

Environmental Policy and the Politics of Ecologism in Cameroon and Kenya

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Abstract

This study seeks to probe and analyze the nature and evolution of environmental policy in Kenya and Cameroon, as well as to juxtapose the same to the practicalities of environmental conservation in both nations. Our purpose is to evaluate the current status of pollution control and regulation as well as to investigate the kind of problems faced with regard to environmental policy implementation in both nations. Based on this analysis, we recommend some environmental policy options for the twenty-first century to the governments of Cameroon and Kenya.

Introduction

Not so long ago, advocates of Third World development argued that concern for the environment was a luxury which only developed countries could afford. It was held that environmental preservation and conservation could only be afforded out of the proceeds of development. At the moment however, there is increasing realization that the kind of "development" that pollutes and sometimes undermines the ecosystem, the very mechanism that supports life, is inimical to development worth of the name (Attfield 1994:133)

Taking cognizance of the fact that "we have pushed the world to an utterly unprecedented condition" Fredrick Ferre (1994:238), pointed that we are living in a "post-natural world" in which we have so tampered with the atmosphere that it has had a devastating impact on the weather. Temperatures and rainfall are no longer to be entirely determined by some separate, uncivilized force; but instead, they have become partly a product of our habits, our economies and our ways of life. Against this background, Ferre (1994) declares that we are condemned to be morally responsible towards the environment. The direct result of this general concern is the initiatives

for the protection and conservation of the natural world 'if only for prudential reasons.'

By every indication, the environment is the life wire of any given society. It provides habitation and means of survival for the local populations and fauna. It constitutes in like manner an immense and rich medicinal plant reserve. In actual fact, the environment comprising the forest and its rich biodiversity is the only capital, that is, the only natural capital the people of Cameroon and Kenya can still be proud of today. In particular Cameroon's biodiversity of fauna and flora contains about 300 species of mammals, 900 species of birds and some 9 000 species of plants including the *Ancistrocladus abbreviatus* which Professor Duncan Thomas thinks has elements capable of curing the Acquired Immune Deficiency Syndrome [AIDS] (Enoejube, 1997). Unfortunately, this natural capital, the pride of every Sub-Saharan citizen is in danger of disappearance. The health of the environment is in danger. Its biological diversity and commercial potential has only made things worse. It is threatened by logging which is up to ninety percent (Anyaku, 1999), Commercial hunting, and the list continues in Cameroon and Kenya. The unruly demolition of forests and natural resources, the gradual dissipation of variegated biological species, soil degeneration, the effects of global warming, pollution and the destruction of ozone layer make the preserve of the environment compelling. Ian Johnson noted correctly that it is mandatory for the present generation to "protect the natural environment for future generations" (Johnson, 1999). For this to be effective, each and everyone have to be involved. It is the onus of every citizen to protect the environment, it is the devoir of the government authorities and statesmen to protect the environment, it is the duty of all politicians to make the protection of the environment their priority, it is equally the job of Non-Profit Organizations (NGO), national and international involved in Environmental Management to mitigate the destruction the Environment is suffering from in Cameroon and Kenya.

It is the policy option of all governments today to "stop the massacre" of the environment (Seis 1998). The activities of man on the environment have obliged African governments, for the most part, to adopt such options. But it will be instructive to decipher why the activities of man on the environment have led to environmental hazards of such gravity as to require nations to watch and protect their environment. The clue can be found in the following characteristics: (1) The explosive nature of human populations to levels beyond former expectations and the rapidity

with which it continues to increase; (2) The inability of man to effectively control the technology available to him and to use it sustainably, that is in ways that would not destroy the environment; and (3) The impossibility of man to control his use of land so as to maintain it within the capacity of the biosphere to provide for continuing support.

Environmental illiteracy and stark ignorance of ecological rules that govern land in Cameroon and Kenya continues to affect health and sustainable development in both nations. The undemocratic application of rules that govern the environment has also manifested the bad faith in the way decision-makers and rule enforcement officials implement environmental policies. These attributes are common in Cameroon and Kenya, and may be of greater or lesser importance at one time or another. This depends on the pulpit from which one stands. Without doubt, the impact of environmental policy in Cameroon and Kenya will not be felt in the same manner by the governed as by the ruler. Admittedly, while the existence of the collective will to protect the environment can be considered a solid instrument, it is in itself incommensurate. People's behavior will only change if both the option to change is open and the fervidity to change is there.

This study seeks to probe and analyze the nature and evolution of environmental policy in Kenya and Cameroon, as well as to juxtapose the same to the practicalities of environmental conservation in both nations. Our purpose is to evaluate the current status of pollution control and regulation and to investigate the kind of problems faced with regard to environmental policy implementation. The study attempts to explore the relationship between policymaking, and past, present, and the future exercise of political power in environmental issues in Cameroon and Kenya. The study also provides answers to the following questions: What are the tenets of environmental legislation in Cameroon and Kenya? What is the nature of this legislation? Is there any difference between what exists today and the policy options of the past? What are the stakes of this legislation and what are the prospects of environmental policy in Cameroon and Kenya? Based on this analysis, the study recommends some environmental policy options for the twenty-first century to the governments of Kenya and Cameroon.

Sustainable Approach to Environmental Policy

The concept of sustainable development continues to provide issues which most sub-Saharan African nations have been struggling with in the past two decades. Kamienieki et al (1997) point that sustainable development is in real danger of becoming a cliché like appropriate technology, a phase that everybody pays homage to but nobody cares to enact and implement policies that would lead to achieving what it stands for. What constitute sustainability functions differently in Cameroon when compared to lose relevance of concrete policy in Kenya?

Two approaches have been selected in this article to substantiate the debates on environmental development and sustainable growth. The ecological or biologists view and the deep ecologists and philosophers view. The ecological or biologists view holds that the rate at which renewable resources i.e. fish, animals, trees and so on, can be extracted or damage by pollution without threatening the underlying integrity of an ecosystem is crucial (Lele 1991). The concept originated from biologists who use it to describe the number of a particular species that can be supported in a given ecosystem without degrading the resources base and ending in a population crash within a nation or a given area.

The second approach presented by deep ecologists and philosophers postulate an appropriate ethical and moral framework for the relationship of humankind with nature. The ecologists prescribe a framework that is linked to a social structure. Cahn (1995 and Malbath (1989) pointed out that the issue of intergenerational justice is directly implicated in providing the opportunity for future generations to experience well-being through a spiritual satisfying relationship to their natural environment. Devall (1988) and Lele (1991) argued that the sustainability according to the ecologists functions as a materially determined theory that compel concurrence with its operational conclusion regardless of their fundamental ethical believes or values.

Art Davidson (1993) and Kabereri-Macharia (1997) suggested the eco-cultural paradigm to environmental growth. The eco-cultural approach provides a framework in which the results of human-induced environmentally destructive practices and projects may be identified and analyzed. This approach assumes that a combination of factors undermine the ability of indigenous communities to fend off threats to their homelands, resources, and security. Clay

(1993) and Kenny (1997) argued that these factors range from the structural or systematic attributes of the international system and the relative bargaining power and influence of indigenous people as well as the rest of the world, to the level of state elites and non-indigenous people who profit from the status-quo or are struggling to survive in the face of competition over limited resources, to the individual characteristics of the indigenous people themselves.

Thus, the major bone of contention in these approaches are on the issue of limits to economic and environmental growth. The ecological scientists are more skeptical to the role technology plays in environmental development. Daly and Cobb (1989) argued that while technological development is essential, it could not produce sustainability by itself. This is true of the environmental situation in Cameroon and Kenya. The narrow technological base in both nations is too small for them to base their environmental growth on. Although the biologists or ecologists and deep ecologists approach provides an interesting framework to sustainable environmental growth, the applicability in Cameroon and Kenya is very foggy because technology requires human will, capital, and organization to be implemented, and this human will is not readily available in both nations.

