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PhD Thesis

Modern Law and Local Tradition in Forest Heritage Conservation in Cameroon: The Case of Korup

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by

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DOKTORARBEIT

Modernes Recht und Lokale Traditionen bei der Erhaltung des Walderbes in Kamerun: Eine Fallstudie über Korup

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Declaration

I hereby declare that this dissertation is the result of my original research carried out at the Brandenburg University of Technology Cottbus, Germany within the framework of the doctorate programme Environmental and Resource Management. I hereby admit that this dissertation has never been published by another person or submitted to any examination board for the award of any other degree. All the sources used have been duly acknowledged.

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Dedication

This dissertation is dedicated to my son Terry Onang Egute and beloved wife Mrs. Emilienne Enghewo Egute who were deprived of my presence during this research but remained the primary source of motivation for my success; and finally to my parents Mr. Samuel Echoimbe Egute and Mrs. Elisabeth Afor Egute for their consistent financial and moral support throughout my academic career.

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Abstract

Cameroon's forests are exceptionally rich in biodiversity but are among the most threatened forests in the Congo Basin. To safeguard the country's forest heritage, the government resorted to the creation of protected areas such as the Korup National Park (KNP) but ignored the local traditional system of natural resource management and relied merely on modern law for its protection. But the protection of the park only through modern law has not yielded satisfactory results since it still faces numerous problems which exacerbate biodiversity loss. With many problems facing the park, there is growing concern with regards to government strategy to maintain its values and integrity merely through modern law. This dissertation aims at assessing the potentials of modern law and local traditional system of natural resource management as instruments for effective protection of the KNP in particular and other Cameroonian national parks in general. It further aims at exploring ways of adapting national law and policy to suit local reality. To realise the objectives of this study, legal science analytical method, instruments of both quantitative approach (questionnaire) and qualitative approach (semi-structured interviews) were used. An in-depth assessment of the degree of effectiveness of modern law application in Korup reveals that it is to a lesser extent effective and this impedes Cameroon's adequate compliance with its biodiversity conservation obligations under international environmental agreements. The study finds that the park's protection unit plays a commendable role in fighting against illegal activities but inadequate financial resources and logistics render the institution weak. Other institutions play a laudable role in enforcing the law but major weaknesses identified include bail abuses, leniency in punishing offenders and corruption. It was discovered that the Korup inhabitants are against resettlement and often reluctantly cooperate in enforcing modern law. The research reveals that cultural beliefs and traditional practices associated with totems, taboos and sacred forests exist in the Korup villages and contributed in protecting Korup forest heritage. It shows that the putting into practice of some aspects of the traditional cultural practices was often without conservation intention but paradoxically, this contributed to forest biodiversity conservation. The study finds that each village has customary laws and local bylaws which are binding on its inhabitants and contribute to rational use of forest resources.

The chieftaincy, village council and the Ekpe society are revealed as traditional institutions that govern the Korup people and manage forest resources through the traditional system ignored by the state. The research shows that statutory law recognises only the chieftaincy institution but reduces traditional rulers to mere auxiliaries of the government thereby weakening traditional institutions that ought to contribute in protecting Korup forest heritage. It recommends that in addition to fighting corruption and building the capacity of law enforcement institutions, the government should adequately integrate traditional rulers and institutions into the modern governance structure. It should legally recognise the role of traditional authorities in safeguarding Korup forest heritage through the traditional system. The study concludes that a management and conservation strategy that involves the people of Korup through their traditional institutions and system of natural resource management, will lead to effective protection and sustainability of the KNP and thus, contribute in enhancing Cameroon's compliance with biodiversity-related international environmental agreements.

Keywords: Modern Law, Customary Law, Local Tradition, Forest Heritage, Biodiversity, Conservation, Cameroon, Korup National Park

Zusammenfassung

Die Wälder Kameruns haben eine außerordentlich hohe Artenvielfalt, zählen aber zu den am stärksten gefährdeten Wäldern im Kongobecken. Um die Wälder als Erbe des Landes zu schützen, beschloss die Regierung, Naturschutzgebiete einzurichten, wie den Korup Nationalpark (KNP), ignorierte dabei aber das lokale und traditionelle System der Bewirtschaftung von Naturgütern und verließ sich lediglich auf moderne Rechtsinstrumente, um den Nationalpark zu schützen. Der alleinige Schutz des Parks durch moderne Rechtsinstrumente hat bisher keine zufriedenstellenden Ergebnisse gezeitigt, da diese mit verschiedenen Problemen behaftet sind, die den Verlust der Artenvielfalt verschlimmern. Auf Grund der Vielzahl von Problemen wachsen die Zweifel an der Regierungsstrategie, Wert und Integrität des Parks allein durch moderne Rechtsinstrumente zu erhalten. Diese Dissertation sucht die Möglichkeiten von modernen Rechtsinstrumenten und lokalen, traditionellen Bewirtschaftungssystemen von Naturgütern als Instrumente eines effektiven Schutzes für den KNP zu bestimmen und daraus allgemeine Grundsätze für den Naturschutz von anderen Nationalparks in Kamerun zu entwickeln. Darüber hinaus versucht diese Arbeit, Wege aufzuzeigen, wie nationale Gesetze und Politik auf lokale Gegebenheiten angepasst werden können. Um die rechtswissenschaftliche Analyse, das Ziel dieser Studie, durchzuführen, wurden sowohl quantitative (Auswertung von Fragebogen) als auch qualitative Methoden (semi-strukturierte Interviews) eingesetzt. Eine umfassende Bewertung der Wirksamkeit der modernen Rechtsinstrumente in Korup zeigte, dass sie nur begrenzt wirksam sind. Dies erschwert es Kamerun, seine Verpflichtungen zum Erhalt der biologischen Vielfalt nach internationalen Umwelt-Übereinkommen angemessen einzuhalten. Die Studie zeigt zwar, dass die Naturschutzabteilung des Parks einen aner kennenswerten Beitrag im Kampf gegen illegale Aktivitäten leistet, unzureichende finanzielle und logistische Ausstattung sie jedoch schwächt. Andere Institutionen spielen eine ebenfalls wichtige Rolle bei der Gesetzes Durchsetzung, jedoch zeigt die Studie auf, dass Bußgeldmißbrauch, Nachlässigkeit in der Strafverfolgung und Korruption große Problemfelder darstellen. Nach den Ergebnissen der Studie, sprechen sich die Einwohner von Korup gegen Umsiedlungen aus und sie kooperieren nur widerwillig

bei der Durchsetzung modernen Rechtsinstrumenten. Die Studie zeigt dagegen, dass kulturelle Vorstellungen und traditionelle Praktiken, die mit Totems, Tabus und heiligen Wäldern verbunden sind, in den Dörfern von Korup existieren und dass diese dazu beitragen, das Walderbe von Korup zu schützen. Die Forschung zeigt, dass die Umsetzung von Aspekten dieser traditionellen kulturellen Praktiken vielfach ohne Naturschutzabsichten erfolgt, jedoch paradoxerweise zum Schutz der Artenvielfalt der Wälder beiträgt. Die Studie zeigt, daß jede Dorfgemeinschaft die Gewohnheitsrechte und locale Regelungen hat, die für die Bewohner bindend sind und die zu einer angemessenen Nutzung der Naturgüter des Waldes beiträgt. Es wird dargestellt, dass das Stammesoberhaupt, der Dorfrat und die Ekpe-Gesellschaft traditionelle Institutionen sind, die die Bevölkerung von Korup regieren und innerhalb eines traditionellen Systems die Naturgüter der Wälder bewirtschaften. Dieses traditionelle System wird jedoch von der Staatsregierung ignoriert. Die Studie zeigt, dass Gesetzesvorschriften lediglich die Institution des Stammesoberhauptes anerkennen, die Institution der traditionellen Stammesfürsten aber schwächen und zu bloßen Hilfskräften der Staatsregierung machen. Auf diese Weise schwächen die Gesetzesvorschriften die traditionellen Institutionen, die dazu beitragen könnten, das Erbe der Wälder von Korup zu schützen. Die Studie empfiehlt, dass die Staatsregierung neben Anstrengungen zur Korruptionsbekämpfung und des Aufbaus von Kapazitäten bei Institutionen in der Rechtsumsetzung auch traditionelle Stammesführer und Institutionen angemessen in eine moderne Verwaltungsstruktur integrieren sollte. Die Staatsregierung sollte auch die Rolle von traditionellen Autoritäten beim Schutz des Erbes der Wälder von Korup anerkennen, die diese innerhalb des traditionellen Bewirtschaftungssystems innehaben. Die Studie kommt zu der Schlussfolgerung, dass eine Management- und Naturschutzstrategie die das Volk der Korup in Form der traditionellen Institutionen und des traditionellen Bewirtschaftung Systems der natürlichen Ressourcen beteiligt, zu einem wirksamen Schutz und Nachhaltigkeit des KNP führen wird und damit einen Beitrag zur Verbesserung Kameruns bei der Einhaltung biodiversitätsschutz bezogener internationaler Umweltabkommen.

Stichworte: Modernes Recht, Gewohnheitsrecht, Lokale Tradition, Walderbe, Biodiversität, Naturschutz, Kamerun, Korup Nationalpark

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List of Acronyms and Abbreviations

ABS	Access and Benefit Sharing
CITES	Convention on International Trade in Endangered Species of Wild Fauna and Flora
CBD	Convention on Biological Diversity
CHG	Community Hunting Grounds
EIA	Environmental Impact Assessment
ESAF	Enhanced Structural Adjustment Facility
FAO	Food and Agriculture Organisation
GDP	Gross Domestic Product
ICJ	International Court of Justice
IMF	International Monetary Fund
IRAD	Institution for Agronomic Research and Development
IUCN	International Union for Conservation of Nature
KNP	Korup National Park
KfW	Kreditanstalt für Wiederaufbau
KREO/KOGAN	Korup Rainforest Ecotourism Organisation/Korup Guide Association
LAGA	Last Great Ape Organisation
MINEF	Ministry of Environment and Forestry
MINEPDED	Ministry of Environment, Nature Protection and Sustainable Development
MINFOF	Ministry of Forestry and Wildlife
MoU	Memorandum of Understanding
NBSAP	National Biodiversity Strategy and Action Plan
NCI	National Cancer Institute
NGBM	National Gendarmerie Brigade Mundemba

NFAP	National Forestry Action Plans
NTFPs	Non-Timber Forest Products
TFAP	Tropical Forestry Action Plan
NGO	Non-Governmental Organisation
UN	United Nations
UNCED	United Nations Conference on Environment and Development
UNECE	United Nations Economic Commission for Europe
UNEP	United Nations Environment Programme
WCED	World Commission on Environment and Development
WHC	World Heritage Convention
WHS	World Heritage Site
WRI	World Resources Institute
WWF	World Wide Fund for Nature

Chapter 1 Introduction

1.1 Introduction to Chapter One

This chapter presents a general introduction to the study. It starts by providing a detailed background to this research. The chapter further provides an insight into the problem statement, research questions, aims, objectives, justification, limitations and ends with structure of this study.

1.2 Background to the Study

Cameroon is a country endowed with abundant natural resources and forest is one of the most important of these resources. The country's forests cover a surface area of about 21.2 million hectares i.e. 45% of the national territory (MINFOF and FAO, 2005; GFC, 2008). Cameroon's forests constitute a significant portion of Congo Basin's moist forests which accounts for about 80% of Africa's moist forests and 20% of the world's tropical moist forest (Essama-Nssah and Gockowski, 2000; MINFOF and FAO, 2005). The forests comprise mainly of dense evergreen rain forest, deciduous and gallery forest. The dense evergreen forests are concentrated in the southern section and also along the coast. Mangroves are found along the Gulf of Guinea coast while light acacia forests are in the north. The forests are a reservoir of biodiversity and have exceptionally rich and diverse flora and fauna (Burnham, 2000). It is estimated that Cameroon's forests constitute between 8,000 and 12,000 species (Liviú, 2005). There are about 9,000 species of plants in which at least 156 are endemic. The country contains 409 species of mammals and 925 species of birds (see section 3.8.1). In Africa, it is ranked fifth in biodiversity richness with a high degree of endemism, after South Africa, Democratic Republic of Congo, Madagascar and Tanzania (MINEF, 1995; Fomete and Tchanou, 1998). Even though it covers just 1.6% of Africa's surface area, it contains over half of its mammal and bird species and three quarter of reptiles (MINEF, 1995; GFW, 2000).

