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The Regulatory Foundation for Forest Sustainability in Cameroon: A Legal Appraisal

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ABSTRACT

The management of environmental resources in Cameroon particularly forest has a long history which could be traced prior to the colonial administration to present-day Cameroon. The development of policies to ensure sustainability of forest resources for the benefit of the present and future generations begun in pre-colonial Cameroon with the adoption and implementation forest use strategies supervised by traditional rulers (village chiefs) with the assistance of the village traditional councils. The chieftaincy institution set-up forest use policies which enabled the local communities to live in harmony with nature (the forest) for the benefit of everyone. During the colonial era in Cameroon, the colonial administration introduced a more formal system of forest use and management which sometimes resulted in tensions between indigenous local communities and the newly formalized administrative structures. Today, Cameroon's forest use and management policies are motivated and influenced by local traditional customs, colonial policies, domestic legislations, as well as a plethora of international, regional and sub-regional legal instruments linked with environmental management of natural resources. This paper sets to examine the guiding legal framework for forest use and management in Cameroon. In order to realize this objective, data have been collected and analyzed using the doctrinal approach.

Keywords: Regulatory Foundation, Forest Use, Sustainability, Cameroon.

I. INTRODUCTION

The Environmental law is largely contained in written texts although some common law principles are relevant as well as customary international law. Governments of States protect the environment based on their various constitutional and statutory powers in order to promote the general welfare of its citizens. In so doing, there is need to regulate and manage forest resources, public/State lands and water bodies. Most national constitutions contain reference to environmental rights or duties/obligations, making these constitutional provisions and their

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interpretation and application a potential source of environmental law. Promulgation of regulations and permits by administrative authorities is potentially another important source of regulatory framework. National authorities usually accept additional duties to protect the environment by entering into bilateral and multilateral treaties or conventions containing specific obligations.

The regulatory foundation in Cameroon's forestry sector are the legal instruments necessary to enhance the objectives of the forest policy in Cameroon. Through these legal instruments, policy objectives are translated into reality. In order to support the implementation of forest policies, forest legislations should reflect the principle of sustainability. However, the objectives of forestry laws may cover a range of forest management issues, depending on the social needs and prevailing ecosystems in the country. Good forestry legislations and implementation are very essential in order for sustainable forest management to succeed. In this regard, this paper seeks to examine the efforts made by the government of Cameroon since independence through national, international, regional and sub-regional instruments in regulating the forest use and management in the country.

II. THE REGULATORY FOUNDATION AT THE NATIONAL LEVEL

Efforts put in place at the national level by the Cameroonian legislator to ensure sustainability of forest resources in the country which are relevant in biodiversity as well as habitat protection could be identified in the Constitution, Customary law, Case law, Land Tenure and Forestry Legislations, Decrees, Ordinances as well as Ministerial Orders from administrative authorities.

(A) The Constitution of Cameroon

The Cameroonian constitution is observed as the supreme law of the land and any other law that is inconsistent with any provision of the constitution is to be treated as void to the extent of its inconsistency. The 1996 Constitution of the Republic of Cameroon² concerning environmental matters, guarantees people's right to a healthy environment and makes environmental protection a duty of citizens as well as the government. Paragraph five of its preamble specifically stipulates that:

“Every person shall have a right to a healthy environment. The protection of the environment shall be the duty of every citizen. The State shall ensure the

² Law No. 96-6 of 18 January 1996 to amend the Constitution of 2 June, 1972 (Hereinafter referred to as the constitution of Cameroon).

protection and improvement of the environment."

Even though there are no detailed provisions on environmental protection like the constitution of other African States:- Congo, Chad and Uganda, it remains to be seen how Cameroonian courts will interpret and enforce the constitutional environmental provision on environmental protected to the benefit the conservation of the forest heritage in the country.

(B) Customary Law

Just like the constitution of the Republic of Cameroon, customary laws within Cameroon also possess an influence on the manner in which environmental resources such as forest is managed. It is worth to start that the customary law here is different from international customary law which is mostly unwritten law inferred from the conduct of State practice, undertaken in the belief that they are bound to do so by law.³ Our focus is on the customary law practiced by traditional communities.

The Black's Law Dictionary defines customary law as:

*"Law consisting of customs that are accepted as legal requirements or obligatory rules of conduct; practices and beliefs that are so vital and intrinsic a part of a social and economic system that they are treated as if they were laws."*⁴

Freckmann & Wegerich on their part define customary law as law consisting of "*long practiced customs that are followed and appreciated by a majority of people who are convinced about the legality of the custom.*"⁵ Both definitions lays emphasis on the longevity of the practiced custom accepted and followed by the people. Almost every ethnic group in Cameroon has its own customary laws on forest-use and management that are binding on its members and it is transmitted from generation to generation. These customary law rules that are applicable in various ethnic groups in Cameroon are enforced by traditional courts/councils presided over by traditional rulers. Customary law administered by the traditional communities in Cameroon is important because it plays a vital role with respect to the conservation and sustainable use of the forest resources. For example, among the Bakweri villages of Buea in Southwest region of Cameroon, there are customary taboo laws imposing restrictions on certain giant trees that are not supposed to be cut down without performing some rituals as failure to do so will attract sanctions from the gods of the land. Some of these trees include the camwood (*Baphia nitida*)

³ Onang Egute T., (2012), *Modern Law and Local Tradition in Forest Heritage Conservation in Cameroon: The Case of Korup*, PhD Thesis, Brandenburg University, (Published). P.60.

⁴ Garner B., (2009). *Black's Law Dictionary*, 9th Edition, West Publishing Co. P. 443.

⁵ Freckmann, A. and Wegerich, T. (1999). *The German legal system*. London, Sweet and Maxwell. P.36

and a tree locally known as *king tree*. It is a taboo to cut such trees without proper sacrifices because it is believed that they harbor the spirit of the ancestors. Consequently the fear of offering expensive sacrifices before felling taboo/sacred trees and the fear of unknown consequences to be inflicted by the gods on defaulters deter many village inhabitants from cutting down the trees,⁶ a customary law rule which works in favor of the sustainability of the forest. A similar practice operate in local communities surrounding the Banyang-Mbo Wildlife Sanctuary which is situated to the East of Korup National Park⁷ in the Southwest region of Cameroon. Additionally there are taboos forbidding indigenes and residents among Bakweri villages and in the Korup area from killing or eating certain wildlife animals such as Chimpanzee and Gorilla because it is considered the closest relation to man among all the animal species in the forest.⁸ This customary law rule indirectly secures the availability of the apes as it limits the rate at which they are hunted for bush meat.

The importance of customary law in forest sustainability is recognized by the 1992 Convention on Biological Diversity (CBD) when it provides in article 8 (j) that:

Each Contracting Party shall, as far as possible and as appropriate:

(j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.

