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DOCTRINE JURIDIQUE

Crafting and Implementation of Multilateral Environmental Agreements in Cameroon: Are Parliamentarians useful Actors?

Par

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Plan

1. Introduction
 - 1.1. Context and Justification
 - 1.2. Conceptual Framework and Methodology to the study
2. The usefulness/role of Parliamentarians in the crafting/Elaboration/development of MEAs
 - 2.1 Involvement of Parliamentarians by the Executive Upstream, in the negotiation of MEAs
 - 2.1.1. Why Parliamentarians must be more involved in negotiations of MEAs
 - 2.1.2. How can Parliamentarians be truly involved in the negotiation of MEAs
 - 2.2. Involvement of Parliamentarians by the Executive Downstream: in the ratification of MEAs
 - 2.2.1 The finality of involvement of Parliamentarians in the ratification of MEAs
 - 2.2.2. Modalities for the involvement of Parliamentarians in the ratification of MEAs
3. The usefulness of Parliamentarians in the implementation of MEAs
 - 3.1. Involvement of Parliamentarians in the domestication of MEAs
 - 3.1.1. First level of Involvement: The crafting of environmental laws
 - 3.1.2. Second level of involvement: Participation in the crafting of environmental regulatory instruments, policies, strategies, projects and programmes by the executive
 - 3.1.3. Third level of involvement: Participation in the implementation of environmental policies, strategies, projects and programmes
 - 3.2. Involvement of Parliamentarians in follow-up of/overseeing the implementation of MEAs
 - 3.2.1. The finality of overseeing the implementation of MEAs by Parliamentarians
 - 3.2.2. Modalities for overseeing the implementation of MEAs by Parliamentarians
 - 3.2.2.1. Simple observation of various acts of implementation
 - 3.2.2.2. Control of implementation of MEAs
4. Concluding remarks and suggestions for progress

1. Introduction

1.1. Context and Justification

There is no gainsaying that environmental challenges continue to increase in recent times. Not only are they on the rise but also they have assumed a trans-boundary and global character affecting communities at the national, regional and global levels. The tendency has therefore been to seek broader solutions to these challenges. This explains why the International community has more than ever before, been very alert and active in crafting legislation by way of what is now known as Multilateral Environmental Agreements (MEAs)¹. The effectiveness of such MEAs in concretely addressing the various environmental concerns depends largely on the process by which they were crafted. What this means is that all the crucial and critical stakeholders at the national level should actively participate directly or indirectly in negotiation of MEAs at the international level. In the African continent in general and in Cameroon in particular, this does not seem to be the situation.

¹Multilateral Environmental Agreements (MEAs) are the heartbeat of International Environmental Law for more than forty years today. They may assume a generic or general sense (*lato sensu*) in which case we can talk of all the arsenal of legal instruments relating to environmental protection be they of Soft law or Hard law character. This way we can catalogue such Soft law instruments as Declarations, Resolutions, Recommendations, Directives, Statements, Guidelines, Stipulations, Targets, and Hard law instruments notably Treaties and Conventions, Protocols, Covenants, Charters, Pacts, Constitutive In-

Negotiation, signing and effective implementation of International legal Instruments in general and MEAs in particular has and continue to be the exclusive business of the Executive power of the State and this has strong Constitutional foundation in a majority of the African countries². This notwithstanding, the objective of this paper is to demonstrate that there are other organs of the State, Parliament for instance, that may, at least indirectly contribute to the elaboration and effective implementation of MEAs and as such may be involved in the process at some point or at best the need to review the Constitutional provisions in order to have the legislature share the powers to negotiate with the executive even if not on equal grounds. This must be so considering the key role Parliamentarians can play in enhancing MEAs implementation.

In fact, the usefulness of Parliamentarians in the environmental protection jihad and the achievement of sustainable development has been the cornerstone of contemporary reflections. Consequently, mainstreaming by Parliamentarians of Multilateral

struments, and Final Acts. Multilateral Environmental Agreements may also be understood in a limited or restricted sense (*stricto sensu*). In this regard, MEAs are limited to and should be understood to mean hard law instruments without more. In this study, unless specific reference is made to the two, only the strict sense of MEAs shall be considered.

² See for instance Article 43 (1) of Law n° 2008/001 of 14 April 2008 to amend and supplement some provisions of Law n° 96/06 of 18 January 1996 to amend the Constitution of 2nd June 1972 for the Republic of Cameroon.

Environmental Agreements (MEAs) into national policies, plans and strategies is critical and incontestably occupy a priority place in contemporary debate regarding environmental governance, the evolution of environmental legislation and policy, and sustainable development.³ The reasons are obvious and are generally catalogued into three. *Primo*, Parliamentarians have as a major traditional function, law-making. This way they propose, examine debate and adopt laws and ratify agreements including those related to the environment. *Secundo*, Parliamentarians have an oversight function. Essentially this involves control of government action. *Tertio*, they have a representative function which is understood from the perspective that their routine work is more with their constituencies through the execution of their small budget projects among others.

³ See the Proceedings of the Inaugural Conference on the Global Initiative for Capacity Building of Parliaments in the domain of Sustainable development, A joint project of the Inter Parliamentary Union (IPU) and the United Nations Institute for Training and Research (UNITAR), in, Reports and Documents n° 49, Paris, April 2005. The Reports and Documents highlight the implementation of the commitments of the World Summit on Sustainable Development and the Millennium Development Objectives as a Principal Challenge; the implementation of sustainable development from Parliamentary Perspectives; Parliamentarians, Sustainable Development and the Millennium Development Objectives; and Analysis of Challenges, Roles and Opportunities through a study of three key issues, namely reports from working groups, summary of discussions, and strategic planning. See also, The Regional Workshop

1.2. Conceptual Framework and Methodology to the study

The conception of this paper has been grounded on some international environmental law principles of paramount importance which have tremendous implications on the development of Parliamentary and executive work. There are two of such main principles: the principle of participation and the principle of cooperation.

The principle of participation is prescribed in many international legal instruments on the environment⁴. It calls for the participation of all stakeholders in decision-making processes on environmental matters. The two Powers, the focus of this paper, the Executive and the Legislative Powers both have a stake in the environment and are at the forefront of legal and policy initiative for environmental

for Parliaments of African countries: Capacity Building of Parliaments for the sustainable development of water and desertification, a joint project of the Inter Parliamentary Union, The United Nations Institute for Training and Research and National Assembly of Cameroon, Yaoundé, June 2006. See further, Workshop on Experience of National Parliaments in the follow-up of Environmental Files, 2005-2011, *Assemblée Parlementaire de la Francophonie*. Finally, see Séminaire de Sensibilisation des Parlementaire de Afrique de l'Ouest sur la gouvernance de l'environnement et du développement durable, Lomé, Togo, Décembre 2009.

⁴ See the Stockholm Declaration, 1972; the Rio Declaration, 1992; Agenda 21 Plan of Action; the Convention on Biodiversity; the United Nations Convention to Combat Desertification, 1994, the Aarhus Convention, etc.

protection and sustainable development.

The principle of cooperation proclaims that states as well as organs of the state should cooperate in dealing with environmental challenges. Within a State, the observance and application of this principle is crucial when it comes to environmental concerns. It is within this framework that the Executive and Parliament must build cooperation mechanisms founded on Constitutional prescriptions.