Cameroon's forests just like other tropical forests have multiple functions and are of great significance for the wellbeing of humanity. The forests are valuable as habitat for a diversity of life, agent of erosion control, regulator of watershed and climate,

source of Non-Timber Forest Products (NTFPs), timber and paper pulp (Essama and Gockowski, 2000; MINFOF and FAO, 2005; Liviu, 2005). The forest heritage¹ deserve effective conservation and management for the benefit of mankind but it is said to be used with little or no care about its future despite the existence of modern state² and local communities³ management instruments. Cameroon's forests are among Congo Basin's most threatened forests. The forests suffer from deforestation and there is increasing degradation. The factors which lead to deforestation and loss of biodiversity include population growth and undesirable agricultural practices such as slash and burn, agro-industry, fuel wood collection, bushfire and logging by timber companies (Essama-Nssah and Gockowski, 2000; Neba and Lotsmart, 2003; MINFOF and FAO, 2005; MINEP, 2008; Egute and Albrecht, 2011). The forest area that has been logged or allocated as logging concession is about 76%. Due to a poor management system and intensification of forest use, about 2 million hectares of forest was lost between 1980 and 1995 i.e. about a tenth of the forest cover of 1980 (FAO, 1997). During that period, while permanent cultivable land increased by 25%, forest cover decreased by 4.8% (Neba and Lotsmart, 2003). Logging concessions were estimated in 1999 at 36% of unprotected forest area and reached 81% if abandoned concessions since 1959 are included (GFW, 2000). Between 1990 and 2000, the annual rate of change in the forest cover was 0.9% and this resulted to an annual loss of 222,000 hectares during the decade (Liviu, 2005). There was considerable destruction of habitat for fauna and continuous destruction persistently increased threats on species populations.

¹ Forest heritage in this context does not imply forests alone. It refers to forests and resources within them. Forest is defined in section 2 of Cameroon's Law No 94/01 of 20 January 1994 to lay down Forestry, Wildlife and Fishery Regulations (hereinafter 1994 Law) as any land covered by vegetation with a predominance of trees, shrubs and other species capable of providing products other than agricultural produce. Section 9 (1) of the law stipulates that forest resources comprise mainly wood and non-wood products as well as wildlife and fishery resources derived from the forest.

² Modern state refers to an organised independent community that is recognised by other states i.e. the Republic of Cameroon.

³ Local community in this context refers to the rural population of Cameroon whose livelihood depends largely on forest resources.

During the pre-colonial period, natural resources including forests were managed through customary institutions headed by traditional rulers (chiefs⁴) and this was in accordance with customary norms, beliefs and taboos (Mengang, 1998; Mbatu, 2006). The land which was uncultivated was communally owned just like in other African kingdoms (Nguiffo et al., 2009; Zahabu et al., 2009). There was minimal exploitation of forest resources primarily for subsistence purposes. The forests served as a source of food, medicines, fuel, water, building materials and place for spiritual activities (CFA, 2007). In order to carry out hunting, permission was obtained from the chief who determined where to hunt, the type of animals to hunt and it was an offence to enter the forest to exploit resources without his knowledge (Mengang, 1998; Mbatu, 2006). Due to low population and no commercialisation of forest products, anthropogenic impact on forest resources and the environment was low.

The commercial exploitation of forest resources started during the colonial period. Cameroon was colonised by the Germans in 1884 and when World War I broke out, Britain and France ousted Germany from the territory in 1916 and occupied it until 1961 (Nghoh, 1996). The arrival of the colonial masters marked a new era because formal forest administration began. The colonial powers embarked on the exploitation of forest resources at an industrial scale for export to global markets. Europeans were occupied with the commercial exploitation of timber and other forest resources such as rubber, kola nuts, palm oil etc. The colonial powers later cleared large tracts of forests for the cultivation of cash crops such as cocoa and oil palm (Parren and de Graaf, 1995 in Malleson, 2000). They established different systems of administration. The French adopted a policy of assimilation while the British adopted a policy of indirect rule. With the assimilation policy, the colonised were taught to adopt French language and culture to eventually become French citizens. France exercised a centralised direct rule in the colonies. Indirect rule was a system of administration where traditional administrative institutions were maintained and

⁴ Traditional rulers of the Northwest region of Cameroon are known as “Fon” while those of the Northern region are known as “Lamido.” Their authority is felt in rural communities more than that of the government of Cameroon.

made to adapt with the interests and directives of the British colonial administration. It was a system of governance where traditional rulers were given the opportunity to rule their subjects under the supervision of the British colonial authorities (Ngoh, 1996).

In the British Cameroons, rights over land including forest reserves were vested in the hands of the “Native Authorities” under the system of indirect rule. France had a policy of declaring as reserves, forests that they considered as *foret vacantes et sans maître* i.e. empty forest and without owners and established direct control over such reserves. The colonisers later realised that the forest was being exploited at an alarming rate and there was degradation. As a result, the colonial forestry administrators made limited effort at conservation and management. Forest policies which focused primarily on reserving large tracts of virgin forest as forest reserves with the aim of logging and allocation for agriculture were introduced from the 1930s. Forest reserves were also created for hunting, protection of watersheds and maintenance of climatic conditions conducive for agriculture (Burnham, 2000; Parren and de Graaf, 1995 in Malleson, 2000).

When the whole of Cameroon gained independence in 1961, the trend of exploiting forest resources continued. The post-colonial administration managed the forest heritage through a centralised system which expropriated resources from local communities. The centrally directed structure excluded local communities, hard-hit by poverty from accessing forest resources especially for economic benefits. Commercial logging which began during the colonial period and cash crops introduced by colonial administrators ushered in competition for land. Between the 1940s and 1970s, export agriculture was an important component of the economy of Cameroon. But low commodity prices and insufficient maintenance of transportation infrastructure have substantially reduced the economic viability of export agriculture thereby intensifying commercial logging (Wilkie et al., 2001). To the government of Cameroon, timber tended to constitute the most important economic value of the forests and from the 1990s, exploitation for export increased (Burnham, 2000). The country is ranked among the world’s top five exporters of tropical log (GFW, 2003). To the rural communities, it was commercial trade in bushmeat and NTFPs that rose

in importance and irrational exploitation of the resources followed. These different positions couple with population pressure and the demand for more farm land exacerbated deforestation, forests degradation and loss of biodiversity. This unenviable situation has led to over 40 species of wildlife such as the black rhinoceros, gorillas and elephants to be threatened with extinction (Besong and Ngwasiri, 1995). Apart from the loss of timber and NTFPs, deforestation also has a severe negative impact on soil, water and the local climate. A similar trend of deforestation was experienced in tropical countries. Given the importance of tropical forests in particular to humanity, the wanton exploitation of the forest heritage necessitated calls at both national and international levels for measures to combat unsustainable exploitation.

1.2.1 International Forest-related Policy Initiatives and Rise of Conservation Awareness in Cameroon

Due to concerns over deforestation of tropical rainforests and loss of biodiversity, in the late 20th century, a number of major international forest-related conservation policies were instituted. In 1972, the United Nations (UN) organised a conference on the human environment at Stockholm, Sweden which resulted in an Action Plan, commonly known as the Stockholm Declaration (ILM 11 (1972), 1416). The Stockholm Declaration establishes 26 principles to inspire the global community in the preservation and enhancement of the human environment. Principles 2 and 4 of the Declaration lay emphasis on the need for protecting species and their habitats. Principle 2 provides that “the natural resources of the earth including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate.” Principle 4 states that “man has a special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat which are now gravely imperiled by a combination of adverse factors. Nature conservation including wildlife must therefore receive importance in planning for economic development.” The Stockholm Declaration is a “soft law” i.e. a nonbinding aspirational instrument (Nanda and Pring, 2003). Even though soft law instruments are non-legally binding, they are often negotiated in good faith by the negotiating parties who expect that the nonbinding commitments will be met. Such instruments

which take the form of declaration of principles, codes of practice, resolutions, guidelines, recommendations and standards often form the basis for the development of legally binding rules (Nanda and Pring, 2003; Hunter et al., 2007; Lakshman and Hendricks, 2007). As De Klemm and Shine (1993) posit, soft law contain aspirational language that inspires states to rely on them to improve environmental policy. In this light, the Stockholm Declaration constitutes one of the basis upon which national policy and legislation with respect to environmental protection in many countries including Cameroon is further developed or strengthened (De Klemm and Shine, 1993).

In 1973, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (ILM 12 (1973), 1085), whose objective is to govern international trade in such species or their specimen whether alive or dead by creating a system of import and export permits was adopted. Cameroon acceded to the convention on June 05 1981. By acceding to the convention, the country recognised the need of protecting endangered species of wild fauna and flora. In 1987, the World Commission on Environment and Development (WCED) published the Brundtland Report (UN Doc. A/42/427 of 4 August 1987). The WCED established a link between economic growth and sustainable development, emphasising on the need to curtail the destructive impact of development on the environment (WCED, 1987). The Commission defined sustainable development as “development that meets the needs and aspirations of the present without compromising the ability to meet those of the future” (WCED, 1987; p. 40). As Alemagi (2011) asserts, to adhere to the definition of sustainable development as provided in the Brundtland Report, forests exploitation in Cameroon should not exceed the regenerative and growth capacity so that the forests will continue to grow to have enough forest resources to meet the needs of the future generations. The WCED endorsed the philosophy of the World Conservation Strategy that conservation and development are inextricably linked and that conservation can only occur if the basic needs of poor people are met by development and that development cannot be sustainable without the conservation of natural resources. Specifically for protected areas, the WCED noted that national parks are often established in such a way that they are isolated from the greater society. The Commission recommended that national parks should take a

different focus that has to do with the incorporation of parks for development and that serve the purpose of biodiversity protection and development processes (WCED, 1987).

In 1985, the Food and Agriculture Organisation (FAO) in cooperation with the United Nations Environment Programme (UNEP), the World Bank and the World Resources Institute (WRI), launched the Tropical Forestry Action Plan (TFAP). Among others, the international framework for forest-related action aimed at stemming deforestation of tropical forests, promote conservation and sustainable use of tropical forest resources and create National Forestry Action Plans (NFAP) in signatory countries (FAO, 1985). The TFAP enabled forest conservation issues to gain more attention in Cameroon. The government signed the TFAP agreement in 1986 and that led to the drafting of Cameroon's NFAP in 1988. In the NFAP, there was a list of forestry projects requiring funding and by 1989; many donor governments such as France, the Netherlands, Great Britain and Canada agreed to finance some of the projects (Burnham, 2000).

Between 1980 and 1995, the World Bank carried out a review and reform of its forest and environmental policy. It recognised the need to invest in biodiversity conservation and integration of environmental protection into the goals of poverty reduction and economic growth. Tropical rainforests were identified as a priority area and in 1990, the World Bank in collaboration with the International Union for Conservation of Nature (IUCN), held a conference on the conservation and management of rainforest in West and Central Africa (Cleaver et al., 1991 in Malleson, 2000). During the conference, the World Bank's new Forestry Policy Paper which reflected the Bank's concern for the conservation of biodiversity was discussed. It sets out conditions for the Bank's involvement in lending operations in the forestry sector. Lending operations pertaining to the forestry sector would be subject to government commitment to sustainable and conservation-oriented forestry. The World Bank's 1991 Forest Strategy listed Cameroon and the countries of the Congo Basin with the exception of Equatorial Guinea among the 20 countries with threatened tropical moist forests (Essama-Nssah and Gockowski, 2000). This served as a strong signal for Cameroon to pay more attention to forest conservation.

The United Nations Conference on Environment and Development (UNCED) that held at Rio de Janeiro in 1992 which Cameroon participated, provided a forum for discussions on forestry and biodiversity conservation. It resulted to five documents relevant for the conservation and management of forest resources. Agenda 21 (U.N. Doc. A/CONF. 151/26 (Vol. I-III) [1992]), which is one of the soft law instruments adopted by the UNCED represents a blueprint for action and recognises the need to combat deforestation and sustain the multiple roles and function of forests. Its chapter 11 is devoted to combating deforestation while chapter 15 is devoted to the conservation of biological diversity. Furthermore, Agenda 21 recognises the importance of involving people affected by conservation initiatives in the decision-making process and of forming consensus between local people, national and international stakeholders. The Rio Declaration on Environment and Development (ILM 31 (1992), 874) is another soft law instrument adopted by the UNCED which consists of 27 principles that aim at guiding the international community in its efforts to achieve sustainable development (Hunter et al., 2007). It reaffirms and seeks to build upon the principles of the Stockholm Declaration (Jeffery, 2004). Its Principle 22 recognises the role of indigenous and local communities in environmental management and requires states to support their culture and participation in achieving sustainable development. The Forest Principles, specifically titled the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (ILM 31 (1992), 881) which is another important soft law agreement, emphasises sustainable forest management and makes several recommendations for forestry notably, its recognition of the rights of indigenous and local communities in forest resource use and management (Principles 2 (d), 5 (a), and 8 (f) of Forest Principles). Some of the principles contain in these soft law instruments are incorporated into Cameroon's forest policy and laws (BSSAP, 1999).

