

Full length Research paper

Some Socio-Legal Gaps in Community Forestry Management in Cameroon

Irene Fokum Sama-Lang

Faculty of Laws and Political Science, University of Buea, P.O. Box 63 Buea, Cameroon

*Corresponding Author's Email: finds_1999@yahoo.com

Accepted 1st February, 2022.

The south western Cameroon that lie between the Atlantic Ocean and mount Cameroon with lush and different forests (mangrove, community and mountain) and carved out zones of activities like hunting, gathering, ranging, logging and farming is home to diverse flora and fauna providing tangible and intangible benefits as gifts of nature to adjacent communities, emphasizing wildlife dynamics in ecologies (flora and fauna). For better management and regulation, there exist in this regard a plethora of duly ratified international and national laws which regulates forestry and hunting especially so with the decentralization of forest management by the 1994 Forestry and wildlife code creating community forestry and hunting as veritable instruments of sustainable environmental management and conservation. However, the efficacy in the implementation of these laws is worrisome because of some gaps. Mindful of this, adopting qualitative methods, the objective of this article is to analyse some socio-legal gaps in community forest regulation in order to evaluate the extent to which it affects environmental forest management of the south western Cameroon. Finding several that although Cameroon is a leader in Central Africa in environmental forest policies, governance and to a certain extent regulations, some identified Socio-legal gaps in environmental management continue to dilute the substantial efforts made affecting there by the indigenous peoples right to the forest raising questions on environment justice especially where their right to access, use and exploitation of especially forest resources the life wire of their social and economic empowerment amongst others may be compromised.

Keywords: Socio-legal gaps, Environmental forest management, Social economic empowerment, hunting, regulation.

INTRODUCTION

The tangible and intangible benefits¹ of forests cannot be overemphasised. It is mindful of this multi-faceted

¹ It is taken in this paper to mean benefits which cannot be touched but which have great influence on the forest. Such include hydrology (the more forests are cleared, the less moisture is released into the atmosphere which significantly affects the amount of rainfall. Life depends on water. If these forests are not sustainably managed it will have an effect on the watersheds which ensure supply of water to the communities), soil protection (forest depletion may significantly affect the chemistry of the soil and sometimes erosion in all its form. The soil also is the home of some animals- large and small which have varied and important effect on the ecosystems as soil is the foundation of plant life), global climate change (it stabilises

greenhouse gas concentration – see Art 2 of the United Nation Framework Convention on Climate Change, 1992. The forests through photosynthesis purifies the atmosphere in which we live without which there will be acute accumulation of carbon dioxide in the atmosphere with grave consequences to the ecosystem) and the preservation of local culture – the indigenous Forest communities have a lifestyle that is influenced by their environment which ought to be preserved as a right of these communities. The depletion of the forests means that their lifestyle, livelihoods and culture will be diluted and eventually eroded.

importance amongst others that Law No.94/01 of 20 January 1994² and Decree No. 95/531/PM of 23 August 1995³ was passed mindful of the 1981 laws and the need to sustainably manage the forest for the common good of mankind. For the first time, as opined by Minang *et al*⁴ community forest⁵ was born out of a long forest reform dating 1988 when the Tropical Forest Action Plan was instituted with five broad objectives⁶ leading to the revision of the 1981 Law on Forestry⁷ and subsequent passing of the Forestry code which for the first time instituted forestry decentralisation as part of democracy in forest management. This involved the creation of community forest in local communities for the exploitation and management upon the formulation and approval of a simple management plan. The objective here being: the creation of jobs and generate income in rural areas; improve the living conditions of the people; and ensure the sustainable management of the environment while meeting the basic needs of the rural communities. These were aimed at addressing the problems rural communities faced regarding limited access to forest

resources, inadequate management of local communities of forest resources and little income generation.⁸A quick look at the laws and the objectives behind the regulation makes it laudable. Mindful of the fore-mentioned, some communities in the south western region took advantage of the said laws to create community forests⁹. A closer look reveal socio-legal gaps which the legal framework did not adequately address especially on the extent of community participation, their environmental justice and rights of these communities to the direct use and exploitation of their natural endowment in line with international standards which calls for the respect and enforcement of their rights at all times¹⁰.

