

Challenges and Prospects of Environmental Protection in the Anglophone Armed Conflict in Cameroon

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ABSTRACT

The ongoing armed conflict in Anglophone Cameroon has had a devastating impact on the region's environment, resulting in widespread deforestation, pollution, and biodiversity loss. This paper examines the prospects and challenges of environmental protection amidst this volatile context, highlighting the critical role of strengthening governance systems, community engagement, and international collaboration in solving environmental problems. The conflict has exacerbated existing environmental pressures, with increased reliance on forest resources for fuelwood and income, leading to deforestation. Military operations and displacement have caused air, water, and soil contamination, while habitat destruction threatens endangered species. Weakened state capacity further exacerbates the situation, leading to a surge in illegal activities. Despite the challenges, several avenues for environmental protection exist. Empowering local communities to participate in monitoring, restoration efforts, and sustainable resource management is crucial. Peacebuilding initiatives must prioritize environmental protection as an integral part of long-term stability and development while international cooperation is essential to provide expertise, funding, and capacity-building initiatives. The conflict in Anglophone Cameroon underscores the urgent need for a proactive approach to environmental protection during armed conflicts especially non-international armed conflict. By prioritizing environmental protection, fostering community engagement, and securing international support, a brighter future can be achieved for the region, ensuring the long-term well-being of both people and the environment.

Keywords: Armed Conflict, Environmental Protection, Cameroon, Anglophone, Conservation and international humanitarian law.

INTRODUCTION

Armed Conflict as a fighting or exchange of gun firings between belligerents of a conflict^[1] or a state of open hostility between two nations, or between a country and an aggressive force^[2]. With the increase in armed conflict especially after the Second World War, the world became, even more, determined in protecting the environment, given the adverse effect that conflict had on the environment. As such it started providing environmental protection through the various humanitarian regulations put in place. Some of these are; the UN Convention on the Prohibition of Military or Any Other Use of Environmental Modification Techniques (ENMOD) (1976)^[3]. The issue relative to the adoption of this convention on the modification of the environment for military or other hostile purposes was brought to the international agenda in the early 1970s. In July 1974, USA and USSR agreed to hold bilateral discussions on measures to overcome the danger of the use of environmental modification techniques for military purposes and three subsequent rounds of discussions in 1974 and 1975. In August 1975, USA and USSR tabled identical draft texts of a convention at the Conference of the Committee on Disarmament (CCD), where intensive negotiations resulted in a modified text and understandings regarding four articles of this Convention in 1976.^[4] The Anglophone armed conflict dates back to October 2016, when Cameroonian Common Law lawyers from the North and South West Regions decided to hold a peaceful protest to denounce the transfer of Francophone judges to adjudicate on common law matters in the two English-speaking regions of Cameroon^[5]. The Government responded by

sending security forces who brutalized the protesting Common Law Lawyers.[6] Shortly after that, the English-speaking teachers joined the Lawyers. Within a short span of time all other sectors in the English-speaking regions of Cameroon had joined the strike under the umbrella of The Cameroon Anglophone Civil Society Consortium (ACCSC) which now demanded for a return to the two-state federal system as agreed in 1961.[7] The increasing polarization of the situation escalating into an armed conflict since 2017, has resulted in significant human suffering and societal disruption. Beyond the immediate human cost, the conflict has had a profound impact on the environment, leading to widespread environmental degradation and threatening the region's long-term sustainability. This paper examines the prospects and challenges of environmental protection in this context, exploring potential avenues for mitigating environmental damage and fostering a more resilient and sustainable future for Anglophone Cameroon. This paper seeks to examine the prospects and challenges of environmental protection in the Anglophone armed conflict in Cameroon.

Understanding the Concept of Armed Conflict and its Relation with Environmental Protection

According to Black's Law Dictionary, armed conflict is "a state of open hostility between two nations, or between a nation and an aggressive force".[8] This situation is also referred as international armed conflict. Armed conflict may also occur within a territory of a nation or a state, known as "civil war". Thus, there are two types of armed conflict: international armed conflict and internal armed conflict.[9]

Tabiy Ghansiwiyi, defines an Armed Conflict as a fighting or exchange of gun firings between belligerents of a conflict.[10] It may be with the usage of conventional or non-conventional weaponries. In addition, armed conflict, may be asymmetric or non-asymmetric in nature, which may take the form of civil, national or international in character. An important definition of the concept of armed conflict comes from the International Criminal Tribunal for the Former Yugoslavia (ICTY) judgment in *Prosecutor v Tadić case*, the first case to be heard before that body.[11] The Appeals Chamber in Tadić confirmed that 'for there to be a violation of (international humanitarian law), there must be an armed conflict'.[12] The Appeals Chamber then went on to say that 'an armed conflict exists whenever there is a resort to armed force between States or protracted armed violence between governmental authorities and organised armed groups or between such groups within a State'. This was reaffirmed in the latter case of *Prosecutor v Kunarac*. [13]

In analyzing the aforementioned, armed conflict exists if foreign armed forces, armed groups, conflicting fractions or terrorist forces use force or threat of force to promote their own interests or objectives. Moreover, conflicting parties apply the best possible combination of political instruments including diplomatic, economic and psychological resources and means. The most extreme or ultimate form of armed conflict can take the form of war.[14] The characteristic difference between armed conflict and war lies in the fact that the significant part of population of the conflicting parties is mobilized. Another difference lies in the fact that in case of war the conflicting parties are considered to be so serious threats to their own objectives and interests that they believe there is no other way, but to use substantial military force, usually over a long period of time. The state of war would certainly exist if a country's own military forces attacked the integrity of other countries.

The notion of armed conflict can be defined in the narrow and broad sense. Armed conflicts in the narrow sense mean the use of the armed forces by one or more states against another state or group of states with a view to imposing their own will to them attacked countries.[15]

In a broader sense, armed conflict means any use of the armed forces, whether it comes to the engagement of one state or group of states against another state or group of states with a view to imposing their own will, or that it is an internal conflict (rebellion or revolution) or border incidents in which a firearm is used and the armed forces deployed.[16] Armed conflict is the basic form of objective reality, which manifests the engagement of all capacity of military forces. The traditional armed conflicts, which have historically been mostly symmetrical, have received a completely new dimension in recent decades. The symmetry, in terms of military power, economic, political and diplomatic influence of conflicting parties, has disappeared in recent decades and armed conflicts have become bisymmetrical.

The definition proposed by the Appeals Chamber in *Tadić* case recognizes two distinct tests or prerequisite for the existence of an armed conflict. The first test refers to a resort to armed force between States. This is the classic definition of an international armed conflict. It traditionally involves a formal declaration of warfare by one or both states, although this is not strictly necessary, as it will still amount to armed conflict where there is a declaration of war even without actual hostility between the parties

The second test or prerequisite refers to ‘protracted armed violence between governmental authorities and organized armed groups or between such groups within a State. This formulation recognizes that international humanitarian law may also apply to conflicts involving non-state armed groups. The test covers both conflicts involving a combination of states and non-state armed groups and conflicts in which no states are directly involved

The relationship between armed conflict and environmental protection is complex and often negative. It is important to address the root causes of conflict, including resource scarcity and environmental degradation, in order to promote sustainable development and peace. Armed conflict has an effect on environmental protection. Over 80% of all major armed conflicts between 1950 and 2000 took place directly in biodiversity hotspots that sustain around half the world’s plants and many rare species of animals.^[17] Armed conflicts have always been a threat to the environment, and environmental degradation in turn affects the well-being or even the survival of people. They can lead to environmental degradation and destruction, including by contaminating land and soil, with effects frequently extending over large areas, including to coastal and marine zones, and to water sources. These consequences of conflict can remain in place for years or decades after a war^[18].

