



Striking a balance between investment considerations and environmental sustainability under Cameroonian sectoral laws: A legal appraisals

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Abstract

The natural environment provides clean water supply, clean air, mitigate climate change/global warming and ultimately sustain the wellbeing of mankind and sundry. Also, natural environmental resources also provide livelihood, jobs and revenues to government that can be used for education, health care, development and sustainable business models. Therefore, a healthy environment is a pre-requisite for the sustainability of the present generation without compromising the ability of the future to benefit theirs. Worth noting is that economic development explains why investment activities have increased at an alarming rate worldwide with favorable conditions for multilateral corporations to expand and diversify their exercises in different sectors of the economy. Unfortunately, due to unsustainable exploitation of natural resources by investors and the quest for economic growth in the world in general and Cameroon in particular, mankind has being deprived of these natural resources with much of what is relied for livelihood are at the verge of extinction. Most probably, investors seem not to comply with norms that regulate exploitation activities. It will be of essence at this juncture to examine the relationship that exist between investment laws and environmental laws and attempt to strike a balance to ensure environmental sustainability. We also aim in this article to demonstrate how investment activities have impacted negatively on the environment. This article also seeks to examine the legal mechanisms put in place by the Cameroonian legislator to protect the environment against investment activities and some constraints which cause investors not to effectively comply with them. This article therefore, concludes with some robust recommendations which if effectively implemented, will help to ensure effective compliance with environmental norms in Cameroon in particular and the world at large for the purpose of sustainability.

Keywords: investment, projects, environment, sustainability, implementation, law, Cameroon

Introduction

The problem of environmental protection and sustainable development at present is a common preoccupation of all the states of the world, or global objective ^[1]. To this end a series of international provisions with universal vocation have been adopted by means of collaboration and cooperation amongst states. The international measures regarding environmental protection have been provided for or recognized at the level of international or environmental law, since the natural environment is indispensable for all forms of life. It is central to economic activities and growth by providing the resources needed to produce goods and services and absorbs and processes unwanted by-product in the form of pollution and waste ^[2]. Ever since the industrial revolution which led to large scale production, infrastructural investments have become much more intensive over the centuries affecting the environment which provides raw materials and the scope for investment infrastructure ^[3]. Despite the importance of investment and the environment, they are often opposing to each other in that, investment causes harm to the environment which could have long or short term, reversible and irreversible effects ^[4]. With regards to all these effects caused by investment on environment and the society, there is a need to strike a balance. It is for this reason that governments, investors and financial institutions are striving to foster economic development without creating social or environmental harm ^[5].

Environmental consideration in the conduct of human activities is an old age practiced in Africa ^[6]. The history of Africa has always demonstrated that Africans lived in harmony with nature. However, evolution imperative has resulted in inventions which went beyond immediate survival needs as a solution to the demands of a competitive macroeconomic order. So, came along with the colonization era, the launching of major projects: agro-industrial productions, construction of dams, touristic sites and urbanization, mine extraction, construction of railways, ports, airports and so on. The excessive exploitation of nature brought about by such intensification of investment activities was soon evident, as it very often led to environmental degradation ^[7]. It is difficult to measure the exact rate of environmental harm such as pollution, and degradation of the 20th century. The massive high rate at which the environment is polluted causing massive destruction of the ecosystem, has raised international concern. For instance, Annex III of the United Nation Convention on the Law of the Sea provides that:

States should take necessary measures tending to limit as much as possible the release of toxic, harmful or noxious substances especially those which are persistent from land base sources especially or through the atmosphere by dumping.

It should be noted that poor management of investment activities will result to more hazards which will affect the environment.

According to the United Nations Charter and the International Law principles, states have a sovereign right to exploit their natural resources pursuant to their own environmental policies and equally the responsibility to ensure that activities within its jurisdiction do not cause harm to the environment of the other states or ones beyond national jurisdiction. The above provision is aimed at stressing the importance of protecting the environment. For this reason, the international and national bodies have seen that successful development requires actions to secure the future generation. Sustainable development enhances both present and future potentials ^[8]. Because of this, the Multilateral Environmental Agreements (MEAs) ^[9] were developed to address or promote actions relating to pollution control, natural resources conservation and use, protection of cultural aesthetic value, environment activities that pose danger to human health ^[10]. It is of great interest to note that in attempt to sustainably manage environmental resources and consequently protect the environment, the Cameroonian legislator has put in place the national environmental management plan and environmental impact assessment in its national instruments to protect the environment ^[30]. Again, the principles of precaution, prevention, and polluters pays are also applicable in environmental protection in Cameroon and in the world at large ^[31]. So, the investors can work together with the government to curb environmental harm by observing the environmental laws put in place to regulate investment projects.

