Note

CLIMATE CHANGE, CORRUPTION, AND COLONIALISM: SOLVING THE CONUNDRUM WITH REGIONAL COURTS

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ABSTRACT—It is no secret that climate change is the most pressing issue of our times. Global South countries, especially those in Africa, face challenges mitigating the worst impacts of climate change, adapting technological solutions, and continuing to develop their nation’s infrastructure and industry. Cameroon provides an archetypal example of the challenges many African countries face. Plagued by an economy that both exacerbates climate change and stands to collapse from it, Cameroon struggles with corruption that has roots in colonialism and neocolonialism. This corruption taints not only the forestry service and the executive branch, but the judiciary as well, leaving Cameroon’s most vulnerable citizens—its forest communities—without redress to affect the climate policy. This Note draws on interdisciplinary scholarship to argue that the Economic Community of Central African States must adopt a broad interpretation of locus standi, a concept similar to standing in American law, to provide an effective avenue for citizens to change forestry policy in Cameroon.

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INTRODUCTION

Climate change is the term of the decade, if not the century. Scientists warn of catastrophic effects, such as rising sea levels, severe drought, massive wildfires, intense flooding, and rising temperatures. These weather events threaten a state’s security, from economic to health security, with Global South states and their impoverished populations standing to suffer the most.

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2 “‘Global South’ refers broadly to the regions of Latin America, Asia, Africa, and Oceania. It is one of a family of terms, including ‘Third World’ and ‘Periphery,’ that denote regions outside Europe and North America, mostly (though not all) low-income and often politically or culturally marginalized.” Nour Dados & Raewyn Connell, The Global South, 11 CONTEXTS 12, 12 (2012). Though the term “Global South” is not without its controversy, I use this term due to its origins as a description of countries with colonialist histories and structural economic disadvantages in the world economy. See Sinah Theres Kloob, The Global South as Subversive Practice: Challenges and Potentials of a Heuristic Concept, 11 GLOB. S. 1, 3–4 (2017).

The Republic of Cameroon is one such Global South state already experiencing the effects of climate change. In 2020 alone, Cameroon reported climate-related population displacement, abnormally heavy and persistent rainfall, infrastructure damage, floods, and landslides. Similar impacts around the world have impelled the global community to transform its economies toward climate adaptation and mitigation. However, Cameroon’s economy remains heavily reliant on industries that require deforestation and forest degradation. Moreover, the state’s southern forest communities rely on the forest to sustain their subsistence lifestyles. This relationship presents a climate conundrum: Cameroon’s most vulnerable communities rely on industries that exacerbate climate change. At the same time, climate change will disrupt these communities the most.

This conundrum presents an imperative to restructure Cameroon’s economy and support its forest communities. Yet, Cameroon’s corrupt, neocolonialist government currently forecloses effective forestry governance by denying Cameroonians both a civil service free of corruption and an independent judiciary to check this corruption. This corruption stems from the country’s colonialist history under French rule, which culminated in a transition to independence that prioritized the interests of French loyalists over the interests of the Cameroonian citizenry. The constitution born from this period entrenched this power dichotomy and ultimately created a too powerful president with control over all the other branches of government. Current scholarship suggests reformist solutions, including constitutional reform and policy reform to address the forest governance

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8 See WMO, supra note 4, at 28 (highlighting ecosystem collapse and decreased agricultural yields as climate change impacts in Africa).

9 See infra Part II and Section III.B.

10 See infra Section III.A.

11 I use masculine pronouns throughout because Cameroon’s current president is male and has served for forty years. Joel Kouam, Cameroonian President Paul Biya Marks 40 Years in Power, AP (Nov. 6, 2022), https://apnews.com/article/africa-macron-central-cameroon-paul-biya-f0424c4c971685502eefa22a276c4a03# [https://perma.cc/GBG9-TDUJ].

12 See infra Section III.A.

issues. However, these solutions are infeasible as they rely on the integrity of the political branches of government—an integrity difficult to imagine considering Cameroon’s corruption.

To redress Cameroon’s self-reinforcing corruption, this Note argues Cameroonians should seek extraterritorial judicial redress through the Economic Community of Central African States (ECCAS), a regional economic community recognized by the African Union. The ECCAS hosts a Court of Justice which has yet to develop its jurisprudence on locus standi—i.e., who has the right to sue whom and how. Thus, this Note argues that, since the Cameroonian domestic courts cannot effectively control the country’s authoritarian executive, the ECCAS Court of Justice must adopt a broad interpretation of locus standi to provide Cameroonian citizens with an adequate forum to address forestry policy. This Note focuses on Cameroon to fill the gap in current legal scholarship on Africa—which focuses on economic heavyweights such as Ethiopia, South Africa, and Nigeria. Despite the focus on Cameroon, this framework is applicable to many countries in Africa, as they experience similar corruption and natural resource governance issues, and also belong to regional economic courts.

Part I details the conundrum Cameroon faces with its reliance on extractive industries and the impacts of those industries on climate change and the state’s forest communities. Part II outlines how Cameroon’s current forestry policy came to be, and how economic pressures and Cameroon’s


16 A regional economic community is a trade bloc of African states that, among other purposes, facilitates economic integration. Regional Economic Communities (RECs), AFR. UNION, https://au.int/en/organis/recc [https://perma.cc/RBW3-TE36].


Part III discusses how the relationship between the President and judiciary constitutes a barrier to effective reform. Part IV then explains why Cameroon’s constitution cannot remedy the relationship between the President and judiciary. Part V proposes an interpretation of locus standi for the ECCAS Court of Justice based on the jurisprudence of other regional economic communities in Africa. Finally, Part VI highlights the potential for this approach to improve institutional structures in the ECCAS Court of Justice and within Cameroon itself.

I. THE CLIMATE CONUNDRUM

Cameroon relies on the degradation and deforestation of its rainforests to fuel its economy, yet it will also need to rely on the health of these forests to mitigate climate change impacts, including a loss of livelihood for its forest communities—i.e., those who rely on the forest for sustenance. Though forest communities advocate for the protection of the surrounding forests, Cameroonian law prioritizes agro-industry, mining, and timber while penalizing forest communities for using the forest for food and trade. Due to the damage deforestation has caused, some communities

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20 Forest degradation means weakening the ecosystem without necessarily cutting down every tree. See Bellassen & Gitz, supra note 7, at 338 (describing degradation in Cameroon as selectively logging the most valuable trees and cutting roads through the forest).


have addressed their grievances by establishing community-led restoration efforts. But these efforts alone will not reduce the more extreme effects of deforestation. The country thus finds itself in a conundrum: those who rely most on the rainforest will be the least capable of adapting to its destruction and have the least political clout to change the country’s law.

Rainforests are a major driver of Cameroon’s economy and are the lifeblood of many rural communities. Cameroon’s rainforests comprise 10% of the remaining Congo Basin Rainforest, the second largest contiguous rainforest in the world. These forests cover about 42% of Cameroon’s total land area and store almost 2.7 billion metric tons of carbon. This seemingly abundant supply of forest yields timber and forest products that contribute to over 10% of Cameroon’s GDP. Indeed, Cameroon is among the top five exporters of tropical logs in the world.

Cameroon’s dependence on its forests is even more prevalent among its rural populations. With primary occupations in farming, hunting, gathering, and animal husbandry, these communities rely on the forest and its ecosystem for their food, income, and medicine. For example, bushmeat, a source of income and food, has an annual estimated value of $132 million. Bushmeat and other forest foods also provide a dietary supplement for rural communities when agricultural yields are low. For energy needs, rural communities use and sell firewood and forest charcoal. These sources and


25 Bellassen & Gitz, supra note 7 at 336.

26 Korwin, supra note 15, at 45.

27 Epule et al., supra note 14, at 405.


29 Bele et al., supra note 14, at 372.


31 “Bushmeat” is the “catchall phrase for the meat of wild animals, but it most often refers to the remains of animals killed in the forests and savannas of Africa.” Jani Hall, What is Bushmeat?, NAT’L GEOGRAPHIC (June 19, 2019), https://www.nationalgeographic.com/animals/article/bushmeat-explained [https://perma.cc/V885-7VFY].


33 See Sonwa et al., supra note 30, at 1.
other traditional fuels comprise 80% of the energy consumption in Cameroon.\(^{34}\) Similarly, rural communities rely on the forest’s plant extracts for medicine and income, as these extracts are used locally and exported to Europe and North America.\(^{35}\)

With such great reliance on the forests comes grave risks. The aforementioned sectors—agriculture, timber, animal husbandry—require deforestation or forest degradation to satisfy demand for these products.\(^{36}\) Accordingly, Cameroon lost 0.64% of tree cover in 2020—slightly more than Brazil did in the same year.\(^{37}\) Deforestation and degradation not only remove trees which absorb carbon but also release carbon stored in trees once they are cut or burned—the result is increased atmospheric greenhouse gases, one of the major contributors to climate change.\(^{38}\)

Ironically, these industries stand to suffer the most from climate change. Climate change increases pressure on these industries, which in turn increases pressure on the forests, which exacerbates the effects of climate change, creating a positive feedback loop. For example, climate change alters seasonal rain patterns and volume, the stability of which agriculture heavily relies on.\(^{39}\) This change makes it difficult to predict rain patterns, leading to decreased yields.\(^{40}\) Decreased yields in turn spur more planting, which requires more cleared land.\(^{41}\) Deforestation and degradation increase.\(^{42}\) Thus, the feedback loop is complete. Compound this with the fact that

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\(^{34}\) Bele et al., supra note 14, at 372.

