



DOMESTIC AND REGIONAL ENVIRONMENTAL LAWS AND POLICIES IN AFRICA

A RESEARCH COMPANION

Edited by

Jean-Claude N. Ashukem and Semie M. Sama



This book is the most comprehensive piece of environmental legal scholarship in Africa. It extensively analyses several environmental protection and sustainability themes across the entire African continent from the perspective of law and policy. The book is a useful resource for researchers, practitioners, and students.

Oliver Fuo, *Associate Professor, Faculty of Law,
North-West University*

If you care intensely about holistic conservation and environmental sustainability issues, you would be well advised to earmark this compilation for your essential reading list. It skilfully advances the African environmental ideology as well as developing its conservation crime-related diaspora in a down-to-earth manner, which will captivate and empower both seasoned environmentalists and emerging conservationists alike.

Prof. Friedo JW Herbig, *University of South Africa*



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Domestic and Regional Environmental Laws and Policies in Africa

This book explores African domestic and regional responses and approaches to environmental protection and sustainability. Written by African experts, the collection consists of five parts covering the whole of Africa. It provides broad coverage of specific themes, including environmental constitutionalism, climate change, gender and the environment, wildlife trade, environmental justice, and human displacement. The key aims are first, to explore theoretical and empirical studies to interrogate and provide clarity on academic discourse on how and whether environmental human rights approaches and policy implications have effectively enhanced environmental protection and sustainability at African domestic levels. Second, to investigate and present innovative solutions on how African domestic legal regimes deal with environmental justice, natural resources governance, refugees' environmental rights, and climate-induced displaced persons. Finally, to propose innovative legal and institutionalised solutions to Africa's ecological realities by determining the legal and regulatory gaps on environmental human rights issues on the continent.

The collection will be a valuable resource for researchers, academics, and policymakers in human rights law, environmental law, political science, ecology and conservation, environmental management, disaster management, and development studies.

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Domestic and Regional Environmental Laws and Policies in Africa

A Research Companion

**Edited by Jean-Claude N. Ashukem
and Semie M. Sama**

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Foreword

Invitations such as the one I received from the co-editors of this book to write a foreword of this nature provide a very welcome opportunity to pause and reflect. Sitting in a mottled patch of balmy African afternoon sun under the flaming scarlet umbrella of a coral tree, I embraced this opportunity, browsing several global and regional environmental reports tracking the state of the African continent. These reports included UNEP's *GEO-6 Regional Assessment for Africa* (2016), IPBES's *Global Assessment Report on Biodiversity and Ecosystem Services* (2019), UNEP's *GEO-6 Global Environmental Outlook* (2019), the IPCC's *Climate Change 2021: The Physical Science Basis* (2021), and the WWF's *Living Planet Report* (2022). They collectively paint a rather dismal picture of the state of the African continent as one plagued by political and economic volatility, facing mass urbanisation and industrialisation underpinned by ongoing land tenure and natural resource insecurity, and characterised by increasing land degradation, rising food and energy insecurity, inadequate access to potable water and sanitation services, growing waste generation and pollution of all environmental media, and the continuing unsustainable exploitation of the continent's natural resources by local and foreign entities. The seemingly increasing patches of shade chilled the initial balminess of the afternoon, and the vivid colour of the natural umbrella paled by several shades.

The first of these reports did however highlight that notwithstanding these enormous challenges facing Africa, there exists “equally huge opportunities for ‘doing things better.’” It highlighted how these opportunities held the potential for reorientating the continent onto a trajectory that promotes “low-carbon, climate-resilient choices in infrastructure, energy and food production coupled with effective and sustainable natural resource governance . . . protecting the continent's ecological assets that underpin a healthy society.” Transformative change is required, and law and policy constitute a very key component for initiating and enabling change of this nature.