The interaction between investment laws and environmental laws

Nowadays, investment activities have been increasing in an alarming speed. This is due to the undeniable fact of globalization which consecutively created highly favorable conditions for multinational corporations (MNCs) to go different corners of the world to establish their plant, and invest on different sectors of the economy. Sometimes, while doing investment MNCs have been degrading the environment and failed to work in socially responsible manner. Currently, in Cameroon, there are huge inflows of Foreign Direct Investment (FDI) and domestic investments due to the strong measure that the government has been taking to promote investment friendly laws ^[11]. Furthermore, as business activities widen in scope and geographical range with the opening up of markets and investment opportunities through global trade initiatives, their potential for damage to the environment increase as well. As a result, laws, rules and regulations have been created specifically to control business activities in order to prevent harm to human health and environment and to reduce historic adverse impacts ^[12] hence, in Cameroon there are a plethora of investment laws concern with the protection of environment as well as environmental protection laws. These laws are increasingly interacting because the public sector cannot handle environmental protection alone. Thus, this section examines the relationship that exists between investment laws and environmental laws.

Investment laws and environmental sustainability in Cameroon

This Section logically articulates the national and international laws which have taken into consideration the protection of the environment in enhancing sustainability objective.

National investment laws and environmental sustainability

This head stresses on National investment laws having a link with environmental protection which are either of general application or specific to certain sectors of the environment. These laws include inter alia the following:

The investment charter

Worthy of note is that this law repealed the 1990 Code on Investment Law. The investment charter or code is a law that seeks to present in one piece the basic legislative provisions on investment in the country. Article 2 of the 2002 law instituting the investment charter in Cameroon provides that, in order to build a competitive and prosperous economy through the development of investment and in implementation of the objectives of its economic and social activity, this law established some basic principles such as; the conservation of the environment and rational use of the surface and sub-surface natural resources with a view to sound and sustainable development. It stipulates that, special measures aimed at particular sectors, taking account of constraints connected with exploitation conditions of natural resources. Base on the above principles, it can be clearly seen that, this law takes the environment into consideration and ensures that investors respect it.

Law on private investment incentives

Worthy of note is that Section 3 of the 2013 law to lay down private investment incentives defines incentives as, special benefits granted by the government to a resident or non-resident, natural or legal person, to promote and/or develop a given activity. Section 8 stipulates that, any investor may benefit from a tax credit provided he or she meets criteria such as combatting pollution and develop public investment activities in rural areas. From the foregoing, it can be seen that incentives assist to protect the environment.

The mining code

Law No 2016/017 of 14th December 2016 instituting the mining code is the applicable law on mining activities in Cameroon. Section 3 of this law provides that, any mining and quarry operation undertaken must comply with the laws and regulations enforced relating to sustainable environmental protection and management. In the same strand of reasoning, Section 137 of this law stipulates that, in order to ensure the rational use of mineral and quarry resources in line with environmental protection, holders of mining and quarry titles shall be responsible for:

- Preventing geo-hazards and geo-disasters;
- Preventing or minimizing the discharge of waste in the open;
- Protecting fauna and flora;
- Promoting or maintaining the general health of the population; and
- Disposing of non-recycled waste in such a manner as to ensure safety of the environment after informing and receiving the approval of the authorities in charge of mining and the environment.

The Gas Code

Gas operation, transportation and distribution activities (pipelines), is regulated by law No 2012/006 of April 2012 to institute the gas code, which repealed law No 2002/13 of 30th

December 2002 relating to the gas code. This law and its applicable instruments, shall govern the downstream gas sector comprising transportation, distribution, processing, storage importation, exploitation and its by-products within the national territory. The regulation of the downstream gas sector shall in particular concern:

- Control and monitoring of activities of downstream gas sector exploiters and operators;
- Promotion and rational development of gas supply;
- Overseeing the application of technical, health and safety regulations as well as the applicable environmental protection laws and regulations.

In this light, Section 2 of this law provides that, the law shall promote the development of downstream gas sector in Cameroon. As such, it is aimed at:

- Creating an enabling legal framework for promoting the development of resource;
- Creating an enabling environment for the use of local human, material and industrial resources in every gas enhancement project;
- Guarantee the safety of facilities; and
- Promoting environmental protection.

From the forgoing Section, it is clear that the gas code takes into consideration environmental protection.