Guided by these conceptual frameworks, this paper therefore attempts to unveil the useful role which Parliamentarians in Cameroon and probably those in other countries across the continent play or ought to play in ensuring sound environmental management, the attainment of sustainable development and poverty reduction through the crafting and implementation of MEAs.

The methodology for completing this study has consisted in desk research, internet search, personal work experience and interview of some Cameroonian Parliamentarians on the subject under study. For a proper comprehension of the write-up, we shall first examine the usefulness of Parliamentarians in the crafting or elaboration or again in developing MEAs, and in the effective implementation of MEAs guided by the ques-

tions: why such a role? How do Parliamentarians exercise such roles? What are the challenges surrounding the effective accomplishment of the various roles identified when it comes to the crafting or development of MEAs, and in the effective implementation of MEAs.

2. The usefulness/role of Parliamentarians in the crafting/Elaboration/development of MEAs

The crafting of MEAs follows a certain procedure which, in general, is divided into three stages, namely: upstream negotiations; followed by conclusion of the Multilateral Environmental Agreement (MEA); and at the downstream finally, the ratification of the MEA. In the majority of countries, external policy is managed generally by government. Consequently, government officials are the main actors responsible for the conduct of the different stages enumerated herein above either by way of practical realization, for instance, negotiation and conclusion/signature or initiating, as is the case with ratification⁵ Parliamentarians may simply be indirectly associated or involved in the process which is largely insufficient to take on-board all the concerns at the national level.

⁵ In a good number of countries in Africa, legally speaking, negotiation and conclusion of MEAs is the task of the Executive Officials and once a MEA is signed; it is still at the initiative of the Executive that the process of

ratification is sparked off through the initiation of a project of law to ratify which is tabled before Parliament for deliberations and eventual adoption, and authorization of the Chief Executive to ratify.

2.1 Involvement of Parliamentarians by the Executive Upstream, in the negotiation of MEAs

In many countries in Africa and in Cameroon in particular, there are executive institutions which have specific missions to negotiate MEAs. In Cameroon, the responsibility is primarily that of the Ministry of External Relations⁶ and the technical Ministry in charge of environmental issues⁷ under the authority of the Head of State. In the gymnastics that follow, Parliamentarians are rarely involved in the negotiation of MEAs; hence their role is still marginal or their usefulness in such an exercise is not even recognized. Meanwhile, there are a good number of reasons why they should be largely involved. In x-raying these reasons, it is important, for purposes of clarity, to do so by providing answers to the following two questions: Why must they be involved and how should this happen in reality?

2.1.1. Why Parliamentarians must be more involved in negotiations of MEAs

The grounds for Parliamentary involvement in MEAs negotiation are many and inextricably linked. In the first place, traditionally, it is considered that Parliamentarians are called upon/deemed to take local concerns to the national policy-making table. With the internationalization of environmental challenges, Parliamentarians must oversee that those national

concerns, which are, *ipso facto*, a synthesis of local concerns, are effectively integrated into international law-making. In the second place, an increasing number of environmental challenges are no longer limited within the frontiers of States. Some examples include but are not limited to biodiversity loss, climate change, pollution, desertification, poverty, which transcend national boundaries and therefore inviting States and a number of other actors (local authorities, civil society organizations, inter-governmental organizations, multi-nationals investors, etc) to conjugate their efforts in the search for solutions.

It follows therefore that such challenges provoke a shift of the decision-making process from the national to sub-regional, continental or global spheres. Consequently, Parliamentarians involved in the decision-making process at the national level ought naturally to be equally involved at the international level so as to support government, "to face new challenges inviting henceforth an active part in the management of supranational issues.

In the third place, the fact that engineering of MEAs negotiations is the mission of the Executive, Parliamentarians should oversee and ensure that new regional and global agreements negotiated by the Executive are representative and closer to national pri-

⁶ See Décret n° 2013/112 du 22 Avril 2013 portant Organisation du Ministère des Relations Extérieures, in particular Article 111(1) paragraph 7.

⁷ See Décret n° 2012/ 421 du 01 Octobre 2012 portant Organisation du Ministère de L'Environnement, de la Protection de la Nature et du Développement Durable.

orities and therefore taking into consideration the expectations of the citizens.⁸ There are, at least two explanations in support of this point. The one is that involving Parliamentarians in the process of MEAs negotiation supposes that as representatives of the nation, it is incumbent upon them to ensure the safeguard of the interests of the people and, in principle, should render account to them of acts they accomplish in lieu and on their behalf. This will have the advantage, *inter alia* to drum up their active participation in the implementation of all activities, policies, strategies, programs and projects on the environment. The other is that Parliamentarians are invested with a certain responsibility to seek solutions to the different environmental problems confronting the local populations.

In the fourth place, the involvement of Parliamentarians in the negotiation of MEAs has the merit that decisions which they take a national level by way of legislative crafting or involvement in the elaboration of regulatory instruments are informed decisions. Such decisions are informed because their veritable involvement gives them the opportunity to be informed about the contours of the MEAs. These grounds notwithstanding, the question has turned on how concretely the involvement of Parliamentarians can or does happen.

2.1.2. How can Parliamentarians be truly involved in the negotiation of MEAs

It is noteworthy, as highlighted in the introductory part of this paper that Parliamentary involvement on MEAs negotiation has hitherto not been expressly articulated upon in the Constitutions or other texts of law in African countries in general and in Cameroon in particular. Then of course, the task of defining the dimensions and the extent of their participation in MEAs negotiation becomes a daunting one. Therefore, this write-up simply attempts to bring to the limelight some possible opportunities for involvement based on personal observations of the work of Parliament and government, knowledge sharing, and analysis of other reflections that have been carried out relating to or having implications on the subject under examination, the practical working of which could provoke law reforms on the question. This study has identified at least five possible and practical ways through which Parliamentarians can be usefully involved in MEAs negotiations.

One, the need for the creation and enhancement of the proper functioning of Commissions or Groups specifically charged with environmental questions. Such Commissions or Groups will be charged with the examination and follow-up, on a permanent basis, of all questions relating to

⁸ It is important to note that this is the object of Recommendation n° 5 of Resolution R.120/30/07 of 30 November 2007 on the role of Parliaments in the protection of the

environment and the realization of sustainable development formulated to African Parliamentarians by the Inter Parliamentary Union (IPU).

the environment and sustainable development. It is from this Commission or Group that some Parliamentarians may be chosen and conferred the task of following up the evolution of negotiations of MEAs, by being associated, on the basis of the reasons discussed herein above, to the Government team constitutionally invested with the powers to negotiate MEAs.