\(^{35}\) Sonwa et al., supra note 30, at 1–2, 6.

\(^{36}\) In Cameroon, it is estimated that the main drivers of deforestation and forest degradation are shifting slash-and-burn agriculture and tree wood extraction. Korwin, supra note 15, at 45. Slash-and-burn agriculture clears a portion of forest, burns plant debris, plants crops for a period, and then abandons the land for a long period of time. Wood extraction includes fuel and logging. Forest Carbon P’Ship Facility & UN-REDD, Readiness Preparation Proposal (R-PP) 38–39, 38 n.8 (2013), https://www.forestcarbonpartnership.org/system/files/documents/Cameroon%20final%20R-PP-English-January%202013.pdf [https://perma.cc/E527-4DMV].


\(^{38}\) Climate, GLOB. FOREST WATCH, https://www.globalforestwatch.org/topics/climate/#intro [https://perma.cc/8JAE-LHX7].

\(^{39}\) See Bele et al., supra note 14, at 373 (noting that 90% of Cameroon’s agriculture is rainfed).

\(^{40}\) Sonwa et al., supra note 30, at 5–6; see Mekou Y. Bele, Anne M. Tiani, Olufunso A. Somorin & Denis J. Sonwa, Exploring Vulnerability and Adaptation to Climate Change of Communities in the Forest Zone of Cameroon, 119 CLIMATIC CHANGE 875, 881 (2013) (noting forest communities’ perceived inability to predict rain).

\(^{41}\) Sonwa et al., supra note 30, at 5–6.

\(^{42}\) Though slash-and-burn agriculture results in planting vegetation, cultivated lands retain at least thirteen times less carbon than forested lands. Forest Carbon P’Ship Facility & UN-REDD, supra note 36, at 38 n.7.
climate change affects more than just rainfall and that the population is expected to both increase and shift to the forested south, and Cameroon gets an impending socioeconomic climate crisis. Despite these grave circumstances that require functional, climate-change-informed forestry policy, Cameroon has failed to implement effective forestry governance. Due to this failure, caused by corruption, Cameroon’s forest communities will disproportionately suffer the effects of climate change.

II. A CORRUPT FORESTRY POLICY

The harm to Cameroon’s forest communities emerges from a corrupt forestry policy. There are three main causes for corruption in Cameroon’s forestry law, each exacerbated by the influence of external actors: (1) economic pressures, (2) a reformed forestry law, and (3) centralized forest governance. These causes share the common consequence of alienating Cameroon’s populace and creating a civil service immune to popular interests.

First, economic pressures drove the development of Cameroon’s forestry law. In the late 1970s and early 1980s, the World Bank supported Cameroon’s policy to turn forests into agro-industrial plantations, but agricultural market prices declined soon after. In response, Cameroon adopted a program with the World Bank and International Monetary Fund to reduce its purchase price for cocoa and coffee on the international market and eliminate in-country subsidies for such plantation crops. As such, farmers’ profits from these crops suffered, and many shifted to other crops that required more forest clearing. At this time, urbanites’ incomes fell as

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43 See Bele et al., supra note 40, at 876, 881–84 (discussing changes in drought, seasons, winds, heat, and groundwater); Sonwa et al., supra note 30, at 4, 6 (predicting changes in acid rain, surface water, wood availability, and biodiversity).

44 See Epule et al., supra note 14, at 406 (arguing increasing populations lead to increased demand for beef, forest products, and food); H. Carolyn Peach Brown, Johnson Ndi Nkem, Denis J. Sonwa & Youssoufa Bele, Institutional Adaptive Capacity and Climate Change Response in the Congo Basin Forests of Cameroon, 15 Mitigation & Adaptation Strategies for Glob. Change 263, 269–70 (2010) (positing migration caused by climate change in Sahel will increase pressure on resources in the forested south); Bellassen & Gitz, supra note 7, at 338 (noting impoverishment led urbanites to migrate to forested areas and increased deforestation).


46 DKAMELA, supra note 45, at 30.

47 Sunderlin & Pokam, supra note 45, at 591, 600.
well, so a considerable population moved to the countryside, further increasing pressure on the country’s forests. As market prices rose in the 1990s, France devalued Cameroon’s currency to increase the competitiveness of Cameroon’s cocoa and coffee on the world market. However, a failed social project and the questioned legitimacy of the 1992 presidential elections fostered ethnic divisions and widespread protests, which the government met with politically motivated arrests. In the midst of economic pressure on the forests and the discontent with the political regime, the President created the Ministry of Environment and Forestry (MINEF) by decree in 1992.

Second, while the political–economic crisis developed, plans for a reformed forestry law emerged to address increased deforestation and land degradation caused by agriculture and logging, respectively. The World Bank and International Monetary Fund adopted structural adjustment programs to assuage Cameroon’s economic crisis; however, this approach further weakened the economy. At the same time, the World Bank and International Monetary Fund integrated the programs’ policies into Cameroon’s new forestry law. The programs limited the number of civil

48 Id. at 582.
49 Id. France could adjust the CFA franc’s value because it was pegged to the euro and Cameroon’s foreign reserves were in the French Treasury. Ali Zafar, CFA Franc Zone: Economic Development and the Post-COVID Recovery, BROOKINGS (Aug. 5, 2021), https://www.brookings.edu/blog/africa-in-focus/2021/08/05/cfa-franc-zone-economic-development-and-the-post-covid-recovery/ [https://perma.cc/KN2X-7ZCS].
52 Jake Brunner & François Ekoko, Cameroon, in THE RIGHT CONDITIONS: THE WORLD BANK, STRUCTURAL ADJUSTMENT, AND FOREST POLICY REFORM 59, 67 (Carolyn Hutter ed., 2000) (listing the presidential campaign as a reason why the President refused the World Bank’s request to challenge the national legislature on the legislature’s version of the forestry law).
53 Mvondo, supra note 51, at 89–90 (describing the arrests of political opponents and protest organizers).
54 The Ministry of Environment and Forestry is now the Ministry of Forests and Wildlife.
55 Fombad, supra note 50, at 48–49.
56 Brunner & Ekoko, supra note 52, at 61–62.
57 Mvondo, supra note 51, at 90. Unemployment rose, as did corruption and repression of political unrest. Yet, the World Bank and International Monetary Fund, collectively referred to as the Bretton Woods Institutions, supported policy that restricted job creation in agencies and put money in the hands of those who misused it during the crisis. Id. at 87–90.
servants to be hired, lowered staff salaries, and reduced the ministries’ operating budgets. Thus, the young MINEF, tasked with enforcing the forestry law, was too under-resourced to execute it. Moreover, lower salaries and insufficient capacity led MINEF officials to supplement their low incomes with bribes from companies whose logging activities they elected not to report. French interests also allegedly influenced the law. A proposal by Cameroon’s legislature to encourage local processing by banning log exports may have been defeated by French lobbying, and France benefitted from maintaining its hold over 50% of Cameroon’s log exports. Lastly, the law’s centralized forest governance made corruption easier. The following illustrates the ease with which corruption can be perpetrated under this system. First, the committee responsible for auctions award plots to companies that do not meet the requisite criteria. Instead, some companies backing the political regime receive bids solely based on their political support. Second, 10% of certain forestry taxes are supposed to fund community institutions, but the local government administration keeps it instead. Third, MINEF purportedly banned small-scale logging titles to increase sustainable governance, yet it awards these titles to industrial-scale companies. After this ban, locals could only log through a community forest program, but MINEF uses the program to enter unfair agreements, such as offering local communities $2,500 worth of payment.

58 Id. at 93.
59 Brunner & Ekoko, supra note 52, at 64.
60 Epule et al., supra note 14, at 409.
61 Brunner & Ekoko, supra note 52, at 65.
62 Id. at 66.
64 Brunner & Ekoko, supra note 52, at 69.
66 Brunner & Ekoko, supra note 52, at 70.
68 Id. at 850.
and shelter to gain an area of timber worth $10 million.\textsuperscript{69} Fourth, MINEF underestimates the fines and damages to be paid by companies and negotiates fine reductions that seem unfair to the state.\textsuperscript{70}

These factors illustrate why Transparency International twice named Cameroon as the most corrupt country in the world—both times after the new forestry law was adopted.\textsuperscript{71} Due to civil service impunity, Cameroonian citizens view its nation’s laws and institutions as exploitative systems that serve elite and foreign interests.\textsuperscript{72}

III. The Present Barrier to Reform: Presidential Power

Due to corruption in the forestry sector, economic, political, and forestry scholars advocate for reforms to address corruption and forest governance.\textsuperscript{73} Yet, these reforms need a government that is willing to implement them. Because the Cameroonian constitution grants the executive virtually unlimited authority and disempowers the judiciary to hold the executive accountable, these reforms are unlikely to come to fruition. As such, Cameroonian citizens cannot appeal to their government to solve the problems the forestry law creates.

