

BUCHBESPRECHUNGEN / BOOK REVIEWS

Oliver C. Ruppel / Emmanuel D. Kam Yogo (Eds), Environmental law and policy in Cameron – Towards making Africa the tree of life / Droit et politique de l'environnement au Cameroun – Afin de faire de l'Afrique l'arbre de vie, Recht und Verfassung in Afrika Band 37, Nomos Publishers 2018, 149,00 Euro, ISBN: 978-3-8487-5260-7

The book “Environmental law and policy in Cameron – Towards making Africa the tree of life” edited by Prof. Dr. Oliver C. Ruppel and Prof. Dr. Emmanuel D. Kam Yogo entails a first comprehensive analysis of environmental law and policy in Cameroon. The book, which is about 960 pages long, is published – as volume 37 - in the book series “Recht und Verfassung in Afrika” of Nomos Publishing House and is freely accessible as pdf-file via the internet.¹

Cameroon – situated on the African West Coast at the Gulf of Guinea – is a geo-strategically relevant Central African country rich in natural resources. Cameroon was a German colony in the 19th Century and subsequently placed under a French-English mandate after WWI. It reached independence in 1960. Living conditions of the 23 million inhabitants are comparable to many other African states: About 70 % of the population live under the poverty line. In political terms Cameroon today is a democracy with a strong position of the President.

About 250 different ethnic groups live in the country. Main religions are the Christian religion and Islam. Official languages are both French and English. Furthermore about 250 languages are spoken. All this background has been substantively provided for in an introductory chapter by Prof. Dr. Oliver C. Ruppel and Dr. Katharina Ruppel-Schlichting, which also enables the ‘Africa- newcomer’ to get a better picture of this ‘unknown world’.

The second of the 13 sections explains the rights and obligations with regard to international environmental treaties relevant for Cameroon with respect to environmental protection. The two chapters on the core regulations of the African Union (AU) and the African regional economic community (REC) regimes are of particular interest. They provide a detailed analysis of these RECs with respect to their contemporary effects on effective environmental protection.

Section 3 entails an explanation of general aspects of environmental law in Cameroon. The first chapter therein describes the environmental conditions before analyzing the various environmental policies and programs. The following two chapters scrutinize the ju-

1 Cf. <https://www.nomos-elelibrary.de/10.5771/9783845294360/environmental-law-and-policy-in-cameroun-towards-making-africa-the-tree-of-life-droit-et-politique-de-l-environnement-au-cameroun-afin-de-faire-de-l-afrigue-l-arbre-de-vie>

risprudence concerning the protection of the environment as well as the environmental penal law in Cameroon. The last chapter concludes with the criticism - often raised in Africa - that effective enforcement is not yet in place and that the well-designed provisions of environmental penal law are still largely without effect.

Section 4 deals with environmental management, which is broadly interpreted as encompassing all factual circumstances of environmental governance. It needs to be emphasized as a specific value of the book that it is not limiting itself to the analysis and interpretation of legal provisions but addresses the essential conditions which are decisive for the factual implementation of the constitutional aspirations into real life. In this light, the chapters of this section analyze existing institutional frameworks, principles of environmental management as well as emergency control regulation.

Sections 5 to 10 turn to sectoral aspects of environmental law. The following topics are extensively addressed therein: Land, Agriculture and Urbanization (Section 5); Waste and Pollution (Section 6); Flora and Fauna (Section 7); Water and Fisheries (Section 8); Mining and Energy (Section 9); as well as Climate Change (Section 10). The last two sections are very informative and elaborate as both of them include five chapters.