CONTEXTUAL FRAMEWORK

Forest exploitation in any given community in Africa is contentious whether or not sustainably carried out. This is

² To lay down Forestry, Wildlife and Fisheries Regulations (the Forestry Code): See also Law no 78/23 of 2/12 /1978 on the Protection of National Parks; Law No 96/12 Of 5/8 1996 relating to Environmental Management; Ordinance No. 99/001 of 31/8/1999 to supplement certain provisions of the 1994 Forestry Code;Decree no.0518/MINEF/CAB and 2009 Manual for the Procedure for the attribution and norm and management of community forests.

³ To Set The Implementation Terms For The Forest Regime.

⁴Minang, P.A., Duguma, L.A., Bernard, F., Foundjem-Tita, D., and Tchoundjeu, Z., (2019) "Evolution of Community Forest in Cameroon: An innovation ecosystems perspective" *Ecology and Society* 24(1):1. <https://doi.org/10.5751/ES-10573-24101> accessed on 3/2/2022

⁵Defined by art 3(11) Decree No 95-531 of 23/ 8/1985 as : "That part of non-permanent forest of not more than 5000ha that is the object of an agreement between the government and a community in which the communities undertake sustainable management for a period of 25 years renewable " . See also MINEF 1998:9

⁶ To safeguard the forest heritage, environment and biodiversity; to strengthen participation of local communities in forest management and conservation I a bid to raise the living standards of such communities; to enhance forest resources and their contribution to National gross domestic product while preserving productivity; to ensure forest regeneration and revitalising the forest sector with efficient and effective institutions- see Minang *et. al* (2019) " Evolution of Community Forest in Cameroon: An innovation ecosystems perspective, pp. 3-4

⁷ Law No 81/13 of 27th November 1981 on Forestry, Wildlife and Fisheries regulation

⁸ See GenerallyCuny, P., Ango, A., Ondo, Z. , Local Decentralisation forest management in Cameroon: The case of kongo Community Forest. <https://www.fao.org/3/ag131e/ag131e09.htm> accessed 4/2/22

¹⁰ The United Nations Declarations on Rights of Indigenous Peoples 2007- Art 26 provides that indigenous people have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.

because it affects food productivity and livelihood options¹¹ of especially adjacent rural communities there by compounding their poverty. This observation is premised on the fact that forests once viewed as a commons for the benefit of such communities has been classified into either conservation, parks, protected forests, reserves, government domains, community forests concentrated under the management of a few persons thereby depleting the amount of forest land available to the local communities whose livelihood depends on land¹² Once the forests are so classified, some of these

communities are dispossessed and/or displaced¹³. These forests have been the life wire of the communities where they are found and an essential sustainability factor for especially the rural women who depend on it for food, habitat, medication and income. This already bad situation is further compounded by the new wave of large land scale acquisitions which includes forests over which concessions are granted.

This is complicated further because the 1974¹⁴ land reforms that led to the passing of three ordinances to govern land management and three decrees in 1976 have had little impact on customary land ownership¹⁵ as most land are untitled land which fall under the broad category of national land- unexploited land controlled and managed on behalf of the state by the administrators but which adjacent communities ironically continue to think that because of their long presence and use based on first settlement claim ownership rights over such lands and by extension forests. Meaning therefore that if these communities do not create

community forests with appropriate and effective simple management plans, such forests according to regulations in force will be under the control of the state through the competent administrators. These laws have thus shifted the control base over these forests-lands from local communities through their chiefs to civil administrative authorities especially of the Ministry of forestry¹⁶.

The wanton exploitation of the resource and biodiversity rich forests and bio-piracy necessitated the passing of the forestry Law in other to introduce sustainable and participatory approach in forest management although however under the tight control of the state. The introduction of community Forests for the first time and involving the local adjacent communities in its management was an added impetus to give these communities management and exploitation rights. Unfortunately, certain socio-legal gaps in the law and its enforcement has left some of these communities in bewilderment. This observation is premised on the fact these laws introduced new dynamics like the production and approval of simple management plan which were estranged to the local communities. The rights of exploitation of natural resources of the commons as indigenous people is affected as the law gave them right only if it was for personal use with far-reaching repercussions on their socio-economic benefits and particularly women's gender roles. The situation of forest exploitation and management is compounded by the very weak land tenure laws and poor land governance drowned in a patriarchal system especially seen in situations of grants of large land concessions¹⁷. In reality, even where the laws would have been effective, they are trumped by investors whose influence on government and on local elites and chiefs is able to coerce local communities into losing their heritage and source of livelihood in exchange for promises of socio-economic development that generally turn out to be hollow¹⁸.

