



Addressing the Human Rights Issues of Water and Sanitation in Fako division (Cameroon)

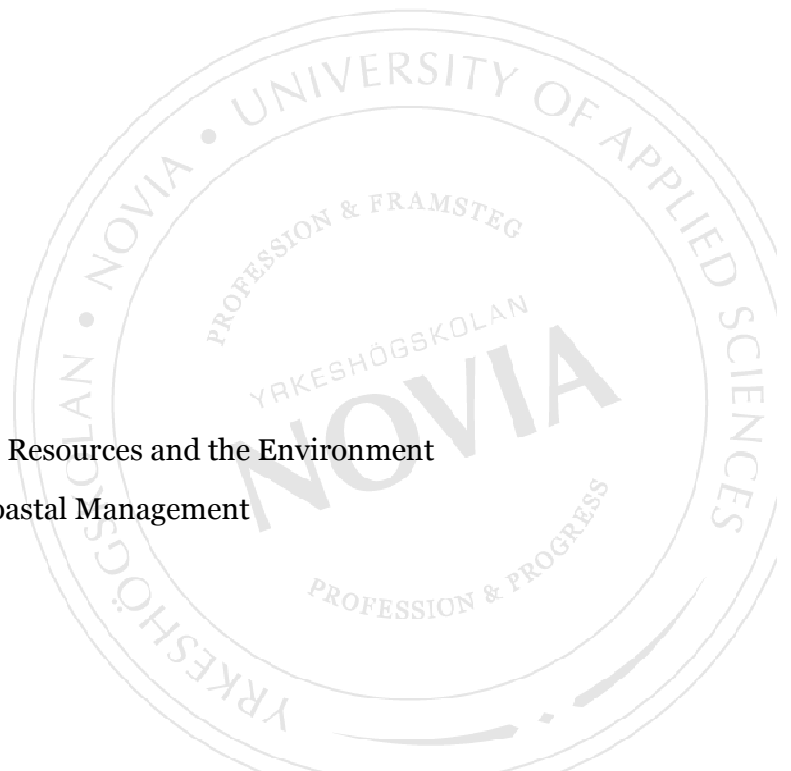
Legal Framework and the Realization of the Sustainable Development Goals

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ABSTRACT

This study favours the argument of water and sanitation being an indispensable commodity for human existence. A strong reason why there is an express recognition at both national level and international level of the right to water and sanitation. The Right to water and sanitation as defined by this study is the right of all humans without distinction to have access to water for domestic and personal use and proper sanitation. The paper limits the study to the Fako division of the republic of Cameroon. The document encompasses the sources of the right to water and sanitation in Cameroon as a whole. Secondly, it attempts a critical analysis of the nature of the right to water and sanitation. From the analysis it will x-ray the salient elements of the right to water and sanitation and also put strong argument that the right to water and sanitation is fraught with shortcomings or better still, violated seriously within the locality of Fako division. Nonetheless, Cameroon is among the few developing countries in Africa that have ratified international treaties and convention recognising the right to water and sanitation in their legal system. The study crowns it with recommendations and proposals on the way forward to an effective enforcement of the right to water.

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GENERAL INTRODUCTION

1.1 Introduction

“Safe drinking water and adequate sanitation are crucial for poverty reduction, crucial for sustainable development and crucial for achieving any and every one of the Millennium Development Goals” (Ban ki-moon 2007)

According to the United Nations (UN) Committee on Economic, Social and Cultural Rights (2002) which adopted general comment No. 15, water and sanitation must be available for everyone in the household or its immediate vicinity, in sufficient quantity and on a continuous basis, for personal and domestic use. This includes drinking, personal sanitation, washing of clothes, food preparation and personal and household hygiene. There must be a sufficient number of water outlets and sanitation facilities to ensure that the needs of the people are met and collection and waiting times are not unreasonably long. Also, sanitation is only considered available when the collection, transport, treatment and disposal or reuse of human excreta and associated hygiene ensured.(UN 2002)

Koffi Annan(former UN sec) once said that *“Access to safe water is a fundamental human need and therefore a basic human right. Contaminated water jeopardizes both the physical and social health of all people. It is an affront to human dignity.”(Koffi Annan 2001)*

In the year 2000 the United Nations General Assembly adopted the United Nations Millennium Declaration (Resolution A/res/55/2/2000) which set out the eight Millennium Development Goals (MDGs). Goal 7 contains a target to halve by 2015 the proportion of the population without improved basic sanitation and access to safe drinking water. According to statistics from the UN 2015, the world has met the target of halving the proportion of people without access to improved sources of water, five years ahead of schedule. Between 1990 and 2015, 2.6 billion people gained access to improved drinking water sources.(UN MDG report 2015). Worldwide 2.1 billion people have gained access to improved sanitation. Despite this progress, statistics from World Health Organisation suggest that a good number of upto 2.4 billion are still using unimproved sanitation facilities, including 946 million people who are still practicing open defecation and others facing serious sanitation problems (WHO 2015)

Unclean water and a lack of basic sanitation are serious impediments to the efforts to end extreme poverty and disease in the world's poorest countries (UNICEF 2015). Sub-Saharan Africa in general and Cameroon in particular faces some of the biggest challenges to the fundamental human rights to water and sanitation as sanctioned by resolution 64/292 of the United Nation General Assembly. 358 million people in the sub Saharan region lack access to clean water and nearly 600 million lack access to proper sanitation facilities. 82% of those who lack access to improved water live in rural areas, while just 18% live in urban areas.(UNICEF 2015)

