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Nkongho A Elizabeth
Associate Professor of Laws and Political Science, Head of English Law Department, University of Buea, Cameroon

Correspondence
Nkongho A Elizabeth
Associate Professor of Laws and Political Science, Head of English Law Department, University of Buea, Cameroon

Assessing indegenous rights as against sustainable development goals within the context of an emerging economy: The Cameroonian experience

Nkongho A Elizabeth

Abstract
This paper seeks to address the debate on human rights and sustainable development as against environmental protection. Guaranteeing all basic or fundamental rights of indigenes may clash with protection of the environment in that, the unlimited and uncontrolled enjoyment of human rights linked to the environment may in effect be irrational. For instance, the struggle to absolutely conserve endangered species may simply amount to the violation of the right to food; the specie in question being the local meal of the people and/or the right to culture, if the specie is killed and its skin or organs are used for traditional and cultural purposes. How then can reconciliation be made between the two? It is first of all necessary to address the relationship between human rights and the environment before reviewing the economic advantages [1]. Once such a question arises, it becomes difficult to settle the primary question without settling the secondary because the solution to the primary question is dependent on how the secondary question is resolved. If there is no nexus between the two fields, the supposed clash probably wouldn't arise. While sustainable development is a major objective for any country, it is imperative to determine the practice and its merit.
The objective here is to see the role of environmental human rights on sustainable development of those living in the particular areas; the methodology used consists of collection and treatment of secondary data. The article examines the effect of environmental degradation and climate change on the rights of persons living in forest areas of Cameroon. The outcome will show how these two ideals are necessary for sustainable development in an emerging economy like Cameroon's. The paper will also help not only environmentalists and legal scholars but also serve as a working tool for scholars of related fields of study as well as the general public.

Keywords: Indigenous rights, sustainable development, emerging economy, experience, Cameroon

Introduction
After the world wars, innumerable consequences amongst which increase in population, poverty, and unprecedented degradation of the environment threatened human survival. As a consequence, the attention of world leaders was directed towards development and reconstruction of their economies. Environmental considerations in the development process only started receiving international recognition from the 1970s. Prior to this date, only a few Multilateral Environmental Agreements (hereinafter referred to as MEAs) were signed. But after the 1972 Declaration on the Human Environment, many of these MEAs came to light.
Developing countries interests were not fixed on environmental issues and the effects of industrial pollution because most of them were just fresh from independence and so the priority at the time was the new feeling of freedom and independence. Nevertheless, a series of Resolutions were proposed to the UN General Assembly in which they affirmed their rights to development, sovereignty over natural resources as well as the need to handle environmental issues at the national level, all in the hope to stop the flow of raw materials from the "South" (a term generally referring to developing countries) to the "North" (developed countries). The 1972 United Nations Conference on Human Environment referred to as the Stockholm Conference held in Sweden marked the first remarkable gathering of the international society to shape environmental policy. The main purpose of the meeting was to serve as a practical means to encourage, and provide guidelines for action by Governments and international organizations designed to protect and improve the human environment, and to remedy and prevent its impairment by means of international cooperation, bearing in mind the particular importance of enabling developing countries to

forestall occurrence of such problems [2]. Ten years after Stockholm, another meeting was held in Nairobi, Kenya with the Brunt land Commission set up and charged with the task of probing into environmental issues related to development [3]. From inception, development was immediately perceived as a general and global concern and as a result, many states had to include it as part of their Constitutions [4]. The consideration of development as a right equally appears in many regional instruments such as the African Charter on Human and Peoples' Rights. At Stockholm, developing countries, a large part of which was made of African countries, restated these proposals adding that measures be adopted to avoid adverse effects of environmental policies on their economies in all spheres including international trade, development assistance as well as transfer of technology [5].

Twenty years after Stockholm, the United Nations Conference on Environment and Development, the term "sustainable development" resurfaced as a right [6]. As such, many countries have included this in their Constitutions and national laws but the problem remains; that of knowing to what extent this has been translated into practical realities.