¹¹ According to Ministry of Environment and Nature Protection (MINENP), (eds), *Cameroon Forth National Report to the Convention on Biodiversity, MINEP, Yaounde, Cameroon*, p. 23, 80% of the rural population in Cameroon is engaged in forest based income generating activity. According to ITTO (June 2011) status of tropical Forest management, Technical Series 38, p.53, forestry in Cameroon accounts for 11% of the Country's gross Domestic Product and 20% of export trade.

¹² Polack, Cotuola, M., and Muriel, C., *Accountability in Africa' land Rush, What Role for legal empowerment?* IIED/IDRC, London, Ottawa, 2013.

¹³ Schneider, E., *What shall we do without our land? Land grabs and resistance in Rural Cambodia*. International Conference on Global Land grabbing, 6-8 April 2011 p, 2.

¹⁴ Land certificate is the only document attesting to land ownership. Long use is of no consequence. 1 of decree no. 76-165 of 27 April 1976 a land certificate is unassailable, inviolable, definitive

¹⁵ The 1974 ordinances, their accompanying decrees and subsequent amendments generally ignored customary and usufruct rights, apart from limited land usage rights in Article 17 (2) and (3) of Ordinance No. 74 /1 of 6 July 1974.

¹⁶ Moutoni, L., *Community forest in Cameroon- An Overview of the Community forest Perspective*, Okani, 2019 Page 12-13

¹⁷ The definition of land includes forests- (Land included earth surface and things attached to it, the core of the earth and the airspace above right *ad inferores*). In the concept of national land in section 15(2) or Ord. No 1974-1 of 6th July 1974 as "Lands free of any effective occupation"- *terra nullius*, forests are included if a literal rule is used in the interpretation of this statute. Most land concessions which also is over this supposed *terra nullius* is over forests classed in the land law of Cameroon as national land category 2..

¹⁸ See generally Fonjong, L., Sama-Lang, I., Fombe, L., Abonge, C., *Large -Scale Land Acquisition, Implications for Women's Land Rights In Cameroon*, International development Research Centre (IDRC), Canada, 2016.

Mindful of the above and adopting qualitative methods¹⁹this paper assesses the extent of the state's respect of indigenous rights to the commons within the context of environmental justice and democracy in the sustainable management of forest. In so doing, the paper uncovers the socio-legal gaps in the forestry and land laws that play on their effectiveness.

DISCUSSIONS

Creation of community forests

The creation of Community forests is not as simplistic as the under surface presentation of a Simple Management Plan. As pointed out by Ngwasiri,²⁰ it is along complicated and expensive process, rising sometimes to the tune of 16 million XAF. This is buttressed by Fomete²¹ who pointed out that for a community forest of about 3. 500ha the cost of compilation may vary from between 200.000-1.050.000XAF, while the cost of a simple Management Plan varies between 1.200.000XAF -14.000.000 XAF. How will these communities raise such amounts?²² Although field reports show that funds are raised from registrations paid in by the different unions, the amount is barely sufficient to carry through with the registration talk less of the sustainable management of the forest if eventually

¹⁹Data for this paper is taken from an on-going study on the forests of the Mount Cameroon Region and a just ended research on The scope of this paper covers the Fako Division and out-skirts of the Wouri in the South West and Littoral Regions. These divisions are characterized by massive large scale land acquisitions, population displacements and community forest regimes of the Mount Cameroon Area of Fako. Desktop reviews complemented by field observation and limited unstructured interviews was conducted.