In Cameroon the problem is evident in every part of the country. Although Cameroon has been fully engaged with meeting the objectives of the Millennium Development Goals (MDG) since its inception in 2000, the country is still not on track in meeting these objectives especially in rural areas as compared to urban areas. Based on national government statistics and survey, in 2014 70% of Urban areas had access to safe drinking water as opposed to 47% in rural areas. As per sanitation 58% of urban dwellers had improved sanitation facilities as opposed to the rate in rural areas which is 42 % . (WHO/UNICEF, 2015)

In almost all rural division of the south west region the problem is also serious. Women and girls bear the largest burden in collecting water. In these areas the natives have improved water sources but most of the sources are located distances away and in such cases the girls spend more time trekking to fetch this water.(Molua 2009) This is also true as the UN estimates that 200 million working hours are spent collecting water each year in Africa by women, girls and Children. Girls mostly drop out of school in such localities because they spend more time collecting water rather than sitting in classrooms, as they have to walk kilometers away to collect safe drinking water. Lack of good drinking water accounts for high infant mortality rate as an estimate of one child dies every two months as a result of diarrhea spread through poor sanitation and hygiene. (WHO 2015)

On 28 July 2010, the UN General Assembly through Resolution 64/292, explicitly recognized the human right to water and sanitation and confirmed the fact that clean drinking water and sanitation are essential to the realisation of all human rights. For instance the right to education is forfeited by girls dropping out of school as a result of trekking distances away in search of water. Hours wasted, this could have been spent in school for better purpose. (Nauges, Celine and Strand2011) The Resolution calls upon

States and international organisations to provide financial resources, help capacity-building and technology transfer to help countries, in particular developing countries, to provide safe, clean, accessible and affordable drinking water and sanitation for all(UN 2010).

In November 2002, the Committee on Economic, Social and Cultural Rights also adopted General Comment No. 15 on the right to water. Article I.1 states that "The human right to water is indispensable for leading a life in human dignity. It is a prerequisite for the realization of other human rights". Comment No. 15 also defined the right to water as the right of everyone to sufficient, safe, acceptable and physically accessible and affordable water for personal and domestic uses. (UN, 2002)

This paper seeks to examine the situation of access to potable water and sanitation in Cameroon with particular emphasis in the Fako division of the southwest region and within the context of the Millennium Development Goals (MDGs), alongside human rights. It tries to establish whether Cameroon is on the track of meeting the legal order of the MDGs in these domains and proposes actions to be taken to bring it closer to these objectives particularly recognizing these issues as basic and fundamental human rights. It brings out areas where the rights are seen to be violated.

1.2 Problem statement

September 2000 Millennium summit welcomed 191 UN Member States including Cameroon. These member states adopted the Millennium Development Goals baptized (MDGs). These goals unambiguously set clear and time-bound targets for making real progress on the most pressing developmental issues we face in the world today. The MDGs set 8 goals, which the member states targeted to achieve by the year 2015. The aims of these goals are to reduce poverty and promote human development. Goal 7 is to ensure environmental sustainability. One of its targets is to half by 2015 the population of people without access to safe drinking water and improved sanitation facilities. To acknowledge water as a human right formerly and expressing the willingness to give content and effect to this right, may be a way of encouraging the international community and governments to enhance their efforts to satisfy basic human needs and to meet the Millennium Development Goals.(UN, 2002)

Sanitation and good drinking water are basic human rights just like the right to a name and the right to a child having education. Unfortunately before 2010, this human right had not been expressly sanctioned by the United Nations General Assembly with a hard law even though there were general comments that touch on the issue. (UN, 2010) The right to good health was interpreted to cover issues of sanitation and good drinking water. (UN 2002). Nonetheless it was actually necessary for the United Nations to recognise this as a separate right. (UN, 2010).

This was done on 28 July 2010, through Resolution 64/292; the United Nations General Assembly explicitly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realisation of all human rights. The Resolution calls upon States and international organisations to provide financial resources help capacity-building and technology transfer to help countries, in particular developing countries, to provide safe, clean, accessible and affordable drinking water and sanitation for all. (UN 2010)

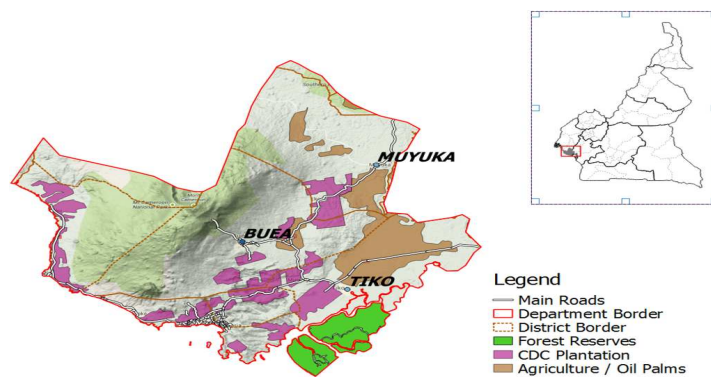
With this resolution now in place, it is time to try to seek ways in order to handle this problem in Cameroon particularly in the Fako division of the South West region and the third world in general. Focus will be on policy makers, municipalities and academic institutions; what problems and ways to deal with it. The subject of this problem will be to analyse the issues that the government of Cameroon, policy makers and municipalities need to take into account to ensure the fundamental human rights to water and sanitation. We shall be exploring the concept of availability, physical accessibility (time and distance, physical security, design of facilities), acceptability (water and sanitation facilities), affordability and quality. The underlying human rights principles across all international human rights must also be satisfied. It comprises of the principles of non discrimination and equality, participation, accountability transparency access to information and above all sustainability.