The Premise of Environmental Policy in Kenya

The official institutional framework for public policy making in Kenya comprises the executive, legislature, judiciary, local authorities, and political parties. In Kenya, as elsewhere in sub-Saharan Africa, the executive in the form of the presidency and the civil bureaucracy has tended to play a greater role in public policy formulation than the other state institutions, the executive has quite often shared this role with international and domestic capital (Ledec 1993:27). On the whole, the process of policy making in Kenya has tended to fall within the model of incrementalism whereby policy makers do not drastically alter existing policies but instead take to gradually improving and building upon existing policies.

With regard to the environment, Odhiambo (1994) observes that environmental concern has been a result of the impact of the interface between technology, environment, and society which is comprised of what Edwards (1993) calls "Homo Economicus" (economic man) who has always been selfishly interested in his own personal satisfaction (personal utility) while at the same time

remaining indifferent to where that satisfaction comes from. This state of affairs has created environmental problems, which, as Paehlke and Torgerson (1993:226) point out, are perceived as being multi-dimensional, interconnected, interactive and dynamic.

Right from the attainment of political independence in Kenya, the basic objective of the Kenyan government was to attain a high and growing per capita income and to have the same equitably distributed so that all Kenyans are freed from want, disease and exploitation. It was recognized that the achievement of these developmental goals required the efficient utilization of available resources including technology, human resources, and natural resource inputs such as land, water, minerals and forests. Over time, it became apparent that while these implied developmental activities conferred benefits to individual Kenyans and the country at large, they simultaneously had the tendency of generating diseconomies in the form of soil erosion arising from excessive cultivation or overgrazing, gaseous emissions, liquid effluent and toxic accumulations from industrial activities all of which end up polluting the environment.

This notion of seeking to ensure an equilibrium between development activities and environmental conservation is based on efforts aimed at actualizing the concept of sustainable development which emerged in the vocabulary of development management in Kenya in the latter half of the 1980s. According to Goodland and Ledec (1993), sustainable development is a pattern of social and structural transformation which optimizes the economic and other societal benefits available in the present without at the same time jeopardizing the likely potential for similar benefits in the future. A primary goal of this approach to development according to the two scholars is to achieve a reasonable and equitably distributed level of economic well being that can be perpetuated continually for many human generations. "Sustainability implies a transition away from economic growth based on depletion of non-renewable resource stocks and towards progress (improvement in the quality of life) based more on renewable resources over the long run" (Goodland and Ledec, 1993:251). Hence the deliberate policy choice on the part of Kenya to utilize the environment on a sustained yield basis as a means of ensuring a continuance of the sources of the country's potential wealth.

From the time of Kenya's independence in 1963 to 1974, there was not much concern for the environment at the governmental policy level. In fact in the country's first two development

plans for the periods 1965 -1970 and 1970 -1974 no explicit mention of environmental policy was made. Nonetheless, the policy makers acknowledged the role of forests as a valuable natural resource, pointing out that by then there was approximately 6,000 square miles of indigenous forests serving the important functions of protecting soil and water drainage areas and of supplying local timber requirements. It was noted that "without forests to protect its drainage areas, much of Kenya's land would be less valuable and a considerable potential for economic development would be lost" (Republic of Kenya 1972:221).

It is arguable however, that the emphasis by government at this particular moment on a policy of planting 12,000 acres of fast growing coniferous and hardwood forests per annum was based more on the need for adequate supply of timber rather than on considerations of environmental conservation. The target was based on the United Nations Food and Agricultural Organization's estimates to the effect that by the year 2000, East Africa would be consuming 84 million cubic feet of saw and veneer logs and 37 million cubic feet of pulp wood per annum; and the recommendation thereof that Kenya's target of 300,000 acres of coniferous plantations by the year 1980 would have to be raised in order to meet the country's needs for saw and veneer logs. A major policy paper on the environment was prepared by an *ad hoc* Working Committee on the Human Environment that was presented to the 1972 United Nations Conference on the Human Environment held at Stockholm, Sweden. The paper identified environmental problems and outlined conservation measures to be implemented and to act as a basis for future development planning by the government. It is argued that this policy paper played a crucial part in the decision by the United Nations General Assembly in December 1972 to locate the headquarters of the newly created United Nations Environmental Program (UNEP) in Nairobi. The final report of the working committee on the Human Environment formed the basis of the environmental policy measures that were enunciated in the development plan period covering the period 1974-1978.

Defining the environment as "...the sum total of all natural and social phenomena that provide both possibilities for, and limitations to, man's activities" (Republic of Kenya 1972:190), the government made a deliberate choice to use the environment on a sustained yield basis, including its enhancement, preservation, restoration, and reclamation, with the recognition that

“the conservation of the environment is becoming increasingly important as the growth of population and the impact of development and technology bear on the capacity of the environment to sustain the use being made of it” (Republic of Kenya 1972). Towards this end, the *ad hoc* Working Committee on Human Environment was charged with the responsibility of providing advice on the scientific and technical aspects of environmental issues and the needs for conservation. Later, when the National Council for Science and Technology was established, the *ad hoc* committee was converted into a standing committee and reconstituted as the National Environment Secretariat to serve as a scientific watchdog of the environment.

Whereas the National Council for Science and Technology was set up for the long term purposes of determining the needs and priorities for research on environmental conservation problems and for the ultimate co-ordination of the various environmental programs, a number of conservation programs were immediately implemented. These included a land use capability survey, the soil and water conservation programs, anti -water pollution program, grazing control and restoration program, marine conservation and restoration program, and the wildlife conservation program, among a host of other activities.

During the 1980s, especially the latter half of the decade, concern with the environment in Kenya shifted to controlling human behavior with a view to achieving a balance between the development needs of the nation and the enhancement and protection of the environment. This was the time when structural adjustment programs began being implemented and hence resources were not available on a large enough scale to rehabilitate areas that had already suffered environmental damages. Instead, the thrust of policy measures was focused on strengthening the institutions necessary for the assessment and monitoring of environmental changes that were likely to have harmful effects in the future. Among the policy measures that were undertaken in the 1980s were:

Environmental monitoring and assessment project whose agenda was to commission studies to fill gaps and update data necessary for planning and decision making within government.

District Environmental Assessment Project whose objective was to complete district environmental profiles of all districts in the country that had not been covered in the earlier

surveys.

Desertification monitoring Project, which aimed at identifying and mapping areas that were threatened with desert encroachment, and carrying out experiments to identify land use practices necessary to prevent the creep of the desert.

Pollution control and Environmental Health Programs to review existing standards of water, air, and land pollution and to determine revisions needed to reflect the then state of knowledge. The National Environment Secretariat (NES) also undertook to establish a register of all toxic chemicals used in agriculture and industry that might be harmful to man and animals. It was further provided that industries were to be registered in accordance with the effluents they emit.

Human settlement, shelter, and service programs were put in place to provide information on materials and technologies for construction of cheap and safe housing; and to research on lightening handle the accused, cheap ways of solid waste disposal, and recycling of waste to generate energy in the form of bio-gas.

Environmental Education and Information Programs were instituted to inculcate awareness and commitment on the part of the general public on the need to preserve the environment and to appreciate the interrelationship between the environment and man in his socio-economic setting. This was to be done through lectures in schools, seminars for teacher training colleges, and radio and television programs on soil erosion, water, air, environment and development, energy, and human settlement problems. The NES was also to update the Environment Information Register and to expand its library services (Republic of Kenya 1988: 137-138).

In addition to the above measures, the Kenya Rangeland Ecological Monitoring Unit (KREMU) was mandated to undertake the general monitoring of environmental resources, acquisition of environmental baseline data in remaining areas, implementation of projects requested by various government agencies and dissemination through special studies, seminars and conferences of methodologies used for assessment and monitoring of natural resources.

