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**INTERNATIONAL JOURNAL OF
ADVANCED RESEARCH (IJAR)**

Article DOI: 10.21474/IJAR01/7022
DOI URL: <http://dx.doi.org/10.21474/IJAR01/7022>



ISSN NO. 2320-5407

RESEARCH ARTICLE

UNDERSTANDING THE BLUEPRINT OF ENVIRONMENTAL IMPACT ASSESSMENT FOR DEVELOPING COUNTRIES: THE HEADWAY AND IMPEDIMENTS IN CAMEROON.

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Manuscript Info

Manuscript History

Received: 02 March 2018
Final Accepted: 04 April 2018
Published: May 2018

Keywords:-

Blueprint, Environmental Impact Assessment, Developing Countries, Cameroon.

Abstract

Explicitly, environmental impact assessment (EIA) is a key aspect of many planning applications. It is an information gathering exercise carried out by the developer which enables a Local Planning Authority to understand the environmental effects of a development before deciding whether it should go ahead. Apparently, the EIA of developing country dates back to the mid-1970s, varying significantly from country to country, with its performance generally falling far behind the EIA of developed countries. Thus, it is crucial and paramount that this performance should be improved in order to ameliorate and enhance the protection of the environment of the developing countries. In this regard, this article considers the general perspectives of EIA in developing countries, against a set of robust evaluation criteria to determine its strengths and weaknesses on issues relating to: legal framework, coverage, consideration of alternatives, screening, scoping, report preparation, report review, decision-making, impact monitoring, mitigation, consultation and participation, system monitoring, costs and benefits, and strategic environmental assessment. Therefore, based on these, it is realised that in developing countries in general and Cameroon in particular, the EIA practice is facing some short comings and encumbrances, as only few of the evaluation criteria are usually met. This, implicitly, suggests that there are some urgent generic and crucial issues to be addressed and redressed, if EIA has to fulfil its viable objectives in the sustainable development agenda. Some of the issues include legislation, organisational capacity, training, environmental information, participation, diffusion of experience, donor policy and political will, as envisaged in the case of Cameroon.

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Introduction:-

As a matter of fact, there is a peril that the advances in environmental protection and the enhancement achieved through the use of Environmental Impact Assessment (EIA) in developed nations will prove inadequate on a global scale unless a similar level of attention is given to the application of EIA in developing countries. Indeed, it is worth

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noting that about 110 low- and middle-income countries occupy about 76% of the land area of world, containing about 93% of its population, enjoy only about 19% of the Gross Domestic Product (GDP) of the world's 135 countries.¹ Therefore, in this era of rapid industrialization and population growth in some of these regions, and the increasing recognition of the regional and global environmental impacts of certain development projects, the overriding need to apply EIA in these countries is effectively apparent. Along these lines, *Ebisemiju* bemoans the lack of EIA systems in developing countries²; even though it is worthy to note that about two-thirds of the approximately 110 developing countries have enacted some form of EIA legislation by the mid-1990s.³ In the same token, *Sadler* describes this as, "...perhaps one of the most striking and possibly under-appreciated trends in the field".⁴ In this regard, this paper is concerned in providing an overview and analysis of the strengths and weaknesses of EIA in developing countries as identified by the World Bank⁵ and others, with particular focus on the case of Cameroon. Its objective is to identify the weaknesses in the current EIA practice and make appropriate suggestions in which these might be overcome or remedied. This is crucial if performance is to be improved upon, to help in protecting the environment of the world's land area. In this manner, it considers some of the growing documentary and electronic literature on EIA in the developing countries. All in all, it discusses in seriatim the following issues: (1) the evolution of EIA systems in developing countries; (2) the evaluation of the analysis and decision-making criteria of the main procedural features and performance of EIA systems; and (3) the elaboration of the headway and impediments of EIA in Cameroon; with a concluding recommendation of EIA reforms in developing countries.

1.0 EVOLUTION OF "EIA" SYSTEMS IN DEVELOPING COUNTRIES

Explicitly, several international agencies have involved themselves with EIA. Indeed, prime of these, is the Organisation for Economic Cooperation and Development (OECD), which has recommended that its member governments should adopt EIA procedures and methods in the process of granting aid to developing countries.⁶ Equally, in 1989, the World Bank ruled that EIA for major projects should normally be undertaken by the borrower country under the supervision of the Bank.⁷ Also, the United Nations Environment Programme (UNEP) has made recommendations to member states regarding the establishment of procedures, goals and principles for EIA; and subsequently issued guidance on EIA in developing countries.⁸ More so, the 1992 Earth Summit has overtly provided additional momentum to these developments. In fact, Principle 17 of the Rio Declaration⁹ stated that "*Environmental Impact Assessment, 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 a competent national authority*". It is worth noting that EIA is now practised in more than 100 countries world-wide.¹⁰ Thus, just as there are huge differences in the EIA systems in the developed world, so too there are between the systems in developing countries. Ardently, there are enormous variations between the situations in central and eastern Europe (where some countries have implemented the European directive on EIA in readiness for accession to the European Union)¹¹, in Latin America and South-East Asia (where many countries have developed EIA systems of varying effectiveness)¹²,

1. World Bank (1997b). *World Development Report 1997: The State in a Changing World*, Oxford, Oxford University Press.
2. Ebisemiju, F. (1993). 'Environmental impact assessment: making it work in developing countries', *Journal of Environmental Management*, 38, 247-273.
3. World Bank, (1997b)., op cit.; Donnelly, A., Dalal-Clayton, B. and Hughes, R. (1998). *A Directory of Impact Assessment Guidelines*, London, International Institute for Environment and Development, 2nd edition
4. Sadler, B. (1996). *International Study of the Effectiveness of Environmental Assessment*, Hull, Quebec, Canadian Environmental Assessment Agency, 31.
5. World Bank (1997b)., op cit.
6. Organisation for Economic Cooperation and Development (1992). *Good Practices for Environmental Impact Assessment of Development Projects*, Paris, Development Assistance Committee, OECD.
7. The World Bank has recently updated its guidance on EIA. See World Bank (1999). *Environmental Assessment. Operational Policy, Bank Procedure and Good Practice 4.01*, Washington, DC, World Bank.
8. United Nations Environment Programme (1988). *Environmental Impact Assessment: Basic Procedures for Developing Countries*, Bangkok, UNEP Regional Office for Asia and the Pacific.
9. Sadler (1996)., op cit. 24
10. Donnelly et al., (1998)., op cit.
11. Ibid.
12. Lohani, B., Evans, J., Everitt, R., Ludwig, H., Carpenter, R. and Tu, S-L. (1997). *Environmental Impact Assessment for Developing Countries in Asia*, Manila, Asian Development Bank.

and in Africa (where some have no EIA systems)¹³. Just as in Europe, however, the situation in different countries within the continents varies considerably. Within Africa, for example, while the South African's EIA system has many of the attributes of a sophisticated developed country's EIA system¹⁴ and EIA is becoming important in Ghana¹⁵, yet EIA is unimportant in Somalia. In this regard, *George* provides a number of reasons for the variation in terms of regulatory form and practical application of EIA in the different developing countries; which include, "...resources, political and administrative systems, social and cultural systems, and the level and nature of economic development"¹⁶. Therefore, despite these variations, it remains true that, on the whole, EIA in developing countries tends to be very different from EIA in the developed world. The most conspicuous difference relates to the fact that the first EIAs to be carried out in developing countries were usually demanded by development assistance agencies on a project-by-project basis, not as a response to a widespread indigenous demand for better environmental protection. In the same token, *Lohani et al.* note that the emergence of the sustainable development agenda was also an influential factor in the development of some Asian EIA systems.¹⁷ Equally, *Lee and George* consider that, in general, EIA has been introduced later and is less firmly embedded in the development process in low and middle income countries than in developed countries.¹⁸ Conversely, it is realized that despite the legislative EIA requirements in, for example, Columbia (1974) and the Philippines (1977) pre-dating those in many developed countries, it is only over the past decade that many developing countries have established their own formal legislative bases for EIA.¹⁹ Apparently, there exist many examples of EIA undertakings in developing countries, as a result of donor agency pressure;²⁰ such as the EIAs in Chile²¹, India²², Lebanon²³, Lesotho²⁴ and Zimbabwe²⁵, etc.

1.1 The evaluation of 'EIA' systems

In fact, much of the debate about the effectiveness of EIA centres on the factors that can be advanced to explain why EIA systems are effective, on which evaluation criteria are appropriate in judging the effectiveness of an EIA system and on how EIA can be improved.²⁶ In this light, *Kennedy* concludes that "EIA works best when there is a specific legal requirement for its application, where an environmental impact statement is prepared, and where authorities are

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13. Kakonge, J. (1999). 'Environmental impact assessment in Africa', in Petts, J. (ed.) Handbook of Environmental Impact Assessment, Volume 2, Oxford, Blackwell.
 14. Wood, C. (2002). Environmental Impact Assessment: A Comparative Review, Harlow, Prentice Hall, 2nd ed.
 15. Appiah-Opoku, S. (2001). 'Environmental impact assessment in developing countries: the case of Ghana', Environmental Impact Assessment Review, 21, 59-71.
 16. George, C. (2000a). 'Comparative review of environmental assessment procedures and practice', in Lee & George (eds.) Environmental Assessment in Developing and Transitional Countries, Chichester, Wiley & Sons.
 17. Lohani et al. (1997), op cit.
 18. Lee, N. and George, C. (eds.) (2000). Environmental Assessment in Developing and Transitional Countries, Chichester, John Wiley and Sons, xi.
 19. Donnelly et al., (1998), op cit.
 20. Hildebrand, S. and Cannon, J. B. (eds.) (1993). Environmental Analysis: the NEPA Experience, Lewis, Boca Raton, FL.
 21. De La Maza, C. L. (2001). 'NEPA's influence in developing countries: The Chilean case', Environmental Impact Assessment Review 21, 169-179.
 22. Banham, W. and Brew, D. (1996). 'A review of the development of environmental impact assessment in India', Project Appraisal, 11, 195-202.
 23. El-Fadel, M., Zeinati, M. and Jamali, D. (2000). 'Framework for environmental impact assessment in Lebanon', Environmental Impact Assessment Review, 20, 579-604.
 24. Mokhehle and Diab, R. (2001). 'Evolution of environmental impact assessment in a small developing country: a review of Lesotho case studies from 1980 to 1999', Impact Assessment and Project Appraisal, 19, 9-11
 25. Adger, W. and Chigume, S. (1992). 'Methodologies and institutions in Zimbabwe's evolving environmental assessment framework', Third World Planning Review, 14, 283-295.
 26. Glasson, J. and Salvador, N. (2000). 'EIA in Brazil: a procedure – practice gap. A comparative study with reference to the European Union, and especially the UK', Environmental Impact Assessment Review, 20, 191-225.; Wood (2002), op cit.

accountable for taking its results into consideration in decision-making".²⁷ He thus emphasises that for EIA to be successfully integrated in the project planning process, the procedures for screening, scoping, external review and public participation need to be a part of it.²⁸ In fact, it is realised that while it is difficult to reach an objective overall judgement about any EIA system, there is a need for an evaluative framework for comparing the formal legal procedures, the arrangements for their application, and the practice in their implementation in the EIA systems. In this regard, various approaches for evaluating the EIA systems have been advanced.²⁹ The evaluation criteria are, in effect, shorthand versions of the principles of EIA and, carefully articulated, have considerable advantages in terms of brevity and clarity.

Explicitly, table 1 below presents a set of evaluation criteria that is based upon the stages in the EIA process, the aims of EIA, and the various evaluation frameworks advanced.³⁰ The focus of the criteria is on the requirements and operation of the EIA process, that is, mainly on procedural effectiveness, though they also encompass efficiency and equity considerations.³¹ Thus, assessing the substantive dimension, the effectiveness of EIA in delivering its desired outcome, the enhancement of environmental protection, is a different, and ultimately more difficult task. Consequently, only the penultimate criterion involves an overall comparison of the costs and benefits of EIA, relying mainly on the opinions of those involved in the EIA process. The 14 criteria can be employed to judge the effectiveness of any EIA system.

