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Review Article

The Role of Environmental Impact Assessment as a Tool that Aids Decision Making in Achieving Sustainable Development: Perspectives on its Evolution in Cameroon

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Abstract

The objective of this article is to conduct a critical reflection on the role of EIA as a tool that aids decision making in achieving sustainable development. Despite the fact that there is a host of legal and institutional mechanisms ranging from global, regional, sub regional right down to the national level that regulate environmental policies in Cameroon, sustainable development is still a major challenge to policy makers. The major problem that Cameroon is facing is that of implementation of the available legal instruments coupled with the institutional problems that are mostly characterized by overlapping of functions, corruption, nepotism, mediocracy, irrelevant administrative tolerance among others, thus making it difficult to apportion blames on any institution that fails to carry out its task. Broadly based on the reading of records, interviews as well as observation as main research methods, the results obtained are to the effect that there is an antagonistic relationship between economic development and environmental protection in Cameroon. This is against the backdrop of the fact that proceeds that are gotten from the exploitation of natural resources in Cameroon are hardly redeployed for the purposes of environmental protection to be able to stabilize the rate at which the environment is degraded during such exploitation. The study reveals that sometimes the results of EIA are not respected. Among the plethora of recommendations made, it is recommended that special attention should be given to the ESIA such that any results that come from such an assessment should be respected.

Keywords: Role, environmental impact assessment, economic development, environmental protection, sustainable development.

1. INTRODUCTION

"The historical development of sustainable development as a legal concept shows that it implies the pursuit of economic development, environmental protection and social development as non-hierarchical objectives of international society [1]." It has been argued that other legal norms such as the precautionary principle, public participation in decision-making and the principle of EIA could play an important role in the realization of sustainable development [2]. This notwithstanding, the objectives that ought to be pursuit by actors both at the international and domestic levels ought to be tailored in anchoring squarely the three pillars of sustainable development (economic development, environmental protection and social development). In other words, these actors ought to conduct their affairs in such a manner that would facilitate the realization of those three pillars. This reasoning falls in line with the consensus arrived at the Johannesburg Summit on Sustainable Development in September 2002. It is worth noting here that this political consensus provides an opportune time for further reflections to be carried out as far as this whole debate of sustainable development is concerned. This simply compounded the difficulties faced by the

[1] Alhaji B.M Marong, 'From Rio to Johannesburg : Reflection on the Role of International Legal Norms in Sustainable Development', 16 Geo. International Environmental Law Rev. 21 Fall, 2003 at page 1. Alhaji B.M Marong, 'From Rio to Johannesburg : Reflection on the Role of International Legal Norms in Sustainable Development', 16 Geo. International Environmental Law Rev. 21 Fall, 2003 at page 1.

[2] Ibid at page 1.

Secretary-General of the Stockholm Conference of 1972, which warranted him to confer to a group of experts the task of advising him on all the ramifications of the relationship between the environment and development. This was the forerunner to the Brundtland Report, which will later on contextualize sustainable development as a response to the said committee of experts to advising the UN Secretary General on this. It is worth noting here that the Brundtland Report emphasizes on the intergenerational equity and poverty alleviation. It has further given more impetus to the Founex Report [3]. This in other words means that addressing economic development simply implies solving the complex equation of under development and poverty [4].

From the above analysis, the question now is; what is the place of EIA in all these? The answer to this question will first of all demands that one has a good mastery of the whole notion of EIA. This will be done by looking at its origin, evolution especially in developing countries in general and Cameroon in particular before examining the challenges that are encountered in the course of integration and institutionalization of the concept.

1.1 Conceptual Clarifications

Environmental impact assessment (EIA) is a procedure used to examine environmental consequences or impacts, beneficial and adverse of a proposed development project design. The purpose of the EIA is to ensure that decision makers consider the environmental impacts while deciding whether or not to embark on a proposed project. It is based on predictions. The International Association for Impact Assessment (IAIA) defines EIA as the process of identifying, predicting, evaluating and mitigating the biophysical, social and other relevant effects of development proposals prior to major decisions being taken and commitments made [5].

Despite the above definitions, the realities reveal that EIA is used as a tool that aids decision is making and not a decision making tool. This therefore suggests that there is a growing dissent about them as their influence on decisions is limited. When it comes to the scope of the EIA, there is no universally accepted procedure in determining the boundaries of such an impact assessment, be they temporal or spatial. This therefore raises the worries as to where such studies should start and where they should end.

Environmental and social impact assessment (ESIA) on its part consists of a multidisciplinary approach, which combines the evaluation of the economic aspects of a project-based on cost benefit ratios-with the environmental consequences of undertaking the project [6]. Differently put, environmental and social impact assessment predicts the environmental and social consequences that a future project may entail. It is usually carried out before the project is embarked upon and proposes measures to mitigate potential negative impacts.

The difference between these two is that while EIA takes into consideration the impact of the proposed project on the environment, the ESIA goes a step further to include the social impact of such a project as well. The environmental and social impact assessment is broader than the limited issues considered in environmental impact assessment.

Apart from the EIA and ESIA in Cameroon, the issue of determining which type of impact assessment should be conducted has been laid to rest with the adoption of the current decree laying down procedures that need to be followed while conducting EIA assessment [7] and as such three types have been recognized i.e. environmental and social impact assessment (ESIA), environmental impact statement (EIS) and strategic environmental assessment (SEA).

Environment impact statement is a government document that outlines the impact of a proposed project on its surrounding environment. It is produced as a result of the EIA.

Strategic environment assessment on its part consists of a range of analytical and participatory approaches that aim to integrate environmental considerations into policies, plans and programs and evaluate interlinkages with economic and social considerations. The difference between EIA and SEA is that while EIA is not carried out until an environmentally relevant project enters the approval process; an SEA is carried out at the planning stage because important decisions relating to the environment often have to be taken in the context of the preparatory plans and programs.

[3] This report dubbed the Founex Report concluded inter alia that economic development was the answer to environmental problems in developing countries.

[4] Alhaji B.M Marong, 'From Rio to Johannesburg : Reflection on the Role of International Legal Norms in Sustainable Development', 16 Geo. International Environmental Law Rev. 21 Fall, 2003 at page 1. Alhaji B.M Marong, 'From Rio to Johannesburg : Reflection on the Role of International Legal Norms in Sustainable Development', 16 Geo. International Environmental Law Rev. 21 Fall, 2003 op. cit. at page 4.

[5] "Principles of EIA Best Practice", International Association for Impact Assessment, 1999.

[6] Barrow, C. J. Environmental and social impact assessment; An introduction. Hodder Education Publishers

[7] Decree No.2013/0171/PM of 14 February 2013 laying down rules for conducting environmental and social impact studies

1.2 The Legal and Institutional Foundations of EIA and ESIA in Cameroon

The whole concept of sustainable development in Cameroon has been held with high esteem because of its constitutional basis. The constitution [[8]] of Cameroon at the level of its preamble declares in clear terms that every person shall have a right to a healthy environment. It goes further to insist that the protection of same shall be the duty of every citizen where the state shall be responsible for ensuring the protection and improvement upon it. From these wordings emanating from the preamble of the constitution, it gives one the conviction as to what length the state is determined to inculcate environmental concerns into any development project that is taking place within the national territory. In order to go about this reasoning, the state has put in place a set of complex-like legal and institutional frameworks that will be able to reconcile these two concepts of the right to economic development and environmental protection. Although the concept of sustainable development existed in Cameroon even before the enactment of this very constitution, the reaffirmation of same in the constitution shows how important the concept is for the state in particular and by extrapolation to the global world as a whole. In order to bring out these legal and institutional foundations of EIA in Cameroon and situate them in their context, we will first examine the situation under international law before coming down to the national level.

