a shared trans-boundary management plan, the protection of trans-boundary wetlands through international law and sensitization of the local communities close to trans-boundary wetlands in particular and the populations of the countries sharing the common wetland ecosystem in general.

## INTRODUCTION

Access to water resources in many regions of the world is expected to worsen as a result of climate change and population growth, and management is difficult when wetlands are shared between countries<sup>i</sup>. The emerging field of environmental diplomacy seeks ways to use conservation to prevent conflict or build peace between countries sharing one wetland<sup>ii</sup>. Wetlands are defined as areas of marsh, fen, peat land or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, blackish or salt, including areas of marine water the depth of which at low tide, does not exceed six meters<sup>iii</sup>. Trans-boundary wetlands therefore are wetlands cutting across two or more countries. Ecologically coherent wetlands that cross national boundaries are recognized as trans-boundary wetlands within Ramsar. It is an open secret that there is the existence of violent conflict between countries that share a wetland ecosystem. This conflict is usually accompanied with the loss of life and property and it is very important to note that intervention during conflict is not within the Ramsar convention treaty's purview. Therefore, the one approach to arrest this situation is to readily put in place a trans-boundary environmental share management plan. It is our believed that ecological factors can in one way or another contribute to peace building between countries sharing a common wetland ecosystem if proper legal management plan is drafted adapted and officially recognised<sup>iv</sup>. There are currently 234 Wetlands of International Importance listed with Ramsar that share borders with two or more countries. As of now, only 14 of these areas have become officially recognized trans-boundary conservation areas with shared management regime<sup>v</sup>. It is important to know that specific Ramsar trans-boundary agreements started in conflict prone areas and include Africa's first formal trans-boundary site between Gambia and Senegal that includes the Niumi-Saloum National Park and the Delta de Saloum<sup>vi</sup>. It is of our interest therefore to examine the contribution of Cameroon Environmental Management law in trans-boundary wetland diplomacy.

## MANAGEMENT OF TRANSBOUNDARY WETLANDS UNDER CAMEROON LAW<sup>vii</sup>

The Environmental Management Law of Cameroon has not expressly provided provisions for the protection of trans-boundary wetland ecosystems, however, it has implicitly done so through some of its articles which will be examine below.

The law to begin with stipulates that:

Pending the provisions of article 30 below, direct or indirect spill incidents, discharges, dumping of any kind, and more generally, any act likely to provoke surface or underground water degradation through the modification of their physical, chemical, biological or bacteriological characteristics shall be prohibited<sup>viii</sup>.

Although this section of the law had not mention expressively trans-boundary wetlands, implicitly, all the activities stated in the above article can easily have devastating effects on the wetlands of other countries in a situation where the wetland is shared by Cameroon and other States. See for example the Lake Chad Basin shared by Cameroon, Nigeria, Chad, and Niger<sup>ix</sup>. In this case, the law is very categorical that any of the above offences are prohibited in Cameroonian wetlands, so to covertly, these offences are prohibited In Cameroon's Wetlands that share boundary with other countries.

The law when further to provide sanctions to defaulters by stating that:

Any person having polluted, or degraded soils and sub-soils, altered the quality of air and waters in violation of the provisions of this law shall be liable to a fine of 1.000.000 (one million) to 5.000.000 (five million) CFA frs and a prison sentence of 6 (six) months to 1 (one) year or only one of these two<sup>x</sup>.

This portion of the law punishes any person responsible for pollution or degradation of the soils and sub-soils in the territory of Cameroon. Pollution of the environment and in particular wetlands can be very detrimental to the biodiversity in the wetland. Implicitly, this section of the law also sanctions any Cameroonian responsible for pollution and degradation of soils and sub-soils of trans-boundary wetlands and this can go a long way to also act as a solution to any conflict that may arise between Cameroon and other countries sharing a common wetland.

The law is also of the opinion that:

Parties to an environmental dispute may settle the dispute by a joint agreement reached through arbitration<sup>xi</sup>.

The Environmental Management Code of Cameroon is very categorical in its quest for environmental diplomacy in general and trans-boundary wetland diplomacy in particular. The law in article 92 above encourage parties to any environmental disputes to settle the disputes by using joint agreement reach via arbitration. Covertly, the law is encouraging the use of diplomacy in trans-boundary wetland conflict by putting in place joint agreements accepted and adopted by all the countries in the shared wetland ecosystem.

## **CHALLENGES, CONCLUSION AND RECOMMENDATIONS**

Under this head challenges faced by the 1996 Environmental Management Law of Cameroon as far as wetland diplomacy is concern, conclusion and recommendations will be discussed.

### ***Challenges***

The Environmental Management Law of Cameroon is not without weaknesses as far as trans-boundary wetland diplomacy is concern; shortcomings of the law will be examined below.

