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# Consolidating International Legal Framework on Energy Development within the National Legal System: An Analysis

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## *Abstract*

It should immediately be pointed out that, consolidating international legal framework on energy development within the national legal system is subject to a series of stakes, risks and problems. Consequently, this article examines the implications surrounding the consolidation of international legal framework on energy within the national legal system with the paramount stand to understand the role played by each stakeholder to have it achieved. To attain this objective, the research uses a juridical-normative approach to investigate how consolidation of international legal framework on energy within the national legal system can occur. It was discovered that consolidating international legal framework on energy development within the national legal system has consistently had a major drive in Cameroon's legal system and is important for implementing relevant programs in accordance with the national laws. Findings of this study contribute to the building of empirical reference which will serve as guidelines for management practitioners dealing with the consolidation of international legal framework on energy within the national legal system. In this connection, therefore, it is recommended that consolidating international legal framework on energy development within the national legal system requires immense effort in engaging various stakeholders for that to be realized.

***Keywords:*** *Consolidating; International Legal Framework; Energy Development; National Legal System*

## *Introduction*

The importance of legalisation for compliance and enforcement of international energy law in Cameroon cannot be over-emphasised. Previous chapters have exposed relevant principles of the concept in national legislation. But the process of consolidating international legal framework on Energy Development within the National Legal system as a legal process goes beyond their representation in existing national legislation to include new enactments, Importation of international environmental laws, energy law, judicial, adjudicatory or deliberative processes and enforcement of legal rules.[1] The goal in each case should be aimed at grounding environmental protection, and natural resources management objectives within the legal system. It is assumed that the outcome of any such legal effort would have implications for Cameroon's energy sector.

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[1] This paradigm is derived from my submissions on the legal character of sustainable development; it be mentioned that 'deliberative' processes as a legal function may result In agreements, Voluntary Initiatives, or other regulatory measure.

## *Research Method*

This legal research and writing is based on empirical research conducted through an analysis of relevant primary and secondary data. Primary data consists of legal and policy instruments on consolidating international legal framework on energy development within the national legal system. Secondary data consists of books, articles, thesis and dissertations, conference, seminars, papers and reports having a direct bearing on the subject matter under consideration.

The analysis is done through a content analysis approach which consists in critically analyzing legal and policy instruments to see how they relate to, have implications on the subject under study or whether they completely ignore or do not envisage a proper consolidation of international legal framework on energy development within the national legal system. Again, we used the institutional strategic approach which consists in showing how government, international institutions and organizations contribute in advocating the consolidation of international legal framework on energy development within the national legal system

## *Discussion*

### National Laws

The compliance and enforcement of international energy law in Cameroon entails amongst other taking on board salient policy at the national level. In fact, it becomes necessary to examine the role of different facets to guarantee compliance and enforcement of international energy law in Cameroon in a sustainable manner.

### Review of Legislations

Most of the laws deemed relevant for ensuring sustainability in energy operations have already been discussed including the extent of their implementation.[2] As at time of writing, there has been no new environmental legislation or a substantial alteration of the environmental provisions in the energy sector, environmental and sectoral legislation. In short, the country has not sought to implement the objectives of the concept either through further legislation or modifications through by-laws. It is therefore important to reflect on the caution, that without the articulation and incorporation of energy development principles into legislative regimes, it is less likely that that all the policy commitments of government to sustainability will be implemented.

In respect of the selected existing legislation, discussed earlier, while it is true that some measure of sustainability objectives are being implemented in the energy sector through their provisions, most of these laws are largely out-dated and too under resourced to be implemented satisfactorily. Questions still remain over their sufficiency or efficiency in directing energy sector, especially in terms of clarity and consistency of provisions and the determination of responsibility and liability. A few examples are giving of more problematic areas hereunder.