From the reading of the above provision, it is observed that the 1992 CBD imposes a duty on Cameroon as a signatory to the Convention to respect, preserve and maintain traditional knowledge, innovations and practices of indigenous and local communities of Cameroon, embodying traditional lifestyles which are relevant for the conservation and sustainable use of biological diversity such as those contain in Cameroon's forests.

More so, according to article 68 of the Constitution of Cameroon, customary law statutes of

⁶ Eyong C. T., (2010). Why ignore Ekpwe rules? The regulation of forest use by a secret society in Korup National Park, Cameroon. In: Eguavoen, I. and Laube, W. (eds.) *Negotiating local governance -Natural resource management at the interface of communities and the state*. ZEF Development Studies, Berlin. PP. 79-114.

⁷ Abugiche S. A., (2008). Impact of hunting and bushmeat trade on biodiversity loss in Cameroon: A case study of the Banyang-Mbo Wildlife Sanctuary (Doctoral dissertation). Brandenburg University of Technology Cottbus, Germany, available at: <http://opus.kobv.de/btu/volltexte/2009/955/> (Last accessed 21/02/2020).

⁸ Onang E. T., (2012). Op.Cit, P 132.

the Federated State of Cameroon are still applicable. Thus, the 1948 Customary Courts Ordinance of the Laws of Nigeria which were applicable in the Federated States of Cameroon is still applicable in Anglophone Cameroon till date. The Customary Courts Ordinance specifically spells out that, “*the native law and custom prevailing in the area of the jurisdiction of the court shall be applicable so far as it is not repugnant to natural justice, equity and good conscience, nor incompatible either directly or by natural implication with the written law for the time being in force.*”⁹

Customary laws has received legislative recognition in the management of forest resources in Cameroon from the provision of Section 27 of the Southern Cameroons High Court Law (SCHL) of 1955. It is therein provided that:

*“The High Court shall observe, and enforce the observance of every native law and custom which is not repugnant to natural justice, equity and good conscience, nor incompatible with any law for the time being in force, and nothing in this law shall deprive any person of the benefit of any such native law or custom.”*¹⁰

As far as the regulation of forest resources is concerned, customary laws which are relevant in the sustainability of forest resources shall be observed so long as such a customary laws is not repugnant to natural justice, equity and good conscience, nor incompatible with any law for the time being in force. It should be recalled that, when a conflict arises between any written law and customary law in the management of forest resources, the written law shall prevail.¹¹

(C) Case Law

Case law also known as “judicial precedent” is the main sources of law in common law jurisdictions such as in Anglophone Cameroon. Under this common law jurisdiction, the decisions taken by higher courts on forest related matters serve as precedent for the lower courts. Thus, Case Law also called Common law is the body of law derived from judicial decisions of courts.

The defining characteristic of “common law” in disputes generally and in forestry disputes in particular is that it arises as precedent. That is, in cases where the parties disagree on what the law is, a common law court looks to past judicial decisions of relevant courts. If a similar

⁹ Customary Courts Ordinance cap 142 of 1948 of the laws of Nigeria.

¹⁰ Section 27(1) of the Southern Cameroons High Court Law 1955. See also the Customary Courts Ordinance cap 142 of 1948 applicable to Anglophone Cameroon.

¹¹ Anyangwe, C. (1987). The Cameroonian Judicial System, Yaoundé, CEPER.

dispute has been resolved in the past, the court is usually bound to follow the reasoning used in the prior decision (a principle known as *stare decisis*¹² or *judicial precedent*) on the principle that it is unfair to treat similar cases with facts differently on different occasions.¹³ Since law is not an empirical science, the parliament cannot be expected to presuppose all life scenarios and pass relevant laws to regulate them. Thus, if the court finds that the current forestry dispute is fundamentally distinct from all previous cases and legislative statutes are either silent or ambiguous on the question, judges have the authority and duty to resolve the issue, that is, to make law by creating a precedent which binds future courts; the court states an opinion that gives reasons for the decision, and those reasons agglomerate with past decisions as precedent to bind future judges and litigants. The body of precedent is called “Common law”. In Francophone Cameroon, even though judiciary precedent is not considered as a major source of law, precedents especially of the higher courts are of persuasive value in the courts of this part of the country.¹⁴

In Anglophone Cameroon, one of the most influential pieces of legislation enacted by the British during the colonial era was the Southern Cameroons High Court Law of 1955. It governed the administration of justice by the colonial High Court of Southern Cameroons. Despite being colonial legislation, its impact within the administration of justice in the forest sector is still felt in contemporary Cameroon. Thus, the application of the English Common Law/Case Law in Cameroon is based on the authority of Section 11 of the Southern Cameroons High Court Law (SCHCL) of 1955, which provides that “*the applicable laws in Anglophone Cameroon are the English common law, the doctrines of equity and statutes of general application which were in force in England on January 1st, 1900*”.

(D) Legislation

The colonial legal system inherited by Cameroon greatly influenced its forestry laws. After independence, the country enacted pieces of legislations with inspiration from colonial legislative system designed to empower the State to be the custodian of all lands of which forests constitute an important component. The Cameroonian constitution of 1996 empowers the National Assembly (the parliament and the senate) as well as the other government offices to make forestry laws.¹⁵ The constitution empowers government to make laws by way of

¹²*Stare decisis*, the principle that cases should be decided according to consistent principled rules so that similar facts will yield similar results, lies at the heart of all common law systems

¹³Arnold-Baker. C., (2008). *The Companion to British History*, London: Loncross Denholm Press, P. 484.

¹⁴Fombad, C.M. (2007). Researching Cameroonian law. <http://www.nyulawglobal.org/Globalex/Cameroon.htm>. Last accessed 06/03/2020.

¹⁵ See the 1996 Constitution of Cameroon, Art. 26, 27 and 28.

“rules” and “regulations” in all matters not reserved for parliament under Article 26. This is demonstrated by Article 27 which states that “*Matters not reserved to the legislative power shall come under the jurisdiction of the authority empowered to issue rules and regulations.*” “The president of the Country, the prime minister,¹⁶ as well as other officials of the government share the competence to issue forestry “rules and regulations”. As far as the environment is concerned, the legislator in Cameroon has enacted series of legislations which are relevant for the governance of the forest heritage in Cameroon as examined below.