By 1989, KREMU had been converted into the Department of Resource Surveys and Remote Sensing (DRSRS) and was in the process of building an inventory of the country's natural

resources through the Geographical Information System (GIS) with emphasis on land cover mapping at a time when existing surveys revealed an overall 3.4 per cent forest cover in the country while spot satellite scenes indicated an annual average rate of 1 per cent depletion. To curb this serious trend towards desertification, government had in 1981 created a Permanent Presidential Commission on Soil Conservation and Afforestation (PPCSCA) and encouraged public, individual, and group initiatives at environmental conservation which resulted in the emergence of such schemes, as the Rural Afforestation Extension Scheme, the Green Belt Movement, and various other agro-forestry programs. These measures continued to ensure sustainable optimal utilization of forest resources both for domestic and industrial use, and to check soil erosion and undertake elaborate afforestation programs while at the same time restricting the cutting of indigenous trees. A popular slogan in afforestation efforts at this juncture was "if you cut one tree, plant two."

By the turn of the 1990s, environmental impact assessments were being carried out on specific on-going and proposed projects with a view to anticipating environmental problems and/or finding their solution before they became too severe. These assessments were designed to address problems caused by human settlements, urbanization and other developmental problems and projects that may occasion soil erosion, air, water and noise pollution, waste accumulation, congestion, blight and other health-related problems. Furthermore, in order to create a balance between the generation of economic benefits and damage to the environment associated therewith, government undertook to apply the following strategies to eliminate or reduce the negative externalities:

Internalization of the impacts of each individual project during appraisal and analysis including all the costs and benefits and in making choices on appropriate technologies, economic value and project location.

Where human health and safety is concerned, government undertook the policy of setting up standards for the sustainable use of resources and for the appropriate disposal of wastes.

Subject to absolute upper limits beyond which closure is the solution for avoiding environmental disaster, government undertook to impose deterrent surcharges for those concerns whose activities pollute the environment. Such surcharges were to be used to

compensate those individuals and institutions adversely affected by such actions and pay for the cost of rehabilitation.

Making a careful balance between the needs of current and future generations in the exploitation of non-renewable natural resources. This required exploiters of natural resources to take appropriate conservation and rehabilitation measures as well as develops new technologies that use less of such resources or otherwise search for alternative resources.

Prepare a research report on environmental management and protection as a basis for the promulgation of a National Environment Enhancement and Management Act (NEEMA) which would include provision for an arbitration tribunal for environmental disputes (Republic of Kenya 1989:170).

On the whole, in its concern with the environment, the Kenyan government has been intent on evolving policies of promoting the rational exploitation and management of environmental resources that remain a critical input in the national development effort aimed at improving the people's standards of living.

Status of Pollution Control

The process of development through harnessing and utilizing available resources to meet the ever increasing consumption demands of Kenya's population has led to significant consequences with regard to environmental pollution. The development process in the sectors of agriculture, human settlement, industry, and transport, among others, has led to a number of side-effects which, according to Orodho (1997:151) may be categorized as follows:

Resource deterioration ranging from the deterioration of minerals, soils and forest resources.

Biological pollution that manifests itself in the ubiquitous presence of agents of human disease as well as animal and plant pests.

Chemical pollution arising out of air pollutants, industrial effluents, pesticides, metal and detergent components and related agents.

Physical disruptions represented by thermal pollution, silting, and noise pollution among others.

Social disruption of which congestion and loss of sense of community are glaring manifestations.

Although environmental concerns are not adequately covered by the existing laws in Kenya, a number of Legislative Acts have been put in place for purposes of regulating environmental pollution emanating from socio-economic activities. With regard to agriculture that is the economic mainstay of the country, the Agriculture Act, Chapter 318 of the Laws of Kenya is the only existing legislation according to Kabeberi - Macharia (1997:240) which has shown a concern for soil conservation among other things. The act seeks to regulate activities that have massively contributed to soil degradation through erosion, deforestation, overgrazing and poor farming methods. Implementation of this Act has been entrusted to the Minister for Agriculture whose powers are delegated to agricultural boards and committees established at the district, provincial and national levels. Soil conservation and land preservation is ensured through land preservation rules made by the Minister under section 48 of the Act. Such rules regulate, control and prohibit the clearing of land for cultivation, grazing, and watering of livestock where the Minister considers it necessary and expedient for purposes of prevention of erosion and soil conservation.

In addition to making rules regulating land clearing, the Minister of Agriculture is also empowered to make rules intended for the control and regulation of afforestation and reforestation, protection of slopes and drainage areas, land drainage, construction and maintenance of artificial and natural drains, terraces, contour banks, and diversion ditches. Furthermore, under section 184 of the Act, the Minister may make general rules for the preservation, utilization, and development of agricultural land. Such rules include requiring owners or occupiers of land to abide by rules of good husbandry and estate management, and regulate the kinds of crops grown, methods of cultivation used, and the keeping of livestock (Kabeberi - Macharia 1997:241). The agriculture Act thus attempts to forestall practices that are likely to lead to land degradation based on the realization that land mismanagement may lead to such disastrous consequences as desertification which is a cumbersome and costly process to arrest once it is set in motion.

Secondly, in order to regulate the planning and management of human settlements and its impact on the environment, there are four legal mechanisms for this purpose. These are the

Planning Act, Chapter 134; Town Planning Act, Chapter 303; Local Government Act Chapter 265; as well as building by-laws. The central objective of land planning legislation is to control the physical planning of human settlements since these directly affect the environment. Local Authorities are empowered by the Land Planning Act and with the Minister's authority, to prepare town plans and area plans which must contain descriptive materials such as maps and materials indicating existing development, roads, and density zones. Land development in areas falling under the jurisdiction of local authorities whether private or public must seek and receive the consent of the planning units, or the land control board if the land in question exceeds 20 acres. Furthermore, the Local Government Act (Chapter 265) which establishes local authorities, defines their functions by providing that each municipal council is empowered to establish and maintain sanitary services or any other services used for disposal of refuse, and effluent from public lavatories; control of slaughter houses; destruction and suppression of rats and vermin; and tree planting in public areas. In addition, the Public Health Act (Chapter 242) imposes a duty upon local authorities to ensure that the areas of their jurisdiction are kept clean and in sanitary conditions. In this way, local authorities are enjoined to protect the environment through administrative control and legislative regulations.

Provisions for regulating the management, protection, preservation, conservation and promotion of Kenya's forests and forestry resources are contained in the Forest Act (chapter 385 of the Laws of the country). Kabebera - Macharia (1997) writes that this Act provides the structural framework within which national forest policies are set. The Act mainly deals with the conservation and management of forest resources and provides for the establishment, control and regulation of forests and forest areas on government land. Section 4 of the Act authorizes the Minister in charge of forests to declare any unused government land to be a forest area or cease to be a forest area. The Minister is further empowered to declare a forest area to be a national reserve in order to conserve its natural flora and fauna. In an area under such declaration, no person unless licensed by the Chief Conservation of Forests may undertake any activity in the area including tree felling, burning of grass and vegetation, removal of any forest products, erection of buildings, livestock grazing, poaching as well as clearing for cultivation or road construction.

With regard to water and water resources, the main sources of pollution in Kenya include untreated effluent from industries and factories as well as runoff of toxic chemicals from agricultural activities and mining processes. Regulation for the management and use of water resources is provided for in the Water Act, Chapter 372 of the Laws of Kenya, which makes provision for conservation, control, apportionment and use of water resources “and for purposes incidental thereto”. This Act authorizes the Minister in charge of Water development to make regulations to control water usage taking into consideration the need for its conservation. It is further provided that certain uses of water including provision of water for municipalities, steam raising on railways, irrigation, industrial uses, and development of power must receive prior authorization. Such authorization contains terms and conditions on the quality of water to be used and the quality of effluent permitted to be discharged into water bodies that must not be harmful to the aquatic life environment. It is noteworthy however, that though this provision ensures control of water pollution, there is no set national effluent standards. The onus thus remains with the Water Apportionment Board to formulate such standards for each industrial undertaking from time to time.