The Convention on Biological Diversity (CBD) (ILM 31 (1992), 818) is an important legally binding international environmental convention adopted in Rio de Janeiro for the conservation of biodiversity. Nanda and Pring (2003) describe the Convention as the latest legally binding international environmental agreement for the preservation of wildlife. Cameroon ratified the CBD on October 19 1994 and as stated in the

National Biodiversity Strategy and Action Plan⁵ (NBSAP), by ratifying the Convention, the country accepted to fulfill its objectives (BSSAP, 1999) as provided in Article 1 which include the conservation of biological diversity, sustainable use of its components and, fair and equitable sharing of benefits arising out of the utilisation of genetic resources. In addition, by ratifying the CBD, the Government of Cameroon recognised that the implementation of the Convention could halt and even reverse the loss of biodiversity and degradation of ecosystems for the benefit of Cameroon and the world (BSSAP, 1999). The forest-related conservation policy initiatives at the international level catalysed government action in the forestry sector in Cameroon.

1.2.2 National Forestry and Environmental Policy Initiatives

Following increasing degradation of the forests and loss of biodiversity, the government of Cameroon embarked on sustainable oriented forest conservation and management policy. Before 1994, the forest policy of Cameroon laid emphasis on the exploitation of forest heritage resources in order to generate wealth for development. The government recognised the importance to develop national programmes for conservation and sustainable use of biodiversity especially after the 1992 Rio Earth Summit. In 1993, a forest policy document, the National Forestry Action Programme was adopted. This was within the framework of the TFAP. It sets the objectives of the forestry and wildlife sector which among others include: the protection of Cameroon's forest heritage and participation in safeguarding the global environment, preservation of biodiversity in a sustainable manner, improvement of participation of the local populations in forest conservation and management in order to enable forestry to contribute to raising their living standard (Government of Cameroon, 1993).

⁵ Cameroon developed the National Biodiversity Strategy and Action Plan in compliance with Article 6 (a) of the CBD which requires each contracting party to develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity. The provisions of the CBD and Decisions of Conference of the Parties have been partly translated into action by Cameroon through the NBSAP. The NBSAP as well as its implementation is guided by principles essentially drawn from the CBD, Agenda 21 and the Rio Declaration (BSSAP, 1999).

Prior to 1994, Cameroon's forest resources were regulated by Law No. 81/13 of 27 November 1981 on Forestry, Wildlife and Fisheries and its implementation Decree No. 83/169 of 12 April 1983. This legislation did not integrate land use planning, forest production and conservation (Essama-Nssah et al, 2002). Considering these weaknesses and partly influenced by international forest-related policy initiatives, Law No 94/01 of 20 January 1994 to lay down Forestry, Wildlife and Fishery Regulations was passed. This law which aims at achieving the country's conservation policy objectives provides that the size of protected areas will be increased. It also provides for an integrated approach to natural resource management and some degree of decentralisation of environmental resource governance (Ministry of Environment and Forestry, 1999).

In 1996, the National Environmental Management Plan which defines the country's environmental policy was put in place. It provides that all protected areas in Cameroon are expected to fulfill an important role in the economic development and contribute to the economic and social wellbeing of surrounding communities. In addition to national law and policy, Cameroon ratified several international environmental agreements (see section 4.5.5 and Appendix 9) such as the CBD, CITES and WHC which are useful instruments for advancing the country's national conservation strategy. Given the undesirable situation of forest biodiversity, government action alone remains inadequate to manage the forest. It is increasingly important following environmental governance participatory management principles (WRI, 2003) to involve local communities in the management of natural resources. Multilateral environmental agreements such as the CBD requires its member states to use all available management methods including those possess by direct users of forest to ensure adequate conservation of biodiversity. Local communities in Cameroon depend on forest resources for their livelihoods and are said to possess traditional management systems that could be used for forest heritage conservation and management.

Considering the need for forest heritage conservation and the importance of protected areas in biodiversity conservation as provided by Article 8 of the CBD, the government of Cameroon resorted to the creation of protected areas. This is

regulated in the 1994 Law which also serves as an implementation instrument (Muam, 2006) of the CBD and CITES. The law provides that the size of the permanent forests estate will be increased from 20% as provided in the previous law to 30%. This implies that the permanent forest estate shall cover 30% of the total area of the national territory (Sec. 22 para.1 of 1994 Law). This goal is supposed to be achieved through the creation of more protected areas which are representative of all the country's major biomes in proportion to their occurrence. As the government embarked on expanding the network of protected areas, there is growing concern on its strategy to maintain the values and integrity of existing conservation areas (Tchoumba, 2002) such as the Korup National Park (KNP).

Korup⁶ is one of the most recent national parks⁷ created by the government of Cameroon. The rainforest was originally created as Korup Native Administrative Forest Reserve by Order No. 25 of 14 October 1937 and achieved the status of a national park in 1986. Korup harbours one of the richest remaining equatorial ecosystems in Africa and is a major centre of biodiversity. The overall objective of creating the protected area as stated in the management plan⁸ of the park is to "conserve the biodiversity and integrity of all physical and ecological processes of Korup National Park now and in perpetuity for the benefit of the people of the Korup region, the Republic of Cameroon and the World" (MINEF, 2002; p. 1). The creation of KNP was one step and the need for effective utilisation of available instruments in safeguarding its values and integrity is another. The 1994 Law, Decree No. 95-466-

⁶ The rainforest "Korup" was named after the people of the Korup ethnic group living in the forest by the first recorded Europeans who visited the area in 1894 (Bessem, 1898 in Schmidt-Soltau et al., 2007). The national park is commonly known as Korup.

⁷ National Parks are considered in this study as national natural heritage properties. The parks are referred to as national forest heritage in this work.

⁸ In page ii of "A Management Plan for Korup National Park and its Peripheral Zones 2002-2007," the KNP management plan is defined as the basic tool to guide, facilitate and control the management and development of the park. A management plan is also defined as "a document that guides and controls the management of protected area resources, the uses of the area and the development of facilities needed to support that management and use. Thus a management plan is a working document to guide and facilitate all development activities and all management activities to be implemented in an area" (Thorsell, 1995 in Thomas and Middleton, 2003; p. 7). Available at <http://data.iucn.org/dbtw-wpd/edocs/PAG-010.pdf>, Last accessed 22.02. 2012.

PM of 20 July 1995⁹ and Order No. 0565/A/MINEF/DFAP/SDF/SRC¹⁰ ; are the main national legal instruments for achieving the conservation policy objectives of the park. Despite the existence of these laws which were enacted with a goal of achieving sustainable forest management, the park still faces many conservation challenges. The modern state laws largely favour state consolidation and unilateral control of the forest heritage (Mahop, 2004). But the implementation of Korup conservation policy through the legal instruments without considering local communities' system of resource management has not yielded satisfactory results (Eyong, 2010; Afro News, 2006). With persistent conservation and management problems facing the park as will be discussed below, there is growing concern with regards to using modern law¹¹ and local tradition¹² as instruments for protecting KNP.

1.3 Statement of the Problem

The KNP which is characterised by high species richness and represents a centre of endemism (Gartlan, 1986; Thomas, 1986; Ruitenbeek, 1990), suffers from increasing degradation. To begin with, illegal exploitation of timber is carried out especially along roads and waterways. Trees such as Iroko *Chlorophora excelsa* and Etore *Entandrophragma cylindricum* are exploited for lumber, whilst Camwood *Baphia nitida* is exploited for the production of canoes (Malleon, 1993). There is also illegal cutting down of trees especially by Nigerians for the production of

⁹ Decree No. 95-466-PM of 20 July 1995 to lay down the conditions for the implementation of wildlife regulations (hereinafter Decree No. 95-466-PM of 20 July 1995), is the implementation instrument of the 1994 Law with respect to wildlife.

¹⁰ Order No. 0565/A/MINEF/DFAP/SDF/SRC to set the list of animals of class A, B and C, distributing animal species whose killing are authorised as well as the rate of their killing per type of hunting permit (hereinafter Order No. 0565/A/MINEF/DFAP/SDF/SRC), is an implementation instrument of the 1994 Law with respect to wildlife classification and hunting.

¹¹ Modern law in this context refers to forest-related legal instruments that are legally binding in the Republic of Cameroon. The legal system where modern law emanates from was inherited from the former colonial masters. Traditional laws existed before the introduction of western based laws in the second half of the 19th century.

¹² Local tradition in this context refers to local communities' traditional system of natural resource management which consists of cultural beliefs and traditional practices, local customs and customary laws, and local institutions. So local tradition and traditional system of natural resource management are interchangeably used in this dissertation.

chewing sticks¹³ *Massularia acuminata* (Mbile et al., 2005). In addition, there is continuous clearing and burning of the forest for the purpose of farming. The southern part of the park suffers from encroachment. This is done mostly by non-indigenes who have migrated to the area. Since they own no land, state lands have become areas of encroachment for the establishment of cocoa and palm plantations (MINEF, 2002) thereby exacerbating conservation difficulties.

One of the most serious problems with the conservation of KNP is hunting and trapping of wild animals largely for sale by hunters from villages in and around the park as well as from neighbouring Nigeria (Sakah, 1998; Eyong, 2010). Wildlife is illegally exploited for its meat which is a delicacy and a source of protein. Bushmeat and other important specimens of animals are a source of income for the local people (Infield, 1988; Linder, 2008). City based wildlife traders involve in international trade generate a lot of profit from illegal trade in specimens of dead animals and also live species despite Cameroon's membership of CITES which aims at controlling international trade in endangered species and their products. Hunting of wild animals for bushmeat represents a threat to the primates in Korup (Okon and Ekobo, 2007; Lindner and Oates, 2010). Certain species such as drill *Mandrillus leucophaeus* and Preuss's red colobus *Piliocolobus preussi* (Figures 3.5 and 5.2) are rare because of intensive hunting and trapping activities (Waltert et al., 2002; Lindner and Oates, 2010). Another problem is unsuitable fishing practices. Fish poisons from forest plants such as the fruits of *Strychnos aculeata* are used for fishing. According to Reid (1989), about 20 *strychnos* fruits can stun all large fish along a 0.5 Km stretch of river. Moreover, Gammalin 20 (an organochlorine pesticide) which is supposed to be used for spraying cocoa is used by some local people for fishing (Eyong, 2010). This is known to obliterate aquatic animal and plant life in the vicinity of its application as well as causing serious health problems to those who consume contaminated fish (Reid, 1989). Some local people around KNP claim that the use of Gammalin 20 has made the rivers in their area to be devoid of fish. Even though the 1994 Law makes it illegal to carry out hunting and fishing inside the park and game

¹³ Chewing stick is a tool made from a twig of a tree for the cleaning of teeth.

guards with the legal department are in place to enforce the law, these activities still take place in an enormous scale. This brings to question the effectiveness of the implementation of the park's conservation policy merely through modern law.

Uncertainty about resettling villages out of the park is also an impediment to conservation. When the KNP was created, it was decided that the six villages within the park will be resettled as their inhabitants were seen as a threat to the park's resources (Schmidt-Soltau et al., 2007). This was regarded as an effective means of securing the park's values and integrity. But until date, a resettlement scheme has been completed only for one village. The other villages within the park were advised not to extend their farms and buildings any longer since resettlement was expected to be carried out. The law also prohibits them to exploit forest resources as they used to do before the park was created (Sec. 2 (8) of Decree No 95/466-PM of 20 July 1995). This brings to question Cameroon's strategy of attaining its forest sector policy objective of enabling protected areas to contribute to the economic and social wellbeing of surrounding communities. The five villages are still in the park with uncertain legal status, not knowing whether they will be resettled in future or not. As Röschenthaler (2000) notes, during these years of awaiting resettlement, they have already become poorer than they were before the park was created and consequently, this situation has exacerbated illegal exploitation of the park's resources.

The local communities in and around the KNP are said to possess local traditional system of natural resource management that could be of importance for protecting Korup forest heritage (Sakah, 1998; Eyong, 2007; Tchigio, 2007; Eyong, 2010). As pressure on forest resources increases, conservation policy initiatives at the international level favour local communities' involvement in forest heritage protection (Agrawal and Gibson, 1999; Caleb, 2008). Article 8 (j) of the CBD and related provisions provide that the establishment and management of protected areas should take place with the full and effective participation of and full respect for the rights of indigenous and local communities consistent with national law and applicable international obligations. Specifically, Article 8 (j) states that a member state should "subject to its national legislation, respect, preserve and maintain

knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyle relevant for 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 benefits arising from the utilisation of such knowledge, innovations and practices.” Furthermore, Article 10 (c) requires member states to “protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.” In addition, principle 22 of the Rio Declaration provides that indigenous people and local communities have a vital role in environmental management and development because of their knowledge and traditional practices that are supposed to be recognised and supported by the state. This is a clear indication of international community’s recognition of the vital role that could be played by the traditional knowledge¹⁴ of indigenous people and local communities in sustainable conservation and utilisation of biodiversity.