A. A Powerful President

The executive branch of the Cameroonian government enjoys an absolute power that no other branch of government can limit. To understand why administrative and policy reforms to the forestry law will fail, it is imperative to understand Cameroon’s governmental structure. Cameroon is a republic with three branches of government.\textsuperscript{74} In addition to the powers to

\textsuperscript{69} Brunner & Ekoko, \textit{supra} note 52, at 70.

\textsuperscript{70} For example, one company illegally logged timber with a market value of €1,000,000 (or about $1,069,750), but MINEF levied a fine of €500,000 (or about $534,875) and negotiated a deal to only take €38,168 (or about $40,830). Mvondo, \textit{supra} note 51, at 96–97.


\textsuperscript{72} Mbaku, \textit{supra} note 14, at 1004.


appoint the prime minister, executive officers, and military officers, the constitution also clearly establishes the President as the dominant branch by giving the President lawmaking authority and power over the legislature.

The President can exercise lawmaking power by ruling via emergency decree and issuing regulations on issues not expressly limited to the legislature. He may even enact ordinances on issues that are expressly limited to the legislature, so long as the legislature empowers him to do so. But the President also directly controls the functioning of the legislature. For instance, each region in Cameroon sends ten senators to the legislature, and three of these ten are appointed by the President. Moreover, though the legislature can vote to remove the prime minister and other executive officers, the President may reappoint the prime minister and order him to establish a new cabinet of executive officers. Finally, the President can dissolve the national legislature. Though Cameroon’s constitution reflects separation of powers principles, it created a President who in fact dominates the government. This curiosity requires questioning how the President amassed this power.

The roots of Cameroon’s absolutist executive lie in the country’s colonial history. During Cameroon’s fight for independence, France and Cameroonian French loyalists worked together to entrench authoritarian executive power. France treated Cameroon as a colony, even though it was supposed to prepare the territory for independence. The French government exploited the masses, imposed French ideals on Cameroonians, and favored those who supported the French agenda. This cultural imperialism divided Cameroon’s political elites into two main coalitions. The French-

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75 CAMEROON’S CONSTITUTION OF 1972 WITH AMENDMENTS THROUGH 2008, art. 8, para. 10; id. art. 10 para. 1.
76 Id. art. 9, para 27–28.
77 Id. art. 20, para. 2.
78 Id. art. 34, para. 5–6.
79 Id. art. 8, para. 12.
81 For example, France forced Cameroonians to work for French-owned enterprises and imposed free labor and high taxes on male Cameroonians to build railroads and roads. Mbaku, supra note 14, at 973 n.42.
82 The French exiled Sultan Njoya of Bamoun, who established royal schools; a script for his kingdom’s language; tracts on its laws and customs; a belief system based on Islam, Christianity, and the tribe’s tradition religion; and a printing press. The French then introduced an education system based on French Christianity, French language, French culture, and French ideals of civilization. Mbaku, supra note 14, at 967 n.22.
83 See Awasom, supra note 80, at 4 (noting French coordination with Francophile Cameroonians at expense of Francophobe Cameroonians).
loyalist group endorsed including Cameroon in the French Union, so the French allowed its members to win elections in legislative assemblies. By contrast, the decolonizationists sought complete liberation from the French. To repress decolonization efforts, the French operated an authoritarian government in Cameroon; the French arrested and intimidated decolonizationist leaders, banned its leaders from local assembly elections, and conducted a five-year massacre of an estimated 400,000 people in the western, ethnically Bamileke region. Moreover, French loyalists adopted this authoritarian style of governance throughout the independence process by instituting a state of emergency, which allowed for imprisonment for threats to the public order, special criminal tribunals, and prepublication press censorship.

French and Cameroonian French loyalists then worked together to entrench this authoritarianism in Cameroon’s new constitution. While a Constitutional Consultative Committee convened representatives from each ethnic region and various professions, the Committee did not draft the constitution and lacked the power to substantively alter the document. Instead, a lone French professor drafted Cameroon’s constitution, and at the request of a single French commander colonel, the professor included repressive articles to enable a powerful executive to contain the ongoing chaos. This was achieved by prohibiting the legislature from ousting the President for the first eighteen months, granting the President power to initiate referenda or dissolve parliament in the case of a legislature–executive dispute, and granting the President power to appoint all executive and military officials. As outlined above, many of these same powers are still vested in the President today.

This extensive power now lives on in Cameroon’s forestry law. Broadly speaking, the President appoints members of his ethnic tribe into senior positions in government—the same positions that benefit from forest

84 Id. at 6.
85 Id. at 7.
86 Id.
88 Awasom, supra note 80, at 9.
89 Id. at 14–17.
90 Id. at 16, 18.
91 Id. at 18.
corruption.92 And because MINEF is an executive agency, the President has ultimate authority over the forestry policies.93

The allocation of logging rights provides an apt example. Pursuant to legal reforms backed by international aid donors such as the World Bank and European Union, the President and prime minister must sign an agreement that grants each corporation logging rights.94 Yet, over 80% of logging rights in 2011 were granted without following this procedure.95 Executive officials eschewed this requirement because procedures that encroach on their discretionary power would make it more difficult for them to disguise their corrupt practices as legitimate policymaking.96 What’s more, Cameroon’s failure to implement the reforms didn’t even cause a loss in funding aid because the prime minister signed random agreements right before the deadline for funding.97 Thus, the President and MINEF implement the law not to enhance forestry practices, but to maximize the benefits of international aid while maintaining corrupt payment schemes.

Even now, new programs from the European Union, the United Nations, and the World Bank have yet to solve the governance and corruption issues and may even be contributing to them.98 Thus, some

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92 See Ambe J. Njoh, Politico-Economic Determinants of Forestry Policy in Cameroon, 70 GEOJOURNAL 109, 113–16 (2007); Kouam, supra note 11.
domestic organizations have advocated a public interest cause of action for private citizens to sue the government and logging companies. However, the lack of judicial independence forecloses an opportunity for citizens to combat the inadequacy of the forestry law and the corruption that plagues its implementation.

B. A Powerless Judiciary

In order to effectuate the rule of law, there must be a coherent separation of powers. The most important of these powers is an independent judiciary, without which “[t]here can be no free society,” because the judiciary holds legal persons, including states and institutions, accountable. A judiciary must have institutional independence, tenure security, and financial security to be independent. Cameroon’s judiciary lacks each of these characteristics.

First, the judiciary lacks institutional independence. The same constitutional article that confers independence on the judiciary states that “the President of the Republic shall guarantee the independence of judicial power,” a practice copied from the French. Cameroon’s judiciary includes judges and prosecutors who serve in a court legal department that answers to the Courts of Appeal, which are in turn supervised by the Ministry of Justice, an executive agency. Prosecutors may be appointed to serve as adjudicators or examining magistrates and eventually promoted to the Ministry of Justice. Thus, adjudicators ultimately answer to an executive agency controlled by the President. Additionally, the Higher Judicial Council (HJC), which advises the President on judicial appointments, includes the resistance to increased centralized authority, tension between local and national actors, and disharmony between local practices and policy suggestions).

99 Brunner & Ekoko, supra note 52, at 77.
100 See Mbaku, supra note 14, at 994 (discussing how the lack of separation of powers and supremacy of law leads to “no viable and effective mechanisms available to citizens to adequately check the excesses of the government”).
101 Id. at 984.
102 Id. at 988 (quoting United States v. United Mine Workers, 330 U.S. 258, 312 (1947)).
103 Id. at 989.
107 Id.
President and the Minister of Justice as members, and the President is not required to follow its recommendations. Moreover, the HJC has neither a budget nor a permanent structure; therefore, the President and the Minister of Justice control the daily activities of the judiciary.

Second, the judiciary lacks tenure security because the President oversees the appointment, promotion, and discipline of judges. The President may appoint adjudicators to the legal department or other government bodies without the adjudicator’s consent. Accordingly, judges who fail to adhere to the President’s policy preferences have been transferred to the legal department or to geographic areas with less political cases. The transfer tool has also been used to extend cases in which the President has an interest. For example, the President has extended a trial for separatists from the Anglophone region by transferring one of the judges to another region. Thus, the separatists remained in pretrial detention while the judicial panel was reconstituted.

Tenure security also faces a threat from the President’s oversight of judicial promotions through the Minister of Justice. The Minister creates a table of judges eligible for promotion, subject to budgetary appropriations. This threatens tenure security for two reasons. First, the Minister of Justice is an executive officer, so he is concerned with the President’s policy preferences. Because judges are not well paid and other services with higher salaries do not have promotions limited by budget appropriations, the limitation serves as an avenue to deny promotions to less politically favorable judges. Second, the promotion process lacks clear standards. Judges receive promotions based on a plurality vote of the HJC, and this process lacks objective criteria. This compounds the budgetary restriction by allowing vague justifications for denying a promotion.

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108 Id. at 186–87. In fact, all HJC members are either directly nominated by the President or selected by individuals who were appointed by him, and judges constitute a minority on the council. See id. at 188 (describing other members of the HJC as three legislators, three judges, and two other appointees).

109 Id. at 189.

110 See id. at 187–88.

111 Decret No. 95/048 du 8 Mars 1995, Portant statut de la magistrature, art. 6, § 1.

112 Nyingchia & Leno, supra note 106, at 195 (describing panel of three judges who ruled against influential parliament member and mayor of ruling party who were transferred to Prosecution Service); LAURA-STELLA E. ENONCHONG, THE CONSTITUTION AND GOVERNANCE IN CAMEROON 124 (2021) (describing cases in which judges were transferred to legal department for granting bail to protestors).