One of the major causes of environmental degradation in Kenya is cited as the misuse of chemicals for industrial, agricultural and domestic use. Use of some pesticides, herbicides and fertilizers result in harmful depletion of soil nutrients while some of the chemicals get washed into water bodies thereby polluting water supply sources. Regulation of this form of pollution is contained in various Acts including the Food, Drugs and Chemical substances Act, Chapter 254; Pests Control Products Act No. 20 of 1982; Fertilizers and Animals Foodstuffs Act, Chapter 245; and the Cattle Cleansing Act, Chapter 358 of the Laws of Kenya. The Food, Drugs and Chemical substances Act ensures that the manufacture and sale of pesticides and insecticides satisfy the prescribed standards regarding their quality, safety and composition; and provides for the prevention of water contamination through use of chemical substances that could render water injurious to health. The Pests Control Product Act authorizes the Pest Control Board to refuse registration of any product if it has reasonable grounds to believe that such product poses a risk to public health, animals, plants, or the environment in general. The Fertilizers and Animal Foodstuffs Act regulates the importation, manufacture, and sale of agricultural fertilizers

and animal foodstuffs with the Minister concerned authorized to make rules prescribing standards of composition, efficiency, and purity; as well as prohibiting certain substances and limiting the percentage of other substances used in fertilizers and animal foodstuffs. On the other hand, it is worthy nothing that chemical substances used in cattle cleansing are mainly composed of organic chlorides which contaminate water should they come into contact with it. The Cattle Cleansing Act thus prescribes standards for regulating the type of composition of chemical substances used in cattle cleansing. Selling chemical substances that do not conform to such prescribed standards is an offence under the Act.

Lastly, although air pollution in Kenya has reached threatening proportions just like water pollution, regulation of air pollution remains ambiguous as laws related to control of air say very little about air pollution compared to water quality control. Kabeberi-Macharia (1997) points out that this may be a consequence of the fact that water pollution is more easily observable and can thus be dealt with immediately while there is the problem of lack of appropriate technology to assess the quality of air. Other areas that also remain to be effectively addressed with regard to pollution control include mining activities as well as the marine environment, perhaps on account of the aforesaid reasons.

One major shortcoming in the regulation of chemical pollution of the environment in Kenya is the creation of various boards under different Acts of parliament. The power of these boards either overlap, or conflict with each other. It is therefore imperative that a single chemical management board is established with mandatory powers over all chemicals, to work in liaison with the National Environment Secretariat. The second major problem with pollution control and maintenance of the ecosystem equilibrium with socio-economic activities has been lack of enforcement of existing rules and regulations partly because of lack of budgetary allocation for this purpose and partly due to bureaucratic inertia, and lack of political will, as well as outright political corruption. For instance, in spite of existing regulations for preservation and conservation of forests, the Minister in charge has been quick in degazetting vast chunks of forests, first to create room for the Nyayo Tea Zones, a political brainchild of President Daniel Moi and secondly, for purposes of simply dishing out land to politically correct individuals. In late 1998, it was reported that about half of the several Thousand-Hectare Karura forests neighboring

UNEP headquarters in Nairobi had been allocated to “private developers.” Despite a countrywide hue and cry over the scandal including University of Nairobi students’ demonstrations that ended with the closure of Kenya’s Premier University the government has declared it will not rescind the allocations!

Predicaments Facing Environmental Policy

The major predicament of environmental policy in Kenya is the fact that there is lack of a comprehensive national policy framework on environmental management. The National Environmental Enhancement and Management Act (NEEMA) envisaged in the 1980s is yet to be tabled in parliament for enactment. While opening an international conference of the Convention on Biological Diversity at the UNEP headquarters in Nairobi in February, 1999, the Minister for Environment and Conservation decried this lack of a comprehensive framework saying that Kenya lacks “a comprehensive national legislation or policy framework legislation on environmental management for regulation of access to and sharing of benefits arising out of the utilization of its genetic resources as well as a national institutional arrangement for that purpose” (Sunday Nation Newspaper, Nairobi, February 7th 1999: 1 & 3).

The legislative mechanism that is in place addresses issues of environmental management only in a sectional manner. Environmental policies are scattered in more than five different sectors including water supply, fisheries, forestry, mining, wildlife conservation, as well as in various regional development authorities, all of which operate independently of the others. Thus there is no harmonized approach to environmental management.

There are about 77 sectional laws that touch on environmental management issues. An evaluation of these laws however found that they are largely inadequate in dealing with the environmental matters and emphasis was put on their review and restructuring to make them more potent and effective. Although these laws were discussed way back in 1997 with a view to changing them, the expected changes have so far not been effected. For example, the water Act is still under review, the Water Policy Paper is yet to receive Cabinet approval; while the Forest Act, though reviewed and revised, is as of now gathering dust on the shelves awaiting parliamentary approval. The most comprehensive legal framework in relation to environmental

management is the Environmental Management and Co-ordination Bill that is expected to address all aspects of the legal outline in relation to environment and development including law enforcement and monitoring of compliance. However, the Bill is yet to be tabled in parliament in spite of the fact that it was taken for Cabinet approval in 1997. The environmental policy framework thus remains incomprehensive, fragmented and *ad hoc*.

The other major problem lies with issues of environmental economics and accounting. These two aspects of environmental management have been identified as an important area for addressing sustainable development. The present national accounting framework in Kenya does not reflect the cost which society bears on environmental degradation due to on-going socio-economic activities. Thus there is need to develop capacities and capabilities to undertake comprehensive actions with a view to incorporating environmental economics and accounting into policy making for purposes of factoring it into the process of development at all levels.

Furthermore, It is noteworthy that those externalities in the field of transportation have not been identified and dealt with by existing forms of environmental policy in Kenya. These externalities include noxious and toxic emissions mainly by motor engines, noise pollution by motor vehicles and aircraft, waste discharge by water vessels, as well as accidental spillage of hazardous cargo by all modes of transport. The Kenya government undertook, during the 1994 -1996 plan period to formulate and implement policies that minimize exposure to environmental hazards generated by different modes of transport. It specifically sought to study, in collaboration with relevant non-governmental and international organizations, the incidence of motor vehicle emissions in the country with a view to controlling them; and to take appropriate measures to prevent the polluting of Kenya's coastal and navigable lake waters from discharges by sea and inland water transport vessels respectively (Republic of Kenya, 1998: 201). Unfortunately however, no concrete steps have so far been taken towards this end.

Environmental management tools including laws relating to the management of internationally shared resources, cross-border issues, environmental economics and accounting, and environmental impact assessments have not been adequately developed for effective environmental management. Furthermore, in addition to lack of guidelines on harvesting the

country's biodiversity and absence of mechanisms for enforcing what is alluded to, the nation has no clear policy on how to handle the issue. Further, there are usually no budgetary provisions to finance the effective implementation of environmental programs set out in national development plans. It would seem that Kenya's policy makers enunciate major environmental policy measures only in response to international environmental forums. These include especially, the 1972 International Environment Conference at Stockholm, Sweden, when the first ever National Environment Secretariat was formed; and the 1992 United Nations Conference on Environment and Development held at Rio de Janeiro, Brazil, after which the National Environment Action Plan was prepared and adopted. There is an apparent lack of the requisite commitment and political will to follow these policies through their implementation.