In Cameroon, no ethnic group has been legally recognised as indigenous people as defined in international agreements¹⁵ (Tchoumba, 2002; CED et al., 2010). However,

¹⁴ Traditional knowledge is defined in the website of the CBD as “the knowledge, innovations and practices of indigenous and local communities around the world. Developed from experience gained over the centuries and adapted to the local culture and environment, traditional knowledge is transmitted orally from generation to generation. It tends to be collectively owned and takes the form of stories, songs, folklore, proverbs, cultural values, beliefs, rituals, community laws, local language, and agricultural practices, including the development of plant species and animal breeds.” This definition is available at <http://www.cbd.int/traditional/intro.shtml>. Last accessed 12.04.2012.

¹⁵ Article 1 of the 1989 Convention Concerning Indigenous and Tribal Peoples in Independent Countries (ILO No. 169) contains statements which depicts who indigenous people are. Art. 1 para.1 provides that the convention applies to: (a) “tribal peoples in independent countries whose social, cultural and economic conditions distinguish them from other sections of the national community, and whose status is regulated wholly or partially by their own customs or traditions or by special laws or regulations”; (b) “peoples in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonisation or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions. Art.1 para. 2 states that “self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this convention apply.” Cameroon has not yet ratified the convention. Even though no ethnic group in Cameroon has been officially recognised as indigenous people as defined by the convention (CED et al., 2010); the UN, anthropologists and NGOs are of the opinion that the pygmies (Bagyeli, Baka, Bakola and Bedzang), and the Mbororo should be considered as indigenous people because of their way of life and socio-cultural values which are based on their ancestral traditions (Tchoumba, 2002;

the 1994 Law and its decrees of implementations give legal recognition to local communities and the CBD requires its state parties to protect the traditional knowledge of indigenous as well as local communities relevant for the conservation and sustainable use of biodiversity. With the Korup forest being home for the local communities, Cameroon is expected to meet its commitments under the CBD especially Articles 8 (j) and 10 (C) in course of protecting the KNP.

The local traditional system of resource management is said to influence Korup peoples' behaviour towards the management and use of forest resources (Eyong, 2007; Tchigio, 2007). It is claimed that statutory law in Cameroon addresses the rights of local communities in forest resource use and management (FERN-Global Forestry Coalition, 2002) but the continuous illegal activities of Korup people in the KNP justify the need for an examination of the rights of protected areas inhabitants in forest-related laws. After creating the KNP, the government relied merely on modern law for its protection and like in other protected areas in the country, neglected the traditional system of resource management (Tumnde, 2001; Eyong, 2010). But the protection of the park merely through modern law has not yielded satisfactory results since it still faces numerous problems which lead to increasing loss of biodiversity (Waltert et al., 2002; Lindner and Oates, 2010). Because of neglect, local traditional practices are said to be changing. Also, respect for the existing local customs is said

Messe, 2009). The government of Cameroon prefers but the term "marginal population" (CED et al., 2010; Messe, 2009) in its draft bill on the promotion and protection of the rights of marginal population and its second periodic report to the African Commission on Human and Peoples' Rights. The government uses the term on account of these peoples departure from the socio-cultural identity of the majority of Cameroonian citizens. The peoples classified by the state as marginal populations include the Pygmies, Mbororo, Mafa, Mada, Mandara, Zouglou, Ouldémé, Molko, Mbodko, Dalla, Guemdjek; island and creek populations; and cross-border populations (Messe, 2009). The Committee on the Elimination of Racial Discrimination called on Cameroon to adopt the bill on the rights of indigenous people and refrains from using the term "marginal population" because this is contrary to the spirit of the 1966 International Convention on the Elimination of All Forms of Racial Discrimination (660 U.N.T.S. 195) that it has ratified and the term stigmatises the minorities referred to and prevents the taking into consideration of the special characteristics of indigenous peoples (Messe, 2009). Whether there is legal recognition of the indigenous people in Cameroon or not, the country's commitments especially under Article 8 (j) and 10 (C) of the CBD are not restricted to the indigenous people as the local communities such as those in Korup embodying traditional lifestyle relevant for conservation and sustainable use of biological diversity constitute an integral part of these articles. So if Cameroon has not legally recognised the indigenous people, it is but clear that the CBD still requires the country to protect and promote the traditional knowledge of local communities (such as those of Korup) relevant for the conservation and sustainable use of biodiversity.

to be gradually disappearing especially among the youths and there is increasing use of methods of resources exploitation that are counterproductive (Tchigio, 2007). Traditional rulers and institutions with real powers in natural resource management at the local level remain major reference for rural inhabitants in their daily use of forest resources but their power to exercise the authority is said to be limited (Tumnde, 2001; Eyong, 2010).

Even though the state has assumed much control over the forest heritage, the local communities in Korup still carry out illegal activities such as timber exploitation, land encroachment, fishing, hunting and trapping as discussed above. As the Korup forest heritage is under increasing threats, it is uncertain whether existing environmental laws and government actions are adequate for effective protection of the park without considering the local communities and their traditional system of resource management. The burning questions to be addressed are as follows:

1.4 Research Questions

- To what extent are the rights over natural resources of local communities residing in protected areas such as Korup recognised and incorporated in forestry, wildlife and land laws?
- How effective is the 1994 Law in safeguarding the values and integrity of Korup National Park to meet Cameroon's biodiversity conservation obligation under international environmental agreements?
- To what extent has Cameroon complied with its commitments especially under Article 8 (j) and 10 (c) of the CBD?
- Which local traditional practices of enhancing biodiversity conservation still exist in Korup and how does the law protect and encourage such practices?
- Should villages inside KNP be resettled outside the park?
- Can modern law and local tradition both serve as instruments for protecting Korup forest heritage?

1.5 Aims of Study

This dissertation aims at assessing the potentials of modern law and local traditional system of natural resource management as instruments for effective protection of the Korup National Park in particular and other Cameroonian national parks in general. A further aim is to explore ways of adapting Cameroon's environmental law and policy to suit local reality in order to ensure the participation of local communities especially those in Korup in the conservation and sustainable use of their forest heritage.

1.6 Objectives of Study

The following specific objectives are designed to address the research questions and achieve the study aims:

- To examine the extent of forest-related laws recognition of the rights of local communities residing in protected areas especially KNP;
- To examine the degree of Cameroon's implementation of the CBD especially the provisions of Article 8 (j) and 10 (c);
- To assess the degree of effectiveness of the 1994 Law application in Korup to meet Cameroon's biodiversity conservation obligation under international environmental agreements;
- To identify and elucidate Korup peoples' traditional system of natural resource management compatible with biodiversity conservation and evaluate the extent to which the law protects this system;
- To find out whether villages inside KNP should be resettled or not;
- To find out whether modern law and local tradition can serve as instruments for protecting Korup forest heritage;
- To proffer robust recommendations based on the Korup experience.

1.7 Justification of Research

The effective conservation of Cameroon's forest heritage is important for maintaining viable populations of plant as well as animal species and this is a vital factor in biodiversity conservation. This accounts for the creation of the KNP which is regarded as the remnant of the vast Atlantic biao forest of West and Central Africa

because of its very high rate of endemism (MINEF, 2002). Korup is vital for this research because it is one of Africa's richest forests in biodiversity and contains endangered species. It is a site of outstanding conservation importance and constitutes one of the most important biological wildlife habitats in Cameroon (MINEF, 2002). Korup supports one quarter of Africa's primate species and is of prime importance for the conservation of primate species in Africa (Oates, 1996; Usongo, 1998; MINEF, 2002; UNESCO World Heritage Centre, 2011). The large populations of primate of conservation concern found in the park include: drill, chimpanzee, preuss's red colobus, red-capped mangabey, red-eared guenon, crowned guenon, putty-nosed guenon, mona guenon and preuss's guenon (Oates, 1996; Okon and Ekobo, 2007; Lindner and Oates, 2010) (Figures 3.5 and 5.2). Furthermore, the Korup forest is the oldest remaining rainforest in the African continent and it is the only richest lowland site in the continent for herpetofauna, butterflies and birds (MINEF, 2002).

The outstanding conservation value of the KNP motivated Cameroon to nominate it on April 18 2006 as a World Heritage Site (WHS) (UNESCO World Heritage Centre, 2011) in compliance with Article 11 of the Convention Concerning the Protection of the World Cultural and Natural Heritage (commonly known as the World Heritage Convention [WHC]) which requires state parties to submit to the World Heritage Committee, suitable property situated in their territories for inclusion in the World Heritage List. KNP was nominated as a natural heritage site based on the selection criteria (ix) and (x) laid down in paragraph 77 of the "Operational Guidelines for the Implementation of the World Heritage Convention."¹⁶ Criterion (ix) reads, the nominated property should "be outstanding examples representing significant ongoing ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals" while criterion (x) provides that the nominated property should "contain

¹⁶ The "Operational Guidelines for the Implementation of the World Heritage Convention" is a document developed by the World Heritage Committee which contains criteria for the inscription of properties on the World Heritage List and for the provision of international assistance under the World Heritage Fund. It is available at <http://whc.unesco.org/en/guidelines>, Last accessed 03.03.2012.

the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation.” The biodiversity richness and high level of endemism in Korup justify the site’s nomination as a WHS. The World Heritage Committee is still reviewing Cameroon’s nomination and no decision as to whether the site will be inscribed in the World Heritage List or not has been taken (UNESCO World Heritage Centre, 2011).

There is a need to pay adequate attention with respect to safeguarding the KNP values and integrity. Korup is chosen for this research because of its biodiversity richness and outstanding conservation value threaten as a result of increasing hunting and trapping activities, agricultural conversion, fish poisoning which lead to increasing loss of biodiversity as discussed above. The unenviable situation of the park is linked to weaknesses in the management strategy. This has enabled poverty-stricken local population to engage themselves in unsustainable exploitation activities (UNESCO World Heritage Centre, 2011) since focus is said to be on enforcing modern law without regard for the peoples’ potential in forest resource conservation and utilisation (Besong and Ngwasiri, 1995). This research is therefore important because despite increasing degradation and loss of the biodiversity of Korup, there are no major studies up till date based on the protected area which address the issue of integrating Cameroon’s environmental policy and local traditional system of natural resource management for the effective protection of KNP. In addition, there is no major study that encourages the government of Cameroon and local resource users to work out a fair and reasonable arrangement for managing Cameroon’s forest heritage for conservation and sustainable use. It is against this backdrop that this research was carried out. It offers a sustainable strategy for Korup forest heritage conservation and management in particular and other Cameroonian national parks in general. The study could contribute towards the meeting of Cameroon’s United Nations Millennium Development Goals (Nwonwu, 2008) of environmental sustainability and good governance if its recommendations are taken into consideration by the government.

1.8 Limitations

The data for this dissertation was not collected without encountering difficulties. To begin with, the villages especially inside the Korup National Park are not easily accessible because there are no roads in the park. It was strenuous to trek for hours through the thick Korup forest before arriving at each sample village. Before outlining the difficulties encountered during data collection, it is worthwhile stating that chapter two which focuses on methodology provides an insight into why data from traditional and modern state institutions is relevant for this study. During interviews in the sample villages, it was difficult to chisel out information about traditional practices of village institutions such as the Ekpe society from its members because some activities and internal functioning of the institution are concealed from people who are not members. In addition, some interviewees were reluctant to dish out information and one of the reasons given was that some previous researchers deceived them that they will assist their village with cassava grinding mills and other facilities but failed to fulfill their promises. Despite these hurdles and limited financial resources, gifts such as locally brewed wine commonly known as *Afofo* were given to some interviewees to motivate them to dish out required information. Concerning modern state institutions, because of bureaucratic bottleneck, access to data at government institutions was difficult. For instance, in course of the research at the Mundemba court, the law according to court officials granted only limited access to case files in view of details on the facts of cases. Moreover, during research at the National Gendarmerie Brigade Mundemba (NGBM), it was difficult to convince the forces of law and order to gain access to files in their institution. However, with a field research reference letter from my supervisor, I was able to convince the court and gendarmerie officials to cooperate in enabling me to succeed in my research at their institutions. This dissertation does not provide an exhaustive insight into the traditional system of natural resource management. However, it does provide an insight into areas where further research could be carried out.

1.9 Structure of Dissertation

This dissertation comprises of eight chapters. Chapter one presents a general introduction to the study; elucidating the problem statement, research questions, aims, objectives, justification, limitations and ends with structure of the study.