The environment is at risk from direct attacks or from the use of certain means or methods of warfare. It is also at risk from damage and destruction to the built environment including industrial complexes, combustible storage and processing facilities, factories and plants, agricultural facilities, and solid- and hazardous-waste sites across urban and rural areas. Attacks against, or incidental damage to, extractive mines and chemical facilities can lead to water, soil and land contamination, or release pollutants into the air. Explosive remnants of war can also severely affect the environment by contaminating the soil and water sources, and harming wildlife. In certain circumstances, the environmental consequences of armed conflict can also contribute to climate change

Legal Framework on Environmental Protection during Armed Conflicts

There exist a number of legal frameworks provides for direct and indirect protection of the environment in times of armed conflict. The Biological and Toxin Weapons Convention (BTWC) 1969, The Convention on the Anti-Personnel Mines 1997, the Chemical Weapon Convention 1993, The Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques^[19] (ENMOD) 1977, the Additional Protocol I to the 1949 Geneva Conventions, 1977, the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare, 1925, The Hague Regulations on the Respect of the Laws and Customs of War on Land 1907, are examples of international humanitarian instruments that provide such protection. These frameworks will be discussed in turn.

The Hague Regulations on the Respect of the Laws and Customs of War on Land 1907

The regulation protects the environment during armed conflict through its article 23(g) of the Hague regulation^[20], which proscribes that acts that “destroy or seize the enemy’s property, unless such destruction or seizure be imperatively demanded by the necessities of war”,^[21] and article 55, which obliges occupying powers to “safeguard the capital” of “properties (both real estates, or forests and or agricultural estates), and administer them in accordance with the rules of usufruct”.

Although these provisions are only intended to safeguard human survival, article 23(g)’s reference to human ‘property’ potentially includes the environment.^[22] Thus, it can be said that this article provides protection for

the environment in terms of natural resources such as; oil stations or refineries that may become military targets of a war.^[23] In addition, article 55 clearly mentions that forests and agricultural estates are to be protected because of their indispensable value in supporting human life. This obligation was applied after the Second World War to hold German industrialists accountable for over-exploiting Polish forests for timber during the period of occupancy.^[24]

Whereas it is true that article 23(g) provides an escape clause for military necessity, the provision as a whole gives notice to warring parties to take into account environmental factors during hostilities. Even though it was created without specific consideration of the environment, this provision has been argued by a commentator to offer protection in situations of “extreme acts of environmental degradation”.^[25] Moreover, even though the 1907 Hague Regulations have been ratified by only a small number of states, their application is potentially much wider than this, because provisions in this treaty have been considered to be part of customary international law.

The Additional Protocol I to the 1949 Geneva Conventions, 1977

Additional Protocol I to the Geneva Conventions of 1949 is an international treaty that supplements the Geneva Conventions of 1949.^[26] It was adopted on 8 June 1977. The protocol relates to the protection of victims (persons and the environment) of international armed conflicts. It significantly improves the legal protection covering civilians and the wounded, and lays down detailed humanitarian rules that apply in civil wars. The Protocol I provides provisions that specifically protect the environment during times of war. Articles 35(3) and 55 provide significant legal protection to the environment by, for the first-time, expressly prohibiting the environment from being a specific military target. Unfortunately, as will be discussed, the Protocol is weakened by its failure to provide clear definitions of the relevant damage thresholds. Nevertheless, these provisions should be considered as crucial because, in explicitly aiming to protect the environment during the war, they prohibit environmental damage based on a conception of the environment as inherently valuable in itself beyond solely providing for human benefit particularly art 35(3) and Article 55(1)

The Protocol in its Article 35(3) and Article 55(1) (1977)^[27] directly deal with environmental protection during war. According to Hans-Peter Gasser (1997) Article 35 also added a new prohibition as general limitation on warfare: “It is prohibited to employ methods and means of warfare which are intended, or may be expected, to cause widespread, long term and severe damage to the natural environment.” This article includes some important words like “widespread”, “Long term” “severe damage” and “natural environment”. From this article it is clear that the means and methods of warfare which cause devastating, serious, long time, destruction on “natural environment” is strictly forbidden in terms of warfare. The Report of UNEP (2009) stated that in terms of Vietnam War, serious long term environmental damage was caused by the United States forces.

Article 55 (1)^[28] of additional Protocol I deal with the protection of natural environment. These two articles of Additional Protocol I of Geneva Convention is applicable in international armed conflict at least when the conflict will run at least between two states. But in modern time the pattern of conflict has been changed from international to internal. The “new war debate” started very strongly among scholars. So, the major deficiencies of these two articles are that it is not applicable in non-international armed conflict.

The Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques^[29] (ENMOD) 1977

Stimulated by the devastating experience of the American defoliation campaigns during the Vietnam War and by growing concerns over technological developments allowing states to use catastrophic environmental change as a weapon in armed conflicts,^[30] states in 1977 agreed to two special conventions addressing environmental protection during armed conflict. These are the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques

ENMOD prohibits environmental modification causing “widespread, long-lasting or severe” damage. Fortunately, clear definitions of these thresholds are expressly provided in the “Understandings”. The term “widespread” may cover “an area on the scale of several hundred square kilometres”; “long-lasting” includes “a period of months, or approximately a season”; and “severe” involves “serious or significant disruption or harm to human life, natural and economic resources or other assets”.^[31] The clear definitions provided in this Convention arguably may contribute to the interpretation of similar terms in other treaties such as the 1977 Additional Protocol I

The Chemical Weapon Convention 1993

The chemical weapon has tremendous effects on environment and human lives. The tremendous effects of Chemical weapons on human lives and environment forced nations to ban this weapon through the Chemical Weapon Convention in 1993. The Convention, which was negotiated as part of the **Conference on Disarmament**, was opened for signature in Paris on 13 January 1993. It entered into force on 29 April 1997, and is now binding on the vast majority of states with Cameroon being one of them. Cameroon signed it in 14 January 1993 and it entered into force in Cameroon in 29 April 1997. Poll and Bolley and Pool^[32], in assessing the convention rightly outlined that “the Chemical Weapons Convention was adopted in January 1993; it only came into force in 1997.” According to the Chemical Weapons convention all kinds of use, development and stockpiling of Chemical weapons is forbidden. In case of destruction the stocked chemical weapons environmental consideration must be estimated. According to the Mrema et al^[33] on their part asserts that “chemical substances has both acute impact on natural environment.” In addition, Bolley and Poll^[34] states that the Chemical Weapons Convention^[35] mandate States Parties to ensure the protection of the environment during transportation, sampling, storage, destruction and implementation of all chemical weapons. So, these three articles can be considered as major protection of environment under this Chemical Weapons Conventions. Moreover, the Convention has forbidden in its first article to use chemical weapons in any circumstance.

The Convention on the Anti-Personnel Mines 1997

The Convention on the Anti-Personnel Mine imposes restriction or obligation on state parties in terms of the use of Anti-Personnel Mine. It was adopted in 1997 and imposed restriction of its use in armed conflict. Cameroon signed the Convention on 3 December 1997, ratified it on 19 September 2002, with the Convention entering into force for Cameroon on 1 March 2003, **though** Cameroon is still required to report on established national implementation measures or whether it considers existing legislation to be sufficient Bolley and Pool^[36] state that the regulation of Anti-Personnel Mine related to environment in terms of its destruction. When any destruction of Anti-Personnel Mine will be conducted by the state parties, then should estimate the environmental costs and hazards. Thus, the Anti-personnel Mine convention is related directly with the protection of environment. It is also widely known as Ottawa Treaty 1977.