1.2.1 EIA under International Law

The implication of EIA within the context of international environmental law has been a topic of discussion for quite too long now. Considerable efforts have been made at the level of international courts and tribunals to give EIA its place at the international level. The International Court of Justice has had the opportunity to examine two cross applications: Costa Rica V. Nicaragua / Nicaragua V. Costa Rica [[9]].

To begin with, in 2010 through a filed application, Costa Rica claimed the dredging of the San Juan River by Nicaragua was in total violation of its international obligation. In order to counteract this application by Costa Rica, in 2011 Nicaragua in turn filed her own application against Costa Rica, arguing that the decision of Costa Rica to carry out major road construction along the same river were in gross violation of the norms and practices prescribed by international environmental law. The question that is posed by these two separate applications is the determination of significance as that which will provoke resort to International EIA. From these two cases, certain questions have been raised and solutions to same attempted so as to situate international environmental impact assessment within its context. Supposed we advance in this discussion from the following premise with a series of questions as laid down by Simon Marsden [[10]]. He sorted to know whether the threshold question should lie only in the hands of the proponent state (the state of origin). If that is not the case, should the duty that goes with notification and consultation with the "affected state" occur at a stage much earlier rather than be pre-empted by the decision of the origin state not to assess? He went further to ask the question that should in case of any disagreement, is there a role for an independent body to decide upon it? Moreover, if yes, what should the threshold(s) for such a decision be? In addition, should this/these be lowered in the case where one is faced with a particularly sensitive environment in the likes of internationally protected wetlands? As if these questions were not enough, he went further to question that should activities having potential impact be specified in a list to reduce uncertainty? The last but not the least question comes up to know whether more guidance is needed on thresholds. The reasons for these questions were in a bit to reconcile the situation of international environmental impact assessment with the final decision of the ICJ in the cases under consideration here. The decision of the ICJ per the first case was to the effect that Nicaragua was not in breach of any international obligations to carry out an EIA. This was substantiated with the fact that the works were not such as to give rise to any risk that could be considered as significant transboundary harm. It went further to discard any supposed idea having to do with Nicaragua being under an international obligation to have consulted and notified Costa Rica. On the contrary, the court ruled that, in contrast to Nicaragua dredging program, the logic behind Costa Rica road construction shows that it carried a high risk of significant transboundary harm. Because of this, Costa Rica under no doubt met the threshold for triggering the obligation under international environmental law to carry out an evaluation of EIA.

A neat distinction was made by the court between the obligation that was termed procedural obligation to carry out an EIA and the whole idea of notification and consultation. To round it up, the court

[8] Law No. 96-06 of 18 January 1996 to amend the Constitution of June 1972, hence or otherwise referred to as the 1996 Constitution of Cameroon.

[9] These cases deal with certain activities carried out by Nigaragua along the stretch of its border with Costa Rica (Costa Rica V. Nigaragua) as well as the construction of a road in Costa Rica along the San Juan River (Nigaragua V. Costa Rica). These were both considered by the ICJ as joined cases on the 16 December 2015

[10] Simon Marsden, Environmental Impact Assessment after the International Court of Justice Decision in Costa Rica V. Nigaragua/Nigaragua V. Costa Rica: Looking backward, Looking forward. Determining significance for EIA in International Environmental Law (2017) QIL Vol 1 (2014).

instituted a three-fold test [11] that was meant for any state alleging a breach to satisfy the court with. These were, first and foremost the state has to prove that there was a risk of significant negative transboundary environmental effects by carrying out a preliminary assessment [12]. Secondly, that subsequent for the existence of such a risk in the first place, an EIA had been carried out [13] and third, consequent on the completion of this in the second, that the affected state be notified and consulted in relation to any potential harm as identified [14]. In a categorical contrary view to this test introduced by the court in these cases, it is argued that the test has failed woefully in its task to carry out clarification to the international law with respect to EIA and has on the contrary raised more questions than answers for the pending questions [15]. It has been remarked that despite the fact that Costa Rica was in breach of the first obligation as concerns its own works as a result of the fact that there was the risk of significant transboundary harm and no justifiable emergency suggesting that the obligation can be avoided, a contrary reasoning and fact finding approach was applied in Nicaragua. On ground of this account, it has been held that the court erred in its findings [16].

In a related development, New Zealand on the 21 June 1995 filed proceedings at the ICJ challenging France's resumption of underground nuclear tests. This was based on the ground that such activities among others violated France's obligation to embark on carrying of prior assessment of their impacts on the environment. This proceeding was based on article 16 of the 1986 Noumea Convention [17]. New Zealand equally went further to assert that in fact, customary international law required an EIA to be carried out especially when it concerns those activities that are likely to cause significant damage to the environment especially when such damages are likely to be transboundary in nature. It is necessary to note here that Australia who sought to intervene in the dispute equally endorsed the approach alongside some four South Pacific countries. To avert herself from the accusations, France did not deny being under an existing obligation under the Noumea Convention of 1986 or under the customary law. That notwithstanding, France went further to state that too much should not be read in the 1986 convention or the customary law with regards to this issue of EIA. She contended that environmental assessments requirements gave a permission for a considerable margin of appreciation to states when it comes to the manner in which they sought to avoid causing damage [18]. The court noted that it did not have jurisdiction to entertain the application and as such, the majority did not address the arguments emanating from the case. That notwithstanding, Judge Weeramantry"s opinion in a dissenting judgment was to the effect that the requirement to carry out environmental impact assessment was gathering what he termed strength and international acceptance, and that such has reached the level of general recognition at which the court (ICJ) should take notice of it. This opinion as expressed here by the learned judge appears to have informed the decision of the court barely two years later in the case concerning the Gabcikovo-Nagymaros project [19].

From the examination of the above cases, the discussion needs to till towards the existing legal texts so as to better understand the position of international law on this whole issue of EIA. This will be carried out through the examination of relevant international legal instruments in this domain. The fact that EIA takes place within the legal and/or policy and institutional frameworks that behind their establishment are individual countries and international agencies, its provision as well as procedure can go a long way to contribute to the successful implementation of projects on the condition that these frameworks are strictly adhered to. On the basis of this logic, one is motivated to carry out some studies on some of the key multilateral environmental agreements so as to see the way EIA has been given such an international touch.

1.2.1.1 The Stockholm Declaration of 1972

The manner in which EIA has been considered under this declaration is more implicit than explicit.

[11] Judge Bihandari in his Separate Opinion in the said ruling has summarized in a succinct manner these tests which are at times referred to as the 'three cumulative stages'. He went further to offer some suggestions as to how the jurisprudence can be improved upon with particular reference to the procedure of the Espoo convention. This opinion is found in paragraph 32-40.

[12] 7Costa Rica V. Nicaragua/ Nicaragua v. Costa Rica (ruling) op. cit. This tie very squarely with the first phase of an EIA which is usually referred to as the screening phase.

