

# **Legal and Institutional Framework for Ocean Governance in Cameroon**

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## **Division for Ocean Affairs and the Law of the Sea Capacity-Building Programme**

The Division for Ocean Affairs and the Law of the Sea (DOALOS) of the Office of Legal Affairs of the United Nations has been providing information, advice and assistance to States and intergovernmental organizations in the field of oceans and the law of the sea since the adoption, 40 years ago, of the United Nations Convention on the Law of the Sea in 1982.

The Division's provision of assistance to States is undertaken through its Capacity-Building Programme, and through the provision of financial assistance to States through voluntary trust funds it administers. Assistance is developed on a needs basis, working closely with beneficiaries and donors as well as relevant intergovernmental organizations and development partners. Priority is given to developing States in accordance with the terms of reference of each project or fund.

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The Division coordinates several fellowship programmes and provides training courses on a wide range of issues relating to ocean affairs and the law of the sea, including through the United Nations – Nippon Foundation Capacity-building Programmes, the Hamilton Shirley Amerasinghe Memorial Fellowship programme, as well as through ad hoc training courses, briefings and contributions to training programmes organized by national, intergovernmental and non-governmental organizations in the field of oceans and the law of the sea.

The Division further administers a number of voluntary trust funds and assistance funds that facilitate the work of United Nations bodies and processes in the field of oceans and the law of the sea, ensure the participation of developing countries in such bodies and processes and support the implementation of the Convention and related agreements by developing States. The Division also assists States with respect to their voluntary contributions to the funds, their applications for assistance under the funds and administering awards made to States and related reporting procedures for each fund.

## **Legal and Institutional Framework for Ocean Governance in Cameroon**

For more information, please visit the capacity-building website of the Division ([www.un.org/oceancapacity](http://www.un.org/oceancapacity)) or contact the Division via [doalos@un.org](mailto:doalos@un.org).

### **Programmes of Assistance to Meet the Strategic Capacity Needs of Developing States in the Field of Ocean Governance and the Law of the Sea**

The Programmes of Assistance project provides capacity development and technical assistance for developing States to reinforce their capacity to implement the United Nations Convention on the Law of the Sea and related agreements and to better harness the benefits of the blue economy, including through more effective implementation of the 2030 Agenda for Sustainable Development.

Funding for the project is provided by the Government of Norway as part of its Oceans for Development programme, which is managed by the Norwegian Agency for Development Cooperation (Norad). The project activities are implemented by the Division for Ocean Affairs and the Law of the Sea, drawing on its long-standing experience in delivering responsive programmes of assistance in ocean affairs and the law of the sea.

The project consists of four main categories of activities:

- Regional consultations, through which the Division consults with regional intergovernmental organizations and others to gain insight in ongoing regional programmes and activities on ocean governance and to identify capacity-building needs and priorities in the region;
- Customized training courses to reinforce the capacity of government officials and relevant stakeholders in the implementation of ocean governance strategies at the regional and national level;
- National ocean governance studies (OGS) to help beneficiary States gain strategic insights about their legal and institutional frameworks relating to ocean affairs and the law of the sea and related capacity-building needs; and
- Technical Assistance, to facilitate beneficiary States implement findings of their Ocean Governance Studies or related work.

The present report was produced under the third project activity. Through the OGS, States are assisted in the identification of their key national ocean governance frameworks; in enhancing their implementation of the Convention and related agreements as well as the 2030 Agenda for Sustainable Development and its Sustainable Development Goals; and in developing effective policies for relevant ocean sectors, including in strengthening their blue economy strategies.

## **Legal and Institutional Framework for Ocean Governance in Cameroon**

The OGS provide a high-level overview of the beneficiary State's legal and institutional frameworks on ocean affairs and the law of the sea, including in priority sectors identified by the beneficiary State as well as a prioritized inventory of capacity-building needs. Gender and oceans, as well as the blue economy, are the two cross-cutting issues addressed in the studies.

Where possible, the OGS are conducted by consultants from the beneficiary State or from the region. To build capacity of local researchers, the project also seeks to involve early-career ocean academics or professionals. The work of the consultants, including ensuring broad national stakeholder engagement, is facilitated by beneficiary State National Focal Points, who also facilitate the State's review of the work undertaken by the consultants and its dissemination once complete.

Participation in an OGS is open to States included on the list of countries eligible for official development assistance maintained by the Development Assistance Committee of the Organisation for Economic Co-operation and Development.

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## **LIST OF ABBREVIATIONS**

ABS	Access and Benefit Sharing
AU	African Union
BCSAP	Brigade of Control and Surveillance of Fishing Activities
BIR	Rapid Intervention Brigade
CBD	Convention on Biological Diversity
CDPM	Fund for Development of Marine Fisheries
CEBEVIRHA	Economic Commission for Livestock, Meat and Fishery Resources
CECAF	Fishery Committee for the Eastern Central Atlantic
CEMAC	Economic and Monetary Community of Central Africa
CERECOMA	Specialized Research Centre for Marine Ecosystems
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CLC	International Convention on Civil Liability for Oil Pollution Damage
COLREGs	Convention on the International Regulation for Preventing Collisions at Sea
COMHAFAT	Ministerial Conference on Fisheries Cooperation between African States Bordering the Atlantic Ocean
COREP	Regional Fisheries Committee for the Gulf of Guinea
CRESMAC	Regional Center of Maritime Security in Central Africa
CREMAO	Regional Center of Maritime Security in West Africa
ECCAS	Economic Community of Central African States
ECOWAS	Economic Community of West African States
EEZ	exclusive economic zone
EIA	environmental impact assessment
FAO	Food and Agriculture Organization of the United Nations

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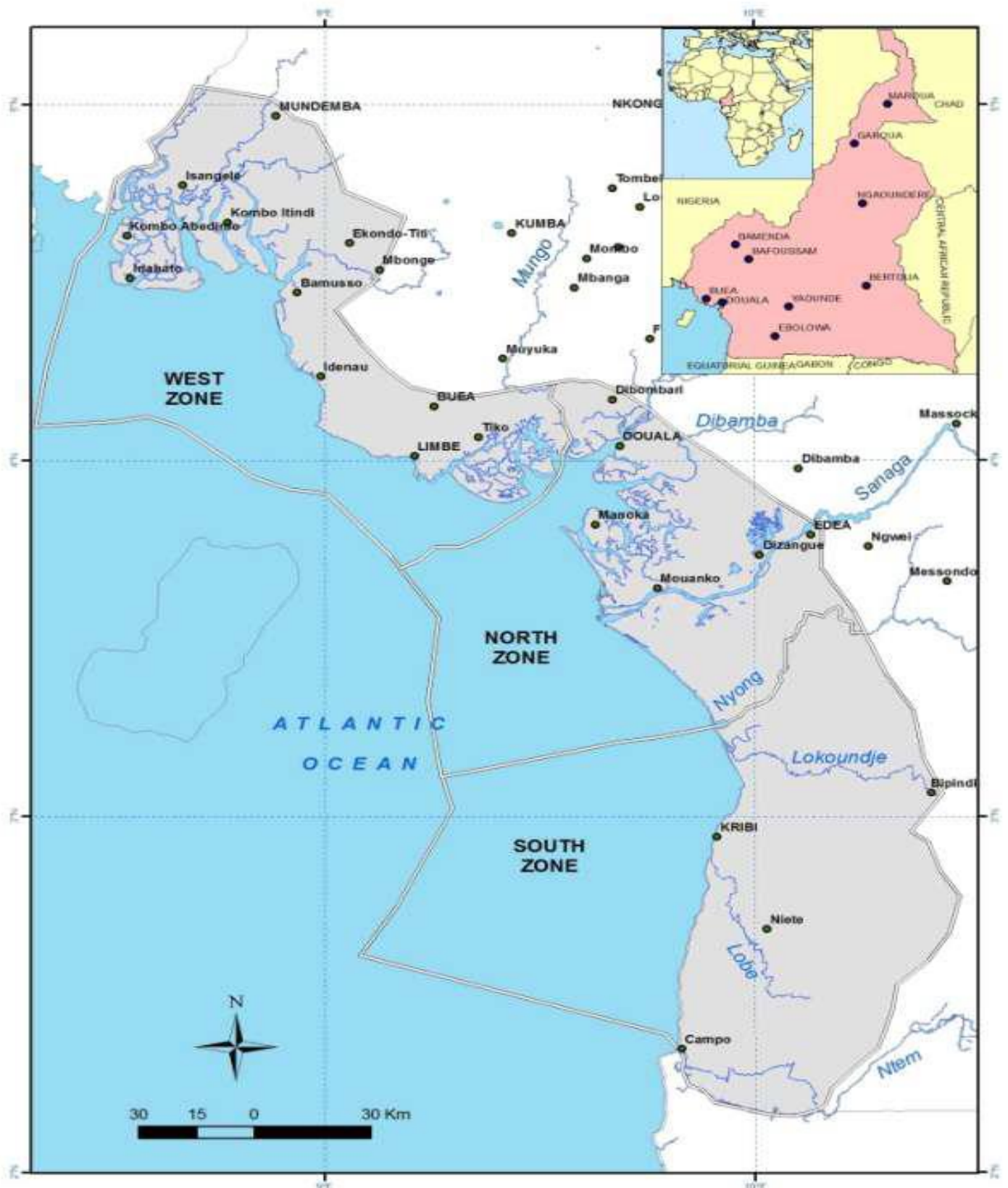
GCLME	Guinea Current Large Marine Ecosystem
GDP	gross domestic product
GGC	Gulf of Guinea Commission
ICC	Interregional Coordination Centre
ICRW	International Convention for the Regulation of Whaling
IMO	International Maritime Organization
IOC/UNESCO	Intergovernmental Oceanographic Commission of UNESCO
IPOA-IUU	International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing
IRAD	Institute of Agricultural Research for Development
IUCN	International Union for Conservation of Nature
IUU	illegal, unreported, and unregulated
IWC	International Whaling Commission
MARPOL	International Convention for the Prevention of Pollution from Ships
MCC	Multinational Coordination Centre
MINDEF	Ministry of Defence
MINEPAT	Ministry of the Economy, Planning and Regional Development
MINEPDED	Ministry of Environment, Nature Protection and Sustainable Development
MINEPIA	Ministry of Livestock, Fisheries and Animal Industries
MINFI	Ministry of Finance
MINFOF	Ministry of Forests and Wildlife
MINMIDT	Ministry of Mines, Industry and Technological Development
MINRESI	Ministry of Scientific Research and Innovation
MINREX	Ministry of External Relations
MINTOUL	Ministry of Tourism and Leisure

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MINTRANS	Ministry of Transport
MoU	Memorandum of Understanding
MOWCA	Maritime Organisation for West and Central Africa
MSR	marine scientific research
NEMP	National Environmental Management Plan
PRC	presidency of the Republic of Cameroon
PSC	port State control
REDD	reducing emissions from deforestation and forest degradation in developing countries
RFBs	regional fisheries bodies
RFMO	regional fisheries management organization
SCDP	Cameroon Petroleum Depot Company
SDGs	Sustainable Development Goals
SNH	National Hydrocarbons Corporation
SOLAS	International Convention for Safety of Life at Sea
SONARA	National Refining Company
STCW	Standards of Training, Certification, and Watchkeeping for Seafarers
UNCLOS	United Nations Convention on the Law of the Sea
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNEP	United Nations Environment Programme
UNFCCC	United Nations Framework Convention on Climate Change
UNWTO	United Nations World Tourism Organization
WTO	World Trade Organization
WTTC	World Travel and Tourism Council

**MAP OF THE COASTAL ZONE OF CAMEROON**

This Map of the Coastal Zone of Cameroon is derived from the 2010 ICZM Implementation Report for the

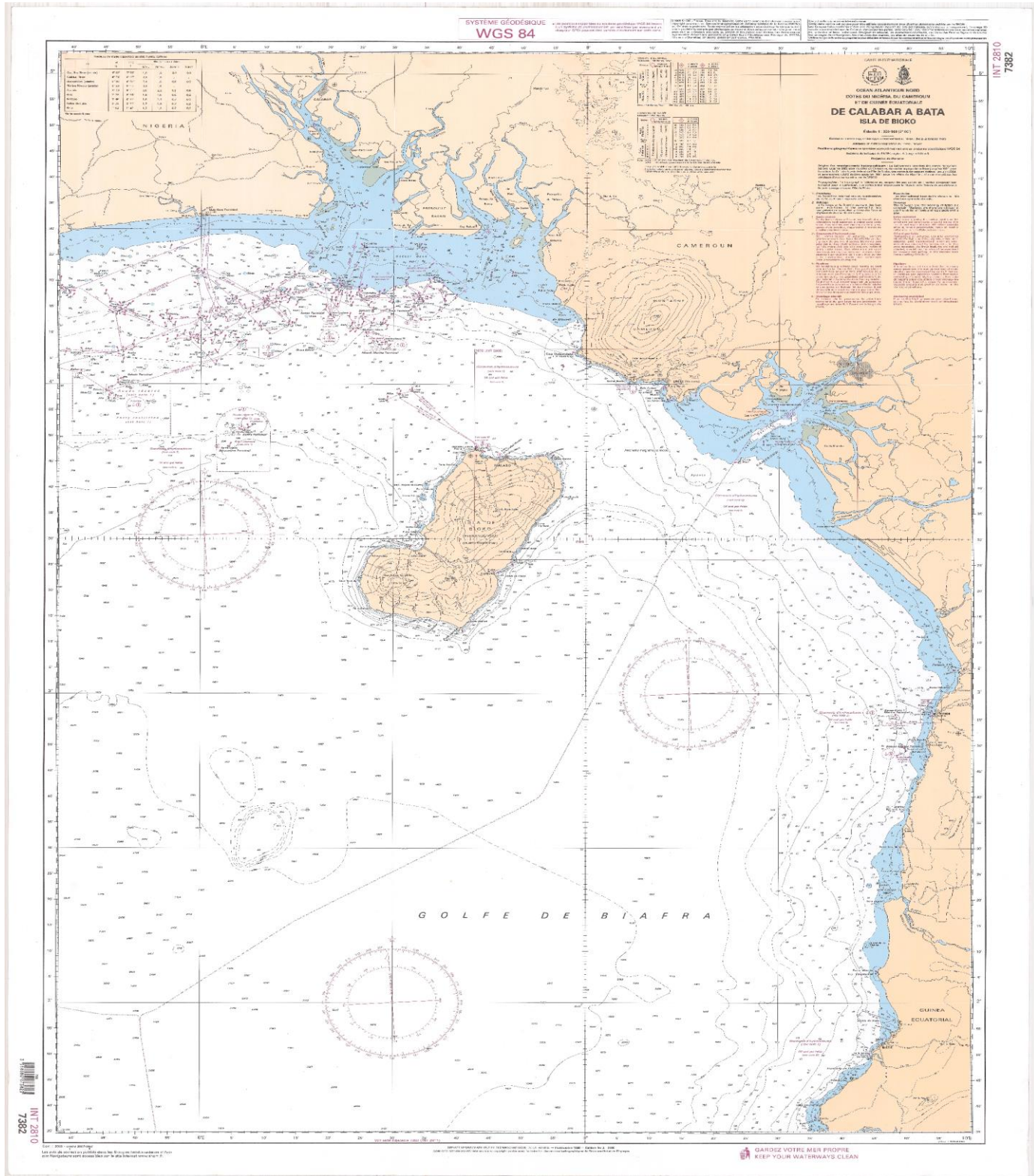


Kribi-Campo Region of Cameroon under the Project GP/RAF/04



**NORTH ATLANTIC OCEAN**

Marine Map of Nigeria, Cameroon and Equatorial Guinea



This Marine Map of Nigeria, Cameroon and Equatorial Guinea is from the National Institute of Cartography of Cameroon.

### EXECUTIVE SUMMARY

This study examines ocean governance in Cameroon in relation to the United Nations Convention on the Law of the Sea (UNCLOS) adopted in Montego Bay on 10 December 1982, which entered into force on 14 November 1994, and other related international and regional conventions, including those established under the auspices of the International Maritime Organization (IMO), the Food and Agriculture Organization of the United Nations (FAO), the United Nations Environment Programme (UNEP), the Gulf of Guinea Commission (GGC), and the Economic and Monetary Community of Central Africa. It provides a high-level overview of Cameroon's legal and institutional frameworks on maritime affairs and the law of the sea, includes two priority areas of strategic importance to the State, and identifies priority capacity-building needs. The present OGS discusses how best to maximise the gains of the country's ocean sector. With a coastline of 402 km, Cameroon has integrated into its Constitution of 18 January 1996 its Poverty Reduction Strategy Paper, Growth and Employment Strategy Papers and now its *National Development Strategy 2020–2030* (Republic of Cameroon 2020), considerations leading to both unitary and decentralized governance of the natural resources contained in its maritime domain.

The OGS focuses on the management of the ocean and its resources by the State of Cameroon and its decentralized territorial authorities. It presents the current status of international, regional and national legal and institutional frameworks; their application and implementation; and cross-cutting gender and blue economy issues in key sectors, namely conservation and use of living marine resources, safety and security of shipping, exploration and exploitation of non-living resources, coastal and marine tourism, protection and preservation of the marine environment and marine scientific research. It also addresses two priority areas of strategic importance which concern, first, the integrated management of coastal zones in terms of fisheries and the repression of offences related to the exploitation of fisheries resources and, second, the decentralization of ocean governance in Cameroon, which will be considered, among other things, in the light of Cameroon's current decentralization policy.

Specifically, the aim is to analyze the legal framework for the management of the various ocean sectors in Cameroon, to identify the shortcomings that weaken the actions of the various sectoral institutions with mandates over these sectors and to present the existing conflicts of interest or overlaps in the areas of competence or attributions to the said sectoral institutions.

In the first priority area, concerning the integrated management of coastal zones in terms of fisheries and the repression of infractions related to the exploitation of fisheries resources, the fisheries sector in the coastal region of Cameroon is based on a non-inclusive and non-participatory sectoral governance model which may contribute to the development of illicit maritime activities such as overfishing and illegal, unreported and unregulated (IUU) fishing and generates conflicts of competence between the different national institutions involved in the governance of the marine environment. The legal and institutional framework, the procedures implemented for the monitoring of fishing activities and the control of fisheries resources were examined in this priority area. An in-depth analysis of the problems related to fisheries governance, the large influx of foreign artisanal fishers in coastal areas and the definition of catch quotas was also carried out.

The second priority area of decentralization of ocean governance in Cameroon is based on the 1996 Constitution of the Republic of Cameroon, which expresses the will to involve local communities in the governance of its natural resources in marine and coastal areas. For a better analysis, the legal and institutional framework was highlighted, as well as the application and implementation of the decentralized oceans framework and the cross-cutting issues of gender and the blue economy, including the benefits and challenges faced by the sector.

In terms of results, it was noted that UNCLOS and other related international and regional conventions contain important elements that would allow Cameroon to revise or redefine new legal, institutional and operational frameworks to establish sustainable ocean governance. Other findings also show that the current state of the coordination process of the different sectors mentioned above suffers from jurisdictional gaps and conflicts. These gaps in the management system of the ocean and its resources in Cameroon result, inter alia, in a lack of effective monitoring, control and surveillance in Cameroon's ocean domain due to weak management systems caused by weak implementation of legislation.

It is also evident that particular problems such as maritime piracy, armed robbery at sea, IUU fishing and maritime terrorism continue to affect the Cameroonian maritime domain as well as the Gulf of Guinea region. There are also institutional problems such as administrative burdens, limited consultation between institutions, lack of follow-up, limited collaboration between sectoral institutions, insufficient human resources, limited qualified personnel, overlapping competences of institutions and conflicting mandates in the exercise of their missions at sea, and lack of academic training in coastal zone management.

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In view of the above, some short-, medium- and long-term capacity-building needs were suggested to better manage Cameroon's maritime sector. Short-term capacity-building needs include the acquisition of equipment, training of qualified human resources, financing of, strengthening of the institutional framework, and acquisition of adequate software for effective management of marine protected areas. Medium-term capacity-building needs include the provision of equipment and materials and institutions for coastal and marine area protection and management. Other medium-term capacity-building needs include training of staff to adapt to changing demands and capacity-building needs in the oceans. Finally, long-term needs include the revision of obsolete laws, the establishment of a national ocean governance policy, the reinforcement of security in the maritime space, ecological monitoring, the purchase of logistics for operational needs such as patrols, inspections and environmental controls, the training of personnel in new information technologies, the financing of projects and the reinforcement of the technical and operational capacities of local institutions.

The study concludes that ocean governance in Cameroon has been based on a sectoral approach in the management of the vast marine spaces, resources and activities in its maritime domain which has not yielded optimal results in the sustainable exploitation of these resources to reduce poverty and increase the standard of living of citizens. This study recommends an integrated approach and the establishment of an integrated institution to optimally manage the State's action in its maritime domain. In addition, the study recommends that the government be sensitized to the importance of participatory and integrated coastal zone management in the exploitation of marine resources. It suggests the urgent need to develop a national ocean governance policy and to build legal capacity through training and review existing legislation to adapt it to the current national and international context.

### INTRODUCTION

UNCLOS, which was adopted on 10 December 1982 and entered into force on 14 November 1994, sets out a comprehensive framework for ocean governance, and has been referred to as “a Constitution of the Oceans”. Other international ocean-related instruments and State Parties’ national laws and regulations, policies, and institutions should comply with the provisions, spirit and intent of UNCLOS.

UNCLOS, which celebrated the fortieth anniversary of its adoption on 10 December 2022, was ahead of its time in resolving age-old problems and continues to provide the foundation for the operation of ocean affairs and the law of the sea, including the protection and preservation of the marine environment, marine scientific research and transfer of technologies that are new approaches and are increasingly incorporated in ocean governance frameworks, all in the light of sustainable development.

This study provides an overview of Cameroon’s legal and institutional frameworks for ocean governance in compliance with the provisions of UNCLOS and related international and regional instruments. This is accomplished through the analysis of an inventory of legal and institutional frameworks for the following ocean sectors:

- Conservation and utilization of marine living resources;
- Safety and security of shipping;
- Exploration and exploitation of non-living resources;
- Coastal and marine tourism;
- Protection and preservation of the marine environment; and
- Marine scientific research.

In addition to these, the study provides a more in-depth analysis of two priority sectors of strategic importance to Cameroon, namely the integrated management of coastal zones in terms of fisheries and the repression of offenses related to the exploitation of fishery resources, and the protection of the rights of coastal populations in the exploitation of marine resources, the latter of which is considered, *inter alia*, in the light of Cameroon’s current decentralization policy.

Cameroon has practiced a sectoral approach to managing the vast marine spaces, resources and activities within its maritime domain. This has not yielded optimum results in sustainably harnessing these resources to eradicate poverty and raise the living standards of the citizens.

## **Legal and Institutional Framework for Ocean Governance in Cameroon**

Different governmental ministries handle different activities in their respective domains. An integrated approach and an integrated institution are highly required to optimally manage the State's action in its maritime domain.



# 1. OVERVIEW OF CAMEROON'S IMPLEMENTATION OF UNCLOS AND OTHER RELATED OCEAN GOVERNANCE MULTILATERAL INSTRUMENTS

## 1.1. UNCLOS and other ocean-related multilateral legal frameworks in Cameroon

### 1.1.1. National maritime domain

The Republic of Cameroon is located in the Central African sub region at the center of the Gulf of Guinea Large Marine Ecosystem and has a coastline of about 402 km<sup>1</sup> extending from the border with Equatorial Guinea south of Campo River Estuary (2°20' N) to the Nigerian border north of Akwayafe River (4°40' N). Cameroon has a surface area of 475,412 km<sup>2</sup> with a population of about 23 million. Cameroon is open to the Atlantic Ocean with a continental shelf area of up to 200 nautical miles, measuring 13,000–14,000 km<sup>2</sup>. The territorial sea is limited to 12 nautical miles by the Island of Malabo, and there is a need to delineate the outer limits of the continental shelf extending beyond 200 nautical miles.<sup>2</sup>

Cameroon's maritime region is in the Gulf of Guinea, one of the world's most dangerous maritime spaces for ships, seafarers and maritime trade.<sup>3</sup> It should be underscored that maritime security in the Gulf of Guinea is crucial to Atlantic maritime security.<sup>4</sup> Maritime insecurity has compromised the geostrategic importance of this maritime area, threatening maritime trade and regional stability. One of the reasons for the dangerous nature of this area is the overlapping maritime claims among States of the Gulf of Guinea, such as Cameroon and Nigeria (discussed below), and at the Joint Development Zone between Nigeria and São Tomé and Príncipe. This has precipitated armed conflicts, especially where these maritime zones contain significant economic potentials or are strategic transportation hubs. It is becoming clear that the rising insecurity in the Gulf of Guinea can be attributed to challenged governance frameworks at the national and regional levels and lack of effective cooperation, a context in which criminal

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<sup>1</sup> Sayer A.J. Harcourt S.C. Collins: The Conservation Atlas of Tropical Forest Africa, IUCN, Maximilian Publishers, London, 1992, p. 13-130.

<sup>2</sup> The Republic of Cameroon submitted preliminary information with the Commission on the Limits of the Continental Shelf indicative of the outer limits of its continental shelf beyond 200 nautical miles (MINREX, 2009; DOALOS 2009).

<sup>3</sup> The International Maritime Bureau's 2020 report shows that 135 seafarers were kidnapped and 84 attacks on ships were recorded in the Gulf of Guinea. The same report showed that the region experienced a 50 per cent increase in ransom kidnapping from 2018 to 2019. The Gulf of Guinea remains the most dangerous maritime zone, accounting for 95 per cent of kidnapping globally (International Maritime Bureau, 2021).

<sup>4</sup> S/RES/2634(2022).

networks have been seen to intensify their activities. The Gulf of Guinea faces various challenges such as piracy, IUU fishing, oil bunkering, drug trafficking, and marine pollution.<sup>5</sup>

Cameroon's diverse ecosystem is largely representative of Africa's broader ecosystem, resulting in the country's affectionately being referred to as Africa in miniature<sup>6</sup>. Cameroon's marine resources are the cornerstone of the country's economy, significantly contributing to the population's well-being. Cameroon is one of the ecologically diverse African countries, ranking fifth after South Africa, Democratic Republic of Congo, Madagascar, and Tanzania in biodiversity richness with a high degree of endemism.<sup>7</sup>

On maritime delimitation, on 29 March 1994, Cameroon filed a suit at the International Court of Justice against Nigeria on the land and maritime boundary between Cameroon and Nigeria with respect to the question of sovereignty over the Bakassi Peninsula, requesting the Court to determine the course of the maritime boundaries between the two States.<sup>8</sup> Cameroon filed an additional application on 6 June 1994 on the question of the sovereignty over part of the territory of Cameroon in the Lake Chad requesting the Court to determine definitively the frontier between Cameroon and Nigeria from Lake Chad to the sea. On 30 June 1999, the Republic of Equatorial Guinea applied for permission to intervene in the case pursuant to Article 62 of the Statutes of the International Court of Justice.

In its judgment of 10 October 2002, the Court determined the course of the boundary, from north to south, between Cameroon and Nigeria. The Court also requested Nigeria to expeditiously and without condition withdraw its administration and military or police forces from the area of Lake Chad falling within Cameroonian sovereignty and from the Bakassi Peninsula. In the Lake Chad area, the Court decided that the boundary was delimited by the Thomson-Marchand Declaration of 1929–1930, as incorporated in the Henderson-Fleuriau exchange of notes of 1931 between Great Britain and France. It found that the boundary started in the Lake Chad area from the Cameroon-Nigeria-Chad tripoint (whose co-ordinates it defined) and followed a straight line to the mouth of the River Ebeji as it was in 1931 (whose co-ordinates it also defined) and thence ran in a straight line to the point where the river today divided into two branches. Furthermore, between Lake Chad and the Bakassi Peninsula, the Court confirmed that the following instruments delimited the boundary:

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<sup>5</sup> Ibid.

<sup>6</sup> McSweeney C, New M; and Lizcano, "UNDP Climate Change Country Profiles", Cameroon, 2008.

<sup>7</sup> Ibid.

<sup>8</sup> Cameroon v. Nigeria: Equatorial Guinea Intervening (2002).



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- From the point where the River Ebeji bifurcated as far as Tamnyar Peak, by the Thomson-Marchand Declaration of 1929–1930 (paras. 2-60), as incorporated in the Henderson-Fleuriau exchange of notes of 1931;
- From Tamnyar Peak to pillar 64, referred to in Article XII of the Anglo-German Agreement of 12 April 1913 by the British Order in Council of 2 August 1946; and
- From pillar 64 to the Bakassi Peninsula, by the Anglo-German Agreements of 11 March and 12 April 1913.

On the Bakassi Peninsula, the Court decided that the boundary was delimited by the Anglo-German Agreement of 11 March 1913 and that sovereignty over the Bakassi Peninsula lay with Cameroon. It decided that in that area, the boundary followed the thalweg of the River Akpakorum (Akwayafe), dividing the Mangrove Islands near Ikang as shown on map TSGS 2240 as far as a straight line joining Bakassi Point and King Point. It also requested that Cameroon expeditiously and without condition withdraw any administration or military or police forces that might be present along the land boundary from Lake Chad to the Bakassi Peninsula on territories which, pursuant to the judgment, fell within the sovereignty of Nigeria. The latter had the same obligation in regard to territories in that area that fell within the sovereignty of Cameroon. The Court took note of Cameroon's undertaking, given at the hearings, to "continue to afford protection to Nigerians living in the Bakassi Peninsula and the Lake Chad area."<sup>9</sup> The Greentree Agreement of 2006 formally resolved the Cameroon-Nigeria border dispute over the oil- and gas-rich Bakassi Peninsula.<sup>10</sup>

Cameroon has not officially delimited its maritime boundaries with its other neighbouring coastal State, Equatorial Guinea. But there exist recognized median lines between Cameroon and Equatorial Guinea as limits of their maritime jurisdiction.<sup>11</sup>

### 1.1.2. Maritime zones of Cameroon

Law No. 2000/02 of 17 April 2000 relating to Maritime Areas of the Republic of Cameroon fixes the limits of Cameroon's maritime zones. The Law, in conformity with UNCLOS, provides for four maritime zones: the territorial sea, the contiguous zone, the exclusive economic zone (EEZ), and the continental shelf.

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<sup>9</sup> Paragraph 317, ICJ 2002, Cameroon v. Nigeria.

<sup>10</sup> The dispute had roots as far back as 1913.

<sup>11</sup> Pursuant to Article 15 of UNCLOS, where two coastal States are opposite or adjacent to each other, neither of the two States is entitled, "failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest point on the baseline from which the breadth of the territorial seas of each of the two States is measured".

## Legal and Institutional Framework for Ocean Governance in Cameroon

UNCLOS makes provision for different maritime zones, some of which are within the sovereignty of coastal States, or are zones where it can exercise sovereign rights and/or jurisdiction. These maritime zones include the territorial sea, the contiguous zone, the EEZ, and the continental shelf. Other maritime zones beyond the national jurisdiction of coastal States are the high seas and the Area. The zoning is also essential for the conservation and management of marine resources.

The territorial sea is addressed by Articles 2–16 of UNCLOS. The coastal State’s sovereignty extends beyond its land territory and internal waters to the territorial sea. The territorial sea is up to 12 nautical miles measured from the baseline. The coastal State enjoys sovereignty over its territorial sea, subject to the provisions of UNCLOS and applicable international law. It has the power to make laws and regulations for the use of resources in this area. Ships of all States are granted the right of innocent passage under international law through the territorial sea of other States. Innocent passage is defined by Article 19(2) of UNCLOS as passing through waters in an expeditious and continuous manner that is not “prejudicial to the peace, good order or security” of the coastal State. Activities such as fishing, polluting, weapon practice, and spying are not innocent passage. Submarines and other underwater vehicles must navigate on the surface and show their flag. Still, they are allowed to maintain a posture that would not be illegal in the territorial sea.

The Contiguous Zone is the maritime area adjacent to the territorial sea where the coastal State may exercise control to prevent infringement of its customs, fiscal, immigration or sanitary laws and regulations within its territory or territorial sea. Article 33 states that the coastal State may exercise the control necessary to punish infringement of its laws and regulations committed within its territory or territorial sea.<sup>12</sup> Article 33 of UNCLOS is the sole article dealing with the contiguous zone. It sets its limit as not exceeding 24 nautical miles from the baselines from which the breadth of the territorial sea is measured.<sup>13</sup>

The exclusive economic zone (EEZ) extends from the edge of the territorial sea to 200 nautical miles from the baseline.<sup>14</sup> The coastal State has sole rights to explore and exploit the natural resources within this area. The EEZs were introduced to halt the increasingly heated clashes over fishing rights, although oil was also becoming important. In the EEZ, the coastal State has

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<sup>12</sup> Article 33 of UNCLOS.

<sup>13</sup> Ibid.

<sup>14</sup> Article 57 of UNCLOS.

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- a) the sovereign rights to explore, exploit, conserve, and manage the natural resources, both living and non-living, of the waters adjacent to the seabed as well as those of the seabed and its subsoil. These rights also pertain to other activities for this zone's economic exploitation and exploration, like the creation of energy from wind and water currents;
- b) jurisdiction over marine scientific research, the creation and usage of artificial islands, facilities, and buildings, as well as the protection and preservation of the marine environment; and
- c) other rights and duties provided by UNCLOS.<sup>15</sup>

Another zone within the scope of UNCLOS is the continental shelf, which is a natural prolongation of land territory to the outer edge of the continental margin or to a distance of 200 nautical miles from the coastal State's baseline, whichever is greater. The State's continental shelf may exceed 200 nautical miles until the natural prolongation ends, but it will either not exceed 350 nautical miles from the baselines or it may not exceed 100 nautical miles beyond the 2500-meter isobath.<sup>16</sup> The coastal State has the right to harvest minerals and other non-living resources in the subsoil of its continental shelf, to the exclusion of other States. The coastal State also has the right to exclusive control over the living resources attached to the continental shelf but not the creatures living in the water column beyond the EEZ. Following its obligations and rights, only the coastal State has the right to install cables and pipelines on its continental shelf.<sup>17</sup>

The water column beyond the EEZ or the territorial sea where no State claims an EEZ is the high seas, representing approximately 64 percent of the ocean's surface. Pursuant to Article 87(1) of UNCLOS, the high seas are open to all States, whether they are coastal or landlocked. Freedom of the high seas is exercised under conditions laid down by UNCLOS and international law. For both coastal and landlocked States, freedom of the high seas consists, *inter alia*, of: (a) freedom of navigation; (b) freedom of overflight; (c) freedom to lay submarine cables and pipelines; (d) freedom to construct artificial islands and other installations permitted under international law; (e) freedom of fishing; and (f) freedom of scientific research.<sup>18</sup> Furthermore, per Article 87(2), these freedoms shall be exercised by all States with due regard for the interests of other States in their exercise of the freedom of the high seas and also with

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<sup>15</sup> Article 57 of UNCLOS.

<sup>16</sup> Article 76 of UNCLOS.

<sup>17</sup> Article 79 of UNCLOS.

<sup>18</sup> Art. 87, para 1, of UNCLOS.

regard to the rights under UNCLOS with respect to activities in the Area. By its resolution 72/249 of 24 December 2017, the General Assembly decided to convene an intergovernmental conference on an international legally binding instrument under UNCLOS on the conservation and sustainable use of marine biodiversity of areas beyond national jurisdiction.<sup>19</sup>

Finally, the Area is another significant maritime zone recognized by UNCLOS. According to Article 1(1) of UNCLOS on use of terms and scope, the “Area” means the seabed, the ocean floor, and the subsoil thereof beyond the limits of national jurisdiction. Activities in the “Area” mean all activities of exploration and exploitation in the Area. Pursuant to article 136 of UNCLOS, the Area and its resources are the common heritage of humankind.<sup>20</sup> No State shall claim or exercise sovereignty or sovereign rights over any part of the Area or its resources, nor shall any State or natural or juridical person appropriate any part of the Area.<sup>21</sup> All rights in the resources in the Area which are not alienable to mankind as a whole subject to the rules, regulations and procedures of the Authority.

According to Law No. 2000/02 of 17 April 2000 relating to Maritime Areas of the Republic of Cameroon, Cameroon enjoys exclusive rights in its land territory as well as its internal waters and the territorial sea. This sovereignty extends to the water column, the seabed, its floor, and the superjacent airspace.<sup>22</sup> This law adopts 12 nautical miles measured from the baseline as the breadth of the territorial sea of Cameroon.<sup>23</sup> Section 5(2) specifies that where there are water mouths, bays, ports, harbors, and other indentations, or a chain of islands along the coast, the baseline from which the territorial sea is measured shall be the straight baseline pursuant to UNCLOS. The measurement of the territorial sea is clarified by Decree No. 71/DF/416 of 26 August 1971, which states in its Article 1 that within the gulfs, bays and roadsteads of Cameroon, the lines from which are reckoned the eighteen nautical miles forming the limit of the territorial waters, in application of Article 5 (revised) of the Merchant Shipping Code, shall be defined from north to south as follows:

- 1) Roadstead formed by the river Akwafe: A line was drawn from Bakassi Point to Hanley Point, then from this point to Sandy Point and from Sandy Point to the East Point.
- 2) Roadstead formed by the mouth of the Rio del Rey: A line was drawn from Cape Bakassi to Betika Point.

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<sup>19</sup> The first such conference took place in September 2018. A fifth session was held from 15 to 26 August 2022 in New York.

<sup>20</sup> Article 136 of UNCLOS.

<sup>21</sup> Article 137, para. 1, of UNCLOS.

<sup>22</sup> Section 3 Law No. 2000-2 of 17 April 2000, Republic of Cameroon.

<sup>23</sup> Section 4, *ibid.*

- 3) Bibundi Bay: A line was drawn from Madale Point to Cape Debundscha.
- 4) Ambas Bay: A line was drawn from Cape Limboh to the South Point of Ambas Isle and then from this point to Cape Nachtigal.
- 5) Man O'War Bay: A line was drawn from Cape Nachtigal to Cape Bimbia.
- 6) Roadstead formed by the mouth of the River Bimbia: A line was drawn from Cape Bimbia to the point of intersection of the coast within the international meridian 9°21'40" East.
- 7) Roadstead formed by the mouth of the River Wouri. A line was drawn from the point defined above to Suellaba Point.<sup>24</sup>

Law No. 2000/02 of 17 April 2000 which is the current legal regime on Cameroon's maritime zones by virtue of its Section 4 established a territorial sea of 12 nautical miles in line with UNCLOS.<sup>25</sup> Section 8 of Law No. 2000/02 of 17 April 2000 bestows on Cameroon the rights and obligations of UNCLOS in its territorial sea.<sup>26</sup>

According to Section 9 of Law No. 2000/02 of 17 April 2000, the contiguous zone of the Republic of Cameroon shall be 24 nautical miles starting from the baseline from which the width of the territorial sea is measured.<sup>27</sup> Section 10 empowers the Republic of Cameroon to exercise necessary control in its contiguous zone, such as (1) preventing the violation of its customs, tax, health, or immigration laws and regulations in its territorial sea; and (2) punishing violations of the laws and regulations mentioned above within its territory or territorial sea.<sup>28</sup>

Section 12 of Law No. 2000/02 states that the Republic of Cameroon's EEZ shall stretch from the external boundary of the territorial sea.<sup>29</sup> The Law does not specifically mention the exact measurement of the EEZ. It is by inference that we take the coverage of the EEZ in Cameroon to be 200 nautical miles, as Cameroon ratified UNCLOS on 19 November 1985. Cameroon is essentially a monist State under international law by virtue of Article 45 of Cameroon's 1996 Constitution (as amended), which states that "duly approved or ratified treaties and international agreements shall, following their publication override national laws provided the other party implements the said treaty or agreement". From this article of the Constitution,

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<sup>24</sup> See: [https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/CMR\\_1971\\_Decree.pdf](https://www.un.org/depts/los/LEGISLATIONANDTREATIES/PDFFILES/CMR_1971_Decree.pdf).

<sup>25</sup> Act No. 74/16 of 5 December 1974 Fixing the Limits of the Territorial Waters of the United Republic of Cameroon repealed Article 5 of Ordinance No. 62/DF/30 of 31 March 1962 Establishing the Merchant Shipping Code and Law No. 67/LF/25 of 2 November 1967 establishing the limits of the territorial sea at 50 nautical miles. Act No. 74/16 of 5 December 1974 has been repealed according to Article 16 of Law No. 2000/02 of 17 April 2000.

<sup>26</sup> Section 8, *ibid.*

<sup>27</sup> Section 9, *ibid.*

<sup>28</sup> Section 10, *ibid.*

<sup>29</sup> Section 12, *ibid.*

Cameroon's ratification of UNCLOS inferred claiming an EEZ of not more than 200 nautical miles, as Law No. 2000/02 of 17 April 2000 is silent about a specific number.

Section 11 empowers the Republic of Cameroon to have rights, jurisdiction and obligations of a coastal State as provided by UNCLOS without prejudice to the rights and obligations of other States.<sup>30</sup>

The continental shelf of Cameroon shall comprise the seabed and the ocean floor, including those of the EEZ, which goes beyond the territorial sea and cover all the natural extension of the land territory of the Republic of Cameroon up to the farthest limit permitted by international laws. Section 14 of the 2000 Law specifies the sovereign rights of Cameroon in its continental shelf to include the exploration and exploitation of mineral resources and other non-biological natural resources as well as living organisms belonging to the sedentary species.<sup>31</sup> The Republic of Cameroon submitted preliminary information<sup>32</sup> to the Commission on the Limits of the Continental Shelf indicative of the outer limits of its continental shelf beyond 200 nautical miles.<sup>33</sup> This preliminary information was submitted in order to satisfy the time period referred to in Article 4 read together with decisions SPLOS/183 adopted at the Eighteenth Meeting of States Parties to the United Nations Convention on the Law of the Sea. As a coastal State bordering the Gulf of Guinea, Cameroon intends to assert its rights in accordance with Article 77 of UNCLOS over the whole extent of the natural prolongation of the land territory of that State to the outer edge of the continental margin.<sup>34</sup>

Section 16 of Law No. 2000/02 of 17 April 2000 relating to Maritime Areas of the Republic of Cameroon on the limits of maritime zones in Cameroon repeats the provisions of Law No. 74/16 of 16 December 1974, fixing the borders of the territorial waters of the then United Republic of Cameroon.<sup>35</sup> Section 17 states that the Law took effect retroactively from 19 November 1985, when Cameroon ratified UNCLOS.<sup>36</sup>

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<sup>30</sup> Section 11, *ibid.*

<sup>31</sup> Section 14 Law No.2000-2 of 17 April 2000.

<sup>32</sup> This application was prepared for the Government of Cameroon by the Ministry of External Relations, the Ministry of Justice, the Ministry of Mines the Institute of Cartography and the National Hydrocarbon Company (SNH).

<sup>33</sup> See: [www.un.org/depts/los/clcs\\_new/submissions\\_files/preliminary/cmr2009informationpreliminaire.pdf](http://www.un.org/depts/los/clcs_new/submissions_files/preliminary/cmr2009informationpreliminaire.pdf) and [www.un.org/depts/los/clcs\\_new/commission\\_preliminary.htm](http://www.un.org/depts/los/clcs_new/commission_preliminary.htm).

<sup>34</sup> *Ibid.*

<sup>35</sup> Section 16, *ibid.*

<sup>36</sup> Section 17, *ibid.*

### 1.1.3. Cameroon's participation in UNCLOS

The Republic of Cameroon is a party to UNCLOS, having signed the Convention on 10 December 1982 and ratified it on 19 November 1985. Therefore, the convention came into force for Cameroon at the same time of its entry into force on 16 November 1994. Cameroon is also a party to the Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea of 10 December 1982, having signed it on 4 May 1995 and ratified it on 28 August 2002.

Cameroon has yet to become a signatory or a party to the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (United Nations Fish Stocks Agreement). This agreement aligns with the regional Ministerial Conference on Fisheries Cooperation between African States Bordering the Atlantic Ocean (COMHAFAT), whose principal mandate includes, inter alia, the conservation and management of fisheries resources and the assessment and conservation of highly migratory species.

## 1.2. Overview of other ocean governance instruments and institutions to which Cameroon is a party

### 1.2.1. Other ocean governance institutions/instruments

Regarding the ocean's different sectors, some legal instruments and institutions besides UNCLOS regulate maritime activities in Cameroon as a member State. On the international front, the creation of the United Nations in 1945 provided an institutional framework under which many legal regimes protect and sustain the maritime sector. As noted above, Cameroon is a monist State with regard to the application of treaties by virtue of Article 45 of the 1996 Constitution of the Republic of Cameroon (as amended).

#### a) International Maritime Organization (IMO)

IMO is a specialized agency of the United Nations which fosters international cooperation and exchange of information among member States on technical matters affecting merchant shipping. IMO encourages the general adoption of maritime safety standards and works to prevent and control marine pollution. Many international conventions for protecting the sea from pollution and maritime safety have been held under its auspices.

With regard to ship safety and prevention of pollution from ships, the Republic of Cameroon is a party to the following instruments:



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The *International Convention for Safety of Life at Sea* (SOLAS; 1974) as amended. Cameroon deposited its instrument for accession to the Convention on 15 May 1984, which was accepted and took effect from 14 August 1984. SOLAS establishes minimum requirements for the design, installation, and operation of ships to enhance and ensure their safety. Additionally, SOLAS allows for issuing several certificates proving that a flag State abides by its responsibilities. Governments of State parties may inspect ships of other State parties under the port State control rules of SOLAS if they have compelling reasons to suspect that the ship and its equipment do not substantially conform to the Convention.

On port State control to ensure the safety, security, and protection of the marine environment in the Gulf of Guinea, the *Abuja Memorandum of Understanding (MoU) on Port State Control*, to which Cameroon is a party, was signed in 1999 during a meeting organized by IMO and hosted by the government of the Federal Republic of Nigeria. The Abuja MoU is a legal document under which countries of the region agreed to develop and implement a common mechanism for their respective port State control activities. The main achievement of this MoU is the harmonization of the port State control procedures and practices of all the countries in the region aimed at eliminating the operation of substandard shipping practices in the region, thereby ensuring maritime safety and security, protection of the marine environment from pollution, improving the working and living conditions of the ship crew and the facilitation of regional cooperation and exchange of information among member States.<sup>37</sup>

In order to prevent pollution of the marine environment from vessels, the *International Convention for the Prevention of Pollution from Ships (MARPOL) (1973)* and its modifying Protocol of 1978, popularly known as MARPOL 73/78, were adopted by IMO.<sup>38</sup> The Convention applies to all ships operating in the marine environment under a party's nationality or ships operating under a party's authority. The main goal of MARPOL is to create a verifiable, enforceable regime to prevent pollution discharges from ships. Cameroon is a party to MARPOL in all its Annexes I–V on oil, harmful liquids, packages, hazardous substances, sewage, and garbage but has yet to ratify Annex VI on plastic pollution.<sup>39</sup>

Cameroon became a party to the *International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (Intervention Convention; 1969)* and its

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<sup>37</sup> Abuja MoU on Port State Control. Accessed at <https://www.abujamou.org/post/mou90.pdf>.

<sup>38</sup> The Convention came into place in direct response to notorious cases of pollution from large vessels, such as the *Exxon Valdez*, *SS Torrey Canyon*, *MV Braer* and *Amoco Cadiz* incidents that spilled millions of gallons of oil into the sea. The effects of these spills were devastating, leaving the marine resources and the ecosystem in total disarray.

<sup>39</sup> The Republic of Cameroon has not ratified Annex VI of MARPOL Convention.



Protocol by signing the Convention on 17 December 1970, and ratifying it on 14 May 1984. The Intervention Convention seeks to protect States from pollution resulting from maritime casualties. State parties are to take such measures on the high seas as may be necessary to prevent, reduce or eliminate danger and imminent danger to their coastline or related interests from pollution by oil due to maritime casualty or acts related to it.

Cameroon ratified the *International Convention on Civil Liability for Oil Pollution Damage (CLC; 1992)* on 15 October 2002. This Convention's objective was to adopt uniform international rules and procedures for determining liability questions and providing adequate compensation. In such cases, it establishes strict liability against shipowners, making it mandatory for them to have compulsory liability insurance.

Cameroon ratified the *International Convention for the Establishment of an International Fund for Compensation for Oil Pollution Damage (Fund Convention; 1971)* on 12 August 1984. The Fund Convention<sup>40</sup> creates a burden-sharing system in which the owners of oil cargo, such as oil companies, contribute to the overall cost of a tanker accident. In this way, the owners of ships do not shoulder the entire cost of such a catastrophe. The motive behind the Fund Convention was to provide additional compensation from funds accumulated by contributions by levies made upon receivers of crude or heavy oil whose business is located within countries that are parties to the Convention.<sup>41</sup>

### **b) Food and Agriculture Organization of the United Nations (FAO)**

The FAO, a United Nations specialized agency, has carried out a wide range of interventions, such as implementing a special program for food security and strengthening national capacities for formulating food- and agriculture-related policies and projects over the years. FAO coordinates regional fisheries management organizations (RFMOs) that address the management of living marine resources. There are approximately 17 RFMOs (of the 40 marine regional fisheries bodies [RFBs] identified by FAO) which impinge on large marine ecosystems throughout the world such as the Guinea Current Large Marine Ecosystem (GCLME). The RFBs and RFMOs in the GCLME where the Cameroon maritime zone is located include COMHAFAT, the Fishery Committee for the Eastern Central Atlantic (CECAF) and the Regional Fisheries Committee for the Gulf of Guinea (COREP).

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<sup>40</sup>IOPC Funds, 2023b, accessed at <https://iopcfunds.org/fr/a.propos-des-fipol/etats-membres/etats-membres-des-fipol/>.

<sup>41</sup> Susan Hodges and Christopher Hill: Principles of Maritime Law (Bath Press, London, 2001, p. 145).

Cameroon joined FAO in 1960, and cooperation was further strengthened with the opening of an FAO representation in 1978. Relevant instruments of FAO to which Cameroon is a party include:

The *Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas* (Compliance Agreement). This agreement aims to enhance the role of flag States and ensure that a State strengthens its control over its vessels to ensure compliance with international conservation.

The *Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unregulated and Unreported Fishing*. This is a binding international agreement specifically addressing IUU fishing. Pursuant to its Article 2, it aims to prevent, deter and eliminate IUU fishing through the implementation of effective port State measures to ensure the long-term conservation and sustainable use of living marine resources and marine ecosystems.<sup>42</sup> To this end, port States may take prescribed measures with a view to ascertaining whether a vessel requesting entry to port has engaged in IUU fishing and, if so determined, may deny such vessel's entry into its port. It is noteworthy that in terms of the repression of IUU fishing, Cameroon is still in the process of ratifying the FAO Agreement on Port State Measures of 2009.

The *FAO Code of Conduct for Responsible Fisheries* (1995). This is a voluntary instrument adopted in resolution 4/95 by the FAO Conference on 31 October 1995. It is intended to be implemented holistically by Governments and stakeholders involved in fisheries and aquaculture at the national, subregional and regional levels. The Code aims to establish international standards for responsible fishing practices leading to the long-term and sustainable conservation, management and development of living marine resources, ecosystems and biodiversity.<sup>43</sup>

The Fishery Committee of Eastern and Central Atlantic (CECAF) was established in 1967 under Article VI (2) of FAO's Constitution. The area of concentration of CECAF coincides with FAO's major fishing area No. 34 and includes areas under national jurisdiction as well as high seas. The main objective of CECAF is to promote the sustainable utilization of

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<sup>42</sup> Art. 2 of the PSMA.