My initial colour-filled balmy sunny disposition returned when I began reading the draft manuscript of this book titled, *Domestic and Regional Environmental Laws and Policies in Africa: A Research Companion*. It constitutes a very timely and valuable addition to African scholarship critically reflecting

on the role and value of African domestic and regional legal responses and approaches to many issues falling within the broad rubric of environmental protection and sustainability and on notably how to do things better. Its two editors, Dr Jean-Claude N. Ashukem and Dr Semie M. Sama should be commended for bringing together the voices of 24 African scholars spanning all five regions of the continent. Not only is the diversity of authors impressive, but so too is the diversity of issues they canvass in their respective chapters. This spans environmental constitutionalism; different legal responses that promote and undermine environmental sustainability; gender-sensitive approaches to environmental regulation; an array of legal developments relating to forests, water conservation, Indigenous peoples, transboundary biodiversity conservation and wildlife trade; and finally, various issues relating to climate change. This book provides clear further evidence of the growing African environmental law discourse, focused on forging legal solutions and approaches informed by the African context. These legal solutions and approaches hold lessons for the development of environmental law and policy across Africa and abroad. May this valuable discourse continue to grow and inform local, regional, and international debates. May future and more frequent opportunities emerge for African environmental law scholars to gather to share and debate their scholarship aimed at informing transformative change and doing things better. May publishers of the ilk of Routledge continue to support collaborative academic initiatives of this nature. Finally, may you find a similarly colourful spot in the sun wherever you reside to enjoy what this book has to offer.

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Gratitude must be reciprocated, and this book would not have been possible without the significant role and contribution of friends and colleagues who contributed in one way or another to its realisation. We owe our profound gratitude to Our Lord God, Jehovah Jire, the I am that I am, for his grace and for granting us the wisdom and understanding to successfully execute this ambitious volume. We would also want to thank the anonymous reviewers of the book proposal and the various external reviewers who provided useful guides on how to shape some of the chapters and publish quality (African) scholarship on environmental law and contribute to knowledge in this field. We are equally grateful to the Law Editorial Team of Routledge and its entire staff particularly Anna Gallagher, Alison Kirk, and Ella McFarlane, for their kind support, guidance, and patience during the process. We would like to thank ourselves for our courage and perseverance and good working relationship.

Lastly, I would like to particularly thank my wife (Mrs Ashukem Mmadikheto Winnie) and son (Ashukem Afok Shawn) for their kind understanding and moral support during this period.

About the book

Africa's environmental law scholarship is fast growing, and continuous assessment of African domestic, regional, and comparative approaches to environmental protection are necessary to supplement existing legal situations. This edited volume of *Domestic and Regional Environmental Laws and Policy in Africa: A Research Companion* specifically explores African domestic and regional responses and approaches to environmental protection and sustainability. It provides broad coverage of specific environmental protection and sustainability themes, including among others environmental constitutionalism, climate change, gender and the environment, public urination and environmental protection, wildlife trade environmental justice, and human displacement. This book is the first of its kind to cover the whole of Africa. It gives access to African environmental law scholarship through a kaleidoscopic survey of the current debates and issues on environmental protection and sustainability confronting Africa's domestic environmental regimes. This book is motivated by the need to do the following:

- Explore theoretical and empirical studies to interrogate and provide clarity on academic discourse on how and whether environmental human rights approaches and policy implications have effectively enhanced environmental protection and sustainability at African domestic levels.
- Investigate and present innovative solutions on how African domestic legal regimes deal with environmental justice, natural resources governance, refugees' environmental rights, and climate-induced displaced persons.
- Propose innovative legal and institutionalised solutions to Africa's ecological realities by determining the legal and regulatory gaps on environmental human rights issues in Africa. This provides an innovative contribution to scholarship, a new perspective, and an interdisciplinary approach to enhance environmental protection and sustainability in Africa.

Considering that African environmental legal scholarship is relatively scarce, there is a giant gap in knowledge on the state of environmental law in Africa. As such, this volume fills this gap. This book will be relevant to academics

and non-academics across the world, researchers, and students in understanding the dynamics of environmental protection in Africa. It will therefore be a useful book of reference to students in law, political science, ecology and conservation, environmental science, environmental management, disaster management, human rights, and development studies.

