

The Complexity of Environmental Protection in Sub-Saharan Africa and Reduction of Poverty

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Abstract

The principal purpose of this article is to draw attention to the growing threat to human health and the environment posed by the increased generation of and the complex problems attending hazardous wastes in sub-Saharan Africa, and the need to protect this region. This subject is vitally linked to the need to reduce poverty and to achieve socio-economic development in sub-Saharan Africa. However, there is an implicit determination of the people to protect the human health of the sub-Saharan population and the environment from the adverse effects of pollution and degraded ecosystems. It is essential to protect human health and the environment from the adverse effects of hazardous wastes, and all humanity should make a permanent individual and collective commitment to protect the environment and reduce the poverty that all too often puts the environment and public health at risk.

Introduction

Research identifies poverty as the main cause and consequence of man-made environmental degradation in Africa. Poverty is multidimensional and goes beyond the lack of an income to include, as stated by the United Nations Development programme (UNDP) “the denial of opportunities and choices most basic to human development - to lead a long, healthy, creative life and to enjoy a decent standard of living, freedom, dignity, self-esteem and the respect of others” (UNDP 1997). Accordingly, the World Resources Institute *et al.* (2005) sees this multidimensional poverty as one reason why it is so important to “attack Africa’s environmental problems head on, both for present and future generations and for the whole world. In essence, poverty is not only about economic disempowerment, but also involves political, social, environmental and cultural disempowerments” Walter *et al.* (2005) point out that “environmental degradation and poverty are inextricably intertwined. The consequence of this linkage is a vicious cycle in which poverty causes the degradation of the environment, and such degradation in turn perpetuates more poverty”. Fabra (2002) adds that “poverty and environmental degradation are often bound together in a mutually reinforcing vicious cycle, and thus human rights abuses related to poverty can be both the cause and effects of environmental problems”.

In my view, if poverty is the main cause of environmental degradation in sub-Saharan Africa, then all the policies, legislation, regulations and bylaws designed to protect the environment in sub-Saharan Africa will flounder if there is no significant improvement in the standard of living and

consequently of the well-being of the poor. However, this is not a “one way” relationship as the protection of the environment is equally vital to the achievement of poverty reduction in Africa (Reid *et al* 2004:2-3). This is due to the fact that the poor in sub-Saharan Africa, who live predominantly in the rural areas, rely upon the resources obtainable from their immediate environment for sustenance, and hence, are severely affected by environmental degradation. As Kante (2004) notes “for the poor, nature offers a series of goods of inestimable value, on which they depend absolutely. That sums up their life”. The Democratic Republic of Congo is a case in point. The soil, geological resources, flora and fauna are naturally rich. Those most aware of the as yet untapped wealth of natural resources in the Democratic Republic of Congo are the great economic, military and political powers of the world. The wealth of the country is increasingly and cynically exploited with such greed and violence that the toll in terms of human misery is immeasurable. Ruthless, and cruel, leaders serve the interests of foreign powers for their personal gain and to secure their positions of power, and are supported by these foreign interests even though they are impoverishing and abusing their people (Kalemba 2010).

Aware of such global abuses, Biber (2004) denounces “over-consumption and overexploitation that deplete or dangerously diminish natural resources that God has given to human beings for proper management”. In this connection, Coste (2000) remarks, “instead of fulfilling their role as collaborators of God in the work of creation, the economically strong people choose to take the place of God, ending

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up provoking the revolt of nature that is more tyrannized than governed by them". If the people of sub-Saharan Africa want their region to be developed and to prosper in peace, they must oppose anything that threatens their region. The African elite have a meaningful part play as the spearhead in the struggle towards integrity and the protection of the environment, and to work efficiently for poverty reduction in sub-Saharan Africa. Every intellectual should set an example and take the lead in their communities. In fact, if sub-Saharan Africa is to experience sustainable development, it must guard against the detrimental effects of ecological damage, because the health of the environment and the health of the economy are inseparable (Kalemba 2010). This article provides an overview of the complexity of environmental protection in sub-Saharan Africa and the necessity of reducing poverty.

This reflection makes use of the descriptive and comparative methods. The major sources used are books, field surveys and other publications related to this research.