<sup>43</sup> FAO 1995. See: <https://www.fao.org/iuu-fishing/international-framework/code-of-conduct-for%20responsible-fisheries/en/>.

marine living resources within its area of competence by properly managing and developing fisheries and fishing operations. Cameroon is a member State of the committee (FAO, 2023).<sup>44</sup>

### c) United Nations Environment Programme (UNEP)

UNEP, the “environmental conscience” of the United Nations, is the first United Nations organization with an exclusive environmental mandate. UNEP has been instrumental in drafting, facilitating, and negotiating several environmental treaties. It coordinates and seeks solutions to environmental problems facing countries and agencies globally. One of the key functions of UNEP is the maintenance of information systems.

Concerning the protection of biological diversity, Cameroon is a party to the *Convention on Biological Diversity (CBD; 1992)* coordinated and operating under the auspices of UNEP. Cameroon adopted Law No. 96/12 of 5 August 1996 as one of the national implementation instruments of the CBD. The Law regulates access and benefits sharing concerning genetic resources. This law is discussed in detail in section 3.2 below.

At the regional level in the Gulf of Guinea, Cameroon is a party to the *Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region* and the *Protocol Concerning Co-operation Combating Pollution in Cases of Emergency* (Abidjan Convention; 1981), which aims to protect the marine environment and coastal zones in the Gulf of Guinea subregion. Cameroon became a party to the Convention by ratification on 20 February 2021. This Convention seeks to protect the marine environment, coastal zones, and related internal waters within the jurisdiction of States of the West and Central African regions. Article 4, paragraph 1, of the Convention mandates member States to take appropriate steps jointly or individually to prevent, reduce, combat and control pollution of the Convention area and to ensure sound environmental management of natural resources using the best practical means at their disposal according to their capabilities.<sup>45</sup> Furthermore, article 4, paragraph 3, states that States Parties must establish national laws and regulations to discharge their obligations and harmonize national policies effectively.<sup>46</sup>

### d) International Union for Conservation of Nature (IUCN)

IUCN is an intergovernmental organization composed of both government and civil society organizations which is dedicated to finding pragmatic solutions to pressing environmental and

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<sup>44</sup> Regional fishery bodies summary description, CECAF accessed at <https://www.fao.org/cecaf/overview/en/> >.

<sup>45</sup> Article 4(1) of the Abidjan Convention 1981.

<sup>46</sup> Article 4(3) of the Abidjan Convention 1981.

development challenges. IUCN publishes the IUCN Red List comprising information from a network of conservation organizations about which species are most endangered. IUCN seeks to influence, encourage and assist societies worldwide to conserve the integrity and diversity of nature and to ensure that any use of natural resources is equitably and ecologically sustainable. IUCN supports scientific research, manages field projects worldwide and brings governments, NGOs, companies, local communities and United Nations agencies together to develop and implement policies, laws and best practices.

Under the IUCN umbrella, Cameroon is a party to the *Convention on Wetlands of International Importance Especially as Waterfowl Habitat* (Ramsar Convention; 1971). Cameroon ratified this global instrument on 13 January 2006 and hosted the 5th Pan-African Regional Meeting of the Ramsar Convention on Wetlands on 26–30 November 2007 at the Palais de Congrès in Yaoundé. The Ramsar Convention is implemented in Cameroon by inculcating the protection of wetlands of international importance into the Law No. 96/12 of 5 August 1996 Relating to Environmental Management in Cameroon. Seven Ramsar wetlands have been identified in Cameroon: the Waza-Logone floodplain, the Lake Barombi Mbo, the Cameroonian part of Lake Chad in the far north, the Cameroonian part of Lake Chad in the far east, the Rio Del Rey estuary, the River Ntem and the Ebogo Wetland.

### **e) Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

Cameroon became a party to CITES by ratifying this Convention on 5 June 1981. CITES is implemented in Cameroon by incorporating its provisions into national legislation. Order No. 0648/MINFOF of 18 December 2006 sets the list of animals of Classes, A, B and C.<sup>47</sup> Section 6 of this order states that Class A consists of the species listed in Appendix I of CITES and species belonging to groups that are settled out of the wild, are in critical danger of extinction, or are vulnerable with regards to the classification of IUCN.<sup>48</sup> Section 3(1) of the order provides that Class B consists of species that benefit from partial protection and can only be hunted, captured or killed by obtaining a hunting title or license. Section 6 states that Class B includes the species listed in Appendix II of CITES except for those already admitted into Class A at the national level of CITES classification and those in groups threatened with minor preoccupations with the categories of IUCN. Class C comprises animal species other than those in Classes A and B. Species in Class C are partially protected. Their capture and killing are

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<sup>47</sup> Hereinafter Order No. 0649.

<sup>48</sup> Section 6 of Order No 0648.

regulated to maintain their populations' dynamics.<sup>49</sup> Class C includes any mammals, reptiles and batrachians other than those of Class A and B and birds listed in Appendix III of CITES except those already admitted into Classes A or B at the national level of CITES classification or that belong to groups of minor preoccupation according to IUCN.

### **f) Intergovernmental Oceanographic Commission of UNESCO (United Nations Educational, Scientific and Cultural Organization; IOC/UNESCO)**

The main objective of IOC/UNESCO is to promote international cooperation and to coordinate programmes in research, services and capacity-building; to provide more knowledge about the nature and resources of the ocean and coastal areas; and to apply that knowledge for the improvement of management, sustainable development, the protection of the marine environment and the decision-making processes of its member States. IOC/UNESCO is understood to be a competent international organization in the fields of marine scientific research (Part XIII of UNCLOS) and the transfer of marine technology (Part XIV of UNCLOS).

Cameroon has been a member of UNESCO since 11 November 1960 and has benefitted immensely from the activities of IOC/UNESCO. The Cameroonian Ministry of Scientific Research and Innovation (MINRESI) in 2010 constituted a technical working group responsible for following up on IOC/UNESCO activities.<sup>50</sup>

### **g) International Whaling Commission (IWC)**

This Commission has existed for about 75 years and has a membership of 88 nations, including Cameroon. It was founded pursuant to the International Convention for the Regulation of Whaling (ICRW; 1946), which contains a legally binding schedule setting out limits of commercial and aboriginal subsistence whaling. The Commission's main function is to provide for the proper conservation of whale stocks, thus making possible the orderly development of the whaling industry.

Cameroon ratified the ICRW on 14 June 2005 and thus became a member of the Commission on the same day. Cameroon's efforts to protect marine mammals are seen in its ratification of IWC and adherence to CITES, as whales are included as endangered species. Cameroon has implemented the provisions of IWC concerning the conservation of living resources, which ban the capture and sale of whales.

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<sup>49</sup> Section 4 (1) of Order No. 0648.

<sup>50</sup> Through Ministerial Decision No. 00005/MINRESI/B00 of 23 February 2010.

### **h) International Labour Organization (ILO)**

ILO was created in 1919 as part of the Treaty of Versailles that ended World War I and it became a specialized agency of the United Nations in 1946. Its objectives are to promote rights at work, encourage the creation of decent jobs, develop social protection and strengthen social dialogue. This institution brings together representatives of governments, employers and workers from 187 member States. Cameroon became a contracting party on 7 June 1960.

With regards to work in the maritime sector, Cameroon has ratified four (4) of the forty conventions adopted by ILO. Cameroon ratified Convention No. 108 on Seafarers' Identity Documents of 1958 on 29 November 1982. This legal instrument applies to any seafarer employed in any capacity on board any ship other than a warship which is registered in a territory for which this Convention is in force and which is normally engaged in maritime navigation. It mandates each member to issue to each of its nationals working as seafarers, upon request, "a seafarer's identity document". However, Article 4 of this Convention states that if a member issues a seafarer's identity document to a foreign seafarer, it shall not be obliged to include any statement concerning the nationality of the seafarer.

Another instrument of significance is the Annual Holidays with Pay (Seafarers) Convention, 1976 (No. 146), which was adopted at the 62nd Session of the International Labour Conference and entered into force on 13 June 1979. Cameroon ratified this Convention on 13 June 1978 before its entry into force. It sets out measures relating to the allocation of entitlements for the payment of annual leave to seafarers.

With the aim of strengthening the social protection of seafarers at international level, ILO has made a major contribution to the adoption of two important conventions that could be of interest to Cameroon.

The *Maritime Labour Convention (2006)*, as amended, which came into force on 20 August 2013. Often referred to as the Seafarers' Bill of Rights, it was adopted by representatives of governments, employers and workers at a special session of the International Labour Conference in February 2006.<sup>51</sup> It is a comprehensive labour convention that defines the rights of seafarers to decent working conditions. It aims to define and protect minimum working and living conditions on board ships in a sustainable manner while offering States a degree of flexibility in its implementation, in order to adapt to their level of development.<sup>52</sup> It

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<sup>51</sup> See Guidelines on the Application of the ILO Maritime Labour Convention (2006), fourth edition, published in 2023 and accessible at [ICS - Guidelines on the Application of the ILO Maritime Labo \(ics-shipping.org\)](https://www.ics-shipping.org/).

<sup>52</sup> Chaumette, 2017, accessed at <https://shs.hal.science/halshs-01469625>.

establishes the responsibilities of the flag State and the coastal State for the establishment of inspection and certification systems for maritime labour and seafarers' living conditions on board ships, including seafarers' rights.<sup>53</sup> It applies to all persons working at sea with a few exceptions, notably persons on fishing vessels, who are covered by the Work in Fishing Convention (2007), discussed below. Among the interesting provisions of the Marine Labour Convention are Article III on freedom of association and the effective recognition of the right to collective bargaining, the effective abolition of child labour, the elimination of discrimination in respect of employment and occupation, and the elimination of all forms of forced or compulsory labour. Cameroon has not ratified this convention to date, but in this respect it is aligned with Economic and Monetary Community of Central Africa (CEMAC) law, under which seafarers are governed by BOOK V of Regulation No. 08/12-UEAC-088-CM-23 of 22 July 2012 adopting the revised Community Merchant Shipping Code. This regulation is aligned with the ILO Maritime Labour Convention.

The *Work in Fishing Convention, 2007 (No. 188)*, which entered into force on 16 November 2017 at the 96th session of the International Labour Conference, applies to all fishers and fishing vessels engaged in commercial fishing. It aims to guarantee fishers decent working and living conditions and enables minimum requirements to be enforced through labour inspections in foreign ports. The Convention establishes a basic framework of obligations for employers and corresponding obligations for governments to incorporate minimum standards into national legislation. Articles 16 to 18 of this text call on the parties to adopt laws, regulations or other measures that would enable fishers working on board vessels flying the flag of a member State to be protected by a company agreement. In the absence of national provisions applicable to fishers, this Convention requires each member State to adopt legislation or other measures to ensure that fishing vessel owners protect health and provide medical care to fishers when they are employed or engaged on board a vessel flying its flag at sea or in a foreign port. Cameroon has not yet ratified this very important maritime convention.

### 1.2.2. Regional institutions/instruments on ocean governance

Cameroon is a party to many ocean governance institutions/instruments in Africa and the Gulf of Guinea subregion.

#### a) The African Union

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<sup>53</sup> See Rules 5.1 and 5.2 of the Maritime Labour Convention, 2006.



The African Union has been at the forefront of protecting the African environment and ensuring the sustainable management of the natural resources the continent is blessed with. Under its auspices, some international agreements have been negotiated to address the continent's environmental issues and the conservation of its natural resources. Cameroon has been an active member of the African Union and a party to two of its conventions:

- The *African Convention on the Conservation of Nature and Natural Resources (Algiers Convention; 1968)*. This Convention encourages individual and joint actions for conservation, utilization and development of soil, water, flora and fauna for the present and future generations. Cameroon became a member of this Convention by ratification on 18 July 1977.<sup>54</sup>
- The *Convention on the Ban of Imports into Africa and Control of Transboundary Movement of Hazardous Waste within Africa (Bamako Convention; 1991)*. Cameroon signed this Convention on 1 March 1991, and ratified it on 11 July 1994. The Bamako Convention prohibits all imports of hazardous waste into Africa by non-member States. It makes the deposit of hazardous waste illegal and a criminal act.

### **b) The Maritime Organisation for West and Central Africa (MOWCA)**

Cameroon is member State of MOWCA, an intergovernmental cooperation organisation known as the Ministerial Conference of West and Central African States on Maritime Transport that was created on 7 May 1975. Since its creation, it has pursued the following objectives:

- The reinforcement of intra-regional cooperation for each category of transport stakeholders: shipping companies, ports and port operators, shippers;
- Strengthening consultation between member States and cooperation between maritime administrations with a view to harmonizing their maritime and port legislation in compliance with the international conventions in force;
- Strengthening consultation between member States and cooperation between maritime administrations with a view to harmonizing and improving the operating conditions of the entire transport chain;
- The definition and implementation by member States of a common sectoral policy and regulatory standards in the fields of safety of maritime navigation and protection of the marine environment.

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<sup>54</sup> Organisation of African Unity, 1968.



It includes specialized bodies that work in the training of seafarers and personnel of the various national administrations of this maritime region, which include:

- The Regional Academy of Maritime Sciences and Techniques in Abidjan;
- The Regional Maritime University of Accra;
- The Nigerian Maritime Academy.

These trained personnel in turn contribute to the safety and security of maritime transport in the West and Central African maritime space.

In order to strengthen the maritime transport safety and security system in West and Central Africa, MOWCA and IMO agreed on 7 October 2022 to adopt a Joint Action Plan to promote maritime safety, safe, efficient and environmentally friendly maritime transport. Its first phase is operational from 2022 to 2032. This Plan will enable the member countries of this maritime region to:

- Advocate for new technologies for greener shipping;
- Strengthen the implementation at the regional level of the MOWCA Memorandum of Understanding on the subregional network of integrated coastguard functions for West and Central Africa, signed in Dakar in 2008;
- Implement appropriate measures for the harmonization of legal measures across West and Central Africa while ensuring that pirates and persons committing maritime crimes do not escape prosecution;
- Strengthen gender diversity and women's safety in the maritime sector;
- Push for the creation of an African maritime organisation along the lines of the European Maritime Safety Agency.

### c) COMHAFAT

Cameroon is a member and beneficiary of COMHAFAT, established by the Regional Convention on Fisheries Cooperation among African States Bordering the Atlantic Ocean in 1989.<sup>55</sup> COMHAFAT promotes active and organized cooperation in fisheries management and development. The Convention deals with the conservation of highly migratory species. States parties are to exchange information on their activities regarding the assessment and conservation of highly migratory species and coordinate their actions within the area under

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<sup>55</sup> Accessed at <<http://www.comhafat.org/en/index.php>>.

competent international organizations (COMHAFAT, 1989).<sup>56</sup> Article 2 of the Convention takes up the challenge of food self-sufficiency through the direct secondary effects of fishery resources exploitation and seeks to enable Parties to enhance, coordinate and harmonize their efforts and capabilities to conserve, exploit, upgrade and market fishery resources.<sup>57</sup> Article 1 states that the area of competence of COMHAFAT is the Central and Southeast Atlantic from Namibia to Morocco, including waters under national jurisdiction and the high sea.<sup>58</sup>

### **d) Central African Economic and Monetary Community (CEMAC)**

The CEMAC subregion is geographically situated in the Gulf of Guinea, West coast of Africa. The maritime space within the CEMAC subregion includes the waters of Cameroon, Gabon, Equatorial Guinea and the Republic of Congo. Two of the countries making up the CEMAC subregion—that is, Chad and the Central African Republic—are landlocked States. CEMAC was established to foster regional integration, but this mandate was later broadened to include peace and security.

Regarding the sustainable development of fisheries resources in the CEMAC Region, Cameroon is a member of COREP, established by the Convention Concerning the Regional Development of Fisheries of the Gulf of Guinea, signed in Libreville, Gabon, on 21 June 1984. Since 2007, COREP has been a specialized organ of CEMAC. COREP's objective is to ensure cooperation toward sustainable development of fisheries in the CEMAC subregion. COREP is mandated to coordinate, harmonize and develop fisheries policies and legal frameworks. Moreover, it seeks to determine a coordinated attitude towards foreign fishing vessels' activities and prioritize the needs of fishing vessels from member countries. It also aims to preserve and protect aquatic ecosystems in both marine and inland waters. It equally harmonizes members' national regulations fixing the fishing conditions and controls fishing operations in its jurisdiction.

It is worth noting that this institution, through its Regulation No. 08/12-UEAC-088-CM-23 of 22 July 2012, has revised BOOK V of its Community Code on Merchant Shipping in order to integrate a set of rules relating to working conditions and the protection of the social rights of seafarers defined in the ILO's Maritime Labour Convention.

### **e) The Economic Community of Central African States (ECCAS)**

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<sup>56</sup> The convention came into force in 1995 (FAO, 2023).

<sup>57</sup> Article 2 of the Regional Convention on Fisheries Cooperation among African States Bordering the Atlantic Ocean 1991.

<sup>58</sup> Article 1, *ibid.*

ECCAS was created on 18 October 1983 by the members of the Customs and Economic Union of Central Africa, São Tomé and Príncipe, and the members of the Economic Community of the Great Lakes Countries (created in 1976 by the Democratic Republic of Congo, Burundi and Rwanda). Today, the member countries are Angola, Burundi, Cameroon, Republic of Congo, Democratic Republic of Congo, Gabon, Equatorial Guinea, Chad and São Tomé and Príncipe. ECCAS, through its coastal member States grouped in Zone D, for which Cameroon hosts the headquarters of the Multinational Coordination Centre, played a decisive role in 2008 and 2009 during the outbreak of piracy attacks and armed robbery against ships at sea in the Gulf of Guinea. The States of this maritime constituency adopted two major texts, namely:

- The Yaoundé Technical Agreement between ECCAS and the States of Cameroon, Gabon, Equatorial Guinea and Sao Tome and Principe on the establishment of a surveillance plan for the maritime security of the Gulf of Guinea, ZONE D (6 May 2009)
- The Protocol on the Strategy for Securing the Vital Interests at Sea of ECCAS States in the Gulf of Guinea, adopted on 24 March 2009, dealt with a strategy for the vital interests of the parties in the Gulf of Guinea articulated around six pillars, namely (1) community information exchange and management through the establishment of mechanisms for research and information exchange between States; (2) community surveillance of the Gulf of Guinea through the establishment of joint operational procedures and interoperable means of surveillance and intervention; (3) harmonization of the action of the States Parties at sea at the legal and institutional levels; (4) the institutionalization of a community tax on the basis of existing mechanisms; (5) the acquisition and maintenance of major equipment to guarantee operational capacity; and (6) the institutionalization of the Maritime Conference of the Parties in order to maintain the mobilization of all operators and stakeholders in the marine environment.

In Chapter XXIII of its Revised Treaty of 18 December 2019, ECCAS referred to the commitment of member States to develop and implement a Community Maritime Policy based on three pillars which include improving maritime governance; protection of the vital interests of the community at sea; and the common and integrated exploitation of the sea through the development of a blue economy.

In August 2022, ECCAS presented its draft blue economy strategy to exercise its leadership and the sovereignty of member States by mastering and giving added value to maritime space and water sources within ECCAS in harmony with the continental maritime policy.

### **f) The Gulf of Guinea Commission (GGC)**

The Republic of Cameroon has been a member State of the Gulf of Guinea Treaty since joining in 2008.<sup>59</sup> The Gulf of Guinea Commission treaty was signed in Libreville, Gabon, on 3 July 2001. The main aim of the Treaty is to ensure that the natural resources of member States are made available for their economic development and social progress.<sup>60</sup> Member States are to map out common policies, particularly concerning peace and security, exploitation of hydrocarbons, fishery and mineral resources, the environment and the movement of people and goods. To ensure maritime security, the United Nations Security Council adopted Resolution 2634 (2022), in which it calls on Gulf of Guinea countries to criminalize piracy and armed robbery at sea under domestic laws. GGC promotes close commutation in the exploitation of the natural resources of the Gulf of Guinea. GGC seeks to create a collective framework for regulating oil multinationals that already operate in the area and those that may be attracted to do so in the future. The Gulf of Guinea Treaty outlines the framework of GGC and prescribes its objectives, powers and responsibilities.

In reaction to United Nations Security Council Resolution 2039 of 29 February 2012, which urged ECCAS, the Economic Community of West African States (ECOWAS), and GGC to work together to develop a legal strategy to fight against piracy, armed robbery and other illicit activities in the Gulf of Guinea,<sup>61</sup> the trio convened the Yaoundé Summit in Cameroon that adopted a Memorandum of Understanding on Maritime Safety and Security in Central and West Africa (The Yaoundé Summit; 2013)

At the 2013 Yaoundé Summit, by a resolution of the Heads of State and Governments of ECCAS, ECOWAS and GGC, the Interregional Coordination Center (ICC) was established to coordinate the safety and security of the maritime space of Central and West Africa. ICC is in charge of enhancing the activities geared towards cooperation, coordination, mutualization and

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<sup>59</sup> Gulf of Guinea Commission, 2021; <https://cggrps.com/en/the-gulf-of-guinea-commission/> or <https://cggrps.com/en/>.

<sup>60</sup> Article 5 of the Gulf of Guinea Treaty establishing the Gulf of Guinea Commission. Membership is open only to states bordering the Gulf of Guinea regions. Such States must accept being bound by the provisions of the treaty. Moreover, membership of the treaty is not open to corporations, only to sovereign States bordering the Gulf of Guinea (United Nations, 2022).

<sup>61</sup> Adopting Resolution 2634 (2022), Security Council Call on Gulf of Guinea Countries to Criminalise Piracy, Armed Robbery at Sea under Domestic Laws, United Nations.

systems interoperability and implementing the regional strategy on safety and security within the Central and West African common maritime space.<sup>62</sup>

ICC is based in Yaoundé, Cameroon, and has developed a “unique strategic framework” to deal with criminality at sea to ensure safety, security, development and governance. It also looks to build the capacities of the civilian and military personnel of the regions in maritime law enforcement; coordinate training and practices; facilitate information exchange among the navies of the member States; promote the harmonization of texts on maritime law enforcement, including those relating to the fight against piracy, armed robbery against ships, other illicit acts committed at sea, sea pollution and ensure the protection of the environment (ICC, 2023).<sup>63</sup>

**g) The Yaoundé Code of Conduct concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa (2013)**

Through the Yaoundé Code of Conduct, the Gulf of Guinea States have committed themselves to setting up a national maritime safety committee or other system to coordinate related activities between the services, bodies, control services, agencies, supervisory authorities and other organizations of the State, port operators, companies and other entities concerned with measures to enhance maritime safety and search and rescue procedures or responsible for implementation and enforcement of the Code. Many have not yet done so.

**h) Convention on the Protection and Development of the Marine and Coastal Environment of the West and Central African Regions and Protocol (Abidjan Convention; 1981)**

This Convention aims to protect the marine environment and coastal zones in the Gulf of Guinea subregion. Cameroon became a party to the Convention by ratification on 20 February 2021. This Convention seeks to protect the marine environments, coastal zones and related internal waters within the jurisdiction of states of the West and Central African regions. Article 4, paragraph 1 of the Convention mandates member States to take appropriate steps jointly or individually to prevent, reduce, combat and control pollution of the Convention area and to ensure sound environmental management of natural resources using the best practical means at their disposal according to their capabilities.<sup>64</sup> Furthermore, article 4, paragraph 3 states that State parties must establish national laws and regulations to discharge their

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<sup>62</sup> ICC, 2023, can be accessed at <https://icc-gog.org/>.

<sup>63</sup> Ibid.

<sup>64</sup> Article 4(1) of Abidjan Convention 1981.

obligations and harmonize national policies effectively.<sup>65</sup> Cameroon is a party to this Convention, although it has not ratified its subsequent protocols such as the Additional Protocol to the Abidjan Convention on Integrated Coastal Zone Management of 31 March 2017 and the Additional Protocol to the Abidjan Convention on Sustainable Management of Mangroves of 31 March 2017.

### 1.2.3. Non-binding instruments

Cameroon also adheres to some non-binding instruments both at the global and regional levels, such as the Stockholm Declaration of 1972, the Brundtland Declaration of 1987, the Rio Declaration of 1992, Agenda 21, the World Summit on Sustainable Development 2002, and the 2030 Agenda for Sustainable Development, all of which touch on natural resources management and sustainable development.

### 1.2.4. Bilateral agreements between Cameroon and other countries on ocean governance

The United Republic of Cameroon<sup>66</sup> signed an agreement with Equatorial Guinea on 26 November 1981, forbidding fishing operations in estuaries and within a two-mile zone reserved for artisanal fishing.<sup>67</sup>

Furthermore, an agreement was reached on cooperation in the maritime fishing sector between the Governments of the Republic of Cameroon and the Republic of Senegal on 19 February 1991.<sup>68</sup>

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<sup>65</sup> Article 4(3) of the Abidjan Convention 1981.

<sup>66</sup> Now Republic of Cameroon.

<sup>67</sup> Mangatalle, 1996; See Food and Agriculture Organization <<https://www.fao.org>> See also <https://leap.unep.org>> Accessed 5 November 2022.

<sup>68</sup> See Law No. 91/015 of July 30, 1991 authorizing the President of the Republic to ratify the cooperation agreement in the field of maritime fishing between the Government of the Republic of Cameroon and the Government of the Republic of Senegal.

### 2. NATIONAL OCEAN GOVERNANCE

This section attempts an insight into Cameroon's ocean governance, which is essentially sectoral in nature. In view of this, the section focuses on the legal and institutional framework in the different sectors at international, regional and national levels. The sectors under consideration are the conservation and utilization of marine living resources, safety and security of shipping, exploration and exploitation of non-living resources, coastal and marine tourism, protection and preservation of the marine environment, and marine scientific research. This evaluation of the country's ocean sectors is in view of building a sustainable ocean-based economy and enhancing Cameroon's implementation of UNCLOS and related instruments and the United Nations SDGs, strengthening its blue economy strategies and developing effective policies for these sectors. The organizational chart below provides an overview of the missions and responsibilities of the different national institutions involved in ocean governance in Cameroon.

**Table 2.1. Missions of the administrations involved in the institutional governance of the oceans in Cameroon**

<b>Integrated National Institutions</b>			
<b>Ministry of Justice</b>	<b>Ministry of Environment, Nature Protection and Sustainable Development</b>	<b>Ministry of External Relations</b>	<b>Ministry of Finance</b>
<p>According to Decree No. 2012/389 of 19 September 2012, the Ministry of Justice (MINJUSTICE) in general is the Government's Council in judicial matters. Its Legislation Directorate is responsible for legal advice at the request of Ministerial Departments and State bodies or institutions.</p>	<p>The Ministry of Environment, Nature Protection and Sustainable Development (MINEPDED) plays an important role in ocean governance in Cameroon. Most of its missions allow it to intervene in the sectoral management of key ministries. Article 1 of Decree No. 2012/431 of 1 October 2012 states that it is responsible for defining the modalities and principles of rational and sustainable management of natural resource; the definition of environmental management measures, in liaison with the ministries and ministerial bodies concerned; monitoring environmental compliance</p>	<p>MINREX, in accordance with Decree No. 2013/112 of 22 April 2013 on its organisation, is generally responsible for relations with foreign States, international organizations and other subjects of the international community. Its Directorate of the United Nations and Decentralised Cooperation accompanies it in monitoring the implementation of the commitments and obligations of the State in its cooperation with the United Nations. It's Directorate of Legal Affairs and International Commitments of the State is responsible for issues relating to national borders and the law of the sea, in liaison with the National</p>	<p>The Ministry of Finance (MINFI) plays a significant role in the governance of the oceans. This institution, apart from the management of State finances, concluded on 11 August 2015 with the Ministry of Defence (MINDEF) a partnership agreement relating to the surveillance of the water body (maritime, lake and river spaces under the jurisdiction of the State of Cameroon). Article 1 of this agreement specifies that its purpose is to establish the modalities of collaboration between MINFI and MINDEF within the framework of strengthening customs surveillance of the water body. In</p>



	<p>in the implementation of major projects;, negotiating international conventions and agreements relating to the protection and restoration of the environment and nature; coordinating and monitoring the interventions of regional or international cooperation bodies in the field of the environment and nature in liaison with the Ministry of External Relations (MINREX) and the administrations concerned.</p>	<p>Borders Commission and other relevant administrations, for monitoring issues relating to the law of the sea.</p>	<p>particular, it aims, in accordance with customs regulations, to federate actions relating to the search for, detection and repression of customs offences on the waterway.</p>
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## National Sectoral Institutions

Ministry of Livestock, Fisheries and Animal Industries	Ministry of Forests and Wildlife	Ministry of Transport	Ministry of Tourism and Recreation
<p>Decree No. 2012/382 of 14 September 2012 specifies in its article 1 the missions of the Ministry of Livestock, Fisheries and Animal Industries (MINEPIA). It is generally responsible for the elaboration of the Government's policy on livestock and fisheries and the development of animal and fisheries industries. As regards aspects related to maritime governance, MINEPIA is responsible for the protection of maritime and river resources; the application of measures aimed at the conservation, development and exploitation of fishery products; the development, planning and</p>	<p>Decree No. 2005/099 of 6 April 2005 on the organisation of the Ministry of Forests and Wildlife (MINFOF) specifies in its Article 1 the general missions of this institution. It is responsible for the elaboration, implementation and evaluation of the Government's policy on forests and wildlife. It is in charge of monitoring the implementation of CITES in Cameroon. MINFOF is also involved in the sustainable development and management of protected areas. In this sense, it ensures the protection of species and ecosystems representative of Cameroon's biodiversity, promotes ecotourism and secures protected areas.</p>	<p>Decree No. 2012/250 of 1 June 2012 to Organize the Ministry of Transport (MINTRANS) indicates in its Article 1 that this institution is placed under the authority of a minister. The latter, within the framework of maritime transport, is responsible for ensuring or controlling the organisation and operation of maritime and river transport, studying and participating in the elaboration and implementing legislative or regulatory measures relating to transport. Its Directorate of Maritime Affairs and Inland Waterways, which is involved in maritime governance, is responsible for monitoring the application of international agreements on maritime transport; monitoring negotiations,</p>	<p>According to Article 1 of Decree No. 2012/291 of 21 June 2012, the Ministry of Tourism and Leisure (MINTOUL) is generally responsible for the development and implementation of Government policy in the field of tourism and leisure. With regard to aspects related to the governance of marine and coastal tourism, it is responsible for the promotion of domestic tourism in relation to the administrations concerned, the elaboration of strategies and plans for the development of tourism and leisure, and the inventory and development of tourist sites.</p>

<p>implementation of government programmes in the areas of fisheries and animal and fish industries; the development of regulations and monitoring of standards, as well as their application in the area of fisheries and fish industries.</p>		<p>agreements and conventions as well as international conferences within its field of activity; dealing with issues relating to safety, security and the protection of the maritime, river and lake environment, in liaison with the administrations concerned; the administration of ships; the administration of seafarers, and maritime police search and rescue operations.</p>	
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<b>National Sectoral Institutions</b>		
<b>Ministry of Mines, Industry and Technological Development</b>	<b>Ministry of State Property, Surveys and Land Tenure</b>	<b>Ministry of Scientific Research and Innovation</b>

<p>Decree No. 2012/432 of 1 October 2012 on the organisation of the Ministry of Mines, Industry and Technological Development (MINMIDT) specifies that this institution on a general level is responsible for the elaboration and implementation of the Government's mining and industrial policy and technological development strategies in the various sectors of the national economy. In the sector of marine resources governance, it is responsible for the development of oil and gas resources, the monitoring of the upstream oil sector and the management of natural gas resources.</p>	<p>Decree No. 2012/390 of 18 September 2012 sets out in its Article 1 the missions entrusted to the Ministry of Lands, Cadastre and Land Affairs. This national institution is generally responsible for the elaboration of legislative and regulatory texts relating to the domain, cadastral and land sectors. With regard to aspects related to maritime governance, it is responsible for the management of the State's public domains and the protection of the State's public domains against any infringement, in liaison with the administrations concerned. According to Article 3 of Ordinance No. 74-2 of 6 July 1974, the natural public domain includes the maritime and fluvial public domains. The maritime public domain is constituted by (a) the shores of the sea up to the limit of the highest tides as well as a zone of 50 metres from this limit; (b) the banks of the mouths of the watercourses subject to the influence of the sea up to the limit of the highest tides as well as a zone of 25 metres from this limit; and (c) the ground and the subsoil of the territorial sea.</p>	<p>With regard to the management of aspects related to the governance of marine scientific research, Article 1 of Decree No. 2012/383 of 14 September 2012 specifies that MINRESI is responsible for the animation, coordination and control of scientific research activities with a view to promoting economic, social and cultural development; international cooperation in scientific research and innovation, in liaison with MINREX. It supervises the Institute of Agricultural Research for Development (IRAD), which plays an important role in the conservation of marine ecosystems and the development and conduct of specific research programmes in the marine and coastal fields.</p>
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## National Sectoral Institutions

### Ministry of Defence

According to Law No. 67/LF/9 of 12 June 1967, the purpose of Defence is to ensure at all times, in all circumstances and against all forms of aggression the security and integrity of the State within the framework of national sovereignty. It is placed under the authority of the President of the Republic. Management has been entrusted to a Minister Delegate in charge of Defence in accordance with Decree No. 2001/1-77 of 25 July 2001 on the organisation of MINDEF. With regard to the protection of maritime areas, Decree No. 2002/36 of 4 February 2002 on the creation and organisation of the National Marine Forces specifies that their mission is to ensure the surveillance, protection and defence of installations essential to the life of the nation placed in the immediate vicinity of the coastline, the conduct of the State's action at sea in liaison with other administrations, and support for other defence forces. In its mission to protect Cameroon's maritime spaces, MINDEF, apart from the national Navy, is accompanied by the Military Tribunal, the Rapid Intervention Brigade (BIR) and the Maritime Brigade. According to Article 8 of Law No. 2017/012 of 12 July 2017 on the Code of Military Justice, the Military Court has exclusive jurisdiction over offences of piracy and unlawful acts against the safety of maritime navigation and platforms.

### Ministry of Decentralization and Local Development

According to Decree No. 2018/449 of 1 August 2018, the Ministry of Decentralization and Local Development is responsible for the development of legislation and regulations relating to the organisation and functioning of the decentralized territorial communities (regions, communes and town halls) and the evaluation, monitoring and control of the decentralized territorial communities. Within the framework of local development, it promotes good governance within the decentralized territorial communities. MINDDEVEL plays an accompanying role with the decentralized territorial communities. These local institutions benefit from the transfer of competences in the area of tourism and environmental management in accordance with the relevant legislation.

## 2.1. Safety and security of shipping in Cameroon

Maritime transport remains one of the key activities of a blue economy. It is important to every nation's economy as it accounts for about 80% of trade worldwide and greatly impacts economic development.<sup>69</sup> Both maritime transport and its related activities have a great impact on the economy, influencing a lot of industries directly or indirectly. Shipping is considered the lynchpin of global trade; many other industries rely heavily on it, as an array of resources is transported to manufacturing centers. Shipping and its related activities, such as shipbuilding, repairs, and port activities, account for about 40 per cent of added value and 24 per cent of employment within the blue economy.<sup>70</sup>

The geostrategic importance of shipping goes with the popular saying “No Shipping, No Shopping”. Most of the goods that power the economy are transported by maritime transportation. Cameroon is pivotal in Central Africa, providing important access routes to seaports on the Gulf of Guinea for its landlocked neighbours such as Chad and Central African Republic. Cameroon's economic and demographic weight and its strategic position at the heart of the CEMAC zone make Cameroon the Central African natural locomotive. Cameroon exports commodities such as minerals (local aluminium), fuel (oil, gas, wood), cocoa, and rubber through the shipping industry. Cameroon also imports foodstuffs (rice, wheat, fish), fuel and oil, medicines, minerals, and manufactured products (vehicles, machinery, electrical and electronic equipment).

The Ministry of Transport (MINTRANS) is mandated to coordinate the country's transport network, including maritime transport. The Ministry is also involved in formulating and implementing statutory and legislative measures relating to maritime safety.

The shipping industry in Cameroon is powered by private sector participation, which has caused the sector to register good performance, especially in the Douala seaport and its related activities.

Cameroon has four coastal ports: Douala, Kribi, Limbe, and Tiko.<sup>71</sup> Douala is the largest and busiest port in the Central African Region and an important trading hub, representing 95 per

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<sup>69</sup> Godius Kahyarara and Debora Simon, (2018): Maritime Transport in Africa: Challenges, Opportunities and Agenda for Research.

<sup>70</sup> Buh E.Nidze, “Sub-region Instruments as Vehicle for Domestic Maritime Legislative Development: Cameroon's Experience with the ‘CEMAC’ Merchant Shipping Code, Scholars International Journal of Law, Crime and Justice, Scholars Middle East Publishers, Dubai United Arab Emirates”, 2020.

<sup>71</sup> There is also the port of Garoua, is an internal river port that facilitates the transportation of goods and services in the northern region of Cameroon.

cent of international trade.<sup>72</sup> The transportation cost to other parts of the CEMAC region is usually very high due to the poor road infrastructure in Cameroon. This has rendered the volume of cargo leaving the country to other parts of the subregion expensive.

The shipping sector is very important to the nation's socio-economic development as it helps bring revenue to the country which contributes significantly to economic and social activities. It has increased business activities in the nation. The State is able to use the revenue raised from transport for socio-economic development by providing basic infrastructure such as roads and social facilities such as schools and hospitals. The sector has equally led to the creation of jobs due to shipping activities and the exportation of cash crops which generate the required foreign earnings.<sup>73</sup>

Despite the above advantages generated by the shipping industry, the sector also experiences problems, including marine pollution caused by ships and damage to roads caused by heavy-duty vehicles transporting goods to neighbouring countries through the poor road infrastructure. Moreover, there is often traffic congestion with the risk of accidents on the road that links the economic capital of Douala to the political capital of Yaoundé, through which goods proceed to Congo, the Central African Republic, and Chad.

### **2.1.1. National legal framework**

The national legal regime for the shipping sector in Cameroon is regulated by the 1962 Merchant Shipping Code and the CEMAC Merchant Shipping Code (2012). The Cameroonian Merchant Shipping Code was promulgated by Ordinance No. 62/OF/30 of 31 March 1962 (Federal Republic of Cameroon, 1962). The Cameroonian Merchant Shipping Code has 301 articles regulating quite a wide range of issues, such as the registration of ships in Cameroon. The code defines maritime navigation and delimits Cameroon's territorial sea. It also defines commercial and fishing navigation zones and provides for the possibility of reserved navigation. It further defines seagoing vessels and regulates ship nationality. Ships registered in Cameroon, ship's staff and crew, and all persons irrespective of their nationality shall not commit crimes against the ordinance or any enactment related to it.

It has been observed that given the rapid evolution of the shipping sector, the 1962 Code requires ongoing updating. Some of the amendments, such as Act No. 74/16 of December 5, 1974, fixing the limit of the territorial waters of the then United Republic of Cameroon at 50

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<sup>72</sup> Buh E. Nidze, 2020, op. cit. p. 219.

<sup>73</sup> Ibid.

nautical miles, repeat Article 5 of Ordinance No. 62/OF/30 of March 31, 1962, relating to the Cameroon Merchant Shipping Code.<sup>74</sup> The breadth of the territorial sea was amended in 2000 to 12 nautical miles, in conformity with UNCLOS. Furthermore, Law No. 2000/02 of 17 April 2000 claims 24 nautical miles for the country's contiguous zones, an EEZ of 200 nautical miles, and a continental shelf as provided under UNCLOS.

On the security front, there is currently a bill at the National Assembly for the repression of piracy and other maritime criminality which carries a prison term of up to 20 years and a fine of up to CFAF 2.5 billion. This bill has been successfully defended by the Minister of Defence.<sup>75</sup>

It is noteworthy that the CEMAC Merchant Shipping Code of 2012 by virtue of its Article 2, is applicable in Cameroonian international shipping matters. The CEMAC code will apply on the international front while the Cameroonian Merchant Shipping Code of 1962 is relegated to matters in Cameroon's internal waters between nationally registered vessels. The CEMAC code has been able to address some of the challenges that the Cameroon Merchant Shipping code could not address at the international level. However, it should be noted that the CEMAC code is just one among the maritime instruments in Cameroon. Conclusively, both the 1962 Merchant Shipping Code and the CEMAC Merchant Shipping Code 2012 are operational in Cameroon. Regarding the internal matters or issues concerning two ships bearing the Cameroonian flag, the Merchant Shipping Code of Cameroon applies.<sup>76</sup> While on the other hand, where a Ship carrying the Cameroon flag commits an offence in a foreign port, the CEMAC Merchant Shipping Code will apply. Some conventions, such as the Multilateral Convention on the Limitation of Liability of Maritime Claims (1976), could partially bridge the gap, but Cameroon is not yet a party to that instrument.

### **Law No. 92/007 of 14 August 1992 on the Labour Code in Cameroon**

This legislation, which regulates the labour sector as a whole in Cameroon, is also of interest to the maritime transport sector. To this end, it provides for a certain number of rules contained in

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<sup>74</sup> Ordinance No. 62/OF/30 of 31 March 1962. It should be noted that the 1974 law has been repealed by virtue of Article 16 of Law No. 2000/02 of 17 April 2000. The 2000 Law maintains Cameroon's Territorial Sea at 12 nautical miles in line with UNCLOS.

<sup>75</sup> Cameroon Tribune of 16 November 2022 on Fight against Piracy, p. 8-9.

<sup>76</sup> It should be noted that in the event of a conflict between the two codes, the CEMAC code shall supersede the Cameroonian code as a result of its monist nature when dealing with international agreements per Article 45 of the 1996 Constitution of the Republic of Cameroon.



paragraph 2 of Article 86 which make it possible to regulate working conditions and ensure the protection of the rights of young people employed on board ships.<sup>77</sup>

### **Law No. 2016/007 of 12 July 2016 Relating to the Penal Code**

The Cameroon Penal Code identifies three broad categories of offences: felonies, misdemeanours and simple offences. Section 17 of the Penal Code is so instrumental as it states that no penalty or measure not specifically provided, prescribed and lawfully defined may be imposed, while Section 26(2) of the Constitution expressly gives power to Parliament to institute penalties, define criminal procedure and grant amnesty. The Cameroonian Parliament passed Law No. 2022/017 Relating to the Suppression of Piracy, Terrorism and Offences against the Safety of Maritime Navigation and Platforms on 27 December 2022.

### **Law No. 2022/017 of 27 December 2022 relating to the Suppression of Piracy, Terrorism and Offences against Safety of Maritime Navigation and Platforms**

This Law fills the gap and provides the country with a legal framework for punishing any illegal act perpetrated against the safety of maritime navigation and platforms. The Law implements the relevant provisions of UNCLOS, including its definition and provisions on piracy; the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation and its Protocols; and the International Convention for the Suppression of the Financing of Terrorism.<sup>78</sup>

The Law defines piracy in Section 2(a) as follows:

- a) Any illegal act of violence committed for private ends by the crew or passengers of a private ship and directed on the high seas against another ship, persons or property in a place outside the jurisdiction of any State or against a ship, persons or property in a place outside the jurisdiction of any State;
- b) Any act of voluntary participation in the use of a pirate ship, with full knowledge of the facts;

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<sup>77</sup> This paragraph stipulates that:

- a) Young people under eighteen years of age may not, under any circumstances, be employed on board ships as stokers or drivers.
- b) When children and young people under the age of eighteen are to be taken on board ships with a crew not exclusively made up of members of the same family, they must first undergo a medical examination attesting to their fitness for this work; a medical certificate signed by an approved doctor is drawn up for this purpose.

<sup>78</sup> Cameroon ratified the International Convention for the Suppression of the Financing of Terrorism 1999 on 6 February 2006.

- c) Any act of inciting or intentionally facilitating the commission of the acts set out in Subsections (a) and (b) above.

Section 3(1) punishes the offence of piracy with life imprisonment and/or with a fine of CFAF 20,000,000 to 200,000,000.

As regards offences against the safety of maritime navigation, Section 4(1) stipulates that whoever:

- a) seizes or exercises control over a ship by force or threat thereof;
- b) performs an act of violence against a person on board a ship, if that act is likely to endanger the safety of navigation or that ship;
- c) destroys a ship or causes damage to a ship or to its cargo which endangers or is likely to endanger the safety of navigation or that ship;
- d) places or causes to be placed on a ship, by any means whatsoever, a device or substance which is likely to destroy that ship or its cargo which endangers or is likely to endanger the safety of navigation or that ship;
- e) destroys or damages maritime navigation facilities or services or interferes with their operation, if any of such act is likely to endanger the safety of navigation;
- f) communicates false information likely to endanger the safe navigation of a ship;
- g) threatens or commits unlawful acts of interference against passengers, crew, ground staff or the public;
- h) manufactures or transports unmarked explosives, excluding military devices authorized under the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991);
- i) commits an act that infringes maritime navigation safety regulations; shall be punished with life imprisonment and/or with fine of CFAF 20,000,000 to 200,000,000.

On offences against the safety of platforms Section 5(1) states that whoever:

- a) by force or by threat of force seizes or exercises control over a platform;
- b) destroys or causes damage to a platform where that damage is likely to endanger the safety of the platform;
- c) commits an act of violence against a person on board a platform, if that act is likely to endanger the safety of the platform;
- d) places or causes to be placed on a platform, by any means whatsoever, a device or substance which is likely to destroy or to compromise the safety of that platform shall

be punished with life imprisonment and/or with a fine of CFAF 20,000,000 to 200,000,000.

The provisions of this section shall not apply to platforms or facilities used exclusively for military, customs or police purposes.

Part IV of the Law deals with acts of terrorism on board ships and platforms. Section 6 states that whoever unlawfully and intentionally

- a) uses on board, against or from a ship, weapons, explosives or biological, chemical or nuclear substances to intimidate or coerce the population or Governments;
- b) takes hostages for the purpose of intimidating or coercing the population or Governments;
- c) carries on board a ship the same weapons or substances for the same purpose of intimidation or coercion;
- d) uses a ship for the purpose of causing casualties or serious damage;
- e) knowingly transports on board a ship biological, chemical or nuclear weapons;
- f) knowingly transports on board a ship substances intended to be used in the production of nuclear devices, without any agreement or control by the International Atomic Energy Agency;
- g) Knowingly transports on board a ship materials intended to be significantly used in the production of biological, chemical or nuclear weapons shall be punished with life imprisonment and/or with fine of CFAF 20,000,000 to 200,000,000.

Finally, Section 10 of the Law provides the same punishment as in the categories above for those financing offences against the safety of ships and navigation platforms.

From the body language of this Law, it is clear that provisions of other laws such as the Penal Code, the Criminal Procedure Code and the Code of Military Justice that are not contrary to this Law shall remain applicable to tackle other forms of maritime criminality. One can safely say so because other maritime crimes, such as drug smuggling, smuggling of people by sea, etc. are not within the purview of the Law.

### **2.1.2. Multilateral and regional legal framework on shipping**

Regarding shipping safety and security, the most important multilateral agreement is UNCLOS, which constitutes the foundation instrument for most maritime conventions.

However, certain United Nations specialized agencies, notably IMO, have continued to build on UNCLOS and other sources to contribute to the progressive development of the Law of the Sea. IMO has elaborated key maritime governance indicators. These include the International Convention on Standards of Training, Certification, and Watchkeeping for Seafarers (STCW; 1978), which sets the minimum qualification standards for masters, officers, and watch personnel on seagoing merchant ships and large yachts. Cameroon is a party to this Convention by accession with effect from 28 April 1984.

Cameroon is also a party to a number of other conventions on shipping safety and security. These are:

- **SOLAS (1974) as amended.** This Convention, which came into force on 25 May 1980, focuses on maritime safety standards in terms of construction, equipment, and operation of merchant ships, requires signatory flag states to ensure that ships flagged by them comply with at least these standards.
- **Convention on the International Regulation for Preventing Collisions at Sea (1972) as amended (COLREG; 1972).** This Convention was designed to update and replace the Collision Regulations of 1960, with its main innovation being the recognition given to traffic separation schemes. Rule 10 gives guidance to determining safe speed, the risk of collision, and the conducts of vessels operating in or near traffic separation schemes.
- **MARPOL and its Protocol, commonly referred to as MARPOL 73/78,** but Cameroon has yet to ratify the 1997 Protocol to amend MARPOL.

There are other Conventions relating to the carriage of goods by sea to which Cameroon is a party, including:

- **The International Convention for the Unification of Certain Rules of Law relating to Bills of Lading and the Protocol of Signature (The Hague Rules) (1924).** The objective of the Hague Rules was to establish a minimum mandatory liability of carriers. Under the Hague Rules the shipper bears the cost of lost/damaged goods if they cannot prove that the vessel was unseaworthy, improperly manned or unable to safely transport and preserve the cargo, i.e. the carrier can avoid liability for risks resulting from human errors provided they exercise due diligence and their vessel is properly manned and seaworthy. The 1968 Protocol which became known as the Hague-Visby Rules were not recognized by many nations likewise the SDR Protocol in 1979.

- **International Convention for the Unification of Certain Rules Relating to Arrest of Sea-going Ships (1952).** By this Convention, which entered into force on 24 February 1956, States agreed to allow a foreign jurisdiction to arrest a ship of its nationality that is present in the foreign jurisdiction's port. The arrest can be made only after a warrant of arrest is issued in the domestic jurisdiction of the port State. The rules of the Convention apply only if both the State of nationality and the State performing the arrest are State parties to the Convention.<sup>79</sup>
- **United Nations Convention on the Carriage of Goods by Sea (Hamburg Rules; 1978).** This Convention convened by the United Nations in accordance with resolution 31/100 adopted by the General Assembly on 15 December 1976. This Convention establishes a uniform legal regime governing the rights and obligations of shippers, carriers and consignees under a contract of carriage of goods by sea. Cameroon accepted this convention on 21 October 1993.

### 2.1.3. Regional legal framework on safety and security of shipping

#### a) CEMAC Merchant Shipping Code (2012)

Regarding maritime safety at the regional level, the CEMAC Merchant Shipping Code of 2012 regulates shipping activities in the CEMAC subregion. The CEMAC Merchant Shipping Code deals with several issues such as the applicability of the Code to vessels, ship safety, classification, salvage and wrecks, marine environment and pollution, seamen, maritime transport including charter parties, bills of lading and other carriage contracts, shipping and forwarding agents, consignees of cargo, pilots, and stevedoring companies; courts and other procedures. The CEMAC Code, in terms of jurisdiction, applies to all ships registered in a CEMAC member State, crew and passengers on board, and to all persons, irrespective of their nationality, who though not on board, have committed a breach of the provisions of the Code or its implementation regulations; foreign vessels in waters under the jurisdiction of a CEMAC member State were provided for in the reciprocal agreement between a member State and a third State or under international convention in force; the crew and passengers of these foreign vessels under the same conditions as in the preceding paragraph; seafarers who are nationals of a member State, regardless of the place of registration or chartering of the vessels on which they are employed, and floating platforms in waters under the national jurisdiction of a member

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<sup>79</sup> In 1999, the International Convention on Arrest of Ships was concluded. The intent of the International Maritime Organization is that the 1999 Convention will come to replace the 1952 Convention, but as of 2014 the 1999 Convention has only 11 state parties. It entered into force on 14 September 2011.