113 ENONCHONG, supra note 112, at 125.

114 Decret No. 95/048 du 8 Mars 1995, Portant statut de la magistrature, art. 42, § 1.

115 Nyingchia & Leno, supra note 106, at 189. Judges receive approximately $582 per month. Id. at 193.

116 Id. at 189.
Because of the influence of political favor on judicial promotion, a hierarchy persists in which senior-level judges influence the decisions of lower-level judges.\textsuperscript{117} Some judges even ascertain the prosecution’s position before rendering judgments.\textsuperscript{118} Judges may also be influenced by politicians and the family and friends of influential people. For example, the Special Criminal Court released the late Minister of Education, Louis Bapes Bapes, from a conviction of misappropriation of public property after the President, through the Minister of Justice, instructed it to do so.\textsuperscript{119}

The President also sanctions judges. The Minister of Justice examines complaints filed against a judge.\textsuperscript{120} Once the President receives the file from the Minister of Justice, he appoints a panel of three HJC members to investigate and determine if the judge should be heard before the disciplinary council.\textsuperscript{121} This practice introduces bias into the system, as the President may appoint panel members sympathetic or unsympathetic to the judge, based on his preferences for the disciplinary outcome. Moreover, the rules and regulations of the magistracy define disciplinary fault as “any act contrary to the oath of the magistrate, any breach of honor, dignity and good morals and any breach resulting from professional incompetence.”\textsuperscript{122} The rules also provide sanctions for disciplinary fault; however, they do not determine the severity of the fault required to trigger particular sanctions.\textsuperscript{123} Thus, judges are subject to vague disciplinary rules and may receive severe sanctions for relatively minor infractions. Despite this inequity, judges have no method to appeal the decisions of the HJC.\textsuperscript{124}

Third, the President’s control of judicial finances subverts judicial independence. The President determines judicial salaries and may change them at any time.\textsuperscript{125} Despite the rise in inflation and costs of living, judicial salaries have remained constant since 1995.\textsuperscript{126} However, the President has increased salaries for political favors. For example, in advance of the 1996 and 1997 elections, the President increased compensation for the justices responsible for certifying election results by almost 200%.\textsuperscript{127}

\textsuperscript{117} Id. at 194.
\textsuperscript{118} Id.
\textsuperscript{119} Id.
\textsuperscript{120} Id. at 190.
\textsuperscript{121} Id.
\textsuperscript{122} Decret No. 95/048 du 8 Mars 1995, Portant statut de la magistrature, art. 46.
\textsuperscript{123} Id. art. 47 (declaring that the sanctions will be announced by the President or the Minister of Justice “as the case may be”).
\textsuperscript{124} Nyingchia & Leno, supra note 106, at 190.
\textsuperscript{125} Id. at 193.
\textsuperscript{126} Id.
\textsuperscript{127} Mbaku, supra note 13, at 371.
Financial dependence on the President also exposes judges to financial pressures from corrupt parties; thus, citizens lack faith in the judicial system.\textsuperscript{128} Their wariness is not unfounded. Companies have reported “a high frequency of bribes in exchange for favorable judgments.”\textsuperscript{129} The top-down governance of the country only exacerbates the issue because it breeds uncertainty about the future such that judges in privileged positions have reason to squander resources to secure financial stability for their own interests.\textsuperscript{130}

Furthermore, the President’s control over judicial organization produces issues for prosecutors as well. Cameroon has a multisector anti-corruption program, yet it still suffers from corruption.\textsuperscript{131} For example, the Minister of Justice can intervene to stop criminal proceedings against corruption, and some sectors and high-ranking officials require the Minister’s approval before prosecution can begin.\textsuperscript{132}

Though Cameroon has prosecuted low-ranking officials through this program,\textsuperscript{133} the few high-ranking officials that faced prosecution have been denoted “sacrificial lambs.” These high-ranking officials received harsh sentences in their prosecutions but were later rehabilitated and assigned to higher positions in the government.\textsuperscript{134} Meanwhile, high-ranking officials who lose political favor in the administration have no chance of rehabilitation.\textsuperscript{135} This suggests that the anti-corruption program serves to legitimize the regime rather than root out corruption. For example, Supreme State Audit and Public Service Administrator Garga Haman Adji targeted public funds embezzlers who stole approximately $590,000.\textsuperscript{136} In return for his comprehensive investigation, Adji’s jurisdiction was stripped to only cover civil service and administrative reforms, so he resigned.\textsuperscript{137} Thus, the judiciary is not only discouraged from guaranteeing government accountability but is punished for doing so.

\textsuperscript{128} Nyingchia & Leno, \textit{supra} note 106, at 193.
\textsuperscript{131} Bechem, \textit{supra} note 71, at 2–4.
\textsuperscript{132} Fombad, \textit{supra} note 73, at 252.
\textsuperscript{133} Mbaku, \textit{supra} note 14, at 997 (quoting Nantang Jua, \textit{Cameroon: Jump-Starting an Economic Crisis}, 21 AFR. INSIGHT 162, 166 (1991)).
\textsuperscript{134} \textit{Id.} at 997 n.115.
\textsuperscript{135} \textit{Id.}
\textsuperscript{136} \textit{Id.}
\textsuperscript{137} Bechem, \textit{supra} note 71, at 2.
\textsuperscript{137} \textit{Id.}
The perverse incentives within the judiciary create a hostile environment for those who seek to protect the forest. In fact, logging companies have a better time in Cameroon’s judiciary than natural citizens. For instance, Cameroonian reporter Nestor Nga Etoga covers the corruption and statutory and rights violations of a logging company. In response, the company has sued him three times for defamation and blackmail, and he was even arrested for criminal libel. Though ultimately acquitted of the libel charge, Etoga has traveled over 6,000 miles and paid over $32,000 to attend hearings throughout the country. Instead of protecting journalist defendants, the Cameroonian judiciary’s “interminable legal debates and countless hearings . . . facilitate[] the strategy of using lawsuits to intimidate and gag journalists.” Even when the judiciary issues judgments in favor of a community, it fails to enforce it. For instance, a court issued a preliminary injunction against the development of a palm oil plantation, but the company continued to develop the plantation while the injunction was in place and after its expiration. These failures to protect the citizenry—whether as plaintiffs or defendants—illustrate the extent to which the judiciary adheres to the corrupt forestry policy.

IV. THE PROBLEM WITH CONSTITUTIONAL REFORM

Cameroon has failed to limit presidential power in its constitutional structure, which has enabled widespread corruption. Constitutional amendments to the executive’s power could improve forestry outcomes by recognizing forest communities’ rights to their land, limiting the President’s policymaking authority, or simply making the judiciary a truly independent branch. Distinguished African law scholar John Mukum Mbaku attributes Cameroon’s failure to limit executive authoritarianism to the populace’s alienation from the constitutional process. This Part will first chart the historical context behind the Cameroonian constitution’s creation and then discuss why constitutional reform is not a viable solution to the larger concerns of climate change and forestry policy.

From its inception, the Cameroonian constitution was designed to alienate large swaths of the population from their own government for the

139 Id.
141 Mbaku, supra note 104, at 562–65.
benefit of French and elite interests. This constitutional structure reflects Cameroon’s colonial tradition of removing natural resources management from local communities and placing it in the hands of the state. A constitution that vests absolute power in a French-loyalist president benefits French companies because it eliminates forest communities as relevant stakeholders who must be consulted in the forestry process and shields the executive branch from accountability for its actions. Thus, popular involvement in the constitution could have limited executive power and the corruption that comes with it.

As aforementioned, the Constitutional Consultative Committee lacked substantive power to alter the document. As such, many Committee members resigned, expressing their preference to include the civilian population in the constitution-drafting process. This protest proved futile, as the remaining members unanimously approved the draft constitution after only twelve days of deliberation.