1.3 GEOGRAPHY

Fako division is a department of the south west region of Cameroon and covers an area of 2093km² and has a population of 534.854 people living in the communes of Buea, Limbe, Tiko, Muyuka and Idenau. (Tageo 2015). By 2012 the population of the division had grown to about 2000.000 especially because of the presence of universities and colleges. (Tageo, 2015) The growing population of the division particularly in Buea sub division has

witnessed a significant growth in infrastructural development. The south west region is one of the two English speaking regions of Cameroon out of the ten regions making up the republic of Cameroon. The capital of Fako division is Limbe which is a coastal town welcoming a lot of tourists to the beautiful scenario of the Atlantic Ocean and its sandy beach. Fako division shares administrative boundaries with Meme division and Mungo division of the littoral region which is part of French speaking Cameroon. The division lies between latitude $4^{\circ} 10' 00''$ N and longitude $9^{\circ} 10' 00''$ E (geographic 2015)

The temperature varies between the different subdivisions of Fako. Buea is the coldest among the subdivisions. This could be attributed primarily to the high topography. The famous Fako Mountain is located within the Buea municipality. The temperature tends to be humid ranging from 19 to 23 degrees in the rainy season. The subdivisions of Limbe and Idenau are located along the coast of the Atlantic Ocean and the sea breeze turns to make the towns fresh. However Tiko and Muyuka are the hottest among them all with arid conditions. The temperature of these places ranges from 30 to 40 degrees during hottest period. The rainy season begins from the months of April/May to September/October. The dry season sets in from November to March when relative humidity is at its lowest and the vegetation dried up under the influence of the scourging sun, Hamattan winds characterized by ravaging bushfires.



Source: Forest(2015) <http://www.mdpi.com/1999-4907/6/1/203/htm>

Fig 1: Map of Fako division Cameroon

1.4 WATER AND SANITATION

Sanitation is really a big problem in the division particularly in the districts of Tiko, Idenau and Muyuka. According to the ministry of public health (Minsante) in Cameroon 2012, inhabitants of these places live in camps as most of them are plantation workers. More than 50% of the population in these areas lack improved sanitation facilities. (Minsante 2012) A typical example is Idenau where the population of these areas has one public toilet to be shared among an entire Camp. As a result of this, people tend to do open defecation or they use rivers and streams around the area. Health wise the rate of water borne diseases is high because these same streams are used for domestic purposes as washing and cooking. (Minsante 2012)

In the town of Buea there is a company in charge of waste collection called HYSACAM but the only method of disposal is landfill. Around the area where this is done follows a stench of odour, the presence of mosquitoes thereby promoting the spread of malaria in the area. A project by Women Water Sanitation and Hygiene (WASH) Cameroon in partnership with municipalities of Fako aimed to increase the number of people in the locality to improved means of sanitation and portable water. (WASH 2012) Cameroon is a country of plenty of water but very little to drink. Fako division from survey carried out by this researcher has witnessed untold sufferings. in particularly Idenau and Muyuka. An average of two children dies every three months as a result of water borne diseases and poor sanitation condition. Other pandemics include Malaria, acute respiratory tract infections, eye problems and skin diseases like eczema. (Minsante 2012)

1.5 Agriculture and commerce

The majority of farming in the division is done on the subsistence level. The major crops grown are plantains, cocoyams, maize, groundnuts, manioc, yams, beans. The method of farming is slash and burn. With the use of rudimentary tools, locals farm under very harsh conditions. Apart from subsistence farming, plantation agriculture is very strong in Fako division. Cash crops like rubber, banana, cocoa and coffee is produced in Fako. These plantations are managed by the Cameroon Development Corporation (C.D.C) and CDC is the second highest employer of Cameroon after the government of Cameroon. In fact currently, its plantations cover a total of approximately 41,000 Hectares of land, 38,000 Hectares of which is mature and of production stage. The corporation constitutes a workforce of over 15,700 employees, including temporal workers, making it the second

highest employer after the state of Cameroon.(CDC Cameroon 2015) Apart from agriculture the division also has commercial activities especially the sale of local foodstuffs. The Muea Market located in Buea subdivision is the bread basket of Cameroon, Chad, Central African Republic and Equatorial Guinea. (Buea Council 2015)

2. Research Objective

To address environmental sustainability with emphasis on water and sanitation as a basic human right as it was mentioned earlier, the objective of this research again is to attempt an analysis of the situation of access to potable water and sanitation in Cameroon with particular emphasis in the Fako division of the southwest region and within the context of the Millennium Development Goals (MDGs), visa vis human rights and whether Cameroon is on the track of meeting the legal order of the MDGs in these domains and proposes actions to be taken to bring it closer to these objectives particularly recognizing these issues as basic and fundamental human rights.(supra)

Based on the literature review, the researcher will give recommendations to stakeholders of the Fako district in Cameroon

2.1 Research questions

What are the essential elements that make up the right to water and sanitation?