[13] Ibid at para 153

[14] Ibid at para 168

[15] Simon Marsden (2017) op. cit.

[16] Separate opinion of Judge ad hoc Dugard, para 4

[17] The convention in that particular article requires each party to assess, within its capabilities 'the potential effects of major projects which might affect the marine environment so that appropriate measures can be taken to prevent any substantial pollution of, or significant harm within, the convention area.

[18] CR/95/20,71–2('l'on ne doit pas faire dire au droit coutumier en general, ni `a la convention de Noumea, plus qu'ils ne dissent eux-memes . . .[EIA] laisse . . . une marge considerable d'appreciation `a chaque Etat concerne quant `a la facon de s'assurer prealablement ` a l'entreprise d'activites qui seraient potentiellement dangeureuse, que leur incidence sur l'environnement ne serait pas dommageable'). Cited by Philippe Sands in his book entitiled 'Principles of international environmental law', 2nd edition, 2003 at page 813 supra.

[19] 1995 (ICJ) Reports, 344.

Relevant provisions of the Declaration in a rather implicit manner will be attracting our attention to this effect [20]. In other words, the Declaration does not expressly impose any obligation for an EIA procedure to be conducted before any project is embarked upon. It goes further to refer to the need for what the relevant principles term rational planning as an essential tool for reconciling any conflict between the needs of development and the need to protect and improve the environment. As if this was not enough, it goes further to insist that planning must be applied to human settlement and urbanization to avoid adverse effects on the environment. The objective of this reasoning is simply that maximum social, economic and environmental benefits be achieved for all and sundry. The implicit nature that the Stockholm Declaration treats EIA could have been resolved if the earlier draft in its principle 20 which could have made a clearer provision as concerns EIA was finally adopted. Several developing countries precluded the adoption of this draft principle 20. The General Assembly of the United Nations in a rather satisfactory note took into account the report of the Stockholm Conference through the adoption of Resolution 2994 (XXVII) (1972). To further show serious attachment to this, the same General Assembly on the same day went further and adopted resolution 2995. This second resolution consolidated recognition of the necessity of cooperation between states in the environmental field especially when it comes to the provision of technical data with respect to the work to be carried out by states within the ambits of their natural jurisdiction. This has as aim to avert significant harm that might likely be occurring in the environment of other areas that are adjacent.

1.2.1.2 Convention on EIA in a Trans-Boundary Context (Espoo1991).

This is the single most comprehensive agreement as far as transboundary EIA is concerned. This convention has as a major requirement when it comes to proposed activities by state parties to take all appropriate and effective measures to prevent, reduce and control significant adverse transboundary environmental impact from proposed projects [21]. If one were to read this provision of the law alongside Appendix VI item (g) of same dealing with joint projects where there are likely impacts to affect one or both parties of origin, the procedure to be followed in redressing such a situation could have taken a slide difference. This difference could have resulted compared to when the impacts were to affect but a single country. Joint environmental impacts because of joint projects usually take place when the projects are likely to generate impacts on one or all of the states involved in the joint projects or better still affect other parties too and not just only parties of origin as regards the project. In a situation where the project is likely to affect one or both parties involved in same, the law requires that both parties should come to a compromise in advance whether one or two separate impact assessments will be conducted. Once this decision is settled upon, the law insists that both parties have the obligation to notify each other with respect to this decision. Once notification has been made by one state to the other, the notifying state in line with the provisions of article 3 of the convention is expected to give ample time for the notified state to react to such a notification before proceeding with any other move. Should the notified state fall short of reacting within the time frame stipulated in the notification instrument, only then shall the notifying state have the right to proceed with respect to its domestic laws as well as practice but not the convention on whether to embark on EIA or not. If the decision finally settles on the fact that a joint impact assessment will be conducted, the law goes further to emphasize that there is need to indicate if there are steps in the project with respect to the impact assessment that joint implementation will be required. This is when the impacts have the potential to cross the national boundary. Provisions have been made when it comes to a situation where joint implication is resorted to but there is a marked difference in terms of the law and practice when it comes to conducting EIAs processes in such states involved. In a situation where a state though not been served with any notification as concerns any potential adverse impact to emanate from a proposed project and at the same time feels threatened by same, such a state is entitled as of right to an exchange of information. This exchange of information is meant to determine whether there is the possibility of occurrence of any transboundary impact in the course of execution of the project. When both parties finally settle on the fact that such a state should be involved in the process, the applicable law here is the substantive provisions of the convention. Should the reverse be true, in other words if there is no agreement to this effect, resort will be made to a commission of enquiry in line with the provisions of Appendix IV to the convention.

1.2.1.3 The Rio Declaration of 1992

The EIA has been given due consideration under the Rio Declaration on sustainable development. It advocates for the fact that EIA as a national instrument be resorted to for proposed activities, which from every stretch of imagination are likely going to have a significant impact on the environment in an adverse manner and such an assessment be subjected to the decision of a national authority with competence in the field [22]. The Rio Earth Summit of 1992 that led to the birth of this declaration is of paramount importance especially when it comes to the consolidation as well as the international dissemination of information that has to do with EIA. The provision of the declaration

[20] Principles 14 and 15 of the Stockholm Declaration of 1972 are instructive here.

[21] Article 2 (1) of the Espoo Convention of 1991

[22] Principle 17 Rio Declaration 1992, op. cit.

especially that of principle 17 cited supra has given the document that official recognition as a legal tool for informed decision-making in matters concerning sustainable development. As we have noted above under our analysis of the Espoo convention of 1991, a significant development afterwards has so far been the strengthening of strategic environmental assessment at the level of the designing of policies, plans as well as programs. This declaration has witnessed its enforcement by over 191 countries [23]. It has been noted elsewhere that the Rio conference of 1992 acted as a stimulant to national governments, international governmental and nongovernmental organizations as well as the entire business sector towards the acknowledgment of the role of EIA when issues concerning sustainable development are being contemplated upon. Its surfacing alone has caused a very good number of countries to go back to the environmental drawing board and come out with environmental protection legislations that will be able to accommodate provisions for EIA. Among the five documents that were adopted during that encounter, three of them have been very concerned with environmental impact assessment; (1) The Rio Declaration itself in its principle 17 as we have seen supra, (2) Convention on Biological Diversity, especially its article 14 on Impact Assessment and Minimizing Adverse Impact has been very instructive here. The article in its opinion is to the effect that each contracting party should go as far as possible to carry out an introduction of appropriate procedures dealing with EIA with respect to its proposed projects. This is most especially if such projects are likely to have a significant adverse effect on the diversity of life with the intention of minimizing same. It goes further to corroborate this by saying that if possible and where appropriate public participation in such procedures should be allowed. As if this is not enough, the article in its following has gone further to insist that there should be an introduction of an appropriate arrangements geared towards ensuring that the environmental consequences of its programs as well as its policies that are likely to have significant adverse impacts on the diversity of life be duly taken into account. (3) Agenda 21 has in most of its chapters, alluded to EIA. It endorses comprehensive and analytical procedures when it comes to prior and simultaneous assessment of the impacts of decisions, which takes into consideration their environmental impacts as well as the assessment of costs, not leaving behind risks and benefits. It equally takes into consideration, the systematic application of the various techniques and procedures that are necessary for the assessment of environmental impacts [24]. Agenda 21 in its numerous programs encourages EIA especially in such programs dealing with deforestation, the protection of the atmosphere and the use of energy, mountain ecosystems that are fragile, biodiversity conservation and a host of others [25]. It has endorsed the need of individuals, groups as well as organizations to be able to participate in EIA procedures [26]. It has gone further to insist on capacity building both at the level of the private and public when it comes to the evaluation of environmental impact of all development projects [27].