1. Land Tenure Legislation

Drawing inspiration from the colonial administration, modifications were made to the original colonial forestry law after independence such as in 1963 with Law No 63/02 of 9 January 1963 and in 1973, with Ordinance No. 73/18 of 22 May 1973 and its decree of implementation; Decree No. 74/357 of 17 August 1974. This Ordinance declared all lands as national lands and putting them under the control of the State and also putting a stop to traditional land tenure systems. Thus, forest exploitation and the management of other land resources operated under the Land Ordinance of 1973.¹⁷

In 1974, the State passed Land Tenure legislation to regulate land rights and it serves as a uniform and current law on land tenure issues in the whole country¹⁸. This legislation comprises three separate ordinances:

- Ordinance No. 74/1 of 6 July 1974 determining the Land Tenure System, amended and supplemented by Ordinance No. 77/4 of 10 January 1977;
- Ordinance No. 74/2 of 6 July 1974 determining the Domanial System (that is setting the area of national land), amended and supplemented by Ordinance No 77/02 of 10 January 1977; and
- Ordinance No. 74/3 of 6 July 1974 spelling out procedures for Expropriation of Land for Public Use modified by Law No. 85/09 of 04 July 1985;

Ordinance No. 74/1 of 6 July 1974 in determining the land tenure system which governs the administration and management of land rights provides that, “the State shall be the guardian of all lands”.¹⁹ This legislation thus abolishes traditional or indigenous land tenure system. It

¹⁶ See Art 8, Para 5 and Art. 12, Para 3 respectively, Ibid

¹⁷Mbatu, R.S. (2006). *Forest policy: Forest loss and land use cover change in Cameroon* (Published doctoral dissertation). Oklahoma State University, USA. P. 17.

¹⁸ Onang E. T., (2012). Op.Cit. P 69.

¹⁹ Section 1(b) of Ordinance No. 74/1 of 06 July 1974determining the Land Tenure System.

further classifies land tenure into three major categories as follows:²⁰

i. Public State Land

Public State lands consist of those lands which prior to independence were held by foreigners. These lands were in the form of large plantations (such as oil palm and rubber plantations). Other lands used for public purposes such as schools, hospitals, roads are also considered to be public state lands.

ii. Private Land

Private land comprises of land which has been registered. The law provides that ownership of land can only be claimed by possession of a land title, that is, an official certificate of land ownership.²¹

iii. National Land (National Domain Land)

It is difficult to define the legal nature of national lands. The difficulty in circumscribing its legal nature partly explains the bad application and misinterpretation of land tenure in Cameroon.²² Nonetheless, from the provisions of Article 14 of the aforementioned ordinance²³, national land would be interpreted to be consisting of all lands that have not been registered; this land is divided into two types: land considered as vacant, and land occupied and worked by indigenous population. The Cameroonian legislator entrusted the management of national land to a custodian considered as the legal administrator: the State. In fact, according to Article 16 of Ordinance No. 74-1 of 6 July 1974 to establish rules governing land tenure in Cameroon: “National lands shall be administered by the State in such a way as to ensure rational use and development thereof...”²⁴The implication of this provision is that land in the national territory hosting forests that has not been registered belongs to the nation and managed by the state. As such, certain modalities have to be complied with for any lawful exploitation or use of resources on it.

In 1976, three additional enabling texts followed. They are:

²⁰ Section 14 and 15 Ibid

²¹ Onang Egute T., Op.Cit. P. 70.

²²Tientcheu, N. A. (2005). *Droits Réels et Domaine National au Cameroun*. Yaoundé, Cameroun: Presses Universitairesd’Afrique. P. 486

²³ Article 14 of the aforementioned ordinance states that “(1) National lands shall as of right comprise lands which, at the date on which the present Ordinance enters into force, are not classed into the public or private property of the State and other public bodies. (2) National lands shall not include lands covered by private property rights as defined in Article 2....”

²⁴Assembe-Mvondo S., Colfer, J. P. et al. (2014).Review of the legal ownership status of national lands in Cameroon: A more nuanced view, Development Studies Research. *An Open Access Journal*, 1:1, PP 148-160, at P 149.

- i. Decree No.76/165 of 27 April setting the Condition for the Acquisition of Land Title (registration), modified by Decree No 2005/481 of 16 December 2005;
- ii. Decree No. 76/166 of 27 April 1976 setting the Condition for the Management of the National Property; and
- iii. Decree No. 76/167 of 27 April 1976 setting the Condition for the Management of the State's Private Property.

Article 1(1) of Decree No. 76/165 of 27 April 1976 introduced land registration and titling as the only proof of land ownership. The 1974 land tenure legislations gave those people living on untitled land in urban areas ten years to register their land, and those on untitled land in rural areas fifteen years to register their land. After these respective periods, the land became national land and those people without land tiles became tenants at the mercy of the whims and caprices of the State with no *locus standi* to assert their land rights since they were without formal documents.

The introduction of land title under section 12 of Decree No. 76/166 of April 27, 1976 meant that the local communities in Cameroon who have inhabited forest areas could be dispossessed of their ancestral land that has become part of the national land. National land is managed by the land Consultative Board²⁵, a quasi-judicial body found in every sub-division defined by section 16(1) of Ordinance No. 74/1 of 6 July 1974. In pre-colonial era, the chiefs held community forests in trust and managed it for the entire community²⁶

2. Legislation on Forestry, Wildlife and Fisheries Resources

Since Cameroon became independent, three forestry, wildlife and fisheries laws have been enacted. The first was Ordinance No. 73/18 of 22 May 1973 and its Decree of implementation, Decree No. 74/357 of 17 August 1974. The second forestry law was in the 1980s when Cameroon became a little more attentive of environmental protection being Law No. 81/13 of 27 November 1981 on Forestry, Wildlife, and Fisheries Regulations²⁷ and it repealed and replaced the aforementioned Ordinance. This amounted to the first most elaborated forest code of the post-colonial era. Articles 13 and 22 of this code distinguished 4 principal categories of forest: Public forest, State own private forest, community forest, and individual forest. This law was followed by implementation instruments:

²⁵ The Consultative board is presided over by the administrative authorities and necessarily comprising representatives of the traditional authorities. See Article 16 of Ordinance No. 74-1 of 6 July 1974 to establish rules governing land tenure in Cameroon.

²⁶ cf Takougang J., & Julius A. A., (1992), Post-Colonial Cameroon: Politics, Economy, and Society, Lexington Books, New York, London, P. 164.

²⁷ Ordinance No. 73/18 of 22 May 1973 was abrogated and replaced by Law No. 81/13 of 27 November 1981.

- Decree No. 83/169 of April 12, 1983 dealing with Forestry Regulations; and
- Decree No. 83/170 of April 12, 1983 dealing with Wildlife Regulations.