The Biological and Toxin Weapons Convention (BTWC) 1969

The Biological Weapons Convention (BWC) is a **legally binding treaty that prohibits the development, production, acquisition, transfer, stockpiling and use of biological and toxin weapons** It was negotiated in the United Nations' disarmament forum starting in 1969, opened for signature on April 10, 1972, and entered into force on March 26, 1975. Cameroon only ratified it in 2013. This thus guarantees its application in Cameroon. The BWC was the first multilateral disarmament treaty banning an entire category of weapons of mass destruction (WMD) The treaty prohibits the development, production, and stockpiling of bacteriological and toxin weapons and requires states parties to destroy any stockpiles of nuclear weapons. The Bacteriological Weapons Conference prohibits the degradation of natural environment

The Statute of the International Criminal Court 1998

The Rome Statute^[37] is the treaty that established the International Criminal Court (ICC)¹², a permanent institution that can prosecute individuals for genocide, crimes against humanity, war crimes, and crimes of

aggression¹. The treaty was adopted by a vote of 120 states in Rome, Italy on 17 July 1998. The Rome Statute also recognizes all crimes considered as grave breaches to international law. The treaty entered into force on 1 July 2002 and has 123 states parties as of November 2019. This treaty established a permanent international criminal court with the main objective of prosecuting war criminals (individual military members or political leaders) for ordering or committing certain war crimes. The court counts crimes against the environment as war crimes and, in so doing, sends a strong message to military leaders to consider the environment during times of war or face criminal prosecution.^[38] Article 8(2)(b)(iv) of the ICC Statute criminalizes environmental degradation as a war crime:^[39] therefore, launching an attack in the knowledge that such attack will cause widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated is forbidden.

UNGA Resolution 47/37 (9 February 1993)

In its Resolution 47/37 of 9 February 1993, the UN General Assembly stated in the Preamble that “destruction of the environment, not justified by military necessity and carried out wantonly is clearly contrary to existing international law.” The resolution then expressed concern that the relevant provisions of international law on the matter “may not be widely disseminated and applied.” Accordingly, the resolution “urges States to take all measures to ensure compliance with the existing international law” on this issue, including by “becoming Parties to the relevant international conventions” and “incorporating these provisions of international law into their military manuals.”^[40]

UNGA Resolution 49/50 (17 February 1995)

In 1994, the ICRC submitted a proposal to the UN General Assembly in the form of Guidelines for Military Manuals and Instructions on the Protection of the Environment in Times of Armed Conflict.⁶⁷ At its 49th Session, the General Assembly, without formally approving them, invited all States to disseminate the guidelines widely and to “give due consideration to the possibility of incorporating them” into their national military manuals.^[41] These guidelines have also been published as an annex to the Secretary-General Report A/49/323 United Nations decade of international law (1994).

THE EFFECTS OF THE ANGLOPHONE ARMED CONFLICT ON THE ENVIRONMENT PROTECTION

Destruction of Ecosystems

During armed conflicts, natural habitats and ecosystems can be severely damaged or destroyed. This may be due to direct belligerent/military activities, such as deforestation, land degradation, and the disruption of wildlife habitats. Infrastructure damage^[42] can also lead to environmental harm, for instance, the contamination of water sources by the destruction of water treatment facilities or industrial sites. The destruction of forests, wetlands, and wildlife habitats directly impacts ecosystems and biodiversity. For example, the conflict in Anglophone Cameroon has driven large-scale deforestation, primarily due to the use of firewood for cooking and heating. This has also led to a decline in ecosystem services, such as water filtration and carbon sequestration. According to some line ministries and other offices^[43] and reports of some reputable international institutions^[44] in charge of environmental protection, the weaponry used in armed conflict most often have direct consequences on the environment in armed conflict. For instance, the remnants of explosive in the armed conflict in Anglophone Cameroon has severely affected the environment especially through the contamination of the soil and water sources, and harming wildlife within the conflict hit region. According to some community members in Bamenda, water sources, including rivers, lakes, and wells, have been contaminated by various factors, such as: discarded Munitions from explosives and ammunition remnants which contaminate water bodies^[45]. Also, displacement and lack of sanitation facilities have led to the contamination of water sources with human waste, as there is no proper regulation of waste within the conflict affected regions. For instance, according to an environmental expert in Bamenda, the common problem with waste management is leaching given that overtime, the liquid seeps

through the landfill and takes with it harmful chemicals from the waste, if it rots, it produces methane gas and carbon (iv) oxide.[46] The management of the dump site during the armed conflict like the one in Masake in Buea and Mbellewa in Bamenda have been made impossible by the armed conflict In the same connection, landfills have been legalized by the Environmental Code of Cameroon so long as the person doing it obtains an authorization from a competent authority[47] as provided by Art. 51(1), (2) of the Environmental Code[48]. This has further made the management of this areas problematic especially with the prevalence of the armed conflict in Anglophone Cameroon.

Pollution and Contamination

Conflict can result in significant pollution and contamination, often through the release of hazardous materials and the targeting of industrial sites, resulting in the uncontrolled release of toxic substances into the environment. The use of explosives and heavy weapons and the poor management of waste has contaminated soil and water sources with toxic substances. Additionally, the displacement of populations has resulted in increased waste generation and unsanitary conditions. **Contaminants such as heavy metals, fuels, and other hazardous chemicals can persist in the environment long after the conflict has ended, posing a significant threat to both wildlife and local populations.**

In the same connection, the use of improvised explosive devices by militia groups against Cameroon's military vehicles has been increasing and getting more sophisticated couple with the continuation of the conflict in Anglophone Cameroon[49]. The explosive remnants and hazardous waste munitions can make the land inhabitable, severely harm wildlife, and contaminate the soil and watercourses a glaring example in the wetland in Mulang, Bamenda which has been rendered almost infertile by hazardous and plastic waste and chemicals resulting from unregulated disposal of waste by the armed conflict. This to a large extent has let to soil degradation and negative land use consequences.

Food insecurity

The Anglophone armed conflict in Cameroon has had a devastating impact on food security in the affected regions.[50] The conflict has disrupted agricultural activities, leading to food shortages and malnutrition. Environmental degradation has further exacerbated food insecurity by reducing the productivity of agricultural lands. The food insecurity arising from the conflict has been caused by; displacement of persons leading to Loss of livelihoods and residence/home, Insecurity, Economic disruption and Climate change.[51]

Evidence from research shows that the conflict has displaced over 712,000 people[52], many of whom are farmers and herders. According to other sources[53], more than 200 villages have been partly or completely destroyed, forcing hundreds of thousands of people to flee. The rate of attacks on villages has increased steadily, usually causing significant damage. Between 450,000 and 550,000 people have been displaced as a result of the crisis, representing about 10 percent of the regions' population. An additional 30,000 to 35,000 people have sought asylum in neighbouring countries. Displacement disrupts agricultural activities and access to land, making it difficult for people to produce or obtain food.

