

# ENVIRONMENTAL IMPACT ASSESSMENT AS A STEP TO ACHIEVING SUSTAINABLE DEVELOPMENT IN CAMEROON

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## ABSTRACT

Over the past years, environmental concern has attracted both national and international communities. Countries have been acting locally and collectively as an international community to ensure that the conservation and sustainable use of the environment leads to sustainable growth, helping to lift many out of poverty permanently. The growth and prosperity of every society thus, lies in environmental sustainability. A healthy environment as such is key to achieving sustainable developments. When the environment is mismanaged economic losses are significant. The reason for Environmental Impact Assessment thus is to ensure that man interference in the environment does not cause significant long term negative effects but rather that its results to sustainable development. Environmental Impact Assessment is a process which permits that environmental factors are integrated at the beginning of project planning and eventual decision-making with the aim of achieving sustainable development. Ignorance of the importance of carrying out environmental Impact Assessment on projects likely to affect the environment justifies the escape of the process by some project proponents. Among several benefits, the respect of the condition of EIA at the commencement and during the life of the project in Cameroon is able to attract some investment incentives like tax reduction, also the process of EIA is important for the feasibility of the project, withdrawal of unsound projects, and also aid in development actions. Unless the worth of carrying out environmental impact assessment is known to a people, the practice of EIA as require by the Cameroonian legislator is likely to be escaped by many investors who see it as an obstacle to

achieving their goals. The vision of emergence by 2035 can only be a reality if environmental sustainability is considered in development projects before and during the life span of the project.

**Keywords:** Environment, Environmental Impact Assessment, Sustainable Development, and Investment.

## INTRODUCTION

Noting that environment needs investment just as investment cannot be carried out in space, the field of environment and investment are interestingly interacting. The movement from a brown to green economy is a collective responsibility. In the context of environmental protection, cultures, religions and legal systems throughout the world contain elements that respect and seek to conserve the natural bases of life, maintaining concepts that can enhance and enrich the development of modern environmental law<sup>i</sup>. As such, protection of the environment is a vital part of contemporary human rights doctrine, for it is a sine qua non for numerous human rights such as the right to health, and the right to life itself. It is necessary to elaborate on this, as damage to the environment can impair and undermine all the human rights enshrined in the universal declaration and other human rights instruments. While therefore, all peoples have the right to initiate development<sup>ii</sup> projects and enjoy their benefits, there is likewise a duty to ensure that those projects do not significantly damage the environment<sup>iii</sup>.

Considering the problem of increasing degradation of the global environment or biosphere which is the only place where human and other forms of lives are possible, and also the problem of deterioration and depletion of natural resources on which our existence depends, global actions for environmental protection are on an increase<sup>iv</sup>. Poor management of investment activities will result to more environmental hazards which will either affect the environment or its inhabitants. According to the United Nations Charter and international law principles, States have a sovereign right to exploit their natural resources pursuant to their own environmental policies and equally the responsibility to ensure that activities within its jurisdiction do not cause harm to the environment of other states or areas beyond national jurisdiction<sup>v</sup>. The

International Court of Justice as such held that “every State has an obligation not to allow its territory to be used for acts contrary to the rights of other States”<sup>vi</sup>. This has been a source of inspiration to many other national and international instruments which now make mention of such right and obligation on the State<sup>vii</sup>. Environmental protection is a principle of international law and this justifies the increasing need for environmental protection. In Cameroon, we therefore have some fundamental principles such as: precaution, prevention, pollute and pay, principle of liability, principle of participation, and principle of substitution which are aim at protecting the environment<sup>viii</sup>.

Moreover, environmental protection in Cameroon is considered as a collective responsibility<sup>ix</sup>. The quest for development in this age and time, is leading to an extensive exploitation of natural resources on which human subsistence depends, and this act as a threat. Environmental Impact Assessment (EIA) is a feature of modern domestic<sup>x</sup> and international law<sup>xi</sup>. Investment is a tool of development and development is a changing process which alters the environment and social systems. In this light, while investment is concerned with development, environmental protection through the process of Environmental Impact Assessment is realized in development projects. It is of interest to note that over the years, development has had major impacts on the environment by degrading soils and water ways, altering landscapes and threatening biodiversity, and also affecting health. EIA, therefore, provides a tool that would assist in the anticipation and minimization of development negative effects.