In the section "Mining and Energy" Cameroonian mining law is elucidated. The next chapter explains, which obligations with regard to compensation of detrimental effects on nature and the environment caused by extractive industries must generally be complied with. Furthermore, the contributions on the factual state of electricity supply, energy law and the provisions concerning renewable energies provide a detailed overview of the factual background and the relevant legal provisions related to the energy sector. The first chapter in the section "Climate Change" stresses that Africa is and will be severely affected by the effects of climate change although only being responsible for these impacts to a very limited extent. The author proposes that Africa should stand in for its interests more jointly, in particular with regard to the international climate negotiations, which otherwise may hardly become more successful given the political, economic and social differences on the continent. Further chapters deal with Cameroonian climate change law, the protection of natural resources as well as the specific jurisprudence related to climate change.

Sections 11 to 13 again refer to more overarching aspects. Such addresses Section 11 the environmental aspects of international trade (law). Section 12 is devoted to a human rights perspective of environmental protection, in particular addressing the ultimate need for access to justice. Another chapter in this Section examines the interesting concept of "buffer zones" and whether these manage to both reconcile the interests of local communities on the one hand and nature conservation on the other. The chapter concludes that the "buffer zone" concept - although being a suitable tool in theory – fails to be implemented appropriately in practice due to lacking resources. Section 13 finally encompasses two chapters on the role of customary law for environmental protection in Cameroon. Customary law means the traditional law, which is applied by and within the local communities. The chapter upholds that due to the about 250 different ethnic groups there is an enormous plurality of legal systems concurrently applied in Cameroon. It further stresses the tension,

where traditional law cannot ensure effective protection of the environment when local chiefs fail to bridge the needs of modernity in overreliance on traditions.

The publication which was funded by the Konrad Adenauer Foundation entails a total of 42 chapters, which are reasonably distributed amongst the 13 Sections. The team of authors consists of 35 mostly legal experts. The editors, as well as some of the authors, contributed to more than one chapter. The chapters are almost to the same share written in French and English, which reflects the bilingual reality with regard to the two official languages in the country. Bringing together so many highly qualified authors needs to be highlighted as a major editorial performance.

Given the importance of the publication, the foreword has been written by H.E. Hele Pierre, the Cameroonian Minister for the Environment. He points out that the chapters in the book address both environmental law and policy in Cameroon, that the international regulations relevant for Cameroon have been competently analyzed and that both English and French chapters have been included in the publication. He concludes that this publication is very instrumental for lawyers, judges and policymakers. For students – he summarizes – the book allows for perfect access to the environmental law in Cameroon.

Although one can only echo what has been stated by the Minister, it should not be neglected that for all those being interested in environmental law and policy and Africa, be it from other African states or from other continents, the book is an extremely helpful source of information, also for comparative law purposes.

Despite the great achievements of this publication, the liberty is taken to also submit some suggestions – in particular with the view of a potential second edition. First, the book does not include abstracts in each chapter. This would be recommendable as the inclusion of abstracts would enable the reader to quickly understand the main contents of each chapter. Secondly, a more comprehensive analysis of Cameroonian water protection law – with regard to surface water and groundwater protection – would have been helpful. The same is true concerning the regulation of water supply and wastewater treatment. Thirdly, the procedural aspects such as the promotion and funding of scientific research, access to environmental information or the empowerment of engagement by the civil society should have been dealt with in some more detail as these are most obviously of significant importance for the factual law implementation. Fourthly, information on approaches on how to regulate and manage hazardous substances, in particular industrial chemicals, would be of great future interest.

Finally, it must be laudably mentioned that the reviewed opus is already the second standard reference of ground-breaking nature in the book series “Towards making Africa the tree of life”. The first standard work, edited by Prof. Dr. Oliver C. Ruppel and Dr. Katharina Ruppel-Schlichting, is the book on environmental law and policy in Namibia, which has already been published in its third edition (the fourth edition is expected to be

published in 2020).² It is to be wished that the book “Environmental Law and Policy in Cameroon” will become a comparable success as “Environmental Law and Policy in Namibia”.

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2 Oliver C. Ruppel / Katharina Ruppel-Schlichting, Environmental Law and Policy in Namibia, Hanns Seidel Stiftung, 3rd Ed. Windhuk, 2016.