The petroleum code

Oil exploitation in Cameroon is carried out in accordance with law No 2019/008 of April 2019 instituting the petroleum code. This law defines petroleum operations as, hydrocarbon prospection, exploration, exploitation transportation, storage and processing activities of the upstream petroleum sector, excluding the refining, storage and distribution of and gas products classified under the petroleum sector. In the same line of reasoning, Section 91 of this code provides that, holders shall carry out petroleum operations in such a manner as to ensure under all circumstances, the conservation of natural resources in particular hydro carbon deposits, and due protection of essential features of the environment. In this respect, holders shall take all necessary measures to preserve the safety of persons and property, and protect the environment, natural surroundings and ecosystems. Petroleum contract holders shall at their own expense carryout an environmental and social assessment in accordance with environmental protection laws and regulations in force.

International investment laws and environmental sustainability as applicable in Cameroon

International Investment Agreement (IIAs) define commitments on investment protection but also shed light on how these commitments are to be integrated with other public policy objectives ^[13]. International Investment Agreements define how the treaty partners balance investor protection with other policy objectives. As environmental protection has also left its mark as a concern during treaty negotiations. Investment arbitration provides preliminary treaty concepts such as national treatment, indirect expropriation and fair and equitable treatment ^[11]. International investment agreements are divided into two types

which are Bilateral Investment treaties (BITs) and Multilateral Investment Treaties (MITs).

Bilateral investment treaties in ensuring the protection and sustainability of environment

At first, bilateral investment treaties are not appropriate instruments for the provision of environmental obligations because their primary purpose is the protection of investments. Increasingly, however, provisions of this kind are present in such treaties ^[14].

The preamble of the treaties

Investment treaties can help to foster environmental protection. The Preamble indicative of the “object and purpose” of treaty. References to environmental protection or to sustainable development have found their place in BIT preambles together with provisions containing other objectives, such as the promotion of investment ^[14]. For instance, the BIT between the government of the republic of Korea and the government of the republic of Cameroon for the promotion and protection of investment states that; “desiring to achieve these objectives in a manner consistent with the protection of health, safety and the environment and the promotion of consumer protection and internationally recognized labor rights.” With the above statement in the preamble one can say that Bilateral Investment Treaties hereinafter refer to as (BITs) are concern with environmental protection.

Regulatory power and exception to BITs

BIT provisions can explicitly acknowledge that the promotion and protection of investment may not result in relaxing environmental standards ^[14]. This can be seen in article 15 of the BITs between Canada and the republic of Cameroon for the *promotion and protection of investments which provides that:*

The parties recognized that it is in appropriate to encourage investment by relaxing domestic health, safety or environmental measures. Accordingly, a party should not waive or otherwise derogate from these measures to encourage the investment, acquisition, expansion or retention in its territory of an investment of an investor. If a party considers that other party has offered such an encouragement, it may request consultation with the other party, and the two parties shall consult with a view to avoiding the encouragement.

The granting of permit is one example of a regulatory power that often involves environmental considerations.

Corporate social responsibility

In this context, the growth of eco-friendly and socially responsible standards applicable to investors allows for synergies between environmental and investment protection. Corporate social responsibility standards with environmental dimensions can be found in Article 15(2) of the BITs between Canada and Cameroon which provides that, each party should encourage enterprise operating within its territory or subject to its voluntary incorporate internationally recognized standards of corporate social responsibility in their practices and internal policies, such as statements of principle that have been endorsed or are supported by the parties. These principles address issues such as labor, the environment, human rights, community and anti - corruption.

Multilateral investment treaties and environmental sustainability as applicable in Cameroon

Multilateral Investment Treaties (MITs) are matters of wider perspective since they concern many countries worldwide. However, multinational agreements may be of a regional character thereby limiting their application in space. This may be the case for example of a group of countries in a particular region having common economic interest that necessitate regularization to facilitate investment and trade opportunities between them ^[15].

Universal multilateral agreements and the concern with environmental sustainability

Cameroon is a signatory to different multilateral conventions such as the Washington convention for the settlement of investment disputes between states of March 18th 1965. This convention in its Article 1 establishes the ICSID. Cameroon has also ratified the New York convention on the recognition and enforcement of foreign Awards of June 10th 1968. Under the Convention for the recognition and enforcement of foreign awards, environmental questions can also be deduced. Article 1 of this convention provides that:

This Convention shall apply to the recognition and enforcement of arbitral awards made in the territory of a state other than the state where the recognition and enforcement of such awards are sought and arising out of differences between persons, whether physical or legal. It shall also apply to arbitral awards not considered as domestic awards in the state where their recognition and enforcement are sought. Following the above provision of this article, it can be deduced that, if an arbitral award was granted in a dispute concerning environmental protection, such award will recognize and enforced in any state than, the state where the recognition and enforcement ^[16].