State. The Code aims to promote Port State Implementation and Port State Control responsibilities among member States of the organization, including Cameroon.

**b) Memorandum of Understanding on Maritime Safety and Security in Central and West Africa (2013; the Yaoundé Summit)**

In the area of maritime security, the Yaoundé Summit 2013<sup>80</sup> is worthy of mention. Its objective was to strengthen cooperation and coordination of their States to ensure safety and security in the West and Central African maritime area. Before the MoU security situation of the region was heavily shaken by piracy, armed robbery at sea, and other illegal activities perpetuated at sea in the Central and West Africa, constituting an obstacle to regional integration and the sustainable development of the Gulf of Guinea region. The implementation and monitoring mechanism put in place by the parties of the current MoU include:

- Hold annual meetings of the Chief Executives of ECCAS, ECOWAS, and GGC, which shall provide guidance on monitoring and evaluation of regional cooperation.
- Create an inter-regional coordination centre for the implementation of the regional strategy for maritime safety and security.<sup>81</sup> The ICC exists to date with its headquarters in Yaoundé, Cameroon to develop a “unique strategic framework” to deal with criminality at sea and to ensure safety, security, development, and governance.
- It also engages to build the capacities of the civilian and military personnel of the regions in maritime law enforcement; coordinate training and practices; facilitate information exchange among the navies of the member States; promote the harmonization of texts on maritime law enforcement, including those relating to the fight against piracy, armed robbery, other illicit acts committed at sea, sea pollution and ensure the protection of the environment.

**c) Code of Conduct concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa (Yaoundé Code of Conduct; 2013)**

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<sup>80</sup> See details in section 1.2.2 on the Gulf of Guinea Commission above.

<sup>81</sup> Article 5. The ICC exists to date with its headquarters in Yaoundé, Cameroon to develop a “unique strategic framework” to deal with criminality at sea and to ensure safety, security, development, and governance. It also engages to build the capacities of the civilian and military personnel of the regions in maritime law enforcement; coordinate training and practices; facilitate information exchange among the navies of the member States; promote the harmonization of texts on maritime law enforcement, including those relating to the fight against piracy, armed robbery, other illicit acts committed at sea, sea pollution and ensure the protection of the environment.

On the security front, Cameroon is signatory to the Yaoundé Code of Conduct, a set of rules that the Gulf of Guinea States have prescribed for themselves to regulate the type and implementation of actions which States must take in the framework of their cooperation in order to better coordinate their activities for the purpose of suppressing transnational organized crime in the maritime domain, as well as acts of maritime terrorism, acts of IUU fishing and other illegal activities, rescue operations, prohibitions, investigations and prosecutions, medical cases and deaths arising from such operations. Furthermore, the Code of Conduct addresses issues such as:

- How to conduct investigations in the case of transnational organized crime in the maritime domain, acts of maritime terrorism, IUU fishing and other illegal activities at sea;
- The type of national maritime security policies, laws, practices and procedures appropriate to protect maritime commerce, port facilities and vessels;
- The type of structures, laws, measures and plans to be put in place to coordinate maritime safety and security activities between services and agencies at both national and Central and West African levels;
- The modalities relating to the pursuit of vessels, seizure of goods, treatment of seized goods and the judgment of presumed offenders;
- The different actions to be taken to improve the collection, analysis and exchange of information between the different stakeholders in securing the maritime domain of the Gulf of Guinea;
- Actions to be taken to combat IUU fishing;
- Actions to be taken to strengthen the capacities of the actors involved to secure the maritime domain;
- Modalities relating to on-board officers;
- Modalities for facilitating the application of the Code of Conduct;
- Describing the objectives/mandates in relation to ocean governance;
- Actions to be taken to strengthen the capacities of the actors involved in securing the maritime domain;
- Modalities for facilitating the implementation of the Code of Conduct;

- Describing the objectives/mandates in relation to ocean governance;
- Ensuring the strategic and securities watch of the Gulf of Guinea and proposing related prevention measures;
- Developing strategies for preventive diplomacy and establishing and consolidating security measures both between communities and with regard to any threat that may arise at sea;
- Promoting partnership between regions (in particular through regional maritime safety centres);
- Proposing axes of coordination of multilateral programmes in the field of State action at sea;
- Monitoring cooperation with international organizations involved in the fight against maritime crime;
- Strengthening cooperation in the fight against pollution of the marine environment in the two regions;
- Ensuring compatibility and interoperability between regional maritime safety and security architectures;
- Participating in the elaboration and/or implementation of public policies of socio-economic development for the benefit of the member States of the two regions;
- Acting as an interface with the Centre and organizations working in the fields of humanitarian issues;
- Supporting the implementation of fisheries policies;
- Supporting policies to combat smuggling and major trafficking;
- Preparing and organising, in liaison with the Administration and Finance Division, the Conference of Partners and third-party contributors;
- Contributing to the monitoring of maritime border issues;
- Promoting the harmonization of texts on State action at sea for the benefit of member States in both regions;
- Raising awareness of the need for States to ratify conventions on piracy and other acts committed at sea;



- Supporting the process of harmonizing national legislation on combating piracy, armed robbery and other illegal acts committed at sea within the States of the two regions;
- Boosting judicial and police cooperation between the two regions in the field of maritime law enforcement;
- Strengthening cooperation with international organizations involved in the fight against maritime crime;
- Raising awareness of the population and promoting a better understanding of the issues at stake in the maritime domain.

#### **d) Abuja Memorandum of Understanding on Port State Control**

The Abuja MoU signed under the auspices of IMO is a binding legal document under which States of the region agreed to develop and implement a common mechanism for the respective port State control activities. The main achievement of this MoU is the harmonization of the port State control procedures and practices of all the countries in the region, aimed at eliminating the operation of substandard shipping practices in the region, thus ensuring maritime safety, security, and protection of the marine environment from pollution; improving the working and living conditions of the ship crew; and facilitating regional cooperation and exchange of information among member States.<sup>82</sup>

#### ***Regional institutional framework***

##### *Interregional Coordination Center*

The ICC was established in 2013 as a resolution of the Heads of State and Governments of ECCAS, ECOWAS, and GGC to coordinate the safety and security of the maritime space of Central and West Africa. The Centre is the body in charge of enhancing the activities geared towards cooperation, coordination, mutualization and systems interoperability and implementing the regional strategy on safety and security within the Central and West African common maritime space.<sup>83</sup>

The ICC, which is based in Yaoundé, Cameroon, has developed a unique strategic framework to deal with criminality at sea to ensure safety, security, development and governance. It also looks to build the capacities of the civilian and military personnel of the regions in maritime

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<sup>82</sup> Abuja MoU on Port State Control. Accessed at <http://www.abuja.mou.org/index.php?php=63d7s02j239sds7dh> on 27/06/2022.

<sup>83</sup> See: <http://icc.gog.org>.

law enforcement; coordinate training and practices; facilitate information exchange among the navies of the member States; promote the harmonization of texts on maritime law enforcement, including those relating to the fight against piracy, armed robbery, and other illicit acts committed at sea; and sea pollution and ensure the protection of the environment.<sup>84</sup>

The ICC is comprised of five divisions for the performance of its duties:

- The Division of Political Affairs and International Cooperation;
- The Division of Information Management and Communications;
- The Division of Training and Practice;
- The Division of Legal Affairs and Judicial Cooperation; and
- The Division of Administration and Finance.<sup>85</sup>

According to the ICC, States are to designate statutory personnel to the various positions of responsibility that are theirs in the Centres (CRESMAC, CRESMAO, and CMC Zones A, D, E, F and G) that constitute the Yaoundé Maritime Safety and Security Architecture.

The ICC has a four-year programme. Its aims include:

- Strengthening the legal, judicial and judicial capacities of member States in the field of maritime safety and security;
- Enhancing the professional skills and competencies of law enforcement officers in the maritime sector;
- Contributing to the exchange of information about securing the maritime space; and
- Contributing to the determination, delimitation and demarcation of maritime boundaries and the peaceful resolution of disputes.

#### *Regional Center of Maritime Security in Central Africa (CRESMAC)*

The Yaoundé Maritime Security architecture further establishes two regional centers known as CRESMAC and CRESMAO.<sup>86</sup> These regional centers are further divided into five security zones: A, D, E, F and G.

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<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

<sup>86</sup> CRESMAO (Regional Center of Maritime Security in West Africa): CRESMAO is based in Abidjan, Cote d'Ivoire. As part of the implementation of the ECOWAS Integrated Maritime Strategy and the Yaoundé

CRESMAC is based at Pointe Noire in the Republic of Congo. CRESMAC is one of the two regional security centers determined by the Yaoundé Maritime Security architecture created in 2014 under the authority of ECCAS. Its main aim is to ensure the training of its staff to support the center and to develop the proper tools for the elaboration of statistics and analysis while also facilitating integration into the Yaris platform.

Under CRESMAC, there are two Multinational Maritime Coordination Centers:

- Multinational Maritime Coordination Center ZONE A based in Luanda, Angola, to cover Angola, Republic of Congo and the Democratic Republic of Congo;
- Multinational Maritime Coordination Center ZONE D based in Douala, Cameroon, to cover Cameroon, Equatorial Guinea, Gabon and São Tomé and Príncipe.

#### **2.1.4. National institutional framework**

MINTRANS is Cameroon's maritime authority. Its organization is codified by Decree No. 2012/250 of 1 June 2012. The Ministry plays a central role in the national governance of the oceans. Its mission is to coordinate the organisation and operation of maritime and river transport, to monitor the implementation of the sectoral transport plan and to participate in the development and implementation of legislative or regulatory measures relating to transport.

The Directorate of Maritime Affairs and Inland Waterways of MINTRANS has the following mandate:

- Elaborating and implementing the Government's policy on maritime, fluvial and lacustrine transport;
- Dealing with issues relating to safety, security and the protection of the maritime, river and lake environment in liaison with the administrations concerned;
- Organizing maritime traffic;
- Monitoring the application of international agreements on maritime transport;

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Architecture for Maritime Security and Safety, CRESMAO is to strengthen regional maritime cooperation, coordinate activities in maritime zones E-F-G and facilitate the sharing of information and experiences with the centers: Multinational Maritime Coordination Center ZONE E based in Cotonou, Benin to serve Nigeria, Benin, Togo and Niger; Multinational Maritime Coordination Center ZONE F based in Accra, Ghana to serve Ghana, Cote d'Ivoire, Libéria, Sierra Léone and Guinea; and Multinational Maritime Coordination Center ZONE G based in PRAIA, Cape Verde to serve Cape Verde, Senegal, Gambia and Guinea Bissau.

- Monitoring negotiations, agreements and conventions as well as international conferences within its field of activity;
- Carrying out maritime police, search and rescue operations; and
- Conducting the administration of ships and seafarers.

The Directorate implements its mandate through the following bodies:

- The Sub-Directorate for Navigation, Safety and Protection of the Maritime Environment and Waterways;
- The Sub-Directorate for Maritime, River and Lake Transport; and
- The Maritime Regulation Service.

In addition to this Directorate, there is also the Department of Maritime Affairs and Inland Waterways<sup>87</sup> which is part of the Regional Delegation of Transport located in the coastal towns of Douala, Limbe, Kribi and Garoua, which is responsible for registering shipping boats, policing of shipping and also maritime security. It was formerly referred to as the Maritime Police and was popularly known by its French version Marine Marchande. It operates in all port towns in Cameroon and sensitizes fishing communities on maritime safety and security measures and is also involved in capacity-building activities in the riverine communities.

The Department of Maritime Affairs and Inland Waterways is guided by MARPOL, SOLAS, and the CEMAC code, the International Ship and Port Facility Security (ISPS) code and the Cameroonian Merchant Shipping Code to ensure the implementation of maritime security in Cameroonian waters.

#### **The Ministry of Defence (MINDEF) through the national Navy**

According to Article 2 of Decree No. 2002/36 of 4 February 2002 on the creation and organisation of the national Navy, the mission of this component of the Cameroonian military is to ensure the surveillance, protection and defence of national maritime, river and lake areas and the conduct of State action at sea in conjunction with other administrations.

#### **The Ministry of Defence through the Maritime Brigade of the National Gendarmerie**

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<sup>87</sup> Formerly referred to as the Merchant Shipping Navigation Police.

MINDEF also has competence for the control and surveillance of all merchant shipping activities, services or traffic vessels, whatever their nationality.<sup>88</sup> It ensures navigation safety by verifying safety documents and equipment, navigation lights, areas covered, maximum number of people transported, composition of the crew, manpower, radio equipment and radio call signs. It also involves the disciplinary and penal regime of merchant shipping such as verification of maritime books and the identity of those on board. Furthermore, it checks shipping offences, particularly illegal embarkation and disembarkation and control of passengers. The Maritime Brigade is equally involved in the policing of the ship by controlling external marks of identity, flag, registration, nationality, safety and circulation of vessels.

### **The Ministry of Justice**

According to Article 30 of Decree No. 2005/122 of 15 April 2005 on the Organisation of the Ministry of Justice, its Directorate of Criminal Affairs and Pardons at this level is responsible for international cooperation in the areas of mutual legal assistance in criminal matters, extradition and follow-up of transfers. According to its Article 20, its Directorate of Legislation is in charge of defending the interests of the State in court, collecting and exploiting international conventions, texts of CEMAC community law and their integration into domestic law and legal opinions at the request of ministerial departments and State bodies or institutions.

#### **2.1.5. Enforcement and implementation of shipping laws**

IMO's resolutions and guidelines assist its member States in implementing and enforcing maritime safety and security in shipping activities. Conventions and MoUs developed under IMO's authority are of significance and require flag State implementation and control of shipping activities by the port State. Failure of the flag State to carry out its duties will negatively affect the port State's international image, which in turn will have negative consequences on the State's economy in general and its shipping sector in particular. Article 94 of UNCLOS spells out the duties of the flag State, which, among others requires that "every State shall effectively exercise its jurisdiction and control in administrative, technical, and social matters over ships flying its flag". A useful indicator with respect to flag States' performance may lie in assessing the implementation and enforcement of relevant legislation, including IMO instruments as such as the STCW White List and the IMO Instruments Implementation (III) Code.

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<sup>88</sup> See Order No. 149/MINFA of 24 April 1963 on the Creation of the Maritime Brigade of the National Gendarmerie of Douala.

Port State control (PSC) is another method for ensuring implementation and administrative enforcement in the shipping industry. PSC is the inspection of foreign ships in national ports to verify that the conditions of the ship and its equipment comply with the requirements of international regulations and that the ship is crewed and operated in compliance with these rules, to ensure maritime safety and security and to prevent pollution. PSC inspections are intended to be a backup to flag State implementation, a second line of defence against substandard shipping, and experience has shown that they can be extremely effective. The IMO adopted resolution A.682(17) on regional cooperation in the control of ships and discharges, which promotes the conclusion of regional agreements. Many IMO conventions contain provisions for governments to inspect foreign ships that visit their ports to ensure that they meet IMO standards contained in instruments to which the port State is a party, taking into account the concept of no-more-favourable treatment. If ships do not, they can be delayed or detained until repairs are carried out and can be subject to targeting.

For ships travelling to different countries in the same region, a regional coordinated inspection that focuses on substandard ships and avoids multiple inspections can be more efficient and cost-effective to member States and can provide a level plane filed to ports of the region. The harmonization of PSC inspections aims to ensure that as many substandard ships as possible are inspected and to prevent ships from being subjected to multiple inspections. The primary responsibility for ensuring ship standards rests with the flag State. When a PSC officer inspects a foreign ship, any such inspection should be limited to verifying that valid certificates and other relevant documentation are on board, unless there are clear grounds for believing that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificates or that the master or crew is not familiar with essential shipboard procedures. In such cases, a more detailed inspection should be carried out. When exercising control, all possible efforts should be made to avoid a ship being detained or delayed.

Article 218(1) of UNCLOS on enforcement by port States provides that when a vessel is voluntarily within a port or at an offshore terminal of a State, that State may undertake investigations and where the evidence so warrants, institute proceedings in respect of any discharge from the vessels outside the internal waters, territorial sea or EEZ of that State in violation of applicable international rules and standards, established through the competent international organization or general diplomatic conference. Article 219 on measures relating to seaworthiness of vessels to avoid pollution stipulates that States which upon request or on their own initiative have ascertained that a vessel within one of their ports or at one of their

offshore terminals is in violation of applicable international rules and standards relating to seaworthiness of vessels and thereby threatens damage to the marine environment shall, as far as practical, take administrative measures to prevent the vessel from sailing. Such States may permit the vessel to proceed only to the nearest appropriate repair yard. Upon removal of the causes of the violation, they shall permit the vessel to continue immediately.

The requirements contained in IMO conventions consist of SOLAS 1974 Regulation 1/19, IX/6.2, XI-1/4 and XI-2/9, as modified by SOLAS Protocol 1988; Article 5 and 6, Regulation of Annex I, Regulation 16.9 of Annex II, Regulation 9 of Annex III, Regulation 14 of Annex IV, Regulation 9 of Annex V and Regulation 10 of Annex VI of MARPOL; Article X of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (1978); Article 12 of the International Convention on Tonnage Measurement of Ships (1969); Article 11 of the International Convention on the Control of Harmful Anti-Fouling Systems on Ships (2001); and Article 9 of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (2004) on procedures to be followed by a Party of a relevant convention with regards to foreign ships visiting a port State. Effective use of these provisions by the authorities of the port State can identify deficiencies onboard foreign ships which may render them substandard and ensure that remedial actions are taken.

These inspections are meant to back up flag State implementation, but experience has shown they are effective. Regional MoUs such as the Abuja MoU, the Paris MoU, the Tokyo MoU, the Caribbean MoU and Black Sea MoU, inter alia, encourage the effectiveness of PSC inspections.

#### **2.1.6. Gender and blue economy considerations**

Mainstreaming gender and ocean issues in the maritime transport sector is an increasingly important aspect of governance in Africa. While maritime transport security remains a key element in the foundation of a blue economy, it unfortunately does not integrate gender equality in the maritime transport chain in Cameroon to a considerable degree.

With regard to the gender dimensions of shipping and maritime transport sectors, at present there is no national policy or strategy adopted by the Cameroonian Government involving women. According to the last African Ports Forum organized in Douala in 2021, only 2 per cent of workers in the port sector are women in Cameroon. However, there are some isolated initiatives such as the Association of Women of the Autonomous Port of Kribi, a professional association created during the constitutive assembly held on 8 February 2019 in Kribi. Its main

mission is to promote appropriate actions for the integration or effective involvement of women in the port sector. Other associations also exist, such as Women in Maritime Cameroon, which was created on 27 January 2016 as a non-profit organisation designed to answer the call of gender equality and the empowerment of women as well as to establish cooperation for the development of entrepreneurship of African women in the maritime sector.

In spite of this gap in terms of percentage, some efforts have been made by the heads of the respective ministerial departments involved in the sector (MINTRANS and MINDEF) to integrate women in the maritime sector through training, professional integration and construction of career plans or advancement in rank.

It is also important to mention that this situation is the same with regard to threats related to maritime transport. To address this imbalance, the Cameroonian MINTRANS, as the maritime authority, is committed to developing a strategy to involve women in the maritime security sector.

In the absence of a comprehensive national strategy, Cameroon through its maritime institutions should encourage and support the participation of women in the IMO's gender programme, which was established in 1988. Based on SDG 5, this programme has enabled the IMO to adopt a strategic approach to enhancing the contribution of women as key stakeholders in the maritime sector. In 2022, an International Day for Women in Maritime was established by IMO to promote gender equality.<sup>89</sup>

Regarding the blue economy, maritime transport is the cornerstone of international trade and the global economy. Around 80 per cent of world trade by volume and over 70 per cent by value is carried by sea and handled by ports around the world. This proportion is higher in most developing countries in Africa.

In spite of the increase in banditry activities orchestrated in Cameroon's territorial waters, mainly in the Limbe-Idenau and Douala region, maritime transport activities offer many economic, social and environmental benefits.

On the economic level, it must be said that it constitutes a vector of Cameroonian economic growth. The volume of traffic in all ports in Cameroon has increased by nearly four million tonnes in ten years, from 7.8 million tonnes in 2010 to 11.8 million tonnes in 2017.<sup>90</sup> Traffic at

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<sup>89</sup> See: Report on the implementation of activities under the Programme on the Integration of Women in the Maritime Sector from January to December 2022.

<sup>90</sup> See: Transport Statistics Yearbook of the Ministry of Transport, 2018, p. 29.



the Autonomous Port of Kribi contributed to the 170 per cent increase in revenue from imported container traffic, which rose from 8,568 20-foot equivalent units in 2019 to 23,195 20-foot equivalent units in 2020. In 2020, it also contributed CFAF 74 billion in customs duties that is, an evolution of 184 per cent.<sup>91</sup> It also plays a major role in the foreign trade of agricultural products such as cocoa, cotton and bananas.

It should also be said that maritime transport in Cameroon makes it possible to ensure the transport of hydrocarbons to the oil depots of the National Refining Company (SONARA) and the Cameroon Petroleum Depot Company (SCDP). It is heavily involved in the import of fishery products.

On the social level, the maritime transport sector in Cameroon is an important vector of employment. At the level of the Autonomous Port of Douala, the companies installed on the port site guarantee jobs due to the profits generated in maritime transport activities. Also, the revenues obtained by the port organizations of Douala and Kribi contribute to guaranteeing the reinforcement of their social responsibility in the fields of education and environmental protection through the reforestation of the mangrove.

Environmentally, it must be said that environmental sustainability has become a major political concern in global shipping. The new 2020 IMO regulation, which lowers the maximum sulphur content of fuel oil for ships from 3.50 per cent to 0.50 per cent, should bring considerable benefits to human health and the environment. Specifically, it will significantly reduce the amount of sulphur oxides emitted by ships, improve air quality in port cities and coastal areas and meet global climate change goals.<sup>92</sup>

In Cameroon, the protection of the marine environment in the maritime transport sector constitutes a real security challenge. In order to limit and prevent pollution in Cameroonian ports and maritime areas generated by the activity of transporting goods and petroleum products at sea, the Cameroonian Association of Maritime Law has recommended that the Cameroonian Government ensure compliance environmental protection standards, strengthen the monitoring mechanisms for the effective implementation of these measures and adapt the country's infrastructures to the evolution of flows and technological advances.

In conclusion, it can be said that the maritime transport sector in Cameroon, beyond the security challenges observed in environmental and criminal matters due to attacks on foreign ships,

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<sup>91</sup> See KRIBI PORT Magazine, No. 004, 2020, p. 4 (<https://www.pak.cm/fr/node/1253>).

<sup>92</sup> See United Nations Conference on Trade and Development (UNCTAD) Study on Maritime Transport, 2019, p. 47.

remains a catalyst of the blue economy at the national level in view of the revenues or profits generated at the level of Cameroonian port platforms.

## **2.2. Exploration and exploitation of non-living resources**

### **2.2.1. Sector profile of exploration and exploitation of marine non-living resources**

Oil prospecting was first carried out in 1947 at the Rio del Rey, where oil was discovered in commercial quantities, but Cameroon began oil production in 1977. For some time, the petroleum industry has been the dominant sector in the Cameroonian economy, easing the pressure on the agricultural sector, which before 1977 was the only source of foreign earnings for the country. In 2019, crude oil was Cameroon's biggest export earning, bringing in \$1.89 billion and an import of \$347 million. Cameroon's petroleum production stood at 70,000 barrels per day in 2020.<sup>93</sup> In March 2022, Cameroon's crude oil production stood at 61,000 barrels per day, and Cameroon's gross domestic product (GDP) per capita was \$1,432.56. The country has natural gas reserves of about 4.8 cubic feet. Cameroon continues to concentrate on upstream and downstream activities.

Cameroon's oil industry is divided into four major sectors: upstream, midstream, downstream, and oilfield services.<sup>94</sup> Several organizations are operating in the Cameroonian oil industry which is divided into these four major sectors which are regulated by National Hydrocarbons Corporation of Cameroon (SNH) and the Hydrocarbons Prices Stabilization Fund.

The *upstream* is the sector involved in the exploration, appraisal, development and production in the oil and gas cycle. It includes exploring potential crude oil onshore and offshore, appraising the potential of oil and gas fields, installing and drilling oil wells, recovering hydrocarbon products from the oil well and bringing them onto the production rigs. In Cameroon, the key players in the upstream sector are SNH, Perenco, and Addax Petroleum. During the 2019 financial year, these three entities produced 25.9 million barrels of crude oil (SNH, 2021).<sup>95</sup>

*Midstream* is the sector involved in the transportation and storage of hydrocarbon products. In Cameroon, the key players in the midstream sector are SCDP and Cameroon Oil Transportation Company.

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<sup>93</sup> ITA, Cameroon Country Commercial Guide 2021. See [www.snh.cm/index.php/en](http://www.snh.cm/index.php/en).

<sup>94</sup> Although we are more interested in offshore sector activities.

<sup>95</sup> See: <https://www.snh.cm/index.php/en/hydrocarbons-in-cameroon/key-data>.

*Downstream* is the sector involved in refining crude oil and marketing and supplying refined oil products. In Cameroon, the key players in the sector are SONARA, Total, OLA Energy, and Trade. *Oilfield service* is the sector involved in manufacturing, repairing and maintaining equipment used to extract oil from the hydrocarbon well. Companies in this sector work together with companies in the upstream sector. In Cameroon, the key players in this sector are Schlumberger and Halliburton.

Though the oil industry in Cameroon has made immense contributions to the national economy, it has been accompanied by adverse environmental impacts. There has been significant pollution from oil drilling, refinery waste, oil spillage and gas flaring. The sector's problems are also seen to be aggravated by a lack of transparency and poor governance in oil and gas sector.

### **2.2.2. The international and regional legal and institutional framework**

#### **UNCLOS**

UNCLOS requires the prevention, reduction and control of pollution of the marine environment from any source, using for this purpose the best practicable means at States' disposal and following their capabilities, and they shall endeavor to harmonize their policies in this connection.<sup>96</sup> In addition, States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted in a manner not to cause damage by pollution to other States and their environment and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights under UNCLOS.<sup>97</sup>

These measures shall deal with all sources of pollution to the marine environment, and include, inter alia, those designed to minimize to the fullest possible extent pollution from installations and devices used in exploration or exploitation of the natural resources of the seabed and its subsoil, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea and regulating the design, construction, equipment, operation and staffing of such installations or devices.<sup>98</sup> Finally, to curb mineral pollution, States shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.<sup>99</sup>

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<sup>96</sup> Article 194 (1) of UNCLOS.

<sup>97</sup> Article 194 (2) of UNCLOS.

<sup>98</sup> Article 194 (3) (c) of UNCLOS.

<sup>99</sup> Article 195 of UNCLOS.

### **The Commission on the Limits of the Continental Shelf (CLCS)**

As noted above, the Government of Cameroon submitted preliminary information to CLCS indicating the outer limits of its continental shelf beyond 200 nautical miles in line with Article 76 of UNCLOS.<sup>100</sup> The Commission is a very important institution as far as ocean governance is concerned because it is imperative for coastal States which intend to claim a continental shelf beyond 200 nautical miles to submit information on the outer limits thereof to the Commission. Article 3(1) of Annex II of UNCLOS confers two functions to the Commission, which include: (1) considering data submitted to it by the coastal state and making recommendations to the coastal state in this matter in accordance with Article 76(7) of UNCLOS and (2) providing scientific and technological advice if requested to do so by the coastal State.

### **The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1992)**

The Fund Convention provides for compensation in addition to that of the CLC. Where the costs of the oil spill exceed the limit of the CLC described above, the exceptions specified under the CLC apply, or where the insurance cover under the CLC is insufficient to meet the shipowner's prescribed limits. The Convention provides for the establishment of an international oil pollution fund consisting of levies on imported crude oil or crude oil transported between the ports of a contracting party. To this end, companies operating in the jurisdiction of a contracting party pay an annual tax to the Fund proportionate to the amount of crude oil imported (above a minimum of 150,000 tonnes) as well as crude oil transported along the coast between ports. While the shipowner is liable under the CLC, the cargo owner is liable under the Fund Convention. Claims for clean-up costs and pollution damage are covered up to approximately \$195 million.

Cameroon ratified and became a contracting party to the Fund Convention on 10 October 2002. This means that the Limbe refinery, which imports about 1.5 million tonnes of crude oil annually, will pay a levy to the Fund. The Government of Cameroon and its citizens can file claims for loss and damage with the Fund secretariat. In this respect, the Fund Convention's Guide to Compensation Procedures is an important reference.

### **The International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (1969)**

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<sup>100</sup> MINREX, 2009; DOALOS, 2022; See detailed discussion in 1.1.1 above on National Maritime Zones of Cameroon.

As a Contracting Party to this Convention, Cameroon may take any appropriate measures in the high seas to prevent, reduce or eliminate a serious and imminent danger along its coasts of an oil spill or threat of an oil spill as a result of a maritime emergency or acts related to such an emergency that is reasonably likely to have significant harmful consequences. This means an emergency involving a marine navigation vessel (not, for example, an oil production platform) which spills or may spill oil, within or outside territorial waters, and is likely to have significant harmful consequences.

### **Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region and the Protocol concerning Co-operation Combating Pollution in Cases of Emergency (Abidjan Convention; 1981)**

Cameroon is a signatory to the Abidjan Convention and Protocol, the purpose of which is (among other things) to provide for regional cooperation in the response to oil spills. (See discussion above at 1.2.1)

### **2.2.3. The national legal framework on hydrocarbon exploration and exploitation**

#### **Law No. 2019/008 of 25 April 2019 to Institute the Petroleum Code**

Section 30 of Law 2019/008 stipulates that for exploration to take place, there must either be a hydrocarbon exploration permit in case of a concession contract or an exclusive exploration authorization in production-sharing contracts. Even though signing the petroleum contract will mean the grant of an exploration authorization, only a presidential decree can effectuate this.<sup>101</sup> Exploration authorizations shall confer on their holders the exclusive right to carry out, at their risk and expense, hydrocarbon prospecting and exploration within the limits of the relevant area, except as may be otherwise provided for in the petroleum contract. Furthermore, Section 31(2) states that exploration permits shall be valid for not more than three years except for special cases where they may be valid for five years, and permits shall be renewable twice for not more than two years each.<sup>102</sup>

Section 35(1) states that the exploration authorization holder shall notify the Minister in charge of hydrocarbons or any public body duly mandated for that purpose of all hydrocarbon discoveries within fifteen days with effect from the date of such discovery. It also states that under administrative penalties, no other disclosure concerning the said discovery shall be made

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<sup>101</sup> Article 31 (2) of the 2019 Petroleum Law.

<sup>102</sup> Article 32 of the Cameroonian of Petroleum Code 2019.

by the exploration authorization holder without the prior approval of the Minister in charge of hydrocarbons or any public body duly mandated for that purpose.<sup>103</sup> Section 35(2) states that where a hydrocarbon discovery leads to the presumption of a commercially exploitable deposit, the exploration authorization holder shall diligently carry out the works required to assess and delineate such deposit.<sup>104</sup>

Section 36(1) states that any exploration authorization holder who provides evidence of the existence of a commercially exploitable hydrocarbon deposit in the area covered by the authorization shall have the right to request an exploitation authorization and be bound to carry out exploitation activities within three years with effect from the date of grant of exploitation authorization (also called a provisioner exploitation authorization in Section 49).<sup>105</sup> The grant of an exploitation authorization shall entail the lapse of the exploration authorization within the exploitation area. It shall, however, allow the said authorization to remain valid outside the area until its expiry date without changing the minimum exploration program incumbent on the holder.

Law 2019/008 is clear that an exploitation authorization attached to a petroleum contract shall be either an exploitation concession in the case of a concession contract or an exclusive exploitation authorization in the case of a production-sharing contract.<sup>106</sup> The grant of the exploitation authorization shall not transfer ownership of the surface area. These exploitation authorizations shall not exceed 25 years for liquid hydrocarbons and 35 years for gaseous hydrocarbons. It shall be renewed only once upon the holder's request for a maximum period of 10 years.<sup>107</sup>

Exploration authorization holders who provide evidence of a commercially exploitable hydrocarbon deposit within their contractual area and have been granted an exploitation authorization shall be entitled to exploit such deposit in accordance with the terms and conditions laid down by law in line with best international oil and gas industry practices.<sup>108</sup> The President of the Republic shall grant the authorization and shall specify the duration of the said authorization. The exploitation authorization holder shall be bound to carry out exploitation activities within three years from the date on which the exploitation authorization was granted.

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<sup>103</sup> Article 35(1) Ibid.

<sup>104</sup> Article 35(2) Ibid.

<sup>105</sup> Article 36 (1) 2019 Law.

<sup>106</sup> Article 40.

<sup>107</sup> Article 42.

<sup>108</sup> Article 44.

Failure to do so, the State will serve the authorization holder with a formal notice within three months, except in cases of force majeure. If the holder doesn't comply with their obligations, the authorization will be withdrawn by the State in line with Article 126 of the 2019 Petroleum Code.

### **Law No. 2016/017 of 14 December 2016 to Institute the Mining Code**

The Mining Code of Cameroon by virtue of its Article 10 subjects all mineral deposits in the continental shelf and the EEZ, irrespective of the substances they contain, under the mining legal regime.<sup>109</sup> This would mean that offshore exploration and exploitation within these maritime zones are mining activities subject to the provisions of the Mining Code of Cameroon. Article 11 of the code obligates anyone interested in exploring or exploiting these maritime zones to obtain permits from the competent authorities responsible for that sector.

Article 10 of the Mining Code brings hydrocarbon deposits within the continental shelf under the jurisdiction of the Cameroonian mining regime. But to explore within this maritime zone, the explorers must obtain an exploration permit. This exploration permit shall be issued to a legal person under Cameroonian law by the Minister in charge of mines to conduct exploration works to locate and evaluate mineral deposits and determine conditions for commercial mining.<sup>110</sup> The law makes it clear that these exploration permits shall have a validity duration of three years, renewable three times, with the renewals not exceeding two years each .<sup>111</sup>

By virtue of Article 40(1) of the Mining Code, the holder of an exploration permit is authorized to access and occupy the surface area covered by the exploration permit; extract, remove and dispose of rocks, earth, soil, or mineral substances, excluding precious and semi-precious substances, in quantities allowed by the approved works schedule; collect and use water situated on or flowing through the said surface area for any purpose of the exploration activity, in accordance with the laws and regulations in force; and carry out any other works deemed necessary for the exploration of the surface area. Article 17 of Law No. 96/12 of 5 August 1996 Relating to Environmental Management requires an environmental impact assessment (EIA) by the promoter or owner of any development, labour or equipment or project which may endanger the environment owing to its dimension, its nature or the impact of its activities on the natural environment pursuant to the prescription of specifications. These specifications are as prescribed in Article 40 of the Mining Code discussed above.

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<sup>109</sup> Article 10 of Law No. 2016/017 of December 2016.

<sup>110</sup> Article 36 of the Mining Code.

<sup>111</sup> Article 37 (1), *ibid.*

For accountability, the holder of an exploration permit shall submit periodic reports to the minister in charge of mines under the terms and conditions laid down by regulation.<sup>112</sup> The holder of the exploration permit shall also forward annual financial reports to the minister in charge of finance.<sup>113</sup> These reports are subject to the principle of secrecy as the permit holders are not supposed to disclose any information submitted to the Minister of mines to non-staff members of that ministry within the period of validity of the exploration permit unless such disclosure is for statistical purposes.<sup>114</sup>

Under Article 55(1) of the Mining Code, an industrial mining permit can be granted only by the decree of the President of the Republic. This permit gives the holder the right to extract minerals from the soil or subsoil using a standard process method to obtain a useful substance.<sup>115</sup> The mining permit is granted for a period not exceeding 20 years and shall be renewable for one or more periods not exceeding ten years.<sup>116</sup>

However, the Mining Code does not expressly mention offshore mining in its provisions. This is seen in Article 58(1), which spells out the authorization a mining permit gives to its holder.<sup>117</sup> This article constantly makes use of the word “Land,” which literally could be interpreted to restrict its applicability to hydrocarbons offshore. This implies that the Republic of Cameroon does not carry out deep seabed mining at the moment, taking into consideration that such activities are not within the scope of the law or because such activities are not recognized.

Furthermore, Article 2 of UNCLOS also states that the coastal States shall exercise sovereignty over the territorial sea, which comprises the seabed and subsoil, the adjacent waters, and its airspace. This, therefore, gives international recognition to the ability of Cameroon to enforce its national laws over this maritime zone. Also, Article 77(1) of UNCLOS gives states sovereign rights over the continental shelf to explore and exploit the natural resources available within that zone.

The Mining Code also stipulates that granting a mining permit automatically entails attributing to the state, free of charge and without any encumbrances, 10 per cent of the total share of the mining company.<sup>118</sup> The code further permits to acquire even more shares as mutually agreed

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<sup>112</sup> Article 41 (1).

<sup>113</sup> Article 41 (2).

<sup>114</sup> Article 41 (3).

<sup>115</sup> Article 55 (2).

<sup>116</sup> Article 56 (1).

<sup>117</sup> Article 58 (1).

<sup>118</sup> Article 59 (1).



by the stakeholders, on the condition that the state's share of capital increase shall not exceed 25 per cent of the total share of capital of the mining company.<sup>119</sup>

#### **Law No. 2012/006 of 19 April 2012 to institute the Gas Code**

The Gas Code is meant to regulate the downstream sector dealing with the transportation, distribution, processing, storage, importation, exportation and marketing of natural gas and its products within the national territory. The code permits Cameroonians and foreigners in Cameroon to carry out downstream gas activities in accordance with the laws and regulations in force. The Minister in charge of the downstream gas sector or any empowered establishment shall ensure the regulation thereof and coordinate the state's role. To operate in the downstream gas sector, operators must seek and obtain concessions and other related documentation. Failure to do so shall attract severe penalties for lack of concession, license or authorization and for obstructing a sworn officer or operator.

#### **Law No. 96/12 of 5 August 1996 Relating to Environmental Management**

The law is categorical in Article 17 that the promoter or owner of any development, labor, equipment, or project which may endanger the environment owing to its dimension, nature, or the impact of its activities on the natural environment shall carry out an impact assessment under the prescription of the specifications. This assessment shall determine the direct or indirect incidence of the said project on the ecological balance of the zone where the plant is located or any other region, the physical environment and quality of life of populations, and the impact on the environment in general. This provision covers even offshore hydrocarbon deposits. For exploitation of these deposits to be effectuated, the promoters of these activities must ensure that the projects correspond to the regulations on environmental safety in force and the cost of this assessment shall be their responsibility.<sup>120</sup> It is also worthy of note that projects that do not correspond to this EIA shall be null and void ab initio by virtue of Article 18.

#### **2.2.4. National institutional framework for governance**

A host of national institutions are in charge of exploring, exploiting, monitoring, surveilling and controlling security and maritime transportation (i.e., regulation of offshore services). of hydrocarbons and minerals in Cameroon. These institutions include the Ministry of Mines, Industry and Technological Development (MINMIDT), the Ministry of Environment, Nature

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<sup>119</sup> Article 59 (2).

<sup>120</sup> Article 17 (2).

Protection and Sustainable Development (MINEPDED), MINDEF, SNH, and the Hydrocarbons Prices Stabilization Fund.

### **The Presidency of the Republic**

The President of the Republic has a major role in the governance of hydrocarbon activities in Cameroon. By virtue of Article 55(1) of the Mining Code, the President of the Republic exercises power to issue or grant industrial mining permits. Therefore, since hydrocarbons offshore can only be extracted industrially, the authority to carry out this activity must emanate from the President of the Republic in line with the Mining Code. In addition, the 2019 Petroleum Law in its Article 31(2) endows the President of the Republic with the exclusive right of granting exploration authorizations for hydrocarbons. The President of the Republic shall specify the duration of the said authorization as contained in Article 45 of the Law. All the competence mentioned above of the President of the Republic makes him/her indispensable as far as hydrocarbon governance is concerned in Cameroon and in areas under Cameroon's jurisdiction.

### **The Ministry of Environment, Nature Protection and Sustainable Development**

Article 192 of UNCLOS says that States should protect and preserve their marine environment. In this connection, MINEPDED is responsible for developing, implementing, and monitoring environmental policy and the protection of the environment.<sup>121</sup> Among other objectives, one of the most important missions of this Ministry is to carry out pollution management and disaster and natural disaster prevention.

### **Ministry of Mines, Industry and Technological Development**

MINMIDT occupies a very strategic role in the governance of hydrocarbons activities in Cameroon. The Minister of Mines is the legal representative of the State in signing mining contracts with mining companies by virtue of Article 12 of the 2019 Petroleum Law. Article 121 of the 2019 Law gives the Minister of Mines the authority to carry out audits on the accounts of the authorization holders in line with their various mining contracts. Article 36 of the Mining Code sets forth that the Ministry is responsible for issuing exploration permits and non-industrial mining permits for exploitation.<sup>122</sup> Article 41, paragraph 1 of the Mining Code

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<sup>121</sup> Article 192 of UNCLOS.

<sup>122</sup> Article 36 of the Mining Code.

states that for accountability, the holder of an exploration permit shall submit periodic reports to the Minister in charge of mines under the terms and conditions laid down by regulation.<sup>123</sup>

### **The National Hydrocarbons Corporation**

SNH is Cameroon's national oil and gas company. The company was established on 12 March 1980. This institution operates in partnership with international oil companies and is responsible for selling the Government's share of oil output.<sup>124</sup> It also holds a minor stake in projects operated by international partners.<sup>125</sup>

### **The Hydrocarbons Prices Stabilization Fund**

The main mission of this institution is to regulate the prices of hydrocarbon products nationwide, through partial or total support of the products' price increases and according to its financial resources.<sup>126</sup> In addition, the Fund participates in all operations to control national energy policy through equity participation in oil product exploration, production, refining and distribution.<sup>127</sup> It also ensures the regular supply of hydrocarbon products nationwide through the regulation of stocks and prices. It also provides arbitration needed to maintain healthy competition between operators in the sector and supports consumer protection through stabilization and equalization mechanisms.<sup>128</sup>

### **Ministry of Defence**

MINDEF ensures the security of the national territory, coast and territorial waters within the framework of its missions. It has operational bases in the coastal towns such as the BIR DELTA base located in Kribi, whose presence influences the development of the coastline given the special status of these sites. The institution also carries out projects aimed at protecting the coastal zone of Kribi within the framework of these civil-military actions. These include the construction of a dyke and pontoons at the Lobé Waterfalls. While the National Marine Force are in charge of the policing of Cameroon's marine environment, the BIR secures Cameroon's waters against piracy, vandalization of offshore hydrocarbons installations and other menaces at sea.

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<sup>123</sup> Article 41 (1).

<sup>124</sup> See: <https://www.snh.cm/index.php?lang=en>.

<sup>125</sup> *Cameroon Oil and Gas Report Q2 2010*. Business Monitor International. 2010.

<sup>126</sup> See: <https://www.csph.cm/index.php/en/about-us-en/our-missions>.

<sup>127</sup> Ibid.

<sup>128</sup> Ibid.

### **2.2.5. Enforcement and implementation of the governance framework for the sector**

In addition to the Decree of the Petroleum Code (Decree No. 2000/465 of 30 June 2000), the creation of a Committee Against Contamination due to Hydrocarbons (Protection Committee) is aimed at assisting the government in the application of the legislation and regulations in force in terms of environmental protection and the safety of oil operations. The national institutions in charge of governance (MINMIDT and SNH) of the exploration and exploitation of non-living marine resources (hydrocarbons) are very much involved in the fight against marine pollution caused by offshore oil operations.

To date, the following have already been developed for this purpose:

- A Cameroon National Oil Spill Contingency Plan (PNIU); and
- A Cameroon National Oil Spill Contingency Plan (PNLDAH), 29 October 2009.

In view of the increasing risk of oil spills on Cameroon's coasts due to the growth of exploration and production activities and maritime traffic, Cameroon's upstream oil and gas agent (SNH) continues to intensify its actions towards the consolidation of the implementation manual of the National Oil Spill Contingency Plan of Cameroon. It is also involved in international initiatives aimed at preserving ecosystems, such as the Global Gas Flaring Reduction Partnership, the International Oil Pollution Compensation Funds (IOPC Funds), and the International Petroleum Industry Environmental Conservation Association.

Other national institutions also contribute to the governance of exploration and exploitation activities on a technical basis in the action plan to combat marine pollution. This is the place to cite, among others, MINTRANS and the Autonomous Ports of Kribi and Douala with the aim of preventing marine pollution and waste produced by navigation and by the maintenance of ships in coastal waters.

### **2.2.6. Cross-cutting issues: Gender and the blue economy**

The exploration and exploitation of non-living marine resources occupies an important place in the national economic growth in view of the revenues or profits collected from the sale of oil and gas products by the technical institutions directly involved, such as SNH, the Hydrocarbons Prices Stabilization Fund, SONARA, and SCDP.

For administrative and technical control, inspection, ecological or environmental monitoring and the conduct of oil operations in Cameroon's maritime zones, these institutions take gender

into account. The blue economy's place as a decisive indicator of Cameroon's GDP is no longer in question.

### **Gender and oceans**

In the 1940s, when oil exploration started, women did not directly participate in the hydrocarbon industry. In recent years, women have become more visible in the oil and gas industry. The gender distribution in the workforce of this sector comprises 37.54 per cent women and 62.46 per cent men.

Alongside technological advances, women now participate throughout the oil chain, from exploration of the wells to the distribution of products, including processing and storage. However, there is still a considerable gap at the decision-making level, with only 5 per cent of the highest positions held by women (4 heads of department, 10 heads of service, and 17 heads of office).

### **The blue economy**

The contribution of exploration and exploitation of non-living marine resources to the GDP of most of the Central African States, including Cameroon, is well established.<sup>129</sup>

Playing an essential role in economic growth and social development, the hydrocarbons exploited in Cameroon's EEZ and continental shelf also contribute to the production of new energy resources and the development of industrial, public and social infrastructures. In 2018, the representative of the upstream hydrocarbon sector in Cameroon, SNH, was able to generate the sum of CFAF 413.32 billion, an increase of 30.76 per cent compared to 2017.<sup>130</sup> To clarify, in 2018, the contribution of this extractive sector to GDP was 4.77 per cent, to state revenue 16.13 per cent, to exports 28.38 per cent and to employment 0.60 per cent.<sup>131</sup>

In order to ensure a resilient blue economy in this sector that respects the health of the marine and coastal environment, measures aimed at the preservation and protection of the marine environment as well as the protection of living marine resources continue to be given special attention by the Cameroonian government, which has also set up a committee for protection against hydrocarbon contamination. Under the control of the MINMIDT, biannual inspections to ensure compliance with safety measures have also been set up.

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<sup>129</sup> Since the 1930s, the gross domestic product has become the benchmark measure of a country's economic progress and the main decision-making tool for leaders (United Nations Economic Commission for Africa, 2016, p. 16).

<sup>130</sup> See SNH Annual Report 2018, p. 16.

<sup>131</sup> See EITI Report (Extractive Industries Transparency Initiative in Cameroon), 2018, p.18.

## 2.3. Coastal and marine tourism

### 2.3.1. Introductory sector profile

Marine tourism covers a wide range of ocean activities, the most predominant of which are cruising and sailing.<sup>132</sup> Other leisure water-based activities and sports (often carried out in coastal waters) are scuba diving, underwater fishing, water skiing, windsurfing, tours to maritime parks, wildlife and mammal watching, and others.<sup>133</sup> Coastal tourism is closely related to marine tourism, although it also covers beach-based tourism and recreational activities such as swimming, sunbathing, and coastal walks. The International Coastal and Marine Tourism Society define coastal and marine tourism as “those recreational activities which involve travel away from one’s place of residence which has as their host or focus the marine environment and the coastal zone.”<sup>134</sup>

According to the World Bank, revenue generated by the Cameroon Government in 2020, a total of USD 437,000,000 was realized. Long before the COVID outbreak, in 2019, revenue raised from the tourism sector stood at \$681,000,000.<sup>135</sup> A total of 1,021,000 tourists visited Cameroon in 2019. Total employed in the tourism sector stands at 7,737,000 with a percentage of 6.7 per cent.<sup>136</sup> In 2020, the tourism sector generated \$437,000,000 in revenue.<sup>137</sup>

Ecotourism, on the other hand, is tourism directed towards exotic, often threatened, natural environments, and is intended to support conservation efforts and observe wildlife. According to The International Ecotourism Society, ecotourism can be defined as “responsible travel to natural areas that conserve the environment, sustains the well-being of the local people, and involves interpretation and education.”<sup>138</sup> Ecotourism is nature-based and involves environmental education and sustainable management. Ecotourism in Cameroon, which due to its regional diversity is referred to as “Africa in miniature”, is a growing industry promoted by the Government in order to preserve the natural surroundings and help alleviate poverty. There are a number of packages available that promote ecotourism in Cameroon, including the ST-

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<sup>132</sup> Diakomihalis M. “Greek maritime tourism: evolution, structures and prospects. In: Maritime Transport: the Greek Paradigm, Research in Transportation Economics”, Vol 21, pp. 419-455. See: [http://dx.doi.org/10.1016/S0739-8859\(07\)21013-3](http://dx.doi.org/10.1016/S0739-8859(07)21013-3), 2007. Honey M. Krantz D. Global Trends in Coastal Tourism. Marine Program World Wildlife Fund, Washington DC, 2007.

<sup>133</sup> Ibid.

<sup>134</sup> Orams, M.B. and Luck M. “Coastal and Marine Tourism Emerging Issues, Future Trends and Research Priorities”, 2014.

<sup>135</sup> World Bank, 2023, <https://data.worldbank.org/indicator/ST.INT.ARVL?locations=CM>.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid.

<sup>138</sup> International Ecotourism Society (2019). What is Ecotourism? <https://ecotourism.org/what-is-ecotourism/>.

EP project for the development of ecotourism in Kribi, a beach resort and seaport in Cameroon, which concentrates on ways to boost ecotourism and the creation of business linkages between tourism enterprises and local communities. This ecotourism project gives special attention to the environmental management of Kribi and its coastal areas in harmony with the Coastal Tourism Programme whose “ecotourism” and “sustainable management of tourism” components are currently being implemented by the United Nations World Tourism Organization (UNWTO) in partnership with the United Nations Industrial Development Organization.<sup>139</sup> Also envisaged in the project is the development of direct sales by the poor to tourists, in line with the seven mechanisms for poverty reduction recommended by the UNWTO.

It is self-evident that if tourism activity destroys the attraction upon which it is based, the investment in tourism infrastructure and businesses will not be sustainable. Sustainability is, therefore, a critical component of the long-term economic success of any nature-based tourism venture. This is widely recognized in marine tourism-based communities. Protecting and preserving endangered sites of marine tourism requires sustainable and eco-friendly tourism policies and practices.

Many countries are now aware of the potential of coastal and marine environments and are developing policies to stimulate these activities. Generating revenue from tourists’ visits to Cameroon’s coastal and marine touristic centers remains the most obvious economic benefit of coastal and marine tourism. Revenue generation can either be from domestic sources or earnings from foreign exchange, in which case it involves visits by nationals of other countries. In many developing countries, priority is given to international tourists, often at the expense of domestic (and regional) tourists because of the foreign exchange earnings that accompany international visits.