Under Law No. 81/13 of 27 November 1981 stipulating the Judicial Regime of Forestry, Wildlife, and Fisheries, Cameroon's forest concession system was complex and produced little government revenue. It was also realized that, timber fees and taxes were very low and considered below the real value of the resource. Forest stakeholders such as logging companies and elites were the main beneficiaries instead of the State and the local population. Furthermore, the legislation failed to integrate land use planning, forest production activities and conservation²⁸. One could therefore derive a conclusion that the law was characterized by inefficiencies and unsustainable forestry management practices. The situation alerted the international community that realized the corrupt nature and the mismanagement in the forest sector that was resulting in a loss of State revenue coupled with the degradation of Cameroon's tropical forest. With pressure coming from the World Bank and International Monetary Fund (IMF) which threatened to stop funding projects in the forest sector in Cameroon until she modifies her laws and start involving the local communities in forest resource management,²⁹ the 1981 Law was subjected to revision. This led to the enactment of the third forestry code: Law No. 94/01 of 20 January 1994 to lay down Forestry, Wildlife and Fishery Regulations (herein after referred to as the 1994 forestry code or law), followed by its Decrees of implementation, Decree No. 95/531 of 23 August 1995 on Forestry Regulations; Decree No. 95/466-PM of 20 July 1995 establishing conditions for the Implementation of Wildlife Regulations;³⁰ and Decree No. 95/678 of 18 December 1995 establishing Indicative Framework for Land Use in the Southern Forested Area. The forest sector has since then been operating under this Law. The 1994 Forestry Law was adopted in the context of a democratization and liberalization process and principally in response to donor's (World Bank) condition on structural adjustment loans.³¹

The enactment of the 1994 Law on Forestry, Wildlife and Fishery Regulations³² was a

²⁸ cf Uma L. (Ed.). *Managing a global resource: Challenges of forest conservation and development*. Vol. 5, Transaction Publishers, Washington D.C.

²⁹ Brown, D., Yam, M., Kate, S and Oliver, S. (2002). *Supervising subjects to supporting citizens: Recent developments in community forestry in Asia and Africa*. National Center for Forestry Development.

³⁰ Decree No 95-531-PM of 23 August 1995 details the rules for the implementation of the 1994 Forestry Code of the Republic of Cameroon. In particular, it sets out the procedures and requirements for allotting forest concessions. Concession holders must either be natural persons residing in Cameroon or be a company registered in Cameroon and whose shareholders are known to the forestry service. If these requirements are not met, a concession will not be granted.

³¹ Tchigio, I., (2007). *Opportunities for community-based wildlife management: A case study from the Korup region, Cameroon* (Published PhD Thesis). CuvillierVerlag, University of Göttingen, Germany. P. 19.

³² Law No. 94/01 of 20 January 1994 to lay down Forestry, Wildlife and Fishery Regulations.

significant and an applaudable measure taken by the legislator to ensure the protection and sustainable management of Cameroon's forest. This law and its implementation Decrees were enacted with a view to realize the general aim of the forestry, wildlife and fisheries policy within the framework of an integrated management ensuring sustainable conservation and use of the said resources and of the various ecosystems.³³ Under section 2 of this law, forest means any land covered by vegetation with a predominance of trees, shrubs and other species capable of providing products other than agricultural produce. Wildlife within the context of this law, means all the species belonging to any natural ecosystem as well as all animal species captured from their natural habitat for domestication purposes.³⁴ Fishery or fishing under section 4 of this law means the act of capturing or of harvesting any fishery resources or any activity that may lead to the harvesting or capturing of fishery resources, including the proper management and use of the aquatic environment, with a view to protecting the animal species therein by the total or partial control of their life cycle.

The 1994 Forestry Law introduces some major changes which include the allocation of concessions following an auction system, new price and taxing system, management plans requirements and provisions for community forestry.³⁵ Part II of the Law focuses on the protection of nature and biodiversity, thus beneficial to forest biodiversity of Cameroon. Section 3 makes it the duty of the State to ensure the protection of forestry, wildlife and fisheries heritage. Forests within the national territory are classified in part III and such classification is based on ownership which is determined by the land tenure legislation.³⁶ With respect to wildlife, part IV of the 1994 Law and also Decree No. 95/466 of 20th July 1995 setting down conditions for the Implementation of Wildlife Regulations, deal with the protection of wildlife.³⁷ The portion of the 1994 Forestry Law dealing with wildlife comprises of three major aspects: the classification of animal species living in the national territory, hunting regulations and punishment of offences.

Still under the 1994 Forestry Law, the national forest estate is classified in section 20 into permanent and non-permanent forests. Permanent forests are made up of forests belonging to the State (State forests) and to Rural Councils (Rural council forests) and shall be situated in permanent forestland. The State forests comprise forestlands used solely for forestry (Forest Reserves) or as a wildlife habitat (Wildlife Protected Areas). Section 24 of the law (the 1994

³³ Section 1 Ibid.

³⁴ Section 3 Ibid.

³⁵ Onang E. T., (2012) Op.Cit. P. 72.

³⁶ Section. 3 of Ordinance No. 74/1 of 06 July 1974

³⁷ Decree No 95-466-PM of 20 July 1995 establishes the conditions for the implementing Cameroon's wildlife regulations.

forestry code) defines Wildlife Protected Areas to include; national parks, game reserves, hunting areas, game ranches belonging to the state, wildlife sanctuaries, buffer zones and zoological gardens belonging to the state. Forest Reserves on its part include: integral ecological reserves, production forests, protection forests, recreation forests, teaching and research forests, plant life sanctuaries, botanical gardens and forest plantations. In this light, the Limbe Botanical Garden, the remnant of Bomboko Forest Reserve the Mokoko Forest Reserve, the Meme River Forest Reserve and Southern Bakundu Forest Reserve fall within the spare of forest reserves in the Mount Cameroon forest region.

Non-permanent forests shall be situated on nonpermanent forestland. Non-permanent forest (unclassified forests) comprise; *Communal Forests* which are forests that are neither the private property of the state nor individuals; *Community Forests* which are forests whose management is delegated to communities by the responsible forestry officials, and lastly *Private Forests* which are forests planted by natural persons or corporate bodies³⁸. Other forests lands that form part of the non-permanent forest estate include orchards, agricultural plantations, fallow land, wooded land, pastoral land and agro forestry land.³⁹

The legal instrument (the 1994 Forestry Law) recognized the customary rights and user rights of local population and provide their involvement in the management forest natural resources, for example by participating in decision making committees, the creation of community forests and community hunting zones, and equitable sharing of benefits from wildlife exploitation. More so, the 1994 Forestry Law created a special fund for the Development and Equipment of Wildlife Conservation and Protected Areas called “Special Funds” which is a special account for the appropriation of public funds for the financing of operations related to sustainable conservation of wildlife. Decree No 96/237/PM of 10 April 1996 defines the conditions for the functioning of Special Funds.⁴⁰

3. Other Forest-Related Regulatory Legislations

In addition to the land tenure laws and the 1994 Forestry Law, other environmental forest-related legislations which cannot be undermined in the sustainable use and conservation of forest resources in Cameroon in include:

- Law No. 63/22 of 19 June 1963 Organising the Protection of Monuments, Objects and Historical and Artistic Sites;

³⁸ See sections: 35, 37, and 39 of 1994 Law.

³⁹ Sec. 35 (2) Ibid.