1.2.2 National Legislations

The state of Cameroon has a strong potential for a number of resources that if well managed, could harness economic growth. Despite these resources, the state is still facing difficulties improving on its economic growth while managing environmental concerns at the same time. Concerns here will be on two main areas; the forestry sector and the mining sector. This to be more precise will be done under the prism of failures on the part of the law to ensure that those who are involved in such activities scrupulously observe EIA prescriptions.

2. Evolution Proper of EIA

The understanding and complete accommodation of EIA as a new concept was not an easy task, especially with developing countries. A logical explanation to this stems from the fact that it was looked upon as a blockade or better still, anti-development. The perception attributed to this concept as anti-development stems from the fact that it could discourage such states from embarking on certain projects when proven that the negative effects to accrue from such a project to the environment would outweigh the purported advantages. As such, since laws and policies that were in support of this concept dictated that such lands developments that were thought and known of as generating negative impacts should be discontinued, the acceptance of the concept by developing countries was met with mixed feelings. Pacific F [28] has submitted that there are certain myths that characterized EIA according to developing countries; firstly, it was considered just as another bureaucratic stumbling block in the part of development. Secondly, he thinks that it was conceived as a sinister means by which industrialized nations intend to keep the developing countries from doing away with the vicious cycle of poverty. Thirdly, he contends that the experts in the developing countries

[23] Morgan, R.K. Environmental impact assessment: the state of the art. Impact Assessment and Project Appraisal, V.30, n.1, p 5-14. 2012

[24] Paragraph 8 (8) (b) and 10 (8) (b) of Agenda 21 of 1992.

[25] Ibid at paras 9 (12) (b), 11 (24) (a), 13 (17) (a), 15 (5) (k), 16 (45) (c)

[26] Ibid para 23 (2)

[27] Ibid para 37

[28] Pacifica F. Achieng Ogola, 'Environmental Impact Assessment General Procedures', presented at Short Course II on Surface Exploration Geothermal Resources, Organised by UNU-GTP and KenGen, at Lake Naivasha, Kenya 2-17 November 2007

were foreigners who were viewed as agents of colonization. Today, there is no more such a distinction like developed and developing countries when it comes to the consideration of EIA. This is against the backdrop especially when one thinks of the fact that there is a substantial danger that is likely to emanate because of the advances in environmental protection as well as enhancement that is achieved with EIA in developed countries. This is because such an environmental protection and enhancement will likely prove inadequate as far as the global scale is concerned, except or otherwise a similar level of attention is accorded to the application of EIA in countries still undergoing development. Therefore, the need for EIA has gained support from all fronts and is so increasingly important that it has been made a statutory requirement in many developing countries to be taken into consideration when any development project is to be carried out. To a greater extent, one can confirm that the details relating to common approaches are reflected in some of the international cases that the ICJ has had the opportunity to hear ever since the said principle 17 was adopted [29].

2.1 Evolution of EIA Procedure in Terms of Legislation as Well as Practice

The discussion that follows under this head will be tailored towards a critical examination of the very foundation of EIA in Cameroon taking into consideration the institutional and legal foundations not leaving behind the policy and administrative aspects of same. As it has been noted supra, the foundational pillar of environmental consideration in Cameroon is the constitution from which other legal enactments have seen the light of the day. The task here is to examine the evolution of EIA procedures in Cameroon, taking into consideration the evolution in terms of practice and legislation. This analysis will enable one to be able to have a clue on the evolution of the practice from EIA to ESIA.

2.1.1 Evolution of EIA in Terms of Legislation

Talking about the quality of texts regulating EIA system in Cameroon, there will be no doubt that the quality of texts has greatly improved from the moment the legislator decided to take into consideration EIA when engaging into any development project in Cameroon. The methods of conducting EIA were ushered by the 2005 Decree. This decree has been accompanied by some Orders especially that of April 2005 [30], geared towards improving on the methods of conducting the EIA. In February 2007, an order was passed defining in general the terms of reference of environmental impact studies and in July 2007, another one was enacted laying down the conditions for authorization of consultancies carrying out EIAs. From the trend of events, it is clear that certain requirements can still be refined with the intention of adapting same to the new policy directions of the decree of 14 February 2013 [31]. It is worthy to note that back in 2008, the ministry responsible for the environment adopted a manual for carrying out and evaluating EIAs. To think that there was paucity in national environmental standards legally in force, the manual went ahead to authorize the use of international standards which further created some confusion. For the fact that the above decrees do not pronounce disclosure of other documents relating to the EIA in the likes of terms of reference or various quality assessment reports, one can perceive this as a limitation given the principle stated in the framework law on environmental management of 1996 that every citizen must be given access to information related to the environment [32].

As far as financing of the procedure is concerned, the decree stipulates that the impact study is at the developer's expense [33]. The charges for the review of the terms of reference and EIA reports are laid down by the decree [34].

2.1.2 Evolution of EIA in Terms of Practice

When it comes to writing reports on EIA, the quality of the teams as well as the quality of the content of the report not leaving behind the clarity, although tremendous efforts have been furnished in, still score moderately. When it comes to practice the terms of reference usually submitted by developers are not always validated on the basis of on-site visits as insisted by the regulations. It is an undeniable fact that the number of projects currently being submitted to EIA which are subjected to monitoring are on the rise and this has been deemed satisfactory. However, when it comes to the number of on-site visits, the result is not optimal and the reason for this has been attributed to

[29] The New Zealand application to the ICJ concerning the resumption by France of the underground nuclear testing (1995), the Case concerning the Gabcikovo-Nagymaros Project (1997) and the Dispute between Ireland and the United Kingdom concerning the MOX plant (2002).

[30] This order is aimed at laying down the various categories of operations requiring an environmental impact study.

[31] Among all the legal texts enacted ranging from orders to decrees, this is the one which lays down the procedures for conducting environmental and social impact assessments. It has also been observed that the documents do not provide for the involvement of the environmental inspectorate at the various phases of EIA. The decree of February 2013 provided for publicising the study to give local people the opportunity to comment on its conclusions.

[32] Article 9.

[33] Article 6 ibid.

[34] Article 17 ibid

administrative laxity. Also, the response from the administration is not usually systematic and this makes matters which are seemingly bad to be worse, the opinions of outside experts are very seldom sought out. The availability of financing is growing and this is because of covering of the cost of reviewing the terms of reference as well as the preparation of the EIA reports. It ought to be remarked abundantly clear here that the mobilization of funds from the state budget still fall short from being sufficient to cover the requirements related to financing the EIA of the projects that are carried out by the government, not to talk of on-site visits, monitoring of projects and any required laboratory analyses.

At the level of institutional capacity, there has been a disparity between 2006 and present. It has been alleged that those institutions that were found sufficient in 2006 are less likely to be so now. The simple explanation for this has been that the work load has grown faster than the available capacity.

