Title: International Environmental Norms: Opportunities and Challenges for African Countries.

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Abstract:

While Wesphalian sovereignty rests on drawing clear territorial boundaries between states, environmental problems generally and particularly migratory species of wild fauna and flora, biological diversity and transboundary groundwater aquifers and rivers disregard such territorial categorizations. Indeed, over 50 river basins in Africa are shared by two or more states and forests, savannahs and grasslands that are habitat to endangered species identify neither with "Cameroon" nor "Kenya". The question of who has jurisdiction over shared resources raises serious issues of sovereignty over shared natural resources. More so, transboundary air pollution, global greenhouse gas emissions equally raise issues of state responsibility for pollution that has transboundary dimensions. Resolving such problems thus goes beyond the realm of national jurisdictions, projects such issues and situates them at the center of the international community of nations. International environmental law is the most widely used tool in resolving the latter issues.

In Africa, where livelihoods of large portions of the population depend directly on water, land and other life-sustaining resources, access to these resources is synonymous with survival. Access to, equitable sharing of and the sustainable use of natural resources are globally accepted norms of international environmental governance and the pursuit thereof is an unending but necessary object of the global community (Barry 2005). Who gets what, when and how constitute basic questions of legal inquiry with regard to the environment and natural resources. The answers to these questions are by no means straightforward,

rather they emanate from a competing body of norms. While International environmental norms are premised on the principle of *shared responsibility* over common resources, national legal norms rest on absolute sovereignty over natural resources and constitute the *de jure* norms. In view of a body of resistant African customary law that *de facto* constitute the applicable law in much of rural Africa, the situation is rendered even more complex. The latter that have been influenced by environmental conditions, the distribution of natural resources, and the socio-cultural contexts of the uses and users has created a complex of conflicting access and use rights regimes across the continent. This legal pluralism like the resources themselves is not free of conflicts and requires a resolution of the *conflict of norms.* On the other hand, these different sources of legal norms present an opportunity for the resolution of conflict over natural resources and for international cooperation.

So for instance, while access to water is a constitutional right in the Republic of South Africa, other African countries such as Ghana have resorted to granting access to water by incorporating customary water rights into national legislation, thereby giving them legal effect.

Therefore, in view of the ongoing reforms in the natural resources sector across the African continent, as part of the democratization process but also in the quest for social justice, disturbing questions emerge:

How are international environmental and natural resources legal norms influencing environmental lawmaking in African countries? What opportunities do these present, and how do they hinder local access to vital natural resources?

This paper uses the case of the Republic of Cameroon to attempt answers to these crucial questions.

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