Displacement and Pressure on Resources

Armed conflicts can cause large-scale displacement of populations, leading to increased pressure on natural resources in host communities, such as water, arable land, and forests. This, in turn, can lead to overexploitation of resources, deforestation, and habitat degradation as communities struggle to meet their basic needs. Based on reports[54] on the armed conflict, mass displacements in the Anglophone regions have forced civilians to flee following attacks on villages and high levels of insecurity that prevail in both regions. The crisis has forced the displacement of half a million people. The ongoing armed conflict in Cameroon has caused significant displacement, placing immense pressure on resources and the environment in affected regions. Population displacements in the context of the armed conflict has led to; strain on resources, environmental degradation, health and sanitation challenges, and erosion of livelihoods. According

to the executive director of Bright Light Projects[55] (an NGO working on environmental protection in the armed conflict hit North West and South West Regions of Cameroon), displacement often results in deforestation, due to the increased demand for firewood for cooking and shelter. To him also, overgrazing and unsustainable agricultural practices further degrade the land, affecting biodiversity and ecosystem services. To the CEO of Action for Sustainable Development and Environmental Protection for Communities (ASDEPCO)[56], the lack of access to clean water and sanitation facilities in displacement camps increases the risk of waterborne diseases, malnutrition, and other health issues, creating a vicious cycle of vulnerability. To him, the conflict-affected regions are often reliant on agriculture and natural resources for livelihoods. Displacement disrupts these livelihoods, forcing people into poverty and dependency, further exacerbating the environmental pressure

Obstacles to Conservation Efforts

Armed conflict can hinder conservation efforts and impede the enforcement of environmental protection laws. Environmental management and conservation activities may be disrupted, and the capacity to monitor and address environmental issues can be severely compromised during conflict and its aftermath. The Anglophone armed conflict has witnessed a lot of disruption of conservation efforts in most reserve areas within the two regions. One of the effects of the fighting since 2016 is that it has brought conservation activities to a halt in the country's biodiversity hot spots in the Anglophone regions. Cameroon has around 14 national parks, 18 wildlife reserves, 12 forest reserves and three wildlife sanctuaries hosting rare and threatened species.[57]

Before the crisis, many of these protected areas were still in a pristine condition because Cameroon had less tourism than other regions of African continent. The conflict seems to have stalled several environmental projects. For example, violence forced environmentalists and NGOs operating in the Tofala Hill Wildlife Sanctuary in Lebialem to flee[58]. The Tofala Hill Wildlife Sanctuary is home to the critically endangered Cross River gorillas and other endangered wildlife like the African chimpanzee and elephant[59]

According some line ministries and institutions[60] directly involve in environmental protection, the armed conflict has retarded their activities as it has made it impossible for them to penetrate certain reserve areas. According to the executive director for ERuDeF[61], the conflict has restricted the implementation of some of their key project around the regions. For example, one of their key projects on reforestation at mount Bambotus was restricted to the west region with the areas bordering Southwest and North West left out due to the armed conflict.

CHALLENGES TO ENVIRONMENTAL PROTECTION DURING THE ANGLOPHONE ARMED CONFLICT IN CAMEROON

Protecting the environment during armed conflict presents a host of challenges, spanning from the immediate impacts of conflict to the long-term implications for ecosystem health and human well-being. These challenges to environmental protection during armed conflict are discussed in turn.

Lack of Public Sensitization

Public awareness and education play a crucial role in environmental protection, especially in conflict-affected regions like Anglophone Cameroon[62]. Let's delve into the significance of public sensitization and its challenges in the context of environmental conservation during armed conflicts. According to the Deputy Mayor[63], Bamenda iii 3 council, public awareness is very crucial in environmental protection especially in times of armed conflict. This to her gives the public believe in the institutions and enable the municipal dwellers to take individual initiatives towards the protection of the environment. **To her[64], lack of public sensitization** therefore poses a significant challenge to environmental protection more so in the context of armed conflict in Anglophone Cameroon. This is more severe given that in a city like Bamenda, environmental management is exclusively in the hands of the city council which is not rooted in local communities unlike

the rural councils that are very close to the rural areas most affected by the conflict.^[65] When conflicts arise, both the environment and the communities that rely on its natural resources suffer. Article 74 of the Environmental Management Law stipulates that in order to strengthen environmental awareness in the society and increase sensitization on the participation of population in environmental issues, the administration in charge, as well as other administrative units and public bodies concerned shall launch information and sensitization campaigns using the media and other means of information. According to the human rights officer^[66] for the Center for Human Rights and Democracy for Africa, the focus on security and the humanitarian crisis has led to a decline in environmental awareness and education, making it challenging to build capacity for sustainable practices within communities.

Poor Implementation of Existing Laws

From a National point of view, it is worth highlighting that Law No. 96/12 of 5 August 1996 Establishing the Regime of Environmental Management in Cameroon^[67] is the legal and normative framework and roadmap in which the Cameroon Government guides, controls, manages and decides on its national environmental policies in line with the provisions of the Cameroon constitution of 1996.^[68] **Environmental protection** is a critical concern for Cameroon, as it strives to balance economic development with safeguarding its natural resources. Cameroon is a signatory to numerous international environmental agreements, emphasizing its commitment to global environmental protection especially in times of armed conflict. The United Nations Convention on the Prohibition of Military or Any Other Hostile Use of Environment Modification Techniques (ENMOD convention), and the Additional Protocol to the Geneva Conventions relating to the Protection of Victims of International Armed Conflicts (Protocol I) are examples of international humanitarian instruments that provides for environmental protection in the armed conflict in Cameroon just like any other armed conflict. However, the practical implementation of these laws remains a challenge^[69]. The conflict has led to a surge in illegal logging, with armed groups exploiting weakened law enforcement to harvest timber in protected areas. This destroys vital ecosystems and disrupts local communities reliant on those resources also the breakdown of law and order has emboldened poachers, driving a surge in the illegal hunting of endangered species. This threatens the region's biodiversity and further disrupts the fragile ecosystems. In like manner, the use of landmines and other weapons by both armed groups and government forces has contaminated soil and water sources, posing serious health risks to local communities and impacting wildlife. The lack of Environmental Impact Assessments resulting in the rush to extract resources and the prioritization of security concerns often leads to the disregard for Environmental

Furthermore, Article 48 of the 1996 Environmental framework law adds that when waste is abandoned, dumped or processed in violation of the prescription of this law and its enabling regulations, the authority vested with police powers shall automatically eliminate the said waste at the expense of the said producer, after charging the producer to pay. Notwithstanding, the provisions of the law, their implementation leaves much to be desired. In like manner, in an exclusive interview with one of the council officials in charge of waste management,^[70] in a bid to ascertain the impact of the armed conflict on environmental protection in the municipality, she stated that “the crisis in the North West and South West Region of Cameroon has drastically affected the waste management plan of the Buea municipality especially given that the currently dumping site is not even the initial dumping site of the council, as the site is limited and almost impossible to process and treat the waste. That the council has device a plan to tackle waste management in the municipality which is still to be disclosed to the public”.^[71] There is thus a clear indication that the regulation in place has not received the needed concern especially within the conflict and thus requires prompt action to serve the environment from the impending dump of environmental catastrophe.

In the same connection, the provisions for protecting the environment during conflict under the four bodies of international law have not yet been seriously applied in international or national jurisdictions. To date, only a very limited number of cases have been brought before national, regional, and international courts and tribunals in this context. Moreover, in cases where decisions were handed down, procedural rather than merit-based reasoning has predominated. This lack of case law contributes to the sense that there is a reluctance or difficulties in enforcing the applicable law^[72]. Within the armed conflict in Cameroon, based on insights

from legal practitioners and courts[73] within the Anglophone regions, no case has been prosecuted on the bases of environmental degradation in the armed conflict in the country. This only goes ahead to emphasize the level of environmental neglect in the course of the armed conflict in Anglophone Cameroon.

Inadequacy and Loophole in Existing Law

Article 8 (2)(b)(iv) of the Statute of the International Criminal Court (ICC), The Environmental Modification Convention (ENMOD), and Additional Protocol I to the four Geneva conventions of 1949[74] and a host of other regulations are some of the legislative attempts towards environmental protection in times of armed conflict. Despite the existence of these regulations to enhance environmental protection, environmental degradation in times of armed conflict is still very rampant. This can to an extent be attributed to the regulations put in place to regulate environmental protection in armed conflict situation. For example. The Environmental Modification Convention (ENMOD) protects only specific parts, objects, or assets of the environment within the territory of state parties. To this effect, ENMOD only addresses "environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party." This excludes activities like deforestation, resource depletion, and pollution, which are widespread consequences of armed conflict.