Table 1: Performance of the EIA systems of developing country

Criterion	Criterion Met	Comment
Is the EIA system based on clear and specific legal provisions?	No	Legislation rarely specifically provides for clearly defined EIA process integrated into other decision-making procedures.
Must evidence of the consideration, by the proponent, of the environmental impacts of reasonable alternative actions be demonstrated in the EIA process?	No	Alternatives, including the 'no-action' and the environmentally preferable alternatives, are often not considered.
Must screening of actions for environmental significance take place?	Partially	Lists of activities, thresholds and criteria often allow considerable discretion.
Must scoping of the environmental impacts of actions take place and specific guidelines be produced?	No	Scoping, especially involving public, rare.
Must EIA reports meet prescribed content requirements and do checks to prevent the release of inadequate EIA reports exist?	No	EIA reports often designed to meet development assistance agency requirements. Few checks exist.
Must EIA reports be publicly reviewed and the	No	EIA report review is weak but improving.

27. Kennedy, W. V. (1988). 'Environmental impact assessment in North America, Western Europe: what has worked where, how and why?' *International Environment Reporter* 11: 262.

28. Ibid

29. For example, by Hollick, M. (1986). 'Environmental impact assessment: an international evaluation', *Environmental Management* 10: 157-178; Gibson, R. B. (1993). 'Environmental assessment design: lessons from the Canadian experience', *The Environmental Professional* 15: 12-24; Sadler, B. (1996). *International Study of the Effectiveness of Environmental Assessment*, Hull, Quebec, Canadian Environmental Assessment Agency, 22; and Annandale, D. (2001). 'Developing and evaluating environmental impact assessment systems for small developing countries', *Impact Assessment and Project Appraisal*, 19, 187-193.

30. Wood (2002), op cit.

31. Sadler, B. (1998). Ex-post evaluation of the effectiveness of environmental assessment. In Porter, A. and Fittipaldi, J. (eds.) (1998) *Environmental Methods Review: Retooling Impact Assessment for the New Century*. Atlanta, GA, Army Environmental Policy Institute.

proponent respond to the points raised?		Rare for proponents to respond to points raised. Public often not involved.
Must the findings of the EIA report and the review be a central determinant of the decision on the action?	No	Although EIA theoretically influences decision, in practice this is rare.
Must monitoring of action impacts be undertaken and is it linked to the earlier stages of the EIA process?	No	Few specific requirements relating to monitoring and comparison with conditions exist. Practice infrequent.
Must the mitigation of action impacts be considered at the various stages of the EIA process?	Partially	Mitigation is the most important element of EIA in developing countries but implementation practice often unsatisfactory.
Must consultation and participation take place prior to, and following, EIA report publication?	No	Formal requirements for consultation and public participation in both scoping and review are almost always absent.
Must the EIA system be monitored and, if necessary, be amended to incorporate feedback from experience?	No	EIA system monitoring almost completely absent but modifications to EIA procedures take place as experience gained or under development assistance agency pressure.
Are the financial costs and time requirements of the EIA system acceptable to those involved and are they believed to be outweighed by discernible environmental benefits?	No	Probable majority belief that financial and time costs of EIA outweigh its benefits.
Does the EIA system apply to significant programmes, plans and policies, as well as to projects?	Partially	Some SEA practice as a result of development assistance agency encouragement.

Therefore, it is worth noting that if an EIA system fails to meet a significant proportion of the evaluation criteria, then it not only falls short of recognised international good practice but cannot deliver its intended environmental protection benefits. In this paper, the performance of the 'average' developing country's EIA system is judged against each criterion and suggestions for improvement are made. It is vital to appreciate that there will always be exceptions to the inevitable generalisations involved in forming the judgements summarised in table 1.

1.2 The legal basis of 'EIA' systems

Unequivocally, it is now well established that legislation is the essential pre-cursor to an effective EIA system, in developing countries just as it is in developed countries.³² However, it is realized that the legal basis of EIA systems in many developing countries may be weak, non-mandatory or non-existent. For instance, according to *Kakonge*, EIA is not mandatory in many African countries and the enactment of appropriate legislation there, is now almost universally regarded as a crucial first step.³³ In the same token, Sadler notes that while about 70 developing countries have enacted some form of EIA legislation, this usually forms one part of a general environmental law rather than being EIA-specific.³⁴ In this regard, it is realized that a common weakness of the legal provisions for EIA in developing countries is that they are often expected, unrealistically, to resolve environmental problems resulting from the absence of, or shortcomings in, environmental planning and pollution control systems. Therefore, there is the overriding need of an up-to-date data-base of EIA laws and regulations in developing countries, in order to prevent the 'reinvention of the wheel' when preparing new EIA legislation.

32. Wood (2002), op cit.

33. Kakonge, J. (1999). 'Environmental impact assessment in Africa', in Petts, J. (ed.) Handbook of Environmental Impact Assessment, Volume 2, Oxford, Blackwell.

34. Sadler (1996), op cit.

In the same manner, *Glasson et al.* identify the weaknesses in many developing countries' institutional structures in implementing EIA.³⁵ They envisage that the organisations responsible for implementing EIA provisions in developing countries are frequently new, lacking in status and political clout, and working in a culture where an absence of information sharing considerably reduces their influence; with the Environment ministries often being 'bypassed' by other, more powerful, ministries. Therefore, it is worth noting that this lack of organisational capacity explains why EIA largely remains a 'top-down' requirement imposed by external agencies.³⁶ Apparently, it is realized that as in the developed world, it is clearly desirable to put in place not only the legal requirements for EIA but equally sufficient institutional and personnel capacity and resources to implement them effectively.³⁷ Fortunately, it is appreciated that the development assistance agencies are turning their attention to the need to create not only the legal and institutional framework to administer the EIA but to enhance local centres of EIA expertise.

1.3 The coverage of 'EIA' systems

The coverage of EIA systems in developing countries is markedly patchy in relation both to the projects covered and to the impacts assessed. In fact, it is worth noting that in some developing countries, EIA systems are put in place purely to satisfy the development assistance agencies. While in others, there may be little indigenous demand for EIA and it may, therefore, be applied only to grant-aided projects. In this light, this may be one of the reasons why *Bisset* reports that "fewer EIAs are undertaken in developing countries than would be anticipated from the relevant legal and other requirements".³⁸ Equally, it is not uncommon for certain impacts to be neglected in some developing country's EIA reports (for example, landscape and visual impacts are not included in the Indian EIA regulations). Similarly, *Lohani et al.* note that the treatment of cumulative impacts in Asian EIA systems was unsatisfactory, a finding that frequently applies to EIAs in developing countries.³⁹ Thus, it appears generally accepted that the social as well as the environmental impacts should be included in the developing countries' EIAs and that the positive as well as the negative impacts should be emphasized.⁴⁰ Apparently, it is realized that this can be achieved if each developing country's EIA system is designed to cover all the types of actions which might have the potential to cause the environmental damage in the local circumstances; since there is no universally applicable model. In the same token, the consideration of alternatives, the screening of actions and the scoping of impacts are very imperative.

▪ Consideration of alternatives

The consideration of alternatives in developing countries' EIAs is frequently weak. With the no-action alternative often not a viable choice in circumstances where the alleviation of poverty and starvation may be the predominant goal and, in practice, the environmentally preferable alternative may not be considered either. In this light, *Bisset* notes that "the selection of the most environmentally favourable alternative was rarely achieved at an early stage of the project planning cycle in developing countries' EIA".⁴¹ However, it is worth noting that the choice of an alternative which minimises damage to the environment is, in principle, as achievable in developing countries as in developed countries.

▪ Screening of actions

The screening of actions for the applicability of EIA is not undertaken satisfactorily in many developing countries. In practice, the screening in developing countries is weak because the environmental agencies have little power, and the overseas development agencies can be influential in insisting that the EIA should be undertaken to meet their aid

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35. Glasson, J., Therivel, R. and Chadwick, A. (1999). *Introduction to Environmental Impact Assessment*, London, UCL Press, 2nd edition, 352.
36. Rayner, S. (1993). 'Introduction: the international influence of NEPA', in Hildebrand, S. and Cannon, J. (eds.) *Environmental Analysis: the NEPA Experience*, Lewis, Boca Raton, FL.
37. Biswas, A. K. (1992). 'Summary and Recommendations', In Biswas, A. and Agarwala, S. (Eds.) *Environmental Impact Assessment for Developing Countries*, Oxford, Butterworth-Heinemann.
38. Bisset, R. (1992). 'Devising an effective environmental assessment system for a developing country: the case of the Turks and Caicos Islands', in Biswas, A. and Agarwala, S. (eds.) *Environmental Impact Assessment for Developing Countries*, Oxford, Butterworth-Heinemann, 217.
39. Lohani et al. (1997), op cit.
40. World Bank (1991). *Environmental Assessment Sourcebook*, Washington, DC, World Bank (3 volumes); Biswas (1992), op cit.; OECD (1992), op cit.
41. Bisset (1992), op cit., 217.

requirements.⁴² For instance, the World Bank's good practice statement included a list of projects that will usually require environmental assessment.⁴³ However, the list is discretionary because ultimately, it is the significance of the impacts, and not the type of project, that determines whether EIA is necessary or not, and what type of EIA should be employed. In the same token, *Briffett* reports that the screening criteria based on the sensitivity of the site worked better in east Asia than those based on the size of projects.⁴⁴ Therefore, in countries with the least advanced EIA systems, the inclusion or exclusion of a project may be at the discretion of the senior government officials, with the degree of flexibility and discretion reducing, as EIA systems become more entrenched.⁴⁵ Thus, it is realized that a hybrid approach to screening, involving the use of a combination of lists and thresholds together with an element of discretion, tends to be most common.⁴⁶ Unfortunately, it is worth noting that development assistance agency's EIA procedures designed for large and complex infrastructure projects are often applied to the assessment of smaller and more routine projects. Therefore, to ensure that projects with significant impacts are assessed, and to avoid squandering scarce resources on the EIA of projects with minor impacts, it is even more essential in developing countries than in developed countries to have a simple and effective screening system, incorporating the use of simplified EIA for appropriate projects in place.⁴⁷ Similarly, it is realized that increasing the coordination between the different development assistance agency's EIA requirements would facilitate this. Altogether, it is noted that the development of unambiguous national screening lists and criteria in accordance with these donor requirements, with guidelines on their use, would greatly improve the screening practice in developing countries. In this regard, the donor agencies can readily encourage proponents to provide the appropriate information for effective screening.

▪ Scoping of impacts

It is generally agreed that scoping is an important step in the EIA systems, in the developing countries as well as in the developed countries.⁴⁸ However, it is realized that it is frequently missing, at least in so far as public consultation is concerned. In this regard, *Wood*⁴⁹ suggests that scoping is usually better utilised where it is a requirement of development assistance agencies, such as the World Bank (which requires scoping as a condition of funding).⁵⁰ Similarly, *George* notes that where scoping does take place, it is often directed towards meeting the developing country's pollution control requirements, rather than addressing the full range of potential environmental impacts from a proposed development.⁵¹ Indeed, it is worth noting that few EIAs in developing countries appear to be produced with the assistance of project-specific guidelines.⁵² Thus, to overcome these difficulties, it is noted that there is an overriding need to use interdisciplinary teams with indigenous experts' input.

1.4 The preparation and review of 'EIA' report

Generally, EIA reports in developing countries are often confidential.⁵³ In particular, EIA reports are not user-friendly and are weak on alternatives, scoping, prediction, attribution of significance, and justification of

42. Wood (2000), op cit.

43. World Bank (1999), op cit.

44. Briffett, C. (1999). 'Environmental impact assessment in east Asia', in J. Petts (ed.) Handbook of Environmental Impact Assessment, Volume 2, Oxford, Blackwell, 160.

45. George, C. (2000a). 'Comparative review of environmental assessment procedures and practice', in N. Lee and C. George (eds.) Environmental Assessment in Developing and Transitional Countries, Chichester, John Wiley and Sons.

46. Wood (2000), op cit.

47. Jones, C. E. (1999). 'Screening, scoping and consideration of alternatives', in J. Petts (ed.) Handbook of Environmental Impact Assessment, Volume 1, Oxford, Blackwell.