Unfortunately, in many countries in Africa, these Commissions or Groups are non-existent⁹ or do exist but are not referred to as Commissions on the Environment.¹⁰ Furthermore, even where they exist as Commissions or Groups (as they are referred to in other African Parliaments), their work is limited to the examination of files on environmental issues but hardly giving them the opportunity to actively participate in the negotiation process in spite of the strengths they possess and the critical role they play

in this regard as already highlighted in the foregoing discussions. Again, such Commissions must be non-partisan¹¹ but a good number of African Parliaments are, for some reasons, partisan and such partisanship may not discriminate environmental matters. To emphasize the importance of environmental concerns this century, some writers¹² have posited that there is need for countries to green the electorate. The Commissions or Groups must also be gender sensitive as it has been demonstrated that women are more involved in exploitation of environmental resources than men.¹³ In the Cameroonian case, such a Commission does not exist at all¹⁴. This is really unfortunate because a good number of Parliaments in the African continent do have Environmental Commissions or Committees dealing with environmental questions. The result is that there is no permanent follow up, at the level of Parliamentary

⁹ The absence of Environmental Commissions or Groups in many Parliaments in Africa emerged as one of the diagnosis of the workshops on capacity building of Parliaments both in Yaounde and in Lome. For details, see note 4 above.

¹⁰ In Senegal for example, it is *La Commission du Developpement et de l'Aménagement du Territoire* which deals with questions relating to the environment among others. The existence of this Commission did not in anyway prevent the creation of a national parliamentary network for the protection of the environment in Senegal.

¹¹ Environmental challenges know no partisan politics. They are problems that affect everyone in society irrespective of social-cultural, economic and political belongings. It is even increasingly recommended this century, based on the above reasons, that electors should give their vote to the political party that has demonstrated a strong and convincing agenda

for environmental protection.

¹² See notably, Tokar, B. (1990), *The Green Alternative: Creating an Ecological Future*, Robert Miles Publishers, Vermont, pp 141-150.

¹³ For details on women's role in environmental management and sustainability, see Marstrand P.K. et al (1991), *Sustainable Development: An Imperative for Environmental Protection*, Commonwealth Secretariat, London, p 16-17 and 105-122.

¹⁴ The observation that no commission exists at the National Assembly or the Senate on Environmental questions was confirmed by Hon. Awudu Mbaya Cyprian, Questor in the National Assembly and Chairman of Pan-African Parliamentarians Network on Climate Change. When I expressed dismay on this he stated that they are struggling to see how such a Commission could actually come into being in the future.

groups, of environmental issues including involvement in negotiations. One may want to argue that the existence of the Pan-African Parliamentary Network on Climate Change (PAPNCC) hosted at the Cameroonian National Assembly may substitute this but such an argument will be quickly destroyed by the fact that the PAPNCC is an international network whose office can be moved to any of the member countries and the zeal of Cameroonian Parliamentary involvement may diminish. Furthermore, belonging to the PAPNCC is voluntary and open even to persons who might have but do not still enjoy the status of Parliamentarians. Consequently, voluntary belonging to the network and membership of ex-members of Parliament defeat the whole argument that such networks could act in lieu of a Parliamentary environmental commission. What is actually required here, in our modest opinion, is a permanent Committee as are the others¹⁵ provided for by Parliamentary regulations specialized in treating environmental questions.

Two, Parliamentary involvement as a measure to assist government in MEAs negotiation could take the form of different platforms for information exchange put in place for a

frank and veritable collaboration, cooperation and exchange of proposals between the Ministerial departments charged with driving the negotiations process and the Parliamentarian. In Cameroon, at least on this point, there exists such a platform.¹⁶ Still within the platform strategy, Parliamentarians may be invited to take part in working sessions organized in international fora for discussions between the various stakeholders to negotiations in order that they may better assist government in defending national interests or regional community interest where the country is a member of the regional or sub-regional community, Cameroon for instance.

Three, Parliamentarians input to MEAs negotiation can be more enriching and can equally prove more efficient where there are Parliamentary networks and organizations. Such networks or organizations could be set up at national level or supranational levels and could take the form of inter-parliamentary network or organization. Networking generally and in particular MEAs negotiation has emerged as an important strategy.¹⁷ Although the network or organization may be linked to the National Assembly, for purposes of efficiency, they are autonomous from national Parlia-

¹⁵ Such other Commissions include Finance, external affairs, economic affairs, social affairs, education, national defense, legislation etc.

¹⁶ Such a platform akin to information exchange in Cameroon is called *Dialogue gouvernement/Parlement*. Although this platform is really one of information sharing on critical public issues that even involve civil society or-

ganisations, it has not been actually directly concerned negotiations of MEAs for obvious reasons.

¹⁷ See *Recueil de référence sur les Accords Multilatéraux sur l'Environnement à l'intention des Parlementaires en Afrique* (2012), Union Africaine, Union Européenne et Programme des Nations Unies sur l'Environnement, publié à Addis Ababa n° 11.

mentary assemblies and most often act as interest or pressure groups on the institutions where they are negotiating. The advantage is that these network institutions reinforce liberty action of national parliamentary assemblies and provide Parliamentarians the necessary weight before the executive, which, as we have indicated earlier, generally exert a lot of force on Parliament with the effect that the latter may be stifled in the fulfillment of its Constitutional missions. In the Central African Sub-region, for instance, a network of Parliamentarians exists for the management of forest ecosystems¹⁸. There is also the Pan-African Parliamentarians Network for Climate change¹⁹. In Cameroon in particular, there is a Parliamentary network which is not directly on environmental issues but which deal with questions clearly relating to or having strong implications on the environment. It is the Parliamentary Network for the Extractive Industries.

It must be said that the networks and institutions discussed above which bring together Parliamentarians of the same country, region, continents or from different horizons, have enormous and commensurate merits in addition to those already underlined above. Firstly, such institutions enjoy uncontested legitimacy from gov-

ernments and other international institutions as they are seriously considered as 'the go-between'. Of course, because of such legitimacy, they can offer or provide opportunities, during MEAs negotiations, to various Parliamentarians representing their national Parliaments to expose their national and regional concerns and therefore defend not only national interests but also regional interests. Secondly, the networks and institutions are opportunities for concertation by national Parliamentarians on environmental issues which have gone beyond national frontiers and require the conjugation of national efforts in the search for solutions. Lastly, networks and institutions are lieu *par excellence* for experience sharing and learning of best practices which are essential ingredients to better prepare potential negotiations.

Fourthly, outside their networks and institutions proper to them, Parliamentarians could be indirectly useful in negotiation of MEAs by connecting and maintaining constant contact with Focal Points of MEAs. This will be more appropriate in the context of their involvement in the works of the Focal Points through their platform created for the latter. In Cameroon, this can actually be feasible and practicable as there exists now a platform

¹⁸ The Parliamentary network is most known in French as *Reseau des Parlementaires pour L'Afrique Centrale* (REPAR) created in 1999 as a result of one of the recommendations issuing from deliberations of, *le Conférences des Ecosystems des Forêts Denses et Humides de l'Afrique central*.

¹⁹ The Pan-African Parliamentary Network for Climate Change was formed in 2009 in Yaounde by Parliamentarians from thirty eight African countries. It was one of the major outcomes of the Parliamentary workshop that held that year in Yaoundé. The Head office is in the National Assembly of Cameroon.

for Focal Points in the Ministry of Environment, Protection of Nature and Sustainable Development. If Parliamentarians are invited to the working sessions of such Focal Points, they can be useful in sharing their experiences and concerns drawn from their routine contact with the local communities and these concerns may then be taken to the Conference of the Parties (CoP) or Meetings of the Parties (MoP)²⁰ and trigger amendments to the environmental treaties or conventions.