Moreover, the constitution passed without popular support. Though the electorate remained in rebellion, and many were unaware of the constitution’s contents, then-President Ahmadou Ahidjo sought to rush the popular vote to legitimize his government. Recognizing the vast opposition in the south, Ahidjo and his French advisors planned to release southern votes first in case French administrators in the north needed to finesse votes to approve the constitution. The plan was well-reasoned. Ten of the twenty-one administrative units into which Cameroon was partitioned voted against the constitution, all of which were in the south. The north experienced a high rate of voting abstentions due to restrictions on Muslim women and the high rate of illiteracy, so it could not have supplied the votes needed to overcome the south’s rejection. Thus, scholars believe French

142 The decolonizationalists, which were banned from the constitution-making process, created the largest and most influential indigenous political party and represented a significant share of the population. Mbaku, supra note 14, at 1004 n.130.
143 Joseph Mewondo Mengang, Evolution of Natural Resource Policy in Cameroon, 102 YALE FORESTRY & ENV’T STUD. BULL. 239, 239–42 (describing the history of Cameroon’s natural resource management policy); Njoh, supra note 92, at 112 (describing British and French colonial administrators’ efforts to control as much of Cameroon’s forests as possible).
144 See Njoh, supra note 92, at 117.
145 Awasom, supra note 80, at 18–19.
146 Id. at 20.
147 Id.
148 Id. at 22.
149 Id. at 23. The Bamileke region, where opposition was high, was expected to vote against the referendum. Instead, they voted for it. Why? French troops had imposed a curfew on the region and threatened people with death if they did not vote. Id.
150 Id.
administrators indeed altered votes to guarantee the passage of the constitution.\footnote{Id. (citing J.F. Bayart, \textit{L'Etat au Cameroun}, \textsc{Paris: Pr esse de la Fondation Nationale des Sciences Politiques} 76 (1979)).}

Such systematic exclusion foreclosed Cameroonian from constitutionalizing governmental restraint.\footnote{See Mbaku, \textit{supra} note 13, at 360.} To check this power, scholars suggest a number of constitutional reforms.\footnote{See, \textit{e.g.}, Laura-Stella Eposi Enonchong, \textit{Judicial Independence and Accountability in Cameroon: Balancing a Tenuous Relationship}, 5 \textsc{Afr. J. Legal Stud.} 313, 314 (2012) (exploring potential constitutional reforms to “achieve[] a more appropriate balance between independence and accountability” in the judiciary); Mbaku, \textit{supra} note 13, at 389–90 (proposing seven reforms to Cameroon’s institutional arrangements to effectuate judicial independence); Justin Ngambu Wanki, \textit{(Un)constitutional Amendments and Cameroon Constitutions: Strange Bedfellows with the Rule of Law and Constitutionalism}, 29 \textsc{Afr. J. Int’l & Compar. L.} 95, 116 (2021) (proposing the strengthening of the Constitutional Council, vesting the citizenry with locus standi, and reducing presidential powers).} However, as these same scholars note, the very constitution that must be reformed grants broad presidential power over the amendment process—a power which the President has used to further entrench his power.\footnote{Wanki, \textit{supra} note 153, at 107–12.} This renders constitutional reform to limit executive authoritarianism unlikely, since the President probably will not curb his own powers. Simply, the structural infrastructure and historical context of the Cameroonian system prevent constitution reform from carrying much promise in establishing effective checks and balances.

The President has three major powers with respect to the constitution. First, the President may propose an amendment to the constitution without the legislature’s consent.\footnote{Cameroon’s \textit{Constitution of 1972 with Amendments Through 2008}, art. 63, para. 1.} This gives him control over the amendments that are considered. Second, the President can control the likelihood of an amendment passing. If the President dislikes an amendment, he can increase the number of votes needed for a constitutional amendment from a simple majority to a two-thirds majority by requesting a second reading.\footnote{Id. art. 63, para. 3.} If the President doubts the popularity of his amendment in the legislature, he can avoid the legislature altogether by putting an amendment to a referendum.\footnote{Id. art. 63, para. 4.} Third, after the President’s term, he serves for life as an ex officio member of the constitutional council—the organ that decides the constitutionality of laws, treaties, and international agreements as well as regulates elections.\footnote{Id. art. 47, para. 1; \textit{Id.} art. 48; \textit{Id.} art. 51, para. 2.} As such, the President retains power over the political system even after his term officially ends. Thus, the President controls which amendments are

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\bibitem{Bayart} Id. (citing J.F. Bayart, \textit{L’Etat au Cameroun}, \textsc{Paris: Pr esse de la Fondation Nationale des Sciences Politiques} 76 (1979)).
\bibitem{Mbaku} See Mbaku, \textit{supra} note 13, at 360.
\bibitem{Enonchong} See, \textit{e.g.}, Laura-Stella Eposi Enonchong, \textit{Judicial Independence and Accountability in Cameroon: Balancing a Tenuous Relationship}, 5 \textsc{Afr. J. Legal Stud.} 313, 314 (2012) (exploring potential constitutional reforms to “achieve[] a more appropriate balance between independence and accountability” in the judiciary); Mbaku, \textit{supra} note 13, at 389–90 (proposing seven reforms to Cameroon’s institutional arrangements to effectuate judicial independence); Justin Ngambu Wanki, \textit{(Un)constitutional Amendments and Cameroon Constitutions: Strange Bedfellows with the Rule of Law and Constitutionalism}, 29 \textsc{Afr. J. Int’l & Compar. L.} 95, 116 (2021) (proposing the strengthening of the Constitutional Council, vesting the citizenry with locus standi, and reducing presidential powers).
\bibitem{Wanki} Wanki, \textit{supra} note 153, at 107–12.
\bibitem{Voting} Id. art. 63, para. 3.
\bibitem{Majority} Id. art. 63, para. 4.
\end{thebibliography}
considered, the likelihood of their passage, and the subsequent enforcement of the constitution.

Some proposals would restrict the President’s power to control constitutional amendments and increase the threshold required for the legislature to consider an amendment. Others suggest allowing citizens to refer issues to the constitutional council. Yet, the President can request a second reading of any amendment which will curb his power—thereby requiring the two-thirds majority of the legislature to pass. Given the President’s advantage over the legislature, the two-thirds majority is effectively a rejection of an amendment the President dislikes. Even recent constitutional amendments have further entrenched the President’s power: the amendments in 2008 extended the presidential term from five to seven years, eliminated term limits, and shielded him from criminal liability while in office. As such, further constitutional reforms, if passed at all, are likely to expand presidential power, not limit it.

More generally, with a constitution beholden to French-favoring interests rather than its own people, Cameroon is primed for corruption and expropriation, just like other former French colonies in Africa. For example, economic scholars note that corruption issues in Benin, another former French colony in Africa, stem from the country’s past and present relationship to France. Unlike Cameroon, Benin’s constitution has more constitutional protections—such as an independent constitutional council, limits on the President’s powers over constitutional amendments, and a strict threshold for legislative approval of amendments. Yet Benin’s corruption persists because the colonial regime portrayed two misconceptions that retain a façade of legitimacy in modern Beninese society.

The first misconception is that centralized government is a means to exploit resources. Just as colonial administrators exploited their positions

159 Wanki, supra note 153, at 115–16.
160 Mbaku, supra note 13, at 390.
161 Wanki, supra note 153, at 107.
164 Wanki, supra note 153, at 115–16.
165 Lassou, Hopper & Ntim, supra note 163, at 5.
for private gain, so too do civil servants because the government is viewed as a continuation of the colonial regime. Thus, political elites agreed to a French-imposed financial accounting mechanism to obtain external legitimacy with Western donors.\(^{166}\) However, the system has largely made superficial achievements to retain financial support while maintaining the corrupt public finance system.\(^{167}\) Like in Cameroon, public officials in Benin who comply with the anti-corruption scheme are punished for doing so.\(^{168}\)

Second is the belief that public money spent for public goods are “gifts” rather than investments the public is entitled to.\(^{169}\) This norm blends with the precolonial belief that a traditional chief’s duty was to fairly allocate resources.\(^{170}\) Thus, political elites make limited infrastructure improvements to benefit the public, and the public mostly responds with gratitude rather than questioning whether these “improvements” are an efficient use of public resources.\(^{171}\) Despite the political differences between Benin and Cameroon, including Benin’s ability to limit presidential power, the similar corruption experiences demonstrate that colonial influence can outweigh political, administrative, and even constitutional reform.

In short, Cameroon’s colonial history entrenched authoritarian executive power through its fight for independence. Once Cameroon gained independence, neocolonial influence persisted through its forestry laws while authoritarianism fostered a corrupt civil service and a subordinated judiciary. This entrenchment of absolutist executive power laid the foundation for a judiciary too weak to remedy the corruption problem. Thus, citizens of Cameroon must seek extraterritorial means to secure a forestry policy that protects their forests and livelihoods from climate change.

V. Locus Standi, Applied

Because of the lack of possible recourse through the executive or judicial branches, Cameroonian must seek judicial relief for their country’s failure to implement an effective forestry policy in the Economic Community of Central African States (ECCAS), one of the regional economic communities to which Cameroon belongs.\(^{172}\) Established in 1983,
the ECCAS operates as an African Union institution that integrates the economic and security policies of the Central African countries.\(^{173}\)

The ECCAS has the authority to create a Court of Justice (ECCAS Court), but it has yet to establish it. Given this authority, there is an opportunity for the Court to develop its jurisprudence on locus standi—a legal person’s ability to refer matters to a court with jurisdiction over that matter. The ECCAS’s reforms, starting in 2015,\(^{174}\) support the Court’s authority to expand locus standi. The reform revised the establishing treaty, which, among other things, recommended the establishment of the Court of Justice. Article 29 of the revised Treaty states:

3. The statute, the composition, the jurisdiction, the procedure and other matters relating to the Court of Justice shall be specified in the Protocol relating thereto.

4. The judgments of the Court of Justice are binding on member states, organs and institutions of the community and on natural and legal persons.\(^{175}\)

Notably, the treaty does not establish the jurisdiction of the court, leaving it to member states to develop a protocol on the matter. This differs from the establishing treaty, which excluded actions brought by legal persons other than a member state or the Conference of Heads of State and Government.\(^{176}\)

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Accordingly, the ECCAS Court should use this new authority to adopt different aspects of locus standi jurisprudence from other African regional economic community courts, specifically the Southern African Development Community (SADC), the Economic Community of West African States (ECOWAS), the East African Community (EAC), and the Common Market for Eastern and Southern Africa (COMESA). The following factors determine the breadth of a court’s locus standi: a right of action, subject matter jurisdiction, a local remedies rule, a personal interest requirement, and the availability of third-party participation. The ECCAS Court should (1) grant nonresident legal and natural persons a right of action, (2) limit its subject matter jurisdiction to the treaty’s provisions, (3) reject the local remedies rule and establish a minimum yearlong statute of limitations, (4) accept public interest suits, and (5) accept third-party intervention.