First, some legal complications are engendered by the selective ratification of energy agreements, a situation that affects the legal efficiency of other acts. These expressions, legally enabled by the fact of ratification, do not only place the agreements in direct conflict with their parent legislation, but also afford them reason to avoid current and future energy and environmental dictates - municipal and International - not contemplated in them. There is therefore need to amend the respective agreements to recognise their relationship with the environmental texts and its authority on environmental issues, or alternatively tailor

[2] Bastida, E. (2001), A Review of the Concept of Security of Tenure: Issues and Challenges, Journal of Energy and Natural Resources Law, Vol. 19, N° 1, p.44.

other environmentally oriented regulations and procedures outside the mining laws to overcome present and future limitations placed on their applicability to them.

On the issue of clarity, one could find difficulty ascertaining the correct legal situation of environmental obligations in existing laws due to inconsistencies, especially where laws regulating similar concerns create different obligations.[3] The conflicts and inconsistency engendered by some provisions are glaring and unhelpful to any meaningful implementation of legal rules. As noted by Walde, inefficient rules are likely to result in wastage and lower environmental quality than can be achieved. This submission may create scope for the imposition and enforcement of environmental objectives that are part of the body of written laws of the country. But it could equally be used as a shield to defend preference for lax or ambiguous environmental provisions in other laws, and may serve to exclude energy companies from liability under the predominantly unwritten common law and customary laws of the country.

In the light of the forgoing, there is urgent need to update these provisions, with a view of harmonising them, while also noting parallel provisions of instruments in other sectors. The effort will help clarify legal obligations, enhance proper co-ordination of laws, promote enforcement, effect legal coherency and consistency and afford a rational basis for according wider enforcements rights and access to justice,[4] and consequently, breed the compliance and enforcement of international energy law in Cameroon.

## Enforcement

It should immediately be pointed out that, other than instances of administrative procedures, the rating on enforcement of environmental provisions to regulate energy sector is negligible. One fundamental reason for this lies in the way some of the laws translate liability and responsibility. First, much of the legislation discussed so far are long on empowering the responsible authorities to institute legal proceedings for breaches, but are not sufficiently specific on environmental protection, and are short on imputing responsibility for effective management of particular resources or environmental degradation.[5] Under the circumstances therefore, it becomes difficult to achieve best environmental results through enforcement of the legislation.

Similarly, none of the selected legislations try to induce environmentally sound behaviour through modern innovative means like economic incentives or environmental agreements, which could aid progressive enforcement of compliance and enforcement of international energy law objectives and address the gaps in prescriptive rules.[6] Recent practice however, shows that concluding environmental agreements for environmental management of one of its major forests. This could have enormous implications for sustainable utilisation of the related natural resource in the energy sector.[7] Otherwise, heavy reliance is still being placed on penal sanctions (fines and/or imprisonment), which are either inadequate for any given damage resulting from breach, or too minimal to serve as effective deterrents for offenders or violators, especially those In the mining business who are more likely to have the ability to pay.

Enforcement is also deterred by conflicting provisions in respect of liability, especially in relation to quantum of fines for pollution. Implementation by enforcement is further daunted by legal and

[3] For instance, the Framework law on the Environment prohibits the undertaken of all mining projects without first obtaining 'a valid licence not withstanding the provisions of any other law.

[4] Staliworthy, M. (2003), Environmental Liability and Statutory Authority In JEL Vol. 15/ 1, p. 4.

[5] Legislations are generally hinged either on conditions, or seek to achieve the environmental objectives by controlling, and restricting certain activities.

[6] Environmental Agreement' has been described as an agreement between national, provincial and/or local authorities and a group of companies regarding the reduction of adverse environmental consequences from production processes, energy use or products and which could Involve participation of NGOs and other third parties.