1 Introduction

Beyond the lens of constitutional environmental rights in Africa

Semie M. Sama and Jean-Claude N. Ashukem

“Man is part of nature, and his war on nature is inevitably a war against himself.”¹

It would be remiss for anyone familiar with or interested in Africa’s environmental governance not to reckon that one of the pressing socioecological issues facing Africa is the unprecedented rate of its deteriorating environment by human-induced activities. There is no gainsaying that Africa is suffering from continuous environmental and ecological problems that warrant urgent and decisive attention. Indeed, various reports such as the Global Environmental Outlook (GEO-6) Regional Assessment for Africa of 2016,² the Climate Change: Impact, Adaptation, and Vulnerability Report of 2014, and the African Environment Outlook of 2013³ bear convincing testimony to this rapidly deteriorating environmental conditions in Africa. There is, therefore, a need to determine how and whether constitutional and national imperatives on environmental protection and sustainability at African domestic levels have promoted environmental governance. This is especially considering that current (environmental) policies cannot possibly keep pace with the rate of environmental degradation in Africa today.

This is not withstanding that environmental rights (the right to a clean, healthy, and sustainable environment) enjoys constitutional and legislative protection globally. Although the global tendency of incorporating environmental rights into national constitutions is regarded as product development for both the environment and human rights, the effectiveness of constitutional environmental rights has yet to be thoroughly assessed using case study data. Precisely, while substantive environmental rights and procedural environmental rights are entrenched in regional agreements and

1 Rachel Carson, *Silent Spring* (Houghton Mifflin 1962).

2 Global Environment Outlook (GEO-6) Regional Assessment for Africa <<https://wedocs.unep.org/handle/20.500.11822/7595;jsessionid=3BE35B7823BCBC7DAE1983EBD99E847B>> accessed 28 February 2023.

3 See UNEP African Environmental Outlook 3 (2013) 3 <<https://wedocs.unep.org/handle/20.500.11822/8391?show=full>>.

national constitutions, very little research has been conducted to determine whether its constitutional veneration has resulted in enhanced environmental outcomes and a waning in negative effects on human health and ecosystems in Africa.⁴ Understanding procedural environmental rights provisions (access to environmental information, public participation in environmental decision-making, and access to justice) and substantive environmental rights provisions in African constitutions and the African Charter on Human and Peoples' Rights provides a welcome opportunity for evaluating how constitutional recognition of environmental rights in Africa can lead to a healthy and sustainable environment, that promotes social-ecological resilience. This begs the question of what environmental human rights are, how they come into recognition and the extent to which they have promoted environmental performance in the continent. These are complex questions that cannot be addressed with simple answers.

In as much as constitutions provide the normative foundational framework for the protection of human rights, the same is true for environmental rights, and it is pivotal to look beyond this constitutional mandate to discern how African environmental laws and policies have been able to regulate environmental issues like wastes pollution, water governance, climate change, biodiversity conservation, and wildlife. Beyond the lens of constitutional environmental rights protection in Africa is a plethora of sectoral environmental laws and policies that have been enacted to give adequate substantive meaning to this constitutional imperative. These laws and policies regulate broad issues such as those covered in this book. While it is possible that in some jurisdictions, these environmental sectoral laws have expanded on environmental rights and included sound environmental principles and procedural measures, in yet others, this is not the case and comparative experiences as shown in this book could be useful in spurring environmental protection in those jurisdictions. This does not mean that we should overlook the different sociopolitical contexts of the environmental protection paradigm and inherent complications associated with implementation mechanisms in different contexts and jurisdictions. But to acknowledge here and now that environmental issues and the inherent barriers impeding environmental rights, laws and policies implementation are common to every environmental legal regime in Africa. It, therefore, suffices in the interest of Africa's environmental and development paradigm to effectively address these barriers through adequate laws and policies and other measures and efforts needed to truly ensure and enhance sustainable environmental protection.

4 David Boyd, "Catalyst for Change: Evaluating Forty Years of Experience in Implementing the Right to a Healthy Environment" in John Knox and Ramin Pejan (eds), *The Human Right to a Healthy Environment* (CUP 2018) 25.