Research Background and Development

African peoples have found themselves in danger from the food they are eating, from the air they are breathing, and from the water they are drinking. This constitutes an unimaginable self-imposed threat and sanitary risk that could lead to a human cataclysm of historical proportions – a cataclysm that is avoidable if respect for the environment and responsible exploitation of natural resources become the norm (Ngonda 2008). That is why rational and honest planning as to how to exploit natural resources in sub-Saharan Africa and how to reduce poverty should be carried out as a paramount necessity. Accordingly, Coste (2000) says "the will of God is that human beings commune with nature as his/her intelligent and noble master and guardian, and not as his/her exploiter and destructor denuded of any management". Therefore, industries, great powers and poor communities pollute and damage the natural world and there is no equitable and balanced stewardship of the environment governed by ecological norms and, consequently, the elimination of poverty becomes a pipe dream.

Respecting ecological norms and their bearing on poverty reduction requires taking up the values of environmental protection -- the protection of soil, forests, flora and fauna -- and

the work needed for sustainable development. Fighting pollution, deforestation and erosion is necessary for the protection of the sub-Saharan people. It is common knowledge that in most cases these ecological norms are often sabotaged by the very people who defined them because, deep within them, lies a huge and dangerous "love of money" (Kalemba 2010). It is a serious matter for the poor, leading to the loss of their livelihood (Kante 2004). Therefore, it can be argued that any sustainable approach to the reduction of poverty in sub-Saharan Africa requires an improvement of the natural resource base upon which most of the poor are dependent (Reid *et al* 2004). This argument has been recognized by various experts with regard to the realization of the UN Millennium Development Goals (MDGs), a poverty reduction strategy that seeks to improve the well-being and livelihood of the poor in sub-Saharan Africa. The Millennium Development Goals (2005) have been generally accepted as a blueprint for poverty reduction and for the overall sustainable development of developing countries in the 21st century (Amechi 2009). In view of the link between environmental protection and poverty reduction in sub-Saharan Africa, the question is: to what extent do the various legal interventions to protect the sub-Saharan African environment recognize this link by promoting socio-economic development and so reduce poverty as an integral part of ensuring the protection of the environment?

As the African Convention on the Conservation of Nature and Natural Resources (1968) declares this is very important, as the "enforcement of these legal instruments is vital to the protection of the environment in Africa, which in turn, could give zest to the quest to achieve poverty reduction initiatives like the MDGs in the region. This enquiry starts with a discussion of the regional attempts to address environmental concerns in Africa". This will shed light not only on the various interventions instituted to protect the environment in sub-Saharan Africa, but also, the underlying principle of environmental protection in Africa. This will be demonstrated by an analysis of the legal instruments for the protection of the environment in sub-Saharan Africa to determine the complexity of what must be done to reduce poverty. The focus will be limited only to environmental instruments in sub-Saharan Africa. This article concludes with the

recommendation that since these legal instruments aim, *inter alia*, to promote poverty reduction and socio-economic development in sub-Saharan Africa. For that reason, the sub-Saharan African governments should promote their implementation to enhance the achievement of poverty reduction initiatives such as the MDGs in the region.

Environmental concerns in Africa

Ngonda (2008) points out that one of the earliest demonstrations of “environmental concern in Africa was the adoption of the African Convention on the Conservation of Nature and Natural Resources, by the defunct Organization of African Unity (OAU) on 15 September 1968 in Algiers, Algeria”. Pongo (2009) notes that while the adoption of the Convention by some independent African nations “constituted the first regional attempt to address environmental concerns in the region, it was not the start of environmental protection in Africa as the protection of the environment was an integral part of the religious, cultural and social life of Africans before their colonization and subsequent independence”. The Millennium Development Goals Report contains eight development goals with time-frames and quantified targets based on the provisions of the Millennium Declaration, adopted at the Millennium Summit in September 2000 (MDGs 2005). The eight goals are to:

- eradicate extreme poverty and hunger;
- achieve universal primary education;
- promote gender equality;
- reduce child mortality;
- improve maternal health;
- combat HIV, malaria and other diseases;
- ensure environmental sustainability; and
- Build a global partnership for development.

