

Policy Brief

LEGISLATIVE REPRESENTATION AND THE ENVIRONMENT

LESSONS FROM A CASE STUDY OF CAMEROON

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POLICY OPTIONS

- **Enhancing effective and appropriate representation on constituent environmental interests, by:**
 - ✓ Empowering constituencies through a reform of the electoral process (with a bottom-up approach in the designation of candidates instead of the top-down approach in force);
 - ✓ Empowering constituencies with sanction authority;
 - ✓ Strengthening rural constituencies through effective and substantive transfer of natural resource management powers.
 - ✓ What about sharing the information with the constituencies? Since that is going to be one of the follow up activities it makes sense to highlight it.
 - ✓ Access to information? Need for the hansards and debates in parliament to be open to the public? You mentioned this as an important mechanism for addressing the knowledge gap in the report. This bullet, if you choose to include it, could also go with the monitoring section.
- **Establishing an effective balance of powers for substantive environmental representation actions, by:**
 - ✓ Reviewing relevant legislatives rules of procedures (e.g.: censorship, the hegemony of the executive, the time limitations for the submission of the draft bills);
 - ✓ Strengthening capacity to source, draft and table bills addressing constituent environmental needs and concerns.
- **Restructuring practical processes for effectiveness in environment-related representation actions, by:**
 - ✓ Addressing weaknesses in the conception, design, implementation, monitoring and evaluation of micro-projects;
 - ✓ Addressing misappropriation of micro-project funds;
 - ✓ Addressing imbalances between environmental and other types of constituent concerns in the designing of micro-projects.
- **Building the legislators' performance capacities, by:**
 - ✓ Promoting civic education and public awareness;
 - ✓ Promoting communication between legislators and constituencies;
 - ✓ Monitoring and assessing legislator environmental representation actions;
 - ✓ Improving the option of constituency parliamentary secretariats;
 - ✓ Facilitating their participation at related courses, seminars, and workshops;
 - ✓ Promoting networks between legislators and research institutes/NGOs for the dissemination of outputs and appropriate documents.
 - ✓ working with Mps on the environment/trade/natural resources committees and to work with champion legislators.
 - ✓ documenting the environmental positions of each political party.
- **Setting up and monitoring downward accountability mechanisms amongst legislators**
 - ✓ Instituting MP Environmental Awards
 - ✓ Develop criteria
 - ✓ Monitoring and assessing legislator environmental representation actions;

Recommendations

Legislators

NGO's

CBO's

Media

Citizen's

International Organisations

(see political opportunities for reforms)

INTRODUCTION

The practice of representation lies on the assumption according to which since the majority [of citizens] cannot – sometimes in terms of efficiency, sometimes in terms of abilities – participate to public debate, to law-making and to decision-making at all the levels, they should be represented by an individual or by a group of individuals. Representation presupposes that a person or a group of persons have powers and rights allocated to them by a larger group of persons at a given time (Wellstead et al. 2003). In “*representation building*” (Lonsdale 1986), values and actions of representatives should correspond to those of the general public (Pitkins 1967). Thus, representation should reflect constituent's interests and concerns, or, according to Wellstead et al. (2003 *Ibid*), “*representatives mirror who they represent.*” **Governing on the basis of representation is an effective means of ensuring a democratic governance system based on majority rule (Veit), one that is inclusive of and gives greater voice to the grass roots.**

Legislative representation is grounded in the liberal paradigm of the separation of powers. It is therefore a way through which public interests and concerns are taken into account in law-making at the level of the parliament. Representation is a key principle in parliamentary democracy, and a lever of governance (Oyono 2004). Legislative environmental representation occurs when environmental/ecological matters are taken into consideration by elected legislative officials. It implies that legislators contribute in integrating in national decisions and processes the constituencies' environmental concerns and interests and seeks to ensure that government actions address constituent environmental demands and priorities. (Galega, 2004, forthcoming).

The present policy brief highlights the existing incentives that provide an opportunity for legislators to effectively perform as well as the disincentives which impede the legislator's effectiveness. Within this analysis, areas requiring urgent attention and redress have equally been identified as a means to orienting policy reformers and decision makers in search of instituting a more representative democratic system of governance through legislative role. The policy paper is drawn from a broad case study of legislative environmental representation conducted in Cameroon over the last two years, within the area of the Mengine Sanctuary (South province) as the key field site. Data and information used in this analysis of incentives/disincentives and formulation of policy options were provided by: documentary and policy analysis, field data collection; key informants and legislator interview.