Beside reconciling human rights and environmental degradation, it is also important to mention the right of indigenes to food, portable water, healthy environment and possible spread of diseases caused by environmental consequences. Among the means mobilised to address environmental impacts of human rights, there is the issue of finance to meet with these challenges. In light of these considerations, a number of issues emerge that require some serious questioning and analysis. Africa is the richest continent as far as natural resources are concerned and Cameroon, in terms of natural resources is faced with similar problems. Another area of contention is how development should be pursued to determine resources in such a way that basic environmental human rights are protected. How can development be achieved without breaching human rights and environmental considerations?

Violations of fundamental human rights related to the environment remain serious problems in developing countries like Cameroon. Local communities lack the capacity to withstand and mitigate the effects of climate change, most of which is caused by unsustainable exploitation of natural resources. Achieving considerable levels of development without violating rights of indigenous people in Cameroon remains a major problem. Once such a question arises, it becomes difficult to settle the primary question without settling the secondary because the solution to the primary question is dependent on how the secondary question is resolved. If there is no nexus between the two fields, the supposed clash probably wouldn't arise [7].

Finally, the paper presents possibilities of guaranteeing enjoyment of basic environmental human rights through sustainable development.

Human rights and the environment

In this section, due to the complexity of the notion and the forms of human rights, two categories are presented; the first one deals with substantive [8] rights and their relationship with the environment while the second addresses procedural rights and their relationship with the environment done particularly within the context of local population. Substantive law is used to answer or apply to cases that bring parties to court; it is the law that provides the remedy prayed for by the parties. Procedural law on the other hand refers to the procedure that each court applies or follows in the prosecution or trial of a particular case. As such, rights are therefore discussed under individual rights. When rights are discussed on the basis of generations, (understanding of their origins, mode of enjoyment, protection and enforcement), the tendency is to think that they are actually separated from each other by reason of the generations; in the same way, when rights are discussed under individual and group rights, this leads to the understanding that one of the fundamental characteristics of human rights is obstructed - that of interdependence and indivisibility. For instance, some rights are considered to be natural rights (civil and political), while others are ideological (social, cultural and economic rights). It is therefore important here to consider the relationship between group rights and the environment.

Individual rights and the environment

Consideration here includes rights that are individually enforceable. This implies that when one possesses such rights, he enjoys them *in personam* [9] and if there is violation of the rights, the victim can bring an action personally or through another mandated person on his behalf. The consequence of possessing and enjoying rights in *personam* is that any action brought against the violation of rights and any remedy obtained there from binds only the parties (*the offender and the offended*) personally. How then do these rights relate to the environment? The following relationship may be established with regards to some examples earlier mentioned; the right to food is directly linked to the environment in several ways; the limitation or prohibition on certain means of agriculture, as well as the prohibition from eating this or that type of plant or animal may simply amount to the violation of the local peoples' right to food. On the other hand, the irrational exploitation of the forest and the opening of hinterlands for purposes of development may equally affect the human rights of the local population. For example, trees that might have served as shelter for some or the backs of which may be medicine for others and which are destroyed may cause obvious hardships to yet others.

Group rights and the environment

Group rights are in sharp contrast with individual rights because they refer to those that are possessed, enjoyed and enforceable not by individuals in a community, but by that community as a whole. Again, while individual rights may fall under the first and second generational rights [10], group rights may comfortably constitute third generational rights. Under the latter category, these are rights to development, peace as well as the right to a sound and healthy environment. But how do these rights relate to the environment? The right to a healthy environment on the one hand may be affected by climate change or global warming while the relationship between the environment and culture may be seen as the effect of the traditions inherent in the history and lives of a particular people due to the environment in which they live.

Procedural rights and the environment

If the first category of rights can be understood as subjective rights, then procedural rights may be considered as objective in nature [11]. This is because mostly, the procedural rights

are those that permit the beneficiaries to bring an action for the enforcement of the said rights in a group. But people cannot take action when they do not know the types of rights they have or what rule of law is actually breached. In order to ensure compliance with standards of environmental protection and the protection of their rights, local people must be allowed to participate in decision making, they must be duly informed of these rights, consequences of their actions and how to take action once the said rights have been violated. Another question that this section addresses is who has competence to bring an action in case of environmental litigation? This is a crucial problem especially when it comes to criminal matters. In criminal matters for instance, the right to bring an action resets on the administrative authorities who will have to investigate it preliminarily before sending it to the competent legal department [12].