The Law on Environment Management in Cameroon failed whole fully to mention the word wetlands or trans-boundary wetlands in its 99 Articles. It may be argued that article 27<sup>xii</sup> and article 94<sup>xiii</sup> did so, but that is not true because these two articles did mention only two types of wetlands<sup>xiv</sup>. We think that a piece of national legislation of this magnitude, dealing with a sensitive ecosystem of this kind should have categorically mentioned the word wetlands or trans-boundary wetlands so as to avoid any ambiguity in the interpretation and effective implementation of the law with regards to trans-boundary wetland diplomacy.

The law in addition provides that:

Waste shall be discharged into dumps that are periodically inspected and which respect the minimum technical norms of dump management<sup>xv</sup> and Article 42 states that waste shall be treated in an ecologically rational manner to eliminate or curb their harmful

effects on human health, natural resources, the fauna and flora, and on the quality of the environment in general.

The respect of this law and the level of application of waste management techniques as proscribed by the law are almost not effectively implemented in Cameroon and as a result of this, the indiscriminate dumping of waste in trans-boundary wetlands can lead to trans-boundary wetland lost and degradation as well as trans-boundary wetland conflict. The lone company<sup>xvi</sup> responsible for waste management in Cameroon lacks the human resource capacity to manage waste in the whole country<sup>xvii</sup>. Although this sector has been privatized, it lacks the required human resource capacity<sup>xviii</sup> to effectively carry out its activities in the whole country. To remedy this situation, it is our humble opinion that the government should enter into contract with many other private companies (national and international) so as to prevent HYSACAM from enjoying the monopoly advantage of waste management in Cameroon and the government should invest more on human resource experts in waste management control techniques.

### ***Conclusion***

The Convention on Wetlands of International importance adopted in the Iranian City of Ramsar in 1971 is the only global environmental treaty that deals with one particular ecosystem<sup>xix</sup>. With over 50 years of international wetland conservation work and ratified by 160 countries, it is believed that Ramsar can offer a significant contribution to environmental diplomacy in the world in general and Cameroon in particular. The Ramsar Convention in its article 1(1) provides a wide definition of wetlands that includes lakes, rivers and coastal waters, this has put the Convention in a position to help countries build capacity to effectively manage trans-boundary wetland ecosystems. The Republic of Cameroon in its Environmental Management Law of 1996 had in some of its articles examined implicitly trans-boundary management of wetland ecosystems and has even gone ahead to sanction those responsible for illegal activities on wetlands. The law however, is not without shortcomings. Recommendations are proposed in order to improve on the effective contribution of the law on trans-boundary wetland management in Cameroon.



### ***Recommendations***

Taking into consideration the above challenges prohibiting the effective protection of trans-boundary wetlands in Cameroon via the Environmental Management Law of 1996, the following recommendations for reforms are worth mentioning.

#### **➤ Put in Place Shared Trans-Boundary Management Plan**

In other to effectively manage trans-boundary wetlands there should be a shared trans-boundary management plan put into place by countries sharing the common wetland ecosystem. This management plan should include political, administrative, economic and cultural aspects of the States concern and particularly the communities close to the wetlands. It may be argued that establishing a truly bilateral management body with full powers is a difficult step to be implemented, as it implies a serious limitation of national sovereignty and it is doubtful whether such a body in its pure form exists<sup>xx</sup>. However, such an organ would be considered as appropriate in the effective management of trans-boundary wetland ecosystems. An example of a shared trans-boundary management plan can be seen in the case of the Mercantour National Park (France) and of the Alpe Marittimi Park (Italy). Since 1987 the staffs of the both countries have been undertaking specific management tasks jointly or in a shared way, with the establishment of a joint management authority<sup>xxi</sup> and this have enabled the both countries in solving disputes that may arise between them amicably.

#### **➤ Protection of trans-boundary wetlands through International Law**

Trans-boundary wetlands should be protected during peace and wartime through international law. The most developed form of cooperation consists of bilateral treaty, which becomes a legally binding document between sovereign states. Such instrument may be necessary for the development of joint management structures. A binding document of this type establishing the Common Wadden Sea Secretariat (CWSS) has been signed in The Hague by the three countries involved as early as 1985<sup>xxii</sup>. Another example to note is the Lake Chad Basin Commission (LCBC) which was established on 22<sup>nd</sup> May 1964 by the four countries bordering Lake Chad: Cameroon, Niger, Nigeria and Chad. The Central African Republic joins the organization in 1996 and Libya was admitted in 2008<sup>xxiii</sup> with Headquarters of the Commission in N'Djamena, Chad<sup>xxiv</sup>. The Commission have a mandate of the management of Lake Chad and its shared

water resources, preservation of the ecosystems and promotion of regional integration, peace, security, and development in the Lake Chad Region<sup>xxv</sup>.