⁴⁰Tchigio, I. (2007) Op.Cit. PP. 19-20

- Law No. 78/23 of 2 December 1978 on the Protection of National Parks;
- Law No. 91/8 of 30 July 1991 on the Protection of the Cultural and Natural Heritage of Cameroon.
- The Presidential Decree No. 94/436/PM of 1994, which applies the Forest Regime associated with the Forest Code;
- Law No. 96/12 of 5 August 1996 Relating to Environmental Management. This law is one of the national implementation instruments of the 1992 Convention on Biological Diversity especially Article 15 on access to genetic resources⁴¹. For instance Cameroon is rich in genetic resources⁴² and the 1996 Law Relating to Environmental Management is important for protecting these resources. It is the first law with provisions that promote good environmental governance;⁴³ it empowers citizens to participate in exercising their environmental rights and in fighting against the depletion of natural resources. With this *locus standi*, citizens can contribute to the protection of the locally protected areas (forests) in Cameroon by exerting pressure on government authorities to ensure compliance with the environmental protection law;
- Ordinance No. 99/001 of August 31, 1999. This Ordinance supplements certain provisions of the Law No. 94/01 of January 20, 1994 on the Forests, Wildlife and Fisheries;
- Decree No. 2000-092-PM of 27 March 2000 which amends Decree No. 95-531-PM and establishes detailed rules for the implementation of the forest regime; and
- Decree No. 2005/0577 of February 23, 2005 which lays out the procedures (or modalities) for performing Environmental Impact Assessments (EIAs). Article 11 states that EIAs must include stakeholder involvement through consultations and public hearings. This regulatory instruments offers an opportunity for indigenous and local communities in Cameroon's forest areas to participate and have their say in decision making regarding forest-related activities which might affect their environment and health negatively.

⁴¹ see section 6.2.2 of the CBD.

⁴² Fru D. Ngang, (2005). *The contribution of community based natural resources management to livelihood, conservation and governance in Cameroon, a comparative assessment of three community forests in Fako Division*, (Postgraduate thesis), Pan African Institute for Development–West Africa, p. 5, available at: <https://www.google.com/search?client=firefox-b-d&q=list+of+genetic+resources+in+the+mt+cameroon+region>, (consulted on: 18/01/2020).

⁴³ See second paragraph of section 8 of Law No 96/12 of 5 August 1996 Relating to Environmental Management.

There are also Ministerial Orders which could also be identified as relevant in regulating the forestry sector, they include among others:

- Order No. 0070/MINEP of April 22, 2005 which defines the Different Categories of Operations whose realisation is subjected to an Environmental Impact Assessment;
- Order No. 00001/MINEP February 3, 2007 which defines the general content of Terms of Reference for Environmental Impact Assessments and Provides Guidelines for its Formulation;
- Order No. 0222/A/MINEF of May 25, 2002 establishes procedures for Developing, Approval, Monitoring and Control of the Implementation of Forest Management Plans for the Production Forests in the Permanent Forest Estate; and
- Order No. 0872/MINEF of October 23, 2001 which clarifies Forest Species Classification.

III. THE RELEVANCE OF INTERNATIONAL ENVIRONMENTAL INSTRUMENTS

Treaties⁴⁴ constitute a source of law in Cameroon. They are relevant for this article because of their importance in fostering the conservation and sustainable use of the world's biodiversity including those of Cameroon's forest. The forest heritage of Cameroon found within and out of protected areas is an integral part of the world's biodiversity and international environmental conventions ratified by Cameroon are important in managing the resources. Some international environmental agreements provide for or rely on the establishment and effective management of protected areas for the achievement of their objectives⁴⁵.

International environmental agreements contribute in shaping Cameroon's policies and actions with respect to forest heritage conservation.⁴⁶ Treaties in general and environmental treaties in particular are more imposing in the hierarchy of legal norms than municipal law but they must be ratified by the president of the Republic. Article 43 of the Cameroon's constitution⁴⁷ stipulates that "*the president of the Republic shall negotiate and ratify treaties and*

⁴⁴ In Article 2 (1a) of the Vienna Convention on the Law of Treaties (1155 UNTS 331 [1988]), defined a treaty as "an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation."

⁴⁵ UNEP, UNDP and Dutch Government, (1999). Handbook on the implementation of conventions related to biodiversity in Africa. UNEP, Nairobi In: Onang Egute T., (2012) Supra P. 63

⁴⁶ BSSAP, (1999). Biodiversity status strategy and action plan. United Nations Environmental Programme. <http://www.cbd.int/doc/world/cm/cm-nbsap-01-p1-en.pdf>. (Last accessed 12.12.2018).

⁴⁷ The 1996 constitution of the Republic of Cameroon.

international agreements. Treaties and international agreements falling within the area of competence of the Legislative Power as defined in Article 26 shall be submitted to Parliament for authorization to ratify.” Article 45 of same Constitution further states that *“duly approved or ratified treaties and international agreements shall, following their publication, override national laws, provided the other party implements the said treaty or agreement.”* Cameroon has participated in many environmental conferences and has ratified environmental agreements which are multilateral or international in nature, some of which are relevant for the conservation and sustainable management of the forest resources in Cameroon. Some of these major arrangements include:

1. Convention on the Protection of the World Cultural and Natural Heritage (November 1972)

The World Heritage Convention was adopted in 1972 by the General Conference of the United Nations Educational, Scientific and Cultural Organization (UNESCO) meeting in Paris from October 17 to November 12, 1972, at its seventeenth session. The convention promotes an international perspective on cultural and natural heritage by inviting member States including Cameroon to submit an inventory of properties forming its national cultural and natural heritage to be included in a list of World Heritage sites.

The convention encourages national efforts at protecting cultural and natural heritage and promotes international recognition and cooperation in safeguarding the heritage of the world.⁴⁸ Article 2 of this Convention provides that, *“the following shall be considered as natural heritage: natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view; geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation; natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.”* Operational Guidelines for the Implementation of the World Heritage Convention were issued in 1988. They outline the criteria to be met by sites on the World Heritage List.⁴⁹

2. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITIES) (March 1973)

⁴⁸ See article 45 and 7 of the convention on the Protection of the World Cultural and Natural Heritage (Paris, 16th November 1972).

⁴⁹ Available at: <http://orcp.hustoj.com/2015/12/26/convention-1972/>, (lastly consulted on: 07/09/2019).

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, also known as the Washington Convention is a multilateral treaty concluded at Washington on the 3rd of March, 1973 of which Cameroon is a signatory, to protect endangered plants and animals. It was drafted as a result of a resolution adopted in 1963 at a meeting of members of the International Union for Conservation of Nature (IUCN). The convention was opened for signature in 1973 and entered into force on the 1st of July 1975. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten the survival of the species in the wild whether they are traded as live or dead specimens, fur coats or dried herbs. Cameroon acceded to the convention on June 05 1981. By acceding to the convention, the country recognized the need of protecting endangered species of wild fauna and flora in forested and non-forested areas. Today, it accords varying degrees of protection to more than 35,000 species of animals and plants⁵⁰ some of which lives within Cameroon's territorial forests. Because the trade in wild animals and plants crosses borders between countries, the effort to regulate it requires international cooperation to safeguard certain species from over-exploitation. CITES was conceived in the spirit of such cooperation.