Underlying such immediate purposes is of course the central and ultimate role of EIA as one of the instruments to achieve sustainable development: development that does not cost the earth. It is much better to mitigate the harmful effects in advance, that is, at the planning stage, or in some cases avoid the particular development altogether. Prevention is better than cure so says Glasson et al.<sup>xii</sup> Sadler in supporting the idea says that EIA contributes directly to sustainability by leading to the withdrawal of environmentally unsound proposals and the mitigation of environmental impacts<sup>xiii</sup>. Sustainable development is a paradigm for thinking about the future and it contains three overlapping circles representing environmental, social and economic considerations, where the aim is the concurrent attainment of sustainability goals in all three spheres.<sup>xiv</sup> A prosperous society relies on a healthy environment to provide food and resources, good drinking water, and clean air for its citizens. Sustainability assessment

therefore, is about “making the world better, one undertaking at a time”<sup>xv</sup> Environmental Impact Assessment is a tool that is most suitable to enhancing the environmental sphere of sustainability. In Cameroon for a project proponent to be sure of obtaining a permit to proceed with his activities, the environmental impact assessment realised must include mitigating measures and other alternatives.

It is of upmost important to stress that there is no general and universal definition of EIA. The following examples selected at random from a number of authorities illustrate the great diversity of definitions. As defined by law, EIA shall be a systematic examination, with a view to determining if a project is environmentally harmful or not<sup>xvi</sup>. The definition of EIA from secondary sources range from the broad definition of Munn<sup>xvii</sup>, which refers to “an activity design to identify and predict the impact on the environment on man’s health and well-being, of legislative proposals, policies, programs, projects and operational procedures, and to interpret and communicate information about the impacts”.

To the United Kingdom Department of Environment (UKDOE), the term “environmental assessment” describes a technique and a process by which information about the environmental effects of a project is collected, both by the developer and from other sources, and taken into account by the planning authority in forming their judgments on whether the development should go ahead or not<sup>xviii</sup>.

The UN Economic Commission for Europe has in summation, a more concise definition of EIA: “an assessment of the impact of a planned activity on the environment”. In essence, EIA is a systematic process that examines the environmental consequences of development actions, in advance, that is, before a permit is granted to invest<sup>xix</sup>. As such, the aims of EIA have been summarized as, to anticipate important possible effects of proposed activities on the natural system (water, soil, air, biological system, or human health); anthropogenic systems (settlements and infrastructure); social and economic systems (work, education, recreation, health services); and cultural systems (beliefs, art, literature).<sup>xx</sup>

Environmental impacts of a project are those resultant changes in environmental parameters, in space and time, compared with what would have happened had the project not been taken. Impacts could be physical and socio-economic, direct and indirect, short-run and long-run,

local and strategic, adverse and beneficial, reversible and irreversible, quantitative and qualitative, actual and perceived, and equally those relative to other developments<sup>xxi</sup>. Impacts or effects as such range from minor to inconsequential with little significance, to major or catastrophic with significant adverse environmental effects<sup>xxii</sup>.

## **THE DEVELOPMENT OF EIA IN CAMEROON**

EIA was developed out of unnecessary degradation of natural resources caused by rapid population growth, technological progress, industrialization and equally agricultural development. EIA originated under the National Environmental Policy Act (NEPA) 1969 in the United States under which the first legislation on EIA was adopted<sup>xxiii</sup>. According to NEPA, attached to all proposed investment projects likely to have a significant effect on the environment should be an Environmental Impact Statement (EIS), including mitigating measures to avoid or reduce environmental hazards. Furthermore, the United Nations Convention on Environment and Development (UNCED), states that, “EIA, as a national instrument shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of the competent authority”<sup>xxiv</sup>. Thus, EIA reflects the “no-harm” obligation of customary law in the Trans boundary context. As far as Cameroon is concerned, the rhetoric of environmental protection after the 1972 Conference on Human Environment led to the formation of sectoral laws in Cameroon. From a legal point of view, the law N° 94/001 of 20<sup>th</sup> January 1994, which lays down requirements for the management of forestry, wildlife and fisheries, was the first law which explicitly required Environmental assessment in Cameroon. It was limited to projects that may affect the equilibrium of the forest<sup>xxv</sup>. The framework Law N° 96/12 of 5 August 1996 on environmental management then introduced with its article 17 the principle of environmental impact assessment on a broader scope<sup>xxvi</sup>. This law till date is described as the environmental code and it serves as the legislative bedrock for environmental management in Cameroon.