Chapter two provides a profound insight into the methodology employed for this research. Chapter three gives an overview of Cameroon and elaborates on the state of its forest heritage. It ends by giving an insight into the study area i.e. the KNP. Chapter four deals with general Cameroonian law and international environmental conventions relevant for protecting the KNP while Chapter five focuses on specific forest-related laws and institutions relevant for implementing the conservation policy of the KNP. Chapter six is based on the presentation of the first part of the research results and comprises of two main sections which focus on assessing Korup and other protected areas local communities' rights in forest-related laws and an examination of the extent of effectiveness of conservation policy implementation through the 1994 Law in Korup in line with the study objective of assessing the degree of effectiveness of the 1994 Law application in Korup to meet Cameroon's biodiversity conservation obligation under international environmental agreements. Chapter seven presents the second part of the research results and focuses primarily on the local traditional system of natural resource management given that this system could contribute in enhancing Korup conservation policy implementation and also Cameroon's fulfilment of its biodiversity obligations under international environmental agreements. Chapter eight presents the conclusions drawn from the research findings within the framework of the study objectives and ends with robust recommendations based on the research findings for the government as well as the conservation community to use for effective conservation and management of the KNP in particular and other national parks of Cameroon in general.

Chapter 2 Research Methodology

2.1 Introduction to Chapter Two

This chapter presents a detailed methodology of this research. The chapter begins by elucidating and justifying the research approaches used for this study given that this research data is from primary and secondary sources. It highlights the approaches used in collecting primary data which are quantitative and qualitative research approaches and provides an insight into the instruments of both approaches employed in collecting data. The chapter provides an insight into the research site which was the KNP area in the South West Region of Cameroon. A critical review of statutory texts as well as relevant secondary literature constitutes part of the methodology for this research. This chapter ends by giving an insight into the method of analysing data. It reveals that primary data collected was qualitatively and quantitatively analysed. In the following sections, an elucidation and justification of each aspect of the research method is provided.

2.2 Research Approach

This section provides an insight into the research approach used for this dissertation. To begin with, in carrying out this research, both quantitative and qualitative research approaches were used. The quantitative approach is a formal systematic process of collecting data which is translated numerically and analysed using statistical procedures (Polit and Hungler, 1995 in Tweneboah, 2009). Qualitative research approach on the other hand educed respondents' accounts of experiences in the form of data which is descriptive. This approach is largely non-statistical and elicits responses from a small purposive sampled population especially on a subject that is not well researched (Polit and Hungler, 1997 in Tweneboah, 2009). These approaches were chosen because satisfactory responses to some research questions were possible only with the use of both approaches. For instance, traditional methods of resource management were identified through questionnaires while details about the methods were uncovered through semi-structured interviews. Moreover, data which was elicited through quantitative approach was corroborated with data generated through qualitative approach. The qualitative approach

instruments employed for gathering data included semi-structured interviews, focus group discussion and personal observation. For the quantitative approach, the instrument used was primarily questionnaire (see section 2.4.1). The researcher also relied on the review and legal analysis of Cameroon's forest-related statutory texts, cases and critical review of relevant secondary literature. Both qualitative and quantitative approaches helped in generating primary data which was used in bolstering or refuting data derived from literature review to realise the research objectives.

2.3 Research Design

This research was carried out in the Korup National Park area which is located in the Southwest region specifically in Mundemba sub-division of Ndian Division. Ten villages in and around the KNP were chosen as sample villages for this research. As stated in section 3.10.3, there are presently five villages located inside KNP. These villages which include Erat, Esukutan, Ikenje, Bareka-Batanga and Bera (Figures 2.1 and 6.7) were all chosen for this study. In 1999, the population of villages inside the park was approximately 900 people (Röschenthaler, 2000). The Peripheral Zone which is a 3 Km zone (Figure 2.1 and 6.7) from the KNP boundary consists of 23 villages and among these villages; Baro, Fabe, Ngenye, Ikassa and Ikondo Kondo (Figure 2.1) were chosen as sample villages outside the park. The population of the park and Peripheral Zone villages is approximately 2,700 (MINEF, 2001). As can be seen in Figure 2.1 below, other small villages are dotted all over the area which was known as the Support Zone during the Korup Project.

The five villages within the park were selected because they claim customary rights to the forestland as well as its resources despite the existence of the written law. As discussed above, the activities of these villages are said to have a negative impact on the park's resources. The five peripheral zone villages were purposively selected because their customary rights to land extend into the park and any resettlement plan will likely affect them because they will need to sacrifice more land for the relocation of park villages. Furthermore, with their proximity to the park; they exert pressure on the park's resources following their exploitative activities. For instance, Fabe with a population of about 160 inhabitants (Schmidt-Soltau, 2000) was chosen

because its inhabitants are involved in bushmeat trade (Linder, 2008) and because of this reason, the people have much to say with respect to wildlife use and management. Baro which is located in the north eastern sector of Korup is a gateway into the park from that sector. The village has a population of about 350 inhabitants (Schmidt-Soltau, 2000) and the activities of the villagers have a negative impact on the resources of the park (Tchigio, 2007). Ngenye is very close to the park and its inhabitants encroach into the park for farming, hunting and gathering (Mbile et al., 2005). It was important to choose the village of Ikondo Kondo because in 2000, the village was resettled outside the park as part of a plan to resettle all the villages. This village was a good example to test the feasibility of the resettlement scheme. The village of Ikassa which is located half distance between Mundemba and Isangele is noted for hunting and fishing (Thomas et al., 1989).

The villages were selected in order to have a deep insight into the people's diverse perspectives of Cameroon's conservation policy implementation in Korup through modern law as well as their views on local traditional system of forest resource conservation and management. In addition, the villages were chosen to have an in-depth knowledge of the impact of Korup peoples' activities in the forest, how their attention has been diverted from the park and how they could contribute in conserving it. Data from the sample villages is representative of the population of the Korup area due to the fact that it is just about 2,700. In addition, Fabe, Baro and Ngenye are all tribes of the Oroko ethnic group. Most of the villages in the peripheral zone are from the Oroko ethnic group. Because of the linguistic and socio-cultural similarities of the tribes of Oroko ethnic group, Fabe, Baro and Ngenye selected from this ethnic group largely represent other villages.

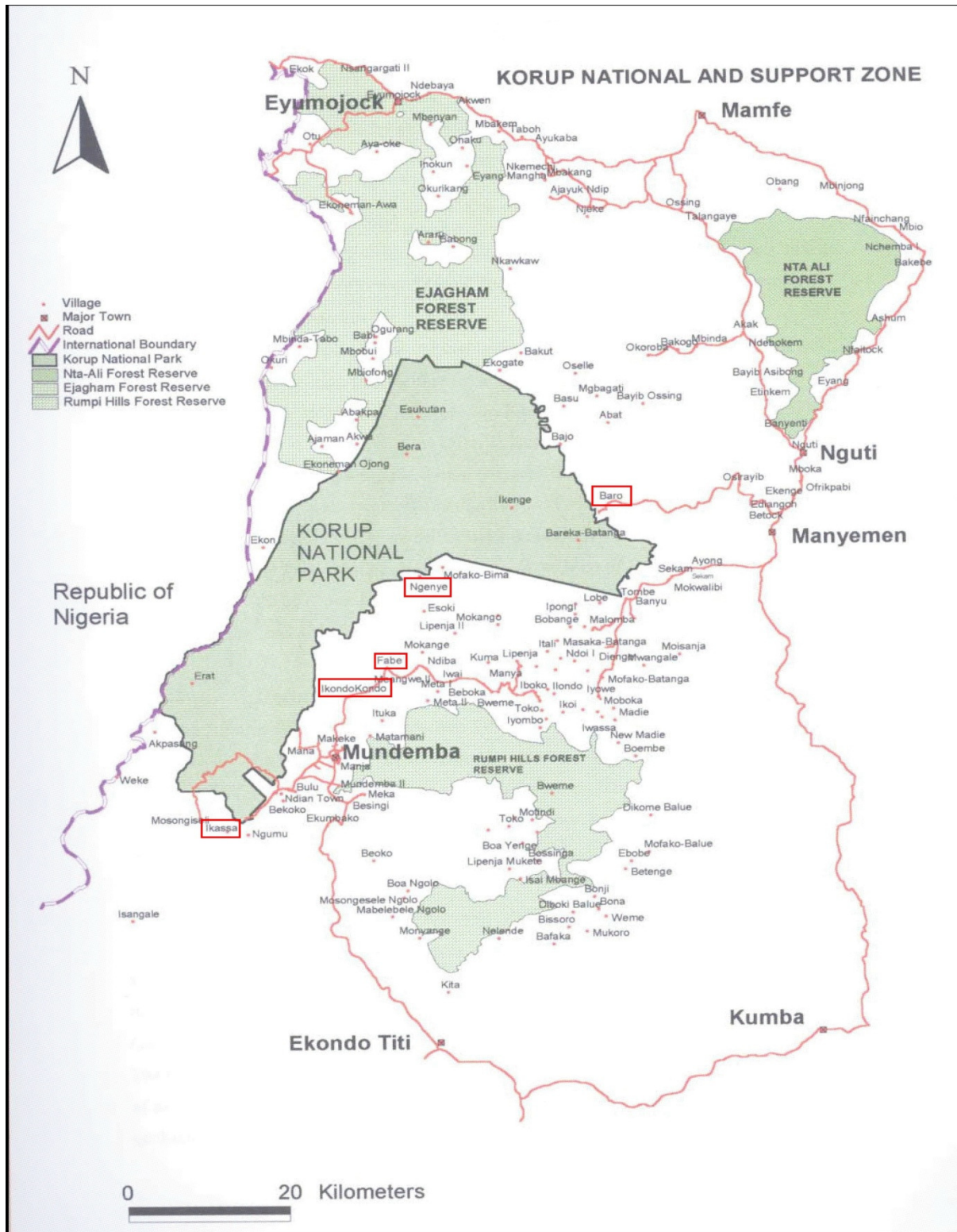


Figure 2. 1 Map showing sample villages inside and outside (in rectangle) KNP

Source: Adapted from MINEF, 2003

2.4 Primary Data

Primary data was collected in the study area using quantitative and qualitative research instruments. Data collection at each village started with a discussion based on the research aims with traditional authorities. It was based on the meetings with traditional authorities that the researcher was authorised to proceed with the research. Primary data which covered the opinions of village chiefs, traditional council members, village elders, youths and women was gathered through questionnaire and semi-structured interviews. The opinion of KNP staff, government officials, legal experts, forces of law and order, members of NGOs was elicited through semi-structured interviews and focus group discussion.

Qualitative data was generated from game guards through focus group discussion (Appendix 7) which is one of the important ways of deriving data from respondents in a simple manner. Its purpose was to have a deep understanding of law enforcement issues. The data generated was meticulously sifted in course of the analysis. The framing of the surveys' questions was based on an extensive review of secondary data. Data was also generated through personal observation and formal discussions.

2.4.1 Questionnaire Design

Based on thorough background research, a questionnaire (Appendix 6) was developed. Some of the questions were close ended with a request for justification of responses. Given that reliability and validity are important in evaluating the quality of quantitative research instrument (Mueller, 1986), test questionnaires were administered to 30 students at the University of Buea campus. The purpose was to identify difficulties in order to fine-tune the questions for easy understanding by the respondents. After testing and fine-tuning the questions, 165 copies of the final questionnaire were randomly distributed to households inside KNP and the peripheral zone. Out of the 165 questionnaires distributed, 150 were returned giving a respond rate of 90.9%. The response rate was high because of the presence of the researcher and three research assistants in the respondents' villages for administering and collecting the questionnaires. The questionnaires were distributed to respondents by the researcher with the aid of research assistants. For respondents who were not literate, the questions were read and interpreted using

Pidgin English. The same procedure was applied for the semi-structured interviews. Since almost all the respondents and interviewees who were not literate understood Pidgin English, interpreters' errors were minimised.

The questionnaire consisted of four sections with each focusing on a particular aspect. The first part i.e. section A; background information, was designed to obtain demographic and social characteristics of respondents. Section B was designed to test the respondent's knowledge of the importance of Korup forest heritage as well as its protection. Section C focused on respondents' perspectives on Korup conservation policy implementation primarily through modern law while Section D was designed to elicit respondents' views on the local traditional system of natural resource management (Appendix 6). Some questions were designed using Likert scaling technique. The scaling technique required respondents to rate the level of importance of the values presented to them. The technique used statements which required respondents to indicate their extent of agreement or disagreement with the statements. The answers of the questions were given a six scale ranging from: totally agree, partially agree, neither agree or disagree, partially disagree, totally disagree and I don't know. The *yes, no and I don't know* scale was also applied. These values were presented for a choice as a guiding principle and were explained to respondents to avoid misunderstanding.

The questions targeted local communities because they reside in and around KNP and have valuable information on local tradition and forest resource management as well as modern law and forest resource management. KNP villages had a sample of 80 respondents while peripheral villages had a sample of 70. The difference in the number of questionnaires distributed was as a result of the variation in sampling sizes. KNP had a larger sampling size than the peripheral villages. In course of distributing the questionnaires in the various villages, the researcher had an opportunity of living with and observing the activities of local communities with respect to traditional institutions of law enforcement, forest resource use and management. The observations were recorded in the form of photographs some of which are used in this study.