[7] Bailey P.M. (1999), The Creation and Enforcements of Environmental Agreements In European Environmental Law Review Vol. 8/6, p.171.

administrative procedural complications, and the lack of standards by which breach can be defined.[8] The dominance of these shortcomings has a direct relationship with the persistent non-compliance of companies and officials alike with fulfilling or enforcing environmental obligations and responsibilities, and has engendered implementation failures at various levels.[9] It might aid Implementation efforts if, as suggested by Brown-Weiss, a mechanism is elaborated for accountability for relevant actors.[10]

A final difficulty in enforcement relates to the broad title of the environmental legislation, which assumes it as an all-embracing legislation for environmental protection, but affording less protection to individuals that interact with the environment.[11] The representation seems dubious, since the legislation does not cover every environmental aspect.[12] It specifically fails to afford comprehensive or effective protective legal redress machinery for individuals and their environment. Individuals or groups do not acquire enforcement rights under it either to challenge environmental decisions, mining agreements or seek redress by it for environmental protection.[13]

**Judicial Processes**

Perhaps the area most impacted by this blocking of access to justice consequent upon the forgoing enforcement difficulties is the role of the judiciary. They have been affirmed as crucial partners for promoting compliance with the implementation and enforcement of international and national environmental law;[14] and more particularly in the balancing of environmental and developmental considerations.[15] Almost all the relevant laws analysed in this work provide for some form of judicial redress in case of breach of one form or the other, with the prescribed medication of fine or imprisonment.[16] These provisions unequivocally create a role for the country's judiciary in environmental decision-making.

But before one could determine the effectiveness of this role it is important to clarify the extent of judicial responsibility in these matters. The judiciary is generally responsible' to mould emerging principles of law with a view to giving these a sense of coherence and direction, while always acting within the frame work of legislation and law... '[17] and on the specific issue of environmental obligations, they are expected to achieve the principles of sustainable development, 'even with limited black-letter legal weapons', to provide a means for enforcing basic environmental standards or to provide the substantive basis for protection of the environment.[18] The judiciary also has a role in promoting CR, and more importantly to invoke the extraordinary jurisdiction of the Supreme Court in environmental matters.[19] However the specific role of the judiciary in a particular case may either be supervisory,

[8] Ibid.
[9] Ibid.
[10] Walde, T. (1992), op.cit.
[11] Ibid
[12] Generally, the act is more administrative and Institutional with a main objective to provide for coordination of activities likely to have an Impact on the environment.
[13] Ibid.
[14] The Johannesburg Principles on the Role of Law and sustainable development" adopted at the Global Judges symposium, Johannesburg, South Africa, 18-20 august 2002, p.1.
[15] Regional Symposium on the Role of the Judiciary In Promoting the Rule of Law in the Area of Sustainable Development" Convened by UNEP In Partnership with South Asia Co-operative Environmental Programme (SACEP)) Colombo Sri-Lanka 4-6 July 1997 (UNEP/SACEP Symposium). See also, Kurukulasurlya, L. (1998), Role of Judiciary In Promoting Sustainable Development In EPL, 28/1, p. 27.
[16] Ibid.
[17] Ibid.
[18] Camwath, L. (2014), op.cit.
[19] Ibid.

determined by the regulatory competence of individual countries; or by using ingenious articulations to fill in the gap, where administrative systems are relatively underdeveloped.[20]

Judged from these perspectives, Cameroon's judiciary has little to boast of in enforcing environmental principles through relevant legislation, whether against energy companies or responsible officials; or in securing the publics' Interest through the 'ingenious gap-filling' techniques; or In aid of instilling a 'sense of coherence and direction' in the laws.[21] But while the negligible Intervention of could generally be blamed on other enforcement problems, the judiciary cannot escape criticism for not having invoked its extraordinary jurisdiction in furtherance of environmental objectives, such as invoking sustainability principles in tortuous actions.

Finally, it is however important to stress that, the judiciary's competence, capacity or willingness to achieve the above objectives could be enhanced by further Interests or professional development In environmental and development issues of judges and barristers, law enforcement and administrative officials and the public. Even more crucial, is the need to remove cost of court proceedings as an obstacle, create a right in public interest litigations, and enhance state machinery for local inquiry or the creation of new environmental tribunals.[22]

**Adjudicatory or Deliberative Processes**

Considering the intricate and complex issues often surrounding energy and environmental aspects and the procedural technicalities of judicial enforcement, adjudicative and deliberative processes are deemed very important (as quasi legal efforts) for implementing sustainability.[23] But other than the energy agreements, which provide for arbitration (in case of breach of environmental obligations), and negotiations (in respect of compensation), the legislation are more command and control based. However, the value of adjudicatory and deliberative mechanisms is gradually being appreciated especially in resolving environmental and social disputes resulting from energy operations, especially those relating to resettlement, transparency and benefits- sharing with the local communities.