Subsequently, several other sectoral laws like the Mining Code explicitly mentioned the need to conduct EIA. At the regulatory level, the term EIA was introduced through Decree N° 84-797 of 17 July 1984 which gives provisions regarding the Ministry of Planning and Territorial Administration. Infact, the first paragraph of article 53 of this decree explicitly assigns the

responsibility for conducting EIA for development projects to a department of that ministry. This decree and those that subsequently followed, however, did not provide any details on the types of projects that are subjected to EIA or on procedural requirements. Decree N° 2005/0577/PM of 23 February 2005 finally specified the procedures for carrying out environmental impact studies. Several Ministerial Orders followed including one that listed projects that are subjected to EIA that is *arrête* n° 2005/0070 of 22 April 2005 fixing the categories of projects subject to EIA. Since February 2013, it is Decree N° 2013/0171/PM which lays down rules for conducting environmental and social impact assessment. It explicitly mentions the social aspect of the impact study, as it is referring to Environmental and Social Impact Assessment (ESIA) rather than Environmental Impact Assessment (EIA). This Decree also legally introduced Strategic Environmental and Social Assessment (SESA) and the Environmental Impact Statement (EIS) as tools for environmental assessment.

At the organizational level, in 1996 the Permanent Secretariat of the Environment (PSE) was established. It was responsible for impact assessment within the Ministry of Environment and Forests (MINEF). This Secretariat as Bitondo<sup>xxvii</sup>, asserts had a Department of Sustainable Development that had as one of its fundamental duties the responsibility of ensuring that EIA is practiced effectively and efficiently on a national scale. In 2005, the PSE became the Ministry of Environment and Nature Protection (MINEP). Since 2012, the Ministry of Environment, Nature Protection and Sustainable Development (MINPDED) is in charge of Environmental and Social Impact Assessment.

Following this achievements, a nationwide participatory exercise has been conducted to elaborate a National Environmental Management Plan (NEMP), which defines the path to be followed to achieve sustainable development. Sustainable development is a kind of development which aims at meeting the development needs of the present generation without jeopardizing the capacities of future generations to meet theirs.<sup>xxviii</sup> This Plan recommends EIA as a mechanism to make sure that the implementation of some investment projects does not affect the environment negatively<sup>xxix</sup>. More so, by virtue of article 17(2) of the aforementioned 1996 framework law, the impact assessment shall be included in the file submitted for public investigation where such a procedure is provided for. Furthermore, EIA involve individual

assessment of aspects of the environment (for instance; population, landscape, heritage, air, climate, soil, water, fauna and flora) likely to be significantly affected by a proposed project<sup>xxx</sup>.

## **EIA AS A CONDITION TO BENEFIT INVESTMENT INCENTIVES**

By virtue of Law n° 2013/00 of 18 April 2013 to lay down Private Investment Incentives in the Republic of Cameroon, “incentives” are defined as special benefits by the government to a resident or non-resident, natural or legal, person to promote and/or develop a given activity. The aim of this Law is to encourage private investments and boost national production, so as to develop activities geared towards strong, sustainable and shared economic growth as well as job creation<sup>xxx</sup>. It’s of interest to note that, to benefit from these incentives, the investor must not be engage in activities governed by special instruments like; mining, gas, petroleum, etc. To be eligible as such, the investor should be involved in investment operations relating to the creation, extension, renewal, asset re-structuring and/or conversion of businesses and must be bound to comply with all applicable laws and regulations.<sup>xxxii</sup>

Interestingly, some of the investment projects categorized by Law n° 2005/0069 of 23 April 2005 fixing the different categories of projects subject to EIA are inclusive in this 2013 Law, which makes provisions for incentives. This Law on incentives makes provision for specific incentives,<sup>xxxiii</sup> to be provided to enterprises, on condition that they carry out investments that contribute to the attainment of the following priority objectives;

- Development of agriculture, fisheries, livestock, and plant, animal or fishery product packaging activities;
- Development of tourism and leisure facilities, social economy and handicraft;
- Development of housing, including social housing;
- Promotion of agro-industry, manufacturing industries, industry, construction materials, iron and steel industry, construction, maritime and navigation activities;
- Development of energy and water supply; encouragement of regional development and decentralization;
- The fight against pollution and environmental protection;
- Promotion and transfer of innovative technologies and research and development;
- Promotion of exports; and

- Promotion of employment and vocational training.

Considering the fact that Principles alone cannot sufficiently ensure a sound environment in a country where investments keep multiplying each day, EIA is a continuous requirement even in the course of investment. The government as such encourages the idea by motivating enterprises that ensure environmental protection. Projects as such not governed by special instruments, where EIA is required can possibly attract investment incentives to investors if they meet up with the above mentioned priority objectives. They may as appropriate, benefit from the following common incentives<sup>xxxiv</sup> :

- Exemption from VAT on investment programme loans;
- Exemption from land tax on built-on and non-built-on estates on the site dedicated to the processing plant and of all immovable property extensions by use thereof;
- Direct goods clearance at the request of the investor; fixed registration fee;
- Special temporary admission of industrial equipment and materials likely to be re-exported.

It is worth stating that, no investor can claim to be protecting the environment while going on with his activities, if the project proponent failed to respect the condition of EIA as prescribed by law for categories of projects to which that of the investor is classified.