48. Ahmad and Sammy (1985), op cit.; Bisset (1992), op cit.; OECD (1992), op cit.; Jones (1999), op cit.

49. Wood (2000), op cit.

50. World Bank (1999), op cit.

51. George (2000a), op cit.

52. World Bank (1997a). The Impact of Environmental Assessment: The World Bank's Experience, Washington, DC, World Bank; George, C. (2000b). 'Environmental impact prediction and evaluation', in N. Lee and C. George (eds.) Environmental Assessment in Developing and Transitional Countries, Chichester, John Wiley and Sons.

53. Bisset (1992), op cit.

proposals.⁵⁴ In the same token, *Ahmad and Sammy* note that very few EIA reports have been made available to the public (or even for training purposes) in Egypt.⁵⁵ Equally, many developing countries' EIA reports are written in English, rather than in the endemic language, and seldom make concessions to the few lay readers able to review them. Indeed, this is hardly an appropriate climate for EIA peer and public review. Altogether, it is realized that the several prominent difficulties in developing countries in relation to EIA report preparation are: (a) there is a lack of trained human resources and financial resources that often leads to the preparation of inadequate and irrelevant EIA reports in developing countries;⁵⁶ (b) the environmental conditions in tropical or near-tropical areas render many of the environmental assumptions, models and standards derived in temperate zones inappropriate;⁵⁷ (c) the baseline socio-economic and environmental data may be inaccurate, difficult to obtain or non-existent in developing countries;⁵⁸ and (d) the significance attached to particular environmental impacts may be either much less or much greater (especially where cultural effects are involved) in developing countries than in developed countries.⁵⁹

In this regard, the various means of addressing each of these four difficulties are as follows: Firstly, it is worth noting that the importance of assembling an appropriate interdisciplinary team to prepare EIA reports in developing countries has been stressed.⁶⁰ Indeed, in the past, many agencies have failed to recognise the importance of ensuring that skilled EIA personnel exist in environmental consultancies and research institutes in developing countries. In the same manner, *George*⁶¹ and *Kennedy*⁶² suggest that this local environmental experience should be more extensively utilized in the preparation of EIA reports to improve prediction practice. Similarly, *Abaza* notes that as EIAs in developing countries are often planned and undertaken by international consultants, the opportunity for capacity building in these countries is diminished.⁶³ In addition, because international consultants may not be fully independent and may be constrained by fixed budgets, the exploratory nature of EIA might be compromised.

Secondly, there is an overriding need to employ EIA methodologies appropriate to conditions in developing countries. In this light, *George* stresses that factors such as climate, ecology, population density and social structure; influence the choice of impact prediction techniques, the evaluation of significance, and the design of mitigation measures in EIA.⁶⁴ However, the danger of transposing methods and techniques used within the EIA systems of developed countries without adaptation is apparent. Equally, *Biswas* blames the use of inappropriate and imported methodologies for the EIA reports which are "too academic, bureaucratic, mechanistic and voluminous".⁶⁵ Also,

54. Lee, N. (2000b). 'Reviewing the quality of environmental assessments', in N. Lee and C. George (eds.) *Environmental Assessment in Developing and Transitional Countries*, Chichester, John Wiley and Sons.

55. Ahmad, B. and Wood, C. M. (2002). 'Environmental impact assessment in Egypt, Turkey and Tunisia', *Environmental Impact Assessment Review*, 22, 213-234.

56. Clark, B. D. (1999). 'Capacity building', in J. Petts (ed.) *Handbook of Environmental Impact Assessment*, Volume 2, Oxford, Blackwell.

57. George, C. (2000b). 'Environmental impact prediction and evaluation', in N. Lee and C. George (eds.) *Environmental Assessment in Developing and Transitional Countries*, Chichester, John Wiley and Sons.

58. Wilbanks, T. J., Hunsaker, D. B. Jr., Petrich, C. H. and Wright, S. B. (1993). 'Potential to transfer the US NEPA experience in developing countries', in S. G. Hildebrand and J B Cannon (eds.) *Environmental Analysis: the NEPA Experience*, Lewis, Boca Raton, FL.

59. Boyle, J. (1998). 'Cultural influences on implementing environmental impact assessment: insights from Thailand, Indonesia, and Malaysia', *Environmental Impact Assessment Review*, 18, 95-132.

60. United Nations Environment Programme (1988). *Environmental Impact Assessment: Basic Procedures for Developing Countries*, Bangkok, UNEP Regional Office for Asia and the Pacific; Wood (2000), op cit.

61. George (2000b), op cit.

62. Kennedy, W. V. (1999). 'Environmental impact assessment and multilateral financial institutions', in J. Petts (ed.) *Handbook of Environmental Impact Assessment*, Volume 2, Oxford, Blackwell, 120.

63. Abaza, H. (2000). 'Strengthening future environmental assessment practice: an international perspective', in N. Lee and C. George (eds) *Environmental Assessment in Developing and Transitional Countries*, Chichester, John Wiley and Sons.

64. George (2000b), op cit.

65. Biswas (1992), op cit. 240.

George notes that prediction practice in low income countries is weak and thus there is often excessive reliance on expert opinion, with little use of more objective techniques or substantiating arguments.⁶⁶ Along these lines, The World Bank⁶⁷, the Overseas Development Administration⁶⁸, OECD⁶⁹ and the Commission of the European Communities⁷⁰ have all produced valuable guides. However, in many ways, the principles enunciated by UNEP remain the clearest, as they: (a) focus on the main issues; (b) involve the appropriate persons and groups; (c) link information to decisions about the project; (d) present clear options for the mitigation of impacts and for sound environmental management; and (e) provide information in a form useful to the decision-makers. Altogether, it is worth noting that the methodologies, techniques and standards should always be selected with the observance of these principles as the primary objective.⁷¹

Thirdly, while the absence of reliable baseline data in developing countries is a hindrance, more data often exist than most people appreciate.⁷² However, it is noted that the problems of poor or non-existent data retrieval and management systems⁷³, inter-ministerial and/or inter-institutional rivalry, unnecessary classification of data as secret or confidential and inaccuracy of data, need to be overcome⁷⁴. In this regard, improving the practice of EIA in developing countries demands that developers, consultants, and especially government environment departments, acquire and share both new and existing environmental information to a greater extent than in the past.⁷⁵ This can be achieved through training, personal motivation and public pressure which are the main keys in unlocking data sources in developing countries. With data collected by overseas organizations being increasingly valuable resource, as it is often easier for an external expert to gain access to environmental data than an indigenous one. Hence, to overcome some of these problems, the World Bank suggests that the use of geographic information systems can be an effective and economical way of storing and presenting the data needed to undertake the EIA.⁷⁶

Fourthly, the different significance attached to the impacts in different countries⁷⁷, together with the lack of relevant baseline data, are two of the strongest reasons for ensuring that indigenous experts undertake the EIA and that the local people participate in the EIA process⁷⁸. Thus, it is noted that the local people can assist not only by helping to determine the significance but also by providing the baseline environmental data and reviews of EIA reports.

Generally, according to *George*, the arrangements for the review of the EIA reports vary widely between developing countries because of the differences in their administrative structures and consultation procedures.⁷⁹ Moreover, it is realized that the review stage of the EIA process appears to be poorly undertaken in some developing countries⁸⁰ and to be missing altogether in others. Unsurprisingly, the quality of the limited number of developing country's

66. George (2000b), op cit., 106.

67. World Bank (1991), op cit.

68. Overseas Development Administration (1992). Manual of Environmental Appraisal, London, 2nd edition.

69. Organisation for Economic Cooperation and Development (1992). Good Practices for Environmental Impact Assessment of Development Projects, Paris, Development Assistance Committee, OECD.

70. Commission of the European Communities (1993a). Environmental Manual: Environmental Procedures and Methodology Governing Lome IV Development Cooperation Projects, Brussels, DGVII, CEC.

71. UNEP (1988), op cit.

72. Wilbanks et al., (1993), op cit.

73. Briffett (1999), op cit.

74. Biswas, A. K. (1992). 'Summary and recommendations', in A. K. Biswas and S. B. C. Agarwala (eds.) Environmental Impact Assessment for Developing Countries, Oxford, Butterworth-Heinemann.

75. McCormick, J. F. (1993). 'Implementation of NEPA and environmental impact assessment in developing countries', in S. G. Hildebrand and J. B. Cannon (eds.) Environmental Analysis: The NEPA Experience, Lewis, Boca Raton, FL.

76. World Bank (1995). 'Implementing geographic information systems in environmental assessment', in Environmental Assessment Sourcebook: Update No 9, Washington, DC, World Bank.

77. Boyle (1998), op cit.

78. Donnelly et al., (1998), op cit. ; Clark (1999), op cit.

79. George (2000a), op cit., 51.

80. For example, Egypt (Ahmad and Wood (2002), op cit.)

EIA reports subjected to independent review has generally been of a lower standard than in western nations.⁸¹ There is real opportunity for improvement.⁸² For instance, it is worth noting that the initiative to set up the Southern African Institute for Environmental Assessment as an independent advisory body, similar to those in the Netherlands and the UK⁸³, to overcome the staffing shortages which make effective scoping and review difficult in the countries of the region points to one way forward and a very highly recommended initiative to be emulated by other regions.

2.0 DECISION-MAKING IN THE “EIA” PROCESS

Explicitly, decision making on projects are usually made both by the development assistance agencies and the governments; but are frequently closed to external scrutiny, and may be influenced not only by the economic and social factors but also by corruption.⁸⁴ In this regard, *Lee* emphasises that the effectiveness of the EIA process is dependent on the “degree of success in integrating the assessment findings into decision-making in the planning and project cycle” and that this is frequently low in developing countries, starting too late and resulting in poor links with project implementation.⁸⁵ In the same token, *Glasson et al.* identify the weaknesses in the closed decision-making approaches and in the integration of the EIA with development plans in many developing countries.⁸⁶ Moreover, it is realized that too many examples exist in developing countries of mechanistic EIA reports being produced that have little or no effect on the decisions.⁸⁷ Equally, as *Bisset* states, most EIAs seem to have been a function of justifying a decision that has already been made and are concerned only with remedial measures.⁸⁸

Similarly, *Lohani et al.* consider that one of the major limiting factors concerning the development of Asian’s EIA practice is the lack of effective communication of the EIA results and recommendations to the decision makers.⁸⁹ Indeed, in some eastern Asian countries “EIA begins after the construction commences and is used only to confirm that the environmental consequences of the project are acceptable”⁹⁰. Moreover, in South America, the influence of EIA on decisions is limited because environmental constraints to investment are considered to threaten current political stability which is seen as depending upon economic growth.⁹¹ In the same manner, *Kakonge* avers that EIA had not resulted in the cancellation of projects in Africa.⁹² Equally, *Mwalyosi and Hughes* note that EIA had very little impact on decision-making in Tanzania.⁹³ In particular, there were few examples where dialogue between the EIA practitioners and proponents led to project modification before the submission of the EIS. Thus, it is worth noting that there appear to be two main problems, that is, there is the lack of willingness to integrate the EIA either into the project planning or into the decision making and there is the secretive nature of EIA and decision making. In this regard, *Lee* states that to achieve the fullest benefits, changes within both the planning and project cycle and in the decision-making context will be needed as well as changes in appraisal methods and procedures.⁹⁴

Apparently, it is realized that the two possible solutions to the inadequate integration of EIA into decision making in developing countries present themselves as follows: Firstly, the problem of top-down EIA can be partially overcome

81. Lee (2000b)., op cit.

82. Lee, N. (2000a). ‘Integrating appraisals and decision making’, in N. Lee and C. George (eds.) Environmental Assessment in Developing and Transitional Countries, Chichester, John Wiley and Sons.

83. Glasson et al., (1999)., op cit.

84. Boyle (1998)., op cit.; Donnelly et al., (1998)., op cit.

85. Lee (2000a)., op cit., 172.

86. Glasson et al., (1999)., op cit., 352.

87. See, for example, Mwalyosi, R. and Hughes, R. (1997). The Performance of EIA in Tanzania: an Assessment, London, Environmental Planning Issues 14, International Institute for Environment and Development.

88. Bisset (1992)., op cit., 217.

89. Lohani et al. (1997)., op cit., 1-12.

90. Briffett (1999)., op cit. 161.

91. Brito, E. and Verocai, I. (1999). ‘Environmental impact assessment in south and central America’, in J. Petts (ed.) Handbook of Environmental Impact Assessment, Volume 2, Oxford, Blackwell., 201.