As the environment itself is heterogeneous – encompassing an array of issues – it is apposite that looking beyond the constitutional guarantee of environmental protection provides the place for normative interrogation of how effective and committed African states have been in the fight against environmental degradation. Thus, questions such as how innovative new (environmental) laws are actually in practice, what is the role of domestic law in developing a strong culture of environmental respect and protection, and what could be the best policy, regulatory or governance framework, should be fundamental instrumental questions to carefully consider when one is looking beyond the constitutional lens of environmental protection.

So while a great deal has already been said about a state's responsibility to respect, protect, and promote human rights, including the right to a healthy and sustainable environment and even the consequences of its violation, so much more examination is needed to extrapolate from and comprehend its nature and to resist domestic and regional economic development trends and forces, their connections with global one-sided agreements and politics, as well as offering perpetual solutions to the wide array of environmental problems that have permeated the different regions of Africa for generations now, such as biodiversity depletion, deforestation, water pollution, climate change, desertification, land degradation.

Undeniably, the African human rights system and national courts have applied human rights norms to diverse issues of environmental bearings. As part of our contribution to Africa's environmental development, we have decided to undertake a book project under the theme: *Domestic and Regional Environmental Laws and Policies in Africa: A Research Companion*. The chapters in this book followed a thorough peer-reviewed process. Following deliberations about the choice of contributors, we invited scholars and practitioners from different disciplines and regions of Africa, all of whom have been fortunate to witness environmental human rights abuses, to provide substantial food for thought about the gravely disturbing environmental problems plaguing Africa, and how innovations solutions to existing laws and policies measures could help to remedy the problems. We are blessed that they honoured our invitation and spent their precious time contributing chapters to this book.

Structure of the book

The chapters constituting this edited volume are very interesting and contribute to the ongoing debate about environmental protection in Africa. They provide clarity on the following research question underpinning this book: To what extent have African domestic legal systems forged a link between human rights and the environment to promote sustainability? Do displaced persons have a right to a healthy environment in Africa, and what is their right? What could be learnt from comparative studies in terms of environmental protection

and sustainability in Africa? How have associated environmental rights such as land, food, life, and health, among others, been protected in development-oriented projects in Africa? What is the role of and how have non-state actors enhanced environmental protection in Africa? Are the current legal and regulatory approaches adequate to take Africa out of its environmental misery?

This edited collection consists of five parts covering all regions of Africa – Northern Africa, Central Africa, Southern Africa, Eastern Africa, and Western Africa and touching on important cross-cutting themes such as environmental constitutionalism, domestic environmental law approaches, gender issues, cross-cutting themes of environmental protection and climate change and displacement. The editors carefully selected the chapters after a thorough peer-reviewed process and found them important to contribute to the continuous debate and research about environmental protection and sustainability in Africa.

Environmental constitutionalism

At the confluence of constitutional law, human rights, environmental rights, and international law lies the emerging but intriguing concept of environmental constitutionalism.⁵ Given the array of constitutional environmental provisions in African constitutions, it is apposite to question and determine whether the concept of environmental constitutionalism within Africa's environmental paradigm is an aspiration or transformation. In other words, it is necessary to determine what constitutional impacts it has on domestic environmental legal systems. The answers to these inquiries lie in Part 1 of this book. In Chapter 2, Amanda Mudgaza discusses the emergence of environmental constitutionalism in Zimbabwe and demonstrates how courts have embraced it in their adjudication of competing environmental and sustainability claims and interests. After providing a brief overview of substantive and procedural environmental rights in the Constitution and enabling legislation that forms the basis of environmental constitutionalism in Zimbabwe, Amanda critically analysed selected judicial decisions to demonstrate how Zimbabwean courts have interpreted constitutional provisions relating to the right to a healthy and sustainable environment to promote environmental constitutionalism for sustainability in the country. She concludes that while the progressive approach by Zimbabwean courts to promote constitutionally entrenched environmental rights can promote ecologically sustainable development, there is still much to be done amid the current development trajectory.