## **THE IMPORTANCE OF EIA TO THE PROJECT PROPONENT**

As far as EIA is concerned in Cameroon in particular and the world at large, field studies have investigated the influence of impact assessment programs on organisations that proposed projects subject to EIA requirements. Through the EIA process, a lot is revealed such as the natural and human resources available in the area where the project is to be carried out. The findings from the EIA at times modify or completely alter the choice or style of business of the project proponent. Of prime, the EIA process permits a synergistic opportunity to meet the proponent's goals while also delivering broader benefits to the community and the natural environment. For example, large-scale developments located in remote areas require many of the infrastructure and facilities that local communities also desire, such as roads, water, communications networks, energy, medical and recreational facilities.<sup>xxxv</sup> Also, consider for instance, Hydro-Quebec in Canada, which faced strong resistance to some of its enormous



Hydro-electric power schemes during the 1980s. It reacted by making substantial organizational changes to accommodate the new forces opposing its project and the new EIA requirement it faced.<sup>xxxvi</sup> As reported by Garipey & Henault<sup>xxxvii</sup>, these organizational changes included co-opting projects opponents by allowing them to participate in some decision processes, expanding programmes of public consultation, restructuring the planning activities within the organisation.

However, particular to project proponents in Cameroon, the respect of EIA condition is likely to benefit project sponsors in that once EIA is carried out as prescribed; such proponents are prone to obtain an investment permit from the competent authority which gives them a legal backing in the life span of their investment. An investment permit rightfully obtained guarantees to an extent the feasibility of a project. In addition, a review of current environmental practices found the major benefits on the EA process for project sponsors to be<sup>xxxviii</sup> :

- Reduced cost and time of project implementation;
- Cost-saving modification in the project design;
- Increased project acceptance;
- Avoid impacts and violation of laws and regulation;
- Improved project performance; and
- Avoid treatment/clean up costs.

## **THE IMPORTANCE OF EIA ON PROJECTS**

Although some project sponsors often carry out EIA as formal compliance with legal requirements particularly environmental laws and regulations during the construction and operations of a new development, there are however cases where EIA has significantly influenced projects. For instance, in a candid evaluation of the EIA system in the Netherlands<sup>xxxix</sup>, the ranges of positive influences on projects included:

- Withdrawal of unsound projects;
- Legitimizing of sound projects;
- Selection of improved location;
- Reformulation of plans; and

- Redefinition of goals and responsibilities of project proponents.

In a time like this when the move towards emergence is intensified in Cameroon, a thorough compliance with the EIA procedure is likely to have a great influence on development projects. The aforementioned influences are key to sustainable development in Cameroon. However, another positive influence of EIA, is that a requirement for an EIA may discourage project proponents from proposing an environmentally damaging project for fear that it would not survive the review of its environmental impact.

Nonetheless, the above mentioned types of mitigations are in order of their desirability for attenuating adverse effects. Generally, the attainment of environment to compensate for those destroyed by a project is considered the least desirable form of mitigation. In fact, a result of a profit EIA is usually the suggestion for mitigation measures, rather than the charges in the fundamental decisions concerning the types of alternative actions considered or the size or the location of a proposed project<sup>xi</sup>. Nevertheless, the reason why mitigations are the most common positive outcomes of EIA is that, EIA are often considered after important decisions are made, and in some cases after proposed construction has started<sup>xii</sup>.

## **THE IMPORTANCE OF EIA IN THE COMMUNITY WHERE THE PROJECT IS TO BE AFFECTED**

Environmental Impact Assessment in the community provides a systematic process for identifying, describing and evaluating community natural and human resources in order to improve decisions about their management<sup>xlii</sup>. Chosen to evaluate the community environment does not suggest that all known resources must be preserved or protected. However, it implies that the community must be knowledgeable about its resources, so that development decisions mirror the range of community values and not just economic values. An EIA would however, facilitate community leaders and citizens:

- Identify valuable environmental resources in the community and surrounding area that may be affected by a proposed development;
- Evaluate the community's capacity for additional development given environmental protection priorities;

- Identifying the deficiencies or trade-off between possible development alternatives or causes of actions and the environmental impact associated with each alternative; and
- Determine which group in the community may be directly or indirectly affected by the project or action.

The EIA process has the potential not always taken up, to be a basis for negotiation between the developer, public interest groups and planning regulator. This can lead to an outcome that balances the interest of the development action and the environment<sup>xliii</sup>. To further add, EIA as was the case in the Mokong dam project promotes communication among local officials, developers, community leaders and citizens about the nature of the proposal and potential impact on the local environment.<sup>xliv</sup>

Most governmental and donor agencies acknowledge the contribution of Environmental Assessment to improve project design. The weakness of Environmental Assessment in the past has been largely due to poor techniques and the failures to pay attention to findings at the implementation stage.