Establishing and properly managing coastal and marine tourism centers creates many job opportunities for unemployed youths. The jobs are not limited to the touristic sites and their facilities but also allow for developing tourism-allied industries and services that engage a good number of skilled and unskilled workers. Direct employment within the tourism industry engages personnel in various positions of tourism management and administration, field supervision, tour guidance, souvenir vending, security management, and so forth. Activities of service providers such as transportation, accommodation and hospitality, entertainment and

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<sup>139</sup> See: <https://www.unwto.org/archive/global/news/2011-08-18/development-ecotourism-kribi-cameroon>.

other tourism-associated industries provide jobs. The cumulative effect of direct and indirect jobs from coastal and marine tourism and associated service providers helps reduce the nation's unemployment. For many communities, countries and regions worldwide, marine tourism constitutes the main economic sector and source of employment.<sup>140</sup>

Tourism provides points of contact among people from different socio-cultural backgrounds. It allows for an exhibition of cultural values of host communities in areas such as local language, traditions, music, arts and artifacts, religion, history, dress style, education systems and local leisure activities. Tourism will also allow for showcasing the rich socio-cultural values of the coastal community and marine environment. Cameroon, for example, has over 250 ethnic groups that have particular cultural characters, moral values and norms. The exhibition of this rich cultural heritage will add beauty to the coastal and marine tourism endowment being explored by the tourists. Local languages, modes of dressing, music, and festivals will be on exhibition to reflect the beauty of African ethnic groups and their culture. An example is the "Ngondo," the traditional and ritual festival of the Cameroonian coastal peoples, and the Limbe Festival of Arts and Culture. Similarly, there may also be a transfer of socio-cultural values from tourists to members of the host communities through the interactions with tourists.<sup>141</sup>

### **2.3.2. Global and regional legal and institutional framework related to coastal and marine tourism**

#### **UNCLOS**

Though UNCLOS does not have a direct mandate on coastal and marine tourism, the Convention regulates activities, including coastal and marine tourism, which cause a high level of pollution affecting the marine environment. According to Brida and Zapata,<sup>142</sup> yachts and cruises, which represent the largest segment of marine tourism, are responsible for high levels of water pollution (due to waste disposal practices) and air pollution (mainly due to gas emissions of cruise ships). At the same time, other marine tourism activities (such as daily trips and underwater fishing) also contribute to the degradation of coastal waters, especially those found close to cities, due to the spatial pattern they follow (close to urban environments and as close as possible to the shoreline).<sup>143</sup> UNCLOS also makes provision for States to adopt laws,

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<sup>140</sup> Interview with the Director of Promotion of Tourism at the Ministry of Tourism and Leisure, 12 August 2022.

<sup>141</sup> Sharma B. Dyer P. Carter J, and Gursoy D. "Exploring residents' perception of the social impacts of tourism on the Sunshine Coast, Australia". *International Journal of Hospitality and Tourism Administration*, 9(3), 288-311. 2008.

<sup>142</sup> Brida, J.G., Zapata, S., « Cruise Tourism: Economic, Socio-cultural and Environmental Impacts ». *Int. J. Leis. Tour. Mark.* 1 (3), 205e226. See: <http://dx.doi.org/10.1504/IJLTM.2010.029585>.

<sup>143</sup> Ibid.



regulations and all other measures necessary to prevent, reduce and control pollution from land-based sources<sup>144</sup> by way of illegal and unauthorized dumping<sup>145</sup> from vessels flying their flags or of their registry.<sup>146</sup>

At the global level, other institutions regulate coastal and marine tourism.

### **United Nations World Tourism Organization**

UNWTO is a United Nations agency responsible for promoting responsible, sustainable and universally accessible tourism. As the leading international organization in tourism, UNWTO promotes tourism as a driver of economic growth, development and environmental sustainability. This United Nations agency offers leadership and support to the sector in advancing knowledge and tourism policy worldwide. It encourages the implementation of the Global Code of Ethics for Tourism to maximize tourism's socio-economic contribution while minimizing its possible negative impacts and is committed to promoting tourism as an instrument in achieving the Sustainable Development Goals (SDGs) geared toward reducing poverty and fostering sustainable development. The Global Code of Ethics for Tourism, which was adopted in 1999 by the General Assembly of UNWTO, is a comprehensive set of principles designed to guide key players in tourism development, including governments, the travel industry, communities and tourists. It aims to help to maximize the sector's benefits while minimizing its potentially negative impact on the environment, cultural heritage and societies across the globe. The code consists of 10 vibrant articles which amply cover the economic, social, cultural and environmental component for travel and tourism worldwide.

The UNWTO also generates market knowledge, promotes competitive and sustainable tourism policies and instruments, fosters tourism education and training and works to make tourism an effective tool for development through technical assistance in its over 160 member countries worldwide.

### **UNWTO Charter for Sustainable Tourism**

Cameroon is a signatory to the non-binding UNWTO Charter for Sustainable Tourism. This is a declaration passed at the World Conference on Sustainable Tourism, held in Lanzarote, Canary Islands, Spain, on 27–28 April 1995. This charter calls for sustainability in the use and exploitation of tourist sites. It appeals to the international community and in particular

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<sup>144</sup> Article 207 of UNCLOS.

<sup>145</sup> Article 210 of UNCLOS.

<sup>146</sup> Article 211(2) of UNCLOS.

governments, public authorities, decision-makers and professionals in the field of tourism, public and private associations, institutions whose activities are related to tourism and tourists themselves to adopt the following principles and objectives:

- Tourism development shall be based on criteria of sustainability, which means that it must be ecologically bearable in the long term, as well as economically viable, and ethically and socially equitable for local communities.
- Tourism should contribute to sustainable development and be integrated with the natural, cultural and human environment; it must respect the fragile balances that characterize many tourist destinations, in particular small islands and environmentally sensitive areas.
- Tourism must consider its effects on the cultural heritage and traditional elements, activities and dynamics of each local community. Recognition of these local factors and support for the identity, culture and interests of the local community must at all times play a central role in the formulation of tourism strategies, particularly in developing countries.
- The active contribution of tourism to sustainable development necessarily presupposes the solidarity, mutual respect and participation of all the actors, both public and private, implicated in the process, and must be based on efficient cooperation mechanisms at all levels: local, national, regional and international.
- The conservation, protection and appreciation of the worth of the natural and cultural heritage afford a privileged area for cooperation. This approach implies that all those responsible must take upon themselves a true challenge, that of cultural, technological and professional innovation, and must also undertake a major effort to create and implement integrated planning and management instruments.
- Quality criteria both for the preservation of the tourist destination and for the capacity to satisfy tourists, determined jointly with local communities and informed by the principles of sustainable development, should represent priority objectives in the formulation of tourism strategies and projects.
- To participate in sustainable development, tourism must be based on the diversity of opportunities offered by the local economy. It should be fully integrated into and contribute positively to local economic development.

- All options for tourism development must serve effectively to improve the quality of life of all people and must influence the socio-cultural enrichment of each destination.
- Governments and the competent authorities, with the participation of NGOs and local communities, shall undertake actions aimed at integrating the planning of tourism as a contribution to sustainable development.
- In recognition of economic and social cohesion among the peoples of the world as a fundamental principle of sustainable development, it is urgent that measures be promoted to permit a more equitable distribution of the benefits and burdens of tourism.
- Environmentally and culturally vulnerable spaces, both now and in the future, shall be given special priority in the matter of technical cooperation and financial aid for sustainable tourism development. Similarly, special treatment should be given to zones that have been degraded by obsolete and high impact tourism models.
- The promotion of alternative forms of tourism that are compatible with the principles of sustainable development, together with the encouragement of diversification represent a guarantee of stability in the medium and the long term. In this respect there is a need, for many small islands and environmentally sensitive areas in particular, to actively pursue and strengthen regional cooperation.
- Governments, industry, authorities, and tourism-related NGOs should promote and participate in the creation of open networks for research, dissemination of information and transfer of appropriate knowledge on tourism and environmentally sustainable tourism technologies.
- The establishment of a sustainable tourism policy necessarily requires the support and promotion of environmentally-compatible tourism management systems, feasibility studies for the transformation of the sector, as well as the implementation of demonstration projects and the development of international cooperation programmes.
- The travel industry, together with bodies and NGOs whose activities are related to tourism, shall draw up specific frameworks for positive and preventive actions to secure sustainable tourism development and establish programmes to support the implementation of such practices.

- Particular attention should be paid to the role and the environmental repercussions of transport in tourism, and to the development of economic instruments designed to reduce the use of non-renewable
- The adoption and implementation of codes of conduct conducive to sustainability by the principal actors involved in tourism, particularly industry, are fundamental if tourism is to be sustainable. Such codes can be effective instruments for the development of responsible tourism activities.
- All necessary measures should be implemented in order to inform and promote awareness among all parties involved in the tourism industry, at local, national, regional and international level, with regard to the contents and objectives of the Lanzarote Conference.<sup>147</sup>

Sustainable tourism offers a diversity of opportunities to the local economy and should be fully integrated into the economy to contribute positively to local economic development.<sup>148</sup>

### **World Travel and Tourism Council (WTTC)**

Unlike UNWTO, WTTC is the only body representing the private sector in all parts of the travel and tourism industry worldwide. WTTC is an organization representing the leaders of the global travel and tourism industry. It is a forum for global business leaders comprising presidents, chairs, and CEOs of 100 of the world's foremost companies. The mission of WTTC is to raise awareness of the full economic impact of travel and tourism. It considers this sector to be the world's largest generator of wealth and employment, accounting for over 200 million jobs and over 10 percent of the global GDP. This body encourages governments to unlock the industry's potential by adapting policy frameworks for sustainable tourism development.<sup>149</sup> The coastal- and marine-specific works carried out in Cameroon include sports tourism activities such as sailing, swimming, fishing and other sport activities in plages of Limbe, Kribi and Grand Batanga; navigation and maritime transport; hotels and accommodation; and logging and sand extraction. Cameroon is described as all of Africa in one country. Seaside tourism is also available in the plages of Souelaba Reserve in Douala and Edea.

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<sup>147</sup> Charter for Sustainable Tourism at <https://www.gdrc.org/uem/eco-tour/charter.html>. Accessed 21/09/2023

<sup>148</sup> World Tourism Organization (1995 ), 'Charter for Sustainable Tourism', UNWTO Declarations, volume 5, number 4, UNWTO, Madrid, DOI: <https://www.e-unwto.org/doi/pdf/10.18111/unwtodeclarations.1995.05.04https://doi.org/10.18111/unwtodeclarations.1995.05.04>.

<sup>149</sup> World Travel and Tourism Council (WTTC). See: <https://wttc.org/>.

### **The CBD's *Guidelines on Biodiversity and Tourism Development***

At the 7th Conference of the Parties to the Convention on Biological Diversity in 2004, special *Guidelines on Biodiversity and Tourism Development* were adopted (Secretariat of the Convention on Biological Diversity, 2004). These guidelines are voluntary and offer instruments for local, regional and national governments as well as for local stakeholders for the management of tourism activities in an ecological, economic and socially sustainable way.

These guidelines are a comprehensive instrument developed by the international community to achieve more sustainable tourism development. The guidelines aim at making tourism and biodiversity more mutually supportive, engaging the private sector and local and indigenous communities, and promoting infrastructure and land-use planning based on the principles of conservation and sustainable use of biodiversity. They provide a framework that addresses what the proponent of a new tourism investment or activity should do to seek approval, how the authorities should manage the approval process, and how to sustain the transition to sustainable tourism through education and capacity building. The guidelines are conceived as a practical tool that provide technical guidance to policymakers, decision-makers and managers with responsibilities covering tourism and/or biodiversity, whether in national or local government, the private sector, indigenous and local communities or non-governmental organizations and other organizations, on ways of working together with key stakeholders involved in tourism and biodiversity.<sup>150</sup>

The main thrust of the guidelines is that tourism management should be based on a consultative process involving multi-stakeholder participation and should consist of ten steps, including the development of an overall vision for the sustainable development of tourism activities, the setting of short-term objectives to implement the vision, the review and building of regulations and tourism standards, the assessment of the potential impacts of tourism projects, the monitoring of impacts and compliance and the implementation of adaptive management in relation to tourism and biodiversity. The guidelines have already been applied in a number of field projects as a basis for the conception and implementation of their work. Experience shows that that they should be an evolving tool and their development and further refinement an ongoing process; they should be adapted to different realities and ecosystems.<sup>151</sup>

### **International Union for Conservation of Nature's Work on Ecotourism**

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<sup>150</sup> See: <https://www.cbd.int/doc/publications/tou-gdl-en.pdf> .

<sup>151</sup> Ibid.

IUCN defines ecotourism as “environmentally responsible visiting of relatively unspoilt natural areas, in order to enjoy and appreciate nature (and any accompanying cultural features—both past and present), that promotes conservation, has low negative visitor impact, and provides for beneficially active socio-economic involvement of local populations”.<sup>152</sup> At its first session in Montreal, Canada, on 14–23 October 1996, the IUCN World Conservation Congress called upon IUCN members to:

- Promote the concept of ecotourism and proposes environmentally responsible travel and visitation to natural areas, in order to enjoy and appreciate nature that promote conservation;
- Adopt and implement policies based on the above description, which;
- Generate tangible benefits for natural area conservation on a sustainable basis while maintaining the integrity of the ecological systems and biodiversity values of natural areas;
- Allow protected areas to collect and retain tourism revenues that reflect the fair market value of visitor services and the real costs of sustainable management and operation of such areas;
- Allocate tourism revenues to protect and manage the areas from which these revenues are generated and to provide employment and support activities that benefit local communities linked to the protected areas, with any additional funds being channelled to promote, plan and manage ecotourism, conservation education and environmental awareness at the national level;
- Enhance zoning and management of protected areas, including regulations for private concessions on public lands and trade in wildlife and cultural property;
- Clarify jurisdictional mandates and responsibilities among national, regional and local agencies involved in tourism and conservation so as to ensure that the natural systems and biodiversity of the area are maintained;
- Encourage protected-area agencies, where appropriate, to hire or train qualified tourism and visitor management staff;

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<sup>152</sup> Hector Ceballos-Lascurain, *Tourism, Ecotourism and Protected Areas: The State of Nature-Based Tourism around the World and Guidelines for its Development*, IUCN Publications, Cambridge, 1996, p. 301. See: <http://dx.doi.org/10.2305/iucn.ch.1996.7.en>.

- Encourage parks and natural resource education institutions to develop training curricula aimed at all aspects of tourism and visitor management;
- Encourage the development or maintenance of environmental education and interpretation programmes, services and facilities;
- Encourage the collection of standardized park visitor use and visitor impact data;
- Promote the adoption of codes of behaviour relating to visitors and tour service providers, particularly as they might apply in and around protected areas; and
- Develop formal mechanisms for coordination and participation of different stakeholder groups and emphasize the use of partnerships between local communities, protected-area authorities and the private sector so as to improve the flow and distribution of ecotourism benefits to local communities in such a way that they act as an incentive for improved management of natural resources.

### **2.3.3. National legal framework for coastal and marine tourism**

In Cameroon, the Ministry of Tourism and Leisure (MINTOUL) is responsible for elaborating and implementing Government policy in the domain of tourism and leisure.<sup>153</sup> The law that governs tourism and leisure in Cameroon is No. 2016/006 of 18 April 2016 Governing Tourist and Leisure Activities. The State has devolved power over tourism and leisure organization and management to regions under Decree No. 2021/746 of 28 December 2021, which lays down conditions governing some powers in the tourism sector.<sup>154</sup> Article 6 of this decree confers power to regions to create and operate regional amusement parks following the regulations in force.<sup>155</sup> This, therefore, means that coastal and marine tourism may be created and operated by the local community in which it is found on the condition that it respects the various regulations in force.

These regulations are not only limited to those crafted by national institutions but also include treaties and conventions which Cameroon has ratified. For example, the operation of these coastal and marine activities must be eco-friendly. Law No. 99/006 of 14 April 1998, on tourism activities and the Decree of application No 99/443/PM of 25 March 1999. Decree No. 99/443/PM of 25 March 1999 defines the creation of a National Technical Commission in charge of authorizing new tourism facilities. Article 49 of the latter document gives the

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<sup>153</sup> Article 1(2) of the Decree on the Organisation of the Ministry of Tourism and Leisure, 21 June 2012.

<sup>154</sup> Decree No. 2021/746 of 28 December 2021.

<sup>155</sup> Article 6, *ibid.*

possibility that municipalities can create a communal tourist agency. The article expounds on the establishment of the tourist office at the communal or regional level as a decentralized authority whose functions include promoting tourism at the municipality or the regional level, coordinating the work of local tourism development partners, and developing local tourism programmes. Cameroon has identified tourism as a key sector that can enhance the development of local communities by creating jobs and encouraging income-generating activities which can help to reduce poverty and empower local communities.

#### **2.3.4. National institutional framework for coastal and marine tourism**

MINTOUL is the principal Government department in Cameroon's tourism and leisure sector. It encourages investment by airlines, hotels, and travel agencies. The country is often described as "Africa in miniature", promoting its climate, culture, and geographic diversity. MINTOUL plays a decisive role in the national economic development policy. As far as its general missions are concerned, this Ministry is involved in the elaboration and implementation of the government policy on tourism, the promotion of Cameroonian tourism at the international level, the elaboration and implementation of government programmes relating to tourism, and the implementation of government programmes relating to the promotion of tourism. The Government sets policy and the legislative framework for tourism and formulates tourism development strategies to foster development and reduce poverty.

In order to govern marine and coastal tourism, this institution works in collaboration with the decentralized territorial authorities. It has a set of measures relating to the repression of offences and sanctions in the event of pollution, non-respect of hygiene and sanitation rules, and destruction or degradation of tourist sites or leisure infrastructures located in the coastal zone.

Besides MINTOUL as a direct institution vested by law with authority over tourism and leisure, there is also MINEPDED, which has a mission to ensure a healthy environment for human and animal health through the implementation of international conventions and enforcement of national laws for the protection and preservation of the environment. Apart from the central Government, regions and councils, which are decentralized collectivities, have also been vested with the authority to manage the coastal and marine environment.

#### **2.3.5. Enforcement and implementation of the governance framework for the tourism sector**

The Cameroonian Government's aim to build sustainable marine and coastal tourism, based on marine biodiversity, was reaffirmed through the signing of Decree No. 2022/5075/PM of 4 July



2022, which laid down the modalities for the application of Law No. 2016/006 of 18 April 2016 Governing Tourism and Leisure Activities in Cameroon.

In order to consolidate its national tourism policy of integrating the marine and coastal dimension, in concert with the decentralized territorial collectivities, Cameroon has set up a National Tourism Council, which acts in concert with the Ministry of Tourism and Recreation, which relies on the Sectoral Strategy for the Development of Tourism, the 2012 National Biodiversity Strategy and Action Plan and the National Development Strategy (SND-30).

### **2.3.6. Cross-cutting issues: Gender and the blue economy**

The Cameroonian Government's concern to establish sustainable tourism in its marine and coastal areas is an important fact. This key sector, which is largely dependent on the stability of ecosystem services<sup>156</sup> and biological diversity, incorporates the issue of gender. Its role in the prosperity of a blue economy in Cameroon no longer needs to be demonstrated, given the strong attraction of foreign communities to the sites of Kribi and Limbe.

#### **Gender and the ocean**

The overall objective of gender mainstreaming in the tourism sector is to produce transformative results by changing norms, cultural values, power structures and the root causes of inequality and discrimination.<sup>157</sup> The promotion of gender equality and the empowerment of women in the tourism sector is now an important objective of UNWTO. This United Nations agency, in collaboration with the United Nations Entity for Gender Equality and the Empowerment of Women and the German Development Cooperation, has worked to develop guidelines addressing the needs of women in the tourism sector, including the 2021 Gender Mainstreaming Guidelines for the Public Sector in Tourism and the 2021 Gender-inclusive Strategy for Tourism Businesses.

It is committed to working towards Goal 5 of the United Nations' SDGs. For the United Nations Secretary General, "[t]ourism promotes the education and empowerment of women. . . . It plays an essential role in social protection systems, which are the foundation of resilient and prosperous societies."<sup>158</sup>

In order to meet international standards in tourism, the Cameroonian government would benefit from developing a Master Plan for the tourism sector in its marine and coastal areas of Douala,

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<sup>156</sup> Ecosystem services are defined as direct and indirect contributions of ecosystems to human well-being (UNWTO Regional Commission for Africa, 2013, p. 2).

<sup>157</sup> UNWTO, 1995, See the 2021 gender mainstreaming guidelines for the public sector in tourism, 2021, p. 3.

<sup>158</sup> See: <https://news.un.org/fr/story/2022/09/1128041>.

Kribi and Limbe that includes the Guidelines for Public Stakeholders on Gender Mainstreaming and the 2021 Gender-inclusive Strategy for Tourism Businesses. These two texts alone provide recommendations that would enable the Cameroonian government at national and local levels to:

- Integrate gender equality into the tourism policy and programme cycle;
- Adopt institutional arrangements for gender mainstreaming in public tourism bodies;
- Integrate the principles of women’s empowerment which call for gender-sensitive leadership at the highest level of companies; treating all men and women equally at work; respecting human rights and non-discrimination; ensuring the health, safety and welfare of workers of both sexes and promoting the education, training and professional development of women; and
- Formulate an action plan for gender-sensitive tourism.

These perspectives are in line with the words of the secretary-general of the Ministry of Tourism and Recreation during the 34th edition of the International Women’s Day in 2019: “women are the main workers in this field of activity, which is intended to be a lever for economic growth. They are at all levels of the chain and give themselves body and soul to restore the image of Cameroon as a destination”.<sup>159</sup>

### **The blue economy**

Marine and coastal tourism developed in the Cameroonian coastal zone has positive aspects that are perceptible on the economic and social levels.

Economically, tourism developed in the marine and coastal areas of Cameroon remains a determining tool for reducing poverty considerably. According to information obtained from the National Tourism Board of Cameroon, direct employment is attributed to local indigenous communities settled in the coastal areas, most of whom are more familiar with the leisure and tourist attraction areas.

On the social level, tourism strongly contributes to the improvement of the living conditions of the poor local populations settled in the coastal areas of Kribi and Limbe. It offers more opportunities than other sectors to connect with other local businesses. It employs a relatively large workforce, including a high proportion of women.

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<sup>159</sup> Baran, 2023.

The negative impacts of maritime and coastal tourism observed in Cameroon's coastal areas cannot be dismissed. It is worth mentioning, among others, climate change due to human pressure, overexploitation of living marine resources to satisfy the food needs of tourists who are very fond of sea products and pollution from wastewater effluents or solid waste.

However, for the governance of marine and coastal tourism in Cameroon to be sustainable, it must achieve the following objectives:

- Preserve natural resources
- Plan and manage the development of tourism in such a way that it does not generate any serious problems at the ecological and socio-cultural levels in the area concerned
- Maintain tourist satisfaction levels so that tourist destinations can retain their commercial appeal and remain popular
- Distribute as widely as possible the beneficial effects of tourism in society.
- Preserve and improve, where appropriate, the general quality of the environment in tourist areas.<sup>160</sup>

Also, it would be important to take into account the proper implementation of the CBD's guidelines on biological diversity and tourism development and the UNWTO's Global Code of Ethics for Tourism.

## **2.4. Protection and preservation of the marine environment**

### **2.4.1. Sector profile**

The freshwater and marine environment in Cameroon according to Fishbase 2023, is home to at least 1065 species of fish.<sup>161</sup> Despite their value and importance, human activities damage many ecosystems, and many aquatic ecosystems are declining faster than terrestrial ecosystems. Marine ecosystems are threatened by problems such as deforestation/habitat destruction, overexploitation, pollution, extractive activities and the introduction of invasive species.<sup>162</sup>

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<sup>160</sup> See UNWTO Report on Tourism and Poverty Reduction 2002, p. 21.

<sup>161</sup> See: <https://fishbase.mnhn.fr/search.php>.

<sup>162</sup> Doney, Scott C., Mary Ruckelshaus, J. Emmett Duffy, James P. Barry, Francis Chan, Chad A. English, Heather M. Galindo, Jacqueline M. Grebmeier, Anne B. Hollowed, Nancy Knowlton, Jeffrey Polovina, Nancy N. Rabalais, William J. Sydeman and Lynne D. Talley. Climate Change Impacts on Marine Ecosystems. *Annual Review of Marine Science*, vol. 4: pp. 11–37. See: <https://pubmed.ncbi.nlm.nih.gov/22457967/>.

The marine environment is under serious threat. Many species of fish are becoming depleted, and the entire marine environment is experiencing dwindling fortunes due to overexploitation, pollution, climate change and other stressors.

#### **2.4.2. International and regional legal framework for the protection of the marine environment from pollution**

The Government of Cameroon has made great efforts to save freshwater and marine ecosystems from further destruction through the signing of many international and regional conventions, including the following:

##### **UNCLOS**

UNCLOS contains ample provisions on pollution, especially pollution of the marine environment.<sup>163</sup>

##### ***Protection and Preservation of the Marine Environment***

UNCLOS includes 59 articles that provide a comprehensive framework for the protection and preservation of the marine environment. While States enjoy sovereign rights to exploit natural resources in maritime areas under their jurisdiction, Article 193 of UNCLOS also recognizes that States have a general duty to protect and preserve the marine environment. Article 194 of UNCLOS requires that States take measures to prevent, reduce and control pollution of the marine environment. Article 194(3) notes that such measures shall deal with “all sources of pollution of the marine environment”, including land-based sources, exploration and exploitation of the seabed, r ocean dumping, shipping- or vessel-based pollution and atmospheric pollution. UNCLOS states that States shall take all measures within their capabilities and consistent with UNCLOS to ensure that activities within their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights.<sup>164</sup> The Convention also says that “States shall take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction or control, or the intentional or accidental introduction of species, alien or new, to

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<sup>163</sup> See particularly Part XII, Protection and Preservation of the Marine Environment.

<sup>164</sup> Article 194 of UNCLOS.

a particular part of the marine environment, which may cause significant and harmful changes thereto”.<sup>165</sup>

UNCLOS also make provision for the following activities

- Global and regional collaboration to create international laws, standards and suggested practices and procedures per UNCLOS to safeguard and maintain the marine environment;<sup>166</sup>
- Giving developing nations technical help to safeguard and preserve the maritime environment per UNCLOS’s rules;<sup>167</sup>
- States are to take measures to monitor and assess the risks or effects of activities reasonably suspected to result in substantial pollution<sup>168</sup> or significant and harmful changes to the marine environment<sup>169</sup> by recognized scientific methods as well as reports;<sup>170</sup>
- States are to adopt laws, regulations, and other necessary measures to prevent, reduce and control pollution from land-based sources;<sup>171</sup> from seabed activities under national jurisdiction; from activities in the Area undertaken by vessels, installations, structures or other devices under their jurisdiction<sup>172</sup> or control<sup>173</sup>; by way of illegal and unauthorized dumping<sup>174</sup> from vessels flying their flags or their registry; from vessels flying their flags or of their registry<sup>175</sup>; and from or through the atmosphere applicable to their airspace to vessels flying their flags, or vessels or aircraft of their registry.<sup>176</sup>

### **The 1971 Ramsar Convention on Wetlands of International Importance, especially Waterfowl Habitat**

This is an international treaty for the conservation and sustainable use of wetlands signed by Cameroon on 20 July 2006. (See section 1.2.1 above.)

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<sup>165</sup> Article 196 of UNCLOS.

<sup>166</sup> Article 196(1) of UNCLOS.

<sup>167</sup> Article 203 of UNCLOS.

<sup>168</sup> Article 204 of UNCLOS.

<sup>169</sup> Article 206 of UNCLOS.

<sup>170</sup> Article 202 of UNCLOS.

<sup>171</sup> Article 207 of UNCLOS.

<sup>172</sup> Article 208 of UNCLOS.

<sup>173</sup> Article 209 of UNCLOS.

<sup>174</sup> Article 210 of UNCLOS.

<sup>175</sup> Article 211(2) of UNCLOS.

<sup>176</sup> Article 212 of UNCLOS.

### **The Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973)**

Cameroon ratified this Convention on controlling international trade in endemic and threatened species of fauna and flora on 5 June 1981. (See section 1.2.1 above.)

### **The United Nations Framework Convention on Climate Change (UNFCCC)**

UNFCCC is an international environmental treaty adopted on 9 May 1992 (United Nations, 1992) and opened for signature at the Earth Summit in Rio de Janeiro on 3–14 June 1992. Cameroon ratified it on 19 October 1994, and it entered into force on 21 March 1994, after several countries had ratified it. The main objective of the Convention is to stabilise levels of greenhouse gases in the atmosphere within a time frame sufficient to allow ecosystems adapt naturally to climate change; to ensure that food production is not threatened; and to enable economic development to proceed in a sustainable manner. The Convention states that developed countries are to develop a leadership role in reducing greenhouse gas emissions in line with the principle of Common but Differentiated Responsibility which was substantiated and epitomized in the Berlin Mandate of 1995.

Another watershed point was reached at the third Conference of the Parties (COP 3) to the UNFCCC, which was held at Kyoto, Japan, and produced the Kyoto Protocol. The Protocol is an international agreement linked to UNFCCC that sets binding targets for 37 industrialized countries and the European Union for reducing greenhouse gas emissions.

The Paris Agreement is another landmark in the global climate change negotiation to rescue the planet Earth from destruction by greenhouse gases. It maps out an entirely new climate agenda.<sup>177</sup> This Agreement was reached at the UN Climate Change Conference (the 21st Conference of the Parties to the UNFCCC or COP 21) in Paris in 2015. It is the first international agreement committing 198 parties; developed and developing countries alike, to combat the scourge of climate change and kick-start action and investment towards the goal of limiting global temperature increase to “well below 2°C”<sup>178</sup> above pre-industrial levels and pursue efforts to limit the temperature increase to 1.5°C above pre-industrial levels, recognizing that this would significantly reduce the risks and impacts of climate change.

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<sup>177</sup> Adopted in Paris France on 12 December 2015. It entered into force on 4 November 2016, one month after 55 parties representing 55 per cent of total global emissions joined. A total of 198 parties had joined as of 2023.

<sup>178</sup> Article 2(1)(a).

Cameroon, which is an active member State of the Paris Agreement on Climate Change, has been on record since 29 July 2016 for submitting its Nationally Determined Contribution. It made a further submission on 11 January 2021 and submitted additional documents on 6 June 2022.<sup>179</sup> Through its updated NDC, Cameroon committed to 35% greenhouse gas emission reduction by 2030 with focus on agriculture, energy, forestry and waste sectors and fostering adaptation in key areas at the national and subnational levels. As regards planned adaptation actions, Cameroon intends to address climate change concerns and achieve the vision of becoming an emerging economy in 2035 with a lot of reliance on the oceans and its abundant resources.<sup>180</sup>

The 27th Conference of the Parties of this Convention ended on 18 November 2022 in Sharm el-Sheikh, Egypt, where world leaders came together to demonstrate their actions toward achieving the goal of a zero-carbon future.

### **The Convention on Biological Diversity (1992)**

This Convention has three goals: conservation of biological diversity, the sustainable use of its resources, and the fair and equitable sharing of the benefits arising from the utilization of genetic resources. The CBD calls for a much more holistic approach to biodiversity conservation by recognizing its ecosystem species and genetic levels. (See the discussion in section 1.2.1 above.)

### **International Convention for the Prevention of Marine Pollution from Ships (MARPOL 1973) and its Protocol of 1978**

MARPOL is the main international Convention that covers the prevention of pollution of the marine environment by ships from operational or accidental causes.<sup>181</sup> The MARPOL Convention was adopted on 2 November 1973 and came into force on 2 October 1983.<sup>182</sup> The Convention contains regulations to prevent and minimize pollution from ships (accidental pollution and routine operations). It currently includes six technical Annexes (IMO, 1973). (See the discussion in section 1.2.1 above.)

### **International Convention on Civil Liability for Oil Pollution Damage (1969)**

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<sup>179</sup> United Nations Climate Change, n.d. <https://unfccc.int/NDCREG>.

<sup>180</sup> Republic of Cameroun, 2021, <https://unfccc.int/sites/default/files/NDC/2022-06/CDN%20r%C3%A9vis%C3%A9%20CMR%20finale%20sept%202021.pdf>.

<sup>181</sup> International Maritime Organization, 'International Convention for the Prevention of Pollution from Ships (MARPOL)'.

<sup>182</sup> Ibid.

The Convention was adopted on 29 November 1969 and came into force on 19 June 1975. It was replaced by the 1992 Protocol adopted 27 November 1992, which entered into force on 30 May 1996.<sup>183</sup> This Convention was adopted to ensure that adequate compensation exists for persons who suffer oil pollution damage that results from maritime casualties involving carrying ships. In this Convention, the liability for such damage is placed on the owner of the ship from which the polluting oil escaped or was discharged.<sup>184</sup> This Convention was born out of the desire to adopt uniform international rules and procedures for determining questions of liability and providing adequate compensation in such cases.<sup>185</sup>

Other international conventions relating to pollution are the International Convention Relating to Intervention on the High Seas in cases of Oil Pollution Casualties (1969; see section 1.1.2 above), SOLAS (1974; see section 1.1 above), and the Abidjan Convention (1981; see section 1.2.1 above).

### **2.4.3. National legal framework for the protection of the marine environment in Cameroon**

Cameroon's effort to conserve and sustainably manage its coastal and marine environment is reflected in numerous plans and laws.

#### **The National Environmental Management Plan (NEMP)**

NEMP, adopted in 1996, identified coastal and marine areas as fragile ecological regions that need integral protection through sustainable management of their resources. For coastal and marine zone, the NEMP adopts the following strategies:

- Prevention and control of pollution (both land-based and marine-based);
- Control of coastal erosion;
- Reinforcement of local population capacity to manage marine and coastal ecosystems;
- Consideration of policy options from international and regional instruments.

#### **Law No. 96/12 of 5 August 1996 Relating to Environmental Management**

Law No. 96/12 of 5 August 1996 Relating to Environmental Management is one of Cameroon's major laws for the protection of the marine environment. The Law was enacted to facilitate the

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<sup>183</sup> International Maritime Organisation, "International Convention on Civil Liability for Oil Pollution Damage (CLC)".

<sup>184</sup> Ibid.

<sup>185</sup> See the Preamble, 1992 Civil Liability Convention (IOPC Funds, n.d.).



implementation of the 1996 NEMP. It was revised in 2012 as NEMP II, Cameroon's environmental policy framework, that, among other things, incorporates the goals and strategies of conserving biodiversity and the sustainable use of its components.<sup>186</sup> This law lays down the general legal framework for environmental management in Cameroon. It inculcates international environmental law principles such as the precautionary principle and the principle that the polluter pays.

On the protection of the coast and maritime waters, Article 31 paragraph 1 states that without prejudice to the relevant provisions of international conventions relating to the protection of the marine environment duly ratified by the Republic of Cameroon, to the dumping, immersion and incineration in maritime waters under Cameroonian jurisdiction of substances of any nature likely to

- Harm human health and marine living resources;
- Harm maritime activities, including navigation, aquaculture and fishing;
- Alter the quality of marine waters from the point of view of their use;
- Degrade the amenity values and tourism potential of the sea and coastline.<sup>187</sup>

Also, in the event of damage or accidents occurring in maritime waters under Cameroonian jurisdiction to any vessel, aircraft, craft or platform carrying or having on board hydrocarbons or noxious or dangerous substances that may create a serious and imminent danger to the marine environment and its resources, the owner of the said vessel, aircraft, craft or platform shall be given formal notice by the competent maritime authorities to restore the contaminated site to its original state in accordance with the regulations in force.<sup>188</sup>

Article 33 of Law No. 96/12 of 5 August 1996 provides that the captain or person in charge of any vessel, aircraft or craft carrying or having on board hydrocarbons or noxious or dangerous substances and located in maritime waters under Cameroonian jurisdiction shall be required to report by any means to the competent authorities any incident at sea that occurs on board and that is or could be of such a nature as to constitute a threat to the marine environment and related interests.

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<sup>186</sup> Fuo O.N. and Semie S. M. "Cameroon's Environmental Framework Law and the Balancing of Interests in Socio-Economic Development" *The Balancing of Interest in Environmental Law in Africa*, Pretoria University Law Press (PULP) Pretoria, South Africa, 2011, pp. 75-94.

<sup>187</sup> Article 31 (1) of Law No. 96/12 of 1996.

<sup>188</sup> Article 32 (1) of Law No. 96/12 of 1996.

Furthermore, Article 83 states that any master of a vessel who is guilty of discharging hydrocarbons or other liquid substances harmful to the marine environment into maritime waters under Cameroonian jurisdiction shall be punished by a fine of ten million (10,000,000) to fifty million (50,000,000) CFA francs and imprisonment of six (6) months to one (1) year, or one of these two penalties only, for violation of the provisions of this Law and its implementing regulations or of international conventions on the prevention of marine pollution to which Cameroon is a party.

Concerning biodiversity protection, Section 62 states that “the . . . conservation of biodiversity and gene diversity against all causes of degradation and threats of extinction are of national interest”. In this vein, the Government ensures that the country’s biodiversity is conserved and sustainably used. This is articulated in Section 64(1) of this legislation, which provides that Cameroon’s biodiversity shall be sustainably managed and used, especially through (1) an inventory of existing species, particularly those that are endangered; (2) management plans of species; and (3) preservation of species’ habitat and a system for the control of access to genetic resources. Section 64(2) provides that “biodiversity conservation through the protection of fauna and flora, the creation and management of nature reserves and national parks shall be governed by the laws and regulations in force”. Section 64(3) equally entrusts the responsibility to the State to designate any part of the national territory as a protected ecological area.

Law No 96/12 of 5 August 1996 is one of the national implementation instruments of the CBD, especially Article 15 of CBD on access to genetic resources. The Law regulates access and benefit sharing concerning genetic resources. In this regard, it requires the exploration and exploitation of the country’s genetic resources to be carried out in accordance with Article 15 of the CBD. Furthermore, Section 65(1) provides that the scientific exploration and exploitation of genetic resources in Cameroon shall be done in cooperation with national research institutes and local communities and under conditions stipulated by the international conventions relating thereto that have been duly ratified by the country, especially the CBD.

Cameroon adopted a national access and benefit sharing strategy in August 2012 that provides guidelines for the development of the expected national access and benefit sharing legislation under the CBD and the Nagoya Protocol on Access to Genetic Resources and the Fair and

Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity.<sup>189</sup>

Furthermore, Article 17 of this 1996 Law provides for compulsory carrying out of an EIA before any development project that can significantly adversely affect the environment.<sup>190</sup> The assessment is required to cover the expected impacts on biodiversity. EIAs are further regulated by Decree No. 2005/0577/PM of 23 February 2005, which lays down the modalities for carrying out assessments, and Order No. 0070/MINEP of 22 April 2005, which states different categories of projects for which an EIA is necessary. Article II of Decree No. 2005/0577/PM of 23 February 2005 states that where a development project is likely to perturb or destroy the environment, a prior EIA must be carried out with public participation through consultation and a public hearing. EIAs are also incorporated in the Law no. 94/01 of 20 January 1994 to Lay Down Forestry, Wildlife and Fisheries Regulations; its Section 16(2) stipulates that “the initiation of any development project likely to perturb a forest or aquatic environment shall be subject to a prior study of the environmental hazard”. Emphasis is laid on biodiversity criteria during EIAs for major projects to be realized in Cameroon in a participatory manner. EIA regulations have been adhered to when dealing with protected areas. An example is the creation in 2000 of the Campo Ma’an National Park and the Mbam Djerem National Park as a mitigating measure for biodiversity loss along the Chad-Cameroon Pipeline.

Cameroon’s incorporation of EIA requirements in its national law and the establishment of EIA-specific legislation is a laudable effort to implement Article 14(1)(a) of the CBD, which requires State Parties to introduce appropriate procedures requiring EIAs for proposed projects that could have a significant adverse effect on biodiversity. As EIAs are a compulsory requirement for major development projects, they contribute to minimizing biodiversity threats. The 1996 Law lays down penal sanctions, mainly fines and imprisonment, to ensure enforcement and compliance.

### **Law No. 94/01 of 20 January 1994 to Lay Down Forestry, Wildlife and Fisheries Regulations**

Law No. 94/01 defines natural parks and reserves. In its Section 30 on communal forests, it allows local councils to apply for a land certificate on a forest whose objectives and limits are defined. This important measure is a precious tool for local councils facing the challenge of

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<sup>189</sup> Egute T.O., Alberchi E and Ajonina S.A. (2015): The Legal Protection of Biodiversity in Cameroon. In Journal Environmental and Human ISSN 2373 -8324 p. 5.

<sup>190</sup> Section 17 of the 1996 Law.

reducing pressure on land to plan future facilities without constraints. In the implementation of this Law, Decree No. 2021/4804/PM of 9 July /2021 established the Manyange na Elombo–Campo National Marine Park. Article 1 establishes a protected area known as Manyange na Elombo–Campo National Marine Park with a surface area of 110,300 hectares adjoining the maritime boundary with Equatorial Guinea. It extends 42,364 km<sup>2</sup> into the territorial sea of Cameroon, up to 300 m from coastline of the highest tide. This a buffer zone of 3,400 hectares with a maximum depth of 350 m which is biodiversity friendly. There, many species including the Cameroon dolphin (*Sousa teuszii*), a vulnerable species that has been absent from the Gulf of Guinea since 1892, find the park to be a good breeding ground. There are quite a good number of beautiful beaches which are the nesting place for the olive ridley sea turtle and the green sea turtle. What is more interesting is that coastal rock piles covered with Phanerogams and coral areas are exceptional growth habitats for the young green turtles and hawksbill turtles. Also the marine areas are rich in biological diversity, the beaches, estuaries, mangroves, lagoons, marches and flooded forests that are integrated into the terrestrial part of the marine park rich in African manatees, Goliath frogs, dwarf crocodiles and many vertebrate and invertebrate fauna. Moreover, there are tourism-related jobs in the locality and many who travel to the area stay because they pick up jobs.

Decree No. 2018/8399/PM of 11 October 2018 also established the Douala-Edéa National Park, which is another protected area covering an area of 2,630 km<sup>2</sup> along the Atlantic coast south of Douala over a distance of about 35 km to the Dipombe River. In the area, entities or institutions are responsible for implementing and/or enforcing (where relevant) each of the national legislation or policies. The body working on issues relating to ocean governance is the Department of Protected Areas and Wildlife within MINFOF. It is in charge, amongst other things, of elaborating and implementing government policy on wildlife issues; carrying out socio-economic and technical studies in the domain of wildlife; and conserving wildlife in liaison with other international and national organizations.

Law No. 96/12 of 5 August 1996 Relating to Environmental Management is accompanied by several application texts such as:

**Decree No. 2013/0171/PM of 14 February 2013**

This Decree sets the modalities for conducting environmental and social impact studies (including offshore oil exploitation projects). Article 7 states that “any promoter of a project, establishment, program or policy is required to carry out an environmental and social impact

assessment, an environmental impact notice or a strategic environmental assessment, under penalty of sanctions provided by the laws and regulations in force”.

**Decree No. 2013/0172/PM of 14 February 2013**

This Decree sets the modalities for carrying out the environmental and social audit. Its Article 3(1) states that “the promoter of a project or establishment is required to carry out an environmental audit under penalty of sanctions provided for by the laws and regulations in force”.

**Decree No. 2014/2379/PM of 20 August 2014**

This Decree establishes the modalities for coordinating inspections of establishments classified as dangerous, unhealthy or inconvenient. Its Article 11 provides that “the inspection and control missions of establishments classified as dangerous, unhealthy or inconvenient are carried out by sworn inspectors of the administration”.

**Decree No. 2012/2809/PM of 26 September 2012**

This Decree sets the conditions for sorting, collecting, storing, transporting, recovering, recycling, treating and final disposal of waste as part of the management of waste produced on board ships. Its Article 9 provides that “the collection, transport and storage of industrial waste (toxic and/or hazardous) are subject to obtaining an environmental permit issued by the administration in charge of the environment”.

**Decree No. 2011/2581/PM of 23 August 2011 to Regulate Harmful and/or Dangerous Chemicals**

Article 3 of the Decree stipulates that “the production, import, transit and circulation in the national territory of the products listed in Annex A of this decree and all products listed in Annex A of the Stockholm Convention are prohibited”.

**Decree No. 2012/2808/PM of 26 September 2012**

This decree establishes the conditions for the exercise of the functions of environmental inspector and controller. Paragraph 1 of Article 6 of this text states that “environmental inspectors carry out inspections, controls, investigations, research, record and prosecute in repression violations in the field of the environment and sustainable development, in accordance with the laws and regulations in force”. Paragraph 2 states that environmental controllers will carry out investigations and ensure the implementation of recommendations

made during inspections in the field of the environment and sustainable development, in accordance with the laws and regulations in force.

**Order No. 143/PM of 30 August 2010**

This Order established the modalities for carrying out inspections and technical controls on board vessels.

**Order No. 001/MINEPDED of 15 October 2012 Setting the Conditions for Obtaining an Environmental Permit**

Article 5 of this Order states that “the environmental permit for the sorting, collection, transport and final disposal of toxic and or hazardous waste, medical, pharmaceutical and liquid hospital waste is issued after study of a file sent in five (5) copies to the Minister in charge of the environment”.

**Order No. 004/MINEPDED/CAB of 21 September 2017**

This Order amended and supplemented the list of chemical substances of Decree No. 2011/2581/PM of 23 August 2011 to Regulate Harmful and/or Dangerous Chemicals.

**Order No. 143/PM of 30 August 2010**

This Order established the modalities for carrying out inspections and technical controls on board ships.

**2.4.4. National Institutional Framework**

**Ministry of Environment, Nature Protection and Sustainable Development**

MINEPDED plays a central role in environmental management and is the real institution for biodiversity conservation. Its main function includes developing, coordinating and monitoring national, regional and international environmental policies. The Ministry is responsible for negotiating international environmental agreements and ensuring they are implemented. MINEPDED has an action entitled “Environmental Dimension of State Action at Sea” as part of its program to fight against pollution, nuisances and chemicals.

Internally, MINEPDED participates as a member of the governmental platform on State action at sea. It also participates in all international processes related to the protection of the seas and oceans, notably the Biodiversity Beyond National Jurisdiction process, the negotiation process related to the fight against plastic pollution or the One Ocean Summit. Furthermore, MINEPDED’s administration is part of the Cameroonian Delegation to the Meetings of the Parties of UNCLOS, the General Assembly of the IMO, the sessions of the IMO’s Marine

Environment Protection Committee, the IMO's Maritime Safety Committee as well as the sessions of the IOPC Fund (Oil Pollution Compensation Fund).

MINEPDED plays a role in conserving and managing Cameroon's mangrove heritage. It collaborates with MINFOF in coordinating activities for reducing emissions from deforestation and forest degradation in developing countries (REDD) nationally.<sup>191</sup> The government passed Decision No. 98/MINEP on 15 January 2009 establishing a steering committee for the REDD Cameroon pilot project. The steering committee is under the tutelage of MINEPDED, which chairs it and is assisted by MINFOF.<sup>192</sup> Though MINEPDED is CBD's focal point, it has limited powers to execute its responsibilities as it shares powers with MINFOF, which has an exclusive mandate in the sustainable management and protection of forests resources and wildlife.<sup>193</sup> At the same time, MINFOF is responsible for implementing the main parts of the CBD, such as the designation of protected access and conservation as well as sustainable use of forest biodiversity. It is not easy to figure out how MINEPDED shares in this responsibility.

### **Ministry of Forest and Wildlife**

This ministry is in charge of the elaboration, implementation and evaluation of national policy on forest and wildlife; it coordinates the management and conservation of forests in the national domain. The Department of Protected Areas and Wildlife of MINFOF is in charge, amongst other things, of elaborating and implementing government policy on wildlife issues; carrying out socio-economic and technical studies in the domain of wildlife; and conserving wildlife in liaison with other international and national organizations. Cameroon has classified some of its ocean space into the marine parks of Manyange na Elombo–Campo National Marine Park and Douala-Edéa National Park under the watchful eye of MINFOF.

### **Ministry of Defence**

Although the national Navy oversees safety over the national territory, including its coastal and marine environments, MINDEF exercises tasks related to the protection of the marine environment by the adoption of means of prevention and fight against pollution.

### **Ministry of External Relations**

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<sup>191</sup> Egute T.O. and Albrecht E "Cameroon's Sustainable Forest Management Initiatives with potentials for climate change mitigation and Adaptation, "In Implementing Adaptation strategies by Legal Economic and Planning Instruments, on Climate Change, Springer, 2014, pp. 255-277.

<sup>192</sup> Ibid.

<sup>193</sup> MINEPDED and MINFOF constituted a single ministry known as MINEP before they were divided. The CBD focal point was with the old ministry, MINEP.

This ministry oversees international conventions, treaties and protocols related to the environment and development, including marine and coastal areas.

### **Ministry of Mines, Industry and Technological Development**

MINMIDT oversees implementing government policy as regards petroleum, mining and industrial and technological development. MINMIDT works in collaboration with SNH to ensure that the petroleum companies operating offshore respect the regulations in force, especially the protection of the marine environment. An inter-ministerial committee has been put in place to negotiate petroleum contracts. MINEPDED is part of this committee to respond to environmental concerns with its competence.

In the application of the law on the development of associated gas, the projects that result from this process are called Clean Development Mechanism projects and are being registered on project logbook that is held by the National Designated Authority at MINEPDED. Other environmental protection activities involving the Ministry include:

- The National Oil Spill Contingency Plan.<sup>194</sup>
- The Guinea Current Large Marine Ecosystem.<sup>195</sup> Its implementation should lead to the development of an integrated maritime policy built on a global vision of marine affairs. Practically, a regular environmental impact assessment should be undertaken to prevent damage on marine environment and its resources.
- The Global Gas Flaring Reduction Partnership.<sup>196</sup>
- The International Oil Pollution Compensation Funds are two intergovernmental organizations (the 1992 Fund and the Supplementary Fund) which provide compensation for oil pollution damage resulting from spills of persistent oil from tankers.<sup>197</sup>
- The global oil and gas industry association for environmental and social issues.<sup>198</sup>

#### **2.4.5. Enforcement and implementation of the governance framework for the sector**

The preservation and protection of the marine environment is one of the main activities of MINEPDED. Well before the 2012 United Nations Conference on Sustainable Development

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<sup>194</sup> See <https://www.giwacaf.net/en/countries/cameroon/noscp>.

<sup>195</sup> See <https://www.ais.unwater.org/ais/aism/getprojectdoc.php?docid=393>.

<sup>196</sup> See <https://www.worldbank.org/en/programs/gasflaringreduction>.

<sup>197</sup> See <https://iopcfunds.org/>.

<sup>198</sup> See <https://www.ipieca.org/>.



(Rio+20), this institution had participated in the development of two important documents, namely the National Environmental Management Plan (NEMP; 1996) and the National Action Plan for the Management of Marine and Coastal Areas (2010).

After the United Nations Conference on Sustainable Development, Cameroon adopted a National Biodiversity Strategy and Action Plan in 2012 with the aim of limiting threats to biodiversity. It should be noted that MINEPDED is involved in almost all the actions developed by the other sectoral ministries in terms of maritime governance, despite the need for coherence in Government actions in terms of sustainable development. This involvement is specified in the Laws and Decrees. This is evidenced by Law No. 96/12 of 5 August 1996 relating to Environmental Management, which governs the overall framework of the different components of the environment (marine and coastal, forestry, etc.). These areas are the seat of different activities developed by the State, civil society or local populations.