Again, while there are instances of government intervention seeking dialogue with local communities, NGOs and civil society groups have been very successful in implementing this aspect of sustainability in the compliance and enforcement of international energy law. They even secured one environmental agreement with a energy company in one case on behalf of local people displaced by energy operations, while in another case commitments were secured to return part of the energy proceeds to the communities.[24] The values of such efforts do not only speak for immediate redress to environment concerns, but also of new and further obligations by companies with some legal relevance. Above all, it affords the local communities actual participation in the decision-making process.

[20] In *Vellore Lidzens Welfare forum vs Union of India*, WP 914/1991 (1996.08.28) (*Tamil Nadu Tanneries case*) (1996) 5 SCC 647, it accepted the "Precautionary" and "Polluter-pays" principles as part of the environmental law of India, Interpreting the "Polluter Pays Principle" to mean the absolute liability for cost to compensate victims of pollution and for reversing damage to ecology; (see also *M. C Mehta v. Kamal Nath* (2000) 6 SCC 213). In applying the precautionary principle, In *A. P. Pollution Control Board v. Prof. M. V Nayudu*, (1999), 2 SCC 718, it placed the burden of proof on those `attempting to alter the status quo', and is to be discharged by showing the absence of a 'reasonable ecological or medical concern', failing which, the presumption should operate In favour of environmental protection. *In State of Himachal Pradesh V. Ganesh Wood Products*, (1995) 6 SCC 363, the court Invalidated forest based Industry, recognising the principle of intergenerational equity as being central to conservation of forests; (see also *ICELA v. Union of India*, (*CRZ Notification Case*) (1996) 5 SCC 281; *M. C Mehta v. Kamal Nath* (1997) 1 SCC 388).

[21] Gearty, C. (1989), The Place of Private Nuisance in Modem Law of Torts, Cambridge Law Jounal, pp. 214-242.

[22] Ibid.

[23] Ibid.

[24] Bailey P.M. (1999), op.cit.

## Design Domestic Adaptation and Implementation Mechanisms

International law has achieved considerable success in developing, interpreting and applying compliance and enforcement of international energy law. However, it is increasingly being accepted that domestic implementation is the most appropriate vehicle for conveying the valuable objectives of the concept, to truly enhance protection of development environments. The Principle's implications for national policy-making are deemed fundamental, especially in bringing countries to realisation of the limits within which they can exploit their natural resources; and for eliminating the risk of blocking access to justice.[25] This explains Lang's contention that sustainable development (as an international process), will never move ahead of the average performance within respective domestic processes.[26]

Similarly, the importance of domestic compliance and enforcement has also been emphasised in the major documents that provide guidance on the meaning and content of the term. The Brundtland report,[27] Rio Declaration[28] Agenda 21,[29] and more recently the Johannesburg Declaration[30], all hold important clues on the design for compliance and enforcement objectives at national level. Scholars vary on specific emphasis, but there is some unanimity of views on the methods of compliance and enforcement. The general thematic content of these prescriptions including academic articulations on domestic compliance and enforcement are explored in a general context, from three dimensions, respectively headed: Localisation, Legalisation, and Institutionalisation.