It is very important that environmental conservation and management practices be reintroduced, for example, to actively protect designated sacred forests, groves, rivers, and animals; to assign market periods and locations; to designate bathing and laundry places along streams and rivers to contain pollution; and to prohibit human urination and defecation along or in village roads, rivers and streams. These former practices account for the pristine condition of the natural environment in sub-Saharan Africa before colonization and were

based on the traditional African notion of the unity of humanity and nature, and therefore, emphasized conservation and sustainable utilization of natural resources by man (Amechi 2009). However, the potential of these ancient African practices to curtail environmental degradation was disrupted by the scale of colonization. The efficacy of these practices relied upon the inhabitants of these rural towns and villages existing as a homogenous unit. Colonization transformed hitherto rural towns into urban areas.

Originally, and generally speaking, there are three types of cities in sub-Saharan Africa. Cities born of economic drives such as Akran in the 16th century or Lomé in the 18th century; cities born thanks to African intellectuals and colonial actions (Ngonda 2008), or cities that rose up around industry such as Upoto in Equator, or Maniema and Mbuji-Mayi in the Democratic Republic of Congo. Most of the inhabitants of these cities came from the rural villages in search of a better income and in order to improve their living standards in the cities and towns (Kalemba 2010). This unplanned rural exodus creates new and complex problems of unemployment, homelessness, overpopulation and chaotic construction and housing which often lead to sociopolitical abuse and lawlessness. Lawlessness and anarchic construction are vulnerable to ecological abuse and soil erosion due to rain waters that cannot be easily controlled (Kalemba 2010). The African Conservancy has commented on the environmental and cultural disintegration of Africa. The development of urban areas and the subsequent rural-urban migration contributed to the cultural disintegration of both urban and rural areas with adverse consequences for the environment, as traditions that honour nature and maintain the man/nature balance were gradually eroded (www.africanconservancy.org). In addition, Murombezi explains how Christianity served to undermine the traditional stewardship of the natural environment, “Christianity, which is closely associated with colonization, introduced a system of beliefs that questioned the religious basis of these practices and their enforcement institutions as their sustaining system of beliefs, taboos, myths and totems were branded as ungodly” (Murombezi 2003).

Furthermore, colonialism led to the establishment of formal administrative

structures that administered and exploited Africa's natural resources and overrode the traditional system. However, this administration principally served the interests of foreign merchants and their home governments in the exploitation of Africa's natural resources and not in their sustainable use and management (Agbonifo 2002). As Agbonifo (2002) states "the main *raison d'être* of colonialism was the ruthless exploitation of human and material resources of the African continent to the advantage of the owners and shareholders of expatriate companies and metropolitan governments and their manufacturing and industrial firms".

The colonial governments did make efforts to arrest the rapid degradation of the environment by promulgating environmental regulations at the regional and national levels. However, these regulations were sectoral as they addressed only specific natural resources valuable to the colonial administrations (Ngonda 2008). They focused on the allocation and exploitation of natural resources rather than their sustainable management for future generations. For example, in the area of wildlife conservation, their efforts were limited to the preservation of rapidly depleted wild game stocks in order to guarantee continued access to these species for the elite white hunters (Murombezi 2003).

The colonial administrations took a rudimentary approach to environmental issues, other than natural resources conservation, by treating them merely as sanitation or public health (Ngonda 2008). Thus, for complex environmental issues like poisonous or hazardous wastes emanating from the agricultural and industrial activities of transnational companies that polluted the air, water systems and land, there were no serious legislative efforts by the colonial administration to control them (Agbonifo 2002). Unfortunately, with the arrival of independence, many African countries did not place environmental issues on the agenda and emphasized their political rights and economic development which most often was undertaken without due regard to the negative effects on the environment (Pongo 2009:47). Sub-Saharan Africa sought to coordinate and intensify cooperative efforts to achieve a better life for all. It can be argued that African leaders at that point in time did not see environmental protection as meriting their attention in view of

their need for economic advances and the fact that most of Africa was still under economic colonialism (www.africaunion.org).