#### **2.4.6. Gender and the blue economy**

Protecting the marine environment is one of the Cameroonian Government's main priorities, given the role of marine biodiversity as a decisive element in climate regulation.

The issues of the marine environment and gender remain relevant in the current national context. The measures taken by the Government to protect the marine environment could provide some insight into its importance as a lever for developing a blue economy.

##### **Gender and the ocean**

The vital role of women in the protection and preservation of the marine environment was one of the important principles of the Rio Declaration adopted at the 1992 United Nations Conference on Environment and Development. Their full participation has become essential to the achievement of sustainable development in Cameroon.

For example, at the level of the Autonomous Port of Kribi, a state structure located in the coastal zone of southern Cameroon, the Association of Women of the Autonomous Port of Kribi has contributed greatly to the revitalisation of the ocean and the coastal zone of Kribi, notably in the sensitization of and donation to the fishers' association in charge of the management of the Mboa Manga landing stage for the preservation of the Kienke River.

On International Women’s Day in March 2019, they conducted an awareness-raising workshop on marine pollution and its harmful effects. On 18 May 2022, as part of the World Maritime Women’s Day, they carried out actions to clean up the beach at Ngoye.<sup>199</sup>

Although the Cameroonian government mentioned in its *National Development Strategy 2020–2030* that it would continue to strengthen the institutional framework for the promotion and protection of women’s rights, weaknesses in implementing measures for the sustainable management of natural resources are still perceptible.

### **Blue economy considerations**

The marine environment is fundamental to the survival of humanity at all scales. Its place in the foundation of a resilient blue economy in Cameroon can be seen at the economic and ecological levels.

Economically, Cameroon’s marine environment is rich in important biotic resources such as fish species, which constitute one of the essential substances of food security for most of the local communities (including artisanal fishers) living in the coastal areas. Cameroon’s marine environment is also an important source of ecotourism due to the existence of tourist sites that are coveted from outside.

Ecologically, it can be said that the marine environment plays a fundamental role in climate regulation and in the provision of ecosystem services.

Due to the persistence of anthropogenic activities and the overexploitation of Cameroon’s resources, this carbon concentration area requires the implementation of international conservation and restoration measures in case of critical situations for its continuity in the chain of the blue economy in Cameroon.

## **2.5. Marine scientific research**

### **2.5.1. Introduction**

A scientific understanding of the ocean is fundamental to effectively managing the human activities that affect the marine environment and the marine scientific research (MSR) regime set out in UNCLOS is a key element of the governance of scientific undertaking at sea. Some

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<sup>199</sup> Information transmitted during the celebration of the African and International Day of Seas and Oceans organized in Kribi from 10 to 12 August 2022.

major points could be advanced for the necessity of MSR in a coastal State like Cameroon.<sup>200</sup> First, if adequate information is not being collected, then management decisions will be less than optimal. Parts of the world that do not have adequate infrastructure for a fine collection of information about their local marine environment are disadvantaged. Although research in other parts of the world may provide a good understanding of how marine ecosystems operate and of the pressures to which they are subject, such a general understanding must be supplemented by adequate local information. Such collection of local information is always likely to be more efficient, effective and economical.<sup>201</sup>

Second, as the world's marine environment is interconnected, suboptimal management in one part of the world is likely to affect the quality of the marine environment in other parts of the world. This is the case of land-based sources of pollution that, depending on circulation, can broadcast their negative impacts across maritime borders or if stocks of marine living resources are not well managed in one part of the world, diminishing the landings of a certain target species, this may increase fishing pressure on the same or similar species in other parts of the world.<sup>202</sup>

Third, even though universities and other educational establishments produce good-quality marine experts worldwide, graduates will experience pressure to move to those parts of the world where they can hope to have access to the best equipment for further research. It is only in that way that they can hope to develop their careers most successfully.<sup>203</sup> Such a "brain drain" will undermine efforts to establish adequate marine research in all parts of the world until appropriate local conditions for the development of scientific research exist.

Lastly, any observation of a natural system has the risk that it will disturb that system. Proper design of MSR can reduce or even eliminate this risk. Efforts to improve the understanding of marine ecosystems must not damage those ecosystems.

Scientists' use of the ocean is subject to international and national legal frameworks which are intended to safeguard the coastal States' inherent sovereign rights over its ocean domain.

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<sup>200</sup> Bernal, P. & A. Simcock, 2016, "Marine Scientific Research", Chapter 30, p. 1-18. In: L. Inniss and A. Simcock (Joint Coordinators), *The First Global Integrated Marine Assessment, World Ocean Assessment I*, United Nations, New York.

<sup>201</sup> Ibid.

<sup>202</sup> Ibid.

<sup>203</sup> Ibid.

## 2.5.2. Global and regional legal and institutional frameworks on MSR

### UNCLOS

Several definitions have been advanced as to what MSR is,<sup>204</sup> as UNCLOS does not have a definition, but the definition advanced by the third committee of UNCLOS is instrumental:

Any fundamental or applied research and related experimental work, conducted by States and their juridical and physical persons, as well as by international organizations, which does not aim directly at industrial exploitation but is designed to obtain knowledge of all aspects of the natural processes and phenomena occurring in the ocean space, on the seabed and subsoil thereof, which is necessary for the peaceful activity of States for the further development of navigation and other forms of utilization of the sea and also utilization of the airspace above the world ocean.<sup>205</sup>

Part XIII of UNCLOS, Articles 238 to 265, is the principal part of the Convention that deals with MSR. Article 240 lays down the principles by which MSR must be conducted, Articles 242 to 244 deal with the issue of international cooperation, while Articles 246 to 255 contain critical aspects of MSR in the Convention. While the Convention provides that in “normal circumstances”, the coastal State will grant its consent for MSR to be undertaken, Article 246(5) outlines a number of situations in which the State has complete discretion as to whether consent will be given.<sup>206</sup> In addition to Part XIII of UNCLOS on MSR, other relevant provisions include Articles 19, 21 and 52 (innocent passage), Article 40 (transit passage), Article 56 and 62 (Exclusive Economic Zone), Part XII on the protection of the marine environment, Part XIV on development and transfer of marine technology, Part XV on Settlement of Disputes and Annex VIII (Special Arbitration). These provisions constitute the first comprehensive set of rules on MSR which aim to strike a balance between various States’ interests.<sup>207</sup>

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<sup>204</sup> In the *Whaling* case before the International Court of Justice, Australia challenged the scientific research programme of Japan. Japan had authorized the harvesting of whales for scientific reasons. The question arose whether Japan’s programme could be qualified as scientific research in the meaning of Article VIII of the ICRW. Australia argued that scientific research in the context of the Whaling Convention should have four essential characteristics: “defined and achievable objectives (questions or hypotheses) that aim to contribute to knowledge important to the conservation and management of stocks; ‘appropriate methods’, including the use of lethal methods only where the objectives of the research cannot be achieved by any other means; peer review; and the avoidance of adverse effects on stock” (International Court of Justice, 2014, pp. 176–177).

<sup>205</sup> Committee on the Peaceful Uses of the Seabed and the Ocean Floor beyond the Limits of National Jurisdiction, vol. 8, Subcommittee III, A/AC.138/SC.III/L.31 (Bulgaria, Poland, Ukrainian SSR and USSR), arts. 1 and 2.

<sup>206</sup> These situations include cases where the research is related to the exploration or exploitation of natural resources or where there is a likelihood that damage could be caused to the marine environment.

<sup>207</sup> See [www.un.org/Depts/los/doalos\\_publications/publicationtexts/msr\\_guide%202010\\_final.pdf](http://www.un.org/Depts/los/doalos_publications/publicationtexts/msr_guide%202010_final.pdf).

### **Revised African Convention on the Conservation of Nature and Natural Resources (2016)**

The Convention was adopted in Maputo, Mozambique, on 11 July 2003 and entered into force on 23 July 2016. The Convention requires parties to strengthen their capabilities to carry out scientific and technological research in conservation, sustainable utilization and management of natural resources, paying particular attention to ecological and socio-economic factors as well as their integration and to ensure the application of research results to the development and implementation of their environmental conservation policies. Equally, States shall promote cooperation in scientific and technological research, as well as in economic and marketing systems, between themselves and third parties in the field of environmental conservation and sustainable use of natural resources.<sup>208</sup> Cameroon is a signatory and has ratified the Convention; thus, it applies to MSR in the country.

The following international institutions also deal with MSR:

### **International Oceanographic Commission (IOC)**

IOC/UNESCO was established by resolution 2.31 of the General Conference of UNESCO. It first met in Paris at the UNESCO Headquarters from 19 to 27 October 1961. The IOC assists Governments to address their individual and collective ocean and coastal management needs through the sharing of knowledge, information and technology as well as through the coordination of programs and building capacity in the ocean and coastal research, observations and services. It manages ocean science, observations and data exchange for other UN organizations and agencies concerning services such as global tsunami warning systems. It has been a key player in the recent international debate on sustainable development related to the ocean. The Rio+20 outcome document affirmed the importance of “the ocean and coasts” to the sustainability debate and was the basis for the IOC’s ongoing support for the creation of SDG 14 dedicated to the ocean.<sup>209</sup> One of its contributions is the establishment of the Global Ocean Observing System.<sup>210</sup>

IOC/UNESCO and the European Commission’s Directorate-General for Maritime Affairs and Fisheries adopted in March 2017 a Joint Roadmap to accelerate maritime/marine spatial planning processes worldwide.<sup>211</sup> It has two objectives; viz: strengthen institutional capacity in

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<sup>208</sup> Article VIII paragraph 1 and 2 of the Convention.

<sup>209</sup> Sustainable Development Goal 14 is about “Life below water”.

<sup>210</sup> The Global Ocean Observing System is a platform for international cooperation for sustained observations of the oceans, generation of oceanographic products and services and interaction between research, operational and user communities.

<sup>211</sup> IOC’s Global Ocean Science Report accessed at <https://ioc.unesco.org/our-work/global-ocean-science-report> on 25/11/2022.

relation to marine spatial planning and a sustainable blue economy; and strengthen institutional coordination for the adaptation of a roadmap.<sup>212</sup>

On 7 October 2020, a conference was held on the theme of Consultation to Strengthen Knowledge on Environmental Pressure in the Gulf of Guinea with the aim of providing information and new facts on coastal environmental challenges that affect marine spatial planning. It was also meant to discuss national and regional frameworks aimed at maritime/marine spatial planning. Finally, it was to identify best practices in managing environmental challenges at national and regional levels.<sup>213</sup>

In 2020 with the support of Sweden as well as national and regional partners, a series of events were organized to build capacities to respond to emerging ocean issues and formulate recommendations for the development of maritime/marine spatial planning in Cameroon under the theme National Consultation Technical Workshop for the reinforcement of knowledge on coastal and maritime environmental pressures in Cameroon.<sup>214</sup> In the first session on identifying and understanding the pressures on the coastal and marine and marine environment in Cameroon it was underscored that sustainable management of Cameroon’s ocean space should involve their dynamics and phenomena influencing their evolution. These will allow good planning choices adopted to our coastlines. In Cameroon, the Specialized Research Centre for Marine Ecosystems (CERECOMA) works with IOC/UNESCO and has a mandate of “the protection of the coastal and marine ecosystems” which is the result of mounting pressure from human activities that is rendering the coastal ecosystem more vulnerable, particularly in the advent of climate change.<sup>215</sup>

The UN proclaimed 2021–2030 a Decade of Ocean Science for Sustainable Development to support efforts to reverse the circle of decline in ocean health and gather ocean stakeholders worldwide behind a common framework that will ensure ocean science can fully support countries in creating improved conditions for sustainable development of the ocean. The General Assembly has mandated IOC/UNESCO to coordinate the Decade’s preparatory process, and the global ocean community should plan for the next 10 years in ocean science and technology.<sup>216</sup>

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<sup>212</sup> Ibid.

<sup>213</sup> Ibid.

<sup>214</sup> IOC’s Global Ocean Science Report accessed at <https://ioc.unesco.org/our-work/global-ocean-science-report> on 25/11/2022.

<sup>215</sup> Ibid.

<sup>216</sup> <https://en.unesco.org/ocean-decade>.

Other activities and programmes under the UN include:

**The regular process for global reporting and assessment of the state of the marine environment, including socio-economic aspects**

This is an ongoing intergovernmental mechanism managed by DOALOS that aims at regularly assessing the state of the world's oceans and enhancing the scientific basis for policymaking.<sup>217</sup>

**World Ocean Assessment**

The World Ocean Assessment is a global integrated assessment of the world oceans covering social, economic and environmental aspects which involves hundreds of experts. It serves as the basis for government policymakers worldwide to make informed decisions surrounding ocean issues in alignment with the 2030 Agenda for Sustainable Development. It is the only global mechanism that brings together governments and member States within the United Nations to assess the state of the world's ocean.<sup>218</sup>

**African Observatory of Science, Technology and Innovation**

This observatory was created by the African Union in 2013 as a Specialised Technical Office to the Union. It serves as the continental repository for science, technology and innovation data and statistics and a source of policy analysis in support of evidence-based policymaking in Africa. The African Observatory of Science, Technology and Innovation assists member States in mapping their science, technology and innovation capabilities to address economic, social, environmental, and other development challenges.<sup>219</sup>

**African Scientific, Research and Innovation Council**

The Council is a specialized technical advisory body of the African Union Scientific Technical Research Commission, which promotes scientific research and innovation to address the challenges of Africa's socio-economic development.<sup>220</sup> It has as a function to build and sustain a continental scientific research and innovation policy nexus as well as promote intra-Africa and international collaboration in science, technology and innovation to respond to the development.

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<sup>217</sup> See: [www.un.org/regularprocess/](http://www.un.org/regularprocess/).

<sup>218</sup> See: <https://www.un.org/regularprocess/>.

<sup>219</sup> Article 3 of the Statute creating AOSTI.

<sup>220</sup> Article 3 of the Statute creating ASRIC.

### **2.5.3. National legal framework**

#### **Decree No. 2012/383 of 14 September 2012 to Organize the Ministry of Scientific Research and Innovation**

This Decree organized MINRESI, which is in charge of overseeing, coordinating and controlling scientific research activities for the promotion of economic, social and cultural development; valorization, popularization and exploitation of research results in liaison with all sectors of the national economy, ministerial departments and interested organizations; as well as international cooperation in scientific research and innovation, in liaison with MINREX, the Ministry of Higher Education ; which MINRESI has a technological watch, in conjunction with the administrations concerned.<sup>221</sup>

#### **Law No. 96/12 of 5 August 1996 Relating to Environmental Management**

This Law lays down the general legal framework for environmental management in Cameroon. It guarantees the right of everyone to a sound environment and ensures a harmonious balance within ecosystems and between the urban and rural zones. It also regulates the discharge and immersion into the maritime waters under Cameroonian jurisdiction as well as the incineration of all substances likely to endanger human health and maritime biological resources; hinder maritime activities, including navigation, aquaculture and fishing; alter the quality of maritime waters from the point of view of their use; or downgrade the value of authorization and the touristic potential of the sea and the coast.<sup>222</sup>

The process for a foreign vessel to carry on scientific research in Cameroon's territorial sea and EEZ requires an application for permission from the Ministry of Livestock, Fisheries and Animal Industries (MINEPIA) after submission of required documents. After the acquisition of this permit, the foreign vessel can proceed to MINRESI to fill out some forms and submit a file for processing of the authorization which take many things into consideration such as security and the exact nature of the research. After a satisfactory examination, MINRESI issues an authorization to carry out MSR.

### **2.5.4. National institutional framework**

Alongside having appropriate legislation is the crucial intervention of regulatory bodies which will implement and enforce them.

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<sup>221</sup> Article 1 of the Decree.

<sup>222</sup> Article 31(1).



### **The Ministry of Scientific Research and Innovation**

MINRESI was created by Decree No. 2012/383 of 14 September 2012 relating to the organization of the Ministry of Scientific Research and Innovation. The duties of MINRESI on marine scientific research are stated in 2.5.3 above. The Ministry manages MSR through the Institute of Agricultural Research for Development (IRAD) and CERECOMA.<sup>223</sup>

Decision No. 00005/MINRESI/B00 of 23 February 2010 designates members of the technical working group responsible for monitoring the activities of IOC/UNESCO towards the Decision No. 00004/MINRESI/B00 on the Establishment and Organization of the Technical Working Group for the Follow-up of the Activities of IOC/UNESCO.

### **The National Oceanographic Data Centre**

The National Oceanographic Data Centre of Cameroon was created on 28 February 2001 with the aims of (1) improving on capacity building of oceanographic data and information management; (2) facilitating access to data and exchange with other African states and national partner institutions; and (3) coordinating networks of national institutions involved in the management of coastal and marine areas. The specialized research centre hosts CERECOMA, based in Kribi. CERECOMA is an operational structure of IRAD, which is under MINRESI. A National Project Management Committee of 10 members was established to coordinate project activities in Cameroon. Beneficiaries of the products and services of the National Oceanographic Data Centre include port services, coastal engineering, fisheries services, tourists, coastal management services, scientific research, university lecturers and students, NGOs, and civil society.

### **Ocean Division Development Authority**

This institution was created by Presidential Decree No. 99/195 of 10 September 1999 and was completed by Law No. 99/016 of 22 December 1999. The Ocean Division Development Authority was born out of a political will to organize and decentralize development. It is a public institution with functioning autonomy which receives its budget from the Government. It is in charge of carrying out studies and work specified in the Decree of creation, notably: conceiving and planning of development of the Ocean Division that is up to date at the information level and carrying out studies, surveys and experiments to be presented to the Government given a rapid, global and integrated development of the Ocean Division.

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<sup>223</sup> Cameroon Tribune, Maritime transport: coastal security, a challenge.

## **The Ministry of Environment, Nature Protection and Sustainable Development**

MINEPDED was organized by Decree No. 2012/431 of 1 October 2012 and placed under the authority of a Minister. The Ministry is responsible for developing and implementing the Government's policy on environment and nature protection, geared toward sustainable development. In this respect, the Minister shall define terms and principles of rational and sustainable management of natural resources; define environmental management measures in conjunction with Ministries and specialized bodies concerned and monitor environmental compliance in executing major projects.

## **The Inter-Ministerial Committee on the Environment**

The Committee was created by Decree No. 2001/718/PM of 3 September 2001 relating to its organization and functioning. The Committee shall assist Government in its duties to draw up, coordinate, execute and control national environmental and sustainable development policies. To this end, it shall ensure respect and take into consideration environmental considerations, especially the implementation of economic, energy, and land plans and programs; approve the bi-annual report on the environment drawn up by the Ministry in charge of Environment; coordinate and direct the updating of the National Environment Management Plan; give its opinion on an EIA; and assist the Government in preventing and managing urgent or crises that could constitute serious threats to the environment or result in its degradation.<sup>224</sup>

### **2.5.5. Enforcement and implementation of the governance framework for the sector**

The efforts of MINRESI to create an institute of oceanographic research and marine studies in Cameroon aim to give visibility, both nationally and internationally, to research specific to the marine, lake and river environment. Due to the pressures or threats observed on Cameroon's marine and coastal ecosystems, the need for research on these environments continues to require an improvement in knowledge about the marine environment.<sup>225</sup>

With its research institutes, notably IRAD, CERECOMA of Kribi, the Experimental Research Station on Marine Ecosystems of Kribi, the Fisheries and Oceanographic Research Station of Limbe and the Fouban Aquaculture and Continental Fisheries Research Station, MINRESI

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<sup>224</sup> Article 2.

<sup>225</sup> Such research leads to a better understanding of the structure of Cameroon's marine and coastal ecosystems and requires detailed study of the ecology of exploited species and, more generally, of the dynamics of ecosystems subject to human and natural pressures. See Report of IRAD on the Strategy for Fisheries and Aquaculture Research in Cameroon, Ministry of Scientific Research and Innovation of Cameroon, 2011, p. 15.

continues to coordinate research in the maritime and coastal field in order to promote the well-being of people in relation to the coastal maritime space.

In 2011, MINRESI's research institute, IRAD, embarked on the elaboration of Cameroon's fisheries and aquaculture research strategy following multiple exchanges with all stakeholders (representatives of Ministries and Directorates, researchers and directors of research structures, university laboratories, professional organizations, and fishers, etc.).

On 13 July 2022, MINRESI, with the support of the European Union, embarked on a programme to develop an inclusive research and innovation strategy. This action aims to bring together in a concrete way the different research actors (governmental sector, public and private higher education, the non-institutional sector of independent researchers and innovators and the international sector).

### **2.5.6. Gender and the blue economy**

MSR in Cameroon is gender sensitive. Even if gender equality is far from being achieved in the field of ocean sciences from a global point of view, the allocation of leadership positions to women in the field is clearly appreciable. Overall, it must be said that women continue to be underrepresented in the field of ocean sciences, in particular in the very technical categories.<sup>226</sup>

Although the blue economy is a priority of Cameroon's National Development Strategy, it remains a process that is strongly rooted in the research sector in view of the richness of the marine and coastal ecosystem in terms of fish species and other marine resources.

#### **Gender and the ocean**

Overall, the governance of MSR in Cameroon is led at the decision-making or central level by two women, one of whom is the head of the Ministerial Department and the other the secretary-general of the said department. Within the central administration, a number of women are also in positions of responsibility.

Some institutions under this key Ministry, such as CERECOMA, especially in its station in Kribi, have already entrusted their management to a woman oceanographer by training. It should be recalled that this structure is involved in reproducing sea and freshwater fish, marine plants, reforestation of degraded mangroves, and reproducing shrimp and marine turtles.

#### **The blue economy**

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<sup>226</sup> See IOC-UNESCO World Ocean Science Report 2020, p. 9.

MSR should play an important role in the protection of coastal habitats and marine biodiversity in Cameroon with regard to issues such as the destruction of coastal mangroves by human activities, the overexploitation of fishery resources, the changes brought about by climate change and marine pollution. This is essential for ensuring the sustainability of the planet, for understanding and monitoring the evolution of the oceans, for predicting the state of health of oceans and for informing decisions with a view to achieving SDG 14, which aims to conserve and sustainably use the oceans, seas and marine resources for sustainable development.<sup>227</sup>

In order to work with the public authorities towards establishing a resilient blue economy, MINRESI is committed to creating an oceanographic research and marine studies institute to take advantage of the wealth of the Cameroonian marine and coastal ecosystems. The latter would boost development, reduce dependence and strengthen Cameroon's autonomy in terms of import substitution.

In order to support the public authorities in the establishment of a resilient blue economy, MINRESI, through IRAD, has been involved since 2009 in fisheries research, the aim of which is to contribute to poverty reduction by increasing national fisheries and aquaculture production.

Even if some constraints remain, it must be said that MSR would represent a major asset for economic development, the sustainable exploitation of marine resources and the preservation of marine biodiversity. It should take into account the following points<sup>228</sup> :

- Knowledge of fisheries potential and aquatic biodiversity, with the aim of guaranteeing the food security of populations
- The development of aquatic ecosystems, the aim of which is to contribute to a better exploitation of the potential of ecosystems
- Adaptation to climate change by integrating fishing and aquaculture into the National Adaptation Action Plan drawn up under UNFCCC.<sup>229</sup>

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<sup>227</sup> See Executive Summary of the IOC-UNESCO Global Ocean Science Report, 2017, p. 3.

<sup>228</sup> See Report of the Institute of Agricultural Research for Development (IRAD) on the Strategy for Fisheries and Aquaculture Research in Cameroon, Ministry of Scientific Research and Innovation of Cameroon, 2011, pp. 24-38.

<sup>229</sup> See Report of the Institute of Agricultural Research for Development (IRAD) on the Strategy for Fisheries and Aquaculture Research in Cameroon, Ministry of Scientific Research and Innovation of Cameroon, 2011, pp. 24-38.

## 2.6. The fisheries sector in Cameroon

### 2.6.1. Introduction

The fisheries sector is quite important to the economy of Cameroon in several dimensions.<sup>230</sup> The fishing industry is the most important source of protein in the diet of the Cameroonian population. Annual per capita consumption is estimated at between 13.6 kg and 19 kg, representing the input of around 42.3 per cent of animal protein and covering 9.5 per cent of total requirements. Fish is usually the most consumed source of animal protein by the economically weak layers of the population.<sup>231</sup>

Cameroon's fisheries sector is of immense social and economic importance to the country's estimated total GDP of \$45 billion in 2021 according to official data from the World Bank. The sector at a social level is equally important as it employs more than 200,000 people. Since 2015, fishers have caught an average of 205,000 tons of fish each year.<sup>232</sup>

The fishing resources and fishing areas are diverse in the country. Cameroon's maritime waters are in the western pockets of the Gulf of Guinea in the area known as the equatorial calm in the Atlantic Ocean. Besides the vast marine ecosystem, Cameroon has several river systems and busy fishing grounds for capturing estuary shrimps, coastal pelagic fish and demersal species. Most important is marine fishing, which is practiced on an industrial scale using larger trawlers. This is common in the Kribi, Lokounje, Grand Batanga, Bouantjo, and Campo Beach areas in the South, in places such as Douala, Youpwé, Manoka, Mbangue, and Besokoulou in the Littoral Region, and Limbe, Bakassi, Isanguele, Bakingili, Batoké, Botaland, Mabeta, Bamusso, Eyenge and Idenau in the Southwest Region.

The fisheries sector in Cameroon faces numerous challenges, including a lack of data on fish stocks, an influx of industrial fishers from other countries, subsidy-driven overfishing and IUU fishing.

The fishery sector faces challenges in the monitoring, surveillance and control of activities so as to ensure compliance with regulations on fishing techniques. The effects of the challenges are apparent in the generalized use of illegal techniques (such as non-compliant mesh trawlers and pair trawlers) and clandestine exports to other States.

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<sup>230</sup> Mariculture is not practiced in Cameroon.

<sup>231</sup> Horline Njike B.M. and Owona Mbarga D.A. *Gestion de la Pêche Artisanal au Cameroun*, 2020 p.1. Accessed at Accessed 20/05/2022.

<sup>232</sup> Ibid.

## 2.6.2. Multilateral and regional legal and institutional framework

Cameroon has ratified some essential fishing agreements addressing the problem of unsustainable fishing and ecosystem degradation. These include:

### UNCLOS

As the legal framework governing all uses of the oceans and their resources, UNCLOS adopts two legal strategies in the conservation and management of fisheries resources: jurisdictional through the maritime zones and the species approach. The coastal State may regulate or prohibit all forms of fishing in its internal waters and territorial sea. Article 21, para. 1, d, states that activities in this area are strictly under the control of the coastal State through the laws and regulations according to “the conservation of the living resources of the sea”.

Articles 61 to 69 of UNCLOS provide rules for the conservation and use of living resources in the exclusive fisheries areas within the EEZ. Bilateral fisheries agreements can be concluded to regulate foreign access to fisheries resources within the EEZ.<sup>233</sup> Most of these bilateral agreements contain principles that govern foreign vessels fishing in the EEZ.

In the high seas beyond the EEZ, the former doctrine of the freedom of fishing remains applicable. Article 116 states that both coastal and landlocked States have the right for their nationals to engage in fishing on the high seas. Articles 117 and 118 mandate the fishing State to cooperate at bilateral and regional levels to conserve marine living resources. Article 119 of UNCLOS provides that the States shall use scientific methods and data on the allowable catch to determine maximum sustainable yields and other matters.

The species approach is the second approach for protecting and conserving fishery resources. Species such as the straddling stocks, highly migratory species, marine mammals, anadromous species and catadromous species are protected differently. As concerns the straddling stocks and highly migratory species, States adopted an implementing agreement to UNCLOS to effectively implement the pertinent UNCLOS rules to ensure their long-term conservation and sustainable use.<sup>234</sup> The RFBs and RFMOs in the GCLME where the Cameroon maritime zone is located include: the International Commission for the Conservation of Atlantic Tunas, South East Atlantic Fisheries Organisation, Sub-Regional Fisheries Commission, COMHAFAT, CECAF, the Fisheries Committee for the West Central Gulf of Guinea and COREP. Regarding

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<sup>233</sup> Appendix XV of UNCLOS.

<sup>234</sup> United nations conference on Straddling Fish Stocks, Highly Migratory Fishing Stocks held in New York from the 24 July –August 4,1995 UN A/Conf 164/32 1995.

the anadromous species, UNCLOS allows a dual role for the State of origin, which has primary interest and responsibility<sup>235</sup>, and other states can set the total allowable catch for such species.<sup>236</sup> Finally, regarding the catadromous species, the coastal State is responsible for managing them under UNCLOS.<sup>237</sup> Harvesting by other states on the high seas is prohibited.

### **The Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unregulated and Unreported Fishing**

See section 1.2.1 above.

### **Convention on International Trade in Endangered Species of Fauna and Flora (art. 67, para. 1)<sup>238</sup>**

See section 1.2.1 above.

The Government of Cameroon has also ratified the following regional instruments in the Gulf of Guinea subregion and the African continent:

- African Convention on the Conservation of Nature and Natural Resources (1968)
- The Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region and the Protocol concerning Co-operation Combating Pollution in Cases of Emergency and Protocol (1981; the Abidjan Convention) (see section 1.2.1 above)
- Regional Convention on Fisheries Cooperation among African States Bordering the Atlantic Ocean (1991) (see section 1.2.2 above)
- Regional institutional framework initiatives include:
  - CEEAC (see section 1.2.1 above)
  - COREP (see section 1.2.1 above)
- The African Convention on the Conservation of Nature and Natural Resources (1968; see section 1.2.2 above).

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<sup>235</sup> Article 66 of UNCLOS.

<sup>236</sup> Article 66 (2) of UNCLOS.

<sup>237</sup> Article 67 (1) of UNCLOS

<sup>238</sup> Cameroon acceded to the Convention on 5th June 1981 thus recognizing the need to protect its endangered species of wild fauna and flora.

### 2.6.3. National legal framework on fisheries

In Cameroon,<sup>239</sup> the principal law in force for protecting and conserving fisheries resources is Law No. 94/01 of 20 January 1994 on Forestry, Wildfire, and Fisheries. Article 1 of the Law prescribes an integrated management approach, ensuring sustainable conservation and use of these resources. The Law defines fishing as the capturing or harvesting of any fishery resources or any activity that may lead to the harvesting or capturing of fishery resources, including poor management and use of the aquatic environment.<sup>240</sup> Article 5 of the Law defines fishery resources to include fish, seafood, molluscs, and algae from the marine estuarine and freshwater environments, including sedentary animals in such environments.<sup>241</sup> It will, however, require the fresh elaboration of laws on fishery resources as this current Law does not have sufficient provisions on fisheries but focuses on forests and wildlife.<sup>242</sup>

Another pertinent law related to fisheries management in Cameroon is Law No. 2000/02 of 17 April 2000 on the Maritime Zones of Cameroon. This Law has been in force since 19 November 1985, retrospectively from Cameroon's ratification of UNCLOS on 19 November 1985. This Law defines the maritime zones of Cameroon, thereby establishing its jurisdiction on fisheries. (See a detailed discussion in section 1.1.1 above.)

Furthermore, the Law regulating fish catch is Decision No. 0002/MINEPIA of August 2001, dealing with the protection of fisheries resources and providing sizes of fish species to be caught only for a limited number of species. But this provision does not reflect international best practices in the sector.<sup>243</sup> There is no provision for total allowable catches. However, to ensure the resources' regeneration, the legislation provides closed seasons but does not spell out the species involved and periods for different species groups.

Decree No. 95/413/PM of 20 June 1995 fixing the modalities of application of the fisheries legal regime is worthy of mention here. This Decree bans fishing in the five zones along the coastline comprising only estuaries. The Decree also bans fishing in sensitive sites and juveniles but does not spell out the sites considered sensitive.

The non-binding International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing (IPOA-IUU) was developed within the FAO Code of

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<sup>239</sup> <https://www.fao.org/faolex/country-profiles/general-profile/en/?iso3=CMR>.

<sup>240</sup> Article 4 of Law No. 94/01 of 20 January 1994 to lay down Forestry, Wildlife and Fisheries Regulations.

<sup>241</sup> Article 5, *ibid*.

<sup>242</sup> There is currently a Bill on Fisheries before the National Assembly as the current law is obsolete and unbalanced.

<sup>243</sup> See FAO Technical Guidelines for Responsible Fisheries No. 1, Suppl. 2, Rome, FAO, 2009.



Conduct for Responsible Fisheries and other international instruments to tackle IUU fishing. IPOA-IUU provides a toolbox of measures to address the problem and covers all fishing industry sectors, from the flagging of vessels to fishing authorizations to landing and market-based controls on the fish trade.

On the licensing of vessels, Articles 34 to 41 of the IPOA-IUU encourage coastal States to control their vessels in order to minimize illicit activities. They are also encouraged to avoid flagging vessels with a history of established IUU fishing and discourage a change of flagging for convenience. Finally, IPOA-IUU encourages States to link vessel registration to the issuing of fishing authorization.

The licensing of vessels in Cameroon is governed by laws that are not in conformity with the IPOA-IUU. In Articles 4(2) and 5(2) of Decree No. 95/413/PM of 20 June 1995, IUU fishing history and the presentation of an international radio call sign are not pre-requisites to obtaining a fishing licence, which is not in line with provisions of Article 24 of IPOA-IUU and the International Telecommunications Union of Geneva. As a result of this deficiency, some fraudulent vessels which have been registered elsewhere proceed to obtain the Cameroonian registration number to possess a double registration number which they use to carry out illicit activities elsewhere. This is what led to the European Union giving Cameroon a yellow card.<sup>244</sup>

Also, Article 92(2) of UNCLOS says that “a ship which sails under the flags of two or more States, using them according to convenience, may not claim any of the nationalities in question with respect to any other State, and may be assimilated to a ship without nationality”. Article 119 of Law No. 1994, which is the principal legislation on fisheries resources in Cameroon, makes provision for high-sea fishing licenses but does not prescribe conditions for this type of fishing and for access to other coastal waters, which is in disagreement with the FAO Agreement to Promote Compliance and International Conservation and Management Measures by Fishing Vessels on the High Sea (Compliance Agreement; 1995) and the United Nations Fish Stocks Agreement (1995).

Another pertinent Law on the management of fishery resources is Law No. 96/12 of 5 August 1996 Relating to Environmental Management, which provides a holistic approach to environmental protection and management in Cameroon. It includes guidelines and principles for managing the coastal marine environment and sustainable development of those living

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<sup>244</sup> European Commission (2021). Press release: Fighting against Illegal, Unreported and Unregulated Fishing: The Commission Notifies Cameroon with a Yellow Card. 27 February. See: [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_621](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_621).

resources. Article 62 states that the conservation of biodiversity and gene diversity against all causes of degradation and threats of extinction are of national interest. Article 64(1) of this Law requires that the country's biodiversity shall be sustainably managed and used, especially through inventory of existing species, particularly those that are endangered; management plans of species; preservation of species habitat; and a system of control of access to genetic resources.

Finally, legislation supporting this sector's institutions includes Law No. 2000/017 of 19 December 2000s, regulating Veterinary Health Inspection. This Law requires veterinary health inspection of animals and fisheries products and their by-products against zoonoses, poisoning and other infections within Cameroonian territory to ensure they are fit for consumption. No such product shall be fit for consumption without being subjected to veterinary inspection.

#### **2.6.4. National institutional framework for fisheries in Cameroon**

The fisheries industry operates under MINEPIA, which was reorganized by presidential Decree No. 2420/152/ of 8 December 2004. MINEPIA is responsible for the elaboration, execution and follow-up of Government policies with respect to fishing, fisheries management and sustainable development of the sector. It provides fishing authorizations, follows up activities of licensed vessels, ensures respect for fisheries legislation and promotes fisheries production.

Decree No. 2012/382 of 14 September 2012 to Organize the Ministry of Livestock, Fisheries and Animal Industries established several fisheries management bodies, which include the Minister of Livestock, Fisheries and Animal Industries, in charge of making regulations and monitoring the standards as well as application in breeding, fishing, animal and fisheries industries. Furthermore, the secretary-general of MINEPIA coordinates the actions of the services of the central administration and the decentralized services of the Ministry. It includes the Directorate of Fisheries, Aquaculture and Fishing Industries, which is responsible, among other things, for management and sustainable development of fisheries resources. It has subdirectorates of Industrial and Artisanal Fishing, Aquaculture, Production Technologies and Fisheries Industries and the Control and Surveillance Brigade on Fishing Activities.

Furthermore, the Regional Department and District Departments of MINEPIA delegations at regional and divisional levels have health posts and veterinarian centres to ensure that the management of fisheries institutions operate in accordance with the different fisheries legislations such as Law No. 94/01 of 20 January 1994, on forestry, wildlife and fisheries as well as different implementing texts such as decrees, orders and decisions. Law No. 94/01 of

20 January 1994 on forestry, wildlife and fisheries is obsolete as it does not have sufficient provisions on the protection of fisheries resources. A new draft Fisheries and Aquaculture Bill was developed by MINEPIA with assistance by FAO to replace Law No. 94/01 of 20 January 1994. The draft bill is currently under review by the Cameroonian National Assembly (the legislative house). This new bill would change the current regime in the following ways:

- It would be the first law in the country to tackle IUU fishing.
- It would improve the monitoring and surveillance of fishing through the use of satellites. Moreover, all vessels would be required to produce statistics on their production in the previous year before their licences could be renewed for the current year.
- It would introduce licences such as industrial and semi-industrial licences, while permits that currently exist are for sporting fishing, artisanal and continental fishing.
- It would also drastically reduce administrative bottlenecks by permitting the Minister for Fisheries, Aquaculture and Animal Industries rather than the Prime Minister to sign fisheries agreements.
- Different actors would be included in surveillance activities such as traditional authorities, local governments, the Ministry of Territorial Administration and MINEPIA.
- Furthermore, those involved in industrial fishing would be required to bring the fish caught to Cameroon before exportation.
- Finally, licences would be given by consultative commissions which would predetermine the number of licences given based on the available resources.

This draft bill has not addressed the issue of flagging that led to Cameroon being given a yellow card by the European Union because ship registration and the issue of flagship is managed by the Merchant Shipping Police (Maritime Police), popularly known by its French acronym Marine Marchande, which operate under MINTRANS. However, this issue will be resolved within the framework of a MINEPIA/MINTRANS agreement.<sup>245</sup>

Institutions attached to MINEPIA include:

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<sup>245</sup> The Government's position was obtained through an interview with a director at MINEPIA on 17 June 2023.

- The Maritime Artisanal Fisheries Development Authority, which was created in 1977 to increase fish production by supporting small-scale fishers. Specifically, it is in charge of training, construction, and supply of fishing equipment to fishers.
- The Fund for Development of Marine Fisheries, which was created in 1974 for fishing activities of MINEPIA that cannot be achieved under the regular Government budget. These include infrastructures, equipment, training and workshops.

Other institutions involved in the fishing sector include:

### **Ministry of Scientific Research and Innovation**

This Ministry oversees the country's scientific research and has an institution, IRAD, with a Fisheries and Oceanography Research Station in Limbe. It also has an inland Fisheries Research Station in Foumban and CERECOMA in Kribi. These research stations and the research centre are charged with conducting stock assessment and conducting research in marine ecology, fisheries biology, fish post-harvest technology, marine pollution and aquaculture.

### **Ministry of Defence**

This Ministry, through the Surface Forces of the French Navy, ensures: surveillance, protection and defense of national maritime, river and lake areas; the surveillance, protection and defense of installations essential to the life of the Nation located in the immediate vicinity of the coastline.<sup>246</sup> It assists MINEPIA in monitoring and controlling fishing activities. MINEPIA is in charge of surveillance, monitoring and control of the fishing sector through the Brigade of Control and Surveillance of Fishing Activities (BCSAP), whose mission is codified within Article 51 of Decree No. 2012/382 of 14 September 2012 to Organize the Ministry of Livestock, Fisheries and Animal Industries. This Brigade collaborates closely with the Directorate of Fisheries, Aquaculture and Fishing Industries. The cooperation is framed by an agreement between MINEPIA and MINDEF to combat IUU fishing, which is a main problem plaguing the fisheries sector.<sup>247</sup> Cameroon relies on Law No. 94/01 of 20 January 1994 to Lay Down Forestry, Wildlife and Fisheries Regulations to punish criminal acts of industrial fishing in its maritime domain. Cameroon does not have a specific law on combating IUU fishing and will depend on the FAO Agreement on Port State Measures on IUU Fishing. It is important to note

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<sup>246</sup> See Article 2 of Decree No. 2002/036 of February 4, 2002, establishing and organizing the forces of the National Navy. See: <https://www.jurifrafrica.com/lex/decret-2002-036-04-fev-2002-15852.htm>.

<sup>247</sup> Cameroon is a party to the Code of Conduct concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa (see section 2.1.3 above).

that in terms of the repression of IUU fishing, Cameroon is still in the process of ratifying the FAO Agreement on Port State Measures of 2009.

MINDEF intervenes on the sea through the Navy, BIR, the National Gendarmerie through the Maritime Brigade, and subregional maritime forces.

### **Ministry of Transport**

MINTRANS oversees the coordination of territorial, air and maritime transport activities. Through the Merchant Shipping Code of 1962<sup>248</sup> and the regional CEMAC Merchant Shipping Code of 2012, MINTRANS controls the movement of fishing vessels within Cameroon's territorial waters and ports. Licensing of vessels and security conditions on board fishing vessels is the responsibility of the Directorate of Maritime Affairs of MINTRANS. These actions contribute in no small way to ensuring security in industrial fishing in Cameroon.

### **Ministry of Environment, Nature Protection and Sustainable Development**

MINEPDED oversees the formulating and executing of national environmental policies and elaborating strategies for sustainable management of natural resources, including fisheries. This Ministry also controls pollution of the marine and terrestrial ecosystems. MINEPDED evaluates EIAs for activities carried out in marine and reverie fishing areas.

Other ministries concerned that intervene indirectly in this sector include:

- The Ministry of the Economy, Planning and Regional Development (MINEPAT) This institution is assigned with the task of carrying out regional planning and the elaboration of economic policies geared towards sustainable development and the management of public investments and cooperation. In this respect it makes possible studies of and management of the ocean through its financing of projects in the fisheries sector.
- MINTOUL is in charge of putting in place national policies related to tourism and leisure. In this capacity it monitors and orientates tourist activities in marine and coastal zone and finances the development of touristic sites in the coastal zone and monitors pollution activities on tourist beaches.
- The Ministry of Finance (MINFI) deals with financing, budget management and customs transactions.
- The Ministry of Commerce oversees the commercialization of fisheries products.

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<sup>248</sup> Cameroonian Merchant Shipping Code, Ordinance No. 62 of 30/OF 31 March 1962.

### **2.6.5. Enforcement and implementation of the governance framework for fisheries**

With the aim of establishing an integrated national governance of fisheries, MINEPIA undertook to develop a partnership framework on 20 December 2013 with MINDEF in the fight against IUU fishing. This duly established agreement aims to federate actions relating to the sensitization, control, recording and repression of fishing offences at sea and in inland waters (which cover an area of 7.4 per cent of Cameroon's territory, namely natural lakes, rivers and water retention dams).

MINEPIA has also committed itself in the framework of an agreement with the Investment Promotion Agency (API) and private partners to make aquaculture profitable in some localities of Cameroon through the fish and fingerling production project, the breeding of marine and freshwater shrimps and the construction of fish feed production plants.

In terms of international cooperation, MINEPIA has concluded important bilateral agreements with some key partners involved in the fisheries sector, including with Japan International Cooperation Agency and the Overseas Fisheries Cooperation Foundation of Japan. This collaboration has so far led to the signing of an agreement on 11 December 2017 for the modernization of the landing stage and fish market in Youpwé (coastal Cameroon). Specifically, this collaboration will contribute to improving the working conditions of the fishing community and the quality of the fish marketed and increase the efficiency and profitability of fishing vessels, trawlers and other means of transporting fish products on the Youpwé coast.

This bilateral agreement signed between Cameroon and Japan on December 11, 2017 will also contribute environmentally to the development of a sustainable management system with the aim of reducing greenhouse gas emissions and marine ecosystem degradation. On the social and economic front, the agreement will help to ensure health security and better access to education, and also the creation of direct and related jobs for local people living along the coast.

This partnership has also led to the development of the project to equip the Kribi Community Fishing Centre. It consists of the purchase of equipment to improve the working conditions of fishers and the conservation of fishery products in Kribi.

Finally, it should be added that from 7 to 11 March 2022, MINEPIA benefited from technical assistance from the FAO within the framework of a project to bring Cameroon's legal and operational framework in line with international instruments and regional mechanisms to

combat IUU fishing, and in particular the 2009 Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.

In detail, this assistance consisted of a participatory assessment of the capacity needs and gaps in policy, legal, monitoring, control and surveillance instruments to combat IUU fishing. It led to the organisation of a workshop to formulate a national strategy and action plan to eliminate IUU fishing in Cameroon. This workshop addressed other important issues such as governance and sustainable fisheries management at the national and regional levels as well as port state– and trade-related measures.

The workshop revealed that there were shortcomings related to institutional, political, legal and operational aspects of fisheries governance, and certain capacity building needs were identified, notably:

- The modernization and adaptation of the Cameroonian legal framework to international and regional instruments to combat IUU fishing;
- Capacity building for all personnel involved in the sector;
- The revision of the flag development policy;
- The implementation of an effective cooperation between the national administrations concerned.

It should be recalled that well before the holding of this workshop, the European Union Commission had issued a yellow card to Cameroon on 17 February 2021, due to the insufficiencies noted in its capacity to respect, as a flag State, coastal State, port State and marketing State, the norms established by the international law of the sea to guarantee an effective and adequate control of fishing activities carried out by vessels.<sup>249</sup> This yellow card is a warning that gives the country the opportunity to react and take measures to remedy the situation within a reasonable time.

### **2.6.6. Gender and the blue economy considerations**

Cameroon, through MINEPIA, is committed to applying measures aimed at the conservation, development and exploitation of fishery products, without forgetting the improvement of

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<sup>249</sup> European Commission (2021). Press release: Fighting against Illegal, Unreported and Unregulated Fishing: The Commission Notifies Cameroon with a Yellow Card. 27 February. Accessed 24 August 2023. [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_621](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_621).

sanitary control in maritime, river and fish farming fisheries.<sup>250</sup> In the framework of the regulation and supervision of fishing activities, this institution considers the issue of gender. To boost development from its fisheries resources, Cameroon has indicated in its *National Development Strategy 2020–2030* the vision for the development of a blue economy.

### **Gender and oceans**

Even though the Cameroonian Constitution of 18 January 1996 and the Convention on the Elimination of All Forms of Discrimination Against Women of June 1983 mention gender equality in the exercise of political and administrative functions, there is little integration of the gender perspective into the national development strategy. It must be noted that gender is poorly integrated into national policies and programmes concerning maritime and continental fisheries, although nearly 60 per cent of the fish and seafood exploited in Cameroon's rivers, lakes and seas are sold by women and provide between 30 and 70 per cent of the animal protein consumed by local communities living along the river. The majority of women living in the coastal areas of the South, Southwest and Littoral regions of Cameroon regularly experience emergencies caused by rising sea levels and the loss of marine biodiversity, leading to the cessation or stoppage of post-harvest commercialization of fish species. Although women hold important ecological, local, and traditional knowledge that contributes to the sustainable use and conservation of ecosystems, the following gender-related problems are still generally observed<sup>251</sup>

- The relative involvement of women in fisheries governance decision-making
- Limited access to financial resources for the purchase of cold storage equipment (post-harvest conservation) and transport of catches
- The absence of training in the implementation of species storage technologies (Ngoye-Kribi and Youpwé-Douala landing stages)
- The absence of social security in terms of working conditions in the fishing sector.<sup>252</sup>

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<sup>250</sup> See Article 1, paragraph 2 of Decree No. 2012/382 of 14 September 2012 on the organisation chart of MINEPIA.

<sup>251</sup> Information received on November 9, 2022 during the interview with the Regional Delegate of the Ministry of Livestock, Fisheries and Animal Industries of the South Region.

<sup>252</sup> Information received on November 9, 2022 during the interview with the Regional Delegate of the Ministry of Livestock, Fisheries and Animal Industries of the South Region.



In the Directorate of Fisheries and Aquaculture of MINEPIA, there is one woman assigned to a position of responsibility and one female head of department out of the 16 management positions in the entire Ministry.

Also, in order to facilitate the full participation of women in the process of sustainable fisheries management, it would be important for the Cameroonian Government to encourage at the local level the legal framework for their empowerment as mentioned in target 5.5 of SDG 5. This empowerment will enable women to access leadership positions, benefit from the same rights to economic resources and enjoy the rights of access to ownership and control of land.

### **The blue economy**

In August 2022, ECCAS presented its draft blue economy strategy to exercise its leadership and support its member States in exercising their sovereignty and sovereign rights by effectively controlling and giving added value to maritime space and water sources within ECCAS in harmony with continental maritime policy.

It must be said at this point that the fishing sector (continental and maritime) in Cameroon certainly occupies a considerable place in the national economy. Although it has not ratified the 2016 African Charter on Maritime Security, Safety and Development in Africa, Cameroon is committed in its *National Development Strategy 2020–2030* (Republic of Cameroon, 2020) to building a blue economy that takes account of the fisheries sector. It is important to specify that fish can be a renewable resource if it is properly managed with the aim of ensuring the development of a sustainable blue economy.

With the aim of taking advantage of the sustainability of fisheries resources on a regional scale, Cameroon contributed in 2022 to the drafting of the ECCAS Blue Economy Strategy. Although the fishing and aquaculture sectors are the poor cousins of the ECCAS economies, this draft strategy nevertheless refers to the 1,055,000 tonnes of fish stocks present in the maritime basins of this regional economic community in the Gulf of Guinea, with production estimated at around 600,000 tonnes per year. This aquatic potential, backed up by a sustainable community maritime policy at ECCAS level, could encourage the development of intra-African and international economic exchanges and guarantee the availability of fisheries resources in coastal areas for local and coastal communities.

However, it is important to note a number of problems that could weaken the process of implementing this ECCAS blue economy strategy and the new form of economic development in Cameroon (Republic of Cameroon, 2020). These include IUU fishing, the increase in fishing

effort (fishing overcapacity), the use of inappropriate techniques due to poor surveillance of fishing zones and fishing equipment, and the alarming pollution from numerous oil platforms and the dumping of plastic waste at sea.

Although all the coastal countries of ECCAS are still at the starting point of developing their blue economy, Cameroon continues to rely on the Forestry, Wildlife and Fisheries Law and Decree 2012 on the organisation chart of the MINEPIA to control fishing zones and punish offences relating to the exploitation of living marine resources, even though the Law remains obsolete due to the absence of a quota or total allowable catch system in its Chapter III on the management and conservation of fisheries resources.

## **2.7. Integrated approaches to management of the sectors**

Many institutions are involved in ocean governance in Cameroon, leading to overlapping mandates. An integrated approach towards the governance of the maritime sector is emphasised to focus on proffering an integrated institution with a unique mandate of a national action plan for Cameroon's marine and coastal zone management. An integrated approach to ocean governance is a dynamic, multidisciplinary and iterative process to promote sustainable management of marine resources. It covers the full cycle of information collection, planning (in its broadest sense), decision making, management and monitoring of implementation. An integrated approach uses the informed participation and cooperation of all stakeholders to assess the societal goals in a given coastal and marine area and to take actions towards meeting these objectives. This approach seeks, over the long term, to balance environmental, economic, social, cultural and recreational objectives, all within the limits set by natural dynamics. An integrated approach to ocean governance refers to the integration of objectives and to the integration of the many instruments needed to meet these objectives. It means integration of all relevant policy areas, sectors and levels of administration. It means integration of the terrestrial and marine components of the target territory, in both time and space.