### Localisation

The rationale here is that compliance and enforcement of international energy law must transcend its conceptual cradle and made real and tangible, addressing real people, real developmental and environmental conflicts, and influencing real decisions in an altogether integrative local climate.[31] Valuable objectives and principles of the concept must be imported and localised as mandates primarily within state and government processes, policy planning and management.[32] Sustainability objectives must influence national decisions relating to economic policies, resources management, environmental protection, in including the agencies and institutions responsible for these.[33]

Policy instruments seeking to address the goals of sustainable development in energy law locally must be integrated to ensure minimum standards of compliance, as well as responsible voluntary actions.[34] As already observed, localisation process may raise questions of the limits of private property, particularly in terms of what governments can do to restrict or allow the use of resources through environmental and energy law.[35] The implementation process of localisation does not only rest with government, its agencies and institutions.

Given the peculiar nature of compliance and enforcement of international energy law and the varying issues it seeks to address in an integrated manner (through its elements), implementation at the national level by localisation methods would require a more practical, direct and flexible framework. While policy statements or commitments are generally welcomed as efforts to adapt the concept

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[25] Cordonler, S. *et. al*. (2003), Prospects for Principles of International Sustainable development Law after WSSD: Common But Differentiated Responsibilities, Precaution and Participation, In Receil 12 (1), p.54.
[26] Lang, B. (2001), An Introduction to Sustainable Development, 2nd edn, Oxford University Press, London, p.27.
[27] World Commission on Environment and Development (WCED). (1987), pp.308-336.
[28] Rio Declaration, Principles 9, 10, 11, 13, 15,16 and 17 respectively.
[29] Agenda 21 Chapter 8.
[30] 4 Johannesburg Declaration.
[31] Ibid.
[32] Agenda 21 Chapter 8 pp. 87-88.
[33] World Commission on Environment and Development (WCED). (1987), pp.310-319.
[34] Ibid.
[35] Ibid.

nationally, a preferable primary initiative should be the development of national sustainable development programmes, strategies and action plans.

**Compliance Mechanisms**

National compliance and enforcement of international energy law would require certain legal representations that will enhance its gradual consolidation within national legal systems. This will primarily require the provision of an effective legal and regulatory framework.[36] This seeming basic prescription does comprise varying legal methods through which the concept can be said to be effectively incorporated within national legal systems, and not as has been suggested, just a mere handmaiden to development.[37] A legalisation process should therefore generally entail 'efficient rule-making mechanisms based on clearly articulated environmental ethic, and reliable devices for supervising the application of rules.[38]

The first method of ensuring compliance and enforcement of international energy law within domestic legal systems is by introducing (or importing) laws, (international or regional), that promote sustainable enegrgy development, and in a timely manner for enforcement.[39] According to the International Law Association, this mandate requires that legal texts and principles of international environmental law be made effective through municipal initiatives of ratification and/or implementation, using their legal, administrative and judicial authority and enforcements. It must also involve adjustments and modification on those texts that are necessary to give effect to the objective of enhancing the environment in the pursuit of development.[40] The development of these laws on the international scene must also be monitored, in order to provide continuous update on the local transplants.

The second approach in ensuring compliance and enforcement of international energy law concern actions in respect of existing and new laws. Existing legislations must be made effective, through a consolidation process.[41] Similarly, the design of laws, regulations and agreements must reflect capacity to implement them.[42] A useful suggestion is to examine the socio-economic and environmental instruments in a holistic (as opposed to fragmented) manner.[43] In respect of new enactments (including laws, contractual or voluntary agreements), they must be based on sustainability principles, especially where thy direct economic activities.[44]

Also, this legislative process should be used to deal directly with prevention and punishment for environmental harm on the one hand, and to augment Common Law requirements through such statutes.[45] This process should in my view also cater for the speedy promulgation of rules to address environmental emergencies. As pointed out, sustaining the concept within legal precepts will bolster its capacity to provide for development alternatives within an enhanced environment.[46]

A very important and popularly acclaimed method of domestic compliance and enforcement of international energy law is through the use of effective economic instruments and other incentives.[47] The emphasis here is not so much on the legal system but on the results that such system can achieve in