2.4.2 Semi-Structured Interviews

In Mudemba town which is the park's management headquarters, qualitative instruments i.e. semi-structured interviews and focus group discussion (Appendix 7) were employed for gathering data. For the semi-structured interview, the target population was the traditional authorities, village elders, other village men and women knowledgeable in issues under investigation, Korup management staff, former staff of the Korup Project, officials of the sub-divisional Delegation of Forestry and Wildlife, NGOs officials, legal experts, forces of law and order. The semi-structured interview was used in getting an in-depth insight into interviewees' views on the local traditional system of natural resource management and the challenges with respect to conservation policy implementation through mainly legal instruments. Focus groups generate qualitative data which enhance understanding about perceptions and practices among particular groups (Kruuger et al., 2000). Focus group discussion was organised primarily for game guards because they are the key personnel of law enforcement in the KNP. They possess detailed information on law enforcement matters that could only be chiselled out using this instrument.

2.5 Secondary Data

Concerning secondary data, it was based on a review of works from the libraries of KNP, regional delegation of MINFOF, University of Buea, University of Yaounde II and BTU Cottbus libraries. Cameroon forest-related laws, published works on environmental law, conservation and management of forest based resources were examined. Published works on Korup forest, Korup Project reports, protected areas, and internet sources were consulted. In addition to understanding concepts, secondary sources helped for instance to facilitate tracing of especially the historical and legal development of Cameroon's legal system, framework for environmental protection, evolution of land tenure system and nature of forest resource management as well as use.

2.6 Data Analysis

Primary data collected was qualitatively and quantitatively analysed. Data was systematically collected and analysed to ensure its validity and reliability. The questionnaire was analysed using Microsoft Excel. Data was represented in

frequency tables showing the raw numbers and the percentages form. It was presented largely through charts. Qualitative analysis was applied for data gathered through semi-structured interviews and focus group discussion. The data was presented primarily through text and there was comparison with relevant previous studies. Legal analysis (Bryce, 1901; Hall and Wringt, 2008) was used for data collected from the archives of the Court of First Instance Mudemba,¹⁷ the National Gendarmerie Brigade Mundemba and forest-related statutory texts. A critical examination of the facts of cases sent to the Court of First Instance Mundemba by the National Gendarmerie Brigade and how the 1994 Law was applied to the legal questions in order to arrive at judgements formed the basis for legal analysis.

The texts of especially the 1994 Law, 1995 Decrees of Implementation, the 1974 Land Tenure Ordinance and accompanying decrees were reviewed in view of weaknesses with respect to local communities' rights, forest resource use, conservation and management as well as their extent of implementation. Statistical data on law breakers reported to the National Gendarmerie Brigade Mundemba by game guards from 1989-2008 was analysed with the aid of a column chart generated using Microsoft Excel and the analysis was bolstered with data generated through focus group discussion with game guards as well as interviews with gendarme officers. In order to ensure lucidity and coherent flow, presentation of results is systematically followed by discussion. In addition, the results are presented in two separate chapters i.e. chapter six and seven. Chapter six focuses primarily on modern law while chapter seven focuses on the traditional system of natural resource management and also local communities' views on modern law. Chapter eight presents the conclusions drawn from the research findings as well as recommendations.

¹⁷ The Court of First Instance whose territorial competence is the headquarters of a sub-division such as Mundemba, the sub-divisional headquarters of the Ndian Division has jurisdiction to try simple offences and misdemeanor as defined by the Cameroon Penal Code. Simple offences are punishable with imprisonment of up to ten days or with a fine of up to 25,000 CFA Francs (€38.12) while misdemeanours are offences punishable with loss of liberty from ten days to ten years and a fine of more than 25, 000 CFA Francs (€38.12) (Sec. 21 (1) (b) (c) of Cameroon Penal Code). The cases from the KNP examined in this dissertation were all handled by the Court of First Instance Mundemba.

Chapter 3 Overview of Cameroon and Forest Heritage State/Study Area

3.1 Introduction to Chapter Three

This chapter presents an overview of Cameroon, focusing on the state of its forest heritage and the study area. It begins by presenting the country's geography, enumerating aspects relevant to this study. The chapter further reveals Cameroon's demographic characteristics and highlights aspects relating to religion that influence peoples' ways of interacting with nature. The economy is presented to bring to light government's budgetary policy with respect to protected areas management. Cameroon's history is briefly presented given the impact of colonial legacy on contemporary policies on forest heritage conservation and management. The chapter further enumerates pressing environmental problems affecting Cameroon and provides an insight into the state of its forest heritage as well as protected areas given their pivotal role in the country's biodiversity conservation strategy. It discusses in details the biodiversity and challenges facing the forest heritage. It ends by providing a deep insight into the study area i.e. the KNP.

3.2 Location and Geography of Cameroon

Cameroon is located in the central African region. The country is triangular in shape and stretches 1,232 Km north to south and extends 720 Km east to west. It lies between latitude 2° and 13° north and longitude 8° and 16° east. Cameroon shares a border with Nigeria to the west, Chad and Central African Republic to the east, the People's Republic of Congo, Gabon and Equatorial Guinea to the south (Figure 3.1). The country covers a surface area of 475,440 Km² and has a coastline of 300 Km. It is administratively divided into ten regions and five of these regions i.e. South, East, Centre, Littoral and Southwest are located in the moist forest zone. The Far North and North regions are located in the Sahelian zone while the West, Northwest and Adamawa regions are located in the Moist Savannah zone (Neba, 1987; Foahom, 2001).

The country contains almost all the fascinating aspects of Africa which range from culture, landscape, climate and vegetation. That is why it is often referred to as "Africa in Miniature" which means all of what Africa has is found in Cameroon

(Lambi, 2001). It is largely hilly and mountainous and has a fault line with a chain of volcanic mountains. These mountains stretch through the country from the islands of Sao Tome, Principe and Fernando Po to Mount Cameroon right up to the Mandara Mountains south of Lake Chad (Lambi and Kometa, 2011). Low-lying areas are in the north near Lake Chad and in the south by the ocean.



Figure 3. 1 Map of Cameroon

Source: Pamo, 2008

The coastal plain is densely forested, with mangrove swamps, marshes, creeks and sandbars close to the sea (Neba, 1987). Part of the coast in the south west is rocky

and volcanic near Mount Cameroon which is still an active Volcano with the highest peak of 4,095 m. The western plateau is composed of granite overlain with volcanic basalt rock and contains many of the country's highest peaks which are as high as 3,000 m. The high-lands have volcanically formed lakes and the soil is fertile. The western highlands are a continuation of the south plateau which is an open monotonous area of gentle hills (Neba, 1987). In its northern portion, the plateau forms the fore ground of the Adamawa Plateau which is mainly granite covered with basaltic rock and serves as the main watershed of the country. North of Adamawa is the northern lowlands which average between 300 and 350 m in altitude. The country has array of rivers and those of Sanaga are exploited for power generation while rivers Benue, Logone, Chari and Wouri are navigable (Middleton, 1997).

3.3 Climate

With its array of plains, plateaus, highlands, and mountains, Cameroon has a varied climate which ranges from equatorial in the south, to tropical above 8° north latitude and to Sahelian in the north. The climate is hot and humid in the forested south and western regions. Temperatures in the southern region depend largely on altitude and range between 20-25°C and vary little with seasons (McSweeney et al., 2008). The climate is cooler in the highland Grassfields region of the west and northwest regions and hotter and drier in the savannah and Sahel of the north (Ember et al., 2001). The semi-arid northern region i.e. north of 6°N is the hottest and driest part of the country and experiences average temperature between 25-27°C during cooler seasons and 27-30°C during warmer seasons (McSweeney et al., 2008). The country has two main seasons i.e. a wet and a dry season. The rainy season runs in the south from March to October while the dry season runs from November to February. The northern part of the country has a different weather pattern. The rainy season runs from May to October while the dry season runs from November to April. In the humid southern region, annual rainfall often averages 1,500 mm, while in the north it averages 500 mm (Molua and Lambi, 2007).

3.4 Demography, People and Religion

The population of Cameroon is approximately 19,406,100.¹⁸ The population growth rate is 2.121% and about 48% of the population lives in the rural areas while 52% lives in urban and sub-urban areas. 30% of the habitable surface area is occupied by 70% of the population and in 1992 the population density stood at 25 inhabitants per Km.² The population of the forest zone is estimated at some 3 to 3.5 million people. The forest zone is characterised by low to medium population densities which range from 5 to 25 persons per Km² (Burnham, 2000). Cameroon is one of the most culturally diverse countries in Africa. It is made up of about 250 ethnic groups which speak more than 250 indigenous languages with French and English being the official languages. Pidgin English is a lingua franca especially among the less educated people in the Anglophone regions. The indigenous languages of wider communication include Ewondo, Bassa, Duala, Hausa, Wandala, Kanuri, Arab Choa and Fulfulde (Breton and Fohlung, 1991).

The country's regions are inhabited by the diverse ethnic groups. The coastal and inland forest zones of the south are home to main ethnic groups such as Duala, Bassa, Bakweri, Oroko, Korup, Ejagham, Ewondo, Eton and Bulu. The people of these ethnic groups are Bantu-speakers who are said to have migrated from the Adamawa range and settled along the coast from around the 15th century (Trillo, 1990). The pygmies, who are known to be the oldest group of people to have lived in Cameroon, live in the south and eastern regions of the country. The main ethnic groups of the west and northwest regions are the Bamiléké, Bamoun, Kom, Bafut, Nso and Widikum. They are Semi-Bantu speaking people who also came from the north. In the northern region, the predominant ethnic groups are the Mandara, Arab Choa and Kokoto. The far northwest is inhabited by non-Muslim groups known as "Kirdi" i.e. infidels (Trillo, 1990).

The various ethnic groups have unique cultural forms which together make up Cameroon's rich cultural heritage. The villages are governed largely through customary norms by traditional rulers who are held in high esteem especially in the

¹⁸ This figure is based on the National Institute of Statistics estimate as of January 2010. <http://www.statistics-cameroon.org/downloads/annuaire2010/chap4.pdf>. Last accessed 03.3.2012.

north and northwest regions. The northern region is predominately Muslim. Because of early contacts with the Europeans, the people of the south are mostly Christians. Some southerners also practice traditional religion which involves the veneration of ancestors and the belief that spiritual power is bestowed on people, animals and natural objects. The holy places for believers are usually sacred forests or groves, unusual rock formations, and the burial sites of ancestors (Amela et al., 2011). The traditional belief systems influence Korup inhabitants' ways of interacting with nature as will be seen in chapter seven.

3.5 History

The earliest inhabitants of Cameroon are the pygmies who inhabit the forests of the south and east provinces. They were forced to settle deeper into the forest by the Bantu speaking people who immigrated to Cameroon from the north (Fanso, 1989). The first Europeans to reach Cameroon were the Portuguese. In 1472, an expedition of the Portuguese led by Fernando Po arrived on the coast of Cameroon (Neba, 1987). They sailed up the Wouri River and were amazed when they discovered that the river had much prawn. They named the river "Rio dos Cameroes" which means River of Prawn. It was from the Portuguese appellation "Rio dos Cameroes" that the country derived its name. From 1472, trade was carried out by the Portuguese, Dutch, Spanish, French, English and Germans. In the 19th century France and Britain became interested in annexing Cameroon but as they were still contemplating, the Germans acted fast by sending Gustave Nachtigal who signed a treaty with the Doula kings in 1884 on behalf of Kaiser Wilhelm and Cameroon became a German protectorate (Eyongetah and Brain, 1974; Neba, 1987; Fanso, 1989).

When World War I broke out, Britain and France invaded Cameroon and Germany was forced out of the territory. In 1916, Cameroon was partitioned between Britain (one-fifth of the territory) and France (four-fifths) and the territories became the League of Nations mandates. The territories became the United Nations trust territories in 1946. Britain joined her part of the territory to her colony in Nigeria and administered as one colony. In 1950s, nationalists unions in French Cameroon demanded immediate independence and union with British Cameroons. There was

guerrilla warfare and in 1957, France granted self-government to French Cameroon and internal autonomy in 1959. On January 1 1960, French Cameroon became independent with Ahmadou Ahidjo as its president. Nationalist movements in British Cameroons also called for independence. On October 1 1961, in a plebiscite sponsored by the United Nations, the southern part of British Cameroons achieved independence by joining French Cameroon while the northern part voted for a union with Nigeria. British southern portion of Cameroon and French Cameroon were reconstituted as the federal Republic of Cameroon. In 1972, a plebiscite was organised and the population voted to adopt a unitary state to replace the federation. Ahmadou Ahidjo became the country's president and ruled until 1982 when he unexpectedly resigned and named the then prime minister Paul Biya as his successor (Nghoh, 1996; DeLancey et al., 2000). Cameroon is presently still ruled by Paul Biya.