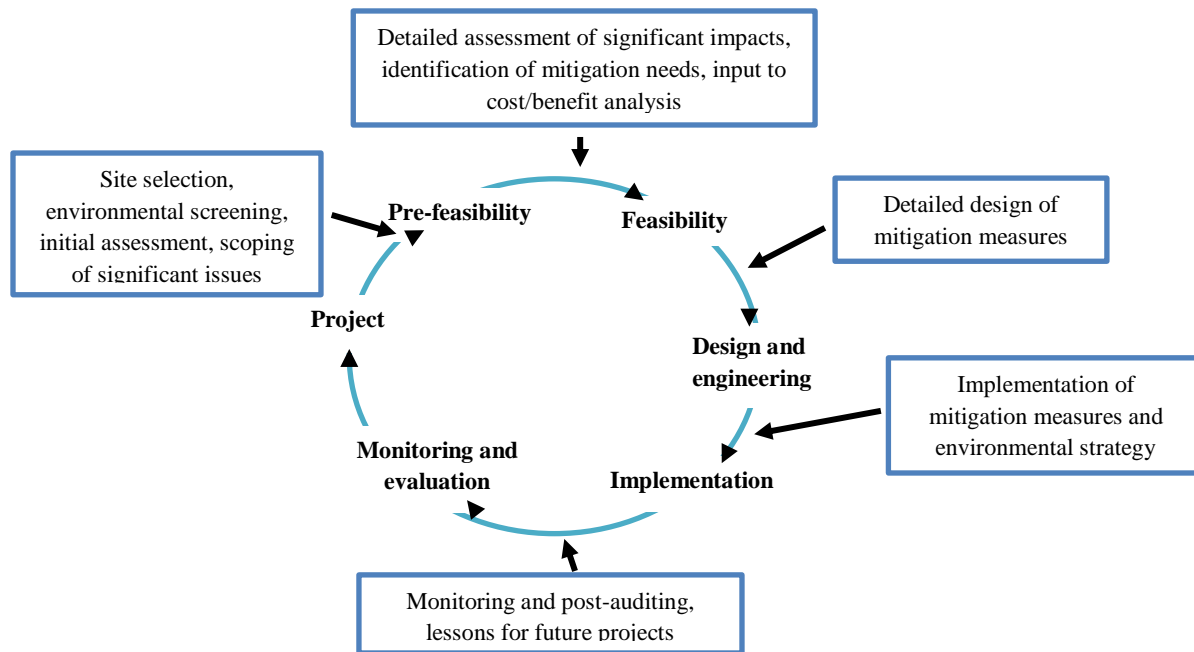
92. Kakonge (1999)., op cit.

93. Mwalyosi, R. and Hughes, R. (1997). The Performance of EIA in Tanzania: An Assessment, London, Environmental Planning Issues 14, International Institute for Environment and Development, 73.

94. Lee (2000a)., op cit., 173.

by a real (rather than a 'lip-service') commitment by leaders of developing countries to use the EIAs in decision making.⁹⁵ Conversely, countries are much more likely to use the EIAs in decision making if the EIA system responds to their needs, is designed and implemented by their own nationals, and generates simple, easy to use, focused EIA reports.⁹⁶ In other words, the EIA process needs to be rooted in the indigenous culture of decision making (even if this is top-down rather than bottom-up) instead of being imposed by the external aid agencies.⁹⁷ Altogether, the UNEP has suggested that the EIA must be integrated into the process of designing and implementing projects (that is, into the 'project cycle') in the country concerned; if the key in the management of the EIA is by designing the process so that it provides useful information to the decision-makers at just the right time in the project cycle, then the EIA can have a real effect on projects.⁹⁸ In this light, figure 1 represents this process diagrammatically. The diversity of decision making contexts found in different developing countries supports UNEP's flexible EIA process, adaptable to local circumstances yet adhering to a number of core principles.

Figure 1:- Integration of EIA into the project cycle



Source: United Nations Environment Programme (1988, 5).

Secondly, piercing the shroud of secrecy could begin if development assistance agencies take the lead in publicising the way in which the EIA influenced their own decisions. This would involve considerable, but necessary, change in many cases. An agency could then reasonably demand, perhaps as a condition of aid for a project, that the government department published the EIA report and the reasons for its decision. There are some instances where this has happened.⁹⁹ As *Wilbanks et al.* state, "Rewards should be offered for doing the EIA right".¹⁰⁰ The best reward would be to relate further aid to the EIA performance. Conversely, *Abaza* also states, "The attitude of some developed countries and donor agencies can be interpreted as something approaching 'environmental imperialism' within some low and middle-income countries: tying project approval or funding to their compliance to certain environmental conditions, such as the production of an EIA report, is unacceptable to many of these countries,

95. Ahmad and Sammy (1985), op cit.

96. McCormick (1993), op cit.

97. Wilbanks et al., (1993), op cit.

98. UNEP (1988), op cit., 5.

99. The World Bank made this a condition of funding a project in Egypt, for example, Tawfic, M., Director, Suez Canal University Environmental Impact Assessment Unit (2001) 'Personal communication'.

100. Wilbanks et al. (1993), op cit., 740.

particularly now that they are seeing the superficiality of the commitment by some developed countries to environmental goals.¹⁰¹

Explicitly, in relating aid to EIA performance would, therefore, require considerable political skill as well as close coordination and the sharing of the EIA information between the various offices of the relevant development assistance organisation. Thus, in some instances, this would cut across the development agencies' political agendas and alter the way their staff members operate. However, the World Bank has begun to make reforms in this area that have had a considerable effect. It is encouraging that all the major lending agencies and their staff (and, according to Kennedy¹⁰², their borrowers) now recognise the need for EIA and have established their own EIA procedures.

2.1 The monitoring and auditing of impacts

As in the developed world, monitoring has been a missing step in EIA in developing countries. For instance, *Lohani et al.* identify the lack of attention and commitment to follow up as a serious shortcoming in Asian's EIA practice.¹⁰³ EIA monitoring practice in Egypt, Turkey and Tunisia is almost non-existent.¹⁰⁴ Projects in developing countries may change substantially between authorisation and implementation, and environmental controls may not be observed or monitored. There is relatively little information about the accuracy of developing countries' EIA predictions. In this regard, *Biswas* suggests that appropriate compliance monitoring be made a condition of assistance to overcome these difficulties.¹⁰⁵ He also believes that case studies involving post-auditing the impacts of completed developments were urgently needed. Equally, *George* recommends that an environmental management system, for example ISO 14001, be instigated to avoid negative impacts during the operation of projects.¹⁰⁶ He also believes that such a structured approach could place clear responsibilities on the stakeholders involved. But however, the costs involved in implementing the monitoring practices can be high, although initially the development assistance can provide funding, with the national governments ultimately needing to become more actively involved. In situations where inadequate funds are available for a comprehensive monitoring programme, resources should be targeted towards those impacts identified as being most significant.¹⁰⁷

Apparently, it is worth noting that proper monitoring and auditing will greatly enhance the mitigation of the impacts of some projects in developing countries. Indeed, mitigation is principally considered during the EIA process, even though it is not always implemented. Too often, there is little opportunity for changes to be made to previously designed projects; with mitigation frequently an after-thought. This is certainly the case in, for examples, in Egypt¹⁰⁸ and Tanzania.¹⁰⁹ Like the treatment of alternatives, mitigation is given less emphasis than in the developed world and, in many instances, mitigation measures remain on the unread pages of the EIA report.¹¹⁰ Remedying this situation must involve the development assistance agencies and government departments negotiating the inclusion of adequate mitigation measures in the EIA reports and the subsequent enforcement of their implementation. In this light, *Kennedy* notes that the practice of EIA will improve as greater use is made of local environmental experts in implementing mitigation measures.¹¹¹

2.2 The Impact of consultation and participation

Unequivocally, although it is widely accepted in developed countries that the benefits of stakeholder involvement in EIA include development that delivers more environmental and social benefits and avoids conflict,¹¹² there is no tradition of consultation and participation in many developing countries.¹¹³ Indeed, the notion of public participation

101. Abaza (2000), op cit., 274.

102. Kennedy (1999), op cit., 119.

103. Lohani et al. (1997), op cit.

104. Ahmad and Wood (2002), op cit.

105. Biswas (1992), op cit.

106. George, C. (2000c). 'Environmental monitoring, management and auditing', in N. Lee and C. George (eds.)

Environmental Assessment in Developing and Transitional Countries, Chichester, John Wiley and Sons.

107. Ibid.

108. Ahmad and Wood (2002), op cit.

109. Mwalyosi and Hughes (1997), op cit.

110. Overseas Development Administration (1992). Manual of Environmental Appraisal, London, 2nd edition.

111. Kennedy (1999), op cit., 120.

112. Donnelly et al. (1998), op cit., 21; Wood (2002), op cit., 275.

113. Lee (2000a), op cit.

in decision making is revolutionary in many developing countries.¹¹⁴ In this regard, *Boyle* notes that the public is effectively excluded from project planning and decision-making in South East Asia.¹¹⁵ The same is effectively true in Egypt.¹¹⁶ Similarly, *Lohani et al.* observe that the fifteen years of EIA experience in the Philippines has shown that many problems associated with the EIA process are traceable to a lack of adequate communication and understanding.¹¹⁷ They note that developing countries generally have weak requirements for consultation and public participation, but that as community involvement is becoming more widely recognised as an important element of the success of the EIA process, its use is gradually increasing. Apparently, as for *Brito and Verocai*, the society is still unaware of EIA and of its right to participate in South America.¹¹⁸

In the same token, *Kakonge* considers that the involvement and participation of the African people in the EIA process left much to be desired, thus, reducing its effectiveness.¹¹⁹ Along these lines, *Bisset* observes that the influence of overseas development agencies, most of which have mandatory requirements for public participation, together with changes at the global political level, have been influential in initiating a trend towards more participatory approaches, but that these have perhaps been more discussed than practised. He, therefore, identifies a number of difficulties and constraints concerning the effective involvement of stakeholder in low-income countries to be: illiteracy; linguistic and cultural diversity that hinder mutually intelligible communication; lack of local knowledge and understanding regarding the scale, nature and likely effects of certain types of development projects; unequal access to consultative and participatory processes for certain social categories; remoteness of some stakeholders; and the time/cost implications of dealing satisfactorily with these difficulties.¹²⁰

More importantly, it is noted that one of the most crucial steps in improving EIA in developing countries is the raising of public awareness and increasing the opportunities for consultation with affected parties and other interested groups, as well as non-governmental organisations, throughout the EIA process.¹²¹ In this regard, *Appiah-Opoku* stresses the importance of involving the indigenous peoples in the EIA process (and incidentally benefiting from their knowledge).¹²² Thus, it is realized that the most useful first steps to improve consultation and participation might include the donor agency encouragement to consult certain designated authorities, the establishment of one or more public interest environmental groups and the active involvement of local universities and research establishments in EIA. Altogether, identifying and involving an appropriate range of stakeholders is crucial to the success of the process. In this manner, targeted overseas funding and the production of consultation and participation strategies appropriate to local circumstances may be necessary to facilitate effective stakeholder involvement. Encouragingly, it is worth noting that the World Bank's disclosure requirements now address the issue of making the EIA reports for projects it funds accessible.¹²³

2.3 The EIA systems monitoring

Ardently, there is very little EIA system monitoring in developing countries, though there are exceptions. Many environment departments do not keep a record of EIA documents or copies of EIA reports¹²⁴. However, some limited informal system monitoring by environmental agencies has taken place in some countries, to try to improve practice by learning from experience. For example, several aspects of the Egyptian EIA system have been monitored, and the screening lists have been modified as a result.¹²⁵ Also, not only is there little information about EIA but there is little interest in reviewing the operation of the system. This is beginning to change as EIA organisational capacity and regulatory requirements are expanded. Conversely, motivation and external pressure are also necessary.¹²⁶ Thus, making the EIA reports widely available would be a useful first step.

114. Wilbanks et al. (1993), op cit.

115. Boyle (1998), op cit., 95.

116. Ahmad and Wood (2002), op cit.

117. Lohani et al. (1997), op cit., 2-23.

118. Brito and Verocai (1999), op cit.

119. Kakonge (1999), op cit., 181.

120. Bisset, R. (2000). 'Methods of consultation and public participation', in N. Lee and C. George (eds.)

Environmental Assessment in Developing and Transitional Countries, Chichester, John Wiley and Sons., 154.