## **THE IMPORTANCE OF EIA TO GOVERNANCE**

As aforementioned, EIA is a tool of Environmental Assessment (EA). Many components of EA that have typically been viewed as procedural means to an end (such as stakeholder involvement or provisions for judicial review) also constitute governance outcomes in their own rights. This is important in the concept of sustainable development for as Gibson states<sup>xlv</sup>, “better governance is a pre-requisite and probably a product of steps towards sustainability.” We proceed thus, to look at more governance outcomes of EIA:

### ***EIA as an aid to decision-making***

The EIA report which is given after a due process is respected by the project proponent, acts as an aid to decision-making.<sup>xlvi</sup> To the decision maker, for example a local authority, it provides a systematic examination of the environmental implications of a proposed action and sometimes alternatives before a decision is taken. The EIS can be considered by the decision maker along with other documentation related to the planned activity. EIA is normally wider in scope than other techniques, such as cost-benefit analysis (CBA). It is not a substitute for

decision making but it does help to clarify some of the trade-offs associated with a proposed development action, which should lead to more rational and structured decision-making<sup>xlvii</sup>. A final decision to approve or disapprove an application for a permit to operate a development project likely to affect the environment as such, is based on the EIA final report submitted before the competent authorities and other relevant documents.

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### ***EIA as an aid to the formulation of development actions***

Many developers no doubt, see EIA as another set of hurdles to jump before they can proceed with their various activities; the process can be seen as another costly and time-consuming activity in the permission process. However, EIA can be of great benefit to them, since it can provide a framework for considering location and design issues and environmental issues in parallel. It can be an aid to the formulation of development actions, indicating areas where a project can be modified to minimize or eliminate altogether its adverse impacts on the environment. EIA can be a signal to the developer of potential conflict; wise developers may use the process to negotiate green gain solutions, which may eliminate or offset negative environmental impacts, reduce local opposition and avoid costly public inquiries<sup>xlviii</sup>.

### ***EIA as a generator of information***

As environmental consciousness increases in this age, so too is the need for environmental information. The most obvious governance outcome is the generation of information for use in decision making. This information is important to raise the profile of environmental issues.<sup>xlix</sup> Particularly, in developing countries there is often a deficiency of baseline environmental information and of funding to source such information. Observations from EIA studies can therefore make a valuable contribution to the general development of knowledge of environmental, social and economic systems, and the broader dissemination of this information. Such knowledge may be extremely useful in guiding future decision-making towards sustainability.<sup>1</sup> The requirement that information of EIA be made public is important as it increases transparency and accountability in decision making. If supported by provisions

for judicial review, information disclosure also provides stakeholders with an opportunity to review and challenge the adequacy of data used in decision-making, as has frequently been the case in environmental assessment related litigation in the US<sup>li</sup>. The involvement of the Public, particularly indigenes of local communities in areas where a project is to be realised, other stakeholders in decision making (in terms of nature, consultation versus participation, timing, frequency and inclusivity), are integral to modern conception of good governance. Stakeholder involvement can also contribute to local autonomy and local democracy in a variety of ways, for example, by facilitating the incorporation of the local identity into decisions and providing Flora for the honing of democratic skills at the local level<sup>lii</sup>.

Furthermore, UNEP supports the idea that EIA seeks to promote principles of good governance. The first of such principle is purposive: EIA seeks to meet its aims of informing decision-making and ensuring an appropriate level of environmental protection and human health. The second principle is; focussed: EIA seeks to concentrate on significant environmental effects, taking into account the issues that matter. The third principle is adaptive: EIA seeks to adjust to the realities, issues and circumstances of the project proposals under review. The fourth principle is participative: EIA seeks to provide the appropriate opportunities to inform and involve the affected parties.

### ***EIA Promote better planning and design outcomes***

Generally, for the purpose of sustainability, EIA regulations both national and international do oblige designers and planners to come up with alternatives in terms of project design, scale and location. In so doing, it forces designers and planners to have an all-inclusive view of any proposed project by considering all possible alternatives or scenarios, and this often result in better planning and design outcomes. For instance it can result in the selection of an improve technology which lowers waste outputs, or an environmental optimum location for a project. It may also encourage proponents to change the initial project design to one that is friendly to the environment. A well designed, properly located and optimal- scaled project can minimise risks and impacts on the environment and people, and thereby avoid associated cost<sup>liii</sup>. Better planning and design outcomes of projects as such are fundamental in the move towards sustainable development in Cameroon.