Regional multilateral investment treaties and the concern with environmental protection

Regional multilateral investment agreements are common place in Africa since 1990. Cameroon has been actively involved in the new friends and is a member to OHADA, CEMAC, CIMA, and OAPI but, we will limit ourselves to analysis on environmental protection only in CEMAC.

The central Africa economic and monetary community (CEMAC)

The revised CEMAC treaty signed in Yaoundé in 2000 does not make mention of environmental issues. However, the CEMAC treaty has set within its framework the establishment of an economic and monetary union. The convention establishing economic union makes environmental protection an objective amongst its other objectives. Article 41 designates the conference of heads of states to oversee the respect of the following objectives as far as environmental protection is concern:

- The fight against desertification, floods and other national disaster
- The preservation of the environment in rural and urban areas
- The protection of biological diversity
- Rational ecological exploitation of fishery resources
- Rational ecological management of dangerous waste and the prohibition of imposition of this waste; and

- The exploitation of renewable resources and particular energy.

Environmental laws and environmental sustainability in Cameroon

This section of this Article seeks to examine the national and international environmental laws in protecting and enhancing environmental sustainability.

National environmental laws and environmental sustainability

Environmental protection is not a new phenomenon in the world today. To this effect, Cameroon has enacted laws to enhance environmental protection. Thus this paper we will examine some of the laws put in place by the legislator.

The 1996 framework law relating to environmental management

This law lays down the general framework for environmental management in Cameroon. It has also put in place some fundamental principles for rational environmental and natural resources management. Section 17 (1) (2) of this law provides that, promoter or owner of any development, labor, equipment or project which may endanger the environment owing to its dimension, nature or the impact of its activities on the natural environment shall carry out an environmental impact assessment, pursuant to the prescription of the specifications.

The 1994 law relating to forestry wildlife and fishery

Law No 94/01 of 20th January relating to forestry wildlife and fisheries regulations is the law governing forestry in Cameroon. This law and the fisheries regulations with a view to attaining the general objectives of the forestry, wildlife and fisheries policy, within the framework of an integrated management ensuring sustainable conservation and use of the said resources and various ecosystem (section1), forbids anyone to dump in the national forest as well as in public waterways in lakes and in sea, any toxic product or industrial water likely to destroy or modify animal and plant life.

The water code

This law lays down regulations governing water resources to safeguard the principles of environmental management and public health protection. This code provides that water is a public good or utility which ensures its protection, management and facilities to all. Section 4 to 8 of this code provides the measures of protection of water. Also, to ensure conservation, protection and sustainable utilization, the code institutes a national water committee. This committee is placed under the ministry in charge of water resources.

Bio safety law

This law covers the following areas; the safety development, use including contained use, manipulation and cross border movement, including the transit of genetically modified organisms that may negatively affect human and animal health biodiversity and the environment. It also governs the safeguarding of products thereof that may negatively affect

human and animal health, biodiversity and the environment ^[17].

International environmental laws and environmental sustainability

Environmental degradation in general and its threat to human wellbeing has become one of the most unavoidable topics internationally ^[16]. Cameroon has ratified several conventions on environmental protection.

The 1994 united nations convention to combat desertification (UNCCD)

Article 1(a) of this convention defines desertification as “land degradation in arid, semi-arid dry sub humid areas resulting from various factors, including climate variations and activities. This convention adopts an integrated approach addressing the physical biological and socio-economic aspects of the process of desertification and drought.

The 1992 united nations framework convention on climate change (UNFCCC)

The ultimate objective of this convention is to ensure the stabilization of greenhouse gas concentration in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time frame sufficient to allow ecosystem to adopt threatened and to enable economic development to proceed in a sustainable manner. This convention is a framework document identifying two major areas of action required to address climate change namely mitigation and adaptation ^[18].

The 1992 convention on biological diversity

The convention is aimed at protecting the biological diversity from human activities, the sustainable use of its components and equally equitable sharing of the benefits arising out of the utilization of genetic resources and appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies and by appropriate funding. Again, Article 14(1a-b) provides that contracting party should introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with view in avoiding or minimizing such effects and where appropriate, allow for public participation in such procedures.

Institutions put in ensuring compliance with environmental laws and regulations in Cameroon

In this heads, we intend to examine some of the national and international institutions put in place to ensure compliance.