Finally, besides the above possible ways/avenues through which Parliamentarians may be useful actors in MEAs negotiations, one may not hesitate to add that any fruitful contributions for negotiations can only happen if the following attitudes are ensured. In the first place, where Parliamentarians happen to be involved, their usefulness will only be felt where they are allowed to take part in all the instances or processes of negotiations. In the second place, they must not only be involved but such participation must be active and not passive involvement. What this supposes is that they must be active throughout the different stages: in commissions, workshops, and various concertations meetings whether in the open or in camera. This will enable them to be sufficiently equipped with the princi-

ples emerging from the discussions of the various stakeholders but most importantly the spirit of the MEAs being negotiated. In the third place, where the Law-makers are invited to take part in negotiations, they must be able, as far as possible, to make the voices of their country or their sub-region heard by the other stakeholders and at the various stages of the negotiation. For this to happen, a good number of Parliamentarians but also those versed in the domain must be designated for any meaningful representation²¹. At the national level, Cameroon for instance, this will entail choosing Members of Parliament who are in Parliamentary Environmental Commissions or Groups and who have shown unreserved interest and have been active in the environmental jihad. At the supranational level, active representative members of Parliamentary networks and institutions should be designated for negotiations and they must be active enough to defend the interests of the sub-region and regions. A good number and knowledgeable Parliamentarians will pull diplomatic weight and harvest/ strike the best for the nation, sub-region or region.

Where the above three approaches are adopted, one can be sure not only of full and complete involvement of Parliamentarians but also of their use-

²⁰ See Hunter (D.), Salzman, (J.) & Zaelke, (D.) (1998), *International Environmental Law and Policy*, Foundation Press, New York, p 406-413 for a detail understanding on administering treaties by way of CoPs, secretariats and subsidiary bodies.

²¹ The point about African representation and

participation generally in negotiations of MEAs has been raised and exhaustively discussed by Tamasang, C.F. (2009), *The Clean Development Mechanism under the Kyoto Protocol and its Impact in Africa: The case of forestry projects in Cameroon*, published by ISS, Pretoria, p 186.

fulness in bringing about the required results from MEAs negotiations which will, as a matter of fact, consider national and sub-regional specificities and the aspirations of the populations which Parliamentarians represent and to whom they are, in principle, accountable. On the other hand, the assimilation of the spirit of the MEAs during negotiations could constitute an immeasurable advantage for the domestication of the Multilateral Environmental Agreement once it is ratified by the Executive Power having been authorized so to do by Parliamentarians.

2.2. Involvement of Parliamentarians by the Executive Downstream: in the ratification of MEAs

Once a Multilateral Environmental Agreement is signed²² by the Chief Executive or any other person duly representing him, the next thing which formally commits the State is ratification. Ratification of a MEA means an expression of consent to be bound by that multilateral environmental treaty or convention for purposes of authentication which, as a matter of course, has already been signed by a person duly authorized as a representative²³. It must however be mentioned that although ratification

²² Signature of a Multilateral Environmental Agreement, like any other international agreement, generally does not carry with it any positive legal obligations. However, it has the effect that the signatory country expresses its intention to take required measures in order to express her consent to be bound by the MEA in a future date. In fact and in law, signature carries with it the obligation, between the date of signature of the MEA and the

of MEAs is the usual and frequent way of expressing consent to be bound, acceptance, approval and accession are other modes by which a State may also express consent to be bound by MEAs²⁴. These modes of expression are generally a prerogative of the Head of State of African countries and in the case of Cameroon, the participation of Parliamentarians in the processes is not only constitutionally recognized but also practically very useful. It is therefore the object of this participation which seems important to be examined now and once more, such examination shall be hinged on answering the two important questions turning on why and how such involvement happens. Equally, these questions provoke the examination of the finality and modalities of involvement of Parliamentarians in the ratification of MEAs.

2.2.1 The finality of involvement of Parliamentarians in the ratification of MEAs

The involvement of Parliamentarians in MEAs ratification has a double objective. In countries with a representative regime where the Constitution provides that Parliament is involved in the conclusion of treaties,

date of ratification, to abstain in good faith, from acts that could frustrate the object, goal and the spirit of the Multilateral Environmental Agreement.

²³ See Salmon (J.) (2001), *Dictionnaire de Droit International Public*, Bruylant, Bruxelles, p 929.

²⁴ See Hunter (D), Salzman, (J.) & Zaelke, (D.) (1998), *op. cit.* (note 19), p 217.

the first objective is that which authorizes the Head of State to ratify MEAs. This can be so in two cases.

The first scenario is that where environmental questions fall, as a matter of principle, within the competence of Parliament and the Head of State cannot therefore commit the country at the international level without Parliament which should, at the outset, formally give her consent to ratify. This, it is widely held²⁵, is the case with most francophone African countries and Cameroon, by dint of its bilingual and bi-jural character and highly dominated by French and therefore the Romano-Germanic legal system, comes within this categorization. The second scenario is that where the Constitution simply stipulates that international agreements commit the State once their ratification by an Executive authority constitutionally designated is authorized by Parliament. This is the case with most African countries with English inspired legal culture.

The second objective is a logical consequence of the effective participation of Parliamentarians in the negotiation of MEAs. In fact, having taken part in the negotiations of MEAs, authorization given to the Head of State could signify three things.

The one is that Parliamentarians have been able to ensure that the new MEAs negotiated by the Executive are representative and closer to na-

tional and/or regional environmental priorities which have been defended by their peers of the environmental Commission or Group and who validly represented them during the negotiations. The second thing is that as representatives of the people, they have had the firm assurance that the new MEAs have taken into account the expectations of the citizens, to wit: access to and equitable sharing of benefits from exploitation of environmental resources, consideration of traditional knowledge of indigenous and local communities, poverty reduction mechanisms etc. Lastly, Parliamentarians are convinced that the MEA for which they have actively taken part in their negotiations and which spirit they have appropriated, shall be easily domesticated in the various laws, regulatory instruments, policies, strategies, programmes and projects to be elaborated and implemented by the various stakeholders involved.

2.2.2. Modalities for the involvement of Parliamentarians in the ratification of MEAs

The modalities for authorizing the ratification of MEAs are quite simple. In the majority of countries of the African continent, there are various stages which must be followed. In Cameroon, for instance, the following are the stages for a proper and valid ratification. Usually the Executive invites Parliament to authorize the ratification of a MEA and forward to her