A. The Right of Action

Like in the American legal system, a plaintiff must have the right to sue in a community court. Without a right of action, certain classes of plaintiffs are unable to seek remedies in court, even if the harm they suffer occurred because of a defendant’s proscribed conduct. For example, American environmental statutes include “citizen suit” provisions to grant individuals the right to sue companies for pollution that violates the relevant law. Regional economic communities are primarily concerned with relations between member states. Affording individuals a right of action expands the class of actors who can ensure states fulfill their obligations, which increases justice and strengthens confidence in the regional economic community.

Most of the aforementioned communities broadly grant the right to sue in the community court. Each community grants its employees and member states the right to file suit in its court. The communities vary as to which

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177 Each of these courts operates as the court of justice for the regional economic community, similarly to the ECCAS.
members of the public enjoy the right of action. The ECCAS Court should have jurisdiction over claims brought by those listed above, as well as legal and natural persons, including nonresidents.

The ECCAS Court should grant a right of action to legal and natural persons who are nonresidents of the member states for five reasons. First, uniformity in the right of action may bolster its political legitimacy among member states who are also members of other community courts.181 For example, the COMESA, ECOWAS, and SADC allow legal and natural persons to sue, and the SADC’s precedent suggests those parties may be nonresidents.182 Second, allowing legal and natural persons to sue will legitimize the ECCAS’s newly granted power to bind those entities to its judgments and give private individuals an opportunity to evolve the community’s rules.183 As with any court system, law evolves when judges have the authority to hear cases on issues that present an opportunity to make new law. Third, allowing nonresidents to sue will allow Cameroonian expatriates, who may have access to more financial and legal resources, to protect their ancestral lands through the ECCAS Court.184 Fourth, allowing

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181 Angola and Democratic Republic of Congo are members of the SADC; Burundi, Democratic Republic of Congo, and Rwanda are members of COMESA; and Burundi and Rwanda are members of EAC. KAREN J. ALTER, THE NEW TERRAIN OF INTERNATIONAL LAW: COURTS, POLITICS, RIGHTS 99 fig.3.10 (2014); Richard Frimpong Oppong, Legitimacy of Regional Economic Integration Courts in Africa, 7 AFR. J. LEGAL STUD. 61, 71–73 (2014) (acknowledging access to the court as a way to strengthen legitimacy).

182 COMESA Treaty, supra note 180, arts. 24–27; ECOWAS Supplementary Protocol, supra note 180, art. 4; SADC Protocol, supra note 180, arts. 15, 17. SADC has determined deported applicants would have had locus standi had they exhausted local remedies. Tanzania v. Cimexpan, SADC (T) Case No. 01/2009, Ruling (June 11, 2010).

183 The ECCAS’s revised treaty makes judgment binding on legal and natural persons, while the establishing treaty limited binding judgments to member states and the Community’s institutions. Compare ECCAS Revised Establishing Treaty, supra note 175, art. 29, with ECCAS Establishing Treaty, supra note 176, art. 17. See Richard Frimpong Oppong, Observing the Legal System of the Community: The Relationship Between Community and National Legal Systems Under the African Economic Community Treaty, 15 TUL. J. INT’L & COMPAR. L. 41, 53 (2006).

nonresidents to sue could also protect residents who may become targets of the regime for bringing suits against the government.\textsuperscript{185}

Fifth, and most important, allowing natural persons to file suit in the ECCAS Court will give Cameroonian forest communities a valuable forum to communicate their concerns. According to a survey, local communities consider the forest an economic resource.\textsuperscript{186} Of the individuals surveyed, 84.1\% denoted their primary occupation as farming.\textsuperscript{187} And 33.5\% of respondents sell and market nontimber forest products or annual food crops as a collective.\textsuperscript{188} Moreover, over 33\% of community members form a savings and loan group with weekly contributions.\textsuperscript{189} This overlap between forest-dependent occupations and economically focused groups presents an opportunity for local communities to mobilize around climate impacts that threaten their livelihoods. Moreover, farmers’ frustration with the changing climate and increased awareness of climate change impacts\textsuperscript{190} make a suit brought by community members that much more feasible. Therefore, a right of action to legal and natural, nonresident and resident persons provides the greatest opportunity for community members within and outside the country to obtain access to the ECCAS Court.

\textbf{B. Subject Matter Jurisdiction}

Though subject matter jurisdiction is typically granted in a court’s establishing treaty, some courts extend subject matter jurisdiction beyond the treaty’s express provisions. This Section analyzes a court’s subject matter jurisdiction as an element of locus standi. Each of the regional economic communities grant jurisdiction over the application, interpretation, and infringement of the treaty,\textsuperscript{191} but some communities also expand jurisdiction...
to include human rights. Although an expansive jurisdictional reach that addresses human rights would appear beneficial, it has negatively affected the legitimacy of the courts empowered to hear such claims. To alleviate threats to its stability, the ECCAS Court should not have jurisdiction over human rights claims; its jurisdiction should be limited to claims alleging violations of treaty provisions.

A court’s legitimacy lies in its ability to enforce judgments. Member states may be more likely to enforce judgments against each other when judgments remain limited to treaty provisions. For example, the ECOWAS grants the court jurisdiction over human rights violations,\textsuperscript{192} but The Gambia refused to comply with the court’s judgment to release a complainant from prison and pay damages.\textsuperscript{193} After another adverse ruling, The Gambia proposed to limit the court’s human rights jurisdiction. This proposal was defeated by member states’ and nongovernmental organizations’ support for the court.\textsuperscript{194} In this situation, political pressure successfully diminished a state’s ability to strip the jurisdiction of a regional economic community court. Nonetheless, the ECOWAS provides a ready warning of how member states can be unwilling to enforce human rights judgments from regional courts.

The SADC provides another example of a member state refusing to comply with a regional court’s judgment on a human rights claim. Like the ECOWAS, the SADC treaty grants the court jurisdiction over human rights violations, albeit implicitly and using broad language.\textsuperscript{195} But today, the court may no longer hear human rights cases. After Zimbabwe refused to comply with the SADC Tribunal’s ruling to return farmers’ land, Zimbabwe limited the Tribunal’s jurisdiction to disputes between member states over the interpretation of the SADC Treaty and Protocols.\textsuperscript{196} Fortunately, the complainant received a favorable ruling from a South African court that forced Zimbabwe to pay $20,000 for the seized land.\textsuperscript{197} However, the SADC saga should give the ECCAS pause when contemplating whether to extend its jurisdiction to human rights claims. Should the ECCAS allow human

\textsuperscript{192} ECOWAS Supplementary Protocol, \textit{supra} note 180, art. 3.
\textsuperscript{194} \textit{Id.} at 297–300. The Gambia never complied with the court order. \textit{Id.} at 300.
\textsuperscript{195} \textit{Compare} SADC Protocol, \textit{supra} note 180, arts. 14–15 (granting jurisdiction to individuals making claims against member states and jurisdiction over violations of the SADC treaty), \textit{with} Consolidated Text of the Treaty of the Southern African Development Community art. 4, Oct. 21, 2015 (requiring member states to respect human rights).
\textsuperscript{196} Sang YK, \textit{supra} note 178, at 390–91. For a detailed account, see Alter et al., \textit{supra} note 193, at 294, 308–14.
\textsuperscript{197} Alter et al., \textit{supra} note 193, at 314 n.137.
rights claims, and a member country refuses to accept that the court has jurisdiction over them, this would only diminish the authority of the court and increase jurisdictional conflicts between member countries, as evinced by the ECOWAS and SADC cases.

Notably, the ECCAS treaty only obliges states to “promote” human rights, yet it does not impose an obligation to respect human rights.\textsuperscript{198} Even if Cameroon’s corrupt forestry laws amount to human rights violations against the country’s forest communities, Cameroonians need not plead human rights violations to obtain sufficient redress from the ECCAS court.

The ECCAS treaty’s other provisions provide avenues for redress for forest communities in Cameroon, if the Court interprets them broadly enough. For example, communities could bring an action under Article 34 (peace and security).\textsuperscript{199} Communities may argue deforestation threatens security because it drives conflict over logging rights and minerals.\textsuperscript{200} Article 35 (cross-border cooperation) is also implicated because the Congo Basin spans multiple states which are members of the ECCAS, so it is their responsibility to manage the forest resources.\textsuperscript{201} The customs provisions in Article 37 are also relevant because deforestation increases wildlife poaching, which is traded across borders.\textsuperscript{202} Communities may also sue under Article 63 (food security) on the theory that deforestation exacerbates food insecurity in and beyond the Congo Basin.\textsuperscript{203} Most obvious, communities can sue under Article 74 (environmental protection) because Cameroon’s current policy does not protect the environment, does not ensure sustainable management, and does not fight against deforestation.\textsuperscript{204} A broad interpretation of these provisions is likely to fall within the Court’s jurisdiction, as the ECCAS is already involved in timber control in the Congo Basin.\textsuperscript{205} Therefore, the ECCAS Court should require a violation of its treaty provisions to secure its legitimacy and protect the forum for communities that need it most—forest communities in Cameroon, and others like them.