Is the right to water and sanitation a quiet enjoyment by the inhabitants of Fako division?

What are the causes of the barriers (if any) to the quiet enjoyment of the right to water and sanitation?

3. LITTERATURE REVIEW

This section seeks to review in depth academic articles and it sets the stage for extensive discussion of water and sanitation as a basic human rights. It identifies the sources of legislation with respect to water and sanitation, attempts a critical review of the implementation of conventions within Cameroon as a whole and the Fako division in particular.

3.1 Sources of the right to water in Cameroon.

The right to water has been recognized at both the international legal and national legal systems.

3.1.1 Non conventional or non binding International Legal instruments

Internationally, two categories of legal instruments exist; which are: non-conventional and conventional instruments. It must be said, however, that recognition of the right of water in these instruments is either unambiguous or implied. (Tamasang 2006)

There exists a litany of international legal declarations that set forth for the right to water as a fundamental human right. The Universal Declaration of Human Rights recognizes a broad range and variety of social, economic and civil rights which are today directly linked to the right to water (UN 1948). The UN in about the mid 70s began taking interest in water perhaps because scientists were pronouncing scarcity in their everyday research. In Argentina in 1977 specifically in MAL De Plata, a Declaration was made sanctioning the end of the UN Conference on water. The preamble of this declaration holds firm commitments to protect water resources and safeguard the right to water by all human beings the world over. (UN, 1977)

Fifteen years later, legal instruments relating to general environmental friendliness still under the umbrella of the UN provided for the right to water within the context of the basic human rights. The Agenda 21 Programme of Action for the Rio Declaration following the United Nations conference on Environment and Development held in Rio de Janeiro in 1992 was one of the first after the Mal De Plata declaration. That same year a declaration was adopted in Dublin Ireland following the International Conference on Water and Development. That Declaration unambiguously highlighted the right to water as the inevitable for sustainable development. (UN 1992)

Furthermore, a Programme of Action was adopted following a report of the international conference on Population and Development held in Cairo Egypt in September 1994 which also highlighted the right to water.(UN 1994). Also from a general environmental stance, the World Summit on Sustainable Development was held in Johannesburg in 2002. This

summit equally mentioned in the Johannesburg Declaration and action plan that a serious crisis facing mankind now a days is the right of access to water and sanitation and that states from around the globe should ensure appropriate measures that this right is enjoyed by all citizens. (UN 2002)

The most ‘viral’ of the non-conventional instruments is no doubt the Millennium Declaration which was adopted by the General Assembly of the United Nations after the Millennium Summit in New York 2002 which brought together Heads of States and Governments baptising what is today called the millennium Development Goals.(Tamasang,2006) Their objectives are out rightly expressed in a number of chapters. According to the declaration, *“to reduce to half by 2015 the proportion of the world’s population whose income is less than a dollar per day and that of people suffering from hunger, and to reduce to half within the same period, the proportion of people who have no access to portable water or who lack the means to procure it”*(UN, 2002).

In the same declaration, it was echoed, to put an end to the unfriendly exploitation of water resources by coming up with strategies at the regional, national and local levels to ensure equitable access and adequate provision of water resources (UN, 2002). Cameroon has been a participant in almost all of the above international meetings and did append its signature to the legal instruments translating the good faith of the government in ensuring a peaceful enjoyment of the right to water (Tamasang, 2006) It must be underlined here that, the declaration highlighted above generally have a non-binding legal status in international law.(Hunter et al, 1998).

This implies that they can hardly be complied with or enforced by states who sign them. They are usually in legal parlance referred to as ‘soft law’. But research has proven that compliance with and enforcement of international legal instruments is actually a matter of political will of the parties taking the commitment or expressing their wishes.(Tamasang,2006)

The Central African Sub-region has been used as a barometer to test the veracity of this position and results reveal that in the last ten years, the Central African leaders have relied on Declarations to protect the Congo Basin forest and other natural resources, water inclusive. (Tammasang, 2006)

Even though there is the strong proliferation of these legal instruments at both the regional and international level, there is proof of the fact that right to water is a universally recognised right of mankind.

3.1.2 CONVENTIONAL INTERNATIONAL LEGAL INSTRUMENTS

At the global level, traditional sources, like conventions, treaties, protocols and covenants of the right to water and sanitation feature either expressly or impliedly in the legal instruments. For instance, explicit reference to the right to water has been made in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)(UN, 1979). This provides that “*State parties...shall ensure to women the right... to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply.*”(UN 1979)

Another example of explicit reference to the right to water is also made in the Convention of on the Rights of the Child (UN, 1989). This Convention in article 24 provides in connection to the right of the child to water that “*state parties recognise the right of the child to the enjoyment of the highest attainable standard of health... and pursue full implementation of this right and shall take appropriate measure... through the provision of clean drinking water*”. (UN 1989).