In Chapter 3, François Bokona Wiipa Bondjali takes the investigation to central Africa to critically analyse the 2006 Constitution of the Democratic Republic of the Congo. Bokona audaciously places the constitution's language

5 Also see James R May and Erin Daly, *Global Environmental Constitutionalism* (CUP 2015) 1.

in a textual context to investigate how the Constitution could protect environmental rights in the country. Based on his findings, Bokona argues that the constitutional proclamation of the right to a healthy environment has translated into the development of other environmental law principles (at both constitutional and legislative levels) and the criminalisation of certain environmental offences in the Democratic Republic of the Congo. However, he notes that the poor quality of the environment and, by extension, the enjoyment of human rights is a problem that cannot be viewed exclusively as a legal issue. Having said that, Bokona advocates the need to mobilise the economic, demographic, social, and cultural structures that impact the effective enjoyment of environmental rights and tend towards its growth and development in the Democratic Republic of the Congo.

Domestic responses and approaches to environmental governance in Africa

Understanding domestic responses and approaches to environmental governance in Africa is important in demonstrating the commitment of states to ensure and promote environmental sustainability. Part 2 of this book examines this aspect. In Chapter 4, Jean-Claude N. Ashukem and Semie M. Sama draw our attention to the central African state of Cameroon to explore the implication of the apparent lack of sustainable development in the country's constitutional environmental rights despite its commitment to international and regional environmental law instruments professing sustainability. They argue that any environmental rights reform in Cameroon must hinge on including sustainable development in the constitutional environmental rights, without which the commitment to ensure and promote environmental protection and sustainability would be futile. Drawing from the experiences of South Africa, and Zimbabwe, they conclude that Cameroon stands to learn a lot from these jurisdictions on how to reform its constitutional environmental rights to provide the basis and justification for sustainable development.

In Chapter 5, Tumai Murombo offers a counterargument for sustainability from the perspective of decolonised environmental laws. He traced the effect of untransformed colonial environmental laws on sustainable development, arguing that they are ill-suited to ensure and promote environmental sustainability and are, therefore, anti-developmental. Using Zimbabwe as a case study, he considers the retrogressive effect of these untransformed environmental and resource extraction laws to pursue sustainability in the Southern African region. He concludes with a call to decolonise environmental laws in the region to balance economic development and environmental protection properly.

In Chapter 6, Patrick Odu Egbeji uses the exploratory approach to interrogate the non-anthropocentric claims of African environmental ethics vis-à-vis the Nigerian environmental legislation. The chapter argues that African

environmental ethics is steeped in anthropocentrism, and this attitude colours the Nigerian environmental legislation, which is only a theoretical construct without praxis. In light of this dysfunction, the author is, in fact, concerned that while there are apparent calls to protect the environment, these calls are frequently entangled in anthropocentric terms. Accordingly, Nigerian environmental efforts are yet to effectively align with the envisioned non-anthropocentric claims purported in the country's legislative frameworks. This covert dearth presupposes a threat to the all-significant goal of sustainability. Overall, Odu recommends the need to shift the narrative to concerns about the right of nature or the environment and a reconsideration of the Nigerian environmental laws that go beyond anthropocentric enclaves and are backed by the effective implementation of sustainability.

In Chapter 7, Olalekan A. Bello focuses on how Nigeria's hydrocarbon governance can be recalibrated to protect oil communities' human and environmental rights and promote sustainability. Bello argues that while government revenue from oil rent, taxation, and royalties has created an illusory sense of wealth abundance and surplus for the resource-bearing communities in Africa, their daily experiences have proved the opposite. Focusing on Nigeria's Niger Delta, the author argues that decades of sustained human rights violations, environmental degradation, and sociopolitical exclusion have occasioned petrol violence among the communities, the state, and oil multinationals. Additionally, Bello draws from Ken Saro-Wiwa's *Genocide in Nigeria: the Ogoni Tragedy* to reiterate that hydrocarbon extraction in Africa can lead to the speedy extermination of human beings and their environment. Furthermore, Bello unravels the extent and impact of, in Spivakian terms, the "epistemic violence" of hydrocarbon exploration on Niger Delta's resource-bearing communities. Accordingly, this will present the expectations of the indigenes and duties of the perpetrators as systemic distinctions of what is due and where it fails, and, in conclusion, advocate Niger Delta's oil communities, human rights, and environmental justice as psychosocial and transcendent systems of humanity. For Bello, power imbalance and the state's historical stranglehold on the oil resource are the basis of the difficulty of pursuing sustainability in Nigeria.