As concerns expertise in managing the procedure of EIA, there is relative stability when it comes to a comparative review between 2006 to present. Even though the said managers responsible for the procedure have adequate basic training, there is always need especially when it comes to task-specific training, mindful of the increasing complexity of the projects.

Resort to external expertise has remained relatively low because of none heeding to regulatory provisions by the administration.

As concerns infrastructure for knowledge, one will not disregard the availability of manuals for the developers preparing the EIA, as well as specialized EIA teaching programs at universities, engineering schools and also public administration colleges.

2.2 Evolution of the Decision-Making Processes in Terms of Legislation and Practice

The evolution of EIA systems in Cameroon has equally been reflected in the quality of legislations as well as practice. This can be explained from the fact that the wishes of the law makers have always been to ameliorate the quality of enactments especially those aimed at regulating environmental issues which happen to be among the top contemporary problems that mankind is grabbling with.

2.2.1 Evolution of Decision-Making Processes in Terms of Legislation

As concerns legislation, the evolution of the quality of decision-making process was rated higher in 2013 when the decree regulating the ESIA was passed as compared to the mid-2000s before the putting in place of the decree. This is to show that as concerns decision-making processes the steady progress as concerns EIA is undeniable even though there are still pending challenges when it comes to the respect of such decisions by those engaged in those developmental projects under consideration. The minimization of bureaucracy and the respect of deadlines when it comes to EIA process has been some of the major innovations of the 2013 decree. Although the law is clear that the National Assembly is supposed to oversee the major decisions arrived at by the executive organ especially as concerns environmental issues, one cannot fail to notice that decisions about the comprehensive and summary ESIAs are still unilaterally taken by the ministerial department responsible for the environment. Also, there is no distinction between the authority responsible for decision taking and those in charge of overseeing inspection. This makes the work to be one sided. The decentralization as concerns environmental impact statements to municipal authorities which are elected has made the entire decentralization process to advance nowadays as compared to the mid-2000s. Although environmental management code has insisted on the issue of justification each time a decision is taken regarding EIA by the competent authority [[35]] this requirement for justification has not been taken up by the decree of 14 February 2013. As concerns requirement for monitoring and compliance, there has been a tremendous progress since the advent of the 2013 decree.

2.2.2 Evolution of Decision-Making Processes in Terms of Practice

The right of equal access to documentation relating to decision-taking is incontestable and there has been enough documentation to this effect though there is still room for improvement especially in terms of dissemination to a broader public. User-friendliness has been found by critics to be satisfactory as few visits are required in order to obtain decisions and the service mentality is found to be good.

3. Environmental Impact Assessment Amid the Challenges of Integration and Institutionalization

The necessity of EIAs has several important reasons backing them up to an extent that it has become necessary for us to examine same. To do this, it will be imperative for us to look at the intricacies that animate the challenges that are usually experienced in the course of any attempt to integrate EIAs in any project that has been earmarked. The starting point here is to be able to embrace the fact that EIA process is in the first place a decision-making aid that has as major objective the intention to prevent such projects that are characterized by environmental impacts that their strong negativity cannot be doubted from going forward. The question that one needs to address here is to know why the emphasis on EIAs when there exist other mechanisms

[35] Article 20 of law no 96/12 of 15 August 1996 on environmental management op cit.

that can be resorted to such as a cost-effectiveness analysis. Opinions have been divided here. Some authors and pundits think that such a contrast is based on a systematic as well as holistic and multidisciplinary assessment of the potential impacts associated with specific projects on the environment [36]. The reason for the recurrent resort to EIAs equally stems from the fact that development decisions are meant to be informed by instituting or mandating a certain degree of consideration of other alternatives. Talking about alternatives here we are referring to either a very different alternative to the one under contemplation. This can only be possible if the revelation of the EIA conducted shows that the negative impact that such a project will cause on the environment will be lesser than that which the initially contemplated project will cause. Other alternatives may be linked to what has been termed): "Project locations, scales, processes, layouts, operating conditions, or in some cases, the option of desisting from implementing a project and ways to prevent, mitigate, and control potential negative environmental and social impacts" [37]. The process generally involves a number of steps, including project screening, scoping, an EIA report…public participation, review, decision, and monitoring [38]. It is necessary that at this point in time we make it very clear that not all projects are entitled to EIAs. Those that are covered by this process have from time to time been widening. From the general look of things, only projects that are referred to as major projects as a result of the type or level of investment, potential environmental impacts among other factors can be considered as projects that are covered by EIAs. For purposes of explicitly identifying a major project that can qualify as one requiring EIAs, the following factors are considered as guide [39]: The quantity of capital that such a project requires. This is one of the most glaring factor that can from first sight gives an impression whether that project is one that requires EIA or not. The huge the capital the more likely the project will be requiring a EIAs process before embarking on it. Another factor that one needs to consider for this exercise is the surface area to be covered by the project. It has been noted that the larger the surface area the more likely the project will be liable for an EIAs process before venturing into such a project. Another factor has to do with the number of people that have been employed to carry out the project. Common sense command that the more people the project employs be they at the level of the construction of such a project or at the level of the operation phase of the project, the more likely the project will be expected to involve EIAs before indulging into it. In addition, the manner in which the organization of the project is done can give an idea whether EIAs is a necessity or not. Here, the more complex the organization is carried out as far as the links are concerned, the more likely the project will be requiring a EIAs process. In other words, the complexity of the array of the links of the organization is a sufficient factor to help one to arrive at his or her conclusion as far as these EIAs is concerned. Moreover, major projects are characterized by wide-ranging impacts and this is gotten from the size of the surface area that is likely to be affected and at the same time, the type of impact that is contemplated upon. Differently put, each time a project is likely to have a very long ranging impact with respect to the size that is to be affected and the type of impact, it can easily be deduced whether the project will require an EIAs process or not. The wider the range of impact and the size to be affected, the more likely EIAs process would become obvious. When a project cannot be able to cause a significant impact on the environment, there is no need to even be thinking of carrying out EIA before embarking on such a project. Therefore, only major projects are capable of causing significant impact on the environment and they are those that as a matter of necessity are susceptible to precede EIAs process, in line with the relevant provisions of Principle 17 of the Rio Earth Summit as seen supra. Furthermore, when it comes to a point where a project requires special procedures to an extent that public inquiries are involved coupled with special bills approved by the legislative power, there is a clear indication that such a project is one that EIAs process actually is a necessity. The involvement of public inquiries and the intervention of the legislature proves the complex nature of the project and thus the likelihood of EIAs process. Some activities on their own when conducted during a project can determine whether EIA is a necessity or not. Here, when one is faced with a manufacturing and extractive process in the likes of petrochemical plants, steel works including mining and quarries there is no doubt that EIA does not only become a necessity but an obligation. In the same light, other service projects that one cannot neglect here that would warrant an EIA before embarking on them include leisure developments, and shopping centers that are away from the town including roads, bridges, reservoirs, barrages as well as pipelines. The last but not the least factor that one can pinpoint to conclude that a project of such a nature deserves EIAs procedure is when there is the anticipation of a high level of production of whatever is to be produced. After examining some of the intricacies surrounding the smooth implementation of EIAs processes, it becomes very compelling for us to examine some of the international best and worst-case environmental assessment performances. To do this, we will summarize such best and worst-case performances in the table below:

[36] Jennifer C. Li, 2008: Environmental Impact Assessment in Developing Countries: An Opportunity for Greater Environmental Security? Working paper, No 4.
[37] Ibid.
[38] Ibid at page 1.
[39] Glasson *et al.,* 2005: CEC 1982

Table 1: Summarized best and worst-case performances of environmental assessment that has been recorded so far

Best-case performance	**Worst-case performance**
The EA process:	**The EA process:**
Facilitates informed decision making by providing clear, well-structured, dispassionate analysis of the effects and consequences of proposed actions	
□ Assists the selection of alternatives, including the selection of the best practicable or most environmentally friendly option.	□ Is inconsistently applied to development proposals with many sectors and classes of activity omitted.
□ Influences both project selection and policy design by screening out environmentally unsound proposals, as well as modifying feasible actions.	□ Operates as a "stand alone" process, poorly related to the project cycle and approval process and consequently is of marginal influence.
□ Facilitates meaningful public engagement and review in at least two stages of the process: once when scoping the impacts and issues to be considered, and again during the presentation of initial findings of the EIA, including a non-technical summary.	□ Has a non-existent or weak follow-up process, lacking surveillance and enforcement of terms and conditions, effects monitoring, etc.
□ Encompasses all relevant issues and factors, including cumulative effects, social impacts, and health risks.	□ Does not consider cumulative effects or social, health, and risk factors.
□ Directs (not dictates) former approvals, including the establishment of terms and conditions of implementation and follow-up.	□ Makes little or no reference to the public or public consultation is perfunctory, substandard, and takes no account of the specific requirements of affected groups.
□ Results in the satisfactory prediction of the adverse effects of proposed actions and their mitigation using conventional and customized techniques.	□ Results in EA reports that are voluminous, poorly organised, descriptive, and overly technical.
□ Serves as an adaptive, organizational learning process in which the lessons experienced are fed back into policy, institutions, and project designs.	□ Provides information that is unhelpful or irrelevant to decision making.
	□ Is inefficient, time consuming and costly in relation to the benefits delivered.
	□ Understates and insufficiently mitigates environmental impacts and loses credibility.

Source: Sadler 1996; Glasson *et al.*, 2005.

Without entering into the details of coming out with a well-structured comparison between EIAs in developed and developing countries, one is bound to mention here that countries that have a long experience in the field of EIA practices have the tendency of including a standard set of components in their EIA. On the contrary, those whose is experience is shorter in relative terms, fail to include such standard set of components. This is a direct reflection of what is gotten from the developed and developing countries respectively. As seen from the table above, one can confidently deduce that in developing countries, EIA most often lack a public announcement, which is a means that is resorted to advise about the imminent preparation of an EIA. Also, it is equally undoubted that apart from the lack of public announcement, there is also the lack of a well-designed process for involving the public as well as the lack of a comprehensive post – EIA monitoring. When it comes to the incorporation of indirect impacts, the situation changes at this level. This is because it is difficult for this to be predicted. Note has been taken that even those countries that are good at implementing EIA best practices, are still not finding it easy with regard to the incorporation of indirect impacts [40]. With this in mind, one can only conclude by saying that both developed and developing countries have continuously embarked on improving, harmonizing as well as increasing coherence of the practices that are associated with EIA. As a means to lure developing countries to embrace EIAs processes in their respective countries, the international community has not spared any effort in engaging into cross-country training and capacity-building exercises. The UNEP, UNFAO, US Environment Protection Agency, as well as the World Bank have spearheaded these activities. Certain issues are still under debate worldwide. Political factors are at the top of this debate or better still, much of these debates are animated by political factors especially among developed countries. Generally speaking,

[40]Jennifer C, 2008 op. cit. At page 4, citing Glasson *et al.*, 2005.

however, the taking of EIAs at the early stage of the project has always been recommended and thus making them even compulsory in the majority of the cases as well as implementing them in a wide range of projects, talking less of significantly increasing their comprehensiveness as well as making them more integrative and open [41].

Despite all these discussions on how EIAs processes have become mandatory for the realization of most major projects, the dream is still a farfetched one in terms of effective realization. With a view on the African continent in general and Cameroon in particular, EIAs still happen to be plagued with a shortage or complete lack of trained personnel to be able to carry out this exercise. In addition, the budgetary allocations that are usually made for this most often are inadequate. The worst of it all is the fact that there is still that tendency to believe that EIAs will draw back economic development in the state concerned.

3.1 The Beginning of Environmental Impact Assessment

The very first phase of any project is the carrying out of what is termed Initial Environmental Examination (IEE). The reason for this is to find out whether there are potential adverse environmental effects which are significant such that are capable of affecting the overall advantages that such a project has for the people. This is equally meant to enable the project promoter to know whether mitigation measures will be necessary for the proper implementation of the project or not. It is worthy to mention here that this is at the early stage of the project hence or otherwise referred to as the "pre-feasibility" phase of the planning of the project. The IEE is that which determines whether EIA will be required for a project or not. If its results are favorable, then there is no need for EIA. On the contrary, when its results suggest that the environment will negatively be affected as a result of the project, the conduction of EIA becomes inevitable. The reason for the development of EIA was meant to minimize the negative impact of the activities perpetrated by humans on the environment. EIA here is considered as a tool. If the purpose of EIA is meant to assess the impact that activities that have been earmarked for execution will cause on the environment as well as assess measures to avoid same, then the moment that it needs to take place in the life of such a project is important. This is the first thing that needs to be done before the project is embarked upon after the results of the IEE have revealed its necessity. The reason for this is that should the impact assessment reveal that such a project is going to affect the environment negatively, allowing the project to be continued will warrant alternative and mitigation measures aimed at averting such negative impacts. Therefore, it becomes obvious that EIA is that which reconciles the execution of a given project and the effects that such a project will have on the environment. This is to make sure that the whole issue of risk is averted before indulging into such a project. The identification, analysis, quantification as well as mitigation of risk is inevitable at this preliminary stage of the project. If not all these are carried out at the preliminary stage of the project, the environmental degradation will be inevitable, be it at the level of the development face, design engineering and construction face, start-up face as well as operating face of the project. Even though it is a statutory procedure meant to establish the environmental impacts of a project, the mere fact that at this preliminary face of the EIAs processes communication is promoted and the involvement of citizens fully made here, this early stage of the process is highly determinant.

3.2 Environmental Impact Assessment, an Integrated System of Environmental and Social Protection

The proper implementation of EIA will go a long way to enforce environmental and social protection. This is because the EIA occupies an important position considered very indispensable depending on the nature of the project and it happens to be viewed as an integral part of the process of planning a project. If it is not carried out properly, its weaknesses will be revealed during environmental auditing (EA). To draw a neat line between EIA and Environmental Auditing (EA), it will be necessary to do this, based primarily at the level each will be resorted to in the life of a project. While EA is carried out on projects that are already existing, the EIA determines whether a project should even be executed or not. It equally intervenes during the extension of an existing project. This in other words means that while EIA gives birth to a project, EA comes in to monitor how the project is evolving. This equally has as objective the periodical assessment of the state of compliance of a completed or an on-going project with the legal provisions with respect to the policies affecting the environment as well as the environmental management. The identification of environmental compliance, the state of management gaps alongside other actions that are deemed corrective are the reasons for the existence of an EA. In order to assist decision-makers with the much needed information that is necessary for the realization of a proper environmental assessment (EA), there is need for a proper tool to be adopted since each tool adopted will yield a specific result. For the purposes of this our study, we have broadly relied on EIA as a chosen tool that will come in to reconcile environmental protection and economic development. This standpoint is against the backdrop as some authors in this area of the law are still not comfortable with the whole idea of deploying tools and methodologies when it comes to environmental assessment. They have submitted that there is no clear-cut literature to support this assertion

[41] Gibson 2002.