²⁵ See notably, Mbozo (S.) (1998), *Parliamentary Practice and Procedure*

a copy of the MEA. In most cases, the executive does this through the presentation of a project of law in this direction. This is by the way, what obtains in many African countries. Upon receiving the project of law, Parliament, through the Chairmen's conference, usually transmits same to the competent commission for examination and in this case the commission on environmental questions. The commission will then proceed to examine the MEA. But since such Environmental Commission does not exist in Cameroon, the project of law on MEA will be discussed directly in plenary where the Minister in charge of environmental matters is invited to answer some questions and make clarifications regarding the MEA in question.²⁶ It may be mentioned that in other countries, the Environmental Commission, before oral questions that may be posed to Government authorities in plenary, can actually request the Minister in charge of environmental matters, to provide information for use in the study of the MEA conferred to them or more generally in the accomplishment of their mission.²⁷ This practice is, in our considered opinion, one that not only facilitates the work of the commission but also important as it reduces lengthy debate that chop up parlia-

mentary time and avoid complications during plenary discussions and therefore worth emulating. Unfortunately, such merits may not be enjoyed in the Cameroonian case as the procedure is broken with the non-existence of the Commission on the environment. In any case, as is the procedure in many African Parliaments, at the close of its work, the commission makes a report to the entire House of Parliament either approving or disapproving the MEA. It is therefore in plenary that further substantive work by Parliamentarians regarding the result of the MEA negotiated by the executive actually takes place. It must be mentioned that it is equally on this occasion that Parliament may invite members of government concerned by the particular MEA to come for some explanations before the entire House. Such explanations take the form of oral questions and answers.²⁸ Discussions of the report of the commission will continue among Parliamentarians with the help of government officials providing further clarifications and once such discussions are closed, the House proceeds to vote. The result is one of two things: Either Parliament authorizes the Head of State to ratify or she simply refuses to give her consent for ratification.²⁹

²⁶ See interview with Hon Awudu Mbaya C., *op cit*, note 15

²⁷ Guchet (Y.) (1996), *Droit Parlementaire*, Economica, Paris, p 174.

²⁸ Avril, P. and Gicquel, J. (1996), *Droit Parlementaire*, 2eme édition, Montchrestien, Paris,

p 237.

²⁹ For details on the procedure of Parliament in matters of deliberation, adoption and authorization to ratify International Agreements, see generally Mbozo, S. (1998), *op cit*, note 24.

From the foregoing discussion, it is now increasingly clear that Parliamentary commission in charge of environmental questions is critically important for MEAs in the light of the major role it plays in the ratification process. This is enough reason to justify the emphasis made earlier, of the involvement of Parliamentarians in MEAs negotiations. Now, it is no longer a doubt that if such commissions do not yet exist in some Parliaments in Africa, their creation is not only of absolute necessity but also imperative. This must be the case in Cameroon. But where they exist, there is absolute need to strengthen and refocus their missions to include joining the executive in negotiating MEAs. In any event, where Parliament gives a green light for ratification, it is then left for the Head of State to effectively ratify the MEA so that the same can then be implemented.

3. The usefulness of Parliamentarians in the implementation of MEAs

In the first part of this paper, we did highlight the importance of involving Parliamentarians in MEAs negotiations and grounded our arguments on the fact that such participation has as one obvious consequence the ease of ratification and then implementation of the MEAs. Implementation of MEAs consist, on the one hand, in integrating the MEA in the national

legal order, and to ensure their practical implementation through other measures and initiatives such as policies, plans, projects and strategies in order for a country to meet its obligation under an MEA, on the other hand³⁰. Thus public authorities ought therefore to take appropriate and necessary legislative and regulatory measures and then define policies, strategies, plans, projects, and programmes aimed at achieving the objectives contained in the MEA. All these initiatives which public authorities ought to take can be expressed as domesticating the MEAs.

In Cameroon, like in many other African countries, Parliamentarians participate, as a matter of right, in the domestication of MEAs. While they are useful actors in domestication, it is important to underline that their usefulness stretches beyond this. They can also be useful in overseeing the effective implementation of MEAs.

3.1. Involvement of Parliamentarians in the domestication of MEAs

A priori, Parliamentary involvement in the implementation of MEAs is limited to the crafting of environmental laws. Although the crafting of environmental laws constitutes the most visible role of Parliamentarians in the MEAs implementation process, it is essential to state that they can also be useful contributors in terms of questioning before approving the budgets

³⁰ For more, see: UNEP (2006), *Manual for Crafting and Implementing Multilateral Environmental Agreements*, Nairobi.

of various environment-line ministries, in terms of their involvement by the executive in formulating/elaborating environmental policies, strategies and programmes and also their usefulness in the effective implementation of such environmental policies, strategies, projects and programmes. Unfortunately, these other roles of Parliamentarians are usually little known and so overlooked in the Cameroonian context as well as in other Parliaments across the continent of Africa. In this paper, we shall attempt to bring to the foreground and in a chronological order the three possible levels of Parliamentary involvement in the implementation of MEAs.

3.1.1. First level of Involvement: The crafting of environmental laws

This first level so-called involvement of Parliamentarians in the implementation of MEAs actually deals with their traditional role of law-making known and recognized not only in Cameroon³¹ but in Africa and beyond. As already mentioned above, once the Head of State ratifies an MEA, it has to be appropriated within the state legal machinery. No other power is in a better position to do this than the Parliamentarians by dint of the powers conferred on Parliament by the Constitution. They must be at the

forefront in the adoption of new laws to regulate the environment either because none existed before or because previous laws have become obsolete or redundant or again to amend the old laws in order to keep them in tandem with the objective and spirit of the new MEA. This major role which demonstrates Parliamentarians as useful actors is extremely important for a number of reasons.

The first is that through the crafting of environmental laws, Parliament has the opportunity to provide for various measures aimed at attaining the objectives contained in the MEA which they probably took part in its negotiation and therefore are sufficiently informed of its contents and spirit. The second is that they elaborate such environmental laws in consideration and within the logic of the respect of major sustainable development principles³² which they have a mandate to legislate on. The third reason is that if it is government that initiates the project of law, the commission in charge of studying environmental questions takes responsibility of informing the whole assembly whether or not the prescriptions of the MEA have been respected in the project of law tabled by the government. And in the case of non respect, Parliament invites government to review the terms of

³¹ See s 14 (2) of Law n° 2008/001 of 14 April 2008 to amend and supplement some provisions of Law N° 96/06 of 18 January 1996 to amend the Constitution of 2nd June 1972.

³² Major sustainable development principles include but not limited to the precautionary

principle, the principle of prevention of harm, the principle of intra-generational and intergenerational equity, the principle of common concerns for humankind, principle of common heritage of humankind, the principle of subsidiarity, the polluter-pay principle, and the *erga omnes* principle.

the project of law in question. Finally, the fourth is that Parliamentarians are meticulous in seeing that citizens' aspirations and other interests considered in the MEA and defended by them during negotiations of the MEA are clearly articulated in the new environmental laws. Therefore, crafting laws will enable them ensure the guarantee of such fundamental rights as the right to a healthy environment, access and equitable sharing of benefits arising from the exploitation of environmental resources and so on and so forth.