3. United Nations Framework Convention on Climate Change (June 1992)

The United Nations Framework Convention on Climate Change (UNFCCC) is an international environmental treaty adopted on 9 May 1992 and opened for signature at the Earth Summit in Rio de Janeiro from the 3rd to 14th of June 1992. On the 14th of June 1992, Cameroon signed the treaty. The objective of the UNFCCC is to “*stabilize greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic⁵¹interference with the climate system.*”⁵² There exist a close relationship between climate change and forest especially as wrong forest use could give way to deforestation. The Convention requires member States such as Cameroon to promote and facilitates public participation in addressing climate change and its effects.⁵³ Based on this authority, the government of Cameroon is expected to promote the participation of local communities in Cameroon's forested areas in addressing climate change and its effects. The 1994 Forestry Law could be said to have indirectly implemented this convention as various forestry practices including Community Forest warrants the adoption of sustainable measures in forest exploitation which has a significant role in helping to slow down the accumulation of carbon dioxide in the atmosphere that contributes to climate

⁵⁰ Available at: <https://en.wikipedia.org/wiki/CITES>, (accessed on: 07/09/2019).

⁵¹ The term anthropogenic designates an effect resulting from human activity. Some human activities that cause damage (either directly or indirectly) to the environment on a global scale include overexploitation, pollution, and deforestation.

⁵² See article 2 of the United Nations Framework Convention on Climate Change, 1992.

⁵³ Article 6 (a) (iii) Ibid.

change.

4. Convention on Biological Diversity (CBD) (June 1992)

The Convention was adopted and opened for signature on the 5th of June 1992 at the United Nations Conference on Environment and Development in Rio de Janeiro. This Convention offers the widest range of legal tools for promoting biodiversity conservation within Cameroon's forest. The conservation of biological diversity and the sustainable use of its components are two major objectives of the Convention, as provided by article 1.⁵⁴ Cameroon ratified the CBD on October 19, 1994. For Cameroon's forests, the CBD is a very important instrument since the majority of the country's biodiversity lies within forests. Article 6 of the Convention requires member States to "*develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity...*" The protection of forest biodiversity is done through the establishment of protected areas and the CBD is the most influential legally binding agreement for protected areas.⁵⁵

The convention stresses the fact that, environmental issues (of which forest issues constitute an important component) are best handled when all citizens are given the opportunity to participate in decision making processes,⁵⁶ thus encouraging the participation of local communities within Cameroon in the management of natural resources such as forest. The Preamble of the convention affirms that, the conservation of biological diversity is a common concern of humankind. The logical implication of this is that member States to the Convention including Cameroon have under international law, the responsibility for conserving their biological diversity and use their biological resources in a sustainable manner.⁵⁷

Furthermore, the convention clearly recognizes and obliges the participation of local communities embodying traditional knowledge in the conservation of biological diversity of which forest is an important element.⁵⁸ In this light, the convention calls on the contracting parties including Cameroon to "*as far as possible and as appropriate ...subject to its national legislation, respect, preserve and maintain knowledge, innovation and practices of indigenous*

⁵⁴ Article 1 of the 1992 CBD provides that: "The objectives of this Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding."

⁵⁵ cf Scanlon J. and Burhenne-Guilmin F., (eds). International Environmental Governance. AN International Regime for Protected Areas. IUCN Environmental and Law Paper 49: 9-40.

⁵⁶ Article 10 (c and d) of the 1992 CBD.

⁵⁷ De Klemm C. and Shine C., (1993). Biological Diversity Conservation and the Law, IUCN, Gland, Switzerland and Cambridge, UK. P. 16.

⁵⁸ See preamble of 1992 CBD.

*and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity...*⁵⁹ This interest is restated in article 10(c) of the Convention which states that, “*each contracting party, shall as far as possible and as appropriate... protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with the conservation or sustainable use requirement.*” It could be argued that, the use of the words “*indigenous*” and “*local communities*” in article 8(j) and “*traditional cultural practices*” in article 10(c) above, motivated or underpinned the government’s decision to create Community Forest in Cameroon where the indigenous knowledge and practices were to be applied.

Additionally, efforts have been made by the government to implement the aspirations of this instrument pertaining to participatory forest management. In this light, national and institutional framework developed to implement the aspirations of the 1992 CBD regarding participatory forest management are found in pieces of legislations such as: the 1996 Constitution of Cameroon which call on all citizens to participate in the protection of the environment;⁶⁰ the 1994 Forestry Law which introduced community forest management in Cameroon;⁶¹ and the 1996 Environmental Law which calls on the participation of local communities in environmental management,⁶² all to be enforced by the government through the Ministry of Forestry and Wildlife (MINFOF).

5. United Nations Convention to Combat Desertification (UNCCD) (1994)

The United Nations Convention to Combat Desertification, particularly in Africa (UNCCD) is a Convention to combat desertification and mitigate the effects of drought through national action programs that incorporate long-term strategies supported by international cooperation and partnership arrangements.⁶³ Desertification, along with climate change and the loss of biodiversity, were identified as the greatest challenges to sustainable development during the 1992 Rio Earth Summit.⁶⁴ The convention was drafted in Paris, France on 17th June, 1994. It entered into force on the 26th of December, 1996. Cameroon signed the convention on the 14th of October, 1994 and ratified it on the 29th of May, 1997.

UNCCD is the sole legally binding international agreement set up to address the problem of

⁵⁹ Article 8 (j) Ibid.

⁶⁰ See the preamble of the Constitution of Cameroon.

⁶¹ See articles 37 and 38 of the 1994 Forestry Law.

⁶² See article 3 of the 1996 Environmental Law.

⁶³ Available at: https://en.wikipedia.org/wiki/United_Nations_Convention_to_Combat_Desertification, (consulted on: 18/01/2020).

⁶⁴ Available at: <https://www.unccd.int/news-events/desertification-convention-breaks-new-ground>, (consulted on: 18/01/2020).

desertification. In the 10-Year Strategy of the UNCCD (2008-2018) that was adopted in 2007, Parties to the Convention further specified their goals: "to forge a global partnership to reverse and prevent desertification/land degradation and to mitigate the effects of drought in affected areas in order to support poverty reduction and environmental sustainability (of which forest sustainability constitute an essential element)".

The UNCCD is particularly committed to encouraging the participation of local people in combating desertification and land degradation. The Convention is based on the principles of *participation, partnership and decentralization*: the backbone of Good Governance and Sustainable Development in the forestry sector. It has 197 parties, Cameroon inclusive. The UNCCD secretariat facilitates cooperation between developed and developing countries, particularly around knowledge and technology transfer for sustainable land management. The UNCCD collaborates closely with the other two Conventions; the Convention on Biological Diversity (CBD) and the United Nations Framework Convention on Climate Change (UNFCCC) for the best possible use of natural resources⁶⁵ in general and forest resources in particular.