Right to participate in decision making and information

Participation in decision making is a two-fold issue: people participate by way of representation; this permits the policy maker to be well informed regarding local realities with which the people live. The second aspect regarding participation in decision making permits the people to enforce the rules they participated in drafting. With respect to information, people must be informed of the rights they possess as a community especially, local people who live within threatened environmental resources. Information is good for them in such circumstances they know what rights actually belong to them.

Lack of sufficient information renders them incompetent in the event of breach of their rights but when they are better informed the people themselves will be given *locus standi* in bringing the action in court. The *locus standi* doctrine implies that in order for one to bring an action in court, he must have the competence to do so. Already, according to Cameroonian law, the question does not arise if it is a private litigation but if it is public, then it falls under the competence of the administrators of the respective ministries to proceed with the introduction of court action. It is rather unfortunate that the procedure to follow in the investigation of such actions is still to be determined by an enabling law. Due to some of these difficulties, competence to bring action should be extended to permit representatives of the community to bring the action on behalf of the entire community (*public-interest litigation*) [13]. This is so because environmental human rights issues such as the right to a healthy environment cannot be possessed and enforced by one single individual but as a community [14]. If development is done in a sustainable manner, the outcome will be beneficial to the environment as well as enhance the human rights of the people linked to the said environment.

Linking human rights and sustainable development to environmental protection

Sustainable development plays a protective role by setting certain standards in order to obtain development without impinging on some basic human rights. Because of the conflict between environmentalists and human rights activists, this section deals with identification of potential victims of environmental degradation and proposes possible means of redress, albeit to a limited extent.

Human rights versus environmental protection

Identifying problem areas that constitute potential points of disagreement between the two fields is imperative, while seeking common ground for reconciliation. Because man is placed at the centre of sustainable development; at the centre of every process of development, legal or material, he will understand the stakes at hand and in this way, will be able to differentiate between sustainable and irrational actions. The strict adherence to the provision and protection of basic human rights, especially with regards to the people who live in the interior may require that the people should eat anything which has been their source of food or livelihood. They may also have to use any grass or back of tree for medicine [15], or logs of trees for their energy,(wood or charcoal). So the prohibition of the use of such plants for the identified purposes may, for them, amount to violation of their right to medical fitness. As such, the people may depend, within these contexts, on the various species of trees and grass for their health, food, shelter and basic means of livelihood. This may even extend to the right to culture. The cultural undertone here being the use of some animal parts considered as endangered species, for their cultural purposes and traditional rites, in the same way as certain leaves and animal skin are used for clothing [16].

From the point of view of development, the generational classification of rights puts the second generation under ideological rights that are more readily realisable in developed countries, for instance, the provision of social amenities. Given that in many constitutions today the state exploits its natural resources for public-interest purposes and provides social amenities and a minimum standard of living for its citizens. In this light, the state, as mandated by the Constitution may tend to exploit natural resources in the hinterlands so as to achieve that goal. In so doing, it may sacrifice large hectares of forest for schools, roads, markets and hospitals, for urbanisation and development. Then the question arises as to the after effect of such an endeavour.

The rights of the forest people involved in the community may be violated in several ways: their homes, drinking water, culture and medicine among others. What then actually amounts to development for the forest man? One may be surprised to discover that he needs no schools and hospitals since he has his traditional mixture; roads for him is not the tar, but the swings that take him from one tree and valley to the next and so on. If this is so, how then can one reconcile the two contexts of development because any attempt to impose one sense of development on the other may be a violation of the local peoples' right of identity?

Furthermore, the state may consider this exploitation of the forest and its resources as its sovereign rights to do as it pleases. But if lengthy hectares of forest lands are irrationally dealt with, this may probably amount to violation of international environmental exigencies of some sort and as a consequence, it may only worsen the negative effects of climate change and global warming.