3.6 Economy

Cameroon is endowed with abundant natural resources and has a diverse production base. The economy largely depends on agriculture, which is the main occupation of about 70% of the country's population (Molua and Lambi, 2007). Following the CIA World Factbook 2011 statistics, agriculture accounts for 20% of the Gross Domestic Product (GDP) against 30.9% for industry and 49.1% for services. The main agricultural products from the forest zone for export include cocoa, palm products, banana and rubber; with cotton, groundnuts and livestock production in the north (MINEF, 2002). The processing of agricultural products dominates industrial activities. One of the country's most important industrial enterprises is the aluminium plant which produces aluminium products. Crude oil is the country's main export commodity. Timber constitutes one of the most valuable export commodities and consists mainly of ebony, teak and mahogany. The forestry sector is the second-largest source of export revenue after petroleum. It accounts for 6% of GDP as opposed to 8.2% for petroleum (IMF, 2007). The European Union is the country's main trading bloc and accounts for 36.6% of total imports and 66.1% of exports.

From 1960 through 1985, the country experienced real economic growth of 7% but towards the end of the 20th century, there was economic crisis. This was because of a drop in commodity prices for the country's principal exports especially oil in the mid-1980s. Summarily, poor investment of profits from agriculture and petroleum, a large and inefficient public sector, appreciation of exchange rate, declining value of export, declining oil production, collapse of terms of trade, political instability, and high military expenditure led to a decade-long recession. The country accumulated vast domestic and external debt in the 1980s and 1990s. The government embarked on a series of economic reform programmes supported by the IMF and the World Bank. Some of the measures taken to ensure economic recovery included slashing of civil service salaries by 65% in 1993 and devaluation of the common currency of Cameroon (CFA Franc) by 50% in January 1994 (Egute, 2005; IMF, 2007). Due to the bad economic situation, the IMF came up with an Enhanced Structural Adjustment Facility (ESAF) where Cameroon was required to embark on greater macroeconomic measures to ensure economic growth. With unemployment rate of about 30% (CIA World Fact Book, 2011) poverty is the order of the day as it has been difficult for people to meet their basic needs. However, the government has embarked on improving the economic situation of the country and in order to be successful, environmental problems especially those of the forest sector have to be addressed.

3.7 Environmental Problems

A variety of environmental problems affect Cameroon. The most pressing of these problems include desertification in the Sudano-Sahelian zone, soil erosion and degradation especially in the high plateau regions of the West and Northwest regions, limited water supply, ineffective urban waste management, industrial pollution in the urban centres, marine pollution, deforestation, forest degradation, poaching and loss of biodiversity (UNEP, 1996; Alemagi et al., 2006; Tsi, 2006; Molua and Lambi, 2007; Fonyam, 2011; Forbid et al., 2011). The following sections focus on Cameroon's forest heritage.

3.8 Cameroon's Forest Heritage Overview

As earlier mentioned, about 45% of Cameroon's surface area is forested. The forests are largely closed tropical broadleaved rainforests of three types which include lowland evergreen, lowland semi-deciduous and Mountane. The closed rainforests are mostly found in the southern part of the country and along the coast (Figure 3.2).

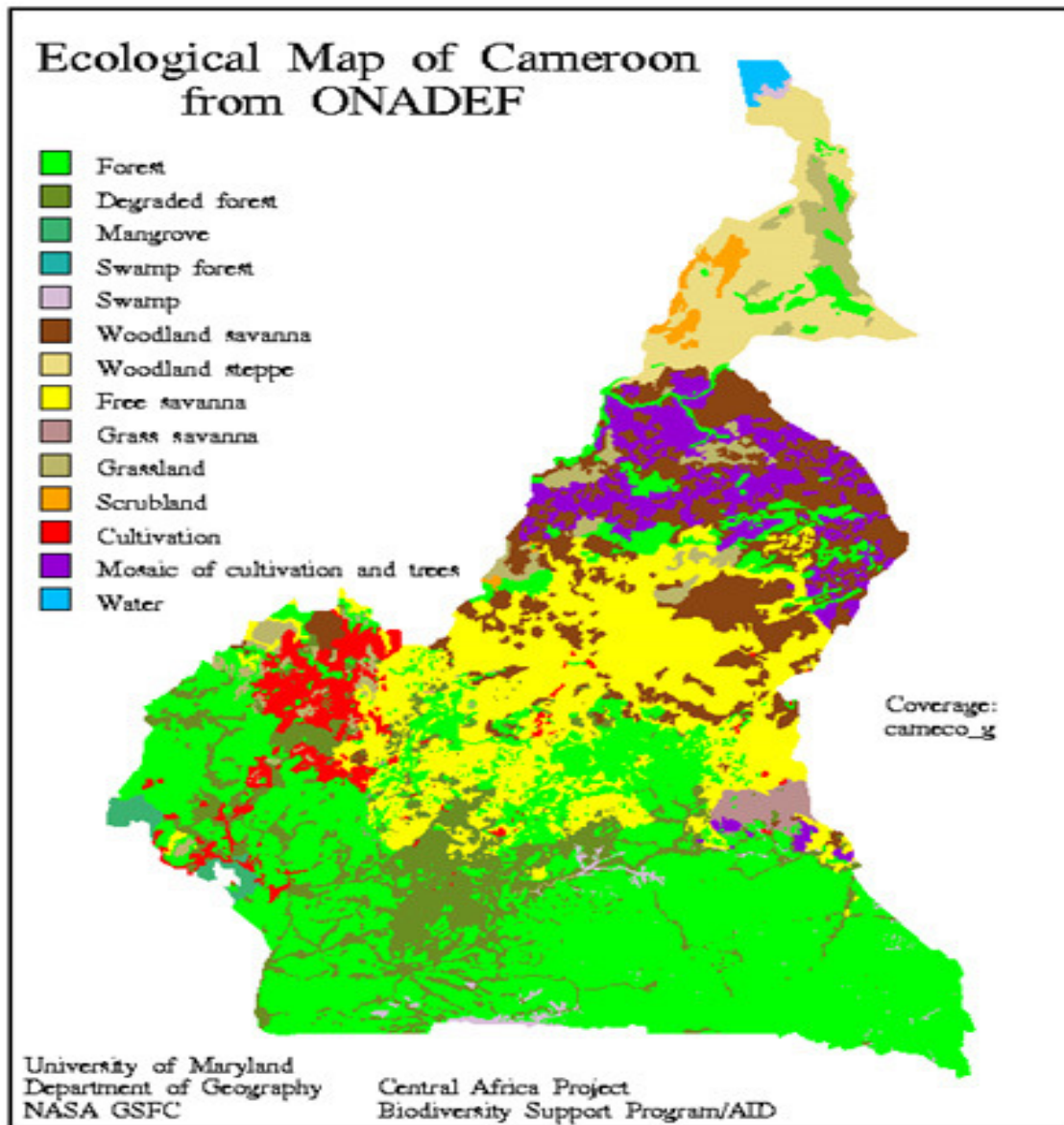


Figure 3. 2 Ecological map of Cameroon

Source: CENADEFOR, 1985

Mangrove forests concentrate around the Gulf of Guinea while the northern region is composed of Sudanian woodland with *Acacia* wooded grassland. The most important commercial species of trees include *Ayous Triplochiton scleroxylon* Sapelli *Etandrophragma cylindricum* and *Azobe Lophira alata* (GFW, 2000; MINFOF and FAO, 2005). The forests are exceptionally rich in biodiversity.

3.8.1 Biological Diversity

Cameroon is endowed with rich biodiversity and has a high level of endemism especially in the tropical rain forest zone. The country has six broad ecosystems which include Coastal and Marine, Mountane, Tropical Humid Dense forest, Fresh Water and Semi-arid ecosystem (Republic of Cameroon, 2009). It is one of the most ecologically diverse countries in Africa. There are about 9,000 species of plants in Cameroon and at least 156 are endemic (Table 3.1).

Table 3. 1 Plant and animal species richness and number of threatened species

Group	Number of Species	Number of endemic	Number of threatened species*
Plants	9000	156	355
Mammals	409	14	43
Birds	925	22	18
Fishes	542	96	39
Reptiles	330	n.a.	4
Amphibians	200	63	53
Butterflies	1,500	n.a.	n.a

*According to IUCN; n.a. non available

Source: Tchigio, 2007

The country contains 409 species of mammals of which 14 are endemic, 542 species of fish of which 96 are endemic, 330 reptiles, 200 amphibians and more than 1,500 butterflies. There are about 925 species of birds which include both resident and migratory birds (Table 3.1). With 26 primate species, Cameroon is the second

richest country in primate diversity in Africa (Usongo, 1998). It host about 45% of the Afro tropical butterfly fauna and is one of the richest countries for butterflies in Africa. The country is ranked among the ten top mega-diversity countries in the world (Tchigio, 2007). Species of international concern include the black rhinoceros *Diceros bicornis longipes*, the Mt. Kupe bush shrike *Malaconotus Kuenpeensis*, Bannerman *Tarnaco Tauraco barnamana*, the western lowland gorilla *Gorilla gorilla* and the African forest elephant *loxodonta Africana cyclotis* (MINEF, 2002). Cameroon's forests which are exceptionally rich in the enormous variety of species which inhabit them, confront a lot of challenges.

3.8.2 Forest Heritage Challenges

Cameroon's forests are under increasing threat. Over the last decades, the forests which are a reservoir of biodiversity underwent extensive conversion. The greatest threats to the forest biodiversity are deforestation and poaching, small scale agriculture, agro-industry, logging and wild bush fire (GFW, 2000; MINFOF and FAO, 2005). Between 1990 and 1995, annual deforestation was estimated at 1,292 Km². In 1980, estimates put the entire forest ecosystem of Cameroon at 233,000 Km² or 41% of the national territory of 475,440 Km². About 165,000 Km² or 71% of the 233,000 Km² of Cameroon's forest ecosystem was of the rain or closed forest type. By 1990, the whole of Cameroon's forest ecosystems had fallen to about 216,000 Km² or 44% to 45% of its surface area and there is real threat to wildlife population. Animal species that are threatened include 43 mammals, 18 birds, 39 fishes, 4 reptiles, 53 amphibians (IUCN, 2006 in Tchigio, 2007). This depicts that the forests are under pressure. In order to arrest the unenviable situation, the government resorted to the creation of protected areas.

3.9 Protected Areas in Cameroon

Protected areas¹⁹ are important for safeguarding biodiversity. As of 2008 about 3,482,741 hectares of forest was protected under the category of Forest Reserves,

¹⁹ A protected area is defined in Article 2 of the CBD as "a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives." The IUCN provides a detailed definition of a protected area. It defines a protected area as "a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long term conservation of nature with associated ecosystem services and cultural values."

Wildlife Sanctuaries, Botanical Gardens, Zoological Gardens and National Parks. The total area under protection excluding 18% Safari hunting zones is 11% of the national territory (Republic of Cameroon, 2009). The designation of the protected areas is in compliance with Art. 8 (a) of the CBD which requires state parties to establish such areas where special measure is supposed to be taken to conserve biodiversity. Protected areas are classified into fifteen categories and divided into Forest Protected Areas and Wildlife Protected Areas (see section 5.4.1). Some of the protected areas correspond to the IUCN categories II, IV and VI. This implies that their legal status especially pertaining to conservation and management is clearly stated.

These protected areas include; national parks (II), wildlife and related reserves (IV), production forests (VI) (Foahom, 2001; Tchigio, 2007). Wildlife protected areas are mainly created for the conservation of fauna. National parks which are under wildlife protected areas are created primarily for the conservation of biodiversity. Presently, there are 18 national parks in Cameroon (see Figure 3.3 and Appendix 1). Figure 3.3 shows Cameroon's network of wildlife protected areas. The Mount Cameroon and Takamanda highlighted in red on the map have already been designated as national parks. Prior to 1961, the protected areas which existed were hunting reserves created by the colonial masters. These reserves included Benoue, Korup, Bouba Ndjidah, Waza, Kalamaloe, Dja, Douala, Edea and Santchou. The first national parks were created in 1968. They were Bouba Ndjidah, Banoue and Waza. The Faro, Kalamaloue and Korup were later created (Egute, 2005). With increasing problems facing the protected areas in general and Korup National Park in particular, concern arises with respect to the strategy of safeguarding the park's values and integrity. The following section provides an overview of the Korup National Park.

Protected areas are classified by the IUCN into six categories and the classification is done according to their management objectives. The six categories include I Strict Nature Reserve/ Wilderness Area, II National Park, III Natural Monument or Feature, IV Habitat/Species Management Area, V Protected Landscape/ Seascape, VI Protected area with sustainable use of natural resources. http://www.iucn.org/about/work/programmes/pa/pa_what/; http://www.iucn.org/about/work/programmes/pa/pa_products/wcpa_categories/. Last accessed 12.03. 2012.