National institutions in ensuring compliance with environmental laws and regulations

The state plays a pivotal role in the management of the environment and thus has put in place ministries to ensure compliance with environmental laws. There is practically no ministerial department that can be considered as completely outside or not certain with environmental problems. However, some ministries are concerned with the management of natural resources and they ensure that investment activities comply with the environmental norms put in place.

Ministry of forestry and wildlife (MINFOF)

MINFOF is called upon to ensure the application of international conventions ratified by flora and fauna, especially on wildlife trafficking and trade, which Convention on Trade in Endangered Species (CITES) happen to be the core instrument within the context of law enforcement. MINFOF is charged with applying administrative sanctions such as the suspension of an approved document or a logging license ^[19].

Ministry of livestock, fisheries and animal husbandry (MINEPIA)

This ministry is charged with the elaboration and implementation of national policies in matters of fisheries, aquatic resources as well as protection of maritime environment. One of the structures of this ministry relevant to environmental issues is the control and monitoring brigade of fishing activities charged with the control and follow-up of fishing activities ^[19].

Ministry of mines, industry and technological development (MINMIDT)

This ministry is responsible for the elaboration of development strategies to govern and control classified establishments or industries, indeed; its fundamental role is to develop the countries natural and mines including its technological development in different sectors of the economy ^[19].

International institutions in ensuring compliance with environmental laws and regulations

International cooperation is essential since environmental problems do not end at national level. Global measures play a crucial role in setting goals, raising funds, and facilitating the sharing of practice. International institutional cooperation is one of the appropriate measures adopted by the community of states to cope with ever-increasing degradation of the environment.

World trade organization (WTO)

The world trade organization deals with the global rules of trade between nations. WTO members can adopt trade-related measures to protect the environment and human health and life as long as such measures comply with the General Agreement on Tariffs and Trade (GATT) rules, or fall under the exemptions to these rules. Article XX on exceptions provides a number of specific instances in which WTO members may be exempted from GATT rules. Two exceptions are of particular importance to environmental and human health protection.

The global environmental facility (GEF)

The GEF is an institution specifically charged with financing projects to assist in the implementation of environmental conventions. The GEF is intended to help finance selected projects for environmental protection in priority areas such as climate change, ozone depletion, biodiversity protection and water. It contributes to the implementation of international convention by financing their implementation through sustainable development partnership ^[20].

The commission on sustainable development (CSD)

CSD is responsible for monitoring the progress of implementation of Agenda 21 commitment, assessing the

adequacy of funding and analyzing the contribution of relevant Non-Governmental Organization (NGO). As such it has been tasked with ensuring effective monitoring of the United Nations Convention on Environment and Development (UNCED) and the implementation of Agenda 21 ^[20].

The impacts of investment projects on the national economy and environment sustainability in Cameroon

Cameroon has also made efforts in laying down a legal framework for investment through specific contractual agreements. Specific contractual agreements are usually signed between a host government and a specific foreign investor wishing to invest in a particular area of the country. Specific contractual agreement will include establishment conventions, protocol agreements and management contracts. The most widely used of these agreements is the establishment conventions ^[15]. But before we delve into the impacts of investment projects on the national economy and environment sustainability in Cameroon, it will be apt to examine mechanisms of environmental protection and sustainability in establishment conventions for the purpose of clarity and better comprehension.

Mechanisms of environmental protection and sustainability in establishment conventions

An establishment convention can be defined as a legal regime under which a foreign party engages under an investment in exchange for certain guarantees and privileges afforded by the host government. These establishment conventions take into consideration environmental protection in diverse ways. This may be through Environmental Impact Assessment (EIA), waste management, rehabilitation of sites and protection of biodiversity and sustainable development. That said, to avoid duplications these constitutive elements worth the test of time in this regard.

Environmental impact assessment (EIA)

EIA is a very important tool for the protection of the environment. Some conventions have made mention of EIA in their provisions. For instance, article 4 of the establishment convention between Cameroon and societe industrielle de Mbang (SIM) provides that environmental Impact study should be carried out before for exploiting the forest resources. Also, under the Mbalam convention Cam Iron S.A. agreed to strictly perform all their respective obligations under environmental and social assessment management plan.

Management of waste

Some establishment conventions ensure that waste is well managed for the wellbeing of the inhabitants. For instance, article 6.1 of the convention between republic of Cameroon and Geovic Cameroon S.A provides that, “ the government represents and warrants that no hazardous materials are represent within any state land in the production, and to the best of government knowledge within private land in the production area, in any form, quantity or conditions that could result in remedial obligation or other liability under any applicable law, including the environmental reports, permits and other documents related to the production area and the investor activities within the possession of government authority and/or government entity. From the above article, it can be seen that establishment conventions ensure that waste is well managed.