The Evolution of Environmental Policy in Cameroon

The premise of Cameroon's environmental policies is that environmental destruction is an ailment that can be cured and treated with dependable environmental policies. The law here has a realistic tendency of regulating human behavior, providing for man the "do's" and the "don'ts" of his actions on the environment, and providing sanctions in the event of any damage caused on the environment through human activities. So far, the therapeutic role that environmental policy in Cameroon is supposed to play is very nugatory or piddling. The answer can be found in the fact that in spite of the existence of clearly drafted environmental policies, there are no or only little signs of hope in the horizon. The Cameroon's policy does not seem to verify in any way the warnings against environmental carnage that it is today experiencing. This means that environmental policy in this country does not apparently seem to provide any protection for the environment. Some analysts turn to believe that the policy is "dormant" (Kamto, 1996, 18), considering that it is inconsequential in the inimical dissipation of health issues that are associated with the environment.

Not long ago, it was thought that the domination of nature, the subjection of nature for economic development was inevitable for human survival. Progressively, the protection of the environment imposed itself as a necessity. This necessity made the government to immediately tackle the long-standing crucial concern of farmers and environmentalists in the

nation. One thing is certain, that the effect of man on the climate, on the pollution of the atmosphere, seas and oceans and on fauna and flora cannot successfully be taken care of by national policy exclusively. This presupposes that an analysis of the evolution of Cameroon's environmental policy will be incomplete if it is nationalized; that is, if it is based only on national legal instruments. International legal instruments are fundamentally essential in the country's environmental policy. This notion is closely related to the argument put forward by the eco-cultural approach to sustainable environmental growth.

Since environmental degradation is a problem caused by human beings, it is bound to provoke disputes and uncertainty. The disputes for the most part can be resolved via the instrument of social control (Akanle, 1984, 4). What is the nature of environmental policy in Cameroon? To attempt an answer to this question, it is necessary to distinguish between environmental policy before and after the recent 1996 legislation on the environment.

The 1990s witnessed the introduction of democracy that called for greater participation in the decision making process and sharpened, in Cameroon, the cry for more government accountability. The major characteristic of this period is that environmental policy was not a priority issue in the policy agenda of Cameroon because no basic text existed that laid down succinctly the environmental policy of the country as it exists today. In the past, the Cameroon government functioned with five-year development plans in which policy options and objectives to be accomplished were spelt out. Between 1961 to 1991, development plans were largely hollow with regard to environmental concerns. The first four five year's development plans (1961-1981) did not have environmental protection as a priority option. Little was said about environmental protection. The fifth and sixth five-year development plans (1981-1991) were vague and largely speculative and questionable as regards, environmental protection. Their ambitions to introduce an effective policy for the management of the environment and the creation of a community for territorial management remained only on paper.

Besides there are other pieces of legislation that together made up the environmental policy during this period. Among these legal instruments are the following:

- Decision No 1/10/1937 fixing rules on hygiene and sanitation applicable in the territory of Cameroon.

- Ordinance No 62/0F/30 of March 31, 1962 creating a code on maritime business in Cameroon.
- The Federal laws of 63/22 of June 19, 1963 organizing the protection of monuments, objects and historical and artistic sites.
- Decree No 76/165 of April 27, 1976 that lays down conditions for obtaining certificates of title to land
- Decree No 76/166 of 27 April 1976 on national lands.
- Decree No 76/167 of regulating the management of the private property of the state
- Decree No 76/372 of September 27, 1976 laying down conditions on dangerous, unhealthy and unconventional environmental establishments
- Law No 78/23 of December 02, 1978 on the protection of national parks
- Circular No 069/NC/MSP/DMPHP/SHPA of August 20, 1980 regulating the collection transportation and treatment or processing of industrial waste and domestic garbage
- Law No 81/13 of 27 November, 1981 abrogated by the 1994 law laying down the judicial regime of forestry, wildlife and fisheries, provides in its Section 25 that "Forests shall be exploited either under State management, under license or under a felling permit or authorization granted to companies or individuals".
- Law No 83/169 of April 12, 1983 on Forestry regulations
- Law No 83/170 of April 12, 1983 on wild life regulations

It is certain from this list of environmental legislation that Cameroon became really conscious of environmental protection only in the 1980s. Strange, because the country gained its independence in 1972 yet even the constitution was grossly ambiguous on environmental issues. The constitution of June 2, 1972 stated nonspecifically in its preamble that the people of Cameroon were determined to "exploit its natural wealth in order to ensure the well-being of every citizen by raising living standards". This is all the constitution had to say about environmental concerns, giving the impression that in 1972 the environment was a source of food and wellbeing for citizens irrespective of how it was exploited. It is possible however, that text on the environment after independence in 1972 had their inspiration from the provisions of the preamble of this constitution.

Besides these purely legalistic instruments prior to the 1990s, several structures were created by the executive power with added environmental responsibility. Decree No 77/139 of May 12, 1977 created for instance a national standing committee on Man and the Biosphere placed under the Ministry of Economic Affairs and Planning in charge amongst others, of educating the public on environmental issues. Decree No 84/797 of July 17, 1984, that re-organize the Ministry of Plan and Regional Development created a Sub Department of Human Settlements and the Environment whose duty was to draw up a national environmental policy and produce subsequently an up-to-date report on the situation of the country's environment. This sub department equally had as responsibility, the authority to propose measures for the objective management of natural resources, to fight against pollution and to ensure the protection of the environment. In the same vein, other ministries such as the Ministry of Agriculture and the General Delegation of Tourism were each given an aspect of the environment to take care of. The Ministry of Agriculture had activities in the forestry domain while the Delegation of Tourism was to cater for wildlife. From this repertoire of legal instruments, it can be implied that environmental policy in Cameroon prior to the 1990s registered a resounding success in the fight against environmental degradation? This question is even at this moment open to debate.

There is an extremely big gap between the Cameroon's environmental policy after the 1990s as compared to what it was prior to this year. The difference is so enormous that it would not be an embellishment of facts to say that there is a revolution in the environmental policy of Cameroon after 1990. Besides the pieces of legislation, some of which still apply today, Cameroon now has an environmental management code.

Before the putting into place a legal framework for environmental management in Cameroon, however, the President of the Republic, conscious of the importance of the environment to this country. President Paul Biya was also conscious of the challenges the environment would face in Cameroon if nothing were done on a direct basis to salvage the situation. These factors made the president to create a Ministry for Environment. Reorganizing the government was a constitutional presidential prerogative. The Ministry of Environment and Forests (MINEF) was created by Degree No 92/069 of April 9, 1992. Section 5(13) of these Degree states that MINEF's duty is "the control of the exploitation of forest resources" amongst others. Law No

96/12 of August 5, 1996 is today the reference documents for environmental management. In addition to this, other comprehensive legal instruments were elaborated prior to the environmental management code of 1996. These include:

- Law No 94/01 of January 20, 1994 laying down for ests, wildlife and Fisheries regulations.
- Decree No 95/531/PM of August 23, 1995 setting the modalities for the implementation of Forest regulations.
- Decree No 95/466/PM of July 20, 1995 setting the modalities for the implementation of Wildlife regulation.

A perusal of these texts will quickly highlight how Cameroon strengthens the legal instruments that directly control activities affecting the environment. The government also instituted measures to transmogrify environmentally detrimental behavior. Degree No 96/12 of August 5, 1996 laid down the legal framework for environmental management in Cameroon. Section 2 (1) provides that "the environment constitutes a national common heritage in the Republic of Cameroon. It is an integral part of the universal heritage." Furthermore, Section 2 (2) clearly states the position of the government with regard to environmental protection. The law says, "environmental protection and the National management of the resources it provides are of general interest to human life." The fact that it takes time to provide these resources concern the geo-sphere, the hydrosphere, the atmosphere, their material and immaterial content as well as social and cultural aspects of the government that there is going to be no condescending for environmentally deviant behaviors.