²⁰Ngwasiri, C.N, " the community forest in Cameroon: A participatory management Option? CIFOR, working Paper No. 05, Yaounde, Cameroon ", 2000, p. 21

²¹Fomete, T., (eds). Cost of Acquiring a Community forest and Profitability of Community Forests exploitation Alternative," in MINEF (2000) " the setting up of Community Forest I Cameroon, Report on the Forum for the Sharing of Field Experience," MINEF 2, 14-17 November 2000, P. 12

²²For example the Bimbia- Bonadikombo Community forest received external funding from Ministry of Forestry (MINFOP), World Wildlife Fund for Nature, Mount Cameroon Forest Project but when the fundings were stopped, the management body of this Community forest (Bimbia- Bonadikombo Natural Resource Management Council) was unable to pay its security guards. See also World Agroforestry Center, 2017. DRYAD: Financing sustainable Community Forest Enterprises in Cameroon: <http://www.worldagroforestry.org/project/dryad-financing-sustainable-community-forest-enterprise-cameroon>.

created. The simple management plans are modelled on the management plans for large forest concessions requiring the technical expertise of a consultant since the local communities may not possess such as is observed by Moutoni²³. This gap in the legal framework created together with the lack of finances by the adjacent communities dampens the objective of making these communities sustainable as they will often not be able without external help to follow through with the due process in the creation of such forests. It is this external help especially from elites and/or commercial loggers that encourage them thereafter to turn the management of such forests into a pawn in their hands for their private gains, demanding therefore their pound of flesh.

In addition, the renewal of the licences to operate by these legal entities does not have a fixed cost payable, leaving therefore a dangerous discretion with far reaching financial implications in the hands of the administrators. As observed by Moutoni, " the legislator did not adequately consider the significant differences between the two types of forest title(those intended for artisanal exploitation and those intended for industrial logging) and between the two types of stakeholder(deprived village communities and private operators), whose technical and financial capabilities are in no way comparable."²⁴

No requirement of express requests of forest from communities adjacent to the forest

The Forestry Laws have not expressly made it a requirement that the creation of the community forest should emanate from the adjacent communities. Cunyef *al*²⁵ have pointed out that the initiative to create the community forests does not usually come from the Communities as it is usually from external actors in the forestry sectors who are usually state elites who are themselves controlled by the private businessmen who want such forests for their selfish and subjective gains which do not necessarily tie with the sustainable needs of the communities and the environment. The authors further pointed to three consequences that flows from this: there is bound to be difficult social mobilisation that may be time consuming and require tact to get the communities involved. Because of this, there will be inadequacy in social mobilisation resulting in unforeseen conflicts from the various social groups like women, men, youths who may be members of other social stakeholders like farmers union, charcoal burners union, bee harvesters union,

²³Moutoni, L., *Community forest in Cameroon- An Overview of the Community forest Perspective*, Okani, 2019, P. 14

²⁴Ibid, p. 14

²⁵Cunny, P., Ango, A., Ondo, Z. , Local Decentralisation forest management in Cameroon: The case of kongo Community Forest. P. <https://www.fao.org/3/ag131e/ag131e09.htm> accessed 4/2/22 .

hunters union, Non forest timber collectors union. The fact that gender is not mainstreamed in this law makes it very gender blind and for that reason the gender needs cannot be adequately catered for making it difficult for the rural women in such communities to effectively play her triple role of reproductive, productive and community management roles²⁶ which gives them social, economic and political empowerment.

Scanty representation of forest people in the management of the community forest

According to Art 19 read together with art 32 of United Nations Declaration on the Rights of indigenous Peoples (UNDRIP) 2007²⁷, it is the fundamental right of the indigenous people to participate in the sustainable management of their resources²⁸. Although the 1995 forestry laws do provide that management of the community forest is the responsibility of such communities with the technical assistance of forest administration²⁹, The forestry law is mute on the requirement for a required quota of indigenous communities necessary to seat in such management boards. For this reason, most of these forest community management organs are flooded by the strong presence and influence of private sector timber operators who hijack the decision making in such management boards especially if they provided seed money for the creation of such forests, thereby making nonsense of the intention to give 'ownership' and management of community forests resources to the adjacent native communities. Where the communities feel left out, they will not own it and the whole idea of community forest will continue to be a stranger to them³⁰.