Also, reference to the right to water as a fundamental right of mankind had already been recognised, but that was within the context of humanitarian law and not human rights law. The Geneva Convention of 1949 and its Additional Protocols II of 1977 on the treatment of war prisoners and captives, and also on the protection of victims of non violent international conflict, respectively, have clearly made it a duty on states to ensure the right to water even during war situations.(Geneva Convention, 1949)

There are great litanies of Conventional legal instruments at the global level linking to the right to water but with differing weight of state obligations. Example worth mentioning could be the UN General Assembly Resolution A/Res/54/175 “The Right to Development” December 1999. Article 12 of the resolution iterates that “in the full realization of the right to development, inter alia: (a) The rights to food and clean water are fundamental human rights and their promotion constitutes a moral imperative both for national Governments and for the international community”. (UN 1999).This does not how ever seem to impose direct and serious obligations on state parties. However, the three conventions and Protocols mentioned herein above actually provide for unambiguous and strong obligations on the part of states concerning the right to water.

With regards to Cameroon, it has signed and ratified these Conventions. (Law No 88/11 of July 15 1988, Law No 91/006 of July 17 1991) Cameroon operates the dualist system to the domestication of international legal instruments. According to the dualist approach, the signature of an international legal instrument does not suffice for it to be applicable in the

home or signatory country. It must therefore be followed by a ratification process within the internal legal order, which then gives a short to the legal instrument's provisions into the internal legal order making it to become hard domestic law. This implies that the right to water contained in these instruments is recognised in Cameroon as a hard law because the convention has been ratified in the internal legal order. The question whether the population enjoys this right is quite another issue, which shall be examined later in this research.

There are also implied references to the right to water at the global level, which impose implicit duties on states. The most important in this area is the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966), which Cameroon ratified on 24 June 1984. This covenant supports and gives a firm recognition of the economic and social rights of the human person to an adequate standard of living, to sufficient feeding and a right to health. The right to water is deduced to be an integral part of these rights which is universally accepted or which could be considered as an inevitable component to the enjoyment of existing social and economic rights.

Within the framework of implementation of the Covenant, General comments number 6 touches on the UN Committee on Economic, Social and Cultural Rights recognising that water is a fundamental right as contained in article 11 paragraph 1 of the ICESCR 1966. However, more detailed information about coverage of the right to water is afforded by the same committee in its General Comment N° 1530(UN 1966). It actually defines the right to water, sets its boundaries and brings out the obligations which are expected from states in this context. It should be noted that the provisions of the Committee with regards to the general comments are not binding as the status of General Comment has been considered as "soft law"(supra) and hence non-binding on states. However, there is no doubt that its provisions are important to the understanding and enforcing of the right to water.

Implied reference to the right to water has also been made by the International Covenant on Civil and Political Rights.(UN 1966) The covenant recognises the right to life in article six which could be interpreted to cover the right to water as life is nonexistent without water.

Although implied, the right to life and hence the right to water are recognised in Cameroon because of the fact that the covenant on Civil and Political Rights has been ratified by Cameroon on June 12 1984.

Within the continent of Africa as a whole there are also laws recognizing the right to water and sanitation. The African charter on the rights and welfare of a child recognizes the right

of nutrition and good drinking water by calling upon states to ensure these obligations in their regions.(AU)

3.2 Local sources

3.2.1 The constitution of Cameroon:

The constitution does not expressly provide for the right to water in Cameroon. However the preamble of the constitution embodies issues in general about economic and social rights to be respected. It has been submitted that the right to water is part of economic and social rights, therefore it will not be erroneous to conclude that the constitution of Cameroon recognizes the right to water impliedly. (Cameroon constitution 1996)

3.2.2 The water Code:

Law N° 98/005 of 14 April 1998 to lay down the Water Code and its Enabling Statutes is another internal legal instrument recognizing the right to water in Cameroon. From the inspiration of the constitution that embodies the right to a healthy environment and other bundle of economic rights, the Cameroonian legislator passed the bill on the water code to respect environmental management principles and public health protection. According to the code, it is expressly provided that water is a public good or utility which the state ensures its protection and management and facilitates access to all. Similarly, the measures of protection are clearly spelled out in the Code and violators come under heavy criminal sanctions without prejudice to civil claims.(Water Code Cameroon 1998)

3.3 THE NATURE OF THE RIGHT TO WATER AND SANITATION

The nature of the right to water and sanitation has been baptized by the Millennium development goals and adopted by General comments of the United Nations general

assembly. The details of the nature of the rights we shall discover as we explore more in this thesis

According to statistics from the UN, the world had met the target of halving the proportion of people without access to improved sources of water, five years before the dead line of 2015. Between 1990 and 2015, 2.6 billion people gained access to improved drinking water sources.(UN 2015)Worldwide 2.1 billion people have gained access to improved sanitation. Despite this progress, a good number of upto 2.4 billion are still using unimproved sanitation facilities, including 946 million people who are still practicing open defecation and others facing serious sanitation problems. (WHO, 2015)

Unclean water and a lack of basic sanitation are serious impediments to the efforts to end extreme poverty and disease in the world's poorest countries (UN 2014). Sub-Saharan Africa in general and Cameroon in particular faces some of the biggest challenges to the fundamental human rights to water and sanitation as sanctioned by resolution 64/292 of the United Nation General Assembly 2010. 358 million people in the sub Saharan region lack access to clean water and nearly 600 million lack access to proper sanitation facilities. 82% of those who lack access to improved water live in rural areas, while just 18% live in urban areas.(ONE 2015).