The integrated approach to ocean governance focuses on three operational objectives:

- Strengthening sectoral management, for instance through training, legislation and staffing;
- Preserving and protecting the productivity and biological diversity of coastal ecosystems, mainly through prevention of habitat destruction, pollution and overexploitation;
- Promoting rational development and sustainable utilization of coastal resources.

At the national level, the laws with an all-encompassing effect on the maritime domain include:

- Law No. 2000/2 of 17 April 2000 Relating to Maritime Areas of the Republic of Cameroon, fixing the limits of maritime zones
- Law No. 96/12 of 5 August 1996 Relating to Environmental Management
- Law No. 1998/005 of 14 April 1998 to Lay Down Regulations Governing Water Resources
- Decree No. 2007/290 of 1 November 2007 on the Organisation and Conduct of State Action at Sea and Inland Waterways
- Law No. 92/007 of 14 August 1992 on the Labour Code
- Ordinance No. 62-OF-30 of 31 March 1962 to Establish the Cameroon Merchant Shipping Code.

The Ordinance, which was signed on 31 March 1962 by the President of the Republic of Cameroon, is intended to be an integrated text which encompasses issues relating to maritime navigation (BOOK I), ships (BOOK II), seamen (BOOK III), maritime transport (BOOK IV) and maritime fishing (BOOK V), as well as the disciplinary and penal regime (BOOK VII).

Book III of this text includes in its definition of a seafarer all categories of personnel, irrespective of sex, who are employed on board a seagoing vessel and who hold a salaried position on the deck, in the engine or in the general service. It makes no distinction regarding the particularities that might be found in sectors such as fishing, exploration and exploitation of non-living marine resources, SMR and maritime transport.

With regard to maritime employment contracts, it was mentioned in this text that it applies to all engagements concluded for any service to be performed on a vessel flying the Cameroonian flag. It is also applicable to foreign seafarers embarked under the Cameroonian flag. It provides for social protection for seafarers embarked on Cameroonian vessels. On the other hand, section 119 of the said text does not apply to seafarers engaged in Cameroon to serve on a vessel not flying the national flag.<sup>253</sup>

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<sup>253</sup> The non-application of this text in this case is due to the fact that “the legal uncertainty surrounding this situation is aggravated by the diversity of nationalities and functions of the personnel employed on these installations, which leads to disparities between the different categories with regard to safety at work, working conditions and in particular salaries, working hours and rest periods, social security and industrial relations”. See AKOHOU. Dossou-Rodrigue, *Offshore Oil Development and International Law: Legal and Environmental Aspects for Coastal States in the Gulf of Guinea*, United Nations-Japan Foundation Research Fellowship Programme, 2007-2008, p. 100.

In Cameroon, governmental institutions that exercise functions that cut across different areas of the maritime sectors include

- The Presidency of the Republic
- The Prime Minister's Office
- MINEPDED
- The Ministry of Justice
- MINREX
- MINEPAT
- MINFI
- The Ministry of Territorial Administration

No institution has a singular responsibility over the nation's maritime domain, as many governmental institutions have mandates linked to this sensitive and lucrative sector, including

- MINTRANS for maritime safety and security in the shipping sector;
- MINEPIA for fishing and related activities on the ocean;
- MINRESI for marine scientific research;
- MINEPDED for the protection of the marine environment from pollution;
- MINEPAT for the management of sustainable development;
- The Ministry of Tourism for ecotourism;
- The Ministry of Water Resources and Energy for the regulation of downstream oil and gas sectors and water resources and energy;
- MINMIDT for hydrocarbon and mineral exploration and exploitation;
- The Ministry of State Property and Land Tenure for the protection of coastal lands;
- The Ministry of Decentralization and Local Development for the protection of the rights of the coastal population and development;
- The Ministry of Territorial Administration, through the Divisional Officers of Coastal regions, for the national territorial integrity;
- Ministry of Commerce for implementing and overseeing trade in endangered species";
- The Ministry of Justice, in collaboration with MINEPIA, Public Security, and the Maritime Brigade for punishing infractions committed at sea;
- MINREX for ensuring cooperation with States and international organizations involved in the maritime domain;
- MINFI through Cameroon Customs for collecting government revenue;

- MINDEF covers the Maritime Brigade of the National Gendarmerie, National Marine Force, and BIR for protecting the country's marine domain from piracy, oil bunkering and vandalization of offshore installations, armed robbery, and other forms of maritime criminality;
- The National Security Unit comprising the Police for securing Cameroon's marine domain from illegal immigrants and other crimes on the sea;
- MINFI, from where Customs officers for collecting Government revenue at sea.

Thus, affairs in the maritime sector are handled in a sectoral manner, which has led to challenges in the governance of the ocean domain due to overlapping mandates. Moreover, some ministries do not have the mandate to handle certain infractions committed at sea. An integrated institutional framework could foster a more holistic approach and may increase the overall effectiveness of the Government's action in relation to oceans. Nonetheless, some government departments have made efforts to put in place a national policy for the Cameroonian ocean, including the National Action Plan for Marine and Coastal Zone Management that was proposed in 2010.

It is worthy of mention that this national action plan addresses issues that hinder the effective management of Cameroon's marine and coastal environment and its resources. Within the framework of the implementation of a development strategy for this national action plan, mention was made of the construction of an ecosystem approach for the sustainable management of marine and coastal ecosystems. This ecosystem approach takes into account restoration of fisheries catches, reduction of pollution, and improvement of human health and rehabilitation of the coastal environment. In terms of long-term strategic actions mentioned in the national action plan, the following were mentioned: development of alternative income-generating activities, restoration of mangroves, promotion of sustainable management of mangroves, creation of marine protected areas, surveillance and control of fishing activities, promotion of sustainable management of fisheries resources, fight against coastal erosion, fight against water pollution, promotion of good governance, and establishment of a framework for consultation of actors involved in coastal management. As regards immediate short-term actions, the following were mentioned: regeneration of degraded mangrove sites, strengthening of fisheries control and monitoring, promotion of coastal aquaculture and mariculture, control and reduction of industrial effluents or discharges at sea and monitoring and control of pollution due to hydrocarbons and ballast water.

Two ministries in Cameroon have demonstrated their willingness and desire to have a national organization to coordinate the Government’s action on the sea as discussed below. These include MINRESI and MINTRANS. Perhaps this momentum may serve to foster the conditions necessary for the development of a national maritime policy or strategy such as what Gabon has already implemented.

Over the years, there have been efforts to develop an all-encompassing institution by creating the National Oceanographic Commission to take charge of Ocean Affairs. These efforts include Decision No. 00005/MINRESI/B00 of 23 February 2010, which designated members of a Technical Working Group responsible for monitoring the activities of IOC/UNESCO towards Decision No. 00004/MINRESI/B00 on the Establishment and Organization of the Technical Working Group for the Follow-up of the Activities of IOC/UNESCO.<sup>254</sup> This technical working group illustrates an example of how an integrated approach has been formulated and implemented involving many stakeholders in Cameroon’s ocean governance.

A workshop held on 14–18 March 2022 had as an objective fostering the development of a national maritime transport policy for Cameroon. The workshop was organized by IMO in collaboration with MINTRANS and the World Maritime University.

The national maritime transport policy objectives are seen as:

- Directing, planning, decision making, and taking relevant legislative and administrative action and providing a long-term vision for the maritime transport sector (“the sector”), thus ensuring that the sector continually contributes to the country’s sustainable socio-economic development and progress;
- Guiding successive governments’ strategic development plans and actions in the interest of and for the benefit of the sector;
- Strengthening the existing collaborative mechanisms for improving maritime governance, intergovernmental cooperation and coordination, and the involvement of all stakeholders to ensure a whole Government approach for the coordinated, sustainable development and management of the sector;

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<sup>254</sup> The Technical Working Group is composed of a supervisor, who is the secretary-general of MINRESI; a scientific coordinator, who is an expert representative of MINRESI for UNESCO activities; a diplomatic expert from MINREX; a focal point expert from national universities; a Tsunami and Ocean Disaster Warning Focal Point; a Global Climate Observing System Focal Point; a Global Ocean Observing System Focal Point; and representatives of other ministries concerned in oceanography who are appointed by decisions of their respective heads of department. These include the following: MINTRANS, the MINEPDED, MINEPIA, and the Minister Delegate at the presidency in charge of defence.

- Adopting the required objectives and strategies necessary to determine national priorities for safeguarding maritime safety, security, and the protection of the marine environment as well as developing the required human capacities for the development of the sector;
- Enhancing the effective implementation of international maritime conventions and related instruments toward the fulfilment of Cameroon’s obligations as a flag, port, and coastal State;
- Contributing to a coherent and coordinated approach to maritime issues crucial for the development of the blue economy;
- Ensuring the sustainable development of the sector and the country’s sustainable socio-economic development and thus facilitating the implementation of the relevant SDGs at the country level.

Significantly, a national maritime transport policy would be a means to support and strengthen the sector’s sustainable development, taking into consideration Cameroon’s *National Development Strategy 2020–2030*, existing relevant national policy documents as well as relevant global and regional policies, standards and strategies.

A cross-sectoral involvement of the various government ministries and bodies as well as other stakeholders in the development, review, adoption and updating of the national marine transport policy to a national maritime policy of Cameroon is being undertaken. An inter-ministerial committee reporting to the Prime Minister is responsible for examining the modalities for restructuring the sector, in collaboration with MINTRANS, to initiate and lead the process for the development and adoption of a national maritime policy and related strategy while ensuring that the policy development process is a consultative and participatory process including all relevant governmental entities and stakeholders.

### **3. Governance Frameworks Applicable to Selected Priority Sectors**

#### **3.1. Integrated coastal zone management in relation to fisheries and the repression of infractions linked to the exploitation of fisheries resources**

The promotion of rational exploitation of fisheries resources and the construction of sustainable measures at national and local levels to ensure their protection and conservation in coastal areas requires the provision of a participatory and inclusive governance framework or the establishment of a management model involving several actors, such as local and indigenous communities, members of civil society (ocean defence associations, fishers) and central and decentralized government institutions.

Adopted at the United Nations Conference on Environment and Development in Rio de Janeiro in 1992, this integrated governance model was enshrined in Agenda 21 and developed in its Chapter 17,<sup>255</sup> whose main lines call on coastal States like Cameroon to create appropriate national coordination mechanisms (e.g., a high-level planning body) that will make it possible to protect and restore the vital habitats of deteriorated fisheries resources; integrate sectoral sustainable development programmes in the fields of fisheries, port and industrial activities using or affecting the coastal zone; establish contingency plans for natural disasters and for degradation and pollution of the marine environment, including oil spills; and implement integrated coastal and marine management and sustainable development plans and programmes at appropriate levels. It has been mentioned in some treaty mechanisms as well as in many soft law or non-binding texts such as the 1995 FAO Code of Conduct for Responsible Fisheries.<sup>256</sup> It could be defined as a continuous and dynamic process that brings together government and community, scientific research and management, and sectoral and public interests through the development and implementation of an integrated plan for the protection and development of the coastal ecosystem and its resources. It aims at “the sustainable development and use of coastal zones, taking into consideration the economic and social development linked to the

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<sup>255</sup> Chapter 17 of Agenda 21 concerns the protection of the oceans and all seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources.

<sup>256</sup> Section 10.1.3 of this international text invites States to establish, where appropriate, institutional and legal frameworks to determine the possible uses of coastal resources and to regulate access to these resources, taking into account the rights of coastal fishing communities and their customary practices in a manner consistent with sustainable development (see FAO, 1995).



presence of the sea, while safeguarding, for present and future generations, the fragile biological and ecological balance of the coastal zone and the landscape".<sup>257</sup>

Open to the Atlantic Ocean and extending for about 402 km, the coastal zone of Cameroon is generally low lying and has many swamps. There are a number of barrier beaches that separate the mangroves from the sea and a diverse range of habitats/ecotones, including wetlands, sandy beaches, rocky beaches, mangroves and swampy areas.<sup>258</sup> It also includes mangroves, which are important spawning grounds or shelters for fish species and other aquatic animals.

This area is occupied by a strong local community composed of various ethnic groups such as the Sawa group composed of Duala, Bakoko, Bakweris, Balondo, and others. In addition to these indigenous populations, there are other groups from other parts of the country, such as Musgums, or from neighbouring countries, such as Nigerians, Chadians and Malians. These groups live mainly from fishery resources caught with traditional equipment and carry out continental artisanal fishing activities and maritime artisanal fishing activities within the limits defined or provided for by Cameroonian legislation.

Long after the institutionalization of Agenda 21's effective management method for the revitalisation of coastal zones in 1992, it is important to specify that the legal and institutional framework of the fisheries sector in Cameroon's coastal zones remains modelled on the sectoral governance model, which is non-inclusive and unsuitable. It allows the orchestration of illicit maritime activities such as the overexploitation of fisheries resources and IUU fishing to continue and favours the continuity of competing competences or overlaps with other national institutions in charge of the policing of navigation and the protection of the marine and coastal environment. In addition to these observed problems, there are also strong social and economic pressures on fishing, namely vulnerability to poverty and the lack of sustainable employment opportunities for fishing communities, without forgetting the environmental pressures caused by hydrocarbon pollution and industrial and plastic waste, which constitute causes of reduction or loss of animal resources exploited in the coastal areas of Kribi-Campo, Limbe, Douala and their surroundings (Manoka and Mouanko).

It is important for the State of Cameroon to enshrine in its legal framework and organisational system the participatory and inclusive management of fisheries in coastal areas and to ensure their implementation. This will involve economic, ecological and security issues. From an

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<sup>257</sup> LOZACHMEUR (OLIVIER), "Reminder of the principles of integrated coastal zone management and the main lines of the Recommendation of 30 May 2002", *Vertigo*, 2009, <https://doi.org/10.4000/vertigo.8222>

<sup>258</sup> See Cameroon's validated National Action Plan for Coastal and Marine Zone Management, 2010, p. 60.

economic point of view, the fisheries resource has become a preferred source of protein for a large part of the Cameroonian population, with an average national consumption estimated at 18.4 kg per person. As of 2019, total catch production is estimated at around 297,000 tonnes per year on average, of which 31,000 tonnes come from inland waters and 266,000 tonnes from marine waters.<sup>259</sup> Since 2017, the fisheries sector has contributed an average of 0.37 per cent per year to national wealth creation, or CFAF 74.2 billion (\$123.7 million) in value added.<sup>260</sup> From an ecological point of view, this priority sector is of interest in view of the urgent need to put in place a cooperative and coordinated policy for the sustainable exploitation of fishery resources in Cameroon's coastal areas, which are confronted with accidental discharges or dumping of hydrocarbons, industrial waste and sewage, which are the causes of the destruction of marine fauna and flora. From a security point of view, this resource continues to be threatened and overexploited due to the relative or even insufficient application of monitoring, control and surveillance measures in fishing zones and those relating to the repression of the illegal exploitation of marine flora and fauna and the degradation of their breeding grounds.

The FAO Code of Conduct for Responsible Fisheries urges States to “develop, as appropriate, institutional and legal frameworks in order to determine the possible uses of coastal resources and to govern access to them taking into account the rights of coastal fishing communities and their customary practices to the extent compatible with sustainable development”.<sup>261</sup> Complying with that guidance would enable the Cameroonian government will enable the Cameroonian Government to give a special place to indigenous populations or communities living in the coastal zone in the process of managing the marine and coastal environment and achieving sustainable development.<sup>262</sup>

The development and adoption by the Cameroonian Government of policies relating to this sector will, with the contribution of international partners such as FAO, UNEP and IMO, promote the integration of local communities in the process of poverty reduction and job creation.

This section addresses the important role of governance as it relates to fisheries: the multilateral and institutional framework (section 3.2), the national legal and institutional framework (section 3.3), application and implementation of the fisheries sector governance framework (section 3.4), fisheries monitoring (section 3.5), analysis of problems related to fisheries

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<sup>259</sup> See: <https://www.fao.org/fishery/fr/facp/cmr?lang=fr>.

<sup>260</sup> Ibid.

<sup>261</sup> See art. 10.1.3.

<sup>262</sup> See Principle No. 22 of the 1992 Rio Declaration on Environment and Sustainable Development.

governance in Cameroon (section 3.6), and specific observations on the needs of the state of Cameroon (section 3.7). This section concludes with perspectives on the foundations of coastal fisheries governance (section 3.8).

## **3.2. Multilateral and regional legal and institutional frameworks related to fisheries**

Cameroon has acceded to a number of legal instruments of universal and regional scope that are relevant to fisheries. It is also a member of certain multilateral and regional organizations in the fisheries sector. It would be important to differentiate at this level between instruments relating to integrated coastal zone management and those relating to the enforcement of laws related to fisheries offences.

### **3.2.1. Multilateral legal frameworks relating to integrated coastal zone management and those relating to enforcement of laws related to fisheries offences**

Regarding the management, conservation and exploitation of fisheries resources, in addition to UNCLOS, Cameroon is a party to the following instruments:

#### **Convention on International Trade in Endangered Species of Wild Fauna and Flora (1973)**

CITES is administered by UNEP.

#### **The 1992 Convention on Biological Diversity**

Article 10 of this international text on the sustainable use of components of biological diversity states that “each Contracting Party shall, as far as possible and as appropriate

- (a) Integrate consideration of the conservation and sustainable use of biological resources into national decision-making;
- (b) Adopt measures relating to the use of biological resources to avoid or mitigate adverse effects on biological diversity;
- (c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;
- (d) Support local people to develop and implement remedial measures in degraded areas where biological diversity has been reduced;

(e) Encourage cooperation between its governmental authorities and its private sector in developing methods for sustainable use of biological resources”.

Although the FAO Code of Conduct for Responsible Fisheries of 1995 is not a binding text, it can be cited in this context. Cameroon is a member state of this Code.

It is important to note that in terms of the repression of IUU fishing, Cameroon is still in the process of ratifying the FAO Agreement on Port State Measures of 2009.

### **3.2.2. Regional legal frameworks relating to integrated coastal zone management and those relating to enforcement of fisheries offences**

Cameroon has acceded to a number of legal instruments at the regional level with regard to the repression of offences related to the exploitation of fisheries resources and the cooperative management of fisheries and those relating to integrated coastal zone management.

The legal instruments at the regional level with regard to the repression of offences related to the exploitation of fisheries resources and the cooperative management of fisheries include:

- The CEMAC Community Code of the Merchant Navy (22 July 2012);
- The Code of Conduct concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa (23 June 2013);
- The Technical Agreement between ECCAS and the States of Cameroon, Gabon, Equatorial Guinea and São Tomé and Príncipe on the establishment of a surveillance system for the maritime security of the Gulf of Guinea, Zone D (6 May 2009);
- The ECCAS Protocol on securing the vital interests of States at sea (24 October 2009).

With regard to regional instruments relating to integrated coastal zone management in the area of fisheries, it should be noted that Cameroon has not yet ratified the following texts in this area:

#### **The Additional Protocol to the Abidjan Convention on Integrated Coastal Zone Management of 31 March 2017**

Article 2 of this text defines “integrated coastal zone management” as a dynamic process of sustainable management and use of coastal zones, taking into account simultaneously the fragility of coastal ecosystems and landscapes, the diversity and interactions of activities and uses, the impacts of maritime vocations on both the marine and terrestrial parts of the coastal zone.

Article 5 of this text mentions its objectives, which are to 1) to promote integrated planning and coordinated development of the coastal zones; 2) to preserve the integrity of the coastline, island areas and river basins for the benefit of present and future generations; 3) to ensure the sustainable use of natural resources and ecosystem services; 4) to promote and maintain the resilience of ecosystems in the face of human activities, natural hazards and climate change, including the adequate protection of sensitive areas; 5) to prevent and reduce pollution from air, land and marine sources.

Article 6 refers to institutional coordination in order to avoid sectoral approaches and to facilitate integrated approaches and appropriate coordination between the various authorities competent for the maritime and terrestrial parts of the coastal zones in the different administrative departments, at regional, subregional, national and local levels.

### **The Additional Protocol to the Abidjan Convention on the Sustainable Management of Mangroves of 31 March 2017**

This text refers in its Annex II to the sustainable development of the resources of the mangrove ecosystem, specifying that bad fishing practices have negative impacts on both the ecosystem and on fisheries resources. It then indicates that biological rest and all the provisions for responsible fishing, in particular the reinforcement of the control system, must be respected by referring to the Convention on the Law of the Sea, the FAO Code of Conduct for Responsible Fisheries and the Convention on the Determination of the Minimal Conditions for Access and Exploitation of Marine Resources within the Maritime Areas under Jurisdiction of the Member States of the Sub-Regional Fisheries Commission (2012).

#### **3.2.3. Multilateral institutional frameworks**

Among the multilateral institutions in the area of fisheries to which Cameroon has accepted to be a party are the following:

- The United Nations;
- IMO;
- FAO;
- IOC/UNESCO;
- IWC;
- The World Health Organization;
- The World Trade Organization (WTO).

### **3.2.4. Regional institutional frameworks**

Cameroon is a member of the following regional fisheries institutions:

- COMHAFAT;
- COREP, member since 2003;
- Economic Commission for Livestock, Meat and Fishery Resources;
- Lake Chad Basin Commission;
- Intergovernmental Organization for Marketing Information and Cooperation Services of Fishery Products in Africa;
- The Niger Basin Authority;
- The Committee on Fisheries;
- CECAF;
- The Committee for Inland Fisheries and Aquaculture in Africa;
- The CPCAA Working Group on Aquaculture.

### **3.3. National legal and institutional frameworks**

At the national level, Cameroon has a set of national texts and institutions that contribute to the governance of fisheries in its coastal zones.

#### **3.3.1. National legal frameworks**

At the national level, the policy for the management of fishing activities, including the repression of offences related to the exploitation of fisheries resources in Cameroon's coastal zones, is based on a certain number of legal instruments that can be grouped under the heading of national legislation, regulations and conventions.

Regarding National legislation, we can cite:

- Law No. 94/01 of 20 January 1994 to Lay Down Forestry, Wildlife and Fisheries Regulations and its application texts;
- Law No. 96/12 of 5 August 1996 Relating to Environmental Management;
- Law No. 2000/017 of 19 December 2000 to Regulate Veterinary Health Inspection, which defines the general framework for quality and hygiene controls of products of animal or fish origin. At this level, no food of animal or fishery origin may be delivered for consumption if it has not previously undergone a veterinary health inspection;
- Law No. 2016/006 of 18 April 2016 Governing Tourist and Leisure Activities in Cameroon

- Law No. 2016/07 of 12 July 2016 Relating to the Penal Code.

**Within the framework of regulations, Cameroon has adopted:**

*Decree No. 95/413/PM of 20 June 1995 Laying Down Certain Modalities for the Application of the Fishing Regime*

This decree sets out certain terms and conditions for the application of the fisheries regime. It requires an authorisation and a licence to exercise the right to fish at the industrial level and a permit or authorisation for semi-industrial and artisanal fishing. It also regulates the exercise of underwater fishing and lays down provisions relating to establishments for the exploitation of fishery products and measures for the protection of fishery resources.<sup>263</sup>

*Order No. 0025/MINEPIA/DIRPEC/SDEPIA/SP of 16 February 2000 on the Prohibition of Pair Trawl Fishing*

This order prohibits the use of pair trawl fishing technique in Cameroonian territorial waters. Any violation of this text shall be punished in accordance with the provisions of Articles 127(b) and 156 of Law 94/01 of 20 January 1994 to Lay Down Forestry, Wildlife and Fisheries Regulations.

*Order No. 002/MINEPIA of 1 August 2001 to Lay Down Terms and Conditions for Protecting Fishery Resources*

This order sets out the modalities for the protection of fisheries resources. Articles 2 and 3 of this decree establish a prohibition regime for the protection of sensitive habitats and for the biological rest of fishery resources in waters under Cameroonian jurisdiction.

*Decree No. 2007/290 of 1 November 2007 on the Organisation and Conduct of State Action at Sea and on Inland Waterways*

Article 8 of this text mentions the Minister for Fisheries among the members of the National Sea Committee, which unfortunately does not yet exist. Like other national institutions, MINEPIA, as a member of this Committee, participates in the setting of guidelines for government action in areas concerning the sustainable management of the resources of the sea, the maritime coastline and its internal waters.

*Decree No. 2012/382 of 14 September 2012 to Organize the Ministry of Livestock, Fisheries and Animal Industries (MINEPIA)*

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<sup>263</sup> See: <https://www.ecolex.org/fr/details/legislation/decret-no-95413pm>.

This text mentions in Article 39 certain important attributions entrusted to the Directorate of Fisheries, Aquaculture and Fishing Industries with regard to the protection of maritime, fluvial and lacustrine fishing resources; the examination of files for licences, permits and authorisations for the exploitation of fisheries and fish farming resources; the management and sustainable development of fisheries resources; and the elaboration, execution, monitoring and evaluation of government policy in the field of fisheries, aquaculture and fisheries industries.

**Concerning national agreements, we can cite:**

*The Convention of 20 December 2013 between MINDEF and MINEPIA on the fight against IUU fishing*

Article 1 of this text states that its purpose is to set out the modalities of collaboration between MINDEF and MINEPIA in the fight against IUU fishing. Article 2 mentions that the two institutions have a common obligation to programme joint control and surveillance activities of fishing activities, to share information necessary for the organisation of fisheries policing activities and to pool resources for the fight against IUU fishing.

It should be noted that these different national legislations adopted in the area of fisheries in Cameroon are applied as soon as they are promulgated by the issuing authority, namely the President of the Republic, the Prime Minister or the Minister in charge of fisheries. They are implemented in a sectoral manner by the Directorate of Fisheries, Aquaculture and Fishing Industries of MINEPIA and BCSAP or in a concerted manner within the framework of a convention or a partnership agreement between MINEPIA and one or more ministerial departments. This is evidenced by the Convention signed on 20 December 2013 between MINEPIA and MINDEF on the fight against IUU fishing. In the event of the commission of various offences related to the exploitation of fisheries resources found in Cameroonian territorial waters, a system of prosecution and punishment is provided for.

In terms of actions, MINEPIA is an integral part of the National Biodiversity Strategy and Action Plan (version II) developed in 2012. This policy document states that biodiversity protection is shaped by relevant international and regional instruments ratified by Cameroon and biodiversity-related policies, laws and regulations.

On 6 September 2022, in order to promote aquaculture, MINEPIA and other members of the inter-ministerial committee in charge of providing support to investors in the aquaculture sector in Cameroon committed themselves to developing a series of actions to support aquaculture promoters, namely the identification of sites for the installation of promoters; the facilitation of



the importation of inputs by promoters; and the exemption from customs duties and taxes and the facilitation of the creation of aquaculture enterprises and investment incentives.<sup>264</sup>

### **3.3.2. National institutional frameworks**

The management of coastal zones in terms of fisheries and in Cameroon involves a number of administrations, including:

*The Ministry of Livestock, Fisheries and Animal Industries through its Directorate of Fisheries, Aquaculture and Fishing Industries*

According to Article 39 of Decree No. 2012/382 of 14 September 2012 to Organize the Ministry of Livestock, Fisheries and Animal Industries, the Directorate of Fisheries, Aquaculture and Fishing Industries is responsible for the elaboration, execution, monitoring and evaluation of the government policy on fisheries, aquaculture and fishing industries; the management and sustainable development of fisheries resources; the quantitative and qualitative improvement of production and yields in the fisheries sector; the development and monitoring of fisheries, aquaculture and fishing industry projects; the implementation and monitoring of projects in the field of fisheries, aquaculture and the fishing industries; the promotion and development of fisheries and fish farming products; the popularization of fishing and aquaculture techniques; the monitoring and control of private extension services in the field of fisheries and aquaculture; the protection of maritime, river and lake fishery resources; the training of fishers, fish farmers and processors of fishery products; the examination of applications for approval to work as a fisheries and fish farming resource and product operator; and the examination of applications for licences, permits and authorisations to exploit fishery and fish farming resources and shellfish.

*The Ministry of Transport through its Directorate of Maritime Affairs and Waterways*

This Directorate of MINTRANS is responsible for the organisation of maritime traffic, the administration of ships and the administration of seafarers and maritime police, search and rescue operations.

*The Ministry of Research and Innovation through the Fisheries and Oceanography Research Station of the Institute of Agricultural Research for Development*

The following research centres and research stations are also part of IRAD in the field of MSR:

*The Research Centre for Marine Ecosystems*

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<sup>264</sup> See: <https://www.minepia.cm/>.

Created in 2005, CERECOMA is specializes in the development and conduct of research programs specific to marine and coastal areas.

*The Fisheries and Oceanographic Research Station at Limbe*

This research station was created by presidential Decree No. 06/050 of 12 March 1996 for the purposes of the evaluating fisheries resources and following up on their exploitation, studying the functioning of marine and littoral ecosystems, surveying the quality and health of the marine environment, and evaluating the aquacultural potential of the national coastline.

*The Fouban Aquaculture and Continental Fisheries Research Station*

This research station is in charge of conducting research activities in fish farming and continental fishing.

*The Fund for Development of Marine Fisheries*

Created by Decree No. 74/991 of 16 December 1974 Creating the Fund for Development of Marine Fisheries, this structure contributes to the execution of action programmes in terms of training and supervision of fishers and to the promotion of fisheries research in liaison with the competent bodies.

*The Maritime Artisanal Fisheries Development Authority*

In accordance with Decree No. 77/363 of 9 September 1977, the Maritime Small Scale Fisheries Development Authority is responsible for providing technical and logistical support to the projects of private artisanal fisheries operators, particularly in terms of the construction of infrastructure equipment, the provision of supplies to fishers and the supply and maintenance of equipment.

*The Decentralised Territorial Collectivities (Communes and Regions)*

These collectivities have been set up in the coastal zones.

The repression of offences related to the exploitation of fisheries resources brings together a host of sectoral institutions, namely:

*The Brigade of Control and Surveillance of Fishing Activities of MINEPIA*

In general, BCSAP is responsible for controlling and monitoring fishing activities and the surveillance of fishing areas and biological rest periods.

*The Ministry of Justice*

According to Article 30 of Decree No. 2005/122 of 15 April 2005 on the Organisation of the Ministry of Justice, its Directorate of Criminal Affairs and Pardons at this level is responsible for international cooperation in the areas of mutual legal assistance in criminal matters, extradition and follow-up of transfers. According to its Article 20, its Directorate of Legislation is in charge of defending the interests of the State in court, collecting and exploiting international conventions, texts of community law and their integration into domestic law, and legal opinions at the request of ministerial departments and State bodies or institutions.

#### *The Ministry of Defence through the national Navy*

According to Article 2 of Decree No. 2002/36 of 4 February 2002 on the creation and organisation of the national Navy, the mission of this component of the Cameroonian military is to ensure the surveillance, protection and defence of national maritime, river and lake areas and the conduct of State action at sea in conjunction with other administrations.

### **3.4. Application and implementation of the fisheries sector governance framework**

Cameroon has committed itself in its National Development Strategy 2020–2030 to capitalize on the immense potential of the marine and aquatic domains. Considerations concerning gender and the ocean (section 3.4.1 below) and the blue economy (section 3.4.2) were mentioned in relative terms. It would also be important to mention here the framework for the application and implementation of fisheries sector governance (section 3.4.3).

#### **3.4.1. Gender and the ocean**

The involvement of Cameroonian women in the fisheries sector is a major asset today. Faced with the reduction of biological diversity and fishery resources<sup>265</sup> observed in most marine and coastal areas of developing countries, principle 20 of the Rio Declaration recognizes that women play a vital role in the management and development of the environment and that women's full participation is essential to achieving sustainable development. This need to take gender into consideration in the integrated management of fisheries in Cameroon is based on articles 3<sup>266</sup> and 11<sup>267</sup> of the United Nations Convention on the Elimination of All Forms of

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<sup>265</sup> See Johannesburg Declaration on Sustainable Development of 4 September 2002, p. 3.

<sup>266</sup> According to Article 3 of this universal text, "States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men".

<sup>267</sup> Article 11 of this text specifies that "States Parties shall take all appropriate measures to eliminate discrimination against men and women and to ensure that they enjoy the same rights".

Discrimination Against Women and also on the FAO’s Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication.<sup>268</sup>

In Cameroon, the issue of gender is addressed in Law No. 96/06 of 18 January 1996 to Amend the Constitution of 2 June 1972. Cameroon is committed to the achievement of SDG 5, “Achieve gender equality and empower all women and girls”.

Although the National Gender Policy document has been elaborated and a large number of projects and programmes for the promotion of gender equality have been created at national and local levels, gender-related problems in the fisheries sector in Cameroon remain, including:

- Limited access to resources;
- Food insecurity;
- The limited participation of women in the decision-making and policy formulation processes of fisheries governance.

In order to remedy this relative involvement of Cameroonian women in the governance of the fisheries sector in coastal areas, it would be important that the Cameroonian government implement the following measures:

- Develop inclusive mechanisms in national fisheries legislation to ensure the involvement of women from local and indigenous communities in the process of integrated fisheries management in coastal areas;<sup>269</sup>
- Build on the FAO’s 1995 Gender and Development Plan of Action.<sup>270</sup>

### **3.4.2. The blue economy**

The construction of an inclusive and sustainable blue economy based on the sustainable exploitation and conservation of fisheries resources and the regeneration of marine species is now a priority for the Cameroonian government.<sup>271</sup> Despite the general data on fishing in Cameroon indicating that it is a net importer of fishery products, it can be said that fishing

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<sup>268</sup> These guidelines were adopted by FAO member countries at the 31st session of the FAO Committee on Fisheries in 2014. Although they are non-binding, they incorporate gender equity and equality. They call for concerted efforts by all stakeholders in mainstream gender issues as an integral part of all national artisanal fisheries development strategies.

<sup>269</sup> Information received on 24 June 2022 during the interview with the Deputy Director of Industrial and Artisanal Fisheries at MINEPIA.

<sup>270</sup> This plan was adopted at the 28th session of the FAO Conference held on 20 October–2 November 1995 (Republic of Cameroon, 2020, p. 65). FAO (1995). Plan of Action for Women in Development. C 9514 - Sup.1. See: <https://www.fao.org/3/v7711en/v7711en.pdf>.

<sup>271</sup> “The development of an inclusive and sustainable blue economy contributes significantly to the transformation and growth of the continent, through the strengthening of knowledge on marine and aquatic biotechnologies, environmental sustainability, the development of maritime, river and lake transport and fisheries, and the exploitation and development of mineral and other offshore resources” (African Union, 2019, p. 12).

contributes to the well-being of local communities and other populations in terms of food security, even if this remains fragile due to overexploitation, climate change, and the degradation of natural reproduction sites such as mangroves.

Artisanal maritime fishing in coastal areas and semi-industrial fishing in the Cameroonian maritime area remain the most important in Cameroon in terms of employment. The maintenance of these jobs in this sector in the coastal areas depends largely on the availability of fisheries resources.

To boost its economy, Cameroon has invested in the export of fishery resources such as shrimp to Asia and other African countries. In addition to this formal export, there is also an informal, uncontrolled export of dried and smoked fish from the Yoyo, Manoka and Bakassi peninsulas to neighbouring countries such as Nigeria, Gabon, Equatorial Guinea and the Central African Republic.

With the aim of achieving SDG 14 on “Life below water” and capitalising on the immense potential offered by the maritime zones under Cameroonian sovereignty and jurisdiction, conditioned by the establishment of good integrated fisheries governance,<sup>272</sup> Cameroon continues to build actions aimed at developing the blue economy based on structural transformation and inclusive development.<sup>273</sup>

Beyond some of the above-mentioned constraints, there are other constraints that could limit the construction of inclusive governance of this sector in the coastal areas, which is the basis of a blue economy in this area. This is the place to mention:

- The limited surveillance of industrial vessels in Cameroonian waters
- Conflicts between artisanal and industrial fishers
- The lack of infrastructure and adequate conservation techniques
- Pollution
- IUU fishing

It would also be useful for the Cameroonian government to establish a real strategy to repress illegal fishing activities in coastal areas with the aim of ensuring the sustainability of the contribution of this activity to the economy and to the social development of local communities that depend for the most part on these exploited products. Such a law enforcement system,

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<sup>272</sup> African Union Commission and NEPAD Agency, 2014, p. 12.

<sup>273</sup> Republic of Cameroon, 2020, p. 65.

which is intended to be integrated, would also ensure the rational exploitation and sustainable conservation of fisheries resources in coastal areas.

### **3.4.3. Application and implementation of the fisheries sector governance framework**

In terms of the application and implementation of the integrated governance framework in the fisheries sector at the coastal zone level, it would be important to mention the following elements:

*The adoption in 2010 of the Integrated Management Plan for the Coastal Region of Kribi-Campo in Cameroon*

This plan is part of the NAP for managing coastal and marine areas in Cameroon.<sup>274</sup> It is the main pilot document for the implementation of the NAP. Sectoral management plans are proposed in the Integrated Coastal Zone Management Plan. With regard to the management of fisheries resources, it includes as stakeholders MINEPIA, MINRESI, MINEPDED, MINEPAT, NGOs, MINDEF, MINTRANS.

These institutions integrated at this level are supposed to act jointly with regard to institutionalizing quotas, forecasting which areas will be prohibited from fishing and fishing closure periods, limiting access, strengthening the surveillance system and control, regulating fishing efforts and promoting co-management.

*The signing of the Convention between MINDEF and MINEPIA in the framework of the fight against IUU on 20 December 2013*

Within the framework of the obligations of the Parties, Article 3 of this text refers to the commitment of MINEPIA to MINDEF with regard to the provision of the list of vessels authorised to fish in Cameroonian waters. The drafting of this text has taken into account elements such as the commitments Cameroon has made in international organizations dealing with issues relating to the exploitation and sustainable management of fisheries resources and the existence of numerous families living in coastal areas whose livelihoods depend mainly on traditional or artisanal fishing.

## **3.5. Fisheries monitoring**

The monitoring of fisheries in Cameroon's coastal zones is governed by Decree No. 2012/382 of 14 September 2012 to Organize the Ministry of Livestock, Fisheries and Animal Industries.

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<sup>274</sup> See Report on the implementation of ICZM for the Kribi-Campo Region in Cameroon within the framework of Project GP/RAF/04 of 2011, pp. 177-178.

This text concretely entrusts this responsibility to the Directorate of Fisheries, Aquaculture and Fishing Industries, which coordinates the management and sustainable development of national fisheries resources at the administrative level.

The operational aspect has been entrusted to BCSAP of MINEPIA in accordance with Article 51, paragraph 1 of this text, which states that it is responsible for:

- Controlling and monitoring fishing activities
- Controlling the respect of fishing regulations
- Monitoring fishing zones and biological rest periods
- Organising and monitoring the protection of fisheries resources
- Monitoring the gear and methods of capture and the market sizes of commercially exploited species
- Monitoring the landing of fishery products by fishing units duly authorised to operate in waters under national jurisdiction

In order to put in place a policy of integrated management of coastal zones in terms of fisheries, MINEPIA and MINDEF signed a Convention on 20 December 2013 on the fight against IUU fishing.<sup>275</sup> However, the control and surveillance system for fisheries in Cameroon is still fraught with problems, including:

- The poor collaboration between MINEPIA and MINTRANS in the control of fishing vessels and the surveillance of fishing activities
- Overlap or conflicts of competence in the framework of State action at sea caused by the relativity or limitation of intersectoral coordination, for example between MINEPDED and MINEPIA with regard to the sustainable conservation of marine biodiversity, of which the fisheries resource is one of the essential components
- The limitation of means
- The use of artisanal and industrial fishing vessels to transport contraband fuel
- Corruption and document fraud and the violation of fishing zones<sup>276</sup>

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<sup>275</sup> Its article 1 specifies that it “aims to federate actions relating to the awareness, control, recording and repression of fishing offences at sea and in continental waters”.

<sup>276</sup> Information received on 24 June 2022 in an interview with the Deputy Director of Industrial and Artisanal Fisheries at MINEPIA.

### **3.6. Analysis of problems related to fisheries governance in Cameroon**

The problems related to fisheries governance (maritime and continental) in the coastal areas of Cameroon are globally situated at the level of the elaboration of a concerted and coordinated policy in the sector leading to a better implementation of the co-management process of fisheries resources. The text below addresses the problem of the population of the coastal areas of Cameroon from the large flow of foreign artisanal fishers (3.6.1), the problem of defining catch quotas (3.6.2) and the problem of stock management with other, sometimes foreign, stakeholders (3.6.3).

#### **3.6.1. Problem of the population of the coastal areas of Cameroon by the large flow of foreign artisanal fishers**

The problem of the population of the coastal areas of Cameroon by the large flow of foreign artisanal fishers is an important point. Notwithstanding the existence of sectoral legislation and regulations on the subject, namely Order No. 0025/MINEPIA/DIRPEC/SDEPIA/SP of 16 February 2000 on the Prohibition of Trawl Fishing, Decision No. 108/MINEPIA of 12 May 1988 on the Transfer of Continental Fishing and Fish Farming Materials and Equipment, Order No. 002/MINEPIA of 1 August 2001 to Lay Down Terms and Conditions for Protecting Fishery Resources, the following problems remain:

- The majority of artisanal fishers (78.5 per cent) are not Cameroonians. They are from Nigeria, Ghana, Benin, and Mali, among other places. Only 21.5 per cent of artisanal fishers in Cameroon are Cameroonian nationals.<sup>277</sup>
- Fishing for immature fish
- Fishing in areas identified as sensitive fish habitats
- The strengthening of transnational social and economic networks by foreign artisanal fishers in the context of IUU fishing
- Lack of coordination, collaboration and integration between government bodies involved in coastal zone management
- Environmental degradation due to industrial discharges and the presence of oil drilling

In terms of solutions for repopulating coastal areas with local or national fishers as the primary or only residents, it would be important to take into account the following proposed elements:

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<sup>277</sup> See: <https://www.fao.org/fishery/fr/facp/cmr?lang=fr>.



- The provision of navigation equipment and regular fishing gear adapted to national fishers
- The development or financing of mariculture and fish farming
- The involvement of the Maritime Artisanal Fisheries Development Authority in the monitoring and support of artisanal fishers
- Coordination and collaboration between all sectoral actors involved in fisheries management within the framework of an integrated maritime policy involving local communities<sup>278</sup>

With regard to self-monitoring by the local fishers' associations established in the coastal zones, it must be said that under the impetus of the fisheries administration, local communities have gradually become aware of the need to organize themselves into socio-professional groups to, among other things, improve their living conditions and participate in local development. These local associations of fishers grouped into Common Initiative Groups and cooperatives, faced with the reduction in catches and the size of fish, have recognized the need to consult each other within the framework of meetings for the establishment of committees of vigilance responsible for monitoring, controlling and monitoring fishing activities. At this level, it is a question of ensuring strict compliance with the fishing regulations in force (fishing areas, size of the nets, fishing period, etc.). These vigilance committees, made up of fishers chosen by the communities themselves, supplement the action of the local fisheries administration in terms of monitoring, control and surveillance, which is faced with a lack of material, financial and human resources. In order to give them legal force, these vigilance committees are presented to the competent local administrations (territorial administration, law enforcement force, fisheries administration, local authorities, etc.)<sup>279</sup>

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<sup>278</sup> Information received on 6 November 2022 in an interview with the Deputy Director of Industrial and Artisanal Fisheries of MINEPIA.

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See:

[https://www.fao.org/countryprofiles/index/fr/?no\\_cache=1&iso3=cmr/%20https://www.google.com/search?q=Voir+le+Document+a0842f02+de+la+FAO&rlz=1C1AWUB\\_enCM935CM%20938&biw=1366&bih=600&sxsrf=AJOqlzW4NJ09NlpmWN0EHbRKcVRY7A5odg%3A1673363557705&ei=Z%20YC9Y7zNKonm7\\_UP3Zqf6A8&ved=0ahUKEwj8k7Dpb38AhUJ87sIHV3NB\\_0Q4dUDCA8&uact=5&oq=Voir%20+le+Document+a0842f02+de+la+FAO&gs\\_lcp=Cgxnd3Mtd2l6LXNlcnAQAZIFCAAQogQ6BwgjEOoCECc6C%20wguEIAEELEDEIMBOggIABCABBcxAzoLCAAQgAQOQsQMOQgWE6CAgAELEDEIMBOgUILhCABDoHC%20AAQsQMOQz oKCC4QxwEQOQMQzZoKCAAQgAQOQhwIQFDofCAAQgAQO6BAgAEEM6BwgAEIAEEA0%206CggAEL EDEIMBEEM6CAguEIAEENQCOggIABCABBDLAToGCAAQFhAeOggIABAWEb4QDzoJCAA%20QFhA ePEPEOgQIIRAVOggIIRAWEB4QHToLCCEQFhAePEEEB06BQghEKABOgcIIRCgARAKSgQIQR%20g ASgQIRhgAUMwUWPO6AmCD6AJOb3AAeAGAAZMEiAGXY5IBCzItMTcuMjJuMC4xmAEAoAEBsAE%20KwAEB&scient=gws-wiz-serp.](https://www.fao.org/countryprofiles/index/fr/?no_cache=1&iso3=cmr/%20https://www.google.com/search?q=Voir+le+Document+a0842f02+de+la+FAO&rlz=1C1AWUB_enCM935CM%20938&biw=1366&bih=600&sxsrf=AJOqlzW4NJ09NlpmWN0EHbRKcVRY7A5odg%3A1673363557705&ei=Z%20YC9Y7zNKonm7_UP3Zqf6A8&ved=0ahUKEwj8k7Dpb38AhUJ87sIHV3NB_0Q4dUDCA8&uact=5&oq=Voir%20+le+Document+a0842f02+de+la+FAO&gs_lcp=Cgxnd3Mtd2l6LXNlcnAQAZIFCAAQogQ6BwgjEOoCECc6C%20wguEIAEELEDEIMBOggIABCABBcxAzoLCAAQgAQOQsQMOQgWE6CAgAELEDEIMBOgUILhCABDoHC%20AAQsQMOQz oKCC4QxwEQOQMQzZoKCAAQgAQOQhwIQFDofCAAQgAQO6BAgAEEM6BwgAEIAEEA0%206CggAEL EDEIMBEEM6CAguEIAEENQCOggIABCABBDLAToGCAAQFhAeOggIABAWEb4QDzoJCAA%20QFhA ePEPEOgQIIRAVOggIIRAWEB4QHToLCCEQFhAePEEEB06BQghEKABOgcIIRCgARAKSgQIQR%20g ASgQIRhgAUMwUWPO6AmCD6AJOb3AAeAGAAZMEiAGXY5IBCzItMTcuMjJuMC4xmAEAoAEBsAE%20KwAEB&scient=gws-wiz-serp.)

### 3.6.2. Problems of defining catch quotas

The definition of catch quotas for fisheries resources, or the quota system, is an integral part of the new fisheries management systems.<sup>280</sup> It consists of fixing the total allowable catch for each species and distributing it among the various fishing companies in the form of individual quotas. In the EEZ, this system is the subject of a legal framework set out in UNCLOS Article 61, paragraphs 1 and 2, and Article 62.

Strictly speaking, Cameroon has not mentioned any restrictions on total allowable catches, catch limits per vessel and individual transferable quotas. This legal vacuum observed in the various Cameroonian legislation on the subject constitutes the basis for free access to resources. Restrictions or limitations on access are stipulated in Article 3 of Order No. 002/MINEPIA of 1 August 2001 to Lay Down Terms and Conditions for Protecting Fishery Resources in order to comply with international measures for the conservation of marine resources.<sup>281</sup> However, problems related to the definition of catch quotas for fishery resources exist in the coastal zones of Cameroon, including the following:

- Fishing overcapacity (increased fishing effort);
- Poor quality of fishery products due to the capture of immature fish;
- The use of inappropriate fishing techniques due to insufficient monitoring of fisheries in coastal areas (Kribi, Youpwe, Idenau-Limbe);
- Fishers landing more fish than their quotas;
- Ineffective enforcement of fisheries legislation and regulations.

The consequences of excessive fishing capacity include degradation of fisheries resources and reduction in food production potential.

The problems mentioned show the absence of a strategy put in place by the State of Cameroon to provide reliable data on the availability of fish stocks, on catches and on the state of the fishing effort.

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<sup>280</sup> Quotas can be defined as levels of legal catches of fish landed.

<sup>281</sup> This article specifies that “a biological rest period corresponding to the period of reproduction and growth of juveniles of a target species or group of species shall be instituted in all waters under Cameroonian jurisdiction”. Article 4 of this text specifies that biological rest is expressed by a) a delimitation of fishing areas; b) a reduction in the number of fishing units per area; or c) a total cessation of fishing activity in the area concerned.

Finally, it would be important for the Cameroonian Government to consider that the elements mentioned in paragraphs 6.7, 7.5 and 7.6.9 of the FAO Code of Conduct for Responsible Fisheries, which could be applied. These provisions state in general terms that:

States should take appropriate measures to minimise waste, discards, catches of non-target species, fish and other species and adverse impacts on associated or dependent species, in particular endangered species (...). States should apply the precautionary approach widely to the conservation, management and exploitation of aquatic biological resources in order to protect the aquatic environment.

To this end, it is important to strictly apply the regulations in force and sensitize fishers to the need to reduce fishing efforts.

It would also be important for Cameroon to institute a fisheries management system in order to avoid overexploitation. This system will allow for a better understanding of the issue of excessive use of inputs in the fisheries exploitation process and the underlying dynamics of that process.<sup>282</sup>

### **3.6.3. Issue of inventory management with foreign stakeholders**

Cameroon has not ratified the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 1995. This has not so far enabled the issue of stock management to be resolved with other, sometimes foreign, stakeholders, despite the existence of the measures relating to obtaining fishing licenses contained in Article 1 of Decree No. 75/528 of 16 July 1975 determining the terms of operation of motorized fishing boats in Cameroon, and those included in Law No. 94/01 of 20 January 1994 to Lay Down Forestry, Wildlife and Fisheries Regulations. These vessels regularly engage in IUU fishing activities. However, measures have been taken in this direction at the regional level.

To resolve the issue of stock management with other sometimes foreign stakeholders, the Regional Convention on Fisheries Cooperation between African States bordering the Atlantic Ocean of July 1991, to which Cameroon is a party, states in its article 2 that its objective is to enable states to develop, coordinate and harmonize efforts between States “for the purpose of

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<sup>282</sup> Cunningham Steve, Greboval (Dominique), *Managing Fishing Capacity: A Review of Policy and Technical Issues*, FAO, 2002, p. 20.

conserving, exploiting, upgrading and marketing fishery resources”, taking into consideration the fish stocks found in waters under the sovereignty or jurisdiction of several parties. Its article 12 states that parties agree to intensify efforts at the national, regional and international levels to ensure the protection and preservation of the marine environment and the development of the coastal zones of the region. Also, although Cameroon is not a member of an RFMO, its contribution as a state party to regional fisheries organizations such as COREP and COMHAFAT would enable it to increasingly develop cooperation with other coastal States in the Gulf of Guinea region with regard to straddling fish stocks. In order to establish sustainable fisheries management, Cameroon’s ratification of the UN Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (United Nations, 1995) would offer it advantages, among which are<sup>283</sup>:

- The sustainability of fisheries within the framework of regional arrangements or agreements, with a view to reinforcing Cameroon’s responsibility for the control of vessels flying its flag in order to respect the measures adopted and applied for the conservation and management of fisheries resources by developing an ecosystem approach in coastal areas to the conservation, management and exploitation of fish stocks
- Incorporating into Cameroon’s integrated coastal fisheries management policy the measures mentioned in the FAO Strategy for Improving Information on Status and Trends of Capture Fisheries of 2003
- The provision of assistance to improve the sustainable exploitation and conservation of straddling fish stocks through the Assistance Fund established pursuant to Part VII of the Agreement.