In fact, the 1996 law can consuetudinally be labeled a legal framework for the environment because it regulates amongst others: sustainable development, continental waters, maritime waters, ecology, ecosystem, waste disposal and management, environmental impact assessment, pollution and genetic resources. There is hardly any dilemma as regards the exhaustive nature of the 1996 law laying down the framework for environmental management in Cameroon. But whether the law has been effective or not in protecting the environment from destruction is snappish. Experience being the best teacher, it is arduous to commend the efforts of this country in designing effective environmental regulatory instruments. Do international conventions make any difference?

Cameroon and The International Environmental System

With the apparent failure of national environmental policies in Sub-Saharan Africa nations, it is important to look for other ways and models to enforce environmental policies in the sub-region. One immediate alternative that was available to the Cameroon government was the Trans-national environmental regulations, if at all this makes the difference. As stated a little earlier in this study, environmental policy in Cameroon has two aspects: an internal as well as an international aspect. Because environmental policy in Cameroon has by obligation opened up to international legal instruments on the protection and management of the environment, it is bound by the doctrine of international law, " Pacta Sunt Servanda" and the 1969 Vienna Convention on the Law of Treaties. According to this treaty and doctrine, a state must implement in good faith its international obligations. Against this background, international Laws on the environment are bound to be respected and applied in Cameroon considering that the protection of the environment, and natural resources with all their corollaries remain a question of legitimate intra-state concern. While international environmental regulations are a subset of environmental policy in Cameroon, there exist several organizations (international) that dictate aspects of environmental policy in Cameroon.

It has been proven beyond reasonable doubt that the desire to deal with environmental challenges cannot be fulfilled exclusively with domestic regulations. Decision-making prerogatives on issues that formerly had required national attention alone are increasingly divided with other states of the international community at large. Some aspects such as global climate change, disintegration of stratospheric ozone, the use of outer space and the deep-sea bed, pollution regulations beyond state frontiers are outside the domain of action of national states acting individually. As a result, international law has come to symbolize a much greater preeminence on a systematic and collective rather than a segmented approach to environmental resource management. But this is still to be fulfilled, given that international environmental regulation is basically fragmentary.

- The 1973 Accord creating an inter-state committee laying down a legal framework for the fight against desertification signed on September 12, 1973 at Ouagadougou (Bukina Faso).
- The 1982 United Nations Convention on the law of the Sea regulating Marine pollution.

- The 1983 Cooperation and Concentration Accord between Central African States on Wildlife conservation signed on April 16, 1983 in Libreville (Gabon)
- African Convention on the Conservation of Nature and Natural Resources, June 16, 1969.
- The African Convention on the Transboundary Movement of Hazardous waste and disposal signed in Bamako (Mali), January 30, 1991.

Other international legal instruments include the Montreal Protocol on the substances that enervate the ozone layer, the international biodiversity convention and so on. In spite of the strength and contents of these legislations with regards to environmental issues, their impact on the protection of the environment in Cameroon is still to be noticed. The weight of these regulations has strongly been diluted by the challenges they come into contact with.

The grandeur of these organizations does not lie in the fact that they dictate rules of environmental management, but in the fact that they in most instances serve as watch dogs over governments by orientating policy. They serve as preventive and not dictatorial watchdogs. The bulk of their contribution comes through conferences and the assistance they provide to their host countries. They use them to address the necessity for something to be done in front of the eminent environmental calamity that they are conscious of.

The United Nations Development Program (UNDP), the Food and Agricultural Organization (FAO), the World Health Organization (WHO), the World Bank, the African Timber Organization (ATO), the African Development Bank (ADB), United Nations Economic and Social Cooperation (UNESCO), the Organization of African Unity (OAU), the World Wide Fund for Nature (WWF) etc are structures that together or separately help in shaping environmental policy in Cameroon. Moreover, the World Conservation Society and CARE International are bodies of the same nature whose contribution in environmental resources management in Cameroon is crucial. Generally, they are ready to provide the kind of assistance that can ensure development without environmental dilapidation. Furthermore, bodies like the Commonwealth, the "Francophonie", are invaluable in shaping the environmental policy of Cameroon. The role of these bodies in the protection of the environment and sustainable development has been underscored and amply encouraged by Rio Declaration and by the Agenda 21 of the Stockholm Declaration. The irony is that not only do the development pattern in Cameroon actually limit future potential for

growth, but the Commonwealth and the Francophonie make a great contribution to habitat destruction in Cameroon. The dilemma however, like the ecologists approach is to determine how forest can be used for development and at the same time continue to make their contributions to the ecosystem. One solution that has met with some success has been debt-for-nature swaps.

Cooperation is the key word in debt-for-nature swaps. Several actors are involved: financial institutions, non-governmental organizations (NGO), and states. These actors negotiate an arrangement that reduces the state's international debt while also preserving some of its forests for conservation and sustainable development. Most states that are heavily deforesting are also heavily in debt; Costa Rica is an example of one of such states (Scapple, 1998).

Status of Pollution Regulation

Environmental pollution is globally recurrent - it occurs in virtually every city, every industrial area, every place where agricultural chemicals are used. It is a major phenomenon and source of concern in developing countries because it poses serious health and environmental problems in every country. According to Law No 96/12 of August 5, 1996, "pollution" shall be any contamination or direct or indirect modification on the environment provoked by any act likely to;

- negatively affect a positive use of the environment by man;
- threaten the health, security and well-being of man, the flora and fauna, air, the atmosphere, waters, soils and collective and individual goods (Section 4 (v)).

This is clear indication that there is going to be no tomfoolery as far as environmental pollution is concerned. Frightened by the hazardous waste transportation from Italy to Nigeria for disposal which affected so many people and animals and has since then posed serious health problems, (Conference Report, 1993, 14), the Cameroonian law makers enacted law No 89/027 of December 29, 1989 on toxic and dangerous waste. Considering toxic and dangerous waste as materials which contain inflammable, explosive, radio-active and toxic substances, constituting a danger to the life of human beings, animals, plants and the environment" (Section 2), the law unequivocally impels industries producing toxic and dangerous waste to declare their nature and volume so as to ensure effective neutralization without harming man and his environment (Section 3). Basically, this legal framework in Section 1 prohibits the

introduction, production, stockade, transportation, deposit and transit of toxic and dangerous waste in all its forms all over the national territory. The law goes ahead to outline the fate of all defaulters.

In accordance with this law, a death penalty awaits any individual who violates Section 1. In the same vein, an unauthorized person who does not eliminate toxic or dangerous waste produced by him may serve a prison sentence ranging from 5 to 10 years and the payment of a non-refundable fine of between five million to five hundred million Francs (CFA). In order to strengthen the sanctions provided by this law, Sections 54 and 90 of the Penal Code respectively on the suspension of sentences and on mitigating circumstances do not apply. By this provision, defaulters and lawbreakers are bound to face the law squarely.

The recent legal framework on environmental management of 1996 seems too modest, because it does not carry the same weight, as the 1989 pollution regulation discussed above. It however recognizes the value of international regulations. Section 44 stipulates that "the introduction, discharge, storage or transit of waste on the national territory and produced outside Cameroon shall be formally prohibited given the international commitments of Cameroon." Section 57 (1) of law No 96/12 of August 5, 1996 reads, " harmful and/or dangerous chemical substances which, on account of their toxic nature or their concentration in biological chains, or likely to be a danger for human health, the natural environment, and the environment in general when they are produced, imported into the national territory or dumped into the environment, shall be controlled and monitored by the competent technical Administrative units, in co-operation with the Administrative unit in charge of the environment". The same law posits in its section 57(2) that "Radioactive substances shall be governed by a special law" whereas section 58 contends that "An enabling decree of this law taken jointly by the competent administrative units shall regulate and lay down... The message this law transmits is that several other pieces of legislation have still to be made for the pollution regulation in Cameroon as of the 1996 Environmental law, to be complete. While this is going on, the worry is on the future of the already degraded environment or fast degrading environment. This is the real trouble with environmental policy in Cameroon.