In 1968, the Organization of African Unity sought to address Africa's environmental concerns by approbation of the Algiers Convention (Pongo 2009). However, the approbation of the Algiers Convention, while it marked the beginning of a formal attempt by the African countries to address environmental concerns in the region, did not have the anticipated effect of stimulating further environmental developments at the national or regional levels as, at that time, most of the countries lacked comprehensive environmental regulatory frameworks (Amechi 2009). The late 1980s and 1990s witnessed an increase in environmental consciousness on the part of African leaders as they became increasingly aware of the negative effects of persistent degradation of the environment and natural resources on human health and well-being (Ngonda 2008). Several environmental warning signs in the form of air and water pollution, deforestation, erosion, and toxic waste, were responsible for this increased in environmental consciousness.

The dilemma of environmental protection in sub-Saharan Africa and poverty reduction

The more recent adoption of the African Union Convention that aims to promote sustainable development for all at the economic, social and cultural levels for all has added to the complexity of environmental protection and poverty reduction in the sense that it will encourage a certain kind of development. Many countries of the Northern hemisphere continue to utilize industrialization and new technologies for their development, but sub-Saharan Africa is not as heavily industrialized as these countries. Without industrialization, the African continent will not develop or prosper in the same way as the North, but will following this "model" of more intensive industrialization truly benefit Africa when it is accompanied by such levels of pollution and encroachment upon the natural environment that it will contribute to climate change and other environmental hazards? If Africa becomes more environmentally impoverished she will be impoverished indeed. Certain interests in the countries of the North have exploited civil conflicts in sub-Saharan Africa in a covert scramble to benefit from Africa's natural resources, be they diamonds,

gold or oil, and these wars have successfully undermined the progress of many African countries towards the stability required for development and prosperity.

In response, the African Union, and its predecessor the Organization of African Unity (OAU), have adopted a number of resolutions and declarations to protect the environment of Africa (Pongo 2009). In addition, several policy documents were adopted for the conservation and management of the environment. The most recent of such documents is the New Partnership for Africa's Development (NEPAD) and its environmental action plan (NEPAD-EAP) which emphasize that the environment must be conserved in such a way that it accelerates the elimination of poverty and promotes the sustainable development in the region (NEPAD 1985). Further support for environmental protection came in the form of the establishment of the African Ministerial Conference on the Environment to promote regional cooperation to address environmental issues. The African Ministerial Conference on the Environment is an inter-governmental body on environment and development and, presently, it is the main policy-making forum that addresses and discusses Africa's environmental problems. To further its objectives, the African Ministerial Conference on the Environment has adopted a number of declarations relating to the promotion of environmental protection and sustainable development in Africa (Mbaki 2008). To backtrack a little, before the NEPAD Environmental Action Plan, there was the Lagos Plan of Action for the Implementation of the Monrovia Strategy for African Development which, in part and in Chapter IX, covers the environmental concerns anticipated by regional government (Mbaki 2008). This Action Plan, which stimulated the adoption of the African Economic Community Treaty, has now been superseded by the NEPAD-EAP parent document. But, with regard to the Lagos Action Plan, a conference of African Ministers of Environment was held in December 1985 in Cairo, Egypt, and the conference adopted the Cairo Programme of Action for Regional Cooperation on the Environment. This Programme aimed to mobilise regional human, scientific and technical resources to combat the rapid degradation of environmental resources as well as the rehabilitation of existing environmental damage across the continent.

Unfortunately, the African political leaders did not, in practice, respect or follow up on these decisions and resolutions; their true interests lay elsewhere and they paid only lip service to environmental protection. Many African leaders work in complicity with the powerful and wealthy interests of foreign nations that do little to benefit the needs and dreams of the African people. In theory, unlike the Conventions negotiated by the former colonial rulers, the Convention not only moves away from the notion of nature conservation purely for utilitarian purposes, but also, emphasizes the principle underlying ancient African environmental conservation and management practices. This is evident in the Preamble to the Convention which acknowledges, *inter alia*, that natural resources constitute a form of capital that is vitally important to the sustenance and survival of humanity. The ever-growing importance of such resources from an economic, nutritional, scientific, educational, cultural and aesthetic point of view, and the importance of utilizing natural resources to satisfy the needs of man according to the carrying capacity of the environment (Pongo 2009).