There is reason to make an emphasis here. Although this part of the paper deals with the crafting of environmental laws by Parliamentarians, it is good to underpin the fact that Parliamentarians may be useful when it comes to enacting the Finance Law. As the title states, it is not environmental law, it is Finance Law but its provisions ought to smack on environmental protection. The budget is generally considered as an instrument for the realization of administrative

projects, economic, social and cultural policies of the state in the interest of the public. The environment, it must be said, contributes significantly to the gross national income of African states and Cameroon is no exception. Unfortunately, environmental concerns are not usually sufficiently considered in state budgets meanwhile ecological questions today are at the heart of resolutions of poverty reduction and sustainable development challenges. Hence, Parliamentarians exercising their oversight function will ensure that there is sufficient budgetary allocation for the environment-line ministries as a matter of priority.³³ This will enable that the various environmental policies, strategies, projects and programmes are well-financed in order to achieve the objectives fixed for them by MEAs. It will also make the government of Cameroon in particular and other African governments in general to take ownership of their own projects, programmes and strategies as against those financed by external bodies.³⁴

³³ The effective implementation of MEAs depends largely on financial availability. Effective compliance and enforcement can therefore be achieved only where sufficient budgetary allocations are made for environmental protection. At the national level, Parliamentarians legislating Finance laws will ensure that environment-line ministries have sufficient budgetary allocations for environmental protection and in Cameroon, this oversight function of Parliament is very well exercised when they summon government ministers to come and defend their budgets before them during the session dedicated to

³⁴ One important criticism that has been levied against external funders is that of the conditionalities they impose on the governments of African States when it comes to financing projects, programmes etc; the so-called aid with strings attached. This has the effect of undermining the sovereignty of African States including Cameroon and deprives us of the ownership of our projects, programmes, etc. This explains why we need to make sufficient budgetary allocations for our environment-line ministries so that we can carry out our own projects, etc and own them.

*3.1.2. Second level of involvement:
Participation in the crafting of environmental regulatory instruments, policies, strategies, projects and programmes by the executive -*

The elaboration by government authorities, of regulatory instruments such as Decrees and Decisions and the development of environmental policies, strategies and programmes by the latter are a logical consequence of the crafting of environmental laws. This array of measures is aimed at implementing the environmental laws and by implication the MEAs which have inspired the crafting of such laws. Although at this point the instruments are taken by the Executive whose constitutional role it is to implement laws and international agreements including MEAs, Parliament can be useful in the various decision-making processes.

Perhaps, before discussing the various potential ways in which Parliamentarians may be useful actors in the crafting regulatory or enabling instruments, there is need to make a comment. The measures taken by the Executive by way of regulatory instruments are considered as aiming at the implementation of the environmental laws and therefore the MEAs for the simple reason that Cameroon has a double approach to domestication of international legal instruments not excluding MEAs. It is the monist and dualist approach. The monist ap-

proach entails direct application of international agreements once they are signed and/or ratified and this happens often when it comes to human rights and human rights related instruments and MEAs do articulate human right concerns. The dualist approach on its own part requires the international agreement, an MEA for instance, not only to be signed and ratified but also to be contextualized by way of legal instruments domesticating it before its effective implementation.³⁵ Having made this important comment, we can now turn to the various possible ways through which Parliamentarians can influence the elaboration by the executive of regulatory instruments for the implementation of MEAs.

The first influence of Parliamentarians in the direction of quick putting in place of regulatory or enabling instruments to implement environmental laws that domesticate MEAs is in the very crafting process of the environmental laws. Environmental challenges are very particular in the sense that the damage or harm that they may cause is usually far-reaching both on natural resources and on humanity and in the majority of cases are irreversible. Therefore, the protection of the environment requires not only adequate but also quick attention. Unfortunately, in most African countries that practice the dualist approach to domestication of international agree-

³⁵ For an exhaustive understanding of the two approaches to the domestication of international legal agreements and the relationship between international law and internal law

generally, see Harris (D.J.) (2004), *Cases and Materials on International Law*, 6th edition, Sweet & Maxwell, London, pp 66-68.

ments, MEAs inclusive, priority has not always been given to environmental concerns and this is evident from the fact that laws are enacted by Parliament and they lie for several years inapplicable for want of enabling instruments.³⁶ In Cameroon for instance, not all the enabling instruments to the framework law on environmental management crafted about one and a half decade ago (1996), have seen the light of the day and a bulk of what exist now were developed only two or three years ago. This actually makes implementation difficult as important details required for effective implementation are lacking. It is noteworthy that Parliamentarians are those who receive the bullets for obvious reasons. They are connected to the citizens on a routine basis. So therefore, since the Executive is usually slow in crafting enabling instruments, to avoid embarrassments from their constituents and the public at large, we suggest two strategies.

Primo, Parliamentarians may entrust to the Standing Committees the task of drawing up, at least once a year, record on the state of implementation of environmental laws and forward same to the chairmen's conference and the government.³⁷ In principle, this has the effect of reminding government of its responsibility and the

fact that Parliament is aware of such laxity which of course, may be followed by questioning of any form and all what that entails. Unfortunately, this strategy has borne little fruits in the Cameroonian context as Parliament, through the standing Committees, has not been practical and systematic in this mission and Government too has remained slow, very slow in crafting enabling instruments within reasonable time from when the environmental laws are promulgated.

Secundo, Parliamentarians may stretch their role as watchdogs, in the crafting of environmental laws to implement MEAs, by inserting time limit provisions for the elaboration of enabling instruments and other measures especially as the first strategy has remained more a paper legality. We must, however, be quick to add that such time frames must be reasonable. We must equally be quick to state that the strength and impetus to insert such provisions result from the fact that they were involved in MEAs negotiations. It must however be said that administrative practice is struggling to make progress, albeit insignificant, in this direction as all laws initiated now are required to be accompanied by the enabling instruments but it must be noted that it is not legally mandatory and as it is trite knowledge, adminis-

³⁶ See for details on this point, Tamasang (C.F.) (2007), Community forest management entities as effective tools for local-level participation under Cameroonian law: Case study of *Kilim/Ijim* mountain forest, PhD thesis, Faculty of Laws and Political Science, University of Yaounde II. See p. 350.

³⁷ The idea of stocking taking of enabling instruments to the application of laws generally has been shared by other writers. See notably, Mbozo (S.) (1998), *op. cit.*, note 25, p. 96. It must be mentioned that the task of stock taking is an up hill one but once initiated, it can now become much easier as it will entail only

trative practices are subject to whims and caprices of different administrative authorities.

The second justification for the usefulness/involvement of Parliamentarians in the development of enabling instruments and other measures for the implementation of environmental laws and by implication MEAs is that they are deemed to have better knowledge of the needs and aspirations of the population than members of government and the Administration. Consequently, the Executive can consult them during the preparatory phase of the regulatory or enabling instruments to the implementation of environmental laws. This way they can give their opinion on the priorities of the communities which they represent. One must immediately state here that, in this respect, the Government administration in charge of the environment in Cameroon has made formidable strides in the direction of involving Parliamentarians.³⁸ It is perhaps important to add that such consultations ought to be systematic in order to avoid that government takes

decisions or initiatives that are unpopular and difficult to implement in case for instance, the decisions or initiatives deprive the population of their means of subsistence.³⁹

3.1.3. Third level of involvement: Participation in the implementation of environmental policies, strategies, projects and programmes

The implementation of environmental measures or initiatives such as policies, strategies, programmes and projects put in place or authorised by government in respect to MEAs is generally the affair of central and local authorities, international and intergovernmental partners to development, economic operators, research institutions, civil society organizations and local and indigenous communities. Eventually, Parliamentarians may be involved in the various implementation processes in accordance with the missions conferred on them. What this means is that at this level their role is generally not a visible one. However, the following responsibilities may be bestowed on them as a result of their popular legitimacy.

³⁸ A perfect example of the involvement of Parliamentarians in the preparatory exercise of enabling/regulatory instruments is that on the Draft Decree laying down the modalities of the right to information and public participation in decision-making on environmental matters which is now awaiting assent by way of signature of the Prime Minister for it to enter in force.