In Cameroon the problem is evident in every part of the country. Although Cameroon has been fully engaged with meeting the objectives of the Millenium Development Goals (MDG) since its inception in 2000, the country is still not on track in meeting these objectives by 2030 especially in rural areas as compared to urban areas. Based on national government statistics and survey, in 2014 70% of Urban areas had access to save drinking water as opposed to 47% in rural areas. As per sanitation 58% of Urban dwellers had improved sanitation facilities as opposed to the rate in rural areas which is 42%.(BUCREP, 2014)

The problem of portable water has a reached its peak of the crisis. Many women and children travel long distances on foot to fetch water from doubtful sources thereby exposing them to water borne related diseases. The problem here is not only water borne diseases but also the time spent.(Global giving 2013)

This is also true as the United Nations estimates that 200 million working hours are spent collecting water each year in Africa by women, girls and Children(UN 2015).

Girls mostly drop out of school in such localities because they spend more time collecting water rather than sitting in class rooms as they have to walk kilometers away to collect safe drinking water. (Nauges, Celine and Strand. 2011). Lack of good drinking water accounts for high infant mortality rate as an estimate of one child dies every two months as a result of diarrhoea spread through poor sanitation and hygiene.(MINSANTE, 2008)

4 . METHODOLOGY

This chapter summarises the research procedure used in the collection and analysis of data. It includes an overview of the research topic, research method, sources of data, data collection instruments and method of data analysis and presentation.

4.1 OVERVIEW OF THE TOPIC

There is a general need for adequately addressing water and sanitation problems in the developing world. Cameroon faces severely this problem which has not been handled. In rural Sub-Saharan Africa millions of people share their domestic water sources with animals or rely on unprotected wells that are breeding grounds for pathogens (UNICEF, 2008). The average distance that women in Africa and Asia walk to collect water is 6 kilometres (UNICEF, 2010). At any one time, close to half of all people in developing countries are suffering from health problems caused by poor water and sanitation. Together, unclean water and poor sanitation are the world's second biggest killer of children. It has been calculated that 443 million school days are lost each year to water-related illness. (UN 2005)

These are just a pinch of the problems facing the third world.

4.2 Research methods

This research made use of the descriptive method of research. As generally accepted, this

method of research is ‘a fact-finding study that takes into account serious and accurate interpretation of findings. Descriptive research denotes a certain present condition’. Therefore, the method is appropriate to this study because it aims to describe the present condition of human rights to water and sanitation and how it is today. The technique generally used under descriptive method is the normative survey approach and evaluation. This technique is commonly used to address opinions according to respondents that can represent a whole population.

4.3 Sources of data

The sources of data were both primary and secondary. With regards to primary data, the researcher focused on direct interviews and questioner survey. Secondary sources were other relevant books, academic journals, news items, newspaper articles and information from the internet.

4.4 Data collection instrument

As mentioned above data collection was via short survey interview of houses and school authorities within the Fako division that were randomly selected for the survey. These questions were posed to relevant heads of the households and schools to have first hand information about their living standards concerning water and sanitation. Questions were also posed to local government heads to hear about what they think of the millennium development goals and their hope for 2030.

4.5 Data presentation and analysis

The data gathered were initially sorted and edited. There were more than a hundred participants for the questionnaire survey and five local government heads for the interviews. The respondents were given one week to complete the survey questionnaire upon request. At the end, the responses will be tallied, computed, analysed, and recorded.

5 RESULTS

From the findings a lot of issues are still to be addressed by the government of Cameroon in connection to human rights as it relates to water and sanitation. The first discovery is the issue of accessibility. From responses in the interview of households, children travel a whole length of distance to fetch water. The travelling here means trekking and spending precious time which could have been spent in school learning better things. Secondly, the water supply is not sufficient in quantity to meet the demands of the whole population of Fako division. As a result people have to go for days without water because water is rationed.

For instance in the town of Mutengene, the queue of residents for water begins forming outside the community taps at about 2 am before the sun rises. As the day goes by, hundreds of people from across the town come with their buckets and jerry cans as the line stretches into the distance until long after dark, even unto midnight. This is because water supply in the Mutengene district is radically rationed. In effect water supply is not constant as the supply is scheduled according to the different communities that make up the Mutengene district.

There is no community in the district that water runs uninterrupted. This means that each community has a particular day set aside for water to flow. Failure to fill your containers during the flow of your own community will mean trekking kilometers in search of another community that you can find water. People even use public transportation to another town nearby to fetch water for the family. That has been the normal routine for a very long time now. Mutengene is a district of Tiko sub division and Tiko is a sub division of Fako found in the south west region of the republic of Cameroon. The picture below shows children struggling to get water in the Mutengene district.



FIGURE 2: Children scrambling for water because of shortage. Picture by Lum Rosaline 2016.

Cameroon is crisscrossed by many rivers that run from the countries mountainous north to the south. It is believed to have one of the world's largest reserves of fresh water. But for years now, the population in the Cameroonian small district has gone without the constant supply of water. In fact Cameroon is a country blessed with water but very little to drink. In Fako division of the southwest region the problem is very serious as a whole especially in the subdivisions of Idenau, tiko, limbe and part of muyuka. Women and girls bear the largest burden in collecting water. Almost 20% of households in the localities of Idenau, Tiko, limbe and muyuka of Fako division use improved water sources of more than 30minutes away according to survey carried out as part of this research. Similarly, it was also realized that in the division, water is being rationed or water cut is rampant. This according to findings has one major cause. The nonpayment of water bills.