121. Glasson et al. (1999), op cit.; Kennedy (1999), op cit.; Abaza (2000), op cit.

122. Appiah-Opoku (2001), op cit.

123. World Bank (1999), op cit.

124. For example, South Africa – Wood (2002), op cit.

125. Ahmad and Wood (2002), op cit.

126. Ahmad and Sammy (1985), op cit.

2.4 The benefits and costs of 'EIA' systems

There is probably a majority view in developing countries that the costs of EIA systems exceed their benefits, though opinions vary from country to country and from stakeholder to stakeholder. In South Africa, for example, almost all stakeholders believe that EIA alters their behaviour and that of others.¹²⁷ Overall, there was an almost unanimous view that the environmental quality and acceptability of decisions has been improved by EIA. As elsewhere, it is the possibility of delay engendered by EIA rather than the financial cost of EIA that disturbs developers most. The public and the environmental groups tend to see EIA as a means of delaying and improving projects though, while delays were common, stoppage or withdrawal are very rare. Consultants not unnaturally see EIA as a worthwhile process. The South African provincial authorities perceive EIA to be a valuable environmental management tool, though many believe that too many projects are being assessed.¹²⁸ Apparently, it is noticeable that, though EIA has already been accepted in some developing countries, such as Cameroon, the same arguments about delays, financial resources, lack of expertise, lack of data and confidentiality, which were rehearsed in developed countries when project EIA was being introduced, have resurfaced again in developing countries. It is likely, given the firm encouragement and support of the international community for cost-effective EIA, that the outcome may be similar; that as practice improves, EIA will come to be widely accepted as an essential part of the development process.

2.5 The strategic environmental assessment

Generally, even though experience of the strategic environmental assessment (SEA) in developing countries is gradually increasing, *George* confirms that the use of SEA was uncommon in most low- and middle-income countries though there existed several examples of its use.¹²⁹ However, he notes that formal provisions were fairly common in central and eastern Europe, though implementation was hampered by lack of screening processes and assessment methodologies. Nevertheless, it is worth noting that there is considerable interest in the application of SEA, especially in relation to regional development plans and land use plans for developing areas. More so, work on the World Bank's national environmental action plans, and on its regional and sectoral environmental assessments means that this type of activity is probably more advanced in some developing countries than in some developed countries. Similarly, *Rees* cites the increasing use of programmatic loans, for example, for roads or irrigation schemes, as contributing to the increased use of the SEA by the World Bank.¹³⁰ Conversely, while the various problems relating to the use of SEA in developed countries (e.g. skills and data shortages, absence of public participation in policy and plan making) are more acute in developing countries, the potential advantages of using SEA are all the greater precisely because development is taking place so quickly in many areas. Equally, *Kennedy* is adamant that for environmental concerns to become truly integrated into investment decision-making, more attention needs to be given to SEA.¹³¹ However, there remains much to be achieved in the implementation of SEA in developing countries.¹³² Altogether, it is worth noting that almost all the recommendations to improve EIA advanced in this paper could be applied to the different stages of the SEA process. Thus, the need for external support in this endeavour is apparent, as is appreciated in the case of Cameroon, even though there are some internal constraints.

3.0 HEADWAY AND IMPEDIMENTS OF "EIA" IN CAMEROON

Explicitly, it has been highlighted that for any credible EIA practice to prevail in the developing countries in general and Cameroon in particular, there must be a viable legal framework in place in line with the blueprint guidelines as discussed above, to enhance the sustainability of investment projects. Along these lines, the 1972 declarations of the United Nations Conference on the Human Environment, envisaging the importance of environmental protection has become predominant in global policies and plans towards development. In the same manner, it is worth noting that the United Nations International Strategy for Disaster Reduction (UNISDR) equally provides that EIA is needed to assess the effects on a specified environment of the introduction of any new factor, which may upset the current ecological balance. In the same token, UNISDR establishes that EIA is a policy making tool that serves to provide

127. Wood (2002), op cit.

128. Ibid.

129. George (2000a), op cit.

130. Rees, C. (2000). 'EA procedures and practice in the World Bank', in N. Lee and C. George (eds.)

Environmental Assessment in Developing and Transitional Countries, Chichester, John Wiley and Sons., 249.

131. Kennedy (1999), op cit., 120.

132. Donnelly et al. (1998), op cit.; Selvam, L. P., Kapoor, S., Modak, P. and Gopalan, R. (1999). India: Review of the Effectiveness of Environmental Assessments in World Bank-Assisted Projects, Washington, DC, World Bank.

evidence and analysis of environmental impacts of activities from conception to decision-making. In this regard, as reiterated above, EIA is recognized all over the world as a fundamental tool to achieve sustainability especially within the development arena. Similarly, as *Bitondo* puts it, the directives of nearly all donors as well as legislation of nearly all countries require that before funding is made available, projects likely to be detrimental to the environment should undergo a sound and thorough EIA prior to their commencement.¹³³

Equally, to *Appiah*, many African countries (including Cameroon) are making efforts to establish EIA procedures.¹³⁴ Therefore, it is worth noting that the implementation of the EIA legislative framework in Cameroon, although belated, portrays the government's commitment towards regulating and advocating sustainable development. Apparently, this commitment as it is realised is further reflected by the fact that environmental management laws although not fully regulated, have been inherent in the relevant Cameroonian legislation. Thus, it is noted that after the Rio de Janeiro summit in 1992, the government of Cameroon made tremendous efforts in 1996 by creating a Permanent Secretariat for Environment; with authority to regulate the EIA nationwide. However, it was not readily clear how this would be achievable since the legal framework for EIA in the country had not yet been enacted, even though some good practices of EIA had already existed in the country in the public works and forestry sectors. Indeed, in February 2005, a decree governing the process and procedural framework of EIA in Cameroon was finally put in place.¹³⁵ This was followed by several orders to enhance the implementation of the regulatory provisions related to EIA, notably the order of April 2005, laying down the various categories of operations requiring an environmental impact study, the order of February 2007, defining in general the terms of reference of environmental impact studies and the order of July 2007, laying down the conditions for authorization of consultancies carrying out environmental and social impact assessments (ESIAs). Moreover, it is worth noting that these provisions were later refined and adapted to the new policy directions of the Decree of 13 February 2013, laying down the procedures to conduct ESIs and the Decree No. 2013/0066/PM of 13 January 2013, setting the modalities for the preparation and processing of environmental and social audits. Thus, this section examines the core features and legal procedures of EIA practices in Cameroon, by assessing its evolution, *modus operandi*, and impediments in practice. It then concludes by providing some overriding recommendations for the way forward.

3.1. Legal and institutional headway of EIA in Cameroon

Ardently, the herald of environmental protection after the 1972 Conference on Human Environment led to the formation of sectorial laws in Cameroon. Typical examples of these laws and regulations that have provisions relating to EIA include: Decree No. 76-372 of 2 September 1976, regulating the establishment of EIA, which classifies projects as dangerous, unhygienic and obnoxious; and prescribes that the fundamental prerequisite for the opening of a classified factory should be the presentation of a global plan of the project by the proponent.¹³⁶ It is

133. Bitondo, D. (2000)., Environmental assessment in Cameroon: State of the Art. Impact Assessment and Project Appraisal, 18(10), pp. 33-42. [Online] <http://dax.doi.org>

134. Appiah-Opoku, S. (2001)., Environmental impact assessment in developing countries, the case of Ghana. Environmental Impact Assessment Review, 21, pp. 59-71. [http://dx.doi.org/10.1016/S0195-9255\(00\)00063-9](http://dx.doi.org/10.1016/S0195-9255(00)00063-9)

135. See Decree No. 2005/0577/PM of the Prime Minister of the Republic of Cameroon enacting the process and procedural framework governing EIA in Cameroon. According to Article 6 of this Decree, Ministerial Order No. 0069/MINEP ("Arrete" No. 0069/MINEP) was published and enacted in March 2005 by the Minister of Environment and Nature Protection (MINEP) prescribing the different categories of projects that would require an EIA.

136. See Article 2 of Decree No. 76-372 of 2 September 1976. Also, the Decree emphasizes that risk assessment and prevention has to be achieved within the framework of the so-called "commodo and in-commodo" inquiry which takes into account such aspects like water supply, waste disposal and treatment, odours, all of which are pertinent to the safety and health of the neighbourhood. Altogether, three categories of classified factories are described in the Decree: (i) those that must be located far from housing areas, (ii) those that do not need to be established rigorously away from housing areas but for which authorization is required to ensure the provision of clearly defined adequate preventive measures, and finally (iii) those that do not present any serious foreseeable inconvenience to the neighbourhood and the public but are required to submit general provisions that safeguard the neighbourhood and the public interest. Thus, this illustrates the simple use of the concept of proximity to the receptors and magnitude of the impact in EIA.

apparently the first initiative of EIA in Cameroon; which provides clearly that the plan to be used needs to be appreciated whether the materials and dispositions of the project in question sufficiently take care of its impacts on safety, health and the environment. This decree was complemented by a 1980 Ministerial Notice relating to the collection, transportation and treatment of industrial waste, domestic waste treatment plants and sanitary sewage matters which was instrumental in the enhancement of sustainability;¹³⁷ equally, the Decree No. 84-797 of 17 July 1984, organising the Ministry of Planning and Territorial Administration, provided the enabling framework for Cameroon's participation in the Rio de Janeiro Conference in 1992, which readily boosted its positive philosophy in the arena of environmental protection resulting to Decree No. 92/069 of 9 April 1992, creating the Ministry of Environment and Forest, with the mandate to elaborate and implement the National Environmental Management Plan of the country. In this regard, it is worth noting that such a plan clearly recommended an EIA for all projects that were likely to affect the environment from a negative perspective.¹³⁸ In the same token, EIA was also part of the provisions of Law No. 94/01 of 20 January 1994, laying down the forestry, wildlife and fisheries regulations for projects that have a potential impact on the forestry or aquatic environment.

Explicitly, it is worth to note that the main legislative bedrock for environmental regulation in Cameroon is Law No. 96/012 of 5 August 1996 on Environmental Management. This was corroborated by a decree reorganising the Ministry of Environment and Forest creating a Permanent Secretariat for the Environment, having a Department of Sustainable Development with fundamental duties in ensuring that EIA is practiced effectively and efficiently on a national scale.¹³⁹ Along these lines, it is observed that the principle of taking the environment into account in public action is clearly enshrined in the 1996 Constitution of Cameroon as amended¹⁴⁰. Thus, emphasising the great commitment of the country at the highest level possible to sustainable development. In this regard, the preamble to the constitution clearly proclaims the right of every citizen to a healthy environment; by stating that the protection of the environment is a duty for everyone, and that the state will ensure its defence and promotion. Conversely, this willingness to take the environment into account in development projects has created a relatively complex legal and institutional framework. Apparently, it is realised that even though Article 16 of the 1994 Law, laying down the forestry, wildlife and fisheries regulations already required an EIA for projects that could impact the ecological balance of the forests, it is however the 1996 Environmental Management Law that is actually embodied with principles of EIA in Cameroon.¹⁴¹

Additionally, other sectoral laws such as the mining code makes explicit reference to the requirement for an EIA. In the same token, at the institutional level, as reiterated above, shortly after the enactment of the 1996 Environmental Management Law; that is, specifically in October 1996, a decree reorganizing the Ministry of Environment and Forest created a Permanent Secretariat for Environment at the Ministry of Environment and Forest, with a Department of Sustainable Development that has as one of its fundamental duties, the responsibility of ensuring that EIA is practiced effectively and efficiently on a national scale.¹⁴² Apparently, to enhance the implementation of EIA, the Ministry of Environment and Forest created in 1992 was split into two separate ministries, that is, the Ministry of Forestry and Wildlife (MINFOF) and the Ministry of Environment and Nature Protection (MINEP) with the Department of Sustainable Development attached under MINEP. In this regard, in February 2005, a Prime Ministerial Decree No. 2005/0577/PM formally launched the EIA procedure for the very first time. This was later consolidated by the publication of Order No. 0069/MINEP of March 2005 by MINEP, which prescribes the different categories of projects that would necessitate an EIA. This situation was readily enhanced by Decree No 2013/0171/PM of 13 February 2013, which lays down the rules for conducting environmental and social impact studies, by explicitly mentioning the social aspect of the impact study, and referring to Environmental and Social Impact Assessment (ESIA) rather than Environmental Impacts Assessment (EIA). Equally, the 2013 Decree also legally introduced Strategic Environmental and Social Assessment (SESA) and the Environmental Impact Statement (EIS) as tools for environmental assessment. Indeed, it is realized that at the institutional level, Cameroon seems to

137. See Notice No. D69/NC/MSP/DMPH/SHPA of August 1980,

138. Bitondo, D. (2000). Environmental assessment in Cameroon: state of the art, Impact Assessment and Project Appraisal, 18:1, 33-42, DOI:10.3152/147154600781767592

139. Ibid.

140. See Law No. 2008/1 of 14 April 2008 to amend and supplement some provisions of Law No. 96/6 of 18 January 1996 amending the Constitution of 2 June 1972.