³⁹ Some Regulatory Acts that may compromise the subsistence of local people may include a radical measure taken to prohibit the cutting of wood, of fishing and hunting without clear distinction of species, for instance. Also, talking to some vendors in the Yaounde markets, the so-called buyam-sellam in re-

spect to the use of non-degradable plastic packages of less than 61 microns as banned by government through Arête Conjoint n° 004/MINEPDED/MINCOMMERCE du 24 Octobre 2012 portant réglementation de la fabrication, importation et la commercialization des emballages non biodégradables, they intimated that they are no available alternatives meanwhile they are obliged to package goods which they sell. When we chartered with some Parliamentarians, they took the view that if they had the opportunity, they would not have caution that the Regulatory Act enters in force without government ensuring that sufficient alternatives could be provided to replace the banned plastic papers.

Parliamentarians may be advisors within the pilot committees for implementation of environmental laws. They could also head sensitization missions targeting the population and other actors of their regions interested in the success of implementation of the environmental policies, strategies, projects and programmes inspired by MEAs. They could also play the role of facilitators in case of reticence, conflicts or blockage from actors involved, etc especially where coordination of the implementation actions is lacking or is weak. In fact, it is in the follow-up of the implementation of MEAs inspiring the development of environmental legislation and other government measures for the sustainable management of the environment that Parliamentarians are significantly useful actors.

3.2. Involvement of Parliamentarians in follow-up of/overseeing the implementation of MEAs

Why follow-up or oversee and how are Parliamentarians useful in this regard? This segment of the write-up like the others will attempt to provide answers to these questions.

3.2.1. The finality of overseeing the implementation of MEAs by Parliamentarians

Overseeing in the context of this paper involves a number of measures which begin with simple observation to control. It can also involve sanctions where legislation so provides. This will be the case especially where

Parliamentarians exercise their oversight/control function as stipulated by the Constitution.⁴⁰ It is good to know that overseeing the activities of MEAs are aimed at ensuring that in every step of the process the various results achieved or to be achieved encapsulates perfectly the objectives predefined in the MEAs.

Assuming once more that having taken part in negotiating the MEA and then have subsequently authorized its ratification by the Head of State, it is only but logical that Parliamentarians should equally be concerned that what they had the opportunity to be involved in its negotiation and have authorized should be effectively implemented. As a matter of fact, of logic and as a matter of law, Parliamentary observation and control is only a natural consequence of their involvement in all decision-making processes or of all decisions. This of course, is a guarantee of environmental transparency, democracy and of environmental governance generally.

3.2.2. Modalities for overseeing the implementation of MEAs by Parliamentarians

The task of overseeing the implementation of MEAs by Parliament is unconditional. Backed by Constitutional provisions as already cited above, Parliament can exercise this function spontaneously, at all times and in all circumstances including, of course, the environmental domain. From the simplest to the most com-

⁴⁰ See again article 14(2), *op cit*, note 28.

plex, the following mechanisms for Parliamentary overseer of MEAs implementation can be discerned.

3.2.2.1. *Simple observation of various acts of implementation*

Such observations can be evident thanks to a number of issues including but not limited to field visits intended to ensure the effective realization of tasks resulting from an express or implied provisions of MEAs, for example, the transfer of waters from the Oubangui-Chari to Lake Chad. It could also involve contact with the population to elicit information on the impact of measures of environmental protection, amelioration of living conditions, etc taken on basis of MEAs provisions. Furthermore, it could equally involve working encounters with active stakeholders. Lastly, simple observations may also relate to encounters with Focal Points of MEAs to solicit information on their own observations on the level of satisfaction of MEAs. These observations are important as they can result to presentation, by the Parliamentarians of advocacy at the level of the executive institution concerned.

3.2.2.2. *Control of implementation of MEAs*

Control as a way of overseeing the implementation of MEAs is more concrete and complex than overseeing implementation by way of simple observations. It must be said at the out-

set of this discussion that the word 'control' is broad and vague and has to be contextualized in each case depending on what one is seeking to demonstrate.⁴¹ In the understanding of Avril, P. and Gicquel, J.⁴², the term control refers to legislative activities and covers a great variety of operations which range from the staking of government responsibility through purely information activities to accusation before the High Court of Justice. Control, in the proper sense of it and as indicted earlier, is actually one of the key roles of Parliament under Cameroonian Constitutional law. It is to be understood to mean surveillance, verification or supervision of Executive action. Control is akin to oversight function of Parliament. Control as one of the fundamental roles of Parliament is the very essence of Parliamentarism and has its foundation in the Declaration of the Rights of Man and the Citizen (1789) in the following words:

All citizens have a right to control themselves or through their representatives the power entrusted to public authorities, to consent to it freely, and to monitor its use.⁴³

The same Declaration adds that:

The society has a right to ask any public servant to give and account of his stewardship.⁴⁴

From the foregoing, we may opine at this stage that although one of the traditional roles of Parliament; it has

⁴¹ See Mbozo (S.) (1998), *op cit*, note 24, p 80

⁴² (1996) *Droit Parlementaire, op, cit*, note 26, p 235-236.

⁴³ See art. 14.

⁴⁴ See art. 15.

generally not, until fairly recently in Cameroon as in many other countries in Africa, been exercised significantly. In the context of MEAs, control by Parliamentarians, of implementation is critically important and has to do particularly with the work of the Executive and can be exercised in various ways.

Firstly, control through questions to members of Government on the state of implementation of MEAs by way of various projects, programmes, strategies, plans and processes. Such control of implementation could also do with the management of budgetary allocations for environmental protection generally and budget from external funding sources for specific environmental concerns in particular. This control could make use of oral⁴⁵ and written questions⁴⁶ which have remained, in spite of other techniques, the most important instrument as far as controlling the action of the Executive is concerned. The whole idea for follow-up or overseeing the implementation of MEAs from a budgetary perspective is based on two reasons. The first is that on voting Fi-

nance law each year, Parliamentarians ensure that there are sufficient budgetary allocations for sectoral environmental plans, policies, projects, and programmes and so they ought to know how and to what extent such funds have been used. A second justification for overseeing implementation of MEAs provisions is founded on the fact that there is usually funding from development partners and from MEAs Secretariat. It is interesting to note that many MEAs now have provisions not only for technical assistance but also for financial mechanisms intended to encourage the effective implementation of the MEA in question⁴⁷. The object of such control mechanisms is to avoid waste or mismanagement or misallocation of financial resources intended for environmental protection thereby ensure transparency and accountability in managing *res communis/res publica* and *res globale* (a global concern).

Secondly, control through Parliamentary Commission of Enquiry. It is a category of special Commission and its competence is clearly limited only to one problem. The Commis-

⁴⁵ In Cameroon Parliamentary Law and Procedure, Oral questions are of two kinds. Oral questions with debates allow several speakers but not more than one per group to take the floor for a limited time. It does not lead to voting as the procedure is cumbersome and consequently time consuming. Its merit is that it gives room for in-depth discussion of the subject matter albeit it has suffered serious decline in recent years. The other kind of Oral questions is that without debate which is a much faster procedure as the author of the question is given only limited time to elaborate on his question and provide any answers the Government may require.