IV. REGULATORY FOUNDATION AT THE REGIONAL AND SUB-REGIONAL LEVELS

Regional and sub-regional instruments which confers protection to forest resources have to be taken into consideration when dealing with the forestry policy of Cameroon. They are important as they ensure the conservation and sustainable use of the forest ecosystem. In this regard, the following environmental regional and sub-regional conventions to which Cameroon is a party are relevant.

1. The 1968 African Convention on the Conservation of Nature and Natural Resources as Revised in 2003

The African Convention on the Conservation of Nature and Natural Resources,⁶⁶ was established on the 15th of September 1968 at Algiers, Algeria. The Convention entered into force on the 16th of June 1969.⁶⁷ It was negotiated under the auspices of the Organization of African Unity (OAU) (now the African Union) by the governments of newly independent African states. The subjects of the convention focus on Water, Land and soil, Wild species and

⁶⁵ UN Convention to Combat Desertification (Paris - 1994), by Florent Martin (April 2015), available at: <https://europa.eu/capacity4dev/public-environment-climate/document/un-convention-combat-desertification-paris-1994>, (lastly consulted on: 31/10/2019).

⁶⁶ Hereinafter referred to as the 1968 African Nature Convention.

⁶⁷ See IUCN ELC, 08.2005, based on UNEP Register of International Treaties and Other Agreements in the Field of the Environment, 1996. At: <https://www.ecolex.org/details/treaty/african-convention-on-the-conservation-of-nature-and-natural-resources-tre-000492/> (consulted on: 11/01/2019).

ecosystems. These elements are dealt with individually in each specific article in the form of very general obligations. With Cameroon being a signatory to this Convention on September 15, 1968, and ratified on September 29, 1978,⁶⁸ Cameroon's wildlife resources within its forests definitely benefits from the protection accorded by the convention.

The Convention promotes the sustainability of natural resources as it requires parties to take measures which are reconcilable with customary rights to ensure conservation, utilization and development of flora and faunal resources in accordance with scientific principles and with due regard to the best interests of the people.⁶⁹ Regarding fauna resources, the Convention further reiterates their protection by stating that, "*Parties to the convention are expected to conserve faunal resources and use them wisely, manage their populations and habitats, control hunting and prohibit the use of poisons, explosives and automatic weapons in hunting.*"⁷⁰ In this light, activities such as hunting and capture are to be subject to the grant of properly regulated permits.⁷¹

In the late 1990s, the Organization of African Unity (OAU) requested the assistance of International Union for the Conservation of Nature (IUCN), United Nations Environmental Programme (UNEP) and the United Nations Economic Commission for Africa to revise the convention in the light of developments in international environmental law and scientific knowledge.⁷² The review was done and the revised Convention was adopted in Maputo, Mozambique, on the 11th of July 2003.⁷³ The objectives of the 2003 Revised African Nature Convention include: to enhance environmental protection; to foster the conservation of nature and natural resources; and to harmonize and coordinate policies in these fields.⁷⁴

As in the original 1968 Convention, the 2003 revised version addresses land and soil degradation,⁷⁵ and vegetation cover⁷⁶ among others. It further provides for special protection

⁶⁸ Ibid.

⁶⁹ See Articles II and XI of the 1968 African Nature Convention.

⁷⁰ Article VII. Ibid.

⁷¹ Article VII (2). Ibid.

⁷² IUCN (2006). "An Introduction to the Revised African Convention on the Conservation of Nature and Natural Resources." IUCN Environmental Policy and Law Paper No. 56 Rev., (2nd Eds), P. 5. See also Sands P., Peel, J., et al. (2012). *Principles of International Environmental Law*, 3rd Edition, Cambridge University Press, U.K. P. 48.

⁷³ Hereinafter referred to as the 2003 Revised African Nature Convention. The 2003 Convention will enter into force thirty days after the fifteenth ratification is deposited. Since its adoption in July 2003, fifty-three states have signed the Convention and eight have ratified it. The text of the 2003 Revised African Nature Convention Could be consulted at www.au.int/en/content/african-convention-conservation-nature-and-natural-resources-revised-version.

⁷⁴ Article II of the 2003 Revised African Nature Convention.

⁷⁵ Article V.I Ibid.

⁷⁶ Article VIII. Ibid.

for threatened species and their habitats to ensure their survival.⁷⁷ Parties to the Convention with Cameroon inclusive are required to regulate trade in, and the transport and possession of specimens or products of plants, animals or micro-organisms to ensure that they have been taken or obtained in conformity with domestic and international obligations concerning trade in species.⁷⁸ The 2003 Revised African Nature Convention provides special protection for threatened species and habitats necessary for their survival⁷⁹ and where a species is endemic to an areas under the jurisdiction of one party, that party has a particular responsibility for its protection.⁸⁰ These requirements impose on State parties such as Cameroon to take measures to protect endemic species, especially as Cameroon's forested areas are known for harboring many endemic species.⁸¹

The 2003 Maputo Convention on Nature and Natural Resource encourages and promotes the sustainable management and conservation of forest by requiring States to take necessary measures to ensure the participation of local communities in the process of planning and management of natural resources upon which communities depend.⁸² This is in line with principle 22 of the of the 1992 Rio Declaration on Environment and Development which emphasizes the important role played by local communities in environmental management for the purpose of sustainability and development. Like the other environmental instruments, this Convention imposes a duty on Cameroon to take necessary measures to ensure participatory forest management within its national territory as it is vital in forest sustainability. The introduction of community forest management in the 1994 Forestry Legislation is therefore in line with the aspiration of this Convention.

More so, this convention stresses on several conservation policies in the conservation of environmental resources of which forest constitutes a major element. It is observed that, some of the conservation policies adopted by the government of Cameroon most have been motivated by this Convention. Some of these forest conservation policies include: the creation of restricted areas such as national parks;⁸³ the categorization of animal species in the national territory with restriction on their hunt, kill, captured or trade;⁸⁴ as well as the control of burning

⁷⁷ Article X (1). In this light, the convention notes, that, where a species is represented only in areas under the jurisdiction of one party, that party has a particular responsibility for its protection - see Art. XI (1) and (2).

⁷⁸ Article XI (1). *Ibid.*

⁷⁹ Article X (1).

⁸⁰ Article XI (1) and (2).

⁸¹ MINFOF (2014). *The Management Plan of the Mount Cameroon National Park and its Peripheral Zone, 2015 – 2019*, MINFOF, Yaoundé, Cameroon. P. 20.

⁸² Article xvii of the 2003 Maputo Convention on Nature and Natural Resource.

⁸³ See section 24 (1) of the 1994 Forestry Law.

⁸⁴ See generally section 78, 80 and 98. *Ibid.*

through the restriction on the lighting of bush fires which may cause damage to the national forest estate.⁸⁵ It could therefore be argued that this legal instrument provided directions for Cameroon to craft appropriate and sustainable national regulatory frameworks for forest management.