141. See Article 17 of Law No. 96/12 of 5th August 1996 on Environmental Management, which states that an EIA is required for any project liable to have an impact on the environment

142. Bitondo (2000)., op cit.

have opted for a multi-sectoral, regional, decentralised and participatory approach to environmental management, coordinated by a ministry responsible for the environment, currently the Ministry of the Environment, Nature Protection and Sustainable Development (MENPSD), which is assisted by an Inter-ministerial Committee on the Environment (ICE), with its missions to make recommendations on all impact assessments before the competent authority can make its final decision.

3.1.1. The 'EIA' procedure under the 1996 environmental management law

Apparently, it is noted that Cameroon has a comprehensive legislation on the environment which provides for the establishment of a National Environmental Management Plan (NEMP), as enshrined in Law No. 96/12 of 5 August 1996¹⁴³. Thus, the basic principles for the formulation of the legislative framework on the environment include: precaution in view of the limits of current knowledge; polluter pays principle; prevention and corrective action principle; principle of participation; principle of liability and mutual decision; and the principle of substitution. In this regard, it is noted that Section 9(f) of the above-mentioned law provides for substitution where certain rules are omitted or missing in the said law. This Section, therefore, stipulates that where a general or specific rule relating to the environment is not provided for in the Environmental Law, a rule derived from other regulations or a rule from another context that will be more efficient with regard to the protection of the environment, may be used.

Similarly, regarding EIA, Section 17 of the 1996 Law stipulates that: the promoter or owner of any development, project, labour or equipment, which is likely to endanger the environment, owing to its dimension, nature or the impact of its activities on the natural environment shall carry out an EIA. This assessment shall determine the direct or indirect incidence of the said project on the ecological balance of the zone where the plant is located or any other region, the physical environment and quality of life of the populations and the impact on the environment in general; the EIA shall be included in the file submitted for public investigation where such a procedure is provided for; and the EIA shall be carried out at the expense of the promoter. Equally, according to Section 19(2) of the 1996 Law, the impact assessment shall of necessity comprise: an analysis of the initial state of the site and its environment; reasons for choosing the site; evaluation of the anticipated consequences of the implementation of the project on the site and its natural and human environment; outline of the measures envisaged by the promoter or owner to eliminate, reduce and, if possible, compensate for the harmful consequences of the project on the environment and estimates of the ensuing cost; presentation of other possible solutions and reasons for selecting the project from the perspective of environmental protection. Moreover, Section 20(2) of the 1996 law provides that where the impact assessment is not known or the impact assessment procedure is totally or partially disrespected, the competent Administration, or where necessary, the Administration in charge of the environment shall demand the implementation of appropriate emergency procedures to suspend the work envisaged or already initiated. It should be noted that these emergency procedures shall be initiated without prejudice to the sanctions provided for by the law.

In this regard, it is observed that EIA is the proper process to be used to predict the environmental result of a plan, policy, program, or project prior to the decision to move forward with any proposed action. However, it is equally observed that despite the current sustainable development dogma, there is still an antagonistic relationship between economic development and environmental protection as decision-makers still face significant challenges when trying to create a balance between natural processes and human aspirations, and between the costs of environmental management versus the provision of basic services to ensure quality of life.¹⁴⁴ In fact, it is observed that if well implemented, EIA is readily a fundamental tool that can help in the integration of the environment into developmental projects. Conversely, it is noted that since the publication of the EIA procedural framework legislation in Cameroon, only few studies have attempted to examine the effectiveness of the law within the context of the existing hindrances. This extant literature runs counter to the prevailing trend in other African countries.

3.1.2. The 'EIA' features and procedure under the 2005 and 2013 Decrees

It is observed that between 2006 and 2013, the quality of the texts greatly improved in Cameroon; with the publication of the 2005 Decree laying down the methods for carrying out EIA. However, it is realised that certain requirements still need to be refined, adapting them if necessary to the new policy directions of the 2013 Decree, which lays down the procedures for conducting ESIA. Apparently, the principal regulatory framework that lays

143. See Law No. 96/12 of 5 August 1996 on Environmental Management (Hereinafter referred to as the 1996 Law)

144. Petts, J., Herd, A., Gerrard, S. & Horne, C. (1999)., 'The Climate and Culture of Environmental Compliance within SMEs', *Business Strategy and the Environment*, vol. 8(1), pp.14-30.

down the different categories of projects requiring an EIA is Order No. 0069/MINEP of March 2005. This Order classifies projects requiring an EIA into two categories: Category 1 projects are those requiring a simple EIA, while Category 2 projects are those requiring a detailed EIA study. Indeed, Article 2 of the Order prescribes the requisite contents for reports emanating from a simple and a detailed EIA study. According to this Order, a report originating from a 'simple EIA study' must comprise: the summary of the study in a simple language in English and French; the description of the current environment where the project is envisaged; a description of the project; a report of the field work; an inventory and the description of the impacts of the project on the environment including envisaged mitigating measures together with an estimate of the corresponding cost; the approved terms of reference of the study and the bibliographic references. While the contents of a report emanating from a 'detailed EIA study' as prescribed by the regulation must include: the summary of the study in a simple language in English and French; a description and analysis of the initial state of the site and its physical; biological, human, and socio-economic environment; a description and analysis of all the components as well as natural and socio-cultural resources likely to be affected by the project, including reasons for choosing the site; a description of the project; the presentation and analysis of the different alternatives; the reason for choosing the project amongst other possible solution; the identification and evaluation of the possible effects of implementing the project on the natural and human environment; an indication of the envisaged measures for avoiding, reducing, eliminating or compensating the detrimental effects of the project on the environment together with an estimate of the corresponding cost; a program for the sensitization and information including minutes of meetings held with the public, NGOs, syndicates and other organized groups affected by the project; a NEMP comprising surveillance mechanisms and the environmental follow up of the project and, where necessary, a compensation plan; and the terms of reference of the study including the bibliographic references.

In the same token, Alemagi *et al.*, postulate that the 2005 Decree is monumental because it represents the first attempt made by the GoC to incorporate the legal and procedural framework governing EIA into a comprehensive legal document.¹⁴⁵ Indeed, the EIA procedure laid down in the EIA framework included the various steps which a project requiring an EIA undergoes from proposal to endorsement implementation leading to the issuing of a Certificate of Environmental Conformity (CEC). These include: screening and scoping; EIA study leading to the compilation of the Environmental Impact Statement (EIS); review and public participation, decision making, monitoring and evaluation, auditing for operating industries and establishments of existing pre-EIA. Moreover, under the prevailing or current EIA procedure in Cameroon, the proponent is mandated to initiate an EIA study by submitting a project's file to the Competent Administration (CA) and the MINEP.

Explicitly, the law prescribes that the project file must constitute the following: the project's general file; an application for the implementation of the environmental impact study comprising the name, share capital, sector of activity and the number of jobs provided for in the project; terms of reference of the study, along with a report describing and justifying the project with emphasis on the protection of the environment and grounds for choosing the site and a receipt justifying the payment of the file processing fee as provided for in Article 9 of the Decree. Along these lines, after receiving or obtaining the project's file for the implementation of the environmental impact study, the CA has a deadline of ten days to forward the said file including its comments and opinion to the Minister in Charge of MINEP. Indeed, it is realized that from the date of submission, the Administration in Charge of the Environment or the Ministry has twenty days for internal screening. In fact, it is worth noting that screening is a fundamental prerequisite as this enables the Ministry to opine and determine the category of the project as submitted within the context of terms of reference by the proponent. Moreover, it also gives the authorities the opportunity to comment on the scoping of the potential impacts resulting from the implementation of the project. In fact, it is noted that if the Ministry does not respond after thirty days from the date of submission of the application, then the proponent can consider the terms of reference admissible.

Otherwise, a screening report with specifications on the contents of the impact study according to the category of the project, the level of analysis required as well as the responsibilities and the obligations of the proponent, is sent to the proponent for a full-scale environmental impact study to be commissioned. The proponent is obliged to carry out the environmental impact study using a consultant and must conduct it with the population concerned, through consultations and public meetings, with the purpose of sampling the opinion of the population on the project. At least thirty days before the date of the first meeting, the proponent must send to the representatives of the population

145. Alemagi, D., Sondo, A., Ertel, J. (2006)., Constraints to Environmental Impact Assessment Practice: A Case Study of Cameroon. Journal of Environmental Impact Assessment Review

concerned, the programme of public consultations comprising the date and venue of meetings, the descriptive and explanatory report of the project and the purpose of consultation. Indeed, after the EIA study, two and twenty copies of the Environmental Impact Statement (EIS) are submitted or handed over to the CA and the Administration in Charge of the Environment respectively. As soon as the CA receives the EIS, an evaluation and advice is then made and transmitted to the administration or Ministry in Charge of MINEP. It is at this stage that the afore-mentioned administration puts in place a mixed team to conduct field trips for the purpose of checking or verifying qualitatively as well as quantitatively, information contained in the EIS and collecting the views of the population concerned in a public meeting. This public meeting enables the team to correlate the information in the EIS with the views of the public. The mixed team has fifteen days within which to forward its findings to the Inter-Ministerial Committee for the Environment for simple EIA studies and twenty days for detailed studies. Thus, within twenty days of the receipt of the EIS, the Administration in Charge of the Environment concludes the evaluation of the EIS and rules on the admissibility of the impact study. If this Ministry rules in favour of the study, the proponent is contacted to this effect. Otherwise, review comments necessary for the admissibility of the study are furnished to the proponent. Ardently, the Inter-Ministerial Committee for the Environment gives a final opinion with regard to the impact study.

Moreover, it should be noted that it is the responsibility of the Administration in Charge of the Environment to forward to the Inter-Ministerial Committee for the Environment, files it adjudged admissible or satisfactory, comprising the following documents: (i) the EIS declared admissible, (ii) the evaluation reports of the impact study, and (iii) the evaluation reports of public audiences and consultation. Indeed, within twenty days of receipt of the aforementioned documentation, the Inter-Ministerial Committee for the Environment opines on the EIS and then forwards its opinion to the Ministry in Charge of the Environment. The Minister in Charge of the Environment has twenty days within which to make a final ruling on the environmental impact study following the advice or opinion of the Inter-Ministerial Committee for the Environment. Apparently, it is worth noting that should the Minister rule in favour of the study, a CEC is issued by the Ministry before the project is allowed to commence. Otherwise, a conditional ruling is accompanied by measures to be taken by the promoter in order to fulfil all the requirements needed to secure a CEC. Alternatively, an unfavourable decision is tantamount to a prohibition of the execution of the project. It is observed that the CEC is valid for three years from the date it is issued. Therefore, it is worth noting that in case the project is not commissioned within the validity period stipulated on the certificate, the certificate becomes void. In this vein, a revised and updated EIS becomes mandatory or obligatory for revalidation. Equally, it is important to recognize that the 2005 Decree also has provisions for monitoring and evaluation. In fact, the decree requires relevant government services to undertake administrative and technical compliance monitoring, evaluation and enforcement, which is indeed carried out to ensure that there is effective and efficient implementation of the Environmental Management Plans (EMP) included in the EIS.