Reconciliation of human rights activists and environmentalists

At the international level, the problem can be presented and solved by interplay of principles that are general in international law and particular to environmental law. For example, we have the very popular and almost sacrosanct *inviolable* principle of state sovereignty. This is more specifically referred to in environmental law parlance as the sovereign rights of states over their national resources. The reading of this principle literally shows that states have the

right to deal with their resources as they deem fit in the circumstance. Does this therefore mean that the state can interfere with its resources at will or irrationally interfere with them?

The answer brings us to yet another principle, the operation of which has the effect to limit state sovereignty. This is the principle of the obligation not to cause environmental harm supported by other principles such as neighbourliness, polluter and user pays principle as well as the principle of common concern for human kind [17]. If a state irrationally interferes with its resources such as indiscriminately burning down so much of its forest lands, that would amount to carbon sink; carbon sink means that trees store carbons emitted into the atmosphere during the day commonly referred to as the process of photosynthesis; the carbon dioxide absorbed in this process helps in the production of chlorophyll. This happens during the day since plants absorb oxygen at night which is the contrary to what they do during the day. When this is established, the state's sovereignty may be defeated and her responsibility engaged according to yet another principle which is state responsibility; it may be held to have committed an act that causes problems to the whole of humanity, not only by depriving the world of potential carbon sinks, but also through the emission of huge quantities of carbon dioxide and other related gases into the ozone *from the fumes* and this may be called *ozone depletion*. Such an act is considered in international law as *hosti humani generis*.

Acts that are hostile to humanity as a whole bring to light another principle that limits sovereignty and gives competence to any interested group; this is the principle of universal jurisdiction. Since international environmental law and related crimes are not yet developed and the judicial procedure is still very timid, such acts may be sanctioned by international organisations or instruments related to the nature or type of violation [18]. The sanctions in this regard may range from a simple call to order, economic sanctions or even expulsion. Once states are straightened by such principles that define their behavioural patterns, they will behave rationally in the environment and thus reconciliation between the rights of the individual and preservation of the environment will be enhanced. As such, laws and rules will not be strange for the local population but will be made to protect them and their interests directly or indirectly.

After proposing the possibility for reconciliation between human rights and environmental protection, one discovers that the two fields are in effect mutually beneficial than conflicting, for the purpose of achieving sustainable development.

Sustainable development as a protective role in setting standards

Discussion here is focused on standard-setting with particular attention to forestry; one of the reasons why standards are set in forestry management is to mitigate the effects of climate change as well as the need to protect and conserve respective categories of forest resources. These guidelines may therefore be found under the general sustainable development considerations as well as under the general requirements for a project to qualify as a clean development project in developing countries. In the domain of timber exploitation for instance, in order to make sure that the timber is mature and ready for felling, a licence is generally required to indicate that the exploitation of the plant is done under sustainable conditions. Once this is complied with, the buyer or any other form of dealer in the product will be assured of authenticity. One major obstacle here is the problem of illegal logging and selling at very low costs since this will usually attract more customers in the black market. Furthermore, in order to guarantee sustainable forest management, the forest people must be involved in the process. They must be given the possibility to participate in decision making, to participate in community forest meanwhile the management plans must be clearly set and defined to the people; boundaries must also be well demarcated and the local community in which the exploitation is taking place must sufficiently benefit there from. Therefore, a genuine benefit-sharing mechanism must be established. Exploitation of forest resources is usually for development purposes and in this way; such development activities must be clean. The cleanliness of the developmental activity presupposes that if the exploiter is an industry, refining or mining company and is established within the forest zone, its waste must be dealt with in a proper manner such that the waste, in any of its forms, does not have adverse effects on the other forest resources [19]. So chemical waste from an industry for instance, needs to be diluted before it is released into a nearby river so that it does not endanger aquatic life or intoxicate the quality of portable water. This is why environmental impact assessment by experts is necessary before such activity is carried out [20].