Brief historical review

Incentives and Disincentives of Environmental Representation

The extent to which legislators, constituents and the citizenry at large are engaged with each other in a pursuit to increase their participation in the decisions and actions related to natural resource concerns greatly impacts the delivery of environmental representation services. In the exercise of environmental representation functions, four factors therefore play a determinant role: i) the legislator's accountability; ii) autonomy; iii) authority; and iv) ambition. In an effort to face the environmental representation task, the legal, institutional, social and practical sphere within which the legislator functions is crucial. The analysis below highlights legal processes, instruments, devices and other practices that vary the applicability of these factors and the extent to which these shape the quality of environmental representation actions.

▪ Accountability and responsiveness

Oakerson (1989) notes that *'to be accountable means to have to answer for one's action or inaction, and depending on the answer, to be exposed to potential sanctions, both positive and negative.'* Accountability, as such, is a 'power relationship' based on "information and sanctions". When accountability is generated by a democratic form of governance, it fulfills a double requirement: it gives one both the right to be accounted to and the responsibility to account to others, or to respond to. Ribot and Veit (2000) talk of *"upward accountability"*, on the one hand, and *"downward, or democratic, accountability"*, on the other. The representation relationship created through the powers conferred by constituents imposes on legislators a duty of accountability for decisions and actions taken on behalf of the electorate. This duty, characterized by transparency and responsiveness, is a key function for good governance systems to prevail in the decision-making process on the management of natural resources as it ensures that the voices of the people are effectively raised to levels of high decision-making on environmental issues.

A weak legitimacy base widens legislator-constituent relationship rendering MP's less committed to representing constituent environmental interests.

The extent to which legislators discharge their duties of downward accountability to constituents on representation actions is founded on the rules and practices that govern the establishment of the representation relationship. Major gaps and procedural weaknesses in the Electoral Code have however had a constraining effect on downward accountability by legislators. Existing patterns for carving legislative constituencies remain unfavorable for legislators to function effectively. The provision for creating special electoral districts under Art.3 of the Electoral Code has resulted in a practice criticised for being disproportionate and is perceived by several communities as a framework of exclusion. Notwithstanding, the practice of political parties assigning legislators to be responsible for non represented sub-divisions, electors from such communities often feel neglected and provide little or no backing to their legislator's actions thus discouraging any accountability initiative

Box 1 : Impacts of wide disparity in seat distribution

A wide disparity in the distribution pattern of seats pose great difficulties for legislator's to effectively discharge their representation responsibility. National representation distribution of the population of approx. 15 million to 180 MPs sets a general average of 83.000citizens/MP. A rational distribution of seats based on the population factor provides an equitable approach favorable to measuring representation responsibility and the extent to which MP's are effectively accountable for their representation action. This defined structure notwithstanding, its implementation remains a challenge as the existing and excessively wide disparity in the distribution of seats has resulted in a range between 278.000/MP to 25.000/MP in a constituency rendering accountability in constituencies with a high number of electors ineffective. The application of the mandatory provision for a list system based on multiple seat constituencies allows for an undemocratic practice whereby, a legislative candidate upon loosing elections in a specific administrative sub-division may be swept to parliament by the overall winning list of his party. Such inequities with a wanton legitimate backing create an unhealthy relationship with a discouraging effect on legislator to represent constituent opinions and priority concerns on the environment or be accountable. Compounded by the prohibition under Art 5 (1) Electoral code of independent candidates the legislator tends to be accountable to other actors responsible for his/her gaining access to parliament. (not clear???)

Constituent capacity to hold legislators accountable for their environmental representation functions.

The sovereignty of the electorate confers a recognized authority to sanction legislators based on the performance of their representation functions. Constituent exercise of sanction authority in legislative elections carried a low renewal rate of MPs mandate during the monolithic system. A higher degree of political consciousness corresponded with the advent of multi partism. The effectiveness in the use of this mechanism in obliging legislators to be downwardly accountable for decisions and policies on the management of natural resource is defined by the extent of voters empowerment and the capacity they poses to use these powers. Recall as a democratic tool used by electors to sanction legislators provides an effective framework for halting an imminent threat to constituent environmental interest and obliging legislative representatives to be more accountable on environmental decisions and policies taken at national level. Under the current electoral system, electors lack the mandate to subject their representatives to a more accountable behavior and halt an imminent threat to constituent environmental interest prior to the end of their term. By an express constitutional and electoral mandate, convening legislative elections is an executive preserve.

Legislators are less accountable, given a weak mechanism for communication, reporting and monitoring on environmental representation actions and decisions taken within central government policy fora.