\textsuperscript{198} ECCAS Revised Establishing Treaty, supra note 175, arts. 36, 78.
\textsuperscript{199} Id. art. 34.
\textsuperscript{201} ECCAS Revised Establishing Treaty, supra note 175, art. 35; see infra Part VI.
\textsuperscript{202} ECCAS Revised Establishing Treaty, supra note 175, art 37; Congo Basin, supra note 200.
\textsuperscript{204} ECCAS Revised Establishing Treaty, supra note 175, art. 74; see supra Part II.
\textsuperscript{205} Hoare, supra note 98, at 10.
C. Local Remedies

The local remedies rule, a common jurisprudential tool in international courts, requires complainants to exhaust their options in domestic courts before filing suit in the regional economic community court. Not entirely unlike the exhaustion of administrative remedies in American courts, the local remedies rule gives judges discretion to dismiss a case filed by foreign plaintiffs on the grounds that a plaintiff’s home country should be the initial forum due to sovereignty, efficiency, and fairness concerns. The local remedies rule, however, is only fair to the plaintiff if their home country has a functioning judiciary—something which Cameroon lacks.

While some regional economic courts require the exhaustion of local remedies in suits against member states, others impose a statute of limitations instead. Because Cameroon lacks an independent judiciary, the ECCAS Court should reject the local remedies rule and impose a statute of limitations. The local remedies rule assumes that a party can receive adequate redress in domestic courts, as evinced by the following case, Campbell v. Zimbabwe, highlighting the SADC’s exception to the rule. When a national legislature stripped its domestic courts of jurisdiction to hear certain cases, the petitioner sought an interlocutory appeal in the SADC Tribunal pending the resolution of the domestic case. The Tribunal reinforced two caveats to its local remedies rule. First, the local remedies rule does not embarrass a party’s ability to file an interlocutory appeal pending the resolution of their domestic case. Second, where a nonstate party is “unable to proceed under the domestic jurisdiction,” the local remedies rule does not apply.

The second exception to the local remedies rule demonstrates why the ECCAS Court should not apply the rule. Cameroonian citizens lack access to a fair and impartial judicial system; thus, they lack access to adequate redress. In Cameroon and other ECCAS member states, inadequate redress is a systemic issue bred by the countries’ corruption. This is especially true

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208 Onoria, supra note 178, at 153.
209 SADC (T) Case No. 02/2007, Judgment (Nov. 28, 2008).
210 Id. at 18.
211 See supra Section III.B.
212 According to Transparency International, only Rwanda and Sao Tomé and Principe are considered moderately corrupt. Other member states rank in the bottom third of the 180 countries studied. TRANSPARENCY INT’L, CORRUPTION PERCEPTIONS INDEX 2022, at 2–3 (2022),

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because the ECCAS Court could be pressured to apply the exception so narrowly as to render the exception null.\textsuperscript{213} Thus, an exception to the local remedies rule is more inefficient than having no rule at all because parties waste time and money litigating whether the rule applies instead of the merits of the case. For Cameroonian affected by the country’s climate conundrum, a waste of time, money, or both essentially forecloses the opportunity for judicial resolution.\textsuperscript{214}

The ECCAS Court should follow the ECOWAS and EAC and reject the local remedies rule. Instead, the ECCAS Court should apply a statute of limitations.\textsuperscript{215} The statute of limitations compensates for the absence of a local remedies rule: in exchange for the time saved absent the requirement to litigate in national courts, litigants must bring actions in a timely manner. It also compensates for the procedural safeguard member states lose without a local remedies rule because it bars claims that were not raised within the specified time.

The ECCAS statute of limitations should be sufficiently long to account for the intransient nature of a failed forestry policy, but short enough to ensure efficient resolutions. Though each discrete action of a civil service employee could trigger the statute of limitations, there is a need to reimagine the forestry policy as a whole. Allowing the statute of limitations to run for at least a year would enable citizens to use policymaking events, such as a session of parliament or the latest forestry reform, as the trigger event for their suit. A longer statute of limitations allows plaintiffs more time to gather evidence and prepare their case. This could prove particularly helpful for litigants who must grow accustomed to the ECCAS Court’s legal system and prepare a litigation strategy.

In sum, the ECCAS Court should reject the local remedies rule to avoid subjecting Cameroonian citizens to inequitable access to justice. The court

\textsuperscript{213} See James Thuo Gathii, \textit{The COMESA Court of Justice, in THE LEGITIMACY OF INTERNATIONAL TRADE COURTS AND TRIBUNALS} 314, 330–31 (Robert Howse, Helene Ruiz-Fabri, Geir Ulfstein & Michelle Q. Zang eds., 2018) (describing the COMESA court’s strict application of exception to avoid conflict with member states).

\textsuperscript{214} See infra Section V.D.

\textsuperscript{215} See Koraou v. Niger, Case No. ECW/CCJ/JUD/06/08, Judgment (Cnty. Ct. of Just. of ECOWAS Oct. 27, 2008) (clarifying lack of local remedies rule); Nyong’o v. Att’y Gen. of Kenya, Case No. 1 of 2006, Judgment (E. Afr. Ct. of Just. Mar. 30, 2007) (emphasizing lack of local remedies rule). The EAC’s statute of limitations is two months from either the date of an alleged unlawful act or the date the complainant learned of the act. EAC Treaty, supra note 180, art. 30. The ECOWAS’s statute of limitations is three years from the date that the right of action arose. ECOWAS Supplementary Protocol, supra note 180, art. 3.
should also impose a statute of limitations that preserves court access, efficiency, and political palpability.

D. Personal Interest

Personal interest requires an applicant to have a right or interest that has been or will be violated. A personal interest requirement can hinder public interest litigation because it prohibits disinterested parties from litigating on behalf of a harmed party.216 This requirement is akin to the injury-in-fact element of standing in American law. Under American jurisprudence, injury-in-fact has been interpreted to allow organizations to sue for actions that harm the interests germane to the organization’s purpose.217 While Cameroon’s forest communities could easily establish an injury-in-fact, they may lack the financial resources to pursue litigation. A broad interpretation affords greater opportunity to amorphous harms—like environmental degradation—and underrepresented people—like Cameroon’s forest communities—to obtain judicial review. Thus, the ECCAS Court should interpret the personal interest requirement broadly to give Cameroonian forest communities greater opportunity to obtain redress.

In Cameroon, as a household’s dependence on forest resources increases, the likelihood of higher education in the household decreases.218 Consequently, the poorest households are most dependent on the forest for income.219 Therefore, the most vulnerable communities may lack the financial and technical means to pursue litigation as plaintiffs. Moreover, Cameroon follows French procedural law, which requires a personal interest to bring suit. Thus, even if the Cameroonian judiciary weren’t corrupt, it is unlikely to allow public interest suits.220

Given these considerations, the ECCAS should follow the EAC court’s interpretation of a public interest requirement, which allows treaty enforcement by better resourced parties who “have a duty to promote adherence to the rule of law . . . . [and] are genuinely interested in . . . the

216 See, e.g., ECOWAS Supplementary Protocol, supra note 180, art. 4(c) (requiring individuals and corporations show a right was violated).
alleged non-observance of the Treaty.

Even those without a duty to promote the rule of law can bring suit to enforce the treaty. This would allow expatriates, civil society organizations, international governmental organizations, and nongovernmental organizations to sue in their own capacity for injuries that also harm the forest communities. Accordingly, the ECCAS Court should soften the personal interest requirement so Cameroonian citizens can receive the legal and financial support required to pursue litigation against the entities responsible for its forestry policy.

E. Third-Party Participation

Third parties may participate in suits by filing amicus curiae briefs or motions to intervene. Amici briefs grant third parties the opportunity to submit an argument to the court—even if they would lack locus standi. By contrast, third-party intervention requires an intervenor to have a legal interest in the outcome of the case—at least in each of the regional economic communities examined. Like in the American legal system, these tools support the court in its factfinding and provide an opportunity to efficiently resolve relevant claims. To support the Court and the parties, the ECCAS Court should embrace both amicus curiae and intervention.

Amici primarily support the court, but can support parties as well. Amici reduce a court’s burden to conduct research on the issues at hand by providing relevant, unrepresented information; thus, they may be particularly helpful in the ECCAS Court, which must develop its capacity once it is established. Moreover, amici arguments can bolster the parties’ arguments without the need for a physical presence in court or remuneration. Though amici are a relatively new experience for regional economic courts in Africa, the EAC and ECOWAS have welcomed the


222 Nyong’o v. Att’y Gen. of Kenya, Case No. 1 of 2006, Judgment 16–17 (E. Afr. Ct. of Just. Mar. 30, 2007) (“It is important to note that none of the provisions in the three Articles requires directly or by implication the claimant to show a right or interest that was infringed and/or damage that was suffered as a consequence of the matter complained of in the reference.”).

223 See supra Section III.C; The East African Court of Justice Rules of Procedure 2019, r.59, July 23, 2019 [hereinafter EACJ Rules]; Protocol A/P.1/7.91 on the Community Court of Justice, art. 21, July 6, 1991 [hereinafter Protocol A/P]; COMESA Court of Justice Rules of Procedure, r.50, 2016 [hereinafter COMESA Rules].