## **THE RESULTS OF EIA ARE IMPORTANT FOR SITE SELECTION**

If a forecast of the likely impacts of development is available, allowance can be made and the infrastructure can be provided in a manner whereby impacts are minimized. Where uncertainty exists as to future development, EIA can identify those areas most susceptible to adverse impacts and so guide site selection. EIA can aid the identification of the most suitable site in terms of benefit maximization and reduction of harmful effects<sup>liv</sup>. Should no site be considered suitable, then the results of EIA can aid the determination of broad environmental, social or health criteria to be used when a large number of sites are screened for the suitability. The relevance and importance of EIA for site selection has equally been recognised in a report published by UNEP<sup>lv</sup>.

## **SIGNIFICANT LONG TERM FINANCIAL AND MATERIAL BENEFITS OF EIA**

Timely findings of adverse impacts at planning and designing stage of a project, may avoid a situation of engaging in a project that is not feasible and in turn save the finances of a project sponsor. At the crudest level the abandonment of a project may be required if all alternatives designs or locations are considered unsuitable in terms of likely detrimental effects. This would save capital cost. It is more likely however that, design modification may reduce the need for expensive ameliorating actions once a project becomes operational<sup>lvi</sup>. If a project is not assessed for its likely impacts, it may cause serious social and health problems. For instance a proposed dam and reservoir may have health effects which may require an expensive health care programme. The wrong location for a resettled population may result in agricultural failure and the need for food supplies to be sent to the relocated people from other areas. Moreover, many of the environmental amenities that would otherwise have been degraded or destroyed are preserved through the EIA process. Many cases show that the use of EIA has allowed the choice of an option that is both environmentally and economically superior to the original choice- the Alaskan pipeline being a good example<sup>lvii</sup>.

## CONCLUSION

With the rise of the sustainability agenda in Cameroon and the 2035 vision of emergence, there has been increasing emphasis on the potential for developments to deliver positive outcomes in the three spheres of sustainability that is: environmental, economic, and social spheres. In the absence of a healthy environment, and good health, sustainability remains a dream. According to environmental legislations in Cameroon, it is evident that all investments that are likely to significantly affect the environment, are subject to EIA. However, the practice of EIA to ensure environmental protection is possible to attract incentives for projects categorized under private investments as defined by the 2013 law on private investment incentives. Equally, the practice of EIA is evident of many other benefits; for project proponents it permits them know better the environment where their project is to be realised, know how feasible their project will be and equally enable them obtain permits from competent authorities. To the community, EIA process in summary serves as an opportunity for them to effectively participate in decision making. EIA as such, is the environmental management tool that is commonly and fully supported by legal and regulatory frameworks. This therefore, makes EIA enforceable by law, while its processes are standardized through guidelines or regulations. EIA thus is a more effective tool in promoting sustainability since it is grounded in well-defined legislation and procedural rules where the rights and obligations of all stakeholders are clearly defined, and its enforcement is ensured through appropriate implementation, monitoring procedures and other instruments.

## ENDNOTES

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<sup>i</sup> UNEP, *Judicial Handbook on Environmental Law*, Nairobi, Publishing Section of the United Nations Office, 2005.

<sup>ii</sup> The declaration on the right to development 1986; article 1 asserted that “the right to development is an inalienable human right”. More so, this declaration is supported by the international community with a vote of 146 against one vote.

<sup>iii</sup> International court of justice; separate opinion of vice president Weeramantry in his discussion of environmental protection as a principle of international law.

<sup>iv</sup> Governments protect the environment on the basis of their various constitutional and statutory powers to promote a general welfare, regulate commerce and manage public lands, air and water. National authorities may accept additional duties to protect the environment by entering into bilateral and multilateral treaties.

<sup>v</sup> Principle 21 of the Stockholm declaration of 1972 reaffirmed as principle 2 of the Rio declaration of 1992.