Taps have run dry in most parts of the towns like in Mutengene. In the best scenario, water comes for only a few hours, usually at night. Those who cannot come to available tap will have to visit other regularly supplied places like the Roman Catholic secondary school called REPACOL. In fact REPACOL survives this crisis because they have devised a method of storing water in very big tanks once the taps are flowing. This quantity can last for as long as the next flow of water in the REPACOL community. It is unfortunate that the town of Mutengene cannot resort to wells because of the rocky nature of the terrain.

Nevertheless, streams and springs are readily available even though these streams are generally unsafe. Others are forced to drive to far off town to fetch clean water.

In the community of about 1500 inhabitants like Ikata, access to clean drinking water, electricity, good roads, or health clinics is a serious issue or a call for concern. The locals collect their drinking water from the dirty tributary streams and rivers in the area, which is more than a 30 minute walk from their homes. For others, they have wells in their compound but these wells are unsanitised and a breeding ground for pathogens. In fact these same rivers and wells are used to wash dresses and water their animals. It is evident that these streams are vital to the existence of the community, but it is also clear that the streams and rivers are sources of diseases and plaques. This is because most families do not boil their water before them use. As a result children get to die of water related sicknesses and diseases.



FIGURE 3: An example of a source of drinking water in Fako. Picture by Louis Suh June 2015

From the survey carried out as part of this research also, respondents reveal that their uses of toilet facility is limited to that of pit toilet which is usually shared among other members of different families. The method of stool and urine disposal was also a cause for concern. When a child passes stool, it is disposed in local streams and these streams are used for domestic and personal use. Sewage treatment is limited only in the town of Limbe and Buea even though Fako division has six districts. The treatment of sewage in these two

towns is by land fill which is also causing a serious environmental concern within the villages of the site where the disposal takes place. Around the area is a very strong stench of smell, the presence of mosquitoes, insects and flies.

6 DISCUSSION

The ingredients of the right to water and how well it is seen in Cameroon (Fako division) is something that must be addressed by this thesis. The ingredients to satisfy the MDGs are stratified into three sections.

- a) Accessibility. According to this element, water must be accessible to everyone. However accessibility here denotes a number of issues. That water must be within a safe distance for all, it must be affordable and accessible to all in law and in fact.
- b) Quality. Water for all must be safe for drinking. It is an element of health.
- c) Quantity. The supply must be sufficient and continuous for personal and domestic use.

6.1 ACCESS TO SUFFICIENT QUANTITY OF WATER

According to the World Health Organisation(WHO) everyone must have at his/her disposal at least 20 liters of portable water per day.(WHO/UNICEF 2000)

Cameroon has always adhered to the WHO guidelines on availability of drinking water but practically, it is almost impossible to find marginalised persons especially in urban areas having access to 20 litres of water per day.(Tamasang 2006) Within the Fako division of the south west region, the situation is poor because water crisis is alarming in the different towns.(Global giving 2015)

6.2 WATER MUST BE SAFE FOR USE.

Interpreting the right to the enjoyment of water means that people are entitled, apart from sufficient and continuous availability of water, to proper safe water. This in effect denotes that drinking water for household uses must be of quality standard. In order for water to meet up with the acceptability, such water must be safe and therefore free from micro organisms, chemical substances, physical and radiological hazards that constitute a threat to people's health and sanitation. Furthermore, the standard of quality water must also not contain colour, odour and taste.(UN 2004)

These quality standards are important because the death toll of people especially children from diarrhoea (2 million in 1998) resulting from poor water supply and sanitation has continued to increase. To bring a halt to this calamity and safe succeeding generations, governments are required to use measures of developing and implementing drinking water quality set out in the “WHO Guidelines for Drinking Water Quality”.(WHO 2014)

6.3 WATER MUST ALSO SATISFY ACCESSIBILITY.

Notwithstanding the fact that water is sufficient and safe, the right to water must be accessible to everyone without distinction.(UN 2005-2015) According to this element, water must be accessible to everyone. However accessibility here denotes a number of issues. That water must be within a safe distance for all, it must be affordable and accessible to all in law and in fact. What constitutes affordability here denotes that water should be in a position where even the less privileged can get it.

Interpreting the right to water, to mean water is free of charge is wrong. The general rule is that everyone must contribute a quota to the cost of supply and treatment of water even though this contribution may not be the same or uniform for all. The contribution must be moderate and not exorbitant. According to Cameroon water code, affordable must be taken to include rates payable to access water networks such as connecting water to homes or public taps, and the rates payable for consuming the water. (Cameroon water code 1998) However people get to complain each time they have water bills sent to them. From my survey 70% of participants were very dissatisfied with CAMWATER(the water corporation in Cameroon) in charge of pipe borne water. According to responses CAMWATER has turned the corporation into money making business and cared less about who can afford or not. If you are not able to pay then your water utility seizes. Public taps have all been closed down because the cost of running them is so high that the local councils cannot afford.

According to AKO AKO, in Cameroon the distribution of drinking water in urban areas is carried out by the national water utility (CAMWATER), while the Ministry of Water and Energy and the nongovernmental organizations supply the rural population (Ako et al. 2009a) Furthermore, the pipe-borne water supplier (formerly SNEC) is present in only

35% of cities and towns (Tanawa et al. 2002). World Health Statistics holds that 82% of the urban population and 42% of the rural population are covered in terms of water supply with 23% of households having direct access to drinking water (WHO 2000).