➤ **Sensitization**

Trans-boundary wetlands are often misunderstood and underappreciated meanwhile they are a vital part of the ecological life support system upon which state's economies and societies depend<sup>xxvi</sup>. Over the years, there has been a rapid decline and deterioration in trans-boundary wetlands caused by both anthropogenic and natural factors<sup>xxvii</sup>. For example, the extensive Lake Chad Basin is experiencing progressive degradation as processes of desertification and environmental change are accelerated by human demands for the natural resources of the Basin<sup>xxviii</sup>. To remedy this phenomenon, the populations of communities sharing trans-boundary wetlands in particular and the populations of the states in general, should be sensitized on the importance of wetlands ecosystems, the shared management plan should be able to organise seminars for the training of the populations. The countries sharing the trans-boundary wetland should also be encouraged to enact national laws that promote the introduction of trans-boundary wetland management in particular and environmental management education in general in the curriculum of primary, secondary and Higher Education. It is for this reason, The Environmental Management Law of Cameroon provides that "Environmental education should be introduced in primary and secondary school curriculums as well as institutions of higher learning"<sup>xxix</sup>. If all the countries sharing a common wetland take this into consideration, it will go a long way in promoting better management of the wetland and thereby contributing to a positive settlement of disputes that may arise between them over the shared wetland ecosystem.

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## ENDNOTES

<sup>1</sup> Available at <https://www.scidev.net>, last accessed on the 23rd of June 2022.

<sup>2</sup>United Nations Environment Program (2008) “*Addressing the Role of Natural Resources in Conflict and Peacebuilding*” Executive Summary of Progress from UNEP’s Environmental Cooperation for Peacebuilding Programme. Available at <https://wedocs.unep.org>, last accessed on the 11<sup>th</sup> of June 2022.

<sup>3</sup>Article 1(1) of the Ramsar Convention

<sup>4</sup>Bernard W (2001) “*Development Dimensions of Conflict Prevention and Peace-Building*” An independent study prepared for the Emergency Response Division, UNDP.

<sup>5</sup>Pamela G (2012) “*Wetland Diplomacy : Trans-boundary Conservation and Ramsar*”. Institute for Environmental Diplomacy and Security, University of Vermont the United States.

<sup>6</sup> ibid

<sup>7</sup> Law N° 96/12 of 5<sup>th</sup> August 1996 relating to environmental management in Cameroon

<sup>8</sup>Article 29 of Law N° 96/12 of 5<sup>th</sup> August 1996, Relating to Environmental Management in Cameroon

<sup>9</sup> Available at <https://reliefweb.int>, last accessed on the 12<sup>th</sup> of June 2022.

<sup>10</sup>Article 82(1) ibid

<sup>11</sup>Article 92 ibid

<sup>12</sup>Which stipulate that “Flood plains shall be specially protected. This protection shall take into consideration their role and importance in biodiversity conservation”

<sup>13</sup>Provides that « Mangrove ecosystems shall be specially protected, taking into account their role and importance in marine biodiversity conservation and the maintenance of coastal ecological balances »

<sup>14</sup> Flood plains and Mangroves

<sup>15</sup>Article 47(2) of the Law relating to Environmental Management in Cameroon

<sup>16</sup>HYSACAM, French acronym meaning Hygiène et salubrité du Cameroun.

<sup>17</sup>Eric A (2004) “*Sustainability in Municipal Solid Waste Management in Bamenda and Yaounde, Cameroon*”. Thesis submitted for the degree of Doctor of Philosophy (Ph.D) in the School of Social Sciences, Department of Geographical and Environmental Studies (GES) the University of Adelaide.

<sup>18</sup>That is material, financial, and personnel

<sup>19</sup>Available at <https://www.sciencedirect.com>, last accessed on the 22<sup>nd</sup> of June 2022.

<sup>20</sup>With the exception perhaps of the Wadden Sea collaboration.

<sup>21</sup>Thymio P (2004) “*Shared Catchments and Wetlands-Increasing Trans-boundary Cooperation*” Mediterranean Wetland Initiative, 5<sup>th</sup> European Regional Meeting on the Implementation and Effectiveness of the Ramsar Convention.

<sup>22</sup> These countries include the Netherlands, Denmark and Germany

<sup>23</sup>The Lake Chad Basin Commission is covering six countries with over 45 million people

<sup>24</sup>Available at <https://en.m.wikipedia.org>, last accessed on the 12<sup>th</sup> of June 2022.

<sup>25</sup>Available at <https://cblt.org>, last accessed on the 12<sup>th</sup> of June 2022

<sup>26</sup>Turner R.K et al (1995) *Ecological-Economic Analysis of Wetlands: Science and Social Science Integration*.  
Global Wetlands Economics Network.

<sup>27</sup>Such as agriculture, over exploitation of natural resources, population growth and climate change.

<sup>28</sup>Available at <https://www.theget.org>, last accessed on the 13th of June 2022.

<sup>29</sup>Section 73 of La N° 96/12 of 5th August 1996 relating to Environmental Management in Cameroon.