[42]. This notwithstanding we are not going to reject another tool such as strategic environmental assessment (SEA) which will come in for purposes of better illustration of certain processes when it comes to adoption of policies, project and even plan, not leaving aside programed as an object of study. These two tools have been arrived upon taking into consideration the submission that the choice of which tool can better fit which situation in the course of environmental systemic assessment (ESA) is based on the distinguishing qualities or features of same. On this note, certain features have been taken into consideration in the course of going about this: 1) Procedural or analytical, 2) The types of impact that have been included in the study to be conducted, 3) The object that the study seeks to fulfil and 4) Whether the study that is being conducted is descriptive or change-oriented. The reason for this is because two tools cannot be used interchangeably and the same result expected to be produced. This justifies the choice of EIA taking into consideration the stakes involved in this piece of work, where one is expected to consider same as an integrated system of environmental and social protection.

3.3 Development Projects and Environmental Impact Assessment

It is a generally accepted assertion that a problem poorly diagnosed will definitely be poorly treated. When it comes to environmental issues, any decision to resort to any form of exploration and exploitation of natural resources as a matter of fact needs a proper environmental impact assessment before such a project is resorted to. It is quite certain and needs to be reiterated here for purposes of emphasis that man cannot as a matter of fact survive on this planet earth without making use of the available natural resources prudently, so to say. It is equally true that every human action undoubtedly affects the world around us to an extent. If one were to embark on a study that will be aimed at coming out with every impact or the full effect of our action on this planet, such an assessment will be difficult to come by. This will be because of the complex relations that exist among living and non-living creatures. As a result of this therefore, it becomes more complex to think of restoring the entire past or better still imagine of preserving the entire present for the benefit of future generations. The latter in effect is the real meaning of sustainable development. It is therefore self- explanatory that the whole notion of sustainable development is a major task that humanity needs to continuously be battling with. This is because it is often thought of only when there are prospects of embarking on economic development through the exploitation of natural resources. To do this, it is necessary for all living on the planet earth to strive for a proper balance between the development of resources and the maintenance of the surrounding to an extent that it will remain pleasant. What therefore needs to guard the actions of man on the environment is the fact that each time one thinks of indulging in any action on the environment especially through projects, such projects need to be environmentally friendly. The environmental friendliness of such a project therefore depends mostly on how proper or adequate the impact assessment would be conducted. At this juncture, one has as main target to assess the accuracy of the relationship between economic development and environmental protection through the instrumentality of EIA or better still ESIA.

The state of Cameroon at the moment does not have a specific law or regulation on strategic environmental evaluation. This notwithstanding, environmental and social impacts study are currently being carried out on specific projects with a clear limit when it comes to the evaluation of cumulative impacts. The cumulative impacts or otherwise the cumulative effects emanate from the combination of multiple activities that are carried out in the course of development over space and time. In other words, this simply illustrates the act of persistence through time involving a transmittal mechanism through space [43]. Nowadays, there is a major blockade when it comes to carrying out this cumulative effects assessment especially when it comes to the conceptual problems of carrying out a definition on the key issues as well as specifying the appropriate spatial and temporal scales, involving the determination of numerous interactions and indirect effects [44]. It is equally worthy to note that the framework law from 1996 with respect to environmental management just like the 1994 forestry law does not address questions relating to strategic environmental evaluation. This now raises the worry as to why laws like these should not be able to address pertinent issues as such. It would appear it is as a result of the silence of the above cited Cameroonian legislation on SEA that prompted the government of Cameroon to come out with a decree [45] sine most indigenous people are only contented with the immediate benefits they derive from such a mega project. The responsibility therefore comes back to the stakeholders in the sector to make sure the project complies with established norms.

Most people are usually indifferent with the manner in which unsustainable exploitation of the forest is affecting the entire climate system.

[42] De Ridder, W., Turnpenny, J., Nilsson, M., & Von Raggamby, A. (2007). A framework for tool selection and use in integrated assessment for sustainable development. *Journal of environmental assessment policy and management*, *9*(04), 423-441.

[43] MacDonald, l (2000) "Evaluating and Managing Cumulative Effects: Process and Constraints" Environmental Manager Vol 26, No 3 pp 219 -315

[44] Ibid.

[45] Decree No. 2013/0171//PM of 14 February 2013 laying down rules for conducting environmental and social impact studies. Op. cit.

In the domain of large scale agro-industrial projects, it is necessary to bring in a case study here, the works of SG-Sustainable Oils Cameroon PLC (SGSOC), which is the Cameroonian subsidiary of HERAKLES FARMS which is an American multinational that happens to be the Investor and Operator of a project that is aimed at large scale palm oil production in the South West Region of Cameroon, precisely in Mundemba, Toko and Nguti in Ndian and KupeManenguba Divisions. The company‟s head office is located in Douala. It is worth noting here that HERAKLES FARMS have demonstrated a wide mastery of experience in the domain of international projects development particularly in Sub-Saharan Africa. Talking about its investments in Africa alone, the Management team has nearly USD 2 billion in transactions conspicuously in the Global Alumina Refinery in Guinea, the Bujagali Hydroelectric Project in Uganda as well as SEACOM, which is a sub-marine optic fiber cable providing high-speed and internet access in countries around East and South Africa [46]. This company first developed interest in this project based on the outbreak of the global palm oil crisis that was witnessed in 2007-2008. The timely intervention of this company in the domain of palm oil production one can say was well calculated owing to the fact that in 2009 alone Cameroon imported over 100.000 tons of palm oil and there was therefore need for something to be done in this domain to salvage the situation. The million-dollar question now is to know how environmental friendly such a mega project was going to be despite the fact that the company had as major mission, the development of an environmental friendly and sustainable oil palm project alongside the provision of social programs/amenities in the area. Here, one is faced with a situation that clearly demands a careful decision to be made: one that needs to reconcile economic development with environmental protection as the company projected the reduction of unemployment and after having gone operational was to employ 0.05% of the total population of Cameroon. The vision sounds so laudable.