The local government is usually connected to this by operation of the principle of state sovereignty. Through this principle, the government may exploit its resources personally, or may do so through another party, the operator, by way of licensing. The operator here may either be a foreign or local company but in the case of developing countries in general, it is almost usually a foreign company. In any case, the company will have to get into a contract with the home government and in this way, the sustainable development standards must seriously influence every negotiation and agreement.

The standards set by sustainable development may concern the public in two ways: firstly, people must be able to know and understand these standards well so as to be able to identify violations caused in the course of any activity in the respective locality. Secondly, a good understanding by the public in general and local communities in particular may enable or guarantee compliance. One of the environmental impact assessors is the public and this can be done on the basis of the requirements and considerations of sustainability as well as the requirements for a project to qualify as a clean development project. These sustainable development standards are meant to be respected, they pear in an uncompromising nature because in the past, standards were not emphasized in the development and reconstruction process hence the consequences were undesirable. These standards are also set to enable developing countries' struggle for development to be done in a rational manner when dealing with natural resources as well as combating adverse effects of climate change.

From the above therefore, it is clear that if these standards are breached, the consequences may be unbearable for man. Pursuing development by ignoring these standards will cause undesirable misery.

Recommendations and The way forward

Certain problems may create obstacles that may impede

movement towards sustainable development. These problems may range from the lack of sufficient institutions and capacity building to absence of environmental awareness in social and academic domains. The timidity of legislation in the area of environmental litigation as well as neglect of environmental programs and projects in defining and allocating national budgets may be at the fore.

National environmental programs and budget

It is essential to include well-defined environmental programs in the budgetary laws of each country at the close of each budgetary year. A new program for the environment should be defined, either protection or development. This program should not be left in the hands of a particular ministry unless the project is capable of being realised in a short period of time. But if the duration is beyond one year, it cannot be included in the general budget of the state for the coming year; the project may be contained in a *special investment budget* previewed for huge development programs that may last for more than one year with a special allocation made.

Lack of sufficient institutional and human capacity

By insufficiency in institutional capacity here, enforcement institutions such as the courts and the judicial system regarding environmental laws are still timid. This problem finds itself in the internal systems of various countries in Africa and Cameroon in particular. What is the role of the courts in the pursuit of sustainable development? Since there is no supra legislative enforcement body at the international level to monitor compliance with and implementation of the requirements of such instruments, it is incumbent on the particular country to integrate these requirements in its relevant national legislations. Once this is done, the courts will have to play an indispensable role to apply provisions of the national law as inspired by the international requirements. But the problem also stems from the fact that courts are not well designed and equipped for this purpose.

The question of knowing what needs to be done implies that the country adapts a special tribunal to the type of judicial apparatus. This means that instead of creating a new court, one more Bench at the level of the Supreme Court in the case of Cameroon, could simply be created. Since the Supreme Court is multi-functional [21], one can opine that adapting one more bench could be a possibility, such as the administrative bench, the environmental bench could be organised to seat in first and last resort [22]. In this way, it would serve as a court of exceptional jurisdiction with special judges trained for the purpose. There should be some sort of separation of competences between other forms of litigations and environmental litigation; judges need to be sufficiently trained in specific areas of specialty.

Reinforcing the role of environmental education

There is greater need to create awareness on the need to protect the environment which should begin from the base, for example, the traditional discipline known as *Nature Study* in the basic educational system of Cameroon be redefined and expanded to address environmental considerations. At the higher levels of studies, the field of environmental studies is not sufficiently elaborated; the complexity of the field, the delicate and technical considerations need to be given a wider scope. Environmental studies should not be studied as a course alone, but as an entire branch on its own; the problems related to this branch of studies justify a more fundamental and comfortable place in academic programs. When this course is studied as a single discipline among many others, students may address issues at the level of generalities meanwhile there are crucial intricacies involved. Through this therefore, the issues of addressing the need to protect the environment at all levels will receive greater and deeper considerations.