²⁶Moser, C.N, gender Palnning in the third World: Meeting Practical and strategic gender needs World Deelopment, 17(11),1799-1825.
<https://www.sciencedirect.com/science/article/pii/S0305750X89902015>. See also Moutoni *Community forest in Cameroon- An Overview of the Community forest Perspective*, Okani, 2019at P. 15

²⁷Navi Pillay, United Nations High Commissioner for Human Rights, Free Prior and Informed Consent of Indigenous Peoples, foreword to the manual for National Human Rights Institution, September 2013. <https://www.ocr.org>issues> accessed 14/2/22.

²⁸ Food and Agricultural Organisation of the United Nations <https://www.fao.org>fpic> accessed 13/2/22.

²⁹Art 3(1) Decree No. 95/531/PM of 23/8/95 to determine the conditions for the implementation of forestry regulation.

³⁰ This is buttressed by the observations of who explained that management roles assigned to populations are not within their capabilities and that plan of actions contained in the simple management plans are often apposite those of the adjacent forest communities. At p. 15

The Law on Community forest requires the creation of formal institutions which represents all components of the community. This may be Common Initiative groups, Cooperatives, Economic interest groups and associations. These modern structures of management permitted by this law lack social legitimacy and are often ill adapted to the traditional village context of administration as they often fail to take into consideration traditional institutions or the social structure of same into proper consideration.³¹Ribot³² contends that residency based forms of belonging and citizenship provide a strong basis for democratic participation in natural resource management. While customary authorities like the traditional councils, etc., have often based inclusion on identity and interests, and so representing only people of certain ethnicity, lineages and religious identities, administrative authorities and the common initiative groups and NGOs represent interested parties. He pointed further that such identity and interest based inclusion in decision making may not only reinforce differences in such communities but may also go a long way to fragment such communities and bring in conflict. He further opined that where the administration, donors and NGO arrange for inclusion through customary authorities, they subjugate local people to these authorities legitimising management organ in place while on the other hand delegitimising democratic authorities that might have exercised these management powers. Oyono³³ has rightfully observed that forest decentralisation in Cameroon has rather created an avenue for traditional administrators-chiefs to collude in establishing themselves as new forestry elite especially with support from political elites and /or donors.

Low/lack of community participation in the grant process

The main reason for the creation of community forest was to enhance decentralisation in forest management and to afford opportunities for community participation³⁴ in the

³¹ Nkwi. P.N, Von Benda-Beckman, J., van Den Berg, P.,Geshiere,F., Nkoumbele and Tiayon, F., The social and legal Aspects of Forest Management, Sustainable Management of African Rain forest

³²Ribot, J.C.,*Waiting for Democracy; Politics of Choice in natural Resource Decentralisation*, World Resource Institute, Washington DC, 2004, p. 33-34

³³Oyono, P.R., "Forest Management Systemic Crisis and Policy Change: Socio-organisational roots of ecological uncertainties in Cameroon's decentralisation Model" Paper Presented at World Research Institute Conference on decentralisation and Environment, Bellagio, Italy, 18-22 February, 2002, p. 12.

³⁴Mbetiji M.M. Participatory Forest Management: The Case of community Forest Under Cameroonian Law, 2012, Unpublished PhD Thesis, University of Dschang, Cameroon.

management of their own forest³⁵. Environmental democracy³⁶ warrants that communities participate actively and effectively in the procedure for grant of their forest and to be actively involved in the management at all the relevant levels³⁷. Before the creation of community forests, According to Art 19 of UNDRIP, it is the fundamental right of the indigenous people to give their full, frank, prior and informed consent³⁸ before the creation of such forests which may affect their general rights to forest resources and sustainable livelihoods³⁹ in addition to the right. This requires consultation of the locals, negotiation and full participation engagement of the different groups⁴⁰. Such informed consent should not be fraught with coercion, manipulation, bullying or corruption for it to be valid. The United Nations Research Institute for Social Development (UNRISD) describes participation at the organised effort to increase control over resources and regulative institutions on the part of groups and movements hitherto excluded from such control. According to Sidaway⁴¹ for such participation to be fair, it should be based on four principles; how the process is initiated, how inclusive it is, if relevant information is freely available to all

³⁵Ashu, T.N. The impact of formal and informal institutions on a forest management project in Cameroon, Rural Development and Natural Resource Management- Master's Thesis, Swedish University of Agricultural Sciences, 2016, 32(<http://stud.epsilon.slu.se>)

³⁶ It is rooted in the idea that meaningful participation by the public is critical to ensuring that land and natural resource decisions adequately address citizens' interest. It sets a standard for how decisions should be made.