Realising the significant threat that oil spills pose to fragile ecosystems and marine resources, including birds, coral reefs, sea turtles, fish and shellfish, Odile Juliette Lim Tung, in Chapter 8, examines the relationship between regulatory response and oil spills in the Southern African country of Mauritius. Drawing on the *MV Wakashio* shipwrecked incident of July 2020, Tung argues that despite the existence of a regional mechanism for response to marine pollution incidents under the 1985 Convention for the Protection, Management, and Development of the Marine and Coastal Environment of the Eastern African Region (Nairobi Convention), surprisingly prompt technical and financial assistance to address this oil spill mainly came from France, India, Japan, and the International Maritime Organisation (IMO) after Mauritius declared a "national environmental emergency" calling for international help. In light of

this finding, Tung concludes that there is a weakness in this response measure considering regional cooperation and accordingly suggests possible ways to improve oil spill response measures to enhance environmental protection and sustainability in Mauritius. Tung emphasises the need to examine the current regulatory framework relating to oil spill incidents in Mauritius to improve the oil spill preparedness mechanism and better protect the environment during such disasters.

From Southern Africa to North Africa, Beng Simon Keluh, in Chapter 9 moves to the Maghreb States to critically examine the constitutionalisation of the human right to a healthy environment in Tunisia. Based on his critical observation, Beng Simon Keluh argues that unwanted consequences of economic growth, such as heightened air pollution, depletion, and destruction of renewable and non-renewable natural resources, suggest that Tunisia is failing to support regional efforts to respect, protect, and fulfil the right to a healthy and sustainable environment. In light of his findings, Beng Simon Keluh advocates the need for the government of Tunisia to take bold action to create, implement, and enforce more robust and comprehensive environmental laws, including laws to promote access to justice if this right is infringed. While his chapter could be more extensive from a scholarly standpoint, it offers critical legal insights valuable to Africa's present and future environmental and human rights defenders, legal practitioners, and policymakers.

Observing how human activities aggravate global climate change with implications touching on environmental, social, economic, and political aspects of life, Olaniyi Felix Olayinka, in Chapter 10, critically examines article 24 of the African Charter on Human and Peoples' Rights to determine whether the extraction of crude oil can hinder or facilitate the full enjoyment of the right to a generally satisfactory environment in Ogoni communities of Niger Delta in Nigeria. The analysis reveals that the reckless exploitation of crude oil results in water and soil contamination in the Ogoni communities of Nigeria and violation of the right to a general satisfactory environment favourable to their development. The author recommends the regulation of the oils sector to enable local indigenes' effective involvement and participation in decision-making that impacts their environment and sustainability interests.

Kolapo Omidire concludes the discussion under the theme in Chapter 11, examining the challenges associated with protecting human rights in the context of sustainable development of natural resources. Using a comparative approach to the legal framework of environmental protection and sustainability in Nigeria and South Africa, Kolapo Omidire compares the entrenchment and protection of environmental rights in these countries. After using primary and secondary sources relating to environmental protection, human rights, and sustainable development, his analysis reveals that Nigeria's environmental protection is in the form of a policy, as opposed to South Africa, with more enforceable constitutional environmental rights. He draws valuable insights

from international and African approaches to environmental protection to propose solutions for both countries.

Gender and environmental protection

Feminist thinking provides a new conceptual way of finding innovative solutions to Africa's environmental issues. Furaha-Joy Sekai Saungweme's contribution in Chapter 12 opens with a comparative analysis of public urination from a gender perspective to make a conceptual connection between public urination and environmental degradation. After reviewing existing surveys and analysing public urination laws in both developed and developing countries, she concludes that public urination has hazardous consequences for public health, the environment, and gender inequality implications that raise safety concerns for women in particular. According to the author, public urination is a cause and consequence of poor government policies leading to environmental degradation and health risks, which are often viewed from the narrower perspective of the risks faced by women who have no safe access to sanitation, including private toilets. Because sanitation suffers from chronic under-prioritisation, lack of leadership, under-investment and a lack of capacity in Africa, the author calls on local governments in Africa to address the issue of poverty to avoid the despicable act of public urination.