The problem here also is the fact that the welfare of children are not of paramount interest in the region. Women are supposed to be protected but on the contrary they are also mostly concerned with ensuring that water gets to the household when there are no sources within the vicinity while children collect about 11 percent of household water. Report from the 2008 MDG report in reveal that in 2005/2006, women represented 64% of women were involved in collecting water, girls 7%, men 25% and boys 4%. (UN 2008).

From the above evidence it is clear that Cameroon could not meet up with the 2015 agenda and more is still to be done in meeting with the 2030 agenda. In light of never before seen environmental degradation and social injustice, the urgency to move forward on the path of sustainable development has skyrocketed. As Millennials, we see it in our duty to raise awareness about the dangers of our lifestyles and contribute with a solution to measuring sustainability. That been said a number of reasons also account for the poor meeting of these goals as basic human rights.

7 WAYFORWARD

Efforts have been made by the government in ensuring that the human rights to water and sanitation is implemented in the region but more needs to be done to override these hurdles.

7.1 Interruption of Water Supplies

One of the major problems affecting the right of the population to water in Cameroon is frequent cut of water supplies. Interruption can also be called rationing and here it may take two dimensions.

Firstly, rationing may be for some parts of the district and could last for several weeks. The question posed by many researchers is whether rationing of a commodity like water is actually evidence of a collapse of the distribution system? Many of these questions are always asked with little or no answers as no one is usually informed either in advance or during the interruptions of water of what is happening. Therefore the population is deprived of water for their basic human needs. Furthermore, interruptions or cut may also be for non-payment or delays in paying water utility bills. This happens in the many of the cases of water cut that the people affected have not paid their bills. I have argued earlier that even though the right to water does not mean free water, it does not however, mean

that failure to pay should automatically result to cut of supply without investigation of the cause of such comportment. Even though the argument is lame because water cut is based on failure to respect the terms and clauses of the water contract whether express or implied, the cut of water supply infringes on the fundamental right of continuous supply or sustainable utilization. From my findings, the non-payment of the bills are as a result of very high bills. Water has become an economic commodity. This hurdle makes it difficult for sustainable utilization.

7.2 Imprecise legal protection

The effective implementation of the right to water under Cameroonian law is also limited by the fact that the law is not precise about water and sanitation as a right. The Water Code fails to spell out clearly that access to water is a human right. Moreover, by that law, the state shall only facilitate the provision of water. It does not clearly put an obligation on the state on the provision of the basic human rights. As such litigants can only succeed in obtaining rights by invoking international treaties and conventions ratified by Cameroon. Since the code contains ambiguity with respect to the human rights to water, it therefore raises a lot of doubts about the human right character of water in Cameroon. To attain sustainable utilization of water, there is the need to address this code again in legislative sittings.

7.3 HUMAN RESOURCE CAPACITY

Human Resource capacity is a big problem standing against the effective enforcement and implementation of the right to water. The law provides that ‘the surveillance and control of water quality shall be ensured by water inspectors and their assistant’.(Cameroon water code Art 19,) They shall be designated by the Minister of Water to handle the quality of water, research and establish offenders and co offenders and also shall institute legal proceedings acting as Judicial Police officers against the said persons. These inspectors are not only few in numbers but are not experts in the field of water even though they have a very crucial role to play. Secondly the quality of water is always compromised because of personal gains. Some of the inspectors facilitate the commission of offenses by working in close collaboration with offenders. As a result the human right to water is jeopardized.

7.4 LACK OF POLITICAL WILL

Without fear of mincing words, one can say that the obligation of the government is not taken seriously as argued under international law. The provision of the right to water is a matter of political will to which from my findings is lacking in Cameroon.

8 CONCLUSION

From the forgoing, it is clear that the right to water is a fundamental human rights recognized internationally. However express or implied the right is recognized in Cameroon but with a lot of lacunae. From the analysis meeting the target of 2030 is still far fetching even though not impossible. The lack of political wills, human resource capital and many other factors hamper the provision of this basic right. Furthermore enabling that water has the quality, quantity and affordable in Cameroon will require that the local and state government work in the areas of water shortage, human resource capital and above all the legislation and its implementation. For instance the government can decide to provide filters to villages that lack access to pipe borne water.

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Appendix

HOUSEHOLD QUESTIONNAIRE

- 1) Name of Household/School.....

- 2) What is the main source of drinking water for members of your household/School?.....
.....
.....

- 3) How long does it take to go there, get water, and come back?.....
.....
.....
.....

- 4) Who usually goes to this source to fetch the water for your household?.....
.....

- 5) Do you treat your water in any way to make it safer to drink?.....
.....

- 6) What do you usually do to the water to make it safer to drink?.....
.....
.....
.....
.....
.....
.....
.....
.....

- 7) What kind of toilet facility do members of your household/School usually use?.....
.....
.....

.....
.....
.....
.....
.....

8) Do you share this facility with other households?.....
.....
.....

9) How many households/Students/Pupils use this toilet facility?.....
.....

10) The last time the youngest child (less than 3 years) passed stools, what was done to dispose of the stools?.....
.....
.....

11) Has ... (each household member or student/pupil) been sick from waterborne diseases in the last six months.....

12) Has ... (each household member) been sick from waterborne diseases in the last two weeks
?
.....