Also, the ENMOD only binds state parties, leaving non-state actors like rebel groups and terrorist organizations free to engage in environmentally harmful activities. In like manner, the ENMOD primarily focuses on the military use of environmental modification techniques as weapons, neglecting broader environmental impacts from conflict-related activities, thus excluding certain traditional methods of causing environmental harm.[75] This clearly shows that though the EDMOND was put in place for environmental protection in armed conflict, its scope of application limits its ability to properly protect the environment.

On its part, Articles 35 and 55[76] of Additional Protocol I to the 1949 Geneva Conventions do not effectively protect the environment during armed conflict due to the stringent and imprecise threshold required to demonstrate damage: While these two articles prohibit "widespread, long-term and severe" damage to the environment, all three conditions must be proven for a violation to occur. In practice, this triple cumulative standard is nearly impossible to achieve, particularly given the imprecise definitions for the terms "widespread," "long-term" and "severe."

In the same connection, given that most armed conflicts today like the one in Anglophone Cameroon are non-international or civil wars, much of the existing legal framework does not necessarily apply, as they inclined more with international armed conflict[77]. This legal vacuum is a major obstacle for preventing the often-serious environmental damage inflicted during internal conflicts.

Limited Access and Security Risks

Conflict zones are often inaccessible to environmental monitors and conservationists, making it difficult to assess the extent of environmental damage and implement conservation measures.

Displacement of populations and insecurity can disrupt traditional land management practices and conservation efforts. Armed groups may restrict access to protected areas and other environmentally sensitive areas.

Environmental workers and conservationists face significant security risks in conflict zones, including threats of violence, kidnapping, and extortion. Landmines and unexploded ordnance can pose hazards to environmental activities. The presence of armed groups can create a climate of fear and intimidation, deterring people from engaging in environmental protection efforts.

According to some personnel of certain leading institutions[78] in Cameroon, Limited access and security risks have hindered environmental protection efforts in Cameroon in several ways; such as delayed response

to environmental damage. The inability to access conflict zones prevents timely assessment and response to environmental degradation, such as deforestation and pollution. Loss of biodiversity: Inaccessible areas may harbor unique and endangered species that are at risk of extinction due to habitat destruction and other threats and the undermining of conservation efforts. To him[79], the disruption of conservation programs and the displacement of local communities have weakened the protection of protected areas and other important ecosystems of which the exacerbation of environmental degradation due to limited access and security risks has created a vacuum in which illegal activities, such as poaching and logging thrives.

Lack of a permanent international mechanism to monitor legal infringements and address compensation claims for environmental damage in armed conflict

The international community seems to be inadequately equipped to monitor legal violations, determine liability and support compensation processes on a systematic basis for environmental damage caused by armed conflicts, especially non-international armed conflict like the one in Anglophone Cameroon. The existence and implementation of such a mechanism could act as a standing deterrent to prevent environmental damage, as well as redress wartime infringements. While an investigative body exists for violations of Additional Protocol I to the 1949 Geneva Conventions, investigations can only be carried out with the consent of countries, and are not systematic and do not address violations of other instruments[80]. This is a clear indication why environmental considerations have not received the needed attention in addressing the effects of the conflict on environmental protection.

Resource Scarcity and Overexploitation

Armed conflicts have significant environmental impacts, affecting both the natural environment and the communities that rely on its resources.[81] Armed conflict often results in significant population displacement, leading to increased pressure on natural resources in host communities. This can lead to overexploitation of land, water, and other resources, exacerbating environmental degradation and long-term sustainability issues. Powerful groups often capture scarce resources during conflicts, leading to competition and potential violence[82]. This is most often as a result of loss of residence/homes and property maybe through arson or destruction from the used of dangerous weapons. A case in as demonstrated in the 2019 center for human right and democracy report[83] is that of Munyenge which was almost raised to arches. With this, the community dwellers are force to move to safer nearby communities or regions for survival leading to scarcity and overexploitation of resources which is a consequence of environmental degradation resulting from the armed conflict.

Destruction of Environmental Infrastructure

Critical environmental infrastructure such as water treatment facilities, waste management systems, and protected areas can be damaged or destroyed during conflict, further compromising the environment and human health. Rebuilding these systems and infrastructure is often a daunting task in post-conflict settings. In the course of the armed conflict, infrastructures and communities have not been spared due to the means and method of warfare used. According to the 2019 CHRDA report on the armed conflict, communities like Bekora, Kumukumu, Kwakwa, and Bole,[84] Wone, and other neighbouring villages,[85] in the south west region and Meluf, Bui Division, North West region, Romajai, a village in Nso, Nkum Subdivision, Bui Division and Mankon in Bamenda, in the North West, 70 homes were burned, prompting the government to promise an investigation[86]

Use of Hazardous Materials and Weapons

The use of hazardous materials and weaponry during conflict can lead to extensive pollution and environmental contamination. Unexploded ordnance, landmines, and the release of hazardous chemicals pose ongoing threats to both the environment and human safety long after the conflict has ceased. The Anglophone armed conflict has had significant environmental consequences, including the use of improvised explosive

devices (IEDs). Most analyses of the Anglophone crisis focus on socioeconomic, cultural, and political aspects, but the environment has been a silent casualty.[87] Over 900,000 people have been internally displaced due to the conflict, with 80% of inhabitants from conflict hotspots seeking refuge in adjacent forests[88]. These developments have left substantial environmental footprints and caused serious damage[89]to the environment.

Humanitarian Priorities vs. Environmental Concerns

Prioritizing humanitarian needs during conflict can sometimes overshadow environmental considerations. While ensuring the immediate safety and well-being of affected populations is critical, integrating environmental protection into humanitarian efforts is key to preventing long-term environmental degradation. Countries affected by conflict like Cameroon are particularly vulnerable to the effects of climate change. The combination of conflict and climate change magnifies crises and increases suffering, while decreasing the ability of government and civil society to prepare for future disasters[90]. In the Anglophone armed conflict in Cameroon, humanitarian concerns have often been prioritized over environmental concerns leading to increase deterioration of the environment in the course of the conflict. This is evident from the fact that reports[91] on the armed conflict have not taken in to consideration environmental concerns.

PROSPECTS FOR ENVIRONMENTAL PROTECTION

Despite the challenges, several opportunities exist for promoting environmental protection in this context.

Community Engagement

Empowering local communities to participate in environmental monitoring, restoration efforts, and sustainable resource management is very vital for promoting long-term environmental sustainability especially in conflict affected communities and states like Cameroon that is plague with the anglophone armed conflict.

Peacebuilding Initiatives

Investing resources in peacebuilding processes and prioritizing environmental protection in the various processes is crucial to enhancing environmental protection and sustainable development. In all the measures adopted to address the conflict, it can be said that the environment has been greatly neglected in the anglophone armed conflict. If the environment is to be protected, and if we want a future for the new generation, then environmental protection has to be part of all peacebuilding processes

Sustainable Livelihood initiatives.

Promoting sustainable livelihoods and resource management via diversify economic activities, promotion of sustainable agriculture and community-based forest management is key to fostering environmental protection in armed conflicts like the one in anglophone Cameroon. So therefore, supporting initiatives that provide alternative sources of income for communities dependent on natural resources reduces pressures on vulnerable ecosystems. Also, developing and promoting sustainable agricultural practices that minimize environmental impact and enhance food security while empowering local communities to manage and protect forests through participatory and collaborative approaches will help enhance environmental protection in armed conflict situations like the one in anglophone Cameroon given that the community members can easily access this reserve areas comparatively to state actors and others like NGOs who may be targeted by the conflicting parties in a conflict.