### **3.7. Specific observations on the needs of the State of Cameroon**

The needs expressed by the Government of Cameroon in terms of capacity building for better integrated management of the fisheries sector in coastal areas were mentioned in the short, medium and long terms.

#### **Short-term needs**

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<sup>283</sup> See United Nations General Assembly Resolution A/RES/67/69 of 30 April 2013 on Sustainable Fisheries through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on Law of the Sea of 10 December 1982 relating to the conservation and management of fish stocks moving both within and beyond the exclusive economic zones (straddling stocks) and large fish stocks migrants and related instruments.

- Strengthening the awareness of the administrations concerned (MINEPIA, MINDEF, MINTRANS, MINEPDED and National Port Authorities) of the importance of the foundation of an integrated fisheries management framework in coastal areas;
- Revision of the national fisheries legal framework to include FAO port State measures relating to IUU fishing, the precautionary approach, the ecosystem approach, and the participation of coastal communities in the sustainable development of fisheries;
- Strengthening the technical capacities of personnel from central and decentralized services to implement conservation methods and the sustainable exploitation of fishery resources.

#### **Medium-term needs**

- Technical and operational capacity building;
- The development of a participatory and inclusive national or policy for the management of fisheries in coastal ecosystems.

#### **Long-term needs**

- Financial support from international partners (FAO, IMO, UN, etc.) for the acquisition of equipment and infrastructure for the monitoring, control and surveillance of fishing areas.

### **3.8. Perspectives on the foundation of coastal fisheries governance**

In order to build sustainable solutions for the integrated management of Cameroon's coastal zones in terms of fisheries and effective repression of infractions related to the exploitation of fisheries resources in Cameroon, it would be useful or desirable to take into account the following solutions:

- The ratification of the Additional Protocol to the Abidjan Convention on Integrated Coastal Zone Management of 31 March 2017. This text would allow Cameroon to apply a sustainable use of fisheries resources in its coastal zones based on research and technology transfer, information, participation, access to justice, awareness, training, education and communication.
- The development of an integrated strategy for the sustainable management of fisheries in coastal areas including effective coordination and collaboration between national sectoral institutions (MINEPIA, MINEPDED, MINDEF, MINJUSTICE, MINTOUL, Ministry of Commerce, local authorities, local fishers' associations).

- Provide in this integrated strategy the consideration of the equitable sharing of costs and benefits from the conservation and management of fisheries resources with local communities as mentioned in Article 16(4) of the African Charter on the Values and Principles of Decentralisation, Local Governance and Local Development of 2014.

These solutions can be complemented by the development of an ecosystem approach to fisheries in Cameroon. Indeed, this process requires the inclusion of marginalized groups living in poverty and unemployment in the institutional processes related to the ecosystem approach to fisheries. In concrete terms, this will require:

- The introduction of mechanisms in Law 94/01 of 20 January 1994 to Lay Down Forestry, Wildlife and Fisheries Regulations for the peaceful settlement of conflicts, such as arbitration, mediation and conciliation in order to limit or reduce clashes between national and foreign artisanal fishers, including industrial fishers in the coastal areas of Idenau, Youpwé and Manoka;
- Technical support from intergovernmental organizations (IMO, FAO) and competent non-governmental organizations (IUCN) as well as financial institutions (World Bank, African Development Bank) with the aim of meeting Cameroun's needs in terms of technical and financial assistance, transfer of technology and training and scientific cooperation in order to enable it to collect, process, analyze and communicate and exchange information on fishing in an economic and sustainable manner;<sup>284</sup>
- Include in the competences of the decentralized institutions (regions) the data collection system on artisanal fisheries in the coastal zones. This will help build directly at the local level “participatory methods closely involving fishers and their organisations in data collection mechanisms”;<sup>285</sup>
- Implement the FIGIS system (Global Fisheries Information System) by indicating the needs of national users; by participating in complementary initiatives using information and communication technologies to improve the production and dissemination of research-based knowledge and knowledge relevant to sustainable development; and by participating in the establishment at national, regional and international levels of protocols for the exchange of information and quality assurance or determination as well as rules concerning transparency to be included in partnership agreements ;<sup>286</sup>

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<sup>284</sup> See: <https://www.fao.org/3/y5025f/y5025f25.htm>.

<sup>285</sup> See: <https://www.fao.org/3/y5025f/y5025f25.htm>.

<sup>286</sup> See: <https://www.fao.org/3/y5025f/y5025f25.htm>.

- Incorporate into the 1994 Forestry, Wildlife and Fisheries Act the precautionary approach as defined in the 1995 FAO Code of Conduct for Responsible Fisheries.

It would also be important for Cameroon to include fisheries research in the integrated management of coastal zones in terms of fisheries. Indeed, this will contribute effectively to developing a more participatory management of the sector by highlighting the economic and social expectations and interests of each and by developing negotiation and consultation tools adapted to the context of fisheries management in Cameroon in order to help resolve the conflicts observed between the actors of industrial and artisanal fishing.

## 4. DECENTRALISATION OF OCEAN GOVERNANCE IN CAMEROON

### 4.1. Introduction

In many countries, local communities and indigenous peoples depend on natural resources for the ecosystem services they provide. This target group therefore has a clear interest in being involved in decision-making and negotiations for the equitable distribution of the costs and benefits of conservation.<sup>287</sup> According to Principle 22 of the 1992 Rio Declaration, they have an essential role to play in the management and development of the environment because of their proximity to marine resources, their knowledge of the environment and their traditional practices.

Since the revision of its Law No. 96/6 of 18 January 1996 to Amend the Constitution of 2 June 1972, Cameroon has shown its willingness to involve local communities and indigenous peoples in the process of governance of its natural resources from its marine and coastal areas and beyond. This political ambition to include the said communities in public participation and governance of natural resources at the local level dates back to the 1990s with the birth of multiparty politics and the pressing demands for greater involvement of the populations in decision-making that affects their daily lives. This idea also has its origins in the United Nations Conference on Environment and Development held in Rio in 1992.

Well before the effective start of decentralization in 1996, Cameroon had the first experiences of decentralized governance with the creation in 1941 of two mixed urban communes in Douala and Yaoundé in the eastern part of the former French colony and the creation in 1932 of the local councils on the ashes of the local authorities in the English-speaking area. The management of marine resources and the protection of the marine and coastal environment at the local level were not yet part of the missions of local governments, according to Articles 46, 71 and 79 of Law No. 74/23 of 5 December 1974 on Communal Organisation. This law allowed for communes with limited management powers to administer local affairs under the supervision of the State. Even Article 3 of Law No. 15 of 15 July 1987 did not attribute

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<sup>287</sup> See IUCN Best Practice Guidelines for Protected Area Governance, No. 20, 2013, p. 20.



competences to urban communes in the field of management of the marine environment and its resources.<sup>288</sup>

Article 1 of the 2014 African Charter on the Values and Principles of Decentralisation, Local Governance and Local Development defines decentralization as “the transfer of powers, responsibilities, capacities and resources from the national level to all sub-national levels of government in order to strengthen the capacity of sub-national governments to promote people’s participation and quality service delivery”. It also considers local governance to be “processes and institutions of governance at the sub-national level, including governance by and with local governments or local authorities, civil society and other relevant actors at the local level”. Decentralisation can also be experienced as “an abandonment of sovereignty or better still a delegation of competences in certain domains to a new socio-political and geographical entity”.<sup>289</sup> Article 55, paragraph 2 of the Cameroonian Constitution specifies that these entities are legal persons under public law. They enjoy administrative and financial autonomy for the management of regional and local interests. The Constitution states that “they shall be freely administered by councils elected under conditions laid down by law”. The mission of these councils is to promote the economic, social, health, educational, cultural and sporting development of these communities.

In order to provide a legal framework for the functioning of decentralized governance of marine resources in all the decentralized territorial communities located in Cameroon’s coastal zones, the government has created, through Law No. 2019/024 of 24 December 2019 to Institute the General Code of Regional and Local Authorities, conditions conducive to decision-making and the development, adoption and implementation of programmes and policies at the local level. It has taken measures by establishing relevant mechanisms such as the General Decentralisation Allocation to grant financial resources to the decentralized territorial communities, subject to control and evaluation mechanisms.

In order to improve the living conditions of populations, including coastal populations, as well as their access to basic social services Cameroon has decided to take into account the SDGs of the 2030 Agenda for Sustainable Development in its *National Development Strategy 2020–2030*. This strategy is designed to bring about a significant reduction in poverty and

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<sup>288</sup> Article 3 of this law of 15 July 1987 assigned urban communes responsibility for “urban planning and development, drinking water supply, traffic and transport, hygiene and sanitation, signalling and public lighting, etc.”

<sup>289</sup> ADAMON BOUDZANGA (PEGUI-BERE), “Hampered Regional Integration and Decentralization in Central Africa”, 2013. See: <https://doi.org/10.4000/politicalspace.2866>.

underemployment and to strengthen climate change adaptation and mitigation measures and environmental management to ensure a sustainable and inclusive economy and social development.

While the governance of marine and coastal areas has been entrusted to several sectoral institutions at the national level, namely MINEPIA, MINFOF, MINMIDT, MINTRANS, MINDEF, MINEPDED, the Ministry of Justice and the Ministry of Territorial Administration, Cameroon has established in its Law No. 2019/024 of 24 December 2019 to Institute the General Code of Regional and Local Authorities a minimal or even restricted transfer of competences or responsibilities to the heads of the local councils, urban councils and regions. The framework of this law does not provide sufficient information on the sectoral or integrated management of the marine and coastal environment and marine resources at the local level. Sections 157<sup>290</sup>, 241<sup>291</sup> and 268<sup>292</sup> on the transfer of competences in the area of environmental and natural resource management serve as an illustrative framework.

The interest of the Cameroonian State in decentralising ocean governance is perceptible from an ecological, economic and social point of view. From an economic point of view, this interest can be explained by the persistence of poverty which requires the transfer of competences to the communes for poverty reduction to be fully effective. The Government intends to transfer to the decentralized local authorities all the resources (human and financial) linked to the competences devolved to them and to strengthen local development in order to make the decentralized local authorities poles of growth and development.

The relevance of this study from a social point of view is justified by the intense social activity that is reflected today in the desire of citizens to be involved in the design and implementation of public policies at local level more than in the past. It is also justified by the increase in populations in coastal areas, which automatically generates an increase in the need for resources. The latter are increasingly characterised by poverty, which causes severe

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<sup>290</sup> According to Section 157 of Law No. 2019/024 to Institute the General Code of Regional and Local Authorities, ‘the following competences are transferred to councils: drinking water supply; monitoring and control of industrial waste management; fight against insalubrity, pollution and nuisances; protection of ground and surface water resources; elaboration of communal action plans for the environment; and elaboration and implementation of specific communal plans for risk prevention and emergency intervention in case of disasters’.

<sup>291</sup> Section 241 of the Law made monitoring and control of industrial waste management; preparing city environmental action plans, particularly in terms of pollution control and nuisance; the protection of green spaces; and urban planning the exclusive competence of urban communities.

<sup>292</sup> In the field of environmental and natural resource management, the law transferred the following competences to the regions: the management, protection and maintenance of protected areas and natural sites falling within the competence of the Region; the preparation, implementation and monitoring of regional plans or schemes of action for the government; and the preparation and implementation of specific regional plans for risk prevention and emergency response.

environmental damage.<sup>293</sup> Although the effective and efficient participation of coastal communities in the governance of marine resources remains a real concern at the top of the State, the Cameroonian Government intends to build on the good practices of the 2014 African Charter of Values and Principles of Decentralisation, Local Governance and Local Development.

The ecological reason for Cameroon's interest in decentralising maritime governance to the local level lies in the fact that coastal populations are the first targets of the environmental consequences of ocean problems, including marine pollution affecting coastal and marine areas. Populations who live on the Cameroonian coastline have the right to a healthy environment, but they must be truly involved in the management and protection of the environment and the preservation of fisheries resources through the practice of sustainable fishing methods. Thus, the development and management of marine and coastal ecosystems is a major environmental issue for the process of development and sustainable management of resources at the local level.<sup>294</sup>

However, "the increased role given to local actors does not mean that the state no longer has important functions to carry out. It must especially ensure the coherence of actions, which requires the building of interfaces between the local and national levels, making it possible to integrate the needs and initiatives expressed at grass-roots level on the one hand, and the national directions, problems and coordination, on the other."<sup>295</sup>

Although integrated coastal zone management is a continuous and dynamic process that brings together the interests of government and local communities and promotes integration between national and local authorities, as defined in sections 17.5 and 17.6 of the 1992 United Nations Agenda 21 on sustainable development, it should be noted from the outset that from 2010 to the present day, we continue to observe a number of constraints in the process of integration and participation of local communities in the management of marine resources in coastal

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<sup>293</sup> "These populations have to ensure their survival through the often anarchic exploitation of resources. The state does not always have the means to ensure sustainable management of the environment. Worse still, the state is often obliged to accept an over-exploitation of resources to meet its obligations. The overall result is poor environmental management and irrational exploitation of resources, which causes ecological imbalance". See Cameroon's 1996 National Environmental Management Plan, pp. 20-21.

<sup>294</sup> This sustainable management of resources at the local level requires "control of coastal erosion, control and reduction of various types of pollution, rational exploitation and enhancement of resources, and finally the strengthening of legislation and institutional capacities". See Cameroon's 1996 National Environmental Management Plan, p. 41.

<sup>295</sup> See : [http://www.ciesin.org/decentralization/English/General/fao\\_experi.html](http://www.ciesin.org/decentralization/English/General/fao_experi.html).

areas.<sup>296</sup> This is reflected today in the lack of local institutional capacity, the lack of intersectoral coordination and the marginalisation of local communities in the governance of marine resources in Cameroon.

In order to identify the contours and detours of decentralized ocean governance in Cameroon, it is important to adopt an objective approach highlighting the legal and institutional framework (section 4.2 below), the application and implementation of the decentralized ocean governance framework (section 4.3), and the consideration of gender and ocean issues as well as the blue economy (section 4.4). Beyond the advantages and challenges that may exist in this field, it is judicious to propose some solutions or perspectives which may reinforce the decentralized governance of oceans in Cameroon (section 4.5). Section 4.6 describes the capacity-building needs of the staff and communal executives expressed by the officials of the different decentralized territorial authorities located in the coastal zones and of the Ministry of Decentralization and Local Development within the framework of consultations undertaken in preparation of the present report. Section 4.7 provides specific observations on beneficiary state needs.

## **4.2. Legal and institutional framework for decentralized ocean governance**

The decentralization of ocean governance in Cameroon is governed by several texts which provide the framework for the institutions concerned to manage the natural ocean resources as well as the environment at the local level while involving civil society actors (associations, community organizations) and neighbourhood and village committees.

### **4.2.1. The legal framework**

The following texts provide a framework for local ocean governance in Cameroon. The scope of application of these instruments includes the multilateral, regional and national levels.

#### **The multilateral legal framework**

At the multilateral level, it is important to mention:

##### *The 1992 Rio Declaration on Environment and Development*

Although not strictly speaking a legal instrument, the Declaration states in its Principle 3 that the right to development should be realized in a manner which equitably meets the developmental and environmental needs of present and future generations. It is an authoritative

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<sup>296</sup> This participation and integration requires the development of an integrated, participatory, inclusive and transparent approach (MINEP, 2011, p. 16).

statement of a global consensus on the management, conservation and sustainable use of marine resources.

*United Nations Agenda 21 of 1992*

This agenda is based on UN General Assembly resolution 44/228 of 22 December 1989. Its Chapter 17 on the protection of the oceans and all seas—including enclosed and semi-enclosed seas—and coastal areas and the protection, rational use and development of their living resources contains important elements for the development of local communities. Section 17.3 of Agenda 21 specifies the added value of coastal zones as the location of productive habitats of great diversity that are important for the development and livelihood of local populations. These coastal areas contain vital resources for many local communities and indigenous peoples. Section 17.6 also calls for the establishment or strengthening by each coastal State of appropriate coordination mechanisms for the integrated management and sustainable development of coastal and marine areas and their resources at both the local and national levels.<sup>297</sup>

*The FAO Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security (2004)*

Adopted at the 127th session of the FAO Council, this voluntary international text calls on States to increase their productivity in a sustainable manner, to revitalize their agricultural sector, including livestock, forestry and fisheries, through the introduction of specific policies and strategies. Section 8.1 recommends that States promote sustainable, non-discriminatory and secure access to and use of resources in accordance with national and international law.

*The FAO Voluntary Guidelines for Securing Sustainable Small-scale Fisheries in the Context of Food Security and Poverty Eradication (2015)*

This text calls on States and other stakeholders to help create new opportunities and strengthen existing activities that enable artisanal fishing communities to supplement their income from fishing-related activities. Section 12.4 states that particular attention should be paid to decentralized and local government structures directly involved in governance and development processes with artisanal fishing communities, including in the area of research.

*The FAO Voluntary Guidelines for Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (2012)*

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<sup>297</sup> See: <https://www.un.org/esa/sustdev/documents/agenda21/french/action0.htm>.

These guidelines set out internationally recognized principles and standards for responsible practices in the use and control of land, fisheries and forests.

*UN General Assembly Resolution 70/1 of 25 September 2015*

This text marks the political will or commitment of the UN Member States and has made it possible to adopt a sustainable development programme for 2030, with 17 ambitious goals leading to a renewed global partnership.

The 2030 Agenda for Sustainable Development adopted in 2015 reaffirms the commitment of the 193 UN Member States to work towards sustainable and inclusive economic growth, social inclusion and environmental protection. The implementation of the 2030 Agenda calls for the participation of all citizens in all segments of society, regardless of race, gender, ethnicity or identity.

In order to strengthen this agenda, the UN Secretary-General has called on all sectors of society to mobilize for local action that integrates the necessary transitions into the policies, budgets, institutions and governance mechanisms of states, cities and local authorities.

### **The regional legal framework**

The legal texts adopted at regional level are as follows:

*The African Charter of Values and Principles of Decentralisation, Local Governance and Local Development (2014)*

This is the only regional instrument that addresses decentralization. The Charter was ratified by Cameroon on 2 November 2019 following the Major National Dialogue held from 30 September to 4 October 2019 in Yaoundé. It promotes in its Article 2(i) “the participation of civil society, the private sector and the population in decentralization, local governance and local development initiatives”.

With regard to the governance of natural resources at the local level, this law states in Article 16(4) that “(a) State Parties shall adopt legislation and establish mechanisms, including local governments, civil society and local people, to ensure appropriate protection and sustainable use of natural resources at the local level; (b) State Parties shall adopt legislation and establish mechanisms, including local governments, civil society and local people, to enable local communities to benefit from the resources exploited in their communities; (c) Central governments shall be responsible for the equitable redistribution of profits from the exploitation

of natural resources in given localities and communities to all sub-national governments and local communities”.

### **The national legal framework**

The legal texts adopted at national level in this area are as follows:

*Law No. 94/01 of 20 January 1994 to Lay Down Forestry, Wildlife and Fisheries Regulations*

Article 8 of this text refers to the recognition of a right of use or customary right of the local populations with regard to the exploitation of all fish, wildlife and forestry products for personal use, with the exception of protected species.

*Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972*

This legislation in its Article 55 defines the legal framework and the role of the decentralized local institutions that are the regions and the communes. The law mentions in its preamble a certain number of rights recognized to citizens, including those living in coastal areas.

*Law No. 96/12 of 5 August 1996 Relating to Environmental Management*

Article 3 of this important text involves decentralized local authorities in the implementation of the national environmental policy. These local institutions act under the control of central government representatives (prefects, governors, subprefects) who can approve or disapprove of their modes of action in environmental protection. This legal instrument also specifies a series of rights recognized to these local actors, notably in Articles 5 (the right to a healthy environment) and 7 (the right to be informed about the harmful effects on health, humans and the environment of harmful activities as well as measures to prevent or compensate for these effects).

*Law No. 2019/024 of 24 December 2019 to Institute the General Code of Regional and Local Authorities.*

This law, through its Articles 157 and 268, attributes to the communes and regions competences relating to the protection of the environment and the management of natural resources, although it does not explicitly mention the type of natural resources.

*Decree No. 2018/449 of 1 August 2018 Organising the Ministry of Decentralization and Local Development*

Article 1(2) states that the Ministry of Decentralization and Local Development is responsible for the elaboration, monitoring, implementation and evaluation of the Government’s policy on decentralization and for the promotion of local development.

*Order No 0142/A/MINTOUL of 2 November 2022 to Lay Down the Conditions and Technical Procedures for the Exercise of Certain Powers Transferred by the State to the Regions in the Field of Tourism and Leisure*

Article 3(1) of this text specifies the competences transferred by the State to the regions in the field of tourism and leisure. The competences that could contribute to economic development in coastal areas include the promotion of tourism, which is a set of techniques, means and activities aimed at making tourist products known and consumed and building loyalty among potential tourists.

*Order No. 00008/A/MINEPDED of 2 November 2022 on the Specifications Specifying the Conditions and Technical Modalities for the Exercise of Certain Competences Transferred by the State to the Regions in the Area of Environmental Protection*

Article 2 of this text specifies the various competences transferred by the State to the regions in the field of environmental protection. The competence that relates to the oceans is the preparation, implementation and monitoring of regional environmental action plans.

#### **4.2.2. The institutional framework**

The institutions involved in the decentralization of ocean governance in Cameroon can be understood at the multilateral, regional and national levels.

##### **The multilateral institutional framework**

At the multilateral level, we can cite the United Nations through its General Assembly and the United Nations Conference on Environment and Development. These have contributed to the construction of the SDGs by emphasizing the participation of local communities in the governance of marine resources.

In the context of Agenda 21 of 1992, which is still adopted by the United Nations system, section 17.22(e) mentions the commitment of States to improving the standard of living of populations in coastal areas, particularly in developing countries, to help reduce the degradation of the coastal and marine environment. Section 17.27(e) refers to the promotion of primary treatment of municipal sewage that is discharged into rivers, estuaries and the sea or other site-specific methods. Section 17.74 commits States to ensure the conservation and sustainable use of marine living resources relevant to their national jurisdiction taking into account traditional knowledge and the interests of local communities, small-scale fisheries and indigenous peoples in development and management programs.



## **The regional institutional framework**

At the regional level, Cameroon has been a member of the African Union since 25 May 1963. This intergovernmental organisation with a regional focus has developed and adopted since 2014 a Charter on the Values and Principles of Decentralisation, Local Governance and Local Development. This regional text refers in its Article 12(5) to the taking of measures by local governments or local authorities to ensure the full participation of communities, civil society and other actors in local governance and local development.

Aspects of this legislation relating to the participation of local communities in natural resource management are also mentioned in Article 16(4), although it should be noted that the transfer of competence for ocean governance at the local level in Cameroon is aligned with Article 16(4c), which states that central governments are responsible for the equitable redistribution of the benefits of natural resource exploitation in given localities and communities.

## **The National Institutional Framework**

At the national level, the following institutions can be mentioned:

*The Ministry of Decentralization and Local Development* is in charge of evaluation, monitoring and implementation of decentralization and promotion of socio-economic development and good governance within decentralized territorial authorities.

*The Ministry of Economy, Planning and Land Management* ensures the portfolio coordination of the 17 SDGs in conjunction with the coordinator of the United Nations system in Cameroon.

*The National Decentralisation Board* is in charge of monitoring and implementing decentralization under the leadership of the Prime Minister.

*The District Communes* which, according to Article 250 of Law No. 2019/024 of 24 December 2019 to Institute the General Code of Regional and Local Authorities, are involved in the protection of the environment and the management of natural resources.

*The Regions*, according to Article 268 of Law No. 2019/024 of 24 December 2019 to Institute the General Code of Regional and Local Authorities, are involved in the elaboration and implementation of specific regional plans for risk prevention and emergency intervention.

*The Urban Communities or City Councils*, according to Section 241(3) of Law No. 2019/024 of 24 December 2019 to Institute the General Code of Regional and Local Authorities, are responsible for the preparing community environmental action, especially in the fight against

pollution. They are also responsible for monitoring and controlling industrial waste management.

However, it is important to note that these local communities and the indigenous peoples represented within the decentralized territorial communities do not yet have formal skills aimed at conserving and sustainably exploiting the oceans, seas and marine resources. SDG 14, which is the relevant sustainable development goal in this area, continues to remain the prerogative of the Fisheries Administration.<sup>298</sup>

### **4.3. Enforcement and implementation of the governance framework**

In terms of actions developed by local communities with regard to the framework of the oceans, it should be noted that these are minimal due to the current state of Cameroonian positive law, which does not specifically grant formal powers to local authorities aiming to conserve and exploit the oceans, seas and marine resources and their impacts in ways that are targeted in the 2030 Agenda for Sustainable Development. However, these local communities have implemented some small actions. This is the place to mention first:

#### **Participation on 11 and 12 March 2010 in the signing of the Partnership Agreement for the Integrated and Sustainable Coastal Management of the Kribi-Campo Region in Cameroon (S-ICM-KCAC).**

This partnership has been an effective way of combining efforts in the joint implementation of S-ICM-KCAC towards improving the quality of the environment, improving efforts to reduce pollution of coastal waters and in the Kribi-Campo Region, and protecting endangered species such as sea turtles. Local communities as stakeholders have also subscribed to the strengthening of collaboration, cooperation and partnership between the S-ICM-KCAC projects and other local and national programs and initiatives in order to minimize duplication of efforts and improve the synergy between them.<sup>299</sup>

#### **The Strategic Development Plan for the Municipality of Idenau in the Southwest Region by 2015**

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<sup>298</sup> See Final study report of the International Association of Francophone Seas on the localization of the Sustainable Development Goals (SDGs) in Cameroon (Advocacy for taking into account the positions of local authorities), 2017, p. 32.

<sup>299</sup> See Report on the implementation of ICZM for the Kribi-Campo region of Cameroon within the framework of the GP/RAF/04 project of 2011, pp. 83-84.

This coastal locality has a wealth of marine resources that suffer from a lack of scientific research.<sup>300</sup> It committed to improving the livelihoods of local people and communities in a sustainable manner by 2015. With regard to the fisheries sector, the strategies contained in this Plan were as follows:

#### ***Fisheries sector***

- Strengthening of fisheries control measures through periodic quarterly controls;
- Rehabilitation of the ice factory in Idenau;
- Creation of joint initiative groups;
- Provision of basic fishing equipment as loans to fishers's groups.<sup>301</sup>

#### ***Environment and nature protection sector***

- Monitoring the implementation of environmental laws by industries;
- Visiting oil industries;
- Developing a waste management strategy;
- Creating a waste disposal site.<sup>302</sup>

#### ***Scientific Research and Innovation Sector***

- Distributing suitable materials for fish and agriculture (fish ponds) to all communities involved in the sector.

#### ***Mining, Industry and Technology Development Sector***

- Conducting negotiations with oil companies;
- Making EIA reports available.<sup>303</sup>

### **The Framework Agreement of 26 July 2019 Signed between the Autonomous Port of Kribi and the Urban Community (Town Hall) of Kribi on the Protection of the Environment and the Preservation Of Natural Resources<sup>304</sup>**

The following points were adopted as part of this agreement:

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<sup>300</sup> The Idenau council (within West Coast Subdivision) was created by presidential decree No 95/206 of 24th April 1995. It is located some 29km from Limbe city and has a total surface area of 16km<sup>2</sup>. Following the decentralisation of powers to local councils, a Development Plan for Idenau Council was elaborated from July to December 2011, through the collaboration of a Local Support Organisation (LSO), Reach Out Cameroon facilitated by the National Community-driven Development Programme (PNDP). The Plan covered a wide range of development concerns of the municipality among which are: Fisheries, Environment and Nature Protection, Women Empowerment and the family. See Idenau Council Development Plan, 2011, p. 6.

<sup>301</sup> See Idenau Council Development Plan, 2011, p. 47.

<sup>302</sup> See Idenau Council Development Plan, 2011, p. 52.

<sup>303</sup> Republic of Cameroon, 2011, p. 75

<sup>304</sup> See: <https://www.pak.cm/fr/actualites/kribi-et-le-port-se-donnent-la-main>.

- Ensure respect for the marine and coastal environment;
- Protect the natural resources on the coast;
- Reduce nuisances and pollution due to port activities in the town of Kribi and the surrounding area;
- Collaborate in the implementation of plans for the storage and transport of waste related to port activities (PAK, 2019).

#### **4.4. Cross-cutting issues: gender and the blue economy**

##### **4.4.1. Gender**

Gender mainstreaming in decentralized ocean governance in Cameroon is based on the following legal foundations:

##### **Article 15 of the 2014 African Charter on the Values and Principles of Decentralisation, Local Governance and Local Development**

This Article states that local governments or local authorities shall integrate gender issues into the entire policy formulation and development planning process. They must encourage and support the equitable and effective participation of women in positions of responsibility and management in all matters relating to local development and local governance.

##### **The Cameroonian Constitution of 18 January 1996**

The preamble of the Constitution refers to the guarantee of rights or freedoms by the State to all citizens of either sex. Although women do not participate equally with men in the conduct of local affairs, it is important to note that 39 women head communal executives, a percentage of 10.83 per cent.<sup>305</sup> In coastal areas, women continue to experience difficulties in accessing financial resources for the development of fish farming and aquaculture activities, even though the *National Development Strategy 2020–2030* states that the institutional framework for the promotion and protection of women’s rights should be further strengthened (Republic of Cameroon, 2020). Also, there is still a lack of financial resources for the implementation of SDGs and specific gender-related programmes.

However, some relevant local actions continue to be concretised regarding gender mainstreaming in the decentralized governance of the oceans in Cameroon in accordance with

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<sup>305</sup> See Report on the Sixty-fifth Session of the Commission on the Status of Women (Statement by the Minister for the Promotion of Women and the Family of Cameroon), 2021, p. 3.

Law No. 2019/024 of 24 December 2019 to Institute the General Code of Regional and Local Authorities. This is the place to mention:

- The recruitment of local staff for the management of natural resources in the district communes of Douala 1, Kribi 1 and 2 and Limbe;
- The development of communal plans for the professional insertion or reintegration of women in the Douala Urban Community, the district communes of Kribi 1 and 2 and Garoua.

#### **4.4.2. Blue economy**

The establishment by the Cameroonian government of relevant mechanisms for the inclusion of local authorities and communities in the process of protection, exploitation and sustainable use of marine resources remains a real concern.

Living mostly on traditionally or artisanal exploited fisheries resources, local communities in the coastal areas of Douala, Limbe, Idenau, and Kribi continue to be confronted with the degradation of marine ecosystems caused by anthropogenic activities and global warming.

Even if Law No. 2019/024 of 24 December 2019 to Institute the General Code of Regional and Local Authorities does not clearly emphasise the construction of sustainable economic development in coastal areas based on the responsible exploitation of marine resources as defined in Chapter 17 of the United Nations Agenda 21, it is nevertheless important to note that some communes, like that of Idenau located in the coastal zone of the Southwest Region, had drawn up a strategic plan well before 2015. This plan aimed at improving the livelihoods of the people of the municipality on a sustainable basis based on natural resources in order to reduce poverty and improve growth and employment opportunities by 2015. The positive aspects of this strategy included sustainable increase of fish for consumption and sales in the municipality through the following strategies:

- Improved organisation of local farmers' groups and provision of fishing equipment or materials;
- The inclusion of gender equality in the exploitation of fisheries resources at local level
- The use of innovative methods for fishing and food crops.

#### **4.5. The issues of decentralized ocean governance**

Although Section 25(3) of Law No. 2019/024 of 24 December 2019 to Institute the General Code of Regional and Local Authorities allocated 15 per cent of State revenue to a Common Decentralization fund and Section 26(3) specified that State funds could be used to compensate

for budget shortfalls in local authorities, it is important to note some challenges or problems related to the decentralization of ocean governance in Cameroon (see section 4.5.1 below). Beyond these disadvantages, it would be useful to mention some of the advantages of the mode of governance that would contribute to improving the management framework of marine resources at the local level (section 4.5.2).

#### **4.5.1. Challenges of decentralized ocean governance in Cameroon**

In terms of challenges, the following may be of relevance to note :

- The low visibility of national legal frameworks on decentralization with regard to the exploitation of marine resources by local communities in coastal areas;
- The persistence of gender inequalities in the management and decentralized governance of natural resources in the oceans;
- The absence of a participatory strategy that takes sufficiently into account the views of local populations in the context of achieving the SDGs and building a sustainable blue economy;
- The limitations of the State's special allocation to decentralized territorial authorities in relation to the revenues generated by the extraction of hydrocarbons or non-living marine resources;
- The unequal distribution of natural and human resources in the regions, which could lead to the risk of some regions becoming even poorer.

Even though an African Conference on Decentralisation and Local Development has been created by African states to promote and support decentralization policies at the national level, the decentralized territorial collectivities of Douala, Kribi and Limbe continue to face threats such as pollution, depletion of marine resources, and the weakening of the coastline due to coastal tourism. They are at the forefront of the problems faced by coastal areas, and these institutions are “undoubtedly decisive in inventing solutions to protect the coastline”.<sup>306</sup> However, they enjoy only a minimal transfer of competences in the governance of natural resources.

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<sup>306</sup> DOAT (MATHIEU), "Integrated Coastal Zone Management and Decentralization", Electronic Journal of Environmental Sciences, Occasional Paper, N° 18, 2013. See: <https://doi.org/10.400/vertigo.14268>.

#### **4.5.2. Advantages of Decentralised Ocean Governance in Cameroon**

The advantage of decentralising the management or governance of marine resources is based on Chapter 17 of the 1992 United Nations Agenda 21, the 1992 Rio Declaration and the 2014 African Union Charter on Decentralisation, Local Governance and Local Development.

The first text, which is not binding, reveals that more than half of the world's population lives less than 60 km from a coast or coastal area that is rich in resources vital to local communities.

The Rio Declaration States in Principle 22 that “indigenous peoples and communities and other local communities have a vital role to play in environmental management and development because of their environmental knowledge and traditional practices. States should recognize their culture and interests and provide them with all necessary support and enable them to participate effectively in achieving sustainable development”.

Article 16(4) of the 2014 African Union Charter on Decentralisation, Local Governance and Local Development mentions the inclusion of local governments, civil society and local people in ensuring appropriate protection and sustainable use of natural resources at the local level.

These different foundations of the positive points of the process of transferring real competences to local governments in the management and exploitation of marine resources help to ensure the promotion of sustainable development.

The importance of decentralising ocean governance will also enable decentralized territorial authorities, by virtue of their status as autonomous entities, to develop “a blue economy policy in which aquatic and marine resources play a crucial role in a range of economic sectors that provide income and employment opportunities to end poverty”.<sup>307</sup>

By signing conventions with other municipalities in other coastal countries that play a crucial role in integrated coastal zone management and have better techniques for the protection and conservation of marine biodiversity in coastal areas, our municipalities could gain in added value.

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<sup>307</sup> See United Nations Economic Commission for Africa Practical Guide to the Blue Economy in Africa, 2016, p. 10.

## 4.6. Perspectives on reinforcing decentralized governance of the oceans in Cameroon

In order to reinforce the framework for decentralized ocean governance, the following may be useful to consider:

- Develop an integrated, participatory national maritime strategy, taking into account gender issues and the sustainable blue economy;
- Revise the percentage of the special allocation from the central Government to the decentralized territorial authorities;
- Raise awareness among local communities of the importance of the oceans in regulating the climate and the threats linked to the abusive and irresponsible exploitation of marine resources;
- Train local human resources in ocean governance.

Also, it must be said that the competences transferred to the decentralized territorial collectivities with a view to effective governance of the oceans and seas in Cameroon, as defined in Law No. 2019/024 of 24 December 2019 to Institute the General Code of Regional and Local Authorities, remain limited in view of the pressures observed on Cameroon's coastal zones, the risks of pollution, the increase in fishing efforts or the unsustainable and excessive exploitation of natural resources and the acidification of the ocean due to anthropic activities.

It would be important for the Cameroonian Government to extend integrated coastal zone management to the local level, including the communes and regions, in a real way in its National Good Governance Plan and in its 2019 Decentralization Law. If that were done, the said local entities would constitute, alongside the central institutional actors with sectoral competences (Ministry of Environment, MINEPDED, MINTOUL, MINTRANS, MINDEF, Ministry of Decentralization and Local Development, MINFOF, Ministry of Lands, Cadastre and Land Affairs, MINRESI, MINFI and Ministry of Justice) a truly integrated institutional platform to ensure efficient governance at both national and decentralized levels as stipulated in Article 1(2) of Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972.<sup>308</sup>

Local governance must therefore be one of the essential elements for the success of the national integrated coastal zone management plan, as shown by the 2011 Kribi-Campo Region Integrated Coastal Zone Management Plan, where local municipalities have coordinated with

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<sup>308</sup> This paragraph states that “the Republic of Cameroon shall be a unitary and decentralised state”.



the help of private sector actors and sectoral government institutions (Ministry of Territorial Administration, MINEPAT, MINEPDED, MINFOF, MINRESI, MINTOUL) the development of the coastline and the promotion of biodiversity and the vitality and sustainability of the coastal economies of Kribi-Campo.<sup>309</sup>

According to Principle 22 of the 1992 Rio Declaration, Cameroon's local communities living in coastal areas have a vital role to play because of their traditional knowledge of the marine environment, which could contribute greatly to the establishment of a sustainable blue economy.

Also, it should be added that most of the decentralized territorial authorities located in the coastal areas of Douala, Kribi and Limbe do not always have the necessary resources to solve ocean-related problems, despite the competences transferred to them by law. Some of them, such as the Kribi City Council, have developed partnerships with state institutions in charge of the oceans, such as the Autonomous Port of Kribi, to protect the natural resources of the coastline and control standards relating to the marine and coastal environment.

#### **4.7. Specific observations on beneficiary state needs**

Despite challenges regarding the allocations of the General Decentralisation Allocation to the decentralized territorial authorities in general, the absence of a decentralization implementation strategy and the lack of visibility of the National Participatory Development Programme in the financing of local policies for conserving marine resources in Cameroon's coastal zones, it is important to specify the willingness of central authorities to transfer to decentralized territorial authorities, such as the regions, some competences in the governance of the oceans (e.g., promotion of tourism, protection of the environment in coastal areas). However, it is important to state in a specific manner certain needs expressed by the decentralized administrations (e.g., city councils, district councils, regions, deconcentrated services) in the cities of Douala, Kribi, Limbe and Garoua in terms of building the capacity of their staff in ocean governance.

With regard to the decentralized administrations located in Kribi, Douala, and Limbe, the following needs were expressed:

- Training of local community representatives on ocean governance
- The improvement of the legal, scientific and managerial capacities of communal administrative executives and local elected officials in this field

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<sup>309</sup> See MINEP Report on the Implementation of ICZM for the Kribi-Campo Region of Cameroon under Project GP/RAF/04 of 2011, pp. 178-179.

- Building community ocean research centres to deepen knowledge of the oceans
- Strengthening the operational capacities of the CTDs in the implementation of SDG 14
- Training of artisanal fishing communities on aquaculture entrepreneurship and strategies for making sustainable aquaculture viable<sup>310</sup>
- Technical and financial support from international partners (UN, FAO, WFP, UNDP, UNEP, IUCN, WWF, World Bank) in the framework of decentralized cooperation for better governance of natural resources
- Technical support from international partners within the framework of decentralized cooperation for the financial empowerment of women in livestock, agriculture and the sustainable exploitation of marine resources<sup>311</sup>
- Training of the staff of decentralized territorial authorities on the sustainable management of natural resources.<sup>312</sup>

It should also be added that ocean governance at the decentralized or local level must take account of the risks arising from coastal towns. Port cities, seaside towns and fishing towns are experiencing a proliferation of industrial, commercial and tourist activities. Despite the adoption of Order No. 0142/A/MINTOUL of 2 November 2022 to Lay Down the Conditions and Technical Procedures for the Exercise of Certain Powers Transferred by the State to the Regions in the Field of Tourism and Leisure and Order No. 00008/A/MINEPDED of 2 November 2022 laying down specifications about the conditions and technical procedures for the exercise of certain powers transferred by the State to the Regions in the field of environmental protection, Cameroon's coastal towns (Limbe, Douala and Kribi) are not, for the most part, planned as a whole to meet the objective of protecting the sea. The various activities taking place in these towns, coupled with heavy urbanization, continue to threaten biodiversity and marine ecosystems (breeding grounds for fish stocks) as well as the lives of members of local communities whose main activity is fishing. In Cameroon's towns and cities, the fisheries sector has remained particularly sensitive to the damage caused to the environment by other activities involving the dumping of industrial, agricultural and hydrocarbon waste and the degradation of natural habitats such as mangroves.

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<sup>310</sup> Information obtained on 7 October 2022 following an interview with the Head of the Cooperation Division of the Ministry of Decentralization and Local Development.

<sup>311</sup> Information obtained on 7 October 2022 following an interview with the Head of the Cooperation Division of the Ministry of Decentralization and Local Development.

<sup>312</sup> Information obtained on 04/10/2022 following the interview with the Head of the Legal Affairs Division of the Ministry of Decentralization and Local Development.

To guarantee the sustainability of fishing activities in Cameroon's coastal towns, the national institutions involved in decentralized governance of the oceans will have to take account of the planning and implementation of development plans and the impact of other sectors and the planning of fisheries development.

These institutions should also establish sustainable cooperation leading to participatory management between bodies representing other activities in coastal towns, local decision-makers in the fisheries sector, the environment and other maritime sectors, not forgetting representatives of local communities.

## **5. OBSERVATIONS AND CAPACITY-BUILDING NEEDS**

As part of the implementation of its National Development Strategy 2020–2030, Cameroon has clearly addressed the issues of governance of its marine flora and fauna resources. However, a resurgence of challenges can be observed that undermine the foundation of a real coordinated governance relating to the exploitation or use of marine resources. These challenges can be noted in the legal (section 5.1 below) and institutional (section 5.2) frameworks. However, these problems also influence the construction of an integrated management approach (section 5.3). In order to address these challenges, some of the capacity-building needs expressed by most of the sectoral institutions operating in Cameroon’s marine and coastal areas are provided (section 5.4).

### **5.1. Legal framework for ocean governance**

Some challenges noted with respect to the legal framework for ocean governance include:

- The lack of precise detail in Law No. 96/12 of 5 August 1996 Relating to Environmental Management of mechanisms for sanctioning or repairing damage caused by spills, dumping and incineration of substances derived from hydrocarbons in maritime waters under Cameroonian jurisdiction.
- The lacunae in national laws and regulations on the repression of transnational criminal acts orchestrated in the Cameroonian maritime domain, notably maritime piracy, armed robbery, IUU fishing and maritime terrorism.
- The obsolescence of Law No. 94/01 of 20 January 1994 to Lay Down Forestry, Wildlife and Fisheries Regulations relating to the use of mechanisms for the protection and conservation of marine biodiversity as defined in the 1992 Convention on Biological Diversity. The absence of a quota system or total allowable catch in Chapter III of the Law on the management and conservation of fishery resources is particularly noted.
- The lacunae in Ordinance No. 62/OF/30 of 31 March 1962 to Establish the Cameroon Merchant Shipping Code with respect to the international measures in force related to the safety of maritime navigation and the police of navigation.
- The absence of an effective national legal framework on marine scientific research.

### **5.2. Institutional framework for ocean governance**

With respect to institutions, the following may be relevant to note:

- The administrative burden;

- Limited consultation between the various institutions involved in coastal zone management;
- The lack of means to monitor activities;
- Limited collaboration between sectoral institutions;
- Insufficient human resources;
- Limited qualifications of the staff of the different institutions involved in the management of marine and coastal areas.

### **5.3. Integrated management approaches**

Overall, the challenges observed in the foundation of an integrated coastal and marine area management include:

- Overlapping institutional competences, for example, between MINTRANS and MINEPIA, on the control of vessels. MINEPIA is in charge of controlling the cargo of fishing products and fishing nets and would like to control fishing vessels. MINTRANS is in charge of ships and is responsible for policing navigation;<sup>313</sup>
- The existence of conflicts of competence and overlaps between MINEPDED and MINTRANS in the area of marine pollution control and between MINEPDED and MINEPIA in the area of conservation and sustainable management of marine biodiversity;<sup>314</sup>
- The existence of conflicts of mandates in the exercise of missions at sea (for example, between the national Navy and the merchant marine);
- The absence of an operational mechanism for coordinating the State's action at sea (custodian of the State's action at sea);
- Lack of university training on coastal zone management, including with regard to the exploitation of marine resources.

In this vein, there is a dire need for mutual agreement toward an integrated approach to ocean governance in Cameroon. There is a need for a single ministry in charge of maritime affairs that shall handle all maritime-related matters in the country. Thus, there is a need to create a unique authority to coordinate and govern the above maritime affairs under a single umbrella, as in

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<sup>313</sup> Information received on 21 July 2022 from the head of the Bureau of Navigation and Maritime Safety of the Regional Coastal Delegation of the Ministry of Transport.

<sup>314</sup> Information from the questionnaire returned by the head of the Legal Affairs Division of MINEPDED on 27 September 2022.

France. Cameroon has not yet adopted an integrated maritime policy or institution to manage its vast marine resources.

This could generate a single national institution such as a Ministry of Ocean Affairs, as is the case in France. Thus, consideration should be given to a Cameroon Ministry of Ocean Affairs that would have technocrats and professionals from all ministries and all stakeholders involved in maritime matters under a single command. This will avoid duplication of tasks and conflicts, which would lead to effectiveness and efficiency in handling maritime affairs. Consideration should be given in the interim to an integrated institution under the presidency or the Prime Minister's Office to coordinate State action on the sea. In the long run, there should be the creation of a separate ministry such as a Ministry of the Sea or a Ministry of Maritime Affairs to integrate and manage the State's action on the sea.

#### **5.4. Observations and prioritised inventory of capacity-building needs**

With the aim of strengthening their capacities in view of the foundation of a better governance of the oceans in Cameroon, some short-term, medium-term and long-term observations and needs were expressed by some administrations.

##### **5.4.1. Short-term observations and capacity-building needs**

In general, the following short-term observations were made:

- The absence of a legal framework adapted to the integrated management of marine resources in coastal or littoral zones.
- A legal vacuum relating to the governance of the oceans within the framework of the blue economy.
- Human resources: need for qualified personnel who are trained to adapt to changing demands and needs.
- Equipment, e.g. working boats.
- Finances: inadequate budgets to execute tasks.
- Acquisition of adequate software for the efficient management of marine protected areas
- Institutional framework: Strengthen collaboration between the central administrations concerned or involved in ocean governance (interministerial coordination, integrated approach to the management of marine resources).
- Logistics: equipping the administrations with requisite infrastructure and equipment for operational needs.

## Capacity building in ocean governance

For an improvement in this area, the following short-term needs have been expressed:

**Priority 1:** Raise government awareness of the importance of participatory and integrated coastal zone management in the exploitation of marine resources. This awareness-raising must integrate curative measures such as the reduction of carbon emissions to limit the pressure on ocean absorption as well as preventive measures aimed at strengthening legal tools and implementing international conventions such as UNCLOS in order to guarantee the preservation and restoration of marine and coastal ecosystems (marshes, mangroves, grass beds, coral reefs, etc.).<sup>315</sup>

**Priority 2:** Development of a national policy on ocean governance and legal capacity-building through training.

**Priority 3:** Urgent revision of existing legislation to adapt it to the current national and international context.

### 5.4.2. Mid-term observations and capacity-building needs

In this context, institutional challenges have been noted in the medium term, particularly regarding the provision of equipment and materials as well as the collaboration of institutions in the process of managing coastal and marine areas or using the seas for economic purposes. Other mid-term observations include training of personnel to adapt to changing demands and needs and capacity-building in ocean governance.

In terms of capacity-building needs the following were noted:

**Priority 1:** Build a formal framework for sustainable collaboration of different sectoral institutions.

**Priority 2:** Strengthen the technical capacity of staff in ocean governance.

**Priority 3:** Provide institutions with appropriate equipment and materials to ensure permanent surveillance of Cameroon's maritime areas, guarantee the policing of navigation and facilitate the control of industrial fishing and offshore oil exploitation activities.

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<sup>315</sup> Presentation by Mr Bring of MINEPDED during the African Seas and Oceans Day on 10 August 2022 on the Reminder of the Importance of the Seas and Oceans through Their Functions.

### 5.4.3. Long-term observations and capacity-building needs

There has been an overall observation of relative participation of local and coastal populations in ocean governance. The long-term capacity building needs include:

- Legal framework: Revise outdated texts (e.g. Cameroon Merchant Shipping Code of 1962).
- Put in place a National Maritime Transport Policy for Cameroon, NMTP
- Reinforce the security of the marine space;
- Ensure the ecological monitoring of the activities and zones of exploration and exploitation of petroleum resources at sea and of industrial fishing activities in order to reduce the excessive exploitation (fishing efforts) of fishery resources in the territorial waters of Cameroon.
- Logistics: Equip the administrations with the infrastructure and equipment required for operational needs (e.g. patrols, inspections and environmental controls at sea). There is a need to purchase new equipment and maintain existing infrastructure.
- Human resources: Train the staff of the various central and decentralized administrations regarding the integrated management of marine resources. Also train customs personnel involved in sea control operations in the use of new information, communication and surveillance tools, and the implementation of customs regulations.
- Encourage private sector involvement in the management of the ports to set standards for efficiency and benchmarking of quality and competitiveness.
- Reduce port charges to encourage exporters and importers to use Cameroonian shipping facilities frequently instead of neighbouring ports.
- Create transparency and accountability in the shipping sector concerning public tender for projects and management operations.
- Reduce lengthy clearance procedures to minimize waiting time in the ports.
- Build capacity of local communities in ocean governance regarding the exploitation of marine resources under their jurisdiction.

In terms of needs at this level, the following priorities were expressed:

**Priority 1:** Funding for projects relating to the conservation and sustainable management of marine and coastal ecosystems, the removal of shipwrecks, the fight against plastic pollution and coastal clean-up.



**Priority 2:** Develop national technical and operational consultation frameworks or platforms for the revitalisation of coastal areas (Southwest, Littoral and South Regions) and oceans involving local communities (harmonizing interventions and addressing socio-economic and environmental issues).

**Priority 3:** Strengthen the technical and operational capacities of local institutions in ocean governance, particularly in the areas reserved for them by Law No. 2019/024 of 24 December 2019 to of 24 December 2019 to Institute the General Code of Regional and Local Authorities (Sections 31 to 35 on the management and use of the public maritime domain and Sections 241 and 268 on the environment and management of natural resources) and by the regulatory framework: Order No. 00008/A/MINEPDED of 2 November 2022 on the specifications for the conditions and technical modalities for the exercise of certain competences transferred by the State to the regions in the area of environmental protection and Order No 0142/A/MINTOUL of 2 November 2022 to lay down the conditions and technical procedures for the exercise of certain powers transferred by the State to the regions in the field of tourism and leisure.