Problems Facing Environmental Policy

Existing environmental regulations in Cameroon threaten a great deal the national heritage because of their lapses and shortcomings. It is one thing to make laws and another to execute the laws effectively. The success of legal instruments lies in their respectability, excludability and the sanctions that they carry. An effective sanctioning mechanism depends on the strength of the judiciary. Between 1981 -1995, Cameroon's level of deforestation of 0.4 percent was rated serious enough to merit a concerted and urgent action (Enoejubeh, 1997, 26). The attitude of environmental exploiters translates the feeling that lets hurry and get what we are after (mass destruction- logging, wildlife, medicinal plants and so on) as long as the legal framework remain as incomplete as it is. In fact, the environmental policy of this country is fraught with challenges. What is the nature of these challenges and how can they be overcome?

Before an analysis of the predicaments facing environmental policy in Cameroon is discussed, one thing should unhesitatingly be made clear. The claim that environmental policy in Cameroon has challenges should not be misconstrued to mean that existing environmental regulations are entirely frivolous. While proclaiming that they are good to the extent that they exist, there is need however for something to be done to complement existing environmental regulations in Cameroon.

Non respect of local realities

Existing regulations in developing countries in general and Cameroon in particular are usually replicas of past regulations in developed countries. In this way there is a kind of unbiblical code or better still, undetectable string linking regulations in Cameroon to French regulations (Obam, 1992, 22). This means that, they have little grounding in local realities and cultures and therefore are largely unenforceable. There is therefore the total neglect of customary communities. The result is that the law neglects completely the existing relationship between the environment and the subsistence needs of the peasant farmers, oblivious of the fact that they have lived in these areas since birth and that life for them and future generations depend on these regions. Creating a more serious problem cannot solve a problem. In other words, rendering local inhabitants homeless cannot ensure environmental health.

Proper lapses of Environmental Regulations:

The fact those environmental regulations are more fragmentary rather than holistic constitute a real problem. This makes the effective protection of the environment difficult. The search for the appropriate legislation for a specific purpose is time consuming and costly too. The immediate consequence is delay, which the equitable principles say, defeats justice and transparency. In the 1990s only, there exist internally alone, five different legal instruments concerned with the environment. Amongst them is the 1992 Decree creating the Ministry of Environment and Forests. In situation such as this non-enforcement of environmental laws becomes effective. What an irony! In front of this situation of the non-enforcement of environmental policies, the tendency is usually to introduce new regulations and rarely, people object to regulations, which they know are not likely to be enforced. In this circumstance, environmental exploiters and industrial polluters give the impression that they will accept new regulation to improve their image thereby keeping regulators busy with paper work while they maximize exploitation. Some of these exploiters go as far as organizing conferences to find solutions to problems that they themselves have created. Blame for policy lapses cannot be placed exclusively on legal instruments because the strength of a piece of legislation whether faulty or not depends on the ability and readiness of the law courts to render justice.

In a Supreme Court Decision No 294/P of 18 July 1985 a strange phenomenon Happened. Imagine that haven charged an appellant of French nationality in *Afaire Iepere Moise Vs M. P (Eaux et Forêt)* with killing 200 elephants without a special hunting permit, exporting 403 points of ivory without a certificate, possessing and using an expired hunting permit in contravention of section 123 and 128 of Degree No 74/357 1974 and Sections 60 and 65 of ordinance No 73/18 of 1973, the court of justice in Yaounde strangely acquitted the accused for (no proof of damage) but curiously ordered that the points of ivory be restituted to the State, the rightful owner. On appeal the same decision was upheld. The inability to render good justice explains why exploiters, most of who are very rich multinational corporations, do not always respect environmental rules.

Confusion of Environmental Responsibilities

The confusion of responsibility stems from the large number of structures involved in the protection of the environment. Besides the fact that these agencies responsible for

enforcement are not given sufficient authority, the means for follow up is itself lacking. Additional responsibility is especially necessary in matters of forest resources management where Provincial, Divisional and Sub divisional Delegates of Forestry are in a better position to make important decisions in respect of local realities. Considering the number of ministries involved in environmental management there is bound to be incoherence in the Cameroon's environment policy. At least ten ministries of the Republic are involved in the affairs of the environment: Trade and Industrial Development; Agriculture; Environment and Forest; Town Planning and Housing; City Affairs; Tourism; Public Investment and Regional Development; Mines, Water and Energy; Livestock, Fisheries and Animal Industries; Scientific and Technical Research. This leaves room for an overlap of responsibilities, which is the source of conflict and the duplication or repetition of functions.

Lack of objectivity in environmental resources exploitation:

Cameroon is overtly centralized with the control of the central government diminishing in proportion to the distance from the center. This is unfortunately the fate of environmental policy whereas a decentralization of environmental benefits would unquestionably reduce the inequalities and injustices of today. The local population should be able to gain from environmental resources exploitation in the same way as the central government. The frustration of the local population is total considering the degree of the damage their environment is experiencing. For instance, section 105 of law No 94/01 of January 20, 1994 laying down Forests, Wildlife and Fisheries regulations posits that: "Seventy percent of the sums resulting from the collection of fees for hunting permits and licenses as well as the proceeds of killing, capture and collection of fees and taxes shall be paid into the public treasury and thirty percent into a special fund for the development and equipment of areas for the conservation and protection of wildlife, in accordance with conditions determined by decree."

This is gross injustice given that the public treasury is not accountable to the people as far as the seventy- percent deposit is concerned. This apparently legalized injustice has time and again been the source of uprisings. By extension, the people of Messamena in the East Province revolted against PALLISCO, a forest exploitation enterprise of the area by erecting roadblocks and barricades in attempts to hinder timber exploitation. The premise of this action was is the

poor socio-economic conditions of people as compared to the exaggerated affluence displayed by staff and managers of PALLISCO, non-respect for conditions and injustice and discrimination with regard to recruitment into this enterprise. (Obam, 1992). It will be unfeigned justice if the local population could be given priority as far as recruitment into such a company is concerned.

Poverty with its corollaries

Prominent among the several challenges of environmental policy in Cameroon is poverty with its accompanying adjectives such as corruption, favoritism, no accountability and so on. At this stage, it will be too simplistic to say it would be easy for Cameroon to strike a balance between preserving its already endangered biodiversity and satisfying the social and economic needs of its citizens. This suggests that there is a crucial and potentially positive link between economic development and the environment. The poverty level in this country has increased corruption and favoritism. Violators find it to their interest to pay a fraction of the prescribed fine as a bribe to the already grossly underpaid enforcement official that is all too willing to accept it. Increased fines or stepped up enforcement of regulations leads predictably to more bribes rather than less environmental degradation (Obam, 1992). Furthermore, financial problems, ignorance, self-interest, divided actions are part of the predicaments facing environmental policy in Cameroon. Is it possible in front of these predicaments to think that the future is bright for Cameroon? Can the trend of deforestation and environmental degradation be reversed? In our opinion, it is possible for us to protect our ecosystems, wildlife and plants, that is the forest elephants, buffaloes, the Western lowland gorilla, medicinal properties such as the Yohimbe, Conchona, pygeum, the *Ancistrocladus -abbreviatus* and so on, especially with the collective effort of the entire population of Cameroon, and the time to act is now.

Dynamics for future Environmental Policy

Kenya's current development plan (1997-2001) departs from tradition by focusing on industrialization as a strategy for achieving rapid economic growth under the theme "Rapid Industrialization for Sustainable Development". The major challenge on the side of the government in implementing this strategy is on how to work out modalities of promoting industrialization without at the same time compromising the ability of the country's resource base

to meet the needs of future generations. Towards this end, there is need for a sound environment policy and an effective legal framework to govern the management of the country's resource base.