RECOMMENDATIONS

The armed conflict in anglophone Cameroon presents a critical and an opportunity to reimagine the relationship between environmental protection and armed conflict in a bid to ensuring a more sustainable and

resilient future for the region and its habitats. In this light therefore, the following recommendations can be considered in finding a solution to the environmental problems in the armed conflict affected regions

Institution of legal reforms to tackle particular environmental issues in armed conflict situations

There is need for reforms given that the terms widespread, long-term and severe within Articles 35 and 55 of Additional Protocol 1 to the 1949 Geneva Conventions should be clearly defined. To improve the effectiveness of Articles 35 and 55, clear definitions are needed for “widespread,” “longterm,” and “severe.” As a starting point in developing these definitions, the precedents set by the 1976 ENMOD convention should serve as the minimum basis, namely: “Widespread” encompasses an area on the scale of several hundred square kilometers; “Long-term” can be a month, or approximately a season; and “Severe” involves serious or significant disruption or harm to human life, natural economic resources or other assets

The ICRC Guidelines on the Protection of the Environment during Armed Conflict (1994) require updating and subsequent consideration by the UN General Assembly for adoption, in a bid to foster environmental protection. In view of the rapid transformations in the methods and means of warfare, as well as the increase in non-international armed conflicts, updating of the 1994 ICRC Guidelines is for it to be able to cater for all environmental concerns in both IAC and NIAC situations. Once endorsed by the General Assembly, States would be in a position to adopt and reflect these guidelines appropriately in national legislation and military manuals, as well as to integrate them into the training of their armed forces. In particular, the revised guidelines should be able to explain how damage to the environment affects human health, livelihoods security, and undermines effective peacebuilding. It should also define key terms such as “widespread,” “long-lasting,” and “severe” as suggested above, address the continued application of international environmental law during armed conflict, explain how damage to the environment can be considered a criminal offense under international criminal law, enforceable in both international and national courts and examine the protection of the environment and natural resources in the context of non-international armed conflicts

The Strengthening Environmental Governance systems and institutions

Strengthening Governance and Enforcement mechanisms through Capacity Rebuilding for States, Strengthen Law Enforcement mechanisms on environmental protection, and setting up Community-Based Monitoring programs/initiatives can help enhance environmental protection in armed conflicts like the anglophone armed conflict. Investing in rebuilding government institutions and empowering authorities to effectively enforce environmental regulations and monitor activities, developing robust mechanisms to deter and prosecute illegal logging, mining, and other environmentally harmful activities and empowering local communities to participate in monitoring and reporting environmental infractions, leveraging their knowledge and increasing transparency is crucial to addressing environmental concerns patterning to armed conflict especially the case of the armed conflict in anglophone Cameroon

Strengthening of institutional capacities to handle cases of environmental protection

Setting up a permanent UN body to monitor violations and address compensation for environmental damage should be considered. With the success of the UN Compensation Commission (UNCC) established by the Security Council to process compensation claims relating to the 1990-1991 Gulf War, UN Member States like Cameroon needs a similar structure to be established to assess the environmental damage and to process compensation claims relating to the environmental degradation in the anglophone armed conflict. This body will be in charge of; Investigating and deciding on alleged violations of international law during the armed conflicts, handle and process compensation claims related to environmental damage and loss of economic opportunities as well as remediation activities, as well as develop norms and mechanisms on victim assistance, international assistance and cooperation to assess and redress the environmental consequences of armed conflict.

The international community should consider strengthening the role of the Permanent Court of Arbitration (PCA) to address disputes related to environmental damage during armed conflict. In 2002, the PCA adopted

the “Optional Rules for Conciliation of Disputes Relating to the Environment and/or Natural Resources.” Though these rules provide the most comprehensive set of environmentally tailored dispute resolution procedural rules presently available, extending its scope to disputes arising from environmental damage during armed conflict is crucial in addressing environmental concerns especially in non-international armed conflict like the case in anglophone Cameroon. With an expanded role, the PCA would be in charge of performing following task patterning to environmental protection in armed conflict; establish a comprehensive list of scientific and technical experts who may be appointed as expert assessors and/or witnesses in assessing environmental damage and compensation levels, and ensuring that the environmental rules contained in the dispute resolution clauses are incorporated as amendments in existing multilateral environmental agreements while making sure that state parties consider reflecting the relevant provisions of international law in national legislation in a bid to ensure that environmental violations committed during warfare are prosecuted.

Addressing the Root Causes of Conflict

In the same light, addressing the root causes of conflict by addressing the underlying socio-economic factors driving conflict, such as poverty, inequality, and marginalization, through equitable development initiatives, actively engage in peacebuilding efforts, facilitating dialogue, reconciliation, and addressing grievances to create lasting peace is crucial to addressing environmental concerns in armed conflict. This is so given that the prolongation of the armed conflict most at times aggravates the environmental damage which most at times is paid very little attention, as has been the case in the anglophone armed conflict.

Encourage International Cooperation amongst states and the sharing of experiences.

International/local Collaboration and Partnerships is key to solving environmental issues given that environmental degradation affects all. The collaboration with international organizations, donors, and governments to secure financial assistance, technical expertise, and capacity-building programs for environmental protection in all situations be it in peace time or in time of armed conflict like the one in anglophone Cameroon is very crucial. In like manner, collaborate with other countries facing similar challenges (countries who have experience or are experiencing armed conflict) to share best practices, knowledge, and innovations for environmental protection in conflict affected regions is critical to addressing environmental concerns and promoting sustainable development in the regions.

Promoting Environmental Education for all

Raising awareness on climate change, environmental degradation and promoting environmental education in armed conflict through Public Awareness Campaigns, Environmental Education Programs and Media Engagement on environmental protection is of prime importance in addressing environmental protection concerns during armed conflict. In this light, environmental awareness campaigns will help educate communities about the importance of environmental protection, responsible resource use, and the impacts of conflict on ecosystems.

Integrating environmental education into school curricula will help in equipping future generations with knowledge and skills for environmental stewardship. Education and collaboration with media outlets on the dissemination of information about the environmental consequences of conflict while highlighting success stories of environmental protection initiatives in other areas or states will help reduce environmental degradation in armed conflict situation.

Prioritize Environmental Protection in Peacebuilding processes in the regions

Prioritizing Environmental Protection in Conflict Response through the Integration of Environmental Considerations in programs, Establishment of Dedicated Environmental Protection Units, and allocating appropriate resources to environmental protection in all intervention in conflict affect regions is key to addressing environmental concerns in times of armed conflict. In this regard, environmental protection should

be seamlessly integrated into all aspects of conflict response, including humanitarian aid, peacebuilding, and development initiatives and specialized units should be created within relevant organizations (government, UN agencies, NGOs) focused on addressing environmental damage, monitoring, and conservation efforts.

CONCLUSION

The armed conflict in Anglophone Cameroon presents a complex and challenging scenario for environmental protection. While the prospects for a sustainable future are threatened by the ongoing conflict, opportunities for change exist through collaborative efforts, focused investments, and a commitment to long-term sustainability. By prioritizing environmental protection, promoting community engagement, and seeking international support, a more sustainable and resilient future can be achieved for Anglophone Cameroon, ensuring a brighter future for both people and the environment.

FOOTNOTES

[1] J. Tabiy Ghansiwiyi, *Citizenship Education for Ordinary Level, Limbe, Cameroon*, 2015, p.290

[2] Bryan A. Garner *Black's Law Dictionary* (11th ed, St. Paul, West, 2016) pp. 134

[3] The Convention was approved by resolution [31/72](#) of the General Assembly of the United Nations on 10 December 1976

[4] Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD), see online at <https://www.un.org/disarmament/enmod/> last accessed on the 07/02/2023

[5] Nkatow Mafany Christian, "The Anglophone-Cameroonian Armed Conflict in North and South West Regions of Cameroon: The Rulings of International Humanitarian Law and Human Rights", *Commonwealth Journal of Academic Research*, Volume: 1, Issue: 1, Year: 2020 Page: 32-64, p. 12

[6] *Ibid*

[7] *Ibid*

[8] Bryan A. Garner *Black's Law Dictionary* (9th ed, St. Paul, West, 2009) at 123.