Changing attitudes

Africa as earlier mentioned, is rich in natural resources; most of the resources are exploited and managed by foreign companies and *partners*. Exportation of natural resources should be carried out within the continent for the general development of society. The culture of industrialisation is slow and this is why much reliance is placed on foreign companies for exploitation of these resources. A major problem faced here is that being an exporter remains dependent in terms of finished products. When a country exports almost all of its natural resources and imports most of its finished products, it becomes difficult for that country to experience sustainable economic growth. The African community could emulate the example of the principles of the European Economic Community within the European Union to create an economic system that could become essential modus. This means that the mentalities must change during major international meetings. Delegations should not comprise only of diplomats but also technocrats, this will create changes in the process of negotiations and interests which of course address practical realities of the people.

Slow environmental legislation

Environmental legislation is considered to be slow in Cameroon because in the domain of environmental law, there are not complete legislations such as a comprehensive environmental code. The frozen nature of the legislation is felt in the fact that even the pieces of documents that are in force do not sufficiently address the pressing issues and this leaves so much to be desired. The law applicable in Cameroon on environmental management is one of the most reliable documents in the field that addresses a wide range of concerns; reason why some refer to it as the environmental code. But the document is far short of sufficiency to attain that status because it contains a number of frozen sections that cannot go into application unless a subsequent instrument, an enabling decree, is passed to give it effect. For instance, section 27 of the said law permits administrators of the respective ministries to identify, investigate and bring cases of environmental pollution and other such problems to the legal department for prosecution. However, the procedure to be used by the said administrators in this task, as provided in section 77 of the same law, is still to be adopted by an enabling decree. Two concerns are detected here; on the one hand, not only is the provision frozen by relying on an enabling decree, but these problems are factual, occurring every day. Secondly, there is no environmental study at the undergraduate level but those who obtain their degrees and pass through other national institutions are those who identify and carry out investigations on environmental issues. More comprehensive and reliable instruments should be adopted

to meet realities of environmental protection and the rights of persons involved.

Absence or Insufficient technology

A major reason why African countries and Cameroon in particular suffer the consequences of environmental degradation is because of the lack of technological and financial capacity with which to fight adverse effects of environmental degradation. In many developed societies, solar panels are used and developed as alternatives for provision of electricity. In other places, in an effort to curb pollution of the atmosphere through automobiles, electronic cars that do not emit toxic gas into the atmosphere are being manufactured. Moreover, transfer of technology which should be total, *vertical* and not partial, *horizontal*; with the latter type, transfers of technology here involves the foreign company coming with its own personnel to the beneficiary country such that the know-how remains only within the foreigners and if any manual labour is required, then that will be provided by the local nationals. In this way, there is no possibility of learning and when the foreign company leaves, the know-how leaves as well or if they remain, they get paid for developing or operating the system while the nationals never benefit any substantial training therefrom.

Understanding sustainable development

Because of the imprecise nature, meaning and scope of the term *sustainable development*, this creates lacunae which allow potential violators of the sustainable development standards to use to their advantage. Instead of putting the viability of the environment in a precarious condition a sustainable development Code could be adopted.

Conclusion

From the foregone, sustainable development is a pressing goal to be attained by developing countries but African countries still suffer the most effects of poverty and underdevelopment. This is why this work has taken the initiative to propose a *modus operandi* through which African countries may pursue their development goals. In effect, the two fields must be simultaneously reconciled to accommodate each other. This makes it possible for the environment to be protected even in the present need to trade in environmental resources for development.

The issue is not just merging trade and environmental protection, but equally the guarantee and protection of basic human rights in Africa. Through this work, it is obvious that if one clings more on environmental protection, many prohibitive rules will be adopted that will prevent people from freely using and enjoying resources of the environment in the manner in which they would want. On the other hand, if a leeway in the exploitation and trading in environmental resources was to be allowed in a haphazard manner, people's right to trade may be abused and as such, violations of the rights of indigenes as well as the rights of future generations. This is why a link has been established between the notions of Various proposals have therefore been made to show that the time has come for Africans countries to refrain from total reliance in support and aid from the external world and start relying on African based initiatives for the pursuit of sustainable development. The change needed for African development does not need to come to Africa, but must come from Africa.