[36] Agenda 21. p.91.
[37] Schwartz, P. (2005), op.cit.
[38] Lang, B. (2001), op.cit.
[39] Ibid.
[40] International Law Association, Report of the 66t conference, p.120.
[41] In other words, laws, rules, and regulations dealing with environmental protection or conveying sustainability objectives in other sectors must be identified, integrated, constantly reviewed, enforced and periodically assessed for compliance ratings.
[42] Ibid.
[43] Dowdeswell, E. (2019), op.cit.
[44] Agenda 21, Chapter 8.
[45] Wilkins, H. (2017), op.cit.
[46] Ibid.
[47] The objective behind use of economic instruments and incentives is driven by the need to provide an effective legal and regulatory framework.

impressing environmental concerns within its development projects. It has found recognition in certain international environmental initiatives.[48] The adoption of economic instruments for compliance and enforcement of international energy law have also been noted as instrumental in creating environmentally ethical investments, trusts, or development funds; or for conduct of economic valuation and accounting of the environment to determine trade- offs.[49]

Thus, regulation by economic instruments, incentives and voluntary actions must be encouraged as compliment to traditional command and control regimes. This method possess great value for transmitting the concept, since it re-orientates economic policies by inclusion of environmental considerations, and combines different sets of regulatory techniques- economic, voluntary, and self-regulation- to promote sustainability.

It should be also mentioned that the WSSD also provide a special implementation prescription that is designed to improve the environmental performances of companies. Amongst these are voluntary systems, codes of conduct, certification, public reporting, and dialogue orientation between community, operators and stakeholders. Other global initiatives such as guide- lines and sustainability reporting are recommended.[50] Implementing and increasing corporate accountability at the local level has thus been summarised as requiring three approaches: voluntary actions (focusing on CSR); judicial punitive measures (based on corporate liability) and corporate citizenship Initiatives (based on international multi-stakeholder co-operation and treaty- making).[51] Similarly, standards of common usages such as 'Best Practice', 'Internationally Acceptable Practice' (IAP) or 'Best Standards', which often define corporate environmental obligations, must be implemented in concrete set of sustainability objectives, obligations or goals to be achieved before, during and after the currency of development projects.[52]

Another fundamental implementing criterion is in law enforcement. An immediate emphasis in this measure is the facilitation of enforcement both in terms of appropriate remedies as well as of citizen's access to legal (and administrative) machinery.[53] It infers the use of court actions, tribunals and judicial inquiries to promote or implement sustainable development. The specific use of `judicial ingenuity' to enforce environmental and energy sustainability of economic activities has been eminently prayed.[54] Courts must be able to achieve sustainability principles in the energy field, even with limited black-letter legal weapons.[55] This process could give legal qualification to the concept and its elements, and consequential development of legal jurisprudence on the subject.[56]

A further need in fulfillment of the objective of law enforcement is that countries should put in place efficient and effective judicial and administrative system including the enabling procedures and logistics to facilitate enforcement. Where possible, special energy courts, or tribunals must be established to deal with the peculiarities of interpreting the objectives of sustainable development locally. The elements and principles of the concept are designed to perform different functions and impose different restrictions, though they aspire to a common goal.[57] This peculiarity is therefore likely to be best handled in judicial or (tribunal) forum, which will deal with their practical application on a case-by-case basis.

But an important aspect of implementation of the concept through enforcement is the need to encourage transnational enforcements against persons or entities that perpetrate environmental wrongs or

[48] World Bank: WDR; Development and the Environment (1992) OUP, Oxford, 1992, p 71.
[49] Gillespie, A. (1997), International Environmental Law Policy and Ethics, OUP, Oxford, p. 124
[50] Mulinchksy, P.T. (2003), Multinational Corporations and the Law, Blackwell, Oxford, p.99.
[51] Ibid.
[52] Ibid.
[53] Rio Declaration. Principles 10, 13,20 and 22.
[54] Camwath, L. (2014), op.cit.
[55] Ibid.
[56] Ibid.
[57] In other words, they are not always capable of translation into precise binding laws and `one size does not always fit all.

violate established or recognized environmental principles.[58] A final and important requirement for compliance and enforcement of international energy law at the national level pursuant to the legalisation method, relates to promoting compliance with sustainability laws, rules, regulations and other policy requirements at all levels. A successful functioning of any legal system would require an orientation toward achieving complicity with it legal mandates.