Penultimately, units that have never been subjected to an EIA and are under operation are given thirty-six months from the date of signature of the decree¹⁴⁶ within which to conduct an environmental audit of their installation. The audit, the law stipulates, must be accompanied by an EMP approved by the Administration in charge of the Environment and must comprise the following items: (1) the introductory summary which comprises the context, activity of installation studied; (2) the site which comprises of the location, environmental and historical context, land status; (3) the EMP which comprises the facilities for the management of the environment, air emissions, effluents, management of waste, storage of chemical products, noise, emergency plan, maintenance of installations, underground water and contaminated soils, etc; (4) the investigation on the compliance with the laws, regulations and policies; and (5) the conclusions and recommendations for additional studies. This auditing is intended to proactively facilitate the integration of the EIA within all already operating development sectors of Cameroon considering the fact that the environmental audit process was is still at an embryonic stage unlike the formal EIA.

Lastly, even though in 2008, MINEP adopted a manual for carrying out and evaluating EIAs, which was well received. It is realized that the manual authorises the use of international standards, when faced with a lack of national environmental standards legally in force, although doing so created a certain amount of confusion.¹⁴⁷ From this perspective, it is observed that while the 2013 Decree describes the review procedure involving the Inter-

146. That is from the 23 February 2005

147. Bitondo, D., Post, R., Van Boven, G. (2014). Evolution of Environmental Impact Assessment Systems in Central Africa: The role of national professional associations. Secretariat for the Environmental Assessment in Central Africa (SEEAC), Yaounde, Cameroon. ISBN: 9789042139862. www.seeaconline.org

ministerial Committee on the Environment, the 2008 manual ensures the carrying up and evaluation of the EIA to provide more information on the subject, especially with regards to the review criteria. However, it is realised that the procedure was found only moderately robust due to, among other things, the fact that the texts do not explicitly describe the competences required for reviewers nor provide the modalities for the review to be made public. In this regard, the composition and qualifications of the 'mixed' team reviewing the study for admissibility, formed from the competent authority and the administration responsible for the environment, as well as the criteria for judging the admissibility of the study need be specified in more detail.¹⁴⁸ Similarly, it is noted that even though the 2013 Decree provides for the publicising of the study, in order to give the local people, the opportunity to comment on its conclusions. However, it is realised that these decree does not pronounce disclosure of other documents related to the EIA, such as the terms of reference or the various quality-assessment reports. In this regard, this is perceived as a limitation given the principle, stated in the 1996 Environmental Management, that every citizen must be given access to information related to the environment.¹⁴⁹ Also, it is observed that the quality of the requirements for monitoring has gradually improved, as explicitly provided in chapter IV of the 2013 Decree. This has readily clarified the distribution of roles, by particularly requiring the developer to submit a report twice yearly to the MINEP and the usage of outside experts. Moreover, in relation to the infrastructure for knowledge development, it is observed that the laws and regulations in force more or less explicitly require the introduction of EIA education, and the development of manuals for project developers, but are not explicit enough as to whether the administration responsible for the environment must join the relevant international networks in EIA.¹⁵⁰

3.1.3. The international commitments of Cameroon to 'EIA'

Unequivocally, it is worthy to note that much effort has been made by the government of Cameroon in the international perspective with respect to EIA. In this regard, it is appropriate to aver that Cameroon is a signatory to a number of international conventions relating to environmental management. The most important amongst these, is the Convention on International Trade in Endangered Species of Wild Fauna and Flora¹⁵¹ (which is an international agreement between governments drafted after a resolution adopted in 1963 at a meeting of members of the International Union for Conservation of Nature (IUCN)). The text of the convention was apparently agreed upon in 1973, and it eventually entered into force on the 1 July 1975. Its aim is to ensure that international trade in species of wild animals and plants does not threaten their survival. In this light, it accords varying degrees of protection to more than 33 000 plant and animal species. Other primordial conventions include: the Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region¹⁵² (which covers the marine environment, coastal zones and related inland waters that fall within the jurisdiction of West and Central African States, including Mauritania and Namibia, which have become Contracting Parties to this Convention); the Convention on the Conservation of Nature and Natural Resources (which has as objectives to enhance environmental protection; foster the conservation and sustainable use of natural resources, and harmonize and coordinate policies in these fields with a view to achieving ecologically rational, economically sound and socially acceptable development policies and programs); the Central African Forests Commission (COMIFAC) (which was established in 2005, at a summit of the Central Africa Heads of State in Brazzaville, it acts as a regional forum for the conservation and sustainable joint management of the forest ecosystems in Central Africa)¹⁵³. It is the primary authority for decision-making and coordination of sub-regional actions and initiatives on the conservation and sustainable management of the Congo Basin forests.

Additionally, the Vienna Convention for the Protection of the Ozone Layer signed in 1985, is a Multilateral Environmental Agreement which was agreed upon at the Vienna Conference of 1985 and entered into force in 1988. Indeed, it acts as the prime framework of the international efforts in the protection of the ozone layer. In this light; it includes the Montreal Protocol on Substances that Deplete the Ozone Layer which was signed in Montreal in 1987.

148. See Article 18 of the 2013 Decree

149. See Article 9 of the 1996 Environmental Management Law.

150. Bitondo, et al. (2014), op cit.

151. Cameroon's Accession date is the 5th of June 1981 and it entered into force on the 3rd of September 1981.

152. The Resolution adopted on 23 March 1981 in Abidjan, came into force in Cameroon on 5th of August 1984.

153. The countries include Cameroon, Central African Republic, Democratic Republic of Congo, Equatorial Guinea, Gabon, Chad, Burundi, Sao Tomé and Rwanda.

In the same manner, it is worth noting that the Montreal Protocol¹⁵⁴ is an international treaty designed to protect the ozone layer by phasing out the production of a number of substances believed to be responsible for ozone depletion. Along these lines, it is believed that adherence to the international agreement will lead to the recovery of the ozone layer by 2050. Most importantly, as reiterated earlier the Convention on Biological Diversity (CBD)¹⁵⁵ is an international legally binding treaty adopted in Rio de Janeiro in June 1992. Its three main goals are conservation of bio-diversity, sustainable use of its components, and fair and equitable sharing of benefits arising from the exploitation of genetic resources. Equally, it has as objective to develop national strategies for the conservation and sustainable use of biological diversity. In this regard, the CBD is often considered as the key document regarding sustainable development. Similarly, there is the Global Strategy for Plant Conservation which came to light in April 2002, when the parties of the UN CBD adopted the recommendations of the Grand Canarias Declaration Calling for a Global Plant Conservation Strategy and adopted a sixteen-point plan aimed at reducing the rate of plant extinction around the world by 2010. In the same token, the United Nations Framework Convention on Climate Change (UNFCCC)¹⁵⁶ - an international environmental treaty drafted at the United Nations Conference on Environment and Development (the Earth Summit), held in Rio de Janeiro from 3 to 14 June 1992, with objective to stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. The UNFCCC was apparently opened for signature on 9 May 1992, after an Intergovernmental Negotiating Committee produced the text of the Framework Convention as a report following its meeting in New York from 30 April to 9 May 1992. Equally, the Kyoto Protocol¹⁵⁷, which is a protocol to the UNFCCC, aims at fighting global warming was initially adopted in December 1997 in Kyoto, Japan, and entered into force on 16 February 2005. Altogether, it is worth noting that these international conventions and guidelines have readily played a primordial role in shaping the environmental policy orientations of Cameroon, especially with respect to initiation and implementation of EIA, even though there still exist some impediments of EIA practices.

3.2. Assessing the impediments of 'EIA' practices in Cameroon

Explicitly, the requirement of a state to conduct an EIA in respect of activities with potentials to significantly affect the environment as elaborately discussed in section one, is readily reflected in Principle 17 of the UN Conference on Environment and Development (UNCED).¹⁵⁸ In this regard, the UNCED recognized EIA as a key tool for environmental protection and sustainable development. Thus, from this and by implication, it is noted that unless sustainable development criteria are included specifically among those used in environmental assessments, the EIA may not contribute to sustainable development. Therefore, it is very crucial for developing countries aiming to achieve sustainability, to integrate environmental concerns into their development plans, as is currently envisaged in the case of Cameroon. However, it is observed that despite the enormous initiatives of the government of Cameroon with respect to putting in place a viable EIA, inline with international standards, there are still some factors hindering the effective implementation and monitoring of the EIA in Cameroon, such as:

3.2.1. The inadequacy of scientific and baseline data

Apparently, it is realized that the EIA law of Cameroon fully dictates the administrative procedures that need to be followed in order to obtain planning permission. Similarly, with respect to the quality of the screening requirements, it is observed that the 2013 Decree introduces the EIS and the SEA in addition to the comprehensive EIA and summary EIA. In this regard, it is envisaged that the 2005 Order, laying down the different categories of operations whose implementation is subject to an EIA, should be revised in order to reflect this new categorisation. Equally, it

154.The treaty was opened for signature on 16 September. 1987, and entered into force on 1 January 1989, followed by a first meeting in Helsinki in May 1989. Since then, it has been revised seven times, in 1990 (London), 1991 (Nairobi), 1992 (Copenhagen), 1993 (Bangkok), 1995 (Vienna), 1997 (Montreal), and 1999 (Beijing).

155.The Convention was opened for signature at the Earth Summit in Rio de Janeiro on 5 June 1992 and entered into force on 29 December 1993. The convention came into force in Cameroon on 17 January 1995. Law No. 94/1 and its implementing instruments reflect its application at the national level.

156.It came into force on 21st of March 1994 and as of December 2009, the UNFCCC had 192 parties. Cameroon ratified the UNFCCC on the 19th of October 1994.

157.As of November 2009, 187 States had signed and ratified the protocol. Cameroon is also signatory to the Kyoto Protocol which entered into force in February 2005.

158.United Nations (1992). Report of the United Nations Conference on Environment and Development (Rio De

159.Janeiro, 3-14 June 1992). Original Report A/CONF.151/26 (Vol. I).

is realised that although the use of baseline information ensures that identified and evaluated impacts are traced within the EIA process, thus, providing an efficient method of predicting the significance of impacts through existing environmental conditions. However, it is noted that at present, there is insufficiency or inadequacy of scientific and baseline data on the environment in most sectors in Cameroon, thus, greatly undermining the efficiency and quality of the Environmental Impact Study (EIS) and the EIA process as a whole. In this regard, it is suggested that the texts should be amended to make them more clear and specific on how to make formal decisions with respect to projects submitted to EIA. Equally, with regards to the quality of the requirements for scoping, it is noted that the description of the procedure in the 2013 Decree, the requirements in the 2005 Order defining the general outlines of the EIA terms of reference, and the 2008 manual for carrying out and reviewing the EIA, exhibit some marked improvements. However, it is noted that this would be effective if an explicit pronouncement on the nature of the required expertise is made, or on the use of independent expertise or public participation at this phase.

3.2.2. The incompetency of personnel and over centralization

Overtly, it is observed that the Prime Ministerial Decree¹⁵⁹ designating the Inter-Ministerial Advisory Committee for Environmental Impact Study is found to be inappropriate. Along these lines, in perusing the decree and the composition of the committee, it is realised that the committee is composed of incompetent people. Thus, in this regard, it is aptly suggested that for a committee of this nature to be robust, it must include scientists and multidisciplinary technical staff with the requisite knowledge on EIA and its applicability in their respective sectors. In the same manner, it is observed that the problem might probably stem from the institutional framework of the review and approval of EIA, which are all centralized in Yaoundé; with most of the officials lacking the requisite mastery of the ecological, physical, chemical, socio-economic and cultural environment of the communities where the EIA projects are envisaged. Altogether, it is realized that the tendency of filling this committee with novices and incompetent personnel is the prime factor that had led to poor performance, schism and approval of EIS that are fundamentally flawed, resulting to a detrimental impact on the substratum of EIA practice in Cameroon. Thus, it is suggested that the decree should be reformed with respect to the criteria and modalities of the selection and composition of the committee, order to alleviate the debilitating situation.