Finally, the idea of conclusion of legal instruments such as treaties must be done not only by diplomats but in collaboration with technocrats in various respective fields of competence. In this way, potential differences and conflicts in legislations would be avoided and operate to mutually be beneficial to each other.

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4. See for example, the Preamble of the Cameroonian Constitution which is to the effect that the state shall exploit natural resources for the welfare of all and to improve living standards; c1972.
5. Hunter DJ, Salzmann, Zaelke D. op cit, at, 1998, 282-283
6. Summit held in Rio de Janeiro, Brazil 1992. Unlike in Stockholm, the South had taken consciousness of environment and development concerns. With these divergent points among many others, the great expectation that the Rio conference will produce some sort of world charter was only procrastinated by a non-binding Rio Declaration on Environment and Development 31 I.L.M. 874 (1992) with 27 principles seen as a "bargain between the affluent North concerned with global environmental problems and the poor South concerned primarily with development questions"
7. This possession in personam is in conformity to the equitable maxim which is to the effect that "equity acts in personam and not in rem".
8. These first generational rights refer to those that are contained in the International Covenant on Civil and Political Rights (ICCPR) and they are sort of natural because they concern individual liberties. The second generational rights are those contained in the International Covenant on Economic, Social and Cultural Rights (ICESR) and they are said to be more readily realizable in developed countries than in developing countries (like the right to education, social amenities and culture)/
9. Subjective rights refer to obligations and rights recognized to every human being; rights possessed by human being or citizens of a particular country or community. Objective rights refer to rights that permit each person to take a court action to enforce his subjective rights once they are violated or breached.
10. According to section 27 of the 1996 Law on Environmental Management, the competence to identify and investigate any environmental pollution or problem belongs to the administrative authorities in the Ministry of Environment and Forestry.
11. Hunter, D. J. Salzmann and D. Zaelke, op cit, at p. 1316
12. Ibid, p.1317. They consider the rights to a healthy environment as a substantive right which is both environmental and human rights in nature, and in this capacity, it constitutes a hybrid kind of right

13. It is even popularly believed in Africa as a whole and Cameroon in particular that the proper and efficient treatment for typhoid is obtained from backs of trees and other plants, not from hospitals and drugs. So the prohibition of the use of such plants for the identified purpose may, for them, arguable amount to violation of their right to medical fitness.
14. Under the Convention on Prohibition of International Trade in Endangered Species, lions and elephants fall under the list of those species that are endangered while in Cameroonian Forestry and Wildlife Law (1994), these same species are category "A" protected types. But the cultural value of elephant tusk or lion teeth and skin cannot be undermined.
15. Neighbourliness is a customary law principle which requires that the actions of one state should not harm its "potential neighbours". The *polluter and user pays principle* logically requires that anyone who, through his activities, causes environmental harm to so repair them. The principle of common concern for humankind is a principle that translates the fact that environmental pollution knows no territoriality, that is to say some types of major environmental problems are susceptible to cause harm to mankind as a whole, not only the particular area from which the problem arises.
16. Examples include the United Nations Framework Convention on Climate Change (UNFCCC)
17. Pollution is a phenomenon that concerns the irrational or uncontrolled behaviour when disposing waste material or matter. It is generally held that pollution cannot completely be eradicated; so we can only try to mitigate it and cope with its effects.
18. This will be in breach of a fundamental right contained in section 11 of the International Covenant on Economic, Social and Cultural Rights; c1966.
19. The Supreme Court plays a number of roles through the various benches for instance, various benches such as the audit bench, civil bench, criminal bench (these two forms the judicial benches), there is an administrative bench as well as the Constitutional bench. An Environmental Bench could also be added.
20. When we say at law that an instance seats in first and last resort, we mean that there is no higher instance to it. Normally, when a case comes to court, it is tried in first instance and if the decision passed at this level is not satisfactory; it may be taken on recourse to a higher instance, for instance, from the High Court to the Appeal Court. But when a case is entertained in an instance and the recourse against the decision of that instance is still filed in the same instance, we say the instance has sat in first and last resort. This is what happens with the Administrative Bench of the Supreme Court. This can also be done with the Environmental Bench postulated here above.