224 See Frans Viljoen & Adem Kassie Abebe, Amicus Curiae Participation Before Regional Human Rights Bodies in Africa, 58 J. Afr. L. 22, 25–26, 28 (2014). Another plus for the nascent ECCAS Court is that amici can be easily regulated through court procedures that dictate time for filing, word limits, and amici limits per party.

225 Id. at 26.
practice, so endorsement of amicus curiae may influence the ECCAS Court to accept amici participation as well.

Contrary to amici participation, all four communities explicitly recognize third-party intervention. The ECCAS Court’s third-party intervention should parallel the personal interest requirement of the other regional economic communities because such consistency bolsters the Court’s legitimacy and protects Cameroonian forest-community complainants. Personal interest for those who seek to intervene as complainants will prevent the Court from issuing decisions that are either too convoluted or too general. For example, if a community around Lake Chad in northern Cameroon seeks to intervene in an action brought by a forest community in southern Cameroon, the Court might issue an opinion that addresses all the intricacies of these two ecosystems. Or, it might issue an overbroad opinion to compensate for the differences. Either alternative presents an opportunity for the respondent to eschew its responsibilities as dictated by the Court because the Court’s exhaustive decision imposes too many requirements or because the Court’s broad decision is too vague to enforce. With a personal interest requirement beyond a tangential relationship, the Court can avoid issuing opinions that are impossible to enforce. Therefore, an amicus curiae endorsement and a personal interest requirement for intervenors protect the Cameroonian forest communities by increasing the Court’s capacity, preventing harassment from adverse government parties, and ensuring enforceable judgments.

In sum, the ECCAS Court should (1) grant nonresident legal and natural persons a right of action, (2) limit its subject matter jurisdiction to the treaty’s provisions, (3) reject the local remedies rule and establish a minimum yearlong statute of limitations, (4) embrace public interest suits, and (5) accept third-party intervention. This framework balances Cameroon’s need for an independent judiciary, legal and financial support, and anti-

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226 Onoria, supra note 178, at 159–60; see Amnesty Int’l, Sierra Leone: Amicus Curiae Brief to the Community Court of Justice of the Economic Community of West African States (ECOWAS), WAVES v. Sierra Leone, No. ECW/CCJ/APP/22/18 (June 25, 2019).

227 COMESA Treaty, supra note 180, art. 36; EAC Treaty, supra note 180, art. 40; Protocol A/P, supra note 223; SADC Protocol, supra note 180, art. 30; EACJ Rules, supra note 223, r.59; Rules of the Community Court of Justice of the Economic Community of West African States (ECOWAS), art. 89, 2002; Rules of Procedure of the Southern African Development Community Tribunal r.70; COMESA Rules, supra note 223, r.50.

228 A personal interest requirement for intervenors will also protect complainants from parties who seek to intervene as respondents. For example, if a Cameroonian community sues a state official in their official capacity, the government could deploy several tangentially related officials to petition the court to intervene. This would overwhelm the complainant, as a substantial amount of the government’s legal resources may be dedicated to intimidate the complainant.
corruption measures with the need for political palpability, efficiency, and effectiveness.

VI. DECOLONIALIST LEGACIES

Not only does a broad interpretation of locus standi in the ECCAS Court combat the corruption that renders Cameroon’s judiciary incapable of providing adequate redress for its forest communities, but it also combats the colonialist and neocolonialist practices that permeate Cameroonian governance. Empowering the ECCAS Court with a broad locus standi jurisprudence should also be informed by the other regional economic communities. A review of their experiences supports the notion that the ECCAS Court should limit its dependence on international donors. A strong ECCAS Court that remains responsive to the central African community can also strengthen Cameroon’s national courts by providing jurisprudential guidance for the national courts to adopt.

A. Empowering the ECCAS Court

As Part II demonstrates, international influence often contributes to Cameroon’s governance issues. International influence has also impacted regional economic communities. Heavy reliance on donors presents legitimacy and effectiveness issues when the donors’ and member states’ interests conflict. For example, the SADC heavily relies on donations from mainly Global North countries. After the SADC Tribunal was disbanded, southern African judges and lawyers commented that the Tribunal was established and only functioned to obtain donor support, rather than to fulfill the interests of member states. Moreover, the SADC’s executive secretary encouraged reducing donor reliance to bolster the institution’s independence. Thus, overwhelming donor support weakens the legitimacy of regional courts among both citizens and member states.

To avoid legitimacy and effectiveness issues, the ECCAS should rely on its member states to fund its operations. This approach also capitalizes on the ecological relationship between its member states. Cameroon is one of six countries that constitute the Congo Rainforest. Others are Central African Republic, Democratic Republic of Congo, Equatorial Guinea, Gabon, and

230 Id. at 561–62.
231 Lawyers also speculate that as southern Africa shifts towards relationships with the east, the impact of the Global North will wane. Laurie Nathan, Solidarity Triumphs Over Democracy—the Dissolution of the SADC Tribunal, 2011 DEV. DIALOGUE 123, 133–34.
232 Abebe, supra note 229, at 581.
Republic of Congo—all of which are members of the ECCAS.\textsuperscript{233} These countries have a cooperative relationship with managing trade policy and forest resources.\textsuperscript{234} Indeed, each of these countries’ top exports are products that require either deforestation or forest degradation.\textsuperscript{235}

Because many of the Congo Basin countries’ exports overlap, their membership in the ECCAS could also strengthen the community’s ability to harmonize forestry policy, prevent adverse forest policy from shifting to nearby countries, and bolster accountability for effective implementation of forest policy.\textsuperscript{236} Though limiting financial dependence to the member states seems to hamper the ECCAS Court’s ability to function, the ECOWAS Court derives 96% of its funds from its member states and has been described as an “active” and “bold adjudicator.”\textsuperscript{237} A similar arrangement is feasible for the ECCAS Court because three of the ECCAS’s nine member states are within the top fifteen largest of Africa’s economies.\textsuperscript{238}

\textbf{B. Empowering Cameroon}

Though scholarship has not directly addressed the impact of African regional economic courts on national corruption, it does identify ways in which regional courts support national reforms. First, the jurisprudence of the ECCAS Court has the potential to strengthen Cameroon’s national courts


\textsuperscript{235} See Central African Republican, OBSERVATORY OF ECON. COMPLEXITY, https://oec.world/en/profile/country/ [https://perma.cc/Z7P2-N6G2] (choose “profiles” from dropdown; then choose “countries”; then search “Central African Republic” (wood); then “Democratic Republic of the Congo” (cobalt); then “Equatorial Guinea” (rough wood); then “Republic of the Congo” (rough wood)).

\textsuperscript{236} Indeed, several scholars have recognized the need to address different sectors to resolve forestry policy. See Brown & Sonwa, supra note 186, at 8 (describing value of international institutions and need to strengthen relationships between local and national planning); Mvondo, supra note 51, at 99 (highlighting need to reform multiple sectors in Cameroon’s government); Isaac Zama, Achieving Sustainable Forest Management in Cameroon, 4 REV. EUR. COMPAR. & INT’L ENV’T L. 263, 268–69 (1995) (suggesting international policy as a necessary element of forestry reform in Cameroon).

\textsuperscript{237} Abebe, supra note 229, at 556, 563.

by exporting its doctrine to Cameroon and other member states. Moreover, the Court could harmonize the various legal regimes within the community, which would simplify business decision-making, and thereby bolster economic development.

Second, a private right of action in the ECCAS could limit governmental power by increasing governmental compliance with rules and placing community law in the hands of the people. For instance, scholars have detailed how the ECOWAS court has shaped executive branch policy. Another scholar contends that public interest litigation in the EAC has forced its member states to grapple with their colonial legislation, oppression of ethnic minorities, and environmental degradation. Yet another scholar draws the link between impoverishment, corruption, and democracy to argue that courts should interpret rights creatively and secure justiciability over issues. Such broad interpretation will give civil society the opportunity to advance socioeconomic rights, both domestically and regionally.

The ECCAS Court, then, provides an opportunity to realize the constitutional and administrative reforms that other scholars have suggested by empowering a court that can hold an imperial president accountable. Thus, the ECCAS Court could be an effective forum not only to remedy the forestry policy for Cameroon’s forestry community but also to advance beyond the colonial heritage that has plagued Cameroon’s government for so long.

CONCLUSION

With the impending climate crisis threatening grave disruption to their lives, Cameroonian citizens need their government to adopt and enforce comprehensive forestry policy. Yet, corruption in the nation’s courts and a lack of independence spurred by exploitative relationships with Global North countries hinder the promises of reform. To break these proverbial chains of

239 See Oppong, supra note 181, at 82.
240 See Oppong, supra note 183, at 60.
241 Id. at 53, 58–59.
245 Id. at 186–89.
colonialism, the Court of Justice of the Economic Community of Central African States should adopt a broad interpretation of locus standi to strengthen the rule of law in a region briddled by colonial and neocolonial legacies, legitimize Cameroon’s domestic government, and further the vision for African self-governance. Most of all, this vision of locus standi can afford Cameroon’s forest communities an opportunity to protect their resources and livelihoods from the irregular rain patterns, landslides, drought, and other disasters the climate crisis will create.