According to Wolfrum, while implementation would primarily require reflection of international obligations in existing laws, agreements and regulations of states (including other legislative and administrative measures necessary under national legal system), `compliance' means that commitments entered into by states are fully effectuated in practice.[59] Compliance will therefore require action to be taken at the national and international level through enforcement in reaction to identified non-compliance. This will improve implementation failures.[60]

However, Charney has considered it unlikely that a specific formula can be discovered that could allow one to fashion norms to optimise compliance.[61] This view is not unconnected with the fact that compliance (as with sustainable development) is not static but a process, which must be susceptible to change over time to meet the social and environmental challenges that are engendered by development activities.[62] It is also deemed important to maintain the process and elaborate mechanism of accountability (for states and other relevant actors).[63] Lastly, `civil society' must be recognised as having an essential role in furthering compliance, or in building the required consensus for negotiating or enacting binding legal instruments.[64]

**Institutionalisation**

The institutional rational entails a further requirement for attitudinal reorientation of the perceptions of states, organisations, agencies, and people alike with regard to compliance and enforcement of international energy law issues- that they are [both] linked in a complex system of cause and effect.[65] Therefore institutionalisation demands more than just providing for individual elements of the concept, or institutions to promote specific principles. States systems must be made effective to apply broad array of elements and principles of sustainable development.[66] By implication, the methods of national compliance and enforcement of international energy law in the country should equally be effectuated in practice. States should resist a 'pick-and- chose' adaptation technique and endeavour to source the valuable sustainability rationale embedded in the methods of 'localisation', "legalisation' and 'institutionalisation' by applying them.

Finally, the reorganisation, and integration of institutions bring with it financial burdens which are likely to crumple the identified compliance and enforcement of international energy law processes. While it is paramount that states maintain the responsibility to budget necessary finances, institutional and legal capacity to pursue compliance and enforcement at national and local levels, they would also require

[58] In other words it advocates the supranational application of law beyond national prescriptions and conditions. For instance, international courts and national courts of foreign jurisdictions, could aid this process by taking cognisance of both the domestic and international legal and policy framework in which business is conducted, having regard to the need for implementing sustainable development through both efforts. This issue is currently being addressed through various endeavours.

[59] Wolfrum, R. (1998), Means of Ensuring Compliance with and enforcement of International Environmental Law, Academy of International Law, Vol. 272, p.89.

[60] Chamey, J.L. (2000), Compliance with International Soft Law, In Commitment and Compliance, The Role of Non binding Norms In the International Legal System, OUP, New York, p.117.

[61] Ibid.

[62] Wolfrum, R. (1998), op.cit,

[63] Ibid.

[64] Ibid.

[65] World Commission on Environment and Development. (1987), p.37.

[66] Okidi, C. (1997), Incorporation of General Principles of Environmental Law in National Law with Examples From Malawi, In EPL 2714, p. 331.

assistance with financing and technology.[67] One such effort is evidence in the United Nations Environmental Programme and the Global Environmental Facility in terms of financing of environmental projects.

## *Conclusion*

This study was set out to evaluate the extent to which consolidating international legal framework on energy development within the national legal system have been integrated as a national strategy, to assess the efficiency of the manner and methods of implementation of the various principles identified in the relevant legislations and to ascertain any linkages between the adverse effects of energy activities and the implementation methods. These objectives have been fulfilled through a thorough scrutiny of all aspects of the implementation methods under categories of `localisation', `legalisation' and 'institutionalisation'. Policy analysis revealed much of the integration objectives. National policies on every energy sector, and particularly the mining sector, supported the concept of development that is environmentally and/or socially sustainable, thus effectively localising the concept as a national strategy. The findings on the efficiency of implementation of the principles identified in the relevant legislations including other aspects of the legal character of sustainable development reveal some pluses and minuses.

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[67] Ibid.