³⁷ Principle 10 of the Rio Declaration 1992.

³⁸ Colchester, M. and Ferrari, M.F., *Making EPIC work: Challenges and Prospects for Indigenous People*. Forest People Programme, Moreton-in-Marsh, UK, 2007. Law No. 2003/006 of 21/5/2003 establishing safety regulation for modern Biotechnology especially S. 5(5)

³⁹ According to Art 7(1) of Law. No. 96 / 12 of 5/8/ 1996 on environmental management, all persons shall have the right to be informed on the negative effects of harmful activities on man, health and environment as well as measures taken to prevent or compensate for these.

⁴⁰ Pipillion, M, Leclair, J., Leydet, D, "Free, Prior and Informed Consent: Between Legal Ambiguity and Political Agency" *International Journal on Minority and Group Rights*, 27(2020) 223-232.

⁴¹ Sidaway, R., *Resolving Environmental Disputes: From Conflicts to Consensus*, Routledge, 2005. See also Arnstein's 1969 Ladder of Citizen's participation. <https://www.citizenshandbook.org> accessed 14/2/22 as well as Pretty's Typology of participation in Cornwall, A., "Unpacking 'Participation': Models, meanings and practices," *Oxford University Press and Continuity Development Journal*, 2008, pp269- 283 at 272-273.

stakeholders and whether the deliberations have genuine influence over the final decision. The aim here being to inform, consult, involve, collaborate and empower all the groups⁴². The community participation⁴³ of the local indigenes is often times in the form of public gatherings⁴⁴ which are more like community general assemblies. To a large extent this cannot be assumed to be consultation and negotiation. This was well intended to enable the communities appreciate the new dynamics the creation of such forests will bring, what they will gain, what they will lose and for what duration for giving their consent. From this perspective it can be seen as an environmental right of the locals to fully participate in all levels from the initiation of the grant to its post exploitation. Unfortunately, in most cases, the local communities are more observers rather than active participants⁴⁵.

This procedural right to participate is recognised in the 1998 Aarhus Convention on Access to information, Public Participation in Decision Making and Access to Justice in Environmental Matters, generally and particularly its Art I, which makes it a procedural right to information as well as to participate amongst others. At such negotiation, there must be free flow of information which according Chi⁴⁶ to must be accessible, readable and available, taking into account literacy, language and use of technology is scarcely available even though a plethora of laws in Cameroon have made provisions for members who in the main are rural poor and who barely understand English or French and may lack the means sometimes to travel to the venue⁴⁷. This fact is buttressed by a survey conducted by Citizen's Governance Initiative (CGI)⁴⁸ that information on

⁴² Involve, People & Participation: How to put citizens at the heart of decision –making. Involve, London, 2005. <http://www.involve.org.uk> accessed 12/2/22

⁴³ Art 28 Decret No 95/531 of 23 August 1995, requires consultation with the communities concerned before any grant is made.

⁴⁴ Fonjong, L., Sama-Lang, I., Fombe, L., and Abonge, C., *Large-scale land Acquisition: Implication for Women's Land Rights in Cameroon*, International Research Centre (IDRC) 2016, p.3.

⁴⁵ See generally Ashukem J.C., "Public Participation in environmental decision making in Cameroon-Myth or reality?" in *Law, Environment and Africa*, Law and Constitution in Africa, 2019, Vol. 38, 1st edition, Nomos Verlagsgesellschaft, Baden-Baden, Germany, Pp 357-373

⁴⁶ Chi, A. M. *Cameroon Environmental Law within the Framework of Sustainable Development*. ARIKA, Yaounde, Cameroon, (2018) p.6.

⁴⁷ Low, N. Butt S., A. and Davis Smith, J, *Helping out : a national Study of volunteering and charitable giving*, Cabinet office: London 2007.

⁴⁸ Citizen's Governance Initiative (CGI) The Right to information an Administrative transparency in Cameroon, 2016. www.citizens-governance.org

government activity is generally confidential making their release to the public an exception rather than an obligation as imposed by statute. Information becomes vital not only for sustainable development but to hold state actors accountable for violations. How can that be possible in such situations?