Communication, reporting and monitoring constitute important tools for improving representation performance by legislators and guaranteeing effective accountability. Diverse constraints impede the effective employment of these tools by legislators, as a strategy for maintaining a strong communication link with citizens. Report back meetings at constituent level on decisions taken during parliamentary sessions are usually organized under the auspices of the legislator's party. The prevailing high party influence that dominate these meetings has the effect of limiting the MP's communication with or representation competence to constituency militants of his political party to the exclusion of non-party militants to whom an MP should equally be accountable. In examining the operational nature of micro-projects instituted for MP's to offer annual constituent services, a fundamental problem was found to relate to the lack of a framework for reporting not only specific to the projects, but generally on the legislator's representation actions.

▪ Autonomy

Key actors in the national decision-making arena, such as political parties, the executive and local elite or notable have interests and concerns for natural resources that are sometimes conflicting with those of

legislators autonomy in representation actions and in decisions that affect constituent interests on natural resource management issues.

High party discipline and loyalty limit the legislator's effectiveness in raising constituent environmental concerns to levels of national debate

The legislator's autonomy can only be effective and meaningful for representation where he/she possesses the capacity to respond appropriately. The political party/legislator relationship instituted under Art.3 and 15.3 of the Constitution seeks to guarantee effectiveness in performing environmental representation duties founded on an optimization of the legislator's capacity and autonomy. Though criticized for insufficiencies and inequities in the discharge of this function, state financial support, is provided to political parties involved in elections. A major incentive to ward off political party influence is the preclusion of the party from imposing on the legislator a predominate mandate to that conferred by the electorate.

Viewed from various practices, a high degree of allegiance to party priorities during campaigns undermines the legislator's autonomy leading to a dominance of pro-party interest in manifestos with little or no promises focused on natural resource needs of the electorate. The compelling loyalty to parliamentary group or party positions significantly deprive legislator's in the use of their liberty of expression and instills fear of ensuing sanctions resulting in exclusion, loss of all incidental privileges and political isolation.

Executive/ legislator clientele

Legislative and executive separation of power is guaranteed through various fundamental provisions of the Constitution. The office of a legislator and other executive functions are rendered incompatible. Parliamentary immunity also offers opportunities for fair and critical comments on executive functions. Although these incentives seek to establish the legislator's autonomy from the executive branch and guarantee the exercise of representation functions that is not hampered by conflicting interests, a high executive patronage exerts control over legislators, discouraging them for instance from addressing constituency environmental needs.

Executive patronage through political appointments as guaranteed to legislators who become loyal or less critical of executive actions, greatly inhibits the legislator in the use of his autonomy to represent constituents. For example, the practice of appointing legislators to senior political positions has created within legislators the desire to be compensated with high political appointments. Opposition parties in parliament have faced a devastating impact of this relationship. Political parties have been destabilized and even split into factions where opposition legislators have conceded to executive appointments. The benefits from natural resources in particular forest resources, which constitute an important source of national revenue, provide an attraction to government. Government's response to conflicting interests over forest resources has been that of exerting national ownership and public interests over and above any other interest.

Exerting pressures of local pressure groups

The legislator's relationship within his constituency is also through a myriad of pressure and interest groups such as the local elite, traditional rulers, logging companies and commercial enterprises in his constituency on whom the legislator depends for his political career and in securing a constituent backing in his environmental representation actions. The conflicting interests and dominating effect of these local minority groups negatively influences the legislator's perception of natural resources and the environment as issues of priority concern to the majority.

▪ **Authority**

Powers of law making and restraint of government action are central in the discharge of representation functions.

The use of various parliamentary devices

Integrating constituency opinions into national and international trends of natural resource management was a challenge during the last decade with legislators making significant contribution to the current legal architecture for environmental and natural resource management. Of the 192 bills adopted during the 5th and 6th legislatures,¹ bills relating to natural resources ranked third with a 17%.² With a high number of ratification bills on environmental international conventions, this growing attention on the environment was highly influenced by the international agenda for resource management and sustainable development. The use of written/oral questions and critical comments also had significant outcomes. This, Hon Mboz'o use to call for government accountability on the mismanagement of funds allocated for the Mengame Gorilla Sanctuary.