In Chapter 13, Oluwatoyin Adejonwo and Sidnoma Nita Belemsobgo reiterate that climate change exacerbates gender inequalities, which limits African women's participation in national climate change initiatives. Using qualitative and analytical legal research methods and exploring the nexus between gender and climate change in Burkina Faso and Nigeria, the authors submit that mainstreaming a gender-sensitive approach to climate change is indispensable to enhancing women's resilience to the detrimental consequences of climate change and for achieving climate-compatible development that underpins the sustainable development goals. In conclusion, the authors highlight the need to promote gender mainstreaming in climate governance and policy through strategies that promote African women's specific priorities, needs and roles to achieve transformative recovery marked by gender equality and sustainability.

Cross-cutting themes of environmental protection and sustainability in Africa

Considering the enormous pressure of human activities on human rights and the environment, including fauna and flora species, Faith Kabata, in Chapter 14, moved the debate to Kenya with a contextualisation of Africa rising narrative to clarify from jurisprudence how the questionable connection between development and environmental protection plays out at the domestic level. Faith Kabata critically analyses two cases relating to the Lamu Port-South Sudan-Ethiopia Project (LAPSSET) to illustrate how the Kenya Environment and Land Courts have been able to deploy the principles of

sustainable development and human rights to resolve these competing and overlapping ideals. The analysis demonstrates that implementing the right to a clean and healthy environment and the right to development should not be viewed as a binary choice of enjoying one right and foregoing the other. According to the author, Kenya's progressive bill of rights and specialised environmental courts offer valuable lessons on the domestic operationalisation of the concept of sustainable development and other human rights principles.

In Chapter 15, John Oluwatomisin Akinselure acknowledges the role of forests in Africa and how anthropogenic activities in the forest sector are increasingly putting human rights, wildlife, and plant species in danger. Concerning the Maputo Convention of 2003 and forest policies and legislation in Kenya, Nigeria, South Africa, and Tanzania forests, the author critically examines how best the African forest can be sustainably conserved. The analysis indicates that, among others, forest degradation and exploitation is common in many African countries because sustainable forest conservation policies are not firmly enforced. After arguing that human rights are significantly enhanced if sustainable forest conservation practices are implemented religiously and that pursuing an adequate and well-defined forest conservation goal can contribute immensely to actualise different human rights, John Oluwatomisin Akinselure concludes with recommendations on how African forests can be conserved to promote and ensure sustainability.

In Chapter 16, Lobina Gertrude Palamuleni and Rhoda Cynthia Bakuwa explore the effectiveness of water conservation policies in the workplace in South Africa. Through empirical research at the North-West University in South Africa, the authors explore the implementation of financing and water conservation strategies. From data collected from 72 respondents, they observe the low implementation of strategies towards water conservation and the absence of an institutionalised water conservation policy document. In their view, the lack of a formalised water conservation workplace policy document is an organisational non-response to water scarcity and water shortages. The chapter recommends formulating an institutionalised workplace policy that aligns with the existing legislation that promotes water conservation practices to address the problem of water shortages.

In Chapter 17, Peter Davis Mutesasira moved away from water issues to scrutinise the role of Indigenous peoples in enhancing environmental protection and sustainability through litigation in Kenya and Uganda. The author discusses the challenges encountered by Indigenous peoples during and after litigation and compares the environmental legal regime of both countries concerning litigation in the environmental context through the legal approaches to provide appropriate lessons in the use of litigation as a tool to enhance environmental protection and sustainability in Africa. Davis argues that Indigenous peoples should be given a chance to shape the terrain of environmental litigation because of their vulnerability. Focusing specifically on the Batwa and Benet Indigenous Peoples, the author demonstrates how courts in these

countries have adopted an apolitical approach to environmental protection and sustainability through litigation.