Rehabilitation of sites

Mine rehabilitation aims to minimize and mitigate the environmental effects of mining on the environment, especially in the case of open pit mining that involves the movement of significant volume of rock. After mining finishes, the mine area has to undergo rehabilitation. For this reason, some conventions have provisions for rehabilitation. For example, Article 6.2 of the convention between the republic of Cameroon and Geovic stipulates that, with effect from the commencement of the operations, Geovic shall under take to furnish the guarantees necessary to ensure rehabilitation of site, in accordance with the conditions put in place by the environmental management plan. It is clear from the foregoing that, when the site is rehabilitated it ensures environmental protection.

Protection of biodiversity and conservation of nature

Biodiversity is very important and thus, needs to be protected if not they will be extinct. The 1996 Framework Law on Environmental Management as applicable in Cameroon and other legislation such as the 1994 forestry law has made available relevant provisions designed to ensure the effective and ad eque protection of biodiversity and other environmental resources. These laws are aimed at preserving and protecting the ecology and animal species while also taking account of aesthetic and recreational requirements. That is why it becomes crucial to establish the context in which its provisions can be employed to prevent, minimized or control the effects of investment projects on the environment. Additionally, the forestry law for instance makes provisions allowing the creation of national parks and reserves on any area of land. These reserves could be declared only for certain specific purposes. In this respect, Cameroon environmental laws represent a clear intention to secure land for the pursuit of wholly environmental objectives as opposed to developmental goals. Also, Cameroonian Mining Code of 2016 for instance, has clearly established closed or protected zones within which prospecting, exploration and mining of minerals are prohibited ^[32]. These closed or protected zones or areas are among other issues destined or designed to preserve the environment and its resources for sustainability. In a nutshell mining or timber exploitation activities for commercial or developmental imperatives regardless of their economic benefits are expressly prohibited on reserves zones or forest areas reserves for biodiversity protection. In this direction, it becomes vital to strike a proper balance between the needs of investment projects and the need to protect the environment. To this effect, Weeramantry stated categorically that “*mining gains can be pursued and enjoyed in mining areas; while environmental objectives are pursued and enjoyed in nature reserves*” ^[33].

The positive impacts of investment projects on the national economy and environmental sustainability

Multinational corporations (investors) have different divisions of which an important one is Foreign Direct Investment (FDI). The purpose of FDI is to obtain partial or complete control over marketing production or other facilities in other economy such as investment may be in services manufacturing or commodities ^[21].

Transfer of advanced technology

Technology diffusion plays an important role in economic

Development. The exploitation and the exploration of resources require a solid technical background which is lacking in the third world countries. This is one of the factors that accounts for the economic backwardness of third world countries. This technology which is in the form of equipment is in abundance in the industrially developed countries ^[15]. When these industrially developed countries invest in third world countries, they transfer this technology which helps to ameliorate the economy.

Employment opportunities

When multinational corporations (MNCs) invest in a country, they create employment opportunities. They account for increased incomes and expenditures in the economy of the host country stimulating growth. Workers also benefit from technology transfer as new machinery is imported into the host country. Multinational corporations control over 25 percent of world output and provide 86 million jobs, according to world trade organization ^[22]. The Cameroonian economy for exchange has benefited immensely with the influx of many mining, petroleum, banking and telecommunication companies such as MTN.

Enhancement of state revenue through taxes

Taxation is also an addition in the operations of the MNCs for the domestic economy. MNCs and domestic producers are required to pay taxes and therefore contribute to the public finance giving the highly profitable nature of many MNCs the level of tax revenue raised from this source is mostly significant ^[23]. This is one of the means by which most countries get their income. Therefore, when MNCs invest in a country they provide that country with enough capital.

Negative or detrimental impacts of investment projects on national economy and environmental sustainability

The natural environment encompasses all living and non-living things occurring naturally, meaning in this case not artificial. Modifying the environment to fit the needs of the society is causing severe effects which become worst as the problem of human over population continues. This is due to high demand of goods and services which influences investors to invest more so as to satisfy the needs of the population. When there is massive investment on the environment it destroys the ecosystem.

Loss of biodiversity

Biological diversity means the variability among living organisms from all sources including inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems. Due to human activities, species and ecosystems are more threatened than ever before in recorded history. The losses are taking place in tropical forests which host 50% to 90% of identified life species but also in rivers, lakes, deserts and temperate forest, on mountains ^[12].