[9] This division is supported by the International Commission of the Red Cross (ICRC) where it maintains that international humanitarian law (IHL) distinguishes two types of armed conflict: international armed conflict (IAC) and non-international armed conflict (NIAC). ICRC "How is the Term "Armed Conflict" Defined in International Humanitarian Law?" (2008) International Committee of the Red Cross <www.icrc.org> at 1

[10] J. Tabiy Ghansiwiyi, *Citizenship Education for Ordinary Level, Limbe, Cameroon*, 2015, p.290

[11] See, the case of *The Prosecutor v Tadić*, International Criminal Tribunal for the Former Yugoslavia (ICTY) Appeals Chamber Decision on Jurisdiction, 2 October 1995

[12] *Ibid*

[13] See, *Prosecutor v Kunarac*, ICTY Appeals Chamber Judgment, 12 June 2002 [55]–[56].

[14] Petrovic, Ivan Basis of theoretical determination of armed conflict", *Vojno delo*, VoL 69(2017)49- 56: DO - 10.5937/vojdelo1704049P

[15] *Ibid*

[16] *Ibid*

[17] *Ibid*

[18] ICRC Report, on International Humanitarian Law and the Challenges of Contemporary Armed Conflicts Reccommitting to Protection in Armed Conflict on the 70th Anniversary of the Geneva Conventions, 2022

[19] Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (opened for signature 18 May 1977, entered into force 5 October 1978) [ENMOD].

[20] The 1907 Hague Convention (IV) Respecting the Laws and Customs of War on Land (opened for signature 18 October 1907, entered into force 26 January 1910), annex [the 1907 Hague Regulations]. As noted previously in Chapter 1, prior to 1907, rules and provisions concerning environmental during wartime have existed and came both from religious teachings and international agreements. More discussion on this, see Roberts, above n 4; Jessica C. Lawrence and Kevin Jon Heller “The First Ecocentric Environmental War Crime: The Limits of Article 8(2) of the Rome Statute” (2007) 20 *Geo. Int’l Env’tl L. Rev.* 61 at 63; Carl E. Bruch “Introduction to Part I” in Jay E. Austin and Carl E. Bruch (eds) *The Environmental Consequences of War* (Cambridge University Press, Cambridge, 2000) 1 at 14.

[21] *Ibid.*

[22] The 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict (opened for signature 14 May 1954, entered into force 7 August 1956). This Convention did not encompass the natural environment, as is made clear in article 1’s definition of “Cultural Property”. “Cultural Property” is defined in article 1 as “(a) movable or immovable property of great importance to the cultural heritage of every people, such as monuments of architecture, art or history, whether religious or secular; archaeological sites; groups of buildings which, as a whole, are of historical or artistic interest; works of art; manuscripts, books and other objects of artistic, historical or archaeological interest; as well as scientific collections and important collections of books or archives or of reproductions of the property defined above; (b) buildings whose main and effective purpose is to preserve or exhibit the movable cultural property defined in subparagraph (a) such as museums, large libraries and depositories of archives, and refuges intended to shelter, in the event of armed conflict, the movable cultural property defined in subparagraph (a); (c) centres containing a large amount of cultural property as defined in sub-paragraphs (a) and (b), to be known as ‘centres containing monuments’”.

[23] Luan Low and David Hodgkinson “Compensation for Wartime Environmental Damage:

Challenges to International Law after the Gulf War” (1995) 35 *Va. J. Int’l L.* 405 at 438; Aaron Schwabach “Environmental Damage Resulting from the NATO Military Action against Yugoslavia” (2000) 25 *Colum. J. Env’tl L.* 117 at 124.

[24] Richard A. Falk *Revitalizing International Law* (Iowa State University Press, Ames, 1989) at 171-172; Mark J.T. Caggiano “The Legitimacy of Environmental Destruction in Modern Warfare: Customary Substance Over Conventional Form” (1993) 20 *B. C. Env’tl Aff. L. Rev.* 479 at 486487.

[25] Richard G. Tarasofsky “Legal Protection of the Environment during International Armed Conflict” (1993) 24 *NYIL* 17 at 42.

[26] The Four 1949 Geneva Conventions (opened for signature 12 August 1949, entered into force 21 October 1950) (the Four 1949 Geneva Conventions).

[27] See the Additional Protocol I to the Geneva Conventions of 1949, Article 35(3) and Article 55(1) (1977)

[28] Ibid

[29] Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (opened for signature 18 May 1977, entered into force 5 October 1978) [ENMOD].

[30] Liesbeth Lijnzaad and Gerard J. Tanja “Protection of the Environment in Times of Armed Conflict: The Iraq-Kuwait War” (1993) 40 NILR 169 at 186.

[31] ENMOD, relating to article I.

[32] Md. Jahidul Islam, The Protection of Environment during Armed conflict: A Review of IHL, *Society & Change*, Vol. XI, No.3, July-September 2017

[33] Ibid

[34] Ibid

[35] See The Chemical Weapon Convention 1993, Articles 4(10), 5(11) and 7(1)

[36] Ibid

[37] Rome Statute (1988) of International Criminal Court, A/CONF.183/9 of 17 July 1998. The Statute entered into force on 1 July 2002.

[38] The history of criminal liability for environmental damage during wartime is illustrated by the prosecution case against German General Lothar Rendulic, who was accused of wanton property destruction after ordering the evacuation of all the inhabitants of Finnmark province, Norway and destroying all villages and their surrounding infrastructures. *Trial of Wilhelm List and Others (The Hostages Trial); Case No. 47* in The United Nations War Crimes Commission *Law Reports of Trials of Major War Criminals, Vol. VIII* (His Majesty's Stationary Office, London, 1949) [the *Hostages* trial] 34 at 68.

[39] ICC Statute, article 8(2)(b)(iv).

[40] See UNGA Resolution 47/37 of 9 February 1993

[41] See UNGA Resolution 49/50 (17 February 1995)

[42] See amnesty international 2023 human rights report on Cameroon, Peter Benenson House, 1 Easton Street London WC1X 0DW, UK, 2023

[43] The assistant Regional Delegate of Forestry and Wild Life, the South West Region of Cameroon, the Regional Delegation of the Ministry of Environment, Nature Protection and Sustainable Development, North West and south west Region of Cameroon. Through an exclusive interview conducted on the 02/03/2024, 05/02/2024 and 09/04/2024 respectively and some leading organisations like Xhuma Africa, FEDEV, ERUDEF

[44] **The Goldstone Report**, was a United Nations fact-finding mission established in April 2009 pursuant to Resolution A/HRC/RES/S-9/1 of the United Nations Human Rights Council (UNHRC) of 12 January 2009, following the Gaza, 2020 [Guidelines on the Protection of the Natural Environment in Armed Conflict](#)

[45] In an interview with some community members around the wetland in Mulang community in Bamenda, north west region, Cameroon on the 16 of July 2024

[46] In an exclusive interview with Ngalim Frankline, the Executive Director for The Greens (an NGO in Bamenda) on the 16 of July 2024

[47] The section state that “the person producing or processing waste shall eliminate the said waste under the joint authorization and monitoring of the administration in charge of the environment and mines respectively, in accordance with prescription laid down by regulation” Subsection (2) further provides that “waste shall be discharged into dumps that are periodically inspected and which respected and which respect the minimum technical norms of dump management”

[48] This authorization is issued by the minister in charge of the Environment, nature protection and sustainable development as stipulated by article 3(1) of the ministerial arrête No 001/MINEPDED of 5th October 2012 laying down the condition to obtain permission on waste management