However, following the signing on the 17 September 2009 of an agreement between the government of Cameroon and SGSOC PLC which granted or authorized the latter to open an industrial palm oil plantation in Cameroon, the company acquired 69.975 hectares of land in Mundemba, Toko and Nguti in Ndian and Kupe-Manenguba Divisions respectively in the South West Region of Cameroon. The justification of this type of an initiative that goes to cover such a vast area of land with corresponding advantages and disadvantages needs to be clear, precise and concise for those concerned and the public at large. The use of palm oil both nationally and internationally stands as a necessary factor that might have played a major role in the granting of this type of authorisation for a project of this magnitude to be carried out. This company enters Cameroon to join the others that have been working in this domain but yet to satisfy demand has not been possible. Here we are referring to other plantations such as SOCAPALM which is owned by the Belgian multinational, SOCFIN and happens to be the giant in this sector producing 42% of the market share. Also, the CDC which is semi-public company has invested in this sector alongside PAMOL which is involved mainly in the cultivation of oil palms and equally produces oil. It is clear that palm oil is the most consumed vegetable oil in the world with a greater portion of it being used in the food industries needless mentioning the indispensable nature of the said oil in the production of cosmetics and biofuels, chemicals such as soap, perfume, cleaning products, lotions and others. With the above reasons, so long as demands have not been met with supply, all projects in this area of agro-industry remains welcome world-wide including in Cameroon. Reading the situation of this project beyond the social benefits, one will not be making an overstatement by stating that not all that glitters is gold. In other words, despite the numerous advantages of the project, be they financial, social and economic, it will not be possible without adverse effects on the environment. This is where the interest of this discussion lies mostly. This therefore makes the carrying out of environmental and social impact assessment (ESIA) of the project indispensable so as to be as able to make a firm decision on whether the project is worthy of execution or not. To note that ESIA is a genuine tool for decision making and environmental management that enables a company like this one to design and implement an environmental friendly project without compromising its technical as well as economic reliability. It equally helps in determining crucial elements that are necessary for making decisions and choices. To note also that with the provisions of the current law in force with respect to environmental management [47], various categories of projects have been set when it comes to deciding whether the study of an environmental impact assessment will be carried out or not. The law insists that all projects such as plantations that cover as from 50.000ha and above requiring the construction of an industrial oil mill unit be subjected to a detailed environmental and social impact assessment study. Once the study has been conducted, the framework law on environmental management further insists that the study is subject to approval by an inter-ministerial committee comprising twenty experts where an ample time is needed for it to complete its duties. According to the regulation in force, the time frame that have been slated for carrying

[46] Environmental and Social Impact Assessment Report prepared for SG Sustainable Oils Cameroon by H&B Consulting USA, February 2011, at page 13.

[47] Law No.96 /12 of 5 August 1996 relating to environmental management specifically its application Order No. 0070/MINEP of 22 April, 2005

and approving environmental and social impact assessment is 4 to 5 months.

4. CONCLUSION AND RECOMMENDATIONS

It is a fact from the foregoing discussions that the major cause of environmental problems in Cameroon is the inadequateness of handling EIAs. This is stemming from the point when man, who is at the heart of environmental problems always have the zeal to live a better life than that which naturally he is supposed to and as such altering the natural components of the environment to meet up with same. It cannot be refuted that the laws regulating the environment as a whole are not well enforced. As such, the main goal of this article has been to make a critical analysis on the role of EIA as a tool that aids decision making in achieving sustainable development: perspectives on its evolution in Cameroon. From the general look of things, the rules regulating the environment in Cameroon are certainly huge ranging from domestic legislations, sub regional, regional and global corpus of legal instruments. This therefore does not make the situation only complex when it comes to implementation, but equally leaves the entire process at the mercy of state parties when it comes to sub regional, regional and global legal instruments. This is because at the international level, all the legal instruments in general and those with respect to the protection of the environment in particular only have the force of law upon their ratification by the state in question. As such, once such rules are not ratified, there is the complete absence of authority within the domestic legal system of a state. The mere fact that there is a complete absence of a supreme authority that binds all sovereign states in the like of a constitution within the domestic legal system makes most of the efforts tailored towards the regulation of the environment an exercise in futility. Treaty law which comes in to regulate the relationship between states when it comes to the adoption of legal instruments is short of playing this role since treaties are binding only on those states who are parties to them. As such, compliance with treaties by states is voluntary since there is no sanction that awaits any state for failure to comply.

As recommendations:

- It has been noticed that there are so many laws that have been adopted to regulate environmental protection in Cameroon and new laws and institutions keep on emerging on regular basis. Most of these laws are international legal instruments which do not have enforcement mechanisms and as such making implementation of same very difficult. It is recommended that in the course of enacting or adopting such laws, attention should be paid on the realities of the Cameroonian society such that those laws that are equally adopted at the national level should reflect the realities and should be able to enjoy some degree of stability since the abstract nature of some of these international legal instruments have not been helping matters when it comes to the protection of the environment in Cameroon.
- All the laws relating to the protection of the environment should be easily reachable in the two official languages of the country (English and French) to all given the importance that the environment plays in the human being. It has been noticed that since the laws are many though difficult to access and some mostly in the French language, those charged with ensuring that same are respected fine it difficult to interpret some of the laws.
- As concerns the management of the relationship between economic development and environmental protection, we recommend that much attention should be given to ESIA so that any result that emerge from such a study should be respected.
- It has been noticed that EIAs have been used elsewhere to ensure sustainable development. In this light, we are advocating for legal transplant which we consider as a fertile source of law and that in the course of transplanting the competent authority should pay special attention to the relationship that exists between the legal rule to be transplanted and the socio-political structure of the donor state. Also, there should be a comparison between the socio-political environment of the donor and that of the receiving state. This is to make sure that the law enacted in the donor state should be able to serve the same purpose in the receiving state provided there is a similarity in relevant areas such as the macro political structures of both states, the manner of power distribution in both political systems as well as the role played by organized interests. This will solve the problem whereby the Cameroonian legislator will be trying to invent a wheel of which others have dealt with the same issues and successful results recorded.
- I am suggesting that there should be education of the population on environmental issues because it is by doing so that the people will know some of their actions in the quest to meet up with the daily exigencies of life are not environmental friendly.
- I recommend that a specialized international court should be created to deal specifically with environmental litigations taking into consideration the fact that environmental issues are at the heart of the human society.
- I recommend that there should be a complete ban on the importation of refrigerators that contain CFC which has a negative impact on the ozone layer. This will go a long way to reduce the devastating consequences of climate

change which has been considered as world most dreaded concerns.

- In order to control the rate of biodiversity loss in the country, more stringent sanctions should be meted on those who are involved in poaching especially when the specie concerned is an endemic one. To properly carry out this initiative, a special law should be enacted that deals specifically with the fundamental rights of animals as well as sanctions that awaits anyone who violet such laws. A country like Kenya is doing better in this sector because the sanctions are so exemplary that someone can have a life jail for killing any of the endangered species in the country.
- The involvement of the indigenous people in the management of some natural resources like forestry resources will enable them to have a fair and equitable share of the proceeds that will emanate from same.
- It is understood that poverty is the brain behind environmental degradation. When people do not have the means to meet up with their daily bread, they turn to carry out activities on the environment which tend to be at the origin of environmental degradation. As such, we recommend that an enabling environment should be created for business so that foreign investors can see Cameroon as a good business destination site.
- For the proper management of timber and non-timber forest products, there state should encourage the building of entrepreneurial skills by creating more forestry schools in the country and making access to such schools more affordable and encourage business relationships in the sector.
- Even though the country is noted for creating commissions for each event even though the recommendations from such commissions hardly received adequate attention, we recommend that a commission should be created that will act as a one stop shop for the coordination of environmental issues instead of the current proliferation of departmental structures with environmental mandate.

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