In Chapter 18, Willem D. Lubbe and Michelle Barnard take us back to Southern Africa to examine how access to justice is provided within the context of transfrontier conservation as a mechanism to ensure the pursuit of environmental sustainability in the region. They distilled principles for sustainable transfrontier biodiversity conservation within transfrontier conservation areas and determine how these contribute to sustainable transfrontier biodiversity conservation in transfrontier conservation areas.

In Chapter 19, Emmanuel Kasimbazi shifts the focus to environmental justice in the context of the wildlife trade in East Africa. He examines how environmental justice can be used to respond to wildlife offences, by analysing elements of environmental justice for effective prosecution of wildlife offences to accord fair and appropriate sentences for wildlife crimes. He identifies three problems with environmental justice responses for animals in wildlife crimes: the lack of formal recognition of the harm suffered by animals in wildlife crimes at the international or African regional instruments, limited mechanisms for environmental prosecuting authorities and the judiciary to assess the full impact of wildlife offences on endangered species in trade, and limited knowledge to prosecute wildlife crimes. In his view, effective justice responses to wildlife crimes should address the interests of animals subjected to illegal trade and repair the degradation of ecosystems caused by their removal.

In Chapter 20, Stacy Chembe highlights the advantage of adapting Africa's mining vision to international environmental norms in pursuit of sustainability in Africa. Drawing from the 2009 Africa's Mining Vision, which was adopted to ensure Africa's mineral resources contribute to the social and economic development of the continent and its people, she notes that Africa's Mining Vision does not effectively address environmental sustainability. She further notes that the inability of the mining vision to promote the sustainable use of natural resources in a continent already rife with numerous environmental problems, including climate change, does not in practice portray a reasonable and realistic vision for Africa. Despite this shortcoming, she concludes that changing Africa's mining trajectory is salutatory, and efforts to align this vision with international environmental norms would undoubtedly be a valuable approach to ensure and promote environmental sustainability in Africa.

Climate change and human displacement in Africa

In Chapter 21, Ngcimezile Mbano-Mweso offers an analysis of Malawi's laws, regulations, policies, and institutions relating to climate change from human rights and gender perspective. She argues that although Malawi's legal framework guarantees women's participation in shaping and implementing climate-related policies, it lacks a human rights-based and gender-responsive approach to implementing institutions and processes. Additionally, human rights and a gender-responsive approach to climate change are necessary to address the

gender-differentiated impacts based on established duties and obligations of justice and equity. To Ngcimezile, such an approach also helps advance meaningful, informed, and effective participation based on gender equality in climate change governance decision-making processes that lead to effective interventions and equitable outcomes.

In Chapter 22, Aaron Olaniyi Salau provides a detailed examination of Nigeria's new climate change Act. While embracing the adoption of the Act as a positive step in the right direction against climate change impacts, he argues that the Act provides the normative compass for changing the climate change litigation scenario in Africa. He notes that the new Climate Change Act enables Nigeria to achieve a net-zero emission of greenhouse gases between 2050–2070 based on five-year carbon reduction targets in the National Climate Change Action Plan. Based on an analysis of relevant international and African regional instruments and jurisprudence on climate change, the chapter provides new perspectives on the potential of the Climate Change Act to engender robust climate change litigation in Nigeria and climate justice in Africa in ways that seek to promote and ensure sustainable development.

Emmanuel Kasimbazi and Alex Nabwiso conclude the discussion, in Chapter 23 focusing on climate-related displacement and migration in the Eastern Africa region. They reiterate the Intergovernmental Panel on Climate Change's projection that Africa will face the brunt of climate change impacts and that climate-induced displacement is one of the most complex problems in Africa, encompassing extreme sociopolitical delicate problems, including the forced human displacement and migration and the protection of climate change refugees. The authors provide a conceptual understanding and determination of how existing legal and regulatory frameworks at the international, regional, and national levels offer adequate response measures to climate change-related disasters and human displacement in Africa. After noting that challenges and gaps related to appropriate responses to climate change-related disasters and human displacement exist at the international, regional, and national levels, he concludes with standard disaster response law recommendations.

Chapter 24 brings the book to a logical conclusion with a concise observation of the findings and objectives of the various contributions of the book.