Climate change impacts

Article 1(2) of the United Nations Convention on Climate Change defines climate change as a change of climate which is attributed directly or indirectly to human activities that alter the composition of the global atmosphere and which in addition to natural climatic variability observed over a comparable time

period. Climate change could modify the world's agriculture, some areas might become arid, while other regions that are presently too cold could become able to grow cereals, corn or fruit and other products needing a warmer climate, increased water temperatures disrupt aquatic ecosystems and further burden distressed fisheries. The third problem of the atmosphere is climate change ^[24] and this could largely be attributed to human activities and precisely to investment projects. The effects of climate change are serious threats to sustainable development and represents new problems that will not only make millennium development goals difficult to reach, but also jeopardize certain progress already made in the fight against poverty and disease ^[25].

Ozone depletion

The earth's atmosphere is composed of three regions:

- The troposphere which extends up to about ten kilometers from the earth surface;
- The stratosphere which is found approximately ten and fifty kilometers from the earth surface;
- The lithosphere which extends up to 350 kilometers from the earth.

Most ozone (approximately 90%) is found in the stratosphere ^[12]. Ozone depletion occurs when the natural balance between the production and destruction of stratosphere ozone is topped in favor of destruction. Although natural phenomena can cause temporary ozone loss, a large amount is attributed to investors who operate in companies who produce toxic substance that damage the ozone layer ^[26].

Air pollution

Most investment activities today in Cameroon produce a high rate of pollution. Article 4(v) of the framework law on environmental management in Cameroon defines pollution as any contamination, direct or indirect modification of the environment provoked by any act likely to:

- Negatively affect a positive use of the environment;
- Threaten the health, security and wellbeing of man, the flora and fauna, air, the atmosphere, water, soils and collective and individual goods.

Air pollution describes the presence of substance that is artificially introduced into the air. Air pollution stems from gases, which in excess are harmful to human health, buildings, ecosystem and the environment in general ^[12]. Environmental pollution is increasingly a problem in Cameroon like in most African countries where environmental consequences cannot be ignored. This can be largely attributed to investment activities such as mining, the use of millions of diesel electricity generators, petrochemical plant, just to name a few. Air pollution is a serious threat to ecosystems health and human health.

Noise pollution

Noise pollution can be described as any unwanted or harmful sound created by human activities ^[19]. This can be classified as nuisance defined as all the technical or social factors which jeopardize the environment and makes life unhealthy or difficult. Due to the high rate of investment activities in Cameroon the turn to produce sounds using their equipment which pose a threat to the people of the environment. There are several types of noise

pollution which include hooting of vehicles, and publicity associated with music.

Water pollution

Water is one of the most important substances on earth. There is a common adage used that water is life. Water pollution is the contamination of water bodies usually as a result of human activities. Water bodies include for example lakes, rivers, oceans, aquifers and ground water. Most investment activities in Cameroon contribute to water pollution. Underground water resources are typically the subject of special protection, and their use for human consumption is given priority. Ground water can be polluted by chemicals from industries, by accident through leakage of pipes, leaking reservoirs or traffic accident involving vehicles carrying polluting substances [24].

Safe drinking water and sanitation are recognized as basic human rights, as they are indispensable to sustaining healthy livelihoods and fundamental in maintaining the dignity of all human beings. International human right law obliges states to work towards achieving universal access to water and sanitation for all, prioritizing those most in need. Fulfillment to human rights to water and sanitation requires that the services be available, physically, accessible, equitably affordable state and culturally acceptable [27].

Soil degradation

Soil is that part of the earth surface and its bed rock. It contains the nutrients necessary for maintenance of plant life and it acts to filter out pollutants before they reach the sub marine terrene water. Soil water helps to avoid flooding by absorbing considerable amounts of water. Soil naturally erodes and degrades, but it is increasingly threatened by excess demands on all the roles it plays, over use of the soil depletes its nutrients and leads to erosion and desertification. The principal cause of erosion in most cases is incorrect management of forest and agricultural lands principally through intensive and environmentally unsound cutting and farming methods, erosion can also diminish the ability of soil to prevent and to absorb flooding. Contamination of the soil by heavy metals and organic toxic substances from companies including fertilization and pesticides is a particularly serious problem in many parts of the world. Waste particularly industrial waste has likewise become a major source of soil contamination [24].

Deforestation

The principal component of a forest is a tree (timber) which investors look upon as very valuable in carrying out their activities. The forest serves as a habitat for a wide variety of animals. It controls the climate (mitigate global warming) and regulates stream flow and maintains rainfall of the area. With the advantages that the forest offers to man there remains a question as to why there is an alarming deforestation and forest degradation [28].