## 6. RECOMMENDATIONS FOR IMPROVING OCEAN GOVERNANCE IN CAMEROON

Improving the legal framework for ocean governance in Cameroon at both central and decentralized levels involves taking into account a certain number of measures or guidelines set at the universal level by certain specialized international institutions of the United Nations system (UN, FAO, IMO, ILO, UNEP), regional intergovernmental organizations (European Union, African Union) and non-governmental players (IUCN, WWF, CITES) that work on a daily basis to protect and preserve the marine environment and ensure the sustainable exploitation and use of ocean resources.

In addition to the sustainable solutions mentioned in this report, in particular the optimization of integrated coastal zone management in terms of fisheries, the effective and sustainable repression of offences linked to the exploitation of fisheries resources in Cameroon and the strengthening of decentralized governance of the oceans, the State of Cameroon remains committed to improving its relations with other countries in the Gulf of Guinea that have a maritime coastline. With the aim of playing an active part in pooling regional efforts to ensure sustainable maritime governance in the marine and coastal ecosystems of Central Africa, the Cameroonian government was one of the key players in the revision on 18 December 2019 of the treaty establishing ECCAS, which promotes a community maritime policy taking into account various cooperation frameworks, focusing on tourism, the environment, natural resources and biodiversity, and gender. Its participation in the Central African subregion in major summits and conferences such as the Summit of Heads of State and Government of ECCAS, ECOWAS, and GGC on Maritime Safety and Security in the Gulf of Guinea on 25 June 2013 and COMAR 1 (First ECCAS Maritime Conference) organized in November 2022 testifies to its willingness to share its experience with other ECCAS member States.<sup>316</sup>

Even though the States of the Gulf of Guinea are contributing to issues that remain real concerns for the global system of the United Nations, such as securing the common maritime space of the Gulf of Guinea against insecurity, piracy, maritime terrorism and armed robbery, it should also be mentioned that these states are struggling to implement other measures such as the

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<sup>316</sup> The Topic of the conference was “Governance and security of the ECCAS maritime area for the development of a sustainable blue economy in Central Africa”. See: <https://ceeac-eccas.org>.

harmonization of legal frameworks and judicial cooperation for the repression of sea criminals.<sup>317</sup>

For better sustainable management of marine resources and effective supervision of maritime activities in waters under Cameroonian sovereignty and jurisdiction, the formulation of a number of recommendations relating to the various key sectors of the study could prove just as decisive (section 6.1 below). Other complementary recommendations will also enable Cameroon to strengthen its integrated maritime policy and enrich its experience among its peers in the Gulf of Guinea region (section 6.2).

## **6.1. Recommendations related to the key sectors of the study**

In general, the various central and decentralized administrations responsible for the governance of the key sectors of the study and those involved on an accessory basis generally show limited collaboration and coordination in their mode of action. In order to build an integrated and participatory approach (involving women, local and indigenous communities and civil society) to marine resource management in Cameroon in a sustainable manner, these different sectors can take into account the following considerations:

### **6.1.1. Safety and security of shipping in Cameroon**

Safety and security now occupies a prominent place in the governance of maritime transport in Cameroon with the adoption of Law No. 2022/017 of 27 December 2022 Relating to the Repression of Piracy, Terrorism and Offences against the Safety of Maritime Navigation and Platforms. It should also be added that the maritime transport sector is undergoing a transformation, including in terms of environmental development.<sup>318</sup> Similarly, international shipping and ports are key links in global supply chains and play a decisive role in the ability of all countries, including landlocked developing countries, to access global markets. Providing indicative data to policymakers, including flag States and owners, on the status of their country's fleet can be a useful first indicator that could help Gulf of Guinea States, including Cameroon, to implement targeted transport policies or incentive programmes. In an effort to address the proliferation of malicious acts against ships and mobile units in the Gulf of Guinea,

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<sup>317</sup> These measures, which are intended to combine national efforts to define a common and appropriate legal framework to combat piracy, armed robbery and other illegal activities committed at sea in the maritime area of Central and West Africa, were one of the main resolutions in the Final Communiqué of the Summit of Heads of State and Government of ECCAS, ECOWAS and the GGC on Maritime Safety and Security in the Gulf of Guinea on 25 June 2013.

<sup>318</sup> See Report of the United Nations Conference on Trade and Development (UNCTAD) on the 2019 Review of Maritime Transport, p. 79.

Cameroon hosted a regional conference on maritime safety and security in 2013. Although a regional framework to fight against these obstacles to the sustainability of maritime transport activities had already been defined at the time of this meeting of the Heads of State and Government of ECCAS and ECOWAS, it would be useful for Cameroon to emphasize its maritime cooperation at the regional level by taking up the following recommendations:

#### **In terms of maritime transport safety**

- Encourage or lead policymakers in maritime authorities and port States to define strategies and encourage the installation of modern systems to reduce the environmental impact of maritime transport.
- As a State party within the Maritime Organization of West and Central Africa, push for the adoption of a regulatory framework concerning the reduction of greenhouse gas emissions from international shipping and integrating other measures for the control of pollution caused by ships (air pollution, marine litter) and the protection of the marine and coastal environment, the management of ballast water and the transport of noxious and potentially dangerous substances.
- Within the Maritime Organization of West and Central Africa, insist on the adoption of measures to prevent illicit practices related to fraudulent ship registration and maritime registers and the creation of an integrated regional maritime transport information system that would contain the names and contact details of national government agencies or authorized entities responsible for ship registration.

#### **In terms of maritime transport security**

- As the headquarters of the Zone D Multinational Coordination Centre, encourage the signatory States to the 2013 Code of Conduct Concerning the Repression of Piracy, Armed Robbery against Ships, and Illicit Maritime Activity in West and Central Africa to urgently implement its Article 17 in order to ensure the sustainability of maritime transport.<sup>319</sup>

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<sup>319</sup> Article 17 of this regional text states that “within three (03) years of the effective date of this Code of Conduct, the Signatories intend to consult, at the invitation of the Inter-regional Coordination Centre, to

- (a) Eventually transform this Code of Conduct into a binding multi-lateral agreement
- (b) Assess the implementation of this Code of Conduct
- (c) Share information, experiences and best practices
- (d) Review cases which National Maritime Safety Centres have carried out and recommend actions to be taken thereafter
- (e) Review all other issues concerning maritime safety in the Gulf of Guinea” (International Maritime Organization, 2013).

- Develop simulation exercises on the coordinated protection of ships and other facilities at sea with other components of State action at sea on a recurring basis and as a deterrent in the subregional and regional maritime sphere.

### **6.1.2. Exploration and exploitation of non-living resources**

As mentioned above, the exploration and exploitation of non-living marine resources play a decisive role in the economic, political and social development of a good number of Gulf of Guinea States, including Cameroon. They contribute to the increase of the GDP of these States through the revenue generated by the sale of hydrocarbon products. However, in Cameroon, as in many coastal countries in the Gulf of Guinea, these activities disturb the ecological balance and are very harmful to coastal and marine ecosystems. These activities may contain explosion risks and environmental risks and may result in oil spills and water pollution. They are also the source of various intentional and malicious threats skilfully orchestrated by brigands and sea criminals. In order to protect both the exploration and exploitation of non-living marine resources in a sustainable manner and the workers in this sector, Cameroon has provided in its Law No. 2022/017 of 27 December 2022 Relating to the repression of Piracy, Terrorism and Offences against the Safety of Maritime Navigation and Platforms repressive measures against acts of terrorism on board ships and platforms and intentional oil spills at sea. In addition to the regional measures contained in the Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region and the Protocol Concerning Co-operation Combating Pollution in Cases of Emergency (1981), to which Cameroon is a Contracting Party, it would be equally important to take into account the following recommendations in order to strengthen cooperation at regional and subregional levels

- Conclude institutional arrangements with other CEMAC, ECCAS or ECOWAS contracting parties to program exercises to combat accidental oil pollution in the marine environment with a view to sharing experiences and operational knowledge.
- Conclude partnership agreements with regional training institutions such as the Regional Academy of Marine Sciences and Techniques and the Interregional Maritime Security Institute to build the capacity of staff in the upstream oil sector (SNH, MINMIDT) in the fight against accidental oil pollution at sea and in coastal areas.<sup>320</sup>

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<sup>320</sup> The Interregional Maritime Security Institute was created in 2015 to support the West and Central African States in the framework of capacity building decided by the Heads of State and Government at the Yaoundé Summit on 25 June 2013. It is the strategic training institute of the Regional Academy of Marine Sciences and Techniques in Abidjan (ISMI, 2019).

### 6.1.3. Coastal and marine tourism

Coastal and marine tourism today is an important element of social, economic and political development for the State of Cameroon. It represents the most dynamic sector and one of the main emerging activities in the coastal areas of the Littoral, South and Southwest Regions of Cameroon. Even if the benefits of this activity in the coastal zones of Cameroon are very low, marine and coastal tourism plays an important role in the achievement of the United Nations SDGs (SDG 8, “Growth and Employment”; SDG 12, “Sustainable Consumption and Production”; SDG 14, “Sustainable Use of Marine Resources”). However, its positive impacts are almost on the fringe of international obligations for the conservation of biological diversity and environmental protection imperatives in view of the risk of destruction or fragmentation of important wildlife habitats, such as sand dunes, coral reefs and wetlands and the risk of pollution from sewage, waste and depletion of resources. Also, the establishment of this activity does not always respect the non-identified zone delimited along the maritime coasts by State legislation.<sup>321</sup> In addition, the construction of a deep-water port near Grand Batanga in Kribi has completely transformed the area and threatens the Waterfalls of Lobé, impressive waterfalls under consideration as a UNESCO World Heritage Site that are a major touristic site in this coastal region.<sup>322</sup> At the sixty-first meeting of the UNWTO Commission for Africa held in Abuja on 4 and 6 June 2018, in which Cameroon took part, African Ministers of Tourism stressed the crucial role of tourism statistics in Africa, with a view to measuring the volume, value and impact of tourism in order to improve policies and strategies for the sector.<sup>323</sup>

In order to increase the revenue generated by this sector, it would be important for the Cameroonian authorities in charge of the governance of this sector to

- Promote cooperation at the regional level in the field of tourism statistics, including the development of joint initiatives and programmes with other African coastal States that are members of UNWTO.
- Enhance Cameroon’s contribution to the UNWTO database of tourism statistics.

In order to strengthen the initiatives undertaken by the Cameroonian authorities for the viability of sustainable marine and coastal tourism, it is necessary to

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<sup>321</sup> See Article 35 of Law No. 96/12 of 5 August 1996 on the Framework Law on Environmental Management.

<sup>322</sup> See World Tourism Organization (2013), *Governance and Management for Sustainable Tourism in Africa's Coastal Zones*, UNWTO, Madrid, p. 35.

<sup>323</sup> See: <https://www.e-unwto.org>.

- Implement objective No. 9 of the UNWTO Agenda for Africa 2030, which aims to advance actions for sustainability (especially biodiversity).<sup>324</sup>
- Strengthen the governance and management of marine and coastal tourism through international and regional cooperation with the aim of assisting local authorities to conserve environments and biodiversity, minimize environmental impact and contribute to the well-being of local communities.
- Implement Article 84 of the revised treaty of ECCAS, which commits States to:
  - a) Develop and promote sustainable tourism in the community area;
  - b) Develop a common policy on tourism;
  - c) Harmonize the regulations and the regulatory system concerning tourism in the community area;
  - d) Communicate to the Commission the documents that take stock of their tourism development plans and programmes.

#### **6.1.4. Protection and Preservation of the Marine Environment**

The protection and preservation of the marine environment and the immense wealth it contains remains a major concern at global, regional and national levels. But very often, different activities such as offshore oil and gas exploration and exploitation, maritime transport, overfishing and climate change contribute to its degradation and depletion in resources. Beyond the legal regime defined at the universal level in Part XII of UNCLOS and Chapter 17 of the United Nations Agenda 21, to which Cameroon is subject, this key sector is also regulated at the regional level. In view of the operational capacity deficit observed during inspections at sea and the monitoring of environmental management plans at sea and the lack of institutional arrangements between MINEPDED and other regional entities on ocean governance,<sup>325</sup> it would be important for the State of Cameroon to turn to international and regional cooperation in order to complement national efforts. To do so, it can take into account the following recommendations:

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<sup>324</sup> According to the UNWTO Commission for Africa, in order for tourism to grow and further benefit local communities and destinations in the region, “sustainability of the sector is a prerequisite in all areas of its value chain to ensure inclusive development for the continent. With the objective of minimizing the negative impacts of the sector, sustainable tourism is defined as ‘tourism that takes full account of its current and future economic, social and environmental impacts, addressing the needs of visitors, the industry, the environment and host communities’ and has the potential to be a key driver of wildlife protection and conservation in Africa” (UNWTO Regional Commission for Africa, 2019, p. 5).

<sup>325</sup> Information received on 27 September 2022 during an interview with the Head of the Legal Affairs Department of MINEPDED.

- Implement the cooperation tools relating to the protection and preservation of the marine environment defined in Book IV of Regulation No. 08/12-UEAC-088-CM-23 of 22 July 2012 to Adopt the Revised CEMAC Merchant Shipping Code.
- Increase at regional and subregional levels the sharing of experience on the exchange of information on issues relating to the marine environment and coastal zones.
- Ratify the 2017 Additional Protocol to the Abidjan Convention on Mangrove Management with a view to taking into account the opinion of coastal States before undertaking any action or any project or programme likely to have a transboundary impact on the mangrove ecosystem or on the possibility of implementing future projects and programmes.
- Establish jointly with the coastal States of the common maritime zone of ECCAS appropriate urgent and punctual measures for the protection and preservation of singular or fragile ecosystems as well as the habitat of impoverished, threatened or endangered species and other forms of life.
- Use the mechanisms for assistance in critical situations in the marine environment to combat pollution by oil and other harmful substances.

### **6.1.5. Marine Scientific Research**

Increasing scientific knowledge, developing research capacity and making the best use of new marine technologies are essential for the sustainable management of the oceans.<sup>326</sup> With over 3 billion people heavily dependent on marine ecosystems for food and livelihoods, ocean research remains an activity that no country can undertake alone.<sup>327</sup> This activity remains essential for developing effective coastal protection and management measures as well as for climate risk assessment and for adaptation and for building the resilience of seaports and other coastal transport infrastructure.<sup>328</sup> In Cameroon, marine and coastal areas are subject to serious threats that affect water quality and the life balance of marine biological resources. These areas are also the sites of accidental and operational oil spills. In its approach, Cameroon, through

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<sup>326</sup> See: <https://news.un.org/fr/story/2022/06/1122952>.

<sup>327</sup> See: <https://news.un.org/fr/story/2022/06/1122952>.

<sup>328</sup> See Report of the United Nations Conference on Trade and Development (UNCTAD) on the 2019 Review of Maritime Transport, p. 90.



MINRESI, is committed at the international level to IOC/UNESCO, which provides an essential mechanism for cooperation regarding the oceans and helps governments solve their individual and collective problems related to the oceans and coastal areas through the sharing of knowledge, information and technologies. At the regional level, Cameroon has committed to ratifying a number of conventions aimed at developing MSR in the fisheries sector.

Although MINRESI has been working since 2021 on the creation of an institute of oceanographic research and marine studies<sup>329</sup>, it would be important for Cameroon to take into account the following suggestions:

- Strengthen multilateral and bilateral cooperation with countries and institutions that possess MSR technologies and equipment in order to facilitate their acquisition (technology transfer; technical assistance in the acquisition, maintenance and production of the necessary equipment and facilities). To this end, fully implement the provisions of Part XIII of UNCLOS.<sup>330</sup>
- Strengthen the capacities of national MSR centres under the supervision of IRAD for optimal collaboration in regional cooperation projects.
- Promote regional and subregional cooperation for the development of scientific and technological research studies and programmes with the aim of strengthening knowledge of ocean habitats and resources and preventing, reducing, combating and controlling marine pollution in critical situations.
- Promote concerted action to improve knowledge of the marine environment and its resources.
- Actively contribute to the development of regional fisheries management plans as well as to the improvement of fishing techniques or gear adapted to the specific needs of the Gulf of Guinea region.

#### **6.1.6. The Fisheries Sector in Cameroon**

In the fisheries sector, the European Union has included Cameroon on the list of non-cooperating third countries in the fight against IUU fishing in accordance with its Regulation to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, which came into force in 2010.

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<sup>329</sup> See: <https://www.mediterre.org/terres/actu,20211119091258,6.html>.

<sup>330</sup> See also [www.un.org/depts/los/doalos\\_publications/publicationstexts/msr\\_guide%202010\\_final.pdf](http://www.un.org/depts/los/doalos_publications/publicationstexts/msr_guide%202010_final.pdf).

In terms of impact, this decision will no longer allow Cameroon to export its fisheries products to the European Union. Also, provisions under the IUU regulation have been formulated for EU operators to purchase fishing vessels flying the flag of Cameroon, to carry out joint fishing operations with vessels flying the flag of Cameroon and to enter into agreements, vessel re-flagging operations or any private trade agreements aimed at enabling the exploitation of fishing opportunities in Cameroon.<sup>331</sup> In terms of recommendations, it would be important to:

- Introduce new measures to target the activities of its distant water fleet, including stronger enforcement of IUU fishing offences through reforms of national fisheries legislation.
- Improve and strengthen cooperation with neighbouring countries in the fight against IUU fishing and exchange information on landings and transshipments of catches.
- Accelerate the ratification process of the 2009 FAO Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing.
- Consider becoming party to the United Nations Fish Stocks Agreement.
- Adopt a national action plan to combat IUU fishing.
- Intensify cooperation with third countries and NGOs in the fight against IUU fishing.
- Join the International Monitoring, Control and Surveillance Network for fisheries-related activities.
- Review and modify the procedures for registering fishing vessels, taking into account the obligations set out in Articles 91, 92 and 94 of UNCLOS.

With regard to the safety of underage young people employed in the fishing sector, it would be important for the Cameroon government to reinforce the measures relating to working conditions and the protection of their social rights on board fishing vessels contained in Law No. 92/007 of 14 August 1992 on the Labour Code in Cameroon (Article 86) and Ordinance No. 62-OF-30 of 31 March 1962 on the Merchant Shipping Code (Articles 108 and 162).

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<sup>331</sup> See: [https://www.ec.europa.eu/commission/presscorner/detail/fr/qanda\\_22\\_7891](https://www.ec.europa.eu/commission/presscorner/detail/fr/qanda_22_7891).

The World Trade Organization Agreement on Fisheries Subsidies of 17 June 2022, adopted at its 12th Ministerial Conference, specified a set of measures that would allow any WTO member State, including Cameroon, to accede to this international instrument.<sup>332</sup> It should be noted that the WTO closely follows the practice of the United Nations depositories based on international treaty law, even though the Agreement has not yet been accepted by two-thirds of the members. A protocol of acceptance has been opened for WTO members that would allow Cameroon, through the deposit of an “instrument of acceptance”, to formally declare its consent to the amendment of the Protocol promoting the insertion of the Agreement on fisheries subsidies into Annex 1A of the WTO Agreement.<sup>333</sup> In practical terms, a template has been provided for this purpose. It reserves the procedure for declaring formal acceptance of the revision process of the Marrakesh Agreement Establishing the WTO, which contains the Agreement on fisheries subsidies, to the Head of State, Head of Government or the Minister of Foreign Affairs. Should the need arise for a valid instrument of acceptance, the Legal Affairs Division of the WTO invites interested delegations to contact its Depository Assistant.<sup>334</sup> Cameroon would benefit from joining Seychelles, the first African WTO member to formally accept the World Trade Organization Agreement on Fisheries Subsidies by submitting its instrument of acceptance, in order to contribute to global efforts to conserve the long-term health of the oceans for future generations.<sup>335</sup> While the Agreement prohibits support for IUU fishing and support for fishing of overexploited stocks and suspends subsidies for unregulated high seas fishing, it recognizes the needs of developing and least developed countries in terms of benefits. It provides for technical assistance and capacity-building mechanisms to assist those countries that ratify the agreement to meet their obligations to combat IUU fishing.

With regard to cooperation in the fisheries sector at the regional level, it would be important for Cameroon to consider the following options:

- Strengthen its collaboration with other African States in the Atlantic Ocean to promote active and structured cooperation in fisheries management and development.<sup>336</sup>

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<sup>332</sup> This Agreement marks a major step forward for the sustainability of the oceans by banning harmful fishing subsidies, a key factor in the overall depletion of fish stocks worldwide (WTO, 2022).

<sup>333</sup> See: [https://www.wto.org/french/tratop\\_f/rulesneg\\_f/fish\\_f/implementedfishagreement22\\_f.htm](https://www.wto.org/french/tratop_f/rulesneg_f/fish_f/implementedfishagreement22_f.htm) .

<sup>334</sup> To contact the WTO Depository Assistant, see WTO (2023a). See also (WTO, 2022, p. 23).

<sup>335</sup> See: [https://www.wto.org/french/news\\_f/news23\\_f/fish\\_10mar23\\_f.htm](https://www.wto.org/french/news_f/news23_f/fish_10mar23_f.htm).

<sup>336</sup> See Article 2 of the 1991 Regional Convention on Fisheries Cooperation between African States bordering the Atlantic Ocean (COMHAFAT).

- Improve the process for concluding fisheries cooperation agreements on a preferential basis by exchanging information with other coastal States, landlocked States and those in geographically disadvantaged regions with a view to sharing experiences.
- Participate in the establishment of a common maritime training policy in the Gulf of Guinea covering all technical, scientific, economic and legal aspects of the fisheries sector, involving the training of women and promoting exchanges of trainers and students.
- Strictly apply the recommendations adopted at regional<sup>337</sup> and community levels<sup>338</sup> concerning the improvement of the social and working conditions of seamen through surveillance, control and monitoring operations.
- Implement the measures contained in the 2013 Yaoundé Code of Conduct on Maritime Safety and Security aimed at the cooperation and collaboration of the signatories with subregional fisheries entities and with the FAO for the suppression of IUU fishing and the protection of fisheries resources for their long-term use in support of livelihoods in West and Central Africa.<sup>339</sup>
- Strengthen subregional cooperation in Maritime Zone D for the implementation of the 2009 Kinshasa Protocol (ECCAS Protocol) on securing the vital interests of States at sea in the Gulf of Guinea.

Still with the aim of strengthening its cooperation at regional level with other coastal States in the fisheries sector, it would be important for Cameroon to also take into account the measures provided for in paragraph 1 of Article 8 and those contained in Articles 11 and 13 of the Code of Conduct on the Prevention and Suppression of Acts of Piracy, Armed Robbery against Ships and Illegal Maritime Activities in West and Central Africa. In concrete terms, these measures call on States to:

- Consult each other at bilateral and subregional levels to formulate and harmonize policies for the conservation, management and sustainable use of

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<sup>337</sup> See Article 9 of the 1991 Regional Convention on Fisheries Cooperation between African States bordering the Atlantic Ocean (COMHAFAT).

<sup>338</sup> See BOOK V of Regulation No. 08/12-UEAC-088-CM-23 of 22 July 2012 adopting the revised CEMAC Community Merchant Shipping Code.

<sup>339</sup> See Article 8 of the 2013 Code of Conduct on the Prevention and Suppression of Acts of Piracy, Armed Robbery against Ships and Illegal Maritime Activities in West and Central Africa.

marine biological resources straddling maritime zones and highly migratory zones or on the high seas.

- Coordinate and exchange information or intelligence by disseminating appropriate alerts in their respective areas of responsibility concerning imminent threats or incidents against vessels.
- Assist each other through information exchange centres in the detection of any persons having committed acts of IUU fishing in their maritime domain.
- Cooperate with the aim of pooling experience and best practices.

## **6.2. Additional recommendations**

The activities developed in Cameroon's maritime zones, like those of other coastal States in the Gulf of Guinea, are not without risks. These activities are carried out by professionals whose legal regime seems to be particular. Commonly called "People of the Seas", this category of people is the object of protection of their social rights by certain international texts adopted within the International Labour Organization such as the Maritime Labour Convention 2006. Cameroon, which is one of the members of this United Nations specialized agency, has still not ratified this international agreement, nor that of the ILO on Work in Fishing 2007, even though at the community (regional) level, it is subject to the rules mentioned in Book V of Regulation No. 08/12-UEAC-088-CM-23 of 22 July 2012 adopting the revised CEMAC Community Merchant Shipping Code.

At the national level, certain legal instruments such as Ordinance No. 62-OF-30 of 31 March 1962 on the Cameroon Merchant Shipping Code regulate work at sea to some extent in its Book II. However, this code has never been revised since its adoption and as a result, it has not integrated the new measures for the protection of the social rights of workers at sea contained in the ILO Maritime Labour Convention (2006) and the Work in Fishing Convention (2007). Law No. 92/007 of 14 August 1992 on the Labour Code did not take into account the specificities of work and life at sea.

In order to take into account the protection of the social rights of workers at sea in the governance of the oceans in Cameroon, it would be important for the State of Cameroon to take into account the following recommendations in this regard:

### **6.2.1. At the international level**

#### **Ratify and adhere to the ILO Maritime Labour Convention of 2006**

This legal instrument has made it possible to take a decisive step towards the harmonization of international protection of maritime labour.

### **Accede to the ILO Work in Fishing Convention of 2007**

This convention aims to ensure that fishers employed on fishing vessels flying the flag of a State enjoy decent working and living conditions. Cameroon would benefit from ratifying this convention in order to ensure that employees of fishing vessels flying the Cameroonian flag receive social security benefits.

### **Ratify the ILO's Work in Fishing Convention (2007) and transpose into national law the obligations incumbent on fishing vessel owners and fishers with regard to the safety and health of fishers under the age of 18.**

Also ensure compliance with the minimum conditions required for minors (children) to work on board fishing vessels.<sup>340</sup>

#### **6.2.2. At the national level**

Revise Law No. 92/007 of 14 August 1992 on the Labour Code to integrate the specificities of work and life at sea.

- Continue the process of protecting spawning grounds and preserving certain fish species and safeguarding coastal and marine biodiversity through the creation of national marine parks or marine protected areas, such as the one created at Manyange na Elombo-Campo and its buffer zone by Decree No. 2021/4804 of 9 July 2021.<sup>341</sup>

As mentioned in the joint UNDP-MINEPAT Report of July 2022 on the Identification of Gaps and Needs in the Fish Sector in Cameroon and the Potential for Investment,<sup>342</sup> it would be

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<sup>340</sup> With a view to protecting the rights of minors employed in the fishing industry, paragraph 6 of Section 9 of this text states that: "It is forbidden to employ a fisherman under the age of 18 for night work." This night period "covers the period of at least nine consecutive hours, starting no later than midnight and ending no earlier than 5 a.m." However, "a derogation from the strict observance of the restriction on night work may be decided by the competent authority when:

(a) the effective training of the fishers concerned within the framework of established programmes and study plans could thereby be compromised; or  
(b) the particular nature of the work or an approved training programme requires the fishers covered by the exemption to work at night and the authority decides, after consultation, that such work will not be detrimental to their health or well-being".

<sup>341</sup> Article 6 of this important text states that "Any human activity likely to affect the objectives of the Manyange na Elombo-Campo Marine National Park and its buffer zone can only be undertaken after environmental impact studies have been duly approved by the competent administration".

<sup>342</sup> This report was submitted by the Head of the National Development Strategy Development Unit (SND-30) of Cameroon's Ministry of the Economy, Planning and Regional Development.

important for the Cameroonian Government to facilitate access to the factors of production of artisanal maritime fishing. This implies the following:

- Improving the availability of artisanal fishing gear (rope reels, nets, weights, floats, etc.)
- Facilitating access to safety materials and equipment for small-scale fishing by organizing campaigns to distribute this equipment in all the major centres of small-scale fishing.
- Promote tripartite financing (MINEPIA-MINEPAT-MINFI) of the local production of artisanal fishing materials and equipment in order to facilitate access to various sources of financing for the actors concerned.
- Develop infrastructures for access to the artisanal maritime fishing basins while ensuring the security of the Bakassi Peninsula, which is the largest artisanal maritime fishing basin, and limiting the uncontrolled export of local production.
- Sustainably manage the artisanal maritime fishing basins with a view to preserving the resource while intensifying actions to combat the dumping of waste in the waterways
- Strengthen the capacities of the actors in the value chain of artisanal maritime fishing.

Beyond the above recommendations, it is important to note that the Government of Cameroon is working towards the creation of an autonomous ocean governance agency. This integrated institution will be a multi-sectoral body that will be made up of all the administrations concerned.<sup>343</sup>

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<sup>343</sup> Information received from the Government of Cameroon.

## Appendix: Tables Related to the Main National Components of the Legal and Institutional Framework on Ocean Governance within the Framework of UNCLOS and Related Instruments

### A1. National legal and institutional framework on ocean governance

**Table A1.2.1. Conservation and utilization of living resources, including fishing and mariculture**

National frameworks	Date adopted	Institutional frameworks
Ordinance No. 62-OF-30 on the Merchant Shipping Code	31/03/1962	PRC
Decree No. 82/406 Publishing the Fisheries Agreement Protocol between the United Republic of Cameroon and the Republic of Equatorial Guinea	06/09/1982	PRC
Law No. 94/01 to Lay Down Forestry, Wildlife and Fisheries Regulations	20/01/1994	PRC
Decree No. 95/413/PM Laying Down Certain Modalities for the Application of the Fishing Regime	20/06/1995	Prime Minister
Order No. 0002/MINEPIA Laying Down the Terms and Conditions for the Protection of Fishery Resources	01/08/2001	MINEPIA
Decree No. 2001/546/PM Amending and Supplementing Certain Provisions of Decree No. 95/413/PM of 20 June 1995 Establishing the Terms of Application of the Fishing Regime	30/07/2001	MINEPIA
Decree No. 2002/07/PM on Standards for the Packaging and Transport of Fishery Products	17/01/2002	Prime Minister



Order No. 0025/MINEPIA/DIRPEC/SDPIA/SPI on the Prohibition of Pair Trawl Fishing	16/02/2000	MINEPIA
Order No. 0021/MINEPIA on the Procedures for the Inspection of Industrial Fishing Vessels, Scientific Observation and Surveillance of Fishing Activities	11/04/2002	MINEPIA
Order No. 143 /PM to Lay Down Conditions for the Conduct of Inspection and Control of Technical Services on Board Vessels	14/09/2010	Prime Minister
Order No. 278/MTMPT Instituting a Certificate of Capacity for Driving Motorized Canoes	26/11/1963	Ministry of Transport, Mines, Posts and Telecommunications
Order No. 9/MTPT Regulating the Registration of Canoes and Similar Non-Motorized Craft	08/06/1968	Ministry of Transport, Mines, Posts and Telecommunications
Order No. 030/MINEL/CBM Defining the Standards Required for Establishments Operating Sea Fishing Products	10/10/1975	MINEPIA
Order No. 016/MINEPIA on the Organization and Setting the Operating Procedures of Aquaculture Stations	29/09/1987	MINEPIA
Order No. 017/MINEPIA on the Organization and Operation of Fishing Centers	29/09/1987	MINEPIA
Order No. 0010/MINEPIA Laying Down the Procedures for Sanitary Control and Monitoring of the Conditions of Production of Fishery Products	24/04/1998	MINEPIA
Order No. 0012/MINEPIA Laying Down the Technical Conditions Applicable to Fishing Vessels	24/04/1998	MINEPIA

Order No. 0023/MINEPIA Establishing an Office for the Quality Control of Fishery Products	01/02/2000	MINEPIA
Decision No. 108/MINEPIA on the Transfer of Inland Fishing and Fish Farming Materials and Equipment	12/05/1988	MINEPIA
Decision No. 100/MINEPIA Defining the Quality Criteria for Water Used in the Treatment of Fishery and Aquaculture Products		MINEPIA
Decree No. 2012/382 to Organize the Ministry of Livestock, Fisheries and Animal Industries	14/09/2012	MINEPIA
Agreement between MINEPIA and MINDEF on the Fight against Illegal, Unreported and Unregulated Fishing	20/12/2013	MINEPIA/MINDEF

**Table A1.2.2. Safety and security of shipping**

National framework	Date adopted	Institutional framework
Decree No. 2007/290 on the Organization and Conduct of State Action at Sea and on Inland Waterways	01/11/2007	PRC
Decree No. 2002/036 Establishing and Organizing the Forces of the National Navy	04/02/2002	PRC
Law No. 2000/02 Relating to the Maritime Zones of the Republic of Cameroon	17/04/2000	PRC
Ordinance No. 62-OF-30 to Establish the Merchant Shipping Code	31/03/1962	PRC
Decree No. 2012/250 to Organize the Ministry of Transport	01/06/2012	PRC
Law No. 95/09 Fixing the Conditions of Exercise of Maritime and Para-Maritime Professions	30/01/1995	PRC
Decree No. 96/071 Fixing the Conditions of Approval and Exercise of the Maritime Professions	08/04/1996	PRC
Law No. 96/12 on the Framework Law on Environmental Management	05/08/1996	PRC
Partnership Agreement Between MINFI and MINDEF on Customs Surveillance of the Water Body	11/08/2015	MINFI/MINDEF

**Table A1.2.3. Exploration and exploitation of non-living resources**

National framework	Date adopted	Institutional framework
Law No. 2019/008 to Institute the Petroleum Code	25/04/2019	PRC
Law No. 2016/17 to Institute the Mining Code	14/12/2016	PRC
Decree No. 98/031 on the Organization of Emergency Plans and Relief in Case of Disasters or Major Risks	09/03/1998	Prime Minister
Decree No. 2000/465 of 30 June 2000, Establishing the Terms of Application of Law No. 99/013 of 22 December 1999 on the Petroleum Code	20/06/2000	Prime Minister
Decree No. 2001/165/PM Specifying the Modalities for the Protection of Surface Water and Groundwater against Pollution	08/05/2001	Prime Minister
Law No. 64-DF-162 Establishing the Modalities of Exploration, Exploitation and Transportation of Liquid and Gaseous Hydrocarbons	26/05/1964	PRC
Law No. 2012/006 to Institute the Gas Code in Cameroon	19/04/2012	PRC

**Table A1.2.4. Coastal and marine tourism**

<b>National framework</b>	<b>Date adopted</b>	<b>Institutional framework</b>
Law No. 2016/006 Governing Tourist and Leisure Activities in Cameroon	18/04/2016	PRC
Decree No. 2022/5075/PM to Lay Down the Modalities of Application of Law No. 2016/006 of 18 April 2016 Regulating Tourism and Leisure Activities in Cameroon	04/07/2022	Prime Minister
Decree No. 2003/281 on the Organisation of the Ministry of Tourism	15/10/2003	PRC
Decree No. 2013/291 on the Organisation of the Ministry of Tourism and Leisure	21/06/2013	PRC

**Table A1.2.5. Protection and preservation of the marine environment, including area-based conservation tools/measures**

National framework	Date adopted	Institutional framework
Law No. 96/12 on the Framework Law on Environmental Management	05/08/1996	PRC
Decree No. 2006/1577/PM Modifying and Completing Certain Provisions of Decree No. 2001/718 of 3 September 2001 on the Organization and Functioning of the Inter-ministerial Committee for the Environment	11/09/2006	Prime Minister
Decree No. 2011/2492/PM to Amend and Supplement Some Provisions of Decree No. 94/259/PM of 31 MAY 1994 to Create a National Consultative Committee on Environment and Sustainable Development	18/08/2011	Prime Minister
Decree No. 2011/2581/PM to Regulate Harmful and/or Dangerous Chemicals	23/08/2011	Prime Minister
Decree No. 2012/431 of 1 October 2012 on the Organisation of the Ministry of the Environment, Nature Protection and Sustainable Development	01/10/2012	PRC
Decree No. 2013/0171/PM of 14 February 2013 Establishing the Modalities for Carrying Out Environmental and Social Impact Studies	14/02/2013	Prime Minister
Decree No. 2013/0172/PM Establishing the Modalities for Carrying Out Environmental and Social Impact Studies	14/02/2013	Prime Minister
Order No. 005/MINEP Establishing the Powers, Composition and Operating Procedures of the Regional Commission of the National Advisory Commission for the Environment and Sustainable Development	09/11/2011	MINEPDED
Order No. 001/MINEPDED Setting the Conditions for Obtaining an Environmental Permit	15/10/2012	MINEPDED

Order No. 002/MINEPDED Setting the Specific Conditions for the Management of Industrial (Toxic and/or Hazardous) Waste	15/10/2012	MINEPDED
Order No. 0001/MINEP Defining the General Content of the Terms of Reference for Environmental Impact Studies	03/02/2007	MINEPDED
Order No. 143/PM to Lay Down Conditions for the Conduct of Inspection and Control of Technical Services on Board Vessels	30/08/2010	Prime Minister
Order No. 005/MINEP Establishing the Powers, Composition and Operating Procedures of the Regional COMMISSION of the National Advisory Commission for the Environment and Sustainable Development	09/11/2011	MINEPDED
Law No. 94/01 to Lay Down Forestry, Wildlife and Fisheries Regulations	20/01/1994	PRC
Law No. 98/005 to Lay Down Regulations Governing Water Resources	14/04/1998	PRC
Law No. 2019/008 to Institute the Petroleum Code	25/04/2019	PRC
Law No. 2019/024 to Institute the General Code of Regional and Local Authorities	24/12/2019	PRC
Decree No. 2021/747 of 28 December 2021 Setting the Procedures for Exercising Certain Powers Transferred by the State to the Regions in Terms of Environmental Protection	28/12/2021	PRC

**Table A1.2.6. Marine scientific research**

<b>National framework</b>	<b>Date adopted</b>	<b>Institutional framework</b>
Decision No. 00004/MINRESI/B00 on the Establishment and Organization of the Technical Working Group for the Follow-Up of the Activities of IOC/UNESCO		MINRESI
Decision No. 00005/MINRESI/B00 Designating the Members of the Technical Working Group for the Follow-up of the Activities of IOC/UNESCO	23/02/2010	MINRESI
Decree No. 2005/091 of 29 March 2005 on the Organisation of the Ministry of Scientific Research and Innovation	29/03/2005	PRC
Decree No. 2012/383 on the Organisation of the Ministry of Scientific Research and Innovation	14/09/2012	PRC



**Table A1.3. Related instruments (policy documents)**

<b>Designation of the document</b>	<b>Date adopted</b>	<b>Institutional framework</b>
National Development Strategy (SND)	28/11/2019	MINEPAT/United Nations Development Programme (UNDP)
National Environmental Management Plan of Cameroon (PNGE)	08/11/1996	MINEPDED
National Gender Policy	23/01/2015	Ministry for the Promotion of Women and the Family
National Waste Management Strategy	04/09/2008	MINEPDED
National Action Plan for the Management of Marine and Coastal Areas	2010	MINEPDED
Integrated Coastal Management Plan (ICAM Plan) for the Kribi-Campo Area in Cameroon	2010	MINEPDED

## A2. List of international instruments relating to the oceans to which Cameroon is a signatory or party

### A2.1 Conservation and utilization of living resources, including fishing and mariculture

**Table A2.1.1. High-level information on Cameroon's participation in multilateral instruments related to fisheries**

Multilateral instruments	Date Adopted	Effective date	Date of accession/ratification by Cameroon
UNCLOS	10/12/1982	16/11/1994	19/11/1985
CITES	03/03/1973		03/09/1981
The 1995 Agreement for the Implementation of the Provisions of UNCLOS of 10 December 1982 Relating to the Conservation and Management of Fish Stocks which move both within and beyond EEZs (Straddling stocks) and highly migratory fish stocks and related instruments	04/08/1995		Not ratified

**Table A2.1.2. High-level information on Cameroon’s participation in regional instruments related to fisheries**

<b>Regional instruments</b>	<b>Date adopted</b>	<b>Effective date</b>	<b>Date of accession/ratification by Cameroon</b>
Convention Concerning the Regional Development of Fisheries in the Gulf of Guinea	21/06/1984		21/10/2010
Regional Convention on Fisheries Cooperation between African States bordering the Atlantic Ocean	05/07/1991		06/07/1991

## A2.2. Safety and security of shipping

**Table A2.2.1. High-level information on Cameroon's participation in multilateral instruments related to shipping**

<b>Multilateral instruments</b>	<b>Date adopted</b>	<b>Effective date</b>	<b>Date of accession/ratification by Cameroon</b>
Convention establishing the International Maritime Organization	06/03/1948	01/05/1961	01/05/1961
International Convention for Safety of Life at Sea	01/11/1974	14/08/1984	14/05/1984
International Convention on Load lines	05/04/1966	21/07/1969	14/05/1984
International Convention on oil Pollution Preparedness, Response and Cooperation (OPRC Convention)	30/11/1990		18/09/2009
International Maritime organization Protocol of 1992 to amend the International Convention on the establishment of an International fund for compensation for Oil pollution damage	27/11/1992		15/10/2001
United Nations Convention on the Carriage of Goods by Sea	03/03/1978	01/11/1992	22/10/1993
United Nations Convention on the law of the Sea	10/12/1982	16/11/1994	19/11/1985
Convention on the International Regulation for Preventing Collisions at Sea	20/10/1972	14/05/1984	14/05/1984
International Convention on Maritime Search and Rescue	27/04/1979	08/02/1987	09/01/1987

International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC Convention)	30/11/1990	13/05/1995	18/09/2009
International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM)	13/02/2004	08/09/2017	28/04/2020

**Table A2.2.2. High-level information on Cameroon's participation in regional instruments related to shipping**

<b>Regional instruments</b>	<b>Date adopted</b>	<b>Effective date</b>	<b>Date of accession/ratification by Cameroon</b>
Protocol relating to the strategy for securing the vital interests at sea of the ECCAS States in the Gulf of Guinea			24/10/2009
Technical Agreement between ECCAS and the States of Cameroon, Gabon, Equatorial Guinea and São Tomé and Príncipe on the establishment of a surveillance plan for the maritime security of the Gulf of Guinea			06/05/2009
Revised treaty establishing the Economic Community of Central African States			18/12/2019
CEMAC Community Code for the Merchant Navy			22/07/2012

### A2.3. Exploration and exploitation of non-living resources

Table A2.3.1. High-level information on Cameroon's participation in multilateral instruments related to exploration and exploitation of non-living resources

Multilateral instruments	Date adopted	Effective date	Date of accession/ratification by Cameroon
UNCLOS	10/12/1982	16/11/1994	19/11/1984

### A2.4. Coastal and marine tourism

Table A2.4.1. High-level information on Cameroon's participation in international instruments related to coastal and marine tourism

Multilateral instruments	Date adopted	Effective date	Date of accession/ratification by Cameroon
UNWTO Charter for Sustainable Tourism			28/04/1995
UNCLOS	10/12/1982	16/11/1994	19/11/1985
Global Code of Ethics for Tourism			21/12/2001

## A2.5. Protection and preservation of the marine environment, including area-based conservation tools/measures

**Table A2.5.1. High-level information on Cameroon's participation in multilateral instruments related to protection and preservation of the marine environment**

<b>Multilateral instruments</b>	<b>Date adopted</b>	<b>Effective date</b>	<b>Date of accession/ratification by Cameroon</b>
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	22/03/1989	02/05/1992	10/05/2001
UNCLOS	10/12/1982	16/11/1994	19/11/1985
Convention on Wetlands of International Importance especially as Waterfowl (Ramsar)	02/02/1971	21/12/1975	20/07/2006
International Convention for the Regulation of Whaling (ICRW)	02/12/1946		14/06/2005
Convention on Biological Diversity	14/06/1992	29/12/1993	19/10/1994
CITES	03/03/1973		03/09/1981
Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	22/03/1989	02/05/1992	09/02/2001
Convention on Wetlands of International Importance especially as Waterfowl (Ramsar)	02/02/1971	21/12/1975	20/07/2006

## A2.6. Marine scientific research

Table A2.6.1. High-level information on Cameroon's participation in regional instruments related to marine scientific research

Multilateral instruments	Date adopted	Effective date	Date of accession/ratification by Cameroon
UNCLOS	10/12/1982	16/11/1994	19/11/1985



### A3. Observations and capacity-building needs

**Table A3.1. Observations**

Issue with the state's legal framework	Issue with institutional framework	Integrated management issues
<p>The obsolescence of Law No. 94/01 of 20 January 1994 to Lay Down Forestry, Wildlife and Fisheries Regulations relating to the use of mechanisms for the protection and conservation of marine biodiversity as defined in the 1992 Convention on Biological Diversity. The absence of a quota system or total allowable catch in the Law (Chapter III) on the management and conservation of fishery resources is particularly noted.</p>	<p>Administrative red tape</p>	<p>Overlapping institutional competences, for example, between MINTRANS and MINPEA on the control of vessels. MINEPIA is in charge of controlling the cargo of fishing products, fishing nets, and would like to control fishing vessels. MINTRANS is in charge of ships and is responsible for policing navigation.</p>
<p>The lack of precise detail of Law No. 96/12 of 5 August 1996 on the framework law relating to environmental management of mechanisms for sanctioning or repairing damage caused by spills, dumping and incineration in maritime waters under Cameroonian jurisdiction of substances derived from hydrocarbons</p>	<p>Limited consultation between the various institutions involved in coastal zone management</p>	<p>Conflicts of competence and overlaps between MINEPDED and MINTRANS in the area of marine pollution control; between MINEPDED and MINEPIA in the area of conservation and sustainable management of marine biodiversity</p>

<p>The lacunae in Ordinance No. 62/OF/30 of 31 March 1962 to lay down the Cameroon Merchant Navy Code with respect to the international measures in force on the safety of maritime navigation and the police of navigation</p>	<p>Lack of means to monitor activities</p>	<p>The absence of an operational mechanism for coordinating the State's action at sea (custodian of the State's action at sea)</p>
<p>The relative involvement of all stakeholders in the drafting of laws, resulting in an overlap of actors taking uncoordinated action</p>	<p>Limited collaboration between sectoral institutions</p>	
<p>Insufficient application of existing laws and regulations on the management of Cameroon's coastal zones (Decree No. 2007/290 of 1 November 2007 on the Organization and Conduct of State Action at Sea and on Inland Waterways)</p>	<p>Insufficient human resources</p>	
<p>The lacunae in national legislation and regulations on the repression of transnational criminal acts orchestrated in the Cameroonian maritime domain, notably maritime piracy, armed robbery, illegal, undeclared and unregulated (IUU) fishing, maritime terrorism</p>	<p>Limited qualifications of the staff of the different institutions involved in the management of marine and coastal areas</p>	
<p>The absence of ratification of certain important international texts on ocean governance.</p>		

**Table A3.2.2. Short-term observations and prioritized inventory of capacity-building needs**

Observations	Priority 1	Priority 2	Priority 3
<p>There is a need to strengthen collaboration between the central administrations concerned or involved in ocean governance (inter-ministerial coordination, integrated approach to the management of marine resources). A legal vacuum exists relating to the governance of the oceans within the framework of the blue economy. There is no legal framework adapted to the integrated management of marine resources in coastal or littoral zones.</p>	<p>Raise government awareness of the importance of participatory and integrated coastal zone management in the exploitation of marine resources. This awareness-raising must integrate curative measures such as the reduction of carbon emissions to limit the pressure on ocean absorption, as well as preventive measures aimed at strengthening legal tools and implementing international conventions such as UNCLOS, in order to guarantee the preservation and restoration of marine and coastal ecosystems (marshes, mangroves, grass beds, coral reefs, etc.)</p>	<p>Develop a national policy on ocean governance and legal capacity-building through training.</p>	<p>Urgent revision of existing legislation to adapt it to the current national and international context.</p>

**Table A3.2.3. Medium-term observations and prioritized inventory of capacity-building needs**

Observations	Priority 1	Priority 2	Priority 3
<p>Institutional challenges noted in the medium term, particularly regarding the provision of equipment and materials, as well as the collaboration of institutions in the process of managing coastal and marine areas or using the seas for economic purposes. Other medium-term needs include training of personnel to adapt to changing demands and needs and capacity-building in ocean governance.</p>	<p>Build a formal framework for sustainable collaboration of the different sectoral institutions</p>	<p>Strengthen the technical capacity of staff in ocean governance</p>	<p>Provide institutions with appropriate equipment and materials to ensure permanent surveillance of Cameroon’s maritime areas, guarantee the policing of navigation and facilitate the control of industrial fishing and offshore oil exploitation activities.</p>

**Table A3.2.4. Long-term observations and prioritized inventory of capacity-building needs**

Observations	Priority 1	Priority 2	Priority 3
<p>There is a need to ensure the ecological monitoring of the activities and zones of exploration and exploitation of petroleum resources at sea, of industrial fishing activities in order to reduce the excessive exploitation (fishing efforts) of fishery resources in the territorial waters of Cameroon. There is also a need to equip the administrations with the infrastructure and equipment required for operational needs (e.g., patrols, inspections and environmental controls at sea). Staff of the various central and decentralized administrations on the integrated management of marine resources need training. The country needs to build the capacity for ocean governance of local communities regarding the exploitation of marine resources under their jurisdiction</p>	<p>Obtain funding for projects relating to the conservation and sustainable management of marine and coastal ecosystems, the removal of shipwrecks, the fight against plastic pollution and coastal clean-up.</p>	<p>Develop national technical and operational consultation frameworks or platforms for the revitalization of coastal areas (Southwest, Littoral and South) and oceans involving local communities (harmonizing interventions and addressing socio-economic and environmental issues).</p>	<p>Strengthen the technical and operational capacities of local institutions in ocean governance, particularly in the areas reserved for them by Law No. 2019/024 of 24 December 2019 to Institute the General Code of Regional and Local Authorities.</p>

**Table A4. Institutional chart of ocean governance in Cameroon**

<b>PRESIDENCY OF REPUBLIC OF CAMEROON</b>													
<b>PRIME MINISTER</b>													
<b>Integrated National Institutions</b>					<b>National Sectoral Institutions</b>								
<b>MINFI</b>	<b>MINREX</b>	Ministry of the Economy, Planning and Territorial	Ministry of Justice	<b>MINEPDED</b>	<b>MINFOF</b>	<b>MINDEF</b>	<b>MINEPIA</b>	<b>MINTOUL</b>	<b>MINTRANS</b>	<b>MINRESI</b>	<b>MINMIDDT</b>	<b>MINEPDED</b>	Ministry of Lands, Surveys and Land Affairs
Coastal Protocol Branch Office	Delegations of the Littoral, South and Southwest Regions	Delegations of the Littoral, South and Southwest Regions	Delegations of the Littoral, South and Southwest Regions	Delegations of the Littoral, South and Southwest Regions	Naval bases in Douala, Kribi and Limbe; BIR bases in Douala, Kribi and Limbe-Idenau; maritime brigades in Douala, Kribi and Limbe	Delegations of the Littoral, South and Southwest Regions	Delegations of the Littoral, South and Southwest Regions	Maritime districts of Douala, Limbe, and Kribi; Port Authority of Douala and Kribi	Scientific research and innovation centres in Douala, Limbe, Batoke and Kribi	Brigades for the control of mining activities in the South, Southwest and Littoral Regions	Decentralised territorial authorities of the coastal areas of the Littoral, South and Southwest (Regions, Town Halls and Communes)	Delegations of the Littoral, South and Southwest Regions	

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