The beginning point is for the government to create one institutional framework, preferably a separate Ministry charged with the sole responsibility of environmental management. Although such a ministry currently exists in the form of the Ministry of Environment, it has remained ineffective in the sense that whereas the Minister in charge would be demanding widespread reduced environmental degradation and calling for measures to curb the same, its counterpart in the Ministry of Natural Resources would at the same time be engaged in allocating forest land for grazing purpose. There is thus necessity to center all aspects of environmental management in one institutional framework.

The second priority should be to carry out a state of the art review of the environment and the hazards it is exposed to for purposes of delineating the kind of pollution that is likely to arise out of the development process. On the basis of this information, government together with relevant non-governmental organization should establish standards and indicators for environmental monitoring by specific institutions such as chemical and other pollutant management boards under the aegis of the National Environment Secretariat in Cameroon and Kenya.

Equally important is the need to pay greater attention to the physical planning of facilities with a view to integrating individual development projects and programs into the overall physical environment. In this regard, government should adopt a policy of building capacity within the public and private sectors for integrating environmental concerns and calculations of benefits and costs into project design, implementation, and monitoring.

To ensure effective implementation of the above, government should undertake to provide increased budgetary resource allocations for environmental management including limitation of social waste and pollution especially in urban areas. This should be coupled with provision of economic incentives and penalties geared towards encouraging sustainable use of natural resources and ecological functions. It is thus necessary to involve the public in this process by disseminating appropriate information to them through the news media as well as through

factoring environmental concerns into educational curricula in institutions of learning in Cameroon and Kenya. Environmental education should be introduced in primary and secondary school curriculums as well as in institutions of higher learning. This action will encourage the participation of the nations' population in environmental management through free access to environmental education, consultative agencies, creation of advisory bodies and through sensitization, training, research and education in this domain. Staff training and development is as important as other government resource needs.

Effective environmental policy goes hand in hand with the establishment of specific legislation to determine norms for the maintenance of a healthy environment including clean water and air. It would thus be useful to compile all existing legislation in Cameroon and Kenya that deals with environmental control including regulations relating to urban zoning, location of industries and protection of natural resources. This will form a basis for evaluating and determining the effectiveness of existing legislation which will in turn inform the process of enacting more efficacious and wholesome legislation and enhancing their harmonization and enforcement for better management of the environment.

In seeking to formulate effective environmental policy, the Cameroon and Kenya governments need to keep abreast of developments at the international level in the realm of environmental concerns. Both nations should formulate such policies while taking cognizance of recommendations such as those of the Rio de Janeiro Earth Summit and Habitat II conference. It is also necessary that the government works in liaison with other non-governmental organizations as well as international agencies that deal with environmental conservation matters such as the United Nations Environmental Program, World Commission on Environment and Development and the International Union for the Conservation of Nature and natural resources among others. This will facilitate formulation of more effective policies for environmental management and sustainable use of natural resources as Cameroon and Kenya move towards the envisaged higher levels of industrialization in the 21st century.

Despite the controversy, Cameroon and Kenya should negotiate some debt-for nature swaps with Western Europe and North American industrialized countries. Debt-for-nature offers a unique way to resolve natural resources issues. According to Mark Seis (1998), they provide an

opportunity for cooperation at many levels: between rich and poor nations, between banks and debtors, and between governments and nongovernmental organizations. With some modifications to the system, debt-for-nature swaps might be a valuable model for resolving conflict over other natural resources issues in Cameroon and Kenya in the twenty-first century.

The local population should be empowered; that is they should be given the possibility to have a say in the decisions affecting the environment through the political process or even through specialized local bodies, and non-profit making organizations. In this setting, the government will retain only policy monitoring and enforcement roles. Effective empowerment will spur the need to develop effective institutions to formulate environmental policy, coordinate governmental action, involve non-profit organizations and private sector interests and entertain effective contacts with local community organizations. Recognizing the difficulty of reconciling economic development ambitions with forest conservation and the need to empower local population, Prince Philip, the Duke of Edinburgh speaking in Yaounde warned that "we recognize the dilemma... and we want every body to be part of the solution and not part of the problem" (Anyaka 1999). Direct or indirect involvement in decision making process is a short cut for the respect of existing legislation.

Efforts to strengthen developing country institutions in environment and other domains have been the subject of considerable debate in recent years (Bakker, 1989, 29). In Cameroon and Kenya, this is especially necessary if at all the nations want improvement in environmental sustainability. The existence in Cameroon and Kenya of ministerial and inter-ministerial commissions on environmental issues is not sufficient. They should hold regular meetings, coordinate environmental affairs and make such proposals that can enlighten decision-makers on new and better policy options. Even with the existence of a National Plan for the Management of the Environment (PNGE) and the National Forestry Action Program, a lot still needs to be done in making them more effective. Otherwise how else can the rapid degradation of the forest and the environment be explained? Their power as institutions should be reinforced materially and otherwise.

Furthermore, it is important that the Environmental Impact Assessment (EIA) be rendered more effective. It is appropriate that each EIA be followed by an Environmental Impact Statement

(EIS) that is not the case with regard to the Law. The environmental impact assessment provided for by Law No 96/12 of August 5, 1996 in Sections 17, 18, 19 and 20 is hollow in terms of their expected effects in Cameroon. The reason behind the creation of environmental impact assessment is for sure, to prohibit all activities that are explicitly detrimental to the environment. How can this be workable when the promoter or the owner of the said activity has the latitude alone to do the Environmental Impact Assessment on the environment to be exploited? This is foolish latitudinarianism in all its forms. It is like permitting somebody to own a boat and warning the person at the same time against fishing (catching fish). How paradoxical! The law should therefore set specific standards for environmental impact assessment and precisely who is qualified to undertake this assessment and prepare the EIS. These new approaches to environmental policy will help Cameroon and Kenya directly and indirectly to kill the canker worms that are eating into the fabric of their healthy environment. The new approaches will help the nations fight against poverty; they will increase credibility and will enable Cameroon and Kenya to adopt simpler approaches.

Conclusion

This study has examined the environmental policies of Cameroon and Kenya. from the time of independence in 1960s and now, Cameroon and Kenya have moved from a casual mention of environmental matters in their development plans to devoting whole chapters of the same in outlining policies related to environmental management. One of the things that can be learned from this study is that there is a great need for Cameroon and Kenya to alter their use of natural resources to a more sustainable level so that cooperation can be encouraged and conflict avoided. In fact, Cameroon's and Kenya's Development Plans in the 1990s is hailed as enunciating "their best policy" on environmental protection.

The major problem however, has been lack of political commitment to see such good policies through their implementation. This has resulted from lack of the requisite resources to implement them; lack of political will; as well as the uncoordinated manner in which environmental concerns have been handled. Environmental concern in Cameroon and Kenya has thus largely remained at the political rhetoric level amounting to what one may call the

politics of ecologism. It is remarkable that this politics has generated a strong and pervasive concern for environmental protection in a myriad of non-governmental organizations that have emerged to help push environmental concerns on the agenda of policy making and policy implementation. Nonetheless, the onus rests with the governments to see to it that they formulate sound environmental policies and effectively implements them if only for the purpose of ensuring the protection of what one writer has called "ou r common future" (Obam, 1992).

Furthermore, the preservation of the natural environmental and cultural identities depends, to a certain degree, on the international acceptance of a theory of environmental ethics, such as those of the eco-cultural security approach. According to the eco-cultural security perspective, the issues are no longer framed in terms of simple economic development and military security concerns, on the one hand, and the protection of cultural and environmental diversity, on the other. The response to this problem as this study has suggested, can be found in the fight against poverty, the fight against ignorance, a reinforcement of institutional capacities and legal instruments, a revamping of development strategies, the strengthening of educational institutions and the inclusion of the groups that have a stake in the utilization of the natural resources of Cameroon and Kenya. With such conservation strategies, Cameroon and Kenya are sure to protect their natural resources from the impact of an unprotected exploitation.

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