⁴⁶ Written question under the same law entail questions which may be asked to Members of Government any time and they usually give sometime to the Official to prepare the answers. In the process of preparing the answers, if there is any clarification required, the official in question may refer out to the Parliamentary Commission and in the case of MEAs, the Commission on Environmental matters.

⁴⁷ See for Instance the Convention on Biological Diversity, 1992, the United Nations Framework Convention on Climate Change, 1992.

sion of enquiry is created by a decision of the House which institutes it. In the domain of the environment and particularly MEAs implementation, the Commission may be created to probe into an environmental scandal arising from either misallocation of resources destined for environmental protection or massive embezzlement of external funds for environmental projects or programme. Although this Commission is important, it is unfortunate that in Cameroon and in many African countries, it has hardly undertaken the task for which it is created or where they do, have hardly produced any viable findings and so the public has questioned its very essence. Fortunately, in the area of environment, this control method by Parliament is unlikely to be useful as a lot of other monitoring strategies outside Parliament are put in place especially for externally funded projects usually entailing millions of United States dollars.

It is perhaps essential to mention here that the Commission of Enquiry has similar mission like the Fact-finding and Evaluation Mission which is sometimes considered as one of the Parliamentary control methods ; the only slight difference being that the former, with its wide powers do enjoy some jurisdictional competence while the latter, as the name goes, is limited to gathering information and evaluating the degree of implementation of environmental laws, projects, pro-

grammes, etc, the crafting of which is inspired by MEAs.

4. Concluding remarks and suggestions for progress

It emerges from the forgoing discussions that active involvement/participation of Parliamentarians in Cameroon in particular and in Africa in general, in the crafting and implementation of Multilateral Environmental Agreements (MEAs) is the cornerstone of environmental governance and sustainable development. Their veritable involvement is absolutely necessary and even imperative in the specific domain of the environment for, as we pointed out earlier; it is a delicate domain as humanity unarguably depend on it and its resources for survival. Their true involvement is justified by the classical roles which are ascribed to them by that legal text (the constitution) that sits at the top of the normative pyramid⁴⁸ in any country. We submit that their involvement generally is recognized by the *grund* norm but in the area of the environment, it must go beyond traditional ratification and domestication. It should include involvement by the Executive power exercising their constitutional prerogatives, in negotiation of MEAs, but also enlighten and reinforce their usefulness as overseers within their traditional oversight or control function. The most appropriate institution

⁴⁸ See Barak (A.) (2010), Constitutional Interpretation, 4 UNSW, LJ. p. 95.

within the Parliamentary set-up for effective Parliamentarian usefulness seems to be the institution of Environmental Commission which unfortunately is non-existent in Cameroon and therefore renders involvement of Parliamentarians in crafting and implementation of MEAs, a limited success story. The reason, for instance, of their involvement upstream, in MEAs negotiation is that it will bear enormous and formidable fruits downstream, including ratification, domestication and effective implementation on the ground. This has been clearly demonstrated in this paper. What is more? There is therefore the need to go beyond a simple dialogue situation between Government and Parliament which, by the way, is not founded on any legal prescription. We have indeed lauded Government/Parliament dialogue initiative in the paper as probably an important starting point for collaboration and cooperation but we have been quick to add that its scope and contents is limited. It is for this reason that we humbly suggest a revision of the Constitutional provisions empowering the Executive to negotiate international agreements specifically MEAs, to encapsulate a provision that now makes it manda-

tory for the Executive to formally involve Parliamentarians in negotiations dealing with this important, indispensable and delicate domain. Indeed, the lives of all Cameroonians in particular and the people of the world in general undoubtedly depend on the environment and its resources. Such mandatory involvement will make the Executive and the Parliament better partners than adversaries for the interest of all Cameroonian and others beyond. For Parliamentarians to be more useful in negotiations of MEAs, there are a number of preliminaries which must be ensured at the national level. Some of such matters may include the creation/reinforcement of Parliamentary environmental commissions composed of specialists or people knowledgeable on the subject; provide training programmes and information sharing forums; encourage a permanent synergy between Parliamentarians and other down-the-line authorities like mayors, administrative authorities but also other public/private actors; and sufficient allocations for small constituency budgets for Parliamentarians which can enable them carryout environmental projects in response to MEAs prescriptions.

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La R.A.D.P souhaite recevoir de ses lecteurs et de ses abonnés des articles originaux (40 pages au maximum) et des notes de jurisprudence. Les textes doivent se conformer à la politique rédactionnelle pour le contenu et au protocole de rédaction pour la forme. La revue accepte les textes envoyés par courriel et les textes sur supports amovibles (Word ou Wordperfect).

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Inscrire sur la 1^{ère} page, en haut à gauche, les nom, adresse et courriel ; plus bas, le titre (60 lettres au maximum) de l'article suivi du résumé et des descripteurs.

- Résumé :

Fournir un résumé de l'article (50 à 100 mots).

- Descripteurs :

Identifier 5 à 10 descripteurs (ou thèmes clés de l'article) qui situent le lecteur sur le contenu de l'article scientifique.

- Mise en page :

Présenter le manuscrit dactylographié à double interligne avec marge de 2 cm, 25 lignes par page. On doit pouvoir en faire des photocopies claires.

- Citations :

Lorsqu'une citation a plus de 4 lignes, la mettre en retrait (c'est-à-dire aller à la ligne). Elle est suivie de l'appel de la référence. Mettre entre crochets [] les lettres et les mots ajoutés ou changés dans une citation, de même que les points de suspension pour l'omission de un ou plusieurs mots.

- Tableaux :

Rendre les tableaux et les graphiques lisibles au premier coup d'œil.

- Mise en relief :

Mettre en italique les titres de livres, revues et journaux, les mots étrangers, les mots et expressions qui servent d'exemples dans le texte ; mais «mettre entre guillemets» (sans les souligner) les titres d'articles et chapitres de livres ainsi

que les mots et expressions que l'on désire mettre en relief.

- Informations sur l'auteur :

Indiquer votre profession et vos principales publications.

- Notes de bas page :

Numéroter consécutivement les notes du début à la fin de l'article. L'appel de note doit suivre le mot avant toute ponctuation.

- Appel des références :

Appeler les références dans le texte et les énoncer en notes de bas de page. Leur présentation obéit au schéma ci-après :

- pour ouvrage, thèse et mémoire : exemple : KAMTO (M), *Pouvoir et droit en Afrique noire : essai sur les fondements du constitutionnalisme dans les États d'Afrique noire francophone*, LGDJ, Bibliothèque Africaine et Malgache, Paris, 1987, page de l'élément cité.

- pour les articles scientifiques : exemple : ONDOA (M), «La constitution duale : Recherches sur les dispositions constitutionnelles transitoires au Cameroun», *Revue Africaine des Sciences Juridiques*, Vol.1, n°2, 2000, page de l'élément cité.

- Liste des références :

Dresser la liste des œuvres citées et des publications utilisées pour préparer l'étude ; les classer dans l'ordre alphabétique des auteurs. La présentation ici obéit au schéma de «Appel des références», avec indication du nombre total de pages de la production scientifique citée.

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