Box 2

Executive control of legislative processes and tiers of high censorship are practices that have greatly limited the potency of these devices. The timing in tabling bills for example, is solely within executive discretion as described by Hon Tasi Ntang Lucas: 'The Executive has arrogated to itself, the privilege to come up with bills and they usually wait until the end (of the session) to bring them...'. Nocturnal plenary debates towards the end of sessions lead to speedy discussions with ineffective legislative scrutiny. Hon A.F. Kodock in an assessment of oral/written questions states: "...Government makes a mockery of parliament1000 questions were deposited and only 100 selected for only 8 question sessions .." In commissions, the degree of activity is weak and varies between 2% - 41% on total sittings with the Production Committee charged with environmental matters having 8%. With regards to the legislator's investigatory power under Art 25 SO (new) a highly limited use is recorded with only two parliamentary inquiries¹ known to have been set up. Limited in the use of these devices, representation actions in exacting obedience to environmental legislation lack efficiency

The animated debates during the 5th and 6th legislatures marks a break off from previous legislatures under the monolithic system where legislators were described as 'hand clappers' making limited use of parliamentary devices for constituent servicing.

Initiating private member bills on constituent environmental needs

The legislator's authority to table private member bills offers a great opening for giving legislative weight to constituent perceptions and opinions on environmental issues. The use of this authority is narrowed by the distinct legal procedures to which private member bills are subjected. Government bills (draft bills), are channeled through the Bureau of the House to the Chairmen's Conference. Sharply contrasting in substance and procedure are private/individual member bills (proposed bills) the transmission of which is through the President to the Bureau of the House thus subjecting private member bills to a high censorship. A substantial limitation arises from the provisions of Art. 18.3.a of the Constitution, which renders inadmissible a private member bill that reduces or raises public expenditure. Legislators are greatly constrained by these, considering that all bills upon a strict interpretation do inevitably have implications on state resources or public expenses. In particular, the lone private member bill known to have been admitted, debated and adopted increases by 50% the number of permanent commissions

Support framework of legislators and institutional capacities for effectiveness

The legislators' capacity to be effective in the use of his authority determines the quality of representation actions and decisions made on natural resource issues of interest to constituents. This capacity is equally dependent on that of the legislative structures designed to provide support for the effective functioning of the legislative organ. A major consequence of inadequacies in the various programs designed to build the knowledge gap and technical capacity of the legislators - as well as the institutional capacity of the legislative organ - has been the low performance in their representation roles. In describing the legislators' capacity with reference to the device of parliamentary questioning, one of them states: '... *Superficial and sporadic touches which do not in anyway disturb the sleep of government managers.*' Several factors are responsible for this state of affairs.

Box 3

The effective functioning of a legislator requires secretariat backing during sessions, to facilitate quick and appropriate responses to bills tabled. Legislator secretariat needs range from support in the drafting of environment-related private member bills, the drafting relevant personal correspondences, as well as support in examining bills tabled to conducted related research. Secretariat support so far provided through parliamentary groups is inadequate and practically cumbersome to provide the required support. In an innovative approach to improve communication with constituents for efficient representation, legislators are now instituting constituency parliamentary secretariats. This practice, initiated by legislators with principal residences out of their constituencies, is being replicated. Legislative support staff at a personal level or by constituency secretariats may include a secretary, driver, and a personal assistant for errands. Inadequacies in the functional capacity of these constituency secretariats is linked to limited parliamentary allowances, which are largely insufficient to address the legislator's multiple demands, sustain a secretariat and its staff. As an outcome, constituency secretariats are located in the homes of legislators or within local party structures as cost effective options, notwithstanding their limitations of inaccessibility to non-party constituents and on effective communication.

Support of legislator's capacity for constituent servicing: micro-projects financing

The institution of micro-project finances by a Bureau Order empowers the legislator to provide services on varied constituency needs. This approach constitutes an appropriate strategy for strengthening legislator/constituent links necessary for an improved performance of representation functions. But constituent petitions on the use of micro-funds receive no more than administrative attention

Constituency determination and support

Constituent prioritisation and proactiveness in pursuing the environmental issue provides the much-needed backing for legislators to address these needs through their representation action on the environmental matter. The extent of this backing is however dependent on the incentive and disincentive structure for constituent capacity and ability to perceive environmental and natural resource benefits as well as influence their management to secure these benefits. The strong desire from informed constituents and persistence on their environmental priorities as expressed by some forest communities - like in Mvangané (South Cameroon) - provides an indispensable support action for a legislator's representation action aimed at defending a cause in the light of the wishes of constituents. Constituent determination on pursuing its environmental interests is inhibited where the liberty to directly express its views to representatives is explicitly banned or limited. The decentralized management option for natural resources is recognized as an option that ensures local community participation in decision-making, guarantees an equitable sharing of the nations benefits and is favorable to accountability. However, slow processes in devolving natural resource management powers to local communities and the embryonic nature of the constitutional provision on decentralization have a constraining effect on constituent support to representatives and their actions at national levels.