The contracting parties intended to undertake 'individual and joint action for the conservation, utilization and development of these assets by establishing and maintaining their rational utilization for the present and future welfare of mankind' (Mbaki 2008). The intention of contracting parties to integrate environmental protection and to achieve sustainable development objectives, including poverty reduction, in Africa is given concrete prominence in the overriding principle of the Convention which provides that 'the contracting States shall undertake to adopt the measures necessary to ensure conservation, utilization and development of soil, water, flora and fauna resources in accordance with scientific principles and with due regard to the best interests of the people' (Ngonda 2008).

The reference to "the best interests of the people" can be construed as referring to their economic, nutritional, scientific, educational, social, cultural and aesthetic interests. Hence, it can be argued that African leaders envisage that the implementation of the provisions of the Convention must not only foster the conservation and management of environmental law, but also promote poverty reduction and overall socio-economic

development in the region. This intention runs through all the provisions of the Convention relating to the conservation and management of water, flora, and faunal resources (Ngonda 2008). For example, the Convention requires that when its parties establish policies to conserve, utilise and develop underground and surface water, they must endeavour to guarantee their populations a sufficient and continuous supply of healthy water (Ngonda 2008).

Furthermore, the parties are required to ensure conservation, the wise use and development of faunal resources and their environment, within the framework of economic and social development (Ngonda 2008). Therefore, it will be contrary to the spirit of the Convention if the States parties were to adopt or promote conservation measures and policies that focus exclusively on protectionism and to exclude humans from ecological resources (Ngonda 2008). It should be noted that while this principle has not yet been interpreted judicially at the regional level, similar decisions supporting this argument exist at the national level in Africa. For example, the decision of the Kenyan High Court in *Abdikadir Sheikh Hassan and four others v Kenya Wildlife Service* where the applicants sought an injunction to prevent the respondent from translocating a rare endangered species of animal called the 'hirola' on the ground that such action would deprive their local community of a species that forms part of their natural heritage and local ecology. It should be noted that most poor Africans and households are dependent on these resources for their sustenance. Thus, adopting such policies will adversely impact on their food security, culture and livelihood and exacerbate poverty (Ngonda 2008). The ground that the Kenyan Constitution and other relevant statutes that the respondents relied upon did not entitle them to translocate the animals (MDGs 2003).

In addition, while South Africa has neither signed nor ratified the Convention, its domestic legislation provided for a similar principle in Chapter Two of the National Environmental Management Act of 1998. This principle was considered in the Fuel Retailers Association of South Africa case (Pongo 2009) where the South African Constitutional Court held that one of the key principles of the National Environmental Management Act requires people and their needs to be placed at

the forefront of environmental management (Pongo 2009). It requires all developments to be socially, economically and environmentally sustainable. The National Environmental Management Act therefore requires the integration of environmental protection and economic and social development. It requires that the interests of the environment be balanced with socio-economic interests. In this sense, it contemplates that environmental decisions will achieve a balance between environmental and socio-economic developmental considerations through the concept of sustainable development (Ngonda 2008).

However, it is important not to lose sight of the importance of the reduction of poverty and achievement of socio-economic development in sub-Saharan Africa. To achieve this purpose, the sub-Saharan governments should uphold extensive civil and political rights, as well as socio-economic, environmental and cultural rights. These rights are essential to achieve environmental protection and poverty reduction in sub-Saharan Africa, to eradicate the damage caused by the colonialism of the mind, to coordinate and intensify the sub-Saharan Africa cooperation and efforts to achieve a better life for the people. This most important law on environmental protection can provide that the sub-Saharan peoples shall have the right to a general satisfactory environment favourable to their development. In other words, to work to provide unpolluted air and water, reforestation, protection of the flora and fauna forms an integral part of the traditional ways – regarding food and medicine, for example – of certain African people. Nevertheless, it can be argued that the term 'environment protection' refers to both the natural environment comprising living (biodiversity or ecosystem) and non-living or man-made components of the natural world, and the law should provide a general satisfactory environment favourable to the development of African people (Mbaki 2008). Because such an expansive interpretation enables not only persons whose access to streams, rivers, land and clean air has been impeded by environmental degradation, but also, those whose enjoyment or access to their homes and other buildings, as well as shrines, sacred groves and other cultural monuments, it serves to include not only human relationships with natural resources but also with cultural

heritage as well as the urban environment (Ngonda 2008).