The non –respect for indigenous community rights over forest resources remains a major gap in management of community forests in the South Western regions of Cameroon.

The 1974 ordinances, their accompanying decrees and subsequent amendments generally ignored customary and usufruct rights, apart from limited land usage rights in Article 17 (2) and (3) of Ordinance No. 74 /1 of 6 July 1974. Sections 14 and 15 of this law has placed control of all untitled lands including uncultivated forests in the management and control of the land consultative boards headed by the divisional officers and customary communities are represented by the chief and two community members as mere members of the board⁴⁹

Usage rights are thus temporary and not guaranteed as the state can step in at any time and allocate land which is being used by the people “to a specific purpose”. According to Article 8 of the Forestry code, usage or customary rights are, in accordance with the present law, those which are recognised to resident populations to exploit all fauna and fish products in the forest, apart from protected species for their own personal use.⁵⁰ This law limits the exercise of usage rights to home consumption, an unrealistic given that selling the many different forest products (flora and fauna) is one of the main sources of revenue for local populations. Such fauna is set out in Article 78 of the 1994 forestry law which classes animals in terms of their degree of protection, by categories A, B and C.⁵¹

⁴⁹Complete control over lands were lost by the communities when decree No. 76/165/76 was passed making the land certificate the only document of title making nonsense of long use.

⁵⁰Article 9 provides ‘certain forest products, such as ebony, ivory, the heads of wild animals, as well as certain species of animals and plants for medicinal purposes or special interest, are known as special products’ exploitation terms shall be set by decree.

⁵¹ Order n° 0565/a/MINEF/DFAP/SDF/SRC set the list of animals classed as A, B and C. lists the species in the different categories, this decree recognizes the right to hunt but limits the practice. Firstly, to specific species (category C species) which are not endangered species, Secondly, to specific periods, known as hunting seasons, so as not to harm the species’ natural reproduction cycles (See Article 79 of the 1994 law). Thirdly to act legally, communities can only exercise their usage rights in

Production of Environment Impact assessment

A plethora of international make it a prime requirement for any interested party in forest exploitation to do an environmental impact assessment to enable the different stakeholders better appreciate the impact of the planned activity on the environment, the social and economic life of the targeted community. Mindful of this, art 16(2) of the Forestry Code 1994 makes this a basic requirement at the initiation of any activity that will affect forest life. In his regard, it does not only mean the diverse fauna and flora. According to s. 110(1) of the 1995 Forestry Decree of Cameroon, such must be down according to laid down rules of the Ministry of Environment. In case of disturbance of the environment they will be able to know what remedial measures to adopt to ensure conservation and recovery of natural resources. The 1996 law On the environment in Cameroon also requires an environment impact assessment if their project may endanger the environment, showing the direct and indirect incidence on ecological balance.⁵² These ought to be done with the full participation of the communities. Not only has this hardly been done in nearly all the communities where such forests have been created,⁵³ but is also worrisome that the laws bothered only about harm that may be caused to the bio-diversity forest not minding the social, economic and cultural impact of these on the adjacent communities. These raise questions of environmental justice of these communities which see the conservation of fauna and flora and the environment being put before their own livelihoods, although their lives demand on the viability of the forest environment.

CONCLUSION

Unsecure land tenure rights and very limited or not access to information and almost inexistent participation in the forest management tend to drown large strides made by

terms of hunting if they use traditional tools (See Article 80 of the 1994 law). Finally, in certain areas, which are classified to protect fauna, hunting may be strictly regulated or even prohibited, according to the time of year, the species or the method (See Article 81 of the 1994 law)

⁵²See Ministerial Order No 0070/MINEP of 25/2005 which defines the different categories of operations whose realization is subjected to an Environmental impact assessment. See also Order No 00001/MINEP of 3/2/ 2007 defining the general content of terms of reference for Environmental impact Assessment

⁵³ See Mbetiji M. Ayuk, M, “Environmental Impact Assessment as effective Tools for Environmental sustainability under Cameroonian Law: Emerging Challenges and legal Responses. “ *National Journal of Environmental Law*, 2019, 2(2)pp24-144. See

the laws to cater for the needs of the indigenous rural communities adjacent the community forests. The well intentioned laws have been corrupted making it difficult to secure long term sustainable management of these forests. In establishing the 1994 Law and the community forests, scant attention was paid to the socio-cultural dynamics and context of forest hunting management. Though we cannot go back to the subsistence economy, the dynamics and polemics must also put this subsistence lifestyle at the fore if any meaningful protection can be evolved. In so doing the local communities is scarcely empowered. While the laws and management are credited for proper conservation, it however has been at the expense of the environmental justice of the communities adjacent to these forests.