- <sup>vi</sup> See the 1959 ICJ ruling in the Corfu Channel which gives support to the Smelter Arbitration case where Hungary and Slovakia were parties in the matter. In this case, the ICJ held Hungary liable.
- <sup>vii</sup> Environmental harm is caused by processes and activities that are involved or are generated by the use of substances and technologies. Processes are physical chemical or biological phenomena that directly cause the harm, while the activities are the human efforts involved in this processes.
- <sup>viii</sup> See article 9, of Law N° 96/12 of 5 August 1996 relating to Environmental Management in Cameroon.
- <sup>ix</sup> See the Preamble of the 1996 Cameroonian constitution. The express recognition to the need to protect and improve the environment presupposes the need to balance the exploitation of natural resources with environmental considerations.
- <sup>x</sup> A large number of jurisdictions have adopted legislations or guidelines on their use with the aim to secure the environment and its resources. See Morgan K., *Environmental Impact Assessment: the state of the art, Impact Assessment and Project Appraisal*, Vol. 30, Issue 1, 2012, pp. 5-14.
- <sup>xi</sup> See especially the ESPOO Convention of 1991, which is the most comprehensive international instrument on EIA. In addition, other instruments that make reference to EIA include; article 14(1) (a) of the Convention on Biological Diversity (1982); article 4(1) (f) of the UNFCCC (1992); article 206 of the UNCLOS (1982). There are also “soft laws” such as Principle 17 of the Rio Declaration (1992), UNGA Resolution 2995 (xxvii) on cooperation between States in the field of the environment (1972), Principle 11(b) and (c) of the World Charter for nature (1982), UNEP Goals and Principles of EIA (1987) which provides for EIA.
- <sup>xii</sup> Glasson J et al., *Introduction to Environmental Impact Assessment: Principles and Procedures, Process, Practice, and Prospects*, 3<sup>rd</sup> edition, London & New York, Routledge Taylor & Francis group, 2005.
- <sup>xiii</sup> Sadler B., *Environmental Assessment in a changing world: Evaluating practice to improve performance, Final Report, International study of the effectiveness of Environmental Assessment*, CEAA, Hull Quebec. 1996.
- <sup>xiv</sup> Mebratu D., Sustainability and sustainable development: historical and conceptual overview, *Environmental Impact Assessment Review*, vol. 18, 1998, pp. 493-520.
- <sup>xv</sup> Gibson R. et al., *In Sustainability Assessment: Criteria and Processes*, London, Earthscan, 2005.
- <sup>xvi</sup> See Article 4(o) of Law N° 96/12 of 5 August 1996 relating to Environmental Management in Cameroon.
- <sup>xvii</sup> Munn E., *Environmental Impact Assessment: Principles and Procedures*, 2<sup>nd</sup> edition, London, Chichester John Wiley, 1979.
- <sup>xviii</sup> United Kingdom Department of Environment, *Environmental Assessment: A Guide to the Procedures*, London, Her Majesty’s Stationary Office, p.10, 1989.
- <sup>xix</sup> United Nation Economic Commission for Europe (UNECE 1991) defines EIA in a more succinct way.
- <sup>xx</sup> Morgan K., *Environmental Impact Assessment*, Dordrecht, Kluwer Academic Publishers, 1998
- <sup>xxi</sup> Glasson J. et al, *Introduction to Environmental Impact Assessment, op.cit.*
- <sup>xxii</sup> Canter L., *Environmental Impact Assessment*, 2<sup>nd</sup> edition, New York, MC Graw Hill Publishing Company, p.5, 1996.
- <sup>xxiii</sup> Petts J., *Handbook of Environmental Impact Assessment*, vol. 2, Blackwell Science, p.3, 1999.
- <sup>xxiv</sup> United Nations Convention on Environment and Development also known as the Rio declaration of 1992, Principle 17.
- <sup>xxv</sup> Section 16(2) states that, the initiation of any development project that is likely to perturb a forest or aquatic environment shall be subject to a prior study of the environmental hazard.
- <sup>xxvi</sup> Reaffirming principle 17 of the Rio Declaration, this article prescribes EIA for all projects which have a propensity to degrade the environment. It states that: the promoter or owner of any development, labour, equipment or project which may endanger the environment owing to its dimension, nature or the impacts of its activities on the natural environment shall carry out an impact assessment, pursuant to the prescription of the specifications. This assessment shall determine the direct and indirect incidence of the said project on the ecological balance of the zone where the plant is located or any other region, the physical environment and quality of life of populations and the impact on the environment in general.
- <sup>xxvii</sup> Bitondo D., “Environmental assessment in Cameroon: state of the art” UK, *Beech Tree Publishing*, 2000, pp.33-42.
- <sup>xxviii</sup> See Law on Environmental Management 1996 *op.cit.*, Chapter 1, article 4 (d).
- <sup>xxix</sup> See Bitondo, *op.cit.*, p.35.
- <sup>xxx</sup> Riki T. & Peter M., *Methods of Environmental Impact Assessment* 3<sup>rd</sup> Edition, Routledge, London & New York, Taylor & Francis Group, 2009.
- <sup>xxxi</sup> See Law n° 2013/00 of 18 April 2013, to lay down Private investment incentives in the Republic of Cameroon, section 1(1) and (2).