[49] The environment is the silent casualty in the Cameroon Anglophone crisis, available online at, <https://theconversation.com/the-environment-is-the-silent-casualty-in-the-cameroon-anglophone-crisis-186336> last accessed on 02/03/2024

[50] The Anglophone armed conflict in Cameroon and Food insecurity, <https://www.bing.com/search?q=the+anglophone+armed+conflict+in+cameroon+and+Food+insecurity&qsn&form=QBRE&sp=-1&lq=0&sm=csrmain&pq=the+anglophone+armed+conflict+in+cameroon+and+food+insecurity&sc=0-61&sk=&cvid=4124F637A9A04F93A046F03DC9B71240&ghsh=0&ghacc=0&ghpl=> last accessed on 02/03/2024

[51] Ibid

[52] Human Rights Watch 2022 Report on Cameroon available at <https://www.hrw.org/world-report/2022/country-chapters/cameroon> last accessed on 02/03/2024

[53]

[54] Centre for Human Rights and Democracy in Africa, Box 524, Buea, Fako Division, Cameroon www.chrda.org and Centre for Human Rights and Democracy in Africa and Raoul Wallenberg Centre for Human Rights, 4770 Kent Ave., Montreal, Quebec, Canada www.raoulwallenbergcentre.org ‘s 2019 human rights report on the armed conflict in Anglophone Cameroon titled “Cameroon’s unfolding catastrophe: evidence of human right violation and crimes against humanity”, 2019. Available at <https://www.chrda.org/wp-content/uploads/2019/06/Camerouns-Unfolding-Catastrophe-CHRNA-RWCHR-2019.pdf> accessed 2 May 2024. See also <https://www.bbc.com/news/world-africa-44561929> accessed 2 May 2024

[55] In an exclusive interview with Franco Bonghan, the Executive Director of Bright Light Projects(an NGO working on environmental protection in the armed conflict hit North West and South West Regions of Cameroon) on the 23/07/2024

[56] In an exclusive interview with the Chief Executive officer Action for Sustainable Development and Environmental Protection for Communities (ASDEPCO) (an NGO working on environmental protection in the armed conflict hit North West Regions of Cameroon) on the 01/08/2024 in Bamenda

[57]The environment is the silent casualty in the Cameroon Anglophone crisis. <https://theconversation.com/the-environment-is-the-silent-casualty-in-the-cameroon-anglophone-crisis-186336> last accessed on 12/04/2024

[58] Ibid

[59] Ibid

[60] [60] the Regional Delegations of the Ministry of Environment, Nature Protection and Sustainable Development, Regional Delegations of the Ministry of Forestry and Wildlife (MINFOF) for the North West and south west Region of Cameroon and the ERuDeF Through an exclusive interview conducted on the 02/03/2024, 05/02/2024 and 02/01/2024 respectively,

[61] In an exclusive interview with the director conducted on the 02/01/2024 at the organization's head office in Buea.

[62] Importact of Public Sensitization as a challenge to environmental protection in the armed conflict in Anglophone Cameroon,

<https://www.bing.com/search?q=importact%20of%20Public%20Sensitization%20%20as%20a%20challenge%20to%20environmental%20protection%20in%20the%20armed%20conflict%20in%20anglophone%20cameroon&qs=n&form=QBRE&sp=-1&lq=1&sm=csrmain&pq=importact%20of%20public%20sensitization%20%20as%20a%20challenge%20o%20environmental%20protection%20in%20the%20armed%20conflict%20in%20anglophone%20cameroon&sc=2-122&sk=&cvid=01DF55A847C4463DA90BD15BD0054B82&ghsh=0&ghacc=0&ghpl=> Last access on the 12/03/2024

[63] In an exclusive interview with the deputy Mayor of Bamenda III council at the council on the 23/02/2024

[64] Ibid

[65] Ibid

[66] In an exclusive interview with the human rights officer for the Center for Human Rights and Democracy for Africa on the 03/03/2024

[67] See section 75 of Law No. 96/12 of 5 August 1996 Establishing the Regime of Environmental Management in Cameroon

[68] See Law No 2008/001 of the 14 April 2008, to amend and supplement some provisions of Law No 96/06 of 18th January 1996 to amend the Constitution of 2nd June 1972

[69] Environmental law and policy in Cameroon: legal compliance and challenges https://www.researchgate.net/publication/349896229_Environmental_law_and_policy_in_Cameroon_legal_compliance_and_challenges?enrichId=rgreq-25758c72a1acaf5d57926d067399370f-XXX&enrichSource=Y292ZXJQYWdlOzM0OTg5NjIyOTtBUzo5OTkxMzIzODI2NDIxNzZAMTYxNTIyMzEzMTA4Ng%3D%3D&el=1_x_3&esc=publicationCoverPdf last accessed on 01/03/2024

[70] In a follow up interview with The Deputy Chief of Service for Hygiene and Sanitation

Buea Municipal Council on the 12/02/2024

[71] Ibid

[72] United Nations Environment Programme 2009 report titled "Protecting the Environment during Armed Conflict: An Inventory and Analysis of International Law" available online at -Protecting the Environment During Armed Conflict_An Inventory and Analysis of International Law-2009891.pdf file:///C:/Users/CSA/OneDrive/Desktop/SHING%20PRAISE/-

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[73] In an exclusive interview with the president of the Mezam high court in Bamenda on the 13/02/2024

[74] Mrljić, R. (2011). Challenges of Environmental Protection in Times of Armed Conflict. In: Montini, M., Bogdanovic, S. (eds) Environmental Security in South-Eastern Europe. NATO Science for Peace and Security Series C: Environmental Security. Springer, Dordrecht. https://doi.org/10.1007/978-94-007-0228-8_8

[75] Ibid

[76] See Articles 35 and 55 of Additional Protocol I to the IV Geneva Conventions of 1949

[77] United Nations Environment Programme 2009 report titled “Protecting the Environment during Armed Conflict: An Inventory and Analysis of International Law” available online at -Protecting the Environment During Armed Conflict_An Inventory and Analysis of International Law-2009891.pdf file:///C:/Users/CSA/OneDrive/Desktop/SHING%20PRAISE/-Protecting%20the%20Environment%20During%20Armed%20Conflict_An%20Inventory%20and%20Analysis%20of%20International%20Law-2009891.pdf

[78] The assistant Regional Delegate of Forestry and Wild Life, the South West Region of Cameroon, the Regional Delegation of the Ministry of Environment, Nature Protection and Sustainable Development, North West and south west Region of Cameroon. Through an exclusive interview conducted on the 02/03/2024, 05/02/2024 and 09/04/2024 respectively

[79] Ibid

[80] United Nations Environment Programme 2009 report titled “Protecting the Environment during Armed Conflict: An Inventory and Analysis of International Law” available online at -Protecting the Environment During Armed Conflict_An Inventory and Analysis of International Law-2009891.pdf file:///C:/Users/CSA/OneDrive/Desktop/SHING%20PRAISE/-Protecting%20the%20Environment%20During%20Armed%20Conflict_An%20Inventory%20and%20Analysis%20of%20International%20Law-2009891.pdf

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[82] Ibid

[83] Centre for Human Rights and Democracy in Africa, Box 524, Buea, Fako Division, Cameroon www.chrda.org and Centre for Human Rights and Democracy in Africa and Raoul Wallenberg Centre for Human Rights, 4770 Kent Ave., Montreal, Quebec, Canada www.raoulwallenbergcentre.org 's 2019 human rights report on the armed conflict in Anglophone Cameroon titled “Cameroon’s unfolding catastrophe: evidence of human right violation and crimes against humanity”, 2019. Available at <https://www.chrda.org/wp-content/uploads/2019/06/Cameroots-Unfolding-Catastrophe-CHRDA-RWCHR-2019.pdf> accessed 2 May 2024

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