The understanding of the complexity of environmental protection in sub-Saharan Africa and poverty reduction can envisage that African peoples should not only be able to live in a thriving and unpolluted environment, but also, be able to access the resources provided by their environment that allow them to develop to their full potential. In essence, the human right to a general satisfactory environment under the law is a composite right, and thus, measures taken to protect the environment in terms of this right must also promote poverty reduction and socio-economic development (Dembo 2008). This argument is not only consistent with the principle underlying both ancient African conservation practices and sustainable development, but also the philosophy underlying the adoption of ecological law, which is to address the real needs of sub-Saharan Africa, of which economic underdevelopment was identified as the most important. Such philosophy is evident in a more recent declaration of the 13th Conference of Non-Aligned Countries (most African countries are members) which states “sustainable development, therefore, must be considered in the wider context of sustained economic growth. States have the sovereign right to exploit their resources in accordance with their own environmental and development policies. [Less industrialized interpretation]” (Mbaki 2008). Such an interpretation will make it possible to widen the scope of the right to cover any instance of environmental degradation that is inimical to the socioeconomic development of sub-Saharan peoples and not be limited only to pollution, the dumping of toxic wastes and wastes generally (Ngonda 2008).

My view on the meaning of the right to a satisfactory environment includes, *inter alia*, an environment free from pollution and ecological degradation, and an environment of such quality that it can secure ecologically sustainable development and use of natural resources (Ngonda 2008). Because, it is not possible to forego growth and community transformation in the name of conservation of natural resources or for the sake of preserving an unaltered natural habitat, actions taken to protect the environment by diverting resources from development might in the long run prove to be self-defeating, since they might reduce development and limit the magnitude of

resources ultimately available for improving the human environment (Pongo 2009). The link to socio-economic development makes the promotion of the law relevant to the achievement of sustainable development objectives including poverty reduction in sub-Saharan Africa.

The purpose of this article is to draw attention to the growing threat to human health and the environment posed by the increased generation of hazardous wastes. Hence, the implementation and committed enforcement of the laws on environmental protection and poverty reduction in sub-Saharan Africa is vital to the achievement of poverty reduction in Africa as an environment free of hazardous waste that will enable people to enjoy their basic rights to life, health, adequate food and housing, education, satisfactory environment, traditional livelihood and culture in the region.

As demonstrated, environmental pollution causes allergies, rashes, poisoning, respiratory complications, lung and other types of cancer. Dumping toxic wastes that present long-term hazards to the host nation in developing countries in return for short-term financial gain is a major drawback to the right kind of development. The African people need to take some tough decisions about how to balance the need to protect human life and the environment on which we all depend with the need to uplift those living in poverty, and the dangers of poverty to human life and to the environment cannot be overestimated.

Conclusion

This article deals with the need to protect sub-Saharan Africa from the growing threat to human health and the environment posed by the increased generation and complexity of environmental pollution and degradation. The article demonstrated the African dilemma between the political declarations and their lack of realization. There is a vital link between the promotion of poverty reduction and the achievement of socio-economic development in sub-Saharan Africa.

Africa's natural environment and its resources are an irreplaceable part of the African heritage and constitute a capital of vital importance to the continent and mankind as a whole as well as the ever-growing importance of natural resources from the economic, social, cultural and environmental points of view. The sub-Saharan governments should observe and promote the laws on environmental protection

and the reduction of poverty in sub-Saharan Africa. They need to implement programmes to protect, manage and sustainably use land, soil, water, vegetation, species, biodiversity and community development. The African elites and political leaders should not only ensure that environmental problems and management of

natural resources are treated as an integral part of national development plans, but also, in the formulation of all development plans. Full consideration should be given to ecological problems, as well as to economic, cultural and social factors in order to promote sustainable development for effective poverty reduction.

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