■ **Ambition and Attributes**

The last decade ushered into Cameroon's legislative history greater challenges aimed at instituting a democratic legislative system. A major drive to attain this goal lies in the person of the legislator and the motives for his/her decision to stand up to this national challenge. The legislator's vision, interests and philosophy are thus fundamental to representation functions, and the extent to which this duty enables the local communities to participate in national decision-making. Effective delivery on constituent environmental concerns is determined by the legislator's perception and prioritization of environmental matters amongst competing executive and party interests.

The promise of representation as a take off point for all candidates vying for a legislative position provides an opportunity for take off on environment-based promises by which actions on constituent environmental concerns can be guaranteed. Campaign structures as defined by national and political party programs are pivoted on promises of effective representation or constituency services on which candidates intend to deliver and upon which performance may be evaluated where a renewal of mandate is sought. The importance of this phase of the electoral process as a means for defining priorities on the legislators' agenda has been greatly watered down by the current system and manner of electoral campaigns in general characterized by unorthodox practices. Therefore the establishment of a legislator/constituent relationship based on representation promises to which legislators can be held accountable has been unrealistic. Legislators as their counterpart politicians are willing to invest time, energy, and political capital in order to build a political image or career.

With a high unemployment and low income rate, a legislative function is regarded as offering enormous opportunities for active politicians to secure personal advantages. The legislator by law is due parliamentary allowances with a possible pension right. By virtue of their office, legislators improve their private well being as they secure government contracts; obtain logging concessions and other advantages for themselves, family members and local party supporters. Beyond the undue accumulation of wealth that ensues, a conflict is generated between legislators' private interests and their representation responsibilities.

A weak commitment to the environment

The legislator's personal interest in the environment and his perception of the benefits that arise there from is a driving force in scaling environmental concerns top amidst competing needs in other sectors of interest to the constituency. Generally, although legislator respondents were found to have pursued environmental concerns or executed environmental-related projects these were largely driven by constituent perceptions with no obvious personal commitment. Living directly with and interacting with constituents provides greater opportunities for legislators to learn of elector's needs, and better determine priorities for action. Through the statutory requirement of residence for eligibility, legislators have had to meet up with the challenge of living with their people.

Although, support actions by international organizations and inter parliamentary associations aimed at capacity building and dissemination of information useful for the legislator's general representation functions have been carried out, environmental focused support actions have received little attention. The wanton incentive from an adequate support by various technical institutions, NGOs and development assistance actors has had negative implications for the execution of environmental related programs designed to supply on the varied demands and needs of local communities. Consequently, links between MPs and constituents have been greatly weakened.

Conclusion

A major challenge to the legislator has been that of representing constituency interests faced with various conflicting and diverse interests. Giving attention to environmental representation functions has been a low priority on the legislator's agenda compounded by the lack of assertiveness by legislators and constituents alike, to pursue natural resource needs critical for the survival of constituents - in particular the rural majority. The outcome has been the prevalence of an environmental governance system where the majority remains disenfranchised from decision-making process. This leads to great threats to current national efforts aimed at promoting the sustainable utilization of natural resources and a development that is sound. Natural resources and biodiversity are means to improve livelihoods and to alleviate poverty according to the official rhetoric and to local communities.

If appropriately implemented, environmental legislative representation could defend the interest of constituencies, while being responsive and downwardly accountable. Reforms in the system and progressive policy revision will favor the emergence of a new era in the nation's parliament, where legislators will be more accountable, and sufficiently empowered with the autonomy, authority and ambition required for the discharge of representation responsibilities on the natural resource concerns of constituents as of priority. Strengthening

environmental governance system where the greater majority will be given greater voices in the making of environmental decisions that improve on their lives.

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- WRI 2002-2004 World Reso Although the exercise of representation functions by legislators is uncommon, representation on the environment has historically been a less common practice. The experience of legislative representation has evolved from the traditional representation systems of pre-colonial era where centralized and decentralized societies were in existence. At the dawn of colonialism, representation by nationals of the former East Cameroon was suppressed while the legislative assemblies subsequently created by the French were dominated parliaments with limited law making and oversight powers. Although the development of legislative representation in former West Cameroon was linked to changes ushered in by the British colonial administration, legislators lacked the experience and the enabling environment for ensuring effective representations of the interest and aspirations of the communities they represented. Various pieces of legislation enacted during this era and alienating land and forest resources to colonial administration, reflects the effective absence of national representatives and local constituent input in decisions of colonial administration. The period of independence was dominated by mature parliamentarians with strong nationalistic tendencies and a political agenda that did not allow for prioritizing environmental issues. This era was short lived with
- urces