Similarly, although, the institutional organisation in Cameroon provides for a National Assembly and a Senate, whose missions are to oversee the action of the executive branch. It is realized however that the decisions about the comprehensive and summary ESIA's are still unilaterally taken by MINEP, which is not an elected body. In this regard, it is worth noting that there is no separation between the authority deciding on EIA matters and the authority overseeing inspections. Equally, it is realized that despite the apparent lack of separation between the decision to approve the EIA report and those to grant an environmental authorization; the 2013 Decree still clearly provides for the obligation to obtain an environmental compliance certificate. In the same token, as for the environmental impact statements, it is noted that their management has been decentralised to the authorities at the municipal level, which are elected. In this light, it is observed that the 2013 Decree with respect to the decentralisation of procedure has advanced compared with the 2005 Order. Conversely, the quality of the laws/regulations relating to justification is still relatively poor, despite the fact that Article 20 of the 1996 Environmental Management clearly provides that all impact studies result need to be supported by a justified decision of a competent authority. Indeed, from this, it is realised that this requirement for justification is not readily covered in the 2013 Decree. Thus, in this case, the silence from the authority might be considered as a tacit approval. Also, it is noted that the quality of the requirements for monitoring has improved, since the 2013 Decree contains requirements for monitoring.

3.2.3. The impediments to effective public participation

Affirmatively, public participation is a fundamental component of the EIA process. As *Wood* explains, EIA is not EIA without consultation and participation.¹⁶⁰ The European Commission strongly advocates public participation arguing that it increases the accountability and transparency of the decision-making process. Therefore, the role and importance of public participation in environmental decision-making cannot be overlooked. The European Commission further establishes that effective public participation in the taking of decisions enables the public to express their views, and the decision maker has to take account of options and concerns which may be relevant to those decisions, thereby, increasing the accountability and transparency of the decision-making process, thus, contributing to public awareness of environmental issues and support for the decisions taken. However, looking at the current legal and procedural disposition regulating EIA in Cameroon, it is noted that public participation is not

160. See Article 15 paragraph 2 of Decree No. 2005/0577/PM

161. *Wood* (2002), op cit.

statutorily protected. Indeed, it is poorly represented in terms of timing and communication hurdles; even though Article 17 of the 2005 Decree clearly states that the promoter or proponent shall send to the representatives of the population concerned at least thirty days before the date of the first meeting, the program of public consultations comprising the date and venue of meetings, the descriptive and an explanatory report of the project and the purpose of consultations. Moreover, looking closely at the legal provision, it is readily not clear when this first meeting should be scheduled during the EIA process and under what circumstances these consultations should be made.

Therefore, from this ambiguity, it seems the place and timing of the first public participation is definitely at the discretion of the proponent. This epitomises the fact that the public is treated with disdain in the current legal disposition. Indeed, it is suggested that the law should be reformed by including provisions that would enable the public to know exactly when the law mandates them to take part in public consultation within the framework of the EIA procedure in Cameroon. Equally, although Article 11(1) of the 2005 Decree also states that “The EIS shall be carried out with the participation of the population concerned, through consultations and public meetings, for the purpose of sampling the opinion of the population on the project”, with paragraph 2 of the same article further stipulating that “Public consultation shall refer to meetings held during the study in towns concerned by the project”. Apparently, it is observed that although the public audience is usually aimed at advertising the study, recording possible oppositions to the project and enabling the population to give their say on the findings of the study. However, it is realized that what readily impedes the effective participation of public with regard to the aforementioned provision is the lack of effective and efficient communication. Even though Pidgin English and French are usually used in transmitting fundamental knowledge about proposed EIA projects to the illiterate Cameroonian populace during public consultation; in most case the available information to enable the public participate effectively during public meetings is difficultly grasped by the lay person. Moreover, the problem is accentuated by the lack of public knowledge on legal issues and the fact that most legal documents in Cameroon are in French, thus constraining the English speaking and illiterate indigenous population. Altogether, it is realised that whether in 2005 or 2013, the public nature of the procedures or public participation at the different phases of decision making remain unregulated. Indeed, while noting that Cameroon does not have a national ombudsman, the paths to administrative and legal redress are in principle provided, accessible and affordable.¹⁶¹

3.2.4. The lack of eco-sustainability measuring indicators and inadequate resources

In fact, with respect to the measurement of ecological sustainability, Article 21 of the 2005 Decree provides that “Units under exploitation and/or functioning shall within thirty-six (36) months from the date of signature of the Decree, carry out an environmental audit of their installations, accompanied by their EMP”. Conversely, it is worth noting that despite the resounding provision, it however fails to lay down any ecological threshold against which the provisions for a corporate environmental management plan can be evaluated. For instance, the decree does not prescribe a set of indicators that can be used to measure and evaluate the progress of the provisions provided in the corporate environmental management plan. In this regard, therefore, it is suggested that the decree should be reformed by including all the parameters and thresholds that could enable consultants and experts to easily appreciate and evaluate the corporate environmental management undoubtedly and provide fundamental feedbacks that could be used to tackle the arenas with deficiencies and shortcomings. Similarly, another factor that readily impedes the effective implementation of EIA in Cameroon is the inadequacy of scientists and technical staff or personnel in the domain of environmental management. Explicitly, this is corroborated by the fact that primarily only one institution¹⁶² offers a post-graduate programme in EIA in Cameroon. However, it is worth noting that the government of Cameroon has recently initiated some policies measures to revamp environmental education, by creating and institutionalising the departments of environmental studies in the state universities and other higher institutions. Apparently, it is realized that despite these tremendous initiatives, more is still needed in terms of technical, infrastructural and financial supports to build the capacities and capabilities of the personnel and researchers to enable them to easily align and cooperate with other international environmentalists and other scientists involved in sustainable development.

162.¹⁶¹ Bitondo, et al. (2014), op cit.

163.¹⁶² “CRESA– Forêt-Bois” – a regional centre affiliated to the University of Dschang

Conclusion:-

It is not surprising that most developing countries' EIA systems, which are generally at their early stage of development, fail to meet the blueprint evaluation criteria employed in this paper (as summarised in table 1), since they were designed to test international good practice. However, while there are many variations between the developing countries, their weaknesses are similar to those reported in the EIA systems in South Africa, various Mediterranean countries, Egypt and Turkey. Thus, despite the establishment and refinement of the EIA systems, and the emergence of SEA, the achievement of sustainable development goals remains elusive. Moreover, EIA cannot achieve sustainable development without parallel activities such as, enacting appropriate legislation, implementing wider environmental controls, raising awareness, improving data systems, counteracting corruption and providing opportunities for public participation. Nevertheless, it is realised that for developing countries, EIA remains at best, a Band-Aid to mitigate the worst consequences of rapid industrial development because it is wealth, not legislation, that leads to indigenous demands for clean energy, stable populations, and stewardship of the land and water. Therefore, while the importance of wealth in determining environmental awareness can hardly be exaggerated and the EIA systems in many developing countries have many shortcomings, it is noted that the emerging EIA systems are developing rapidly, learning from other existing systems, and adapting the techniques to their own needs.

Equally, the development of EIA in developing countries (like Cameroon) need not be considered in isolation. Thus, the improvement of EIA needs a firm consideration to elements such as the development of viable legislation, raising awareness, improvement of data systems and provision of opportunities for public participation. Also, developing countries' EIA have to be simplified to become more flexible. Along these lines, several urgent issues need to be addressed, such as the continuous need to research on the substantive (methodological) and procedural (including effectiveness) issues of EIA, in addition to those suggested in the evaluation of the various stages of EIA processes, and appreciated in the case of Cameroon. These issues are: training and capacity building in EIA, diffusion of EIA experience, appropriate donor EIA policy and integration of requirements, and increased political will. More so, numerous researchers have stressed the importance of training to increase the human resource capacity to undertake and review the EIAs in developing countries, as was alluded in the case of Cameroon. To this effect, it is noted that the number of skilled EIA professionals in developing countries are severely limited, and human resource development is gradually become their top priority. Even though in practice, courses have often failed to be sufficiently practically orientated. In this light, there is considerable agreement that training needs to be provided within individual developing countries, as envisaged in the Cameroon. Conversely, it is worth noting that trainers from developed countries need to familiarise with the cultural norms, as well as the legal procedures, of the countries in which the training is taking place. Equally, EIA training needs not relate to government officials but also to personnel in environmental consultancies, universities and research institutes. With the necessity of both longer-term and specialised short courses; which need to be multidisciplinary and focused on the practical and operational aspects of EIA rather than on its theoretical aspects only.

In the same token, in order to diffuse good developing country's EIA practice, there is a need for a database of EIA regulations, organisations, guidance and experience in developing countries, to enable the countries to adapt proven examples in designing their EIA systems. It is noted that such a database would aid communication, which is often very poor, between environmental agencies in developing countries. The role of development assistance agencies is paramount and their control has great potential for bringing about effective EIA in developing countries, particularly those without national EIA requirements. However, this potential has not been fully realised because the agencies are slow to impose EIA requirements on recipients and even slower to enforce consistently non-trivial compliance with their own requirements. Indeed, under these circumstances, it is noted that the project proponents receiving the development aid have often been able to get by with token compliance with the EIA requirements of donors. Moreover, the various approaches and regulations used by the numerous development assistance agencies can lead to confusion and contradiction with national EIA requirements. While the situation is improving, as the agencies are increasingly become aware of the major role they should be playing, the need for greater co-ordination between different donor requirements remains acute. In this regard, it is noted that the variety of appraisals sometimes required by agencies, including EIAs, social impact assessments and cost benefit analyses, can result in a cumbersome and ineffective project development process.

In addition, it is observed that the effectiveness of EIA (and SEA) has not, to date, been assisted by the emergence of the integrated impact assessment (IIA). The integration of the economic, social and environmental factors in IIA, has sometimes been to the disadvantage of the environment. Thus, the subordination of EIA and SEA to IIA may ignore the lessons of history. After all, EIA was originally developed to ensure that environmental costs were

adequately considered in decisions. It is environmentally sustainable development that EIA and SEA strive to achieve. The effectiveness of EIA and SEA (and of IIA) would be boosted if their bottom line goal is to be 'no net environmental deterioration'. Indeed, it is noted that the lack of political will and vision is undoubtedly the biggest constraint in making EIA effective in developing countries. There is insufficient political priority accorded to the environment in general, and EIA in particular, in many developing countries. While many officials in environmental ministries, and others, may appreciate the relationship between rational management of the environment and long-term economic development, most politicians either do not or choose to ignore it in favour of more immediate goals. This lack of political will is allied both to existing systems, in which pressing environmental concerns often cannot be effectively represented politically, and to widespread corruption. Thus, it is noted that the political resistance and scepticism towards EIA in developing countries like Cameroon, owed much to the perception of EIA as being intrinsically anti-development, an unpopular notion in countries needing rapid economic development. In this regard, it is suggested that since the pace of change is so much greater in developing countries, it is appropriate for a greater proportion of the world's EIA expertise and resources to be devoted to them if real progress towards sustainable development is to be made.

Furthermore, although the prevailing legal disposition regularizing EIA from the perspective of process and procedural is monumental, it is usually imperative to identify the constraints on its successful implementation in relation to projects exhibiting great impact on the environment. In this light, the hydropower projects, for instance, play a paramount role in enhancing sustainable development in Cameroon. But however, the prime short-coming and constraint of the projects, is the inadequacy of legal and institutional framework, and the ineffective implementation of the existing EIA provisions. Thus, it is recommended that there is an urgent need for reforms, tailor to the blueprint and best practices as earlier considered, to ameliorate the EIA practice in Cameroon to enhance sustainable development. Equally, it is worth noting that the improvement of incentives to private investors is a key role for catalysing impact investment in Cameroon. It is noted that these initiatives improve and mitigate the economic, social and environmental risks in the project. Thus, as the findings of this paper suggest, for any concrete improvement to be effective and efficient, there is an overriding need to put in place viable institutional and legal frameworks as prescribed in this paper. Similarly, it is worth realising that although the government of Cameroon has undertaken the monumental step, by promulgating the EIA law and its requisite procedural guidelines, there are still lots of barriers to the effective and efficient implementation of the current legislative framework. In this regard, the following concrete strategies and recommendation could be used to obviate the existing impediments of EIA: there is an urgent need to reform the existing legal and institutional EIA system to be inline with the blueprint, to enhance sensitise and educate the local communities on EIA, to integrate indigenous knowledge in EIA process, to decentralize powers in the EIA process, to enhance the pro-active approach vis-à-vis communication and consultation with the public, to revamp the criteria and modalities for the composition of the Inter-ministerial Committee for EIA, to enhance the training of experts and researchers in EIA and to provide a strong capacity building and monitoring mechanisms.