Constraints in the effective implementation and enforcement of investment and environmental regulations in Cameroon

At the start of the new millennium, humankind finds itself confronted with many challenges, one of which is to find a solution to the environmental problems that are manifold both within nation states and internationally [3]. The environment

consists of all of nature and natural resources, including cultural heritage and human infrastructure for socio-economic activities [29]. Cameroon has adopted laws to enhance environmental protection over recent years. In addition to that, many companies have been punished for violating environmental laws. Even so, immense challenges remain to achieve desired sustainable outcomes. Violations still occur frequently and at a large scale. This can be attributed to the following factors which this paper will examine.

Legislative constraints

There are so many legislative problems that are confronted in the enforcement of environmental laws in Cameroon. First, the understanding of laws in general and environmental laws in particular by the public is limited. This is partly because environmental laws are written in complicated languages to the people who are both polluters and victims to pollution. They are not fully aware of the consequences of their actions. Another issue is that, the laws regulating environmental protection in Cameroon are so fragmented. In the sense that, environmental norms are dispersed in different legislation. They are not place in a single document for better comprehension and application of the law.

Institutional constraints

Although environmental protection is of great concern to the Cameroon government, we have observed that emphasis is laid more on enforcement rather than sustainable prevention. Also, there are many ministerial departments involved in environmental protection such as the Ministry of Mines and Technological development, Ministry of Agriculture and Rural Development, Ministry of Energy and Water Resources, Ministry of Forestry and Wildlife, Ministry of Livestock and Animal Husbandry and Ministry of Environmental and Protection of Nature, and there is no clear definition of who does what.

Judicial constraints

By virtue of article 37(2) of the Cameroon constitution, the judicial power shall be independent of the executive and legislative power. But in reality, this is not true because the legislative and the executive powers interfere in judicial matters. This intervention influences the decision of the judiciary. Also, there are various factors that deny local people access to justice in other to protect their rights, primarily, local people lack resources to bring proceedings. This is because of the cumbersome procedure they have to follow. Again, while criminal cases need the responsibility of competent agencies, in civil cases, plaintiffs may have to provide adequate evidence by them. The high cost of equipment for testing for pollutants and the delay in obtaining results makes it a significant challenge for local population wanting to bring civil action. In addition, when penalties are issued, fines are often low which caused investors to continue violating the law. Lastly there is lack of follow-up means that one violation may be repeated many times.

Conclusion and recommendations for the way forward

This paper examined the level of attention given to environmental protection by investment legislations as well as obligations that affect environmental laws relating to investment activities, and the extent to which investor comply with them. Although their

activities are beneficial to the state the need to be controlled. Ministries have been put in place to ensure compliance. Environmental protection has attracted the attention of many nations today around the globe and involves many sectors. Environmental legislations are no longer regulated only in environmental instruments but also in other sectors where the use of the environment is so vital to achieve required objectives such as under the investment legislation. This is because the public sector cannot handle environmental problems alone. However, even though this legislation is concern with environmental protection the often lack a strong base for environmental protection especially at the international level. Again, environmental laws seem to reflect their effectiveness only on papers. Environmental deterioration which is largely attributed to investment activities is proceeding at unprecedented rate and unless this process is checked, the damage caused will be grave and irreversible hurting not only ourselves but the future generation. This therefore calls for a global action to protect the environment. Cameroon government has made effort to attain these objectives. But that notwithstanding their effort is not enough. In an attempt to solve the problems mentioned in the above analysis and enhance environmental sustainability in Cameroon, this Article therefore, recommend the following for the way forward:

Primo, the legislator should harmonize the laws related to the protection of the environment scattered in different codes into a single document. In addition, the laws should be enacted in simple and clear language for better understanding.

Segundo, the government should prioritize environmental initiatives that are more of preventive rather than reactive in nature.

Tertio, a mechanism should be instituted by the government to encourage and motivate business organizations and local populations that detect violations and take action to address them. Quatio, severe sanctions should be administered to persons who deliberately pollute the environment with impunity.

Above all, due to the complex nature of environmental litigations, we therefore, recommend that Special Environmental Courts should be created and a special branch for the training of environmental judges be created in the National School of Administration and Magistracy (NSAM). For those already in the field, refresher courses on environmental issues should be initiated and included in their curriculum.

Lastly, investment treaties should be drafted in such way that protects not only the interest of the investor but also public interest including environmental concerns.

To dovetail and envelope our analysis, it is hoped that the proposed recommendations in this Article will provide some additional and useful food for thought to those engaged in formulating, refining and implementing legal frameworks central to Cameroon's tricky quest in attaining its desired sustainable development trajectory within the confines of the continent's valuable yet fragile environment.

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