- <sup>xxxii</sup> *Ibid*, section 2(1) (2).
- <sup>xxxiii</sup> *Ibid*, Part three, chapter one, Section 14.
- <sup>xxxiv</sup> *Ibid*, section 15.
- <sup>xxxv</sup> Weaver A. et al., Contributing to sustainability as an environmental impact assessment practitioner, *Impact Assessment and Project Appraisal*, Vol. 26, Issue 2, 2008, pp.91-98.
- <sup>xxxvi</sup> Ortolano L. & Shepherd A., Environmental Impact Assessment: Challenges and Opportunities, *Impact Assessment*, Vol. 13, Spring, 1995.
- <sup>xxxvii</sup> Garipey M. & Henault J., “Environmental Assessment and Organizational Culture: The case of two major developers- Hydro- Quebec and the Ministry of Transport ”, Presented at the annual meeting of the International Association for Impact Assessment, Quebec City Canada, 1994, pp.14-18.
- <sup>xxxviii</sup> ESSA Technologies 1994. Website, [http://www.gdrc.org/uem/e\\_mgmt/2html](http://www.gdrc.org/uem/e_mgmt/2html) (viewed on the 14 of July 2016).
- <sup>xxxix</sup> Van de Gronden E.D., “Use and effectiveness of EIA in Decision Making” Report of a pilot study by BCR Consultants, Rotterdam, the Netherlands, 1994.
- <sup>xl</sup> Hill W. et al, “NEPA’s Effect on the considerations of Alternatives: A Crucial Test”, *Natural Resources Journal*, Vol. 18(2), 1978, pp. 285-311.
- <sup>xli</sup> Brown A. et al., “Environmental Assessment Procedures and issues in the Pacific Basin-Southeast Asia Region”, *Environmental Impact Assessment Review*, no 11, 1991, pp. 143-156.
- <sup>xlii</sup> Mary E., Environmental Impact Analysis from community guide to development impact”. [http://www.lic.wisc.edu/shapingdane/facilitation/all\\_resources/impact/analysis\\_environmental.htm](http://www.lic.wisc.edu/shapingdane/facilitation/all_resources/impact/analysis_environmental.htm). Viewed on the 11 July 2016.
- <sup>xliii</sup> Glasson J. et al, *op.cit.*
- <sup>xliv</sup> Bitondo D., *op.cit.*, p. 37.
- <sup>xlv</sup> Gibson R., Specification of sustainability based environmental assessment decision criteria and implications for determining “significance” in environmental assessment, Monograph prepared under a contribution agreement with the Canadian Environment Assessment Agency research and development programme, 2002, at [www.ceaa-acee.gc.ca/015/0002/0009/index.e.htm](http://www.ceaa-acee.gc.ca/015/0002/0009/index.e.htm), accessed on 7 of November 2016.
- <sup>xlvi</sup> Weston J., EIA, Decision-making Theory and Screening and Scoping in UK Practice, *Journal of Environmental Planning and Management*, vol. 43, Issue 2, 2000, pp. 185-203.
- <sup>xlvii</sup> Glasson J. et al., *op.cit.*
- <sup>xlviii</sup> *Ibid*.
- <sup>xlix</sup> Stinchcombe K. & Gibson R., “Strategic Environmental Assessment as a means of pursuing sustainability: ten advantages and ten challenges”, *Journal of Environmental Assessment Policy and Management*, vol. 3, 2001, pp. 343-372.
- <sup>l</sup> Weaver A. et al., *op.cit.*, p. 95.
- <sup>li</sup> Wathern P., *Environmental Impact Assessment: Theory and practice*, London, Routledge, 1998, pp. 3-30.
- <sup>lii</sup> Pratchett L., “Local autonomy, local democracy and the new localism”, *Journal of Political Studies*, 2004, pp. 358-375.
- <sup>liii</sup> Saidi A., “Environmental impact as a policy tool for integrating Environmental concern in development”, Available at [http://www.ai.org.za/wp-content/uploads/downloads/2011/11/No\\_19\\_Environmental\\_Impact\\_Assessment\\_as\\_a\\_policy\\_tool\\_forintegrating\\_Environmental\\_concerns\\_in\\_development.pdf](http://www.ai.org.za/wp-content/uploads/downloads/2011/11/No_19_Environmental_Impact_Assessment_as_a_policy_tool_forintegrating_Environmental_concerns_in_development.pdf) , accessed on the 20 July 2016.
- <sup>liv</sup> Clark D., *Perspective on Environmental Impact Assessment*, Dordrecht Holland, Reidel Publishing Company, 1984, pp 1-14.
- <sup>lv</sup> United Nations Environment Programme *Guidelines for Assessing Industrial Environmental Impact and Environmental criteria for the sighting of industry*, Paris, UNEP industry and Environmental Guideline series, vol. 1 UNEP industry and environment office, 1980.
- <sup>lvi</sup> Clark D., *op.cit.*, p. 14.
- <sup>lvii</sup> *Ibid*.