REFERENCES

- Ashu TN (2016). The impact of formal and informal institutions on a forest management project in Cameroon, Rural Development and Natural Resource Management- Master's Thesis, Swedish University of Agricultural Sciences, 32
- Ashukem JC (2019). "Public Participation in environmental decision making in Cameroon-Myth or reality?" in *Law, Environment and Africa*, Law and Constitution in Africa, Vol. 38, 1st edition, NomosVerlagsgesellschaft, Baden-Baden, Germany. Pp 357-373
- Chi AM (2018). *Cameroon Environmental Law within the Framework of Sustainable Development*. ARIKA, Yaounde, Cameroon.
- Citizen's Governance Initiative (CGI) The Right to information and Administrative transparency in Cameroon, 201
- Colchester, M. and Ferari, M.F., *Making EPIC work: Challenges and Prospects for Indigenous People*. Forest People Programme, Moreton-in-Marsh, UK, 2007.
- Law No. 2003/006 of 21/5/2003 establishing safety regulation for modern Biotechnology.
- Cunny P, Ango A, Ondo Z. Local Decentralisation forest management in Cameroon: The case of Kongo Community Forest. P. <https://www.fao.org/3/ag131e/ag131e09.htm>
- Fomete T (eds) (2000). Cost of Acquiring a Community forest and Profitability of Community Forests exploitation Alternative," in MINEF (2000) "the setting up of Community Forest I Cameroon, Report on the Forum for the Sharing of Field Experience," MINEF 2, 14-17, November
- Mbetiji M, Ayuk M (2019). "Environmental Impact Assessment as effective Tools for Environmental sustainability under Cameroonian Law: Emerging Challenges and legal Responses." *National Journal of Environmental Law*, 2(2) pp24-144
- Mbetiji MM (2012). Participatory Forest Management: The Case of community Forest Under Cameroonian Law, Unpublished PhD Thesis, University of Dschang, Cameroon.
- Minang PA, Duguma LA, Bernard F, Foundjem-Tita D, Tchoundjeu Z (2019). "Evolution of Community Forest in Cameroon: An innovation ecosystems perspective" *Ecology and Society* 24(1):1. <https://doi.org/10.5751/ES-10573-24101>
- Moutoni *Community forest in Cameroon- An Overview of the Community forest Perspective*, Okani, 2019.
- Ngwasiri CN (2000). "The community forest in Cameroon: A participatory management Option? CIFOR, working Paper No. 05, Yaounde, Cameroon".
- Nkwi PN, Von Benda-Beckman J, van Den Berg P, Geshiere F, Nkoumbele, Tiayon F. The social and legal Aspects of Forest Management, Sustainable Management of African Rain forest.
- Oyono PR (2002). "Forest Management Systemic Crisis and Policy Change: Socio-organisational roots of ecological uncertainties in Cameroon's decentralisation Model" Paper Presented at World Research Institute Conference on decentralisation and Environment, Bellagio, Italy, 18-22 February.
- Pipillion M, Leclair J, Leydet D (2020). "Free, Prior and Informed Consent: Between Legal Ambiguity and Political Agency" *International Journal on Minority and Group Rights*, 27(2020) 223-232.
- Polack Cotuola M, Cote Muriel (2013). "Accountability in Africa' land Rush, What Role for legal empowerment ? IIED/IDRC, London, Ottawa, 2013"
- Ribot JC (2004). *Waiting for Democracy; Politics of Choice in natural Resource Decentralisation*, World Resource Institute, Washington DC, 2004.
- Sidaway R (2005). *Resolving Environmental Disputes: From Conflicts to Consensus*, Routledge.