2. The COMIFAC Treaty of 2005

The abbreviation COMIFAC originally meant Council of Ministers In-Charge of Forests. But now, it stands for Central Africa Forest Commission (COMIFAC). It is responsible for decision making, coordination and control of the implementation of policies on the sustainable management of forest ecosystems in Central Africa.⁸⁶ Under its auspices, the 2005 Treaty on the Conservation and Sustainable Management of Forest Ecosystems in Central Africa (commonly referred to as the COMIFAC Treaty) was signed.

The COMIFAC Treaty was signed by the Heads of States and Government of ten Central African countries⁸⁷ during their second summit which took place in Brazzaville-Republic of Congo in February 2005. Membership is restricted only to Central African States, thus it has a regional status. As part of its measures in promoting sustainable forest conservation, the treaty calls on the participation of local communities in the sustainable management of forest. It further calls on member States to “set up efforts to increase the rapid participation of rural population in the planning and sustainable management of ecosystems and allot adequate areas for their socio-economic development.”⁸⁸ The ratification of this treaty by Cameroon obliges her to ensure the participation of local communities in the sustainable management of forest in their various communities. This is manifested through the existence of community forests in Cameroon⁸⁹ and equally in other member States like Gabon⁹⁰ and the Republic of Congo.⁹¹

3. African Timber Organization (ATO)

Created in 1976, ATO brings together 13 countries; Angola, Cameroon, Central African Republic, Congo, Cote-d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Gabon, Ghana, Liberia, Nigeria, Sao Tome et Principe and Tanzania. As a member of the organization, Cameroon is devoted to abiding by its objectives which include among others: harmonization

⁸⁵ Section 14. Ibid.

⁸⁶ See article 10 of the COMIFAC Treaty of 2005.

⁸⁷ The Central African Republic, the Democratic Republic of Congo, the Republic of Burundi, the Republic of Cameroon, the Republic of Chad, the Republic of Congo, the Republic of Equatorial Guinea, the Republic of Gabon, the Republic of Rwanda and the Republic of Sao Tome and Principe.

⁸⁸ Article 1 of the COMIFAC Treaty of 2005.

⁸⁹ See article 37 and 38 of the 1994 Forestry Law.

⁹⁰ See article 156 of Loi no. 16/01/2001 du 31/11/2001 portant Code Forestier en République Gabonaise.

⁹¹ See article 11, loi no. 16/2000 du 20/11/2000 portant Code Forestier.

of national policies regarding forest conservation, reforestation, sustainable forest management and related subjects. Forested areas in Cameroon benefit from the conservation and sustainable management objective of this organization as a result of Cameroon's membership. In recent years ATO has focused particularly on the definition of criteria and indicators for sustainable forest management and on the establishment of certification in Africa

4. Accord for Cooperation and Consultation among Central African States relating to Wildlife Conservation (April 1983)

Also known as Agreement for Cooperation and Consultation between the Central African States for the Conservation of Wild Fauna (in French titled: Accord de coopération et de concertation entre les Etats d'Afrique central sur la conservation de la faune sauvage), it was drafted on the 16th of April 1983 at Libreville- Gabon. The signatories are: Cameroon (April 16, 1983), Central African Republic, Congo, Gabon and the Republic of Sudan.

The objective of the accord is to develop co-operation and consultation amongst the Parties on the conservation of wild fauna. To achieve this, the Parties agree to institutionalize the conference, named "Ministerial Conference of Central African States on the Conservation of Wild Fauna". The parties further agree that the Conference is established to make recommendations on wild fauna conservation as well as anti-poaching measures, to ensure the exchange of information between Parties, to harmonize hunting and marketing of hunting products policies, and to promote training and education in conservation of wild fauna.

5. Convention on Cooperation relating to the Protection and Development of the Marine Environment and the Coastal Areas of West and Central Africa (1981)

This Convention was signed in Abidjan on the 23rd of March 1981. The objective of this Convention is to protect the marine environment, coastal zones and related internal waters falling within the jurisdiction of the States of the West and Central African region. Cameroon ratified this convention on March 1, 1983.

The Contracting Parties conscious of the economic, social and health value of the marine environment and coastal areas of the West and Central African Region, fully aware of their responsibility to preserve their natural heritage for the benefit and enjoyment of present and future generations, and recognizing the threat to the marine and coastal environment,⁹² they agreed to take all necessary measures to prevent, reduce, combat and control pollution of the Convention area, particularly pollution from ships and aircraft, land-based sources, and

⁹² See FAOLEX Database at: <http://www.fao.org/faolex/results/details/en/c/LEX-FAOC118163/>, (consulted on: 02/04/2020).

activities relating to exploration and exploitation of the sea bed and pollution from or through the atmosphere. They undertake to prevent, reduce, combat and control coastal erosion and protect and preserve rare or fragile ecosystems, as well as the habitat of depleted, threatened or endangered species and other marine life. Parties are to co-operate in dealing with pollution emergencies in the Convention area, and in exchanging data and other scientific information. Moreover, they undertake to develop technical and other guidelines regarding environmental impact assessment of their development projects and establish roles and procedures for the determination of liability and the payment of adequate and prompt compensation for pollution damage of the Convention area.⁹³ Thus, the important of this convention in protecting biodiversity in Cameroon's coastal areas cannot be undermined given that a substantial part of Cameroon's forest is located in a coastal area with high biodiversity potentials and subject to threats from increasing anthropogenic activities such as maritime pollution.

V. CONCLUSION

Forests around the world with that of Cameroon in particular provide tangible and non-tangible services which are very vital to human existence. As the rate of forest destruction around the world has increased over the past decades which results from anthropogenic and non-anthropogenic factors, there has been a growing demand for concerted action to ensure the conservation of species and ecosystems for the benefit of the present and future generations. This article has provided an in-depth into Cameroon's domestic regulatory instruments as well as ratified international, regional and sub-regional environmental instruments relevant for protecting the forest ecosystem in Cameroon. It is hoped that stakeholders in Cameroon's forestry sector take into consideration these regulatory instruments in the course of their actions in order to meet the objectives of the forest policy. It is observed that environment protection in general and forest protection in particular is of great importance. This explains why at domestic levels, many State constitutions now contain provisions establishing environmental rights such as the right to a clean and healthy environment or impose a duty on the State to prevent environmental harm, or mention the protection of the environment or natural resources. It is hoped that logging companies, local communities especially those living in forested areas and other stakeholder in the forestry sector will ensure environmentally friendly practices in accordance with the regulatory frameworks for forest-use and management in order to promote sustainability of the forest ecosystem.

⁹³Available at: <https://www.ecolex.org/details/treaty/convention-for-co-operation-in-the-protection-and-development-of-the-marine-and-coastal-environment-of-the-west-and-central-african-region-tre-000547/>, (consulted on: 02/04/20).