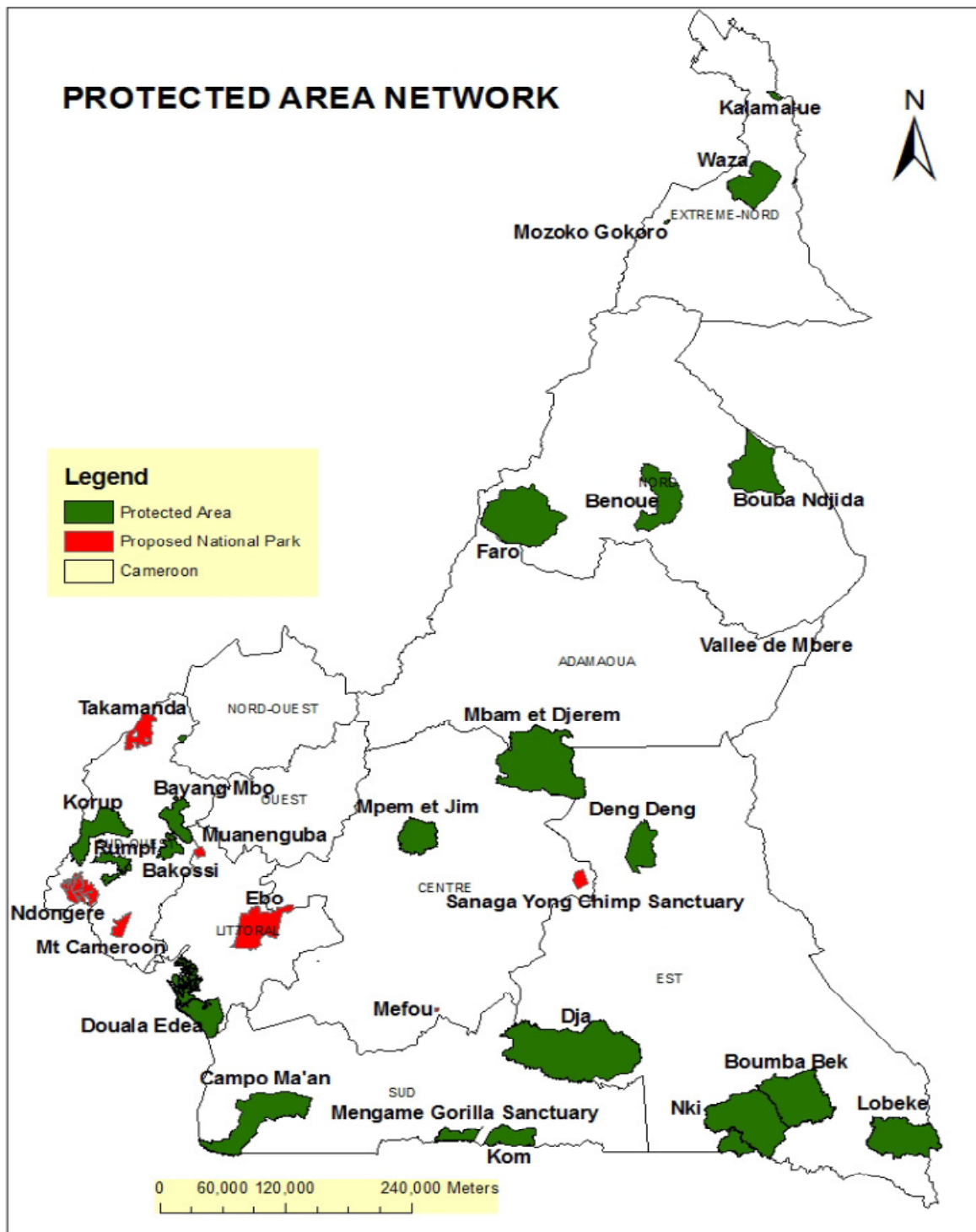


Figure 3. 3 Cameroon's Network of Protected areas

Source: Ndeh, 2010

3.10 Location of Korup National Park (Study Area)

Korup is a rainforest area located in the Southwest region of Cameroon (Figures 3.3 and 3.4) and extends from 4° 54' to 5° 28' North and from 8° 42' to 9° 16' East. The park is 50 Km inland from the Bight of Biafra, borders Nigeria and is adjacent to the Ejaham Forest Reserve to the north and Cross River National Park of Oban Division to the west. The rainforest was initially created as Korup Native Administrative Forest Reserve by Order No. 25 of 14 October 1937 which in 1962 was modified and the forest was renamed Korup Forest Reserve (MINEF, 2002). The villages located within the Korup Forest Reserve included Bera, Esukutan and Bakumba which does not longer exist (Malleison, 2000). Enclaves were demarcated for the inhabitants of the reserve for the purpose of agriculture and through a written contract, exclusive rights to carry out hunting, fishing, gathering and logging for personal use were granted to them. The enclaves were controlled by the Korup Native Authorities (Korup Report, 1936 in Schmidt-Soltau et al., 2007).

Following the presidential Decree No. 86/1283 of 30 January 1986, the forest reserve was upgraded to the status of a National Park. It is 126,900 hectares or 1,269 Km² and contiguous with Cross River National Park in eastern Nigeria. The larger portion of the park is situated in Mundemba Sub-Division of Ndian Division with a small portion extending into Eyumojock Sub-Division of Manyu Division. As Korup was decreed a national park, the boundaries of the forest reserve were extended eastwards to include the villages of Ikenge, Ikondo Kondo and Bareka Batanga. The enclaves that were around the villages situated within the Forest Reserve were nullified and no enclaves were demarcated for the villages which were included within the newly created national park boundaries. The implication of this was that the inhabitants within the Korup National Park had no legal rights to carry out farming, hunting, fishing and collection of NTFPs from the forests which surrounded their settlements (Malleison, 2000).

In 1987, an internationally funded integrated conservation and development project known as the Korup Project which phased out in 2003 provided support to the park. The Korup Project area had a peripheral zone and a support zone with a network of protected areas which include Ejaham, Nta Ali and Rumpi Hills forest reserves

(Figure 3.4). The park, peripheral and support zones cover more than 6,600 Km² (MINEF, 2002). The park's management activities presently extend only to the Peripheral Zone which is a 23 Km area from the park's boundary.

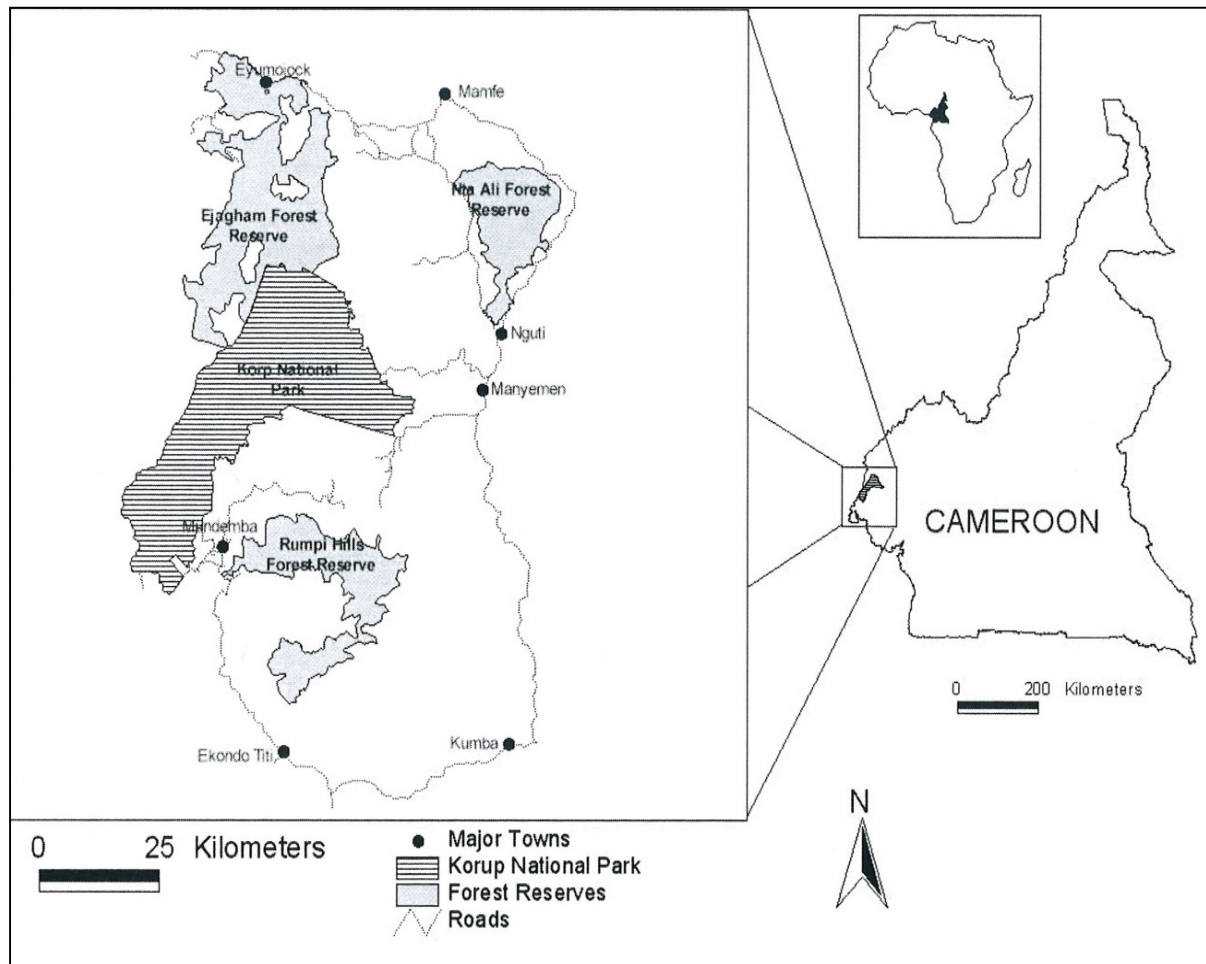


Figure 3. 4 Map of Cameroon showing location of Korup

Source: Adapted from Tchigio, 2007

3.10.1 Climate

The climate of Korup is characterised by a single distinct dry season from December to February with a single peak wet season from June to October. Mean annual rainfall recorded in the southern sector of the park is 5,000 mm per year (Zimmerman, 2000). The wettest months are from July to September during which about half of the total annual precipitation can be expected. A rapid transition from wet to dry season occurs in the early November. Rainfall declines towards the north

and east of the park. A mean annual temperature of about 27°C can be expected in the southern area. The coolest month typically occurs at the peak of the rainy season in August with monthly mean maximum temperature of 25°C while February is the hottest month with monthly mean maximum temperature of 33°C.

3.10.2 Biodiversity of Korup

The KNP is uniquely rich in biodiversity and represents a centre of endemism. The flora of Korup which is recorded is made up of more than 620 species of trees and shrubs and at least 480 species of herbs and climbers (Thomas, 1993). The largest trees are up to 55 m tall with enormous spreading crowns of up to 30 m in diameter. More than 90 medicinal plants exist in the forest (MINEF, 2002). The park contains a plant known as *Ancistrocladus korupensis* (*Ancistrocladaceae*) which was one of the two plants identified by the US National Cancer Institute and used for the ongoing research for a drug against HIV/AIDS. Mangrove swamps cover the coastal zone and sub-mountane forest occurs at altitudes ranging from 800 m. The Korup forest is largely a closed canopy and lowland evergreen forests, whose species diversity is relatively high (Tchigio, 2007).

It is very rich in fauna. More than 52 large mammal species including 15 primate species (Figure 3.5) inhabit the park (Gartland, 1986; Oates, 1996). The area contains 47 different species of rodent. These include diverse species of squirrels, rats, shrews, and mice. There are 55 different species of bat (Scholes, 1989). The forest contains species that have a wide distribution. Typical species in this case include the African forest elephant *Loxodonta Africana cycloti*, African forest buffalo *Syncerus caffer nanus*, forest leopard *Panthera pardus leopardus*, chimpanzee *Pan troglodytes* and red river hog *Potamochoerus porcus pictus*. Species of restricted distribution include Calabar angwantibo *Arctocebus calabarensis*, Giant otter shrew *Potamagale velox*, Sitatunga *Tragelaphus spekii*, Drill *Mandrillus leucophaeus* and Preuss's red colobus *Piliocolobus preussi*. KNP is endowed with several endemic bird species. More than 427 bird species from 53 different families inhabit the park (Birdlife International, 2000). It contains 92 amphibians, 83 reptiles which are made up of 2 tortoises, 3 aquatic turtles, 15 lizards, 5 chameleons, 3 crocodiles and 55 snakes. About 130 different kinds of fishes exist in the forest (Reide, 1989). Korup is

considered to be the most species-rich site for butterflies in Africa (Larsen, 1997). It contains about 1,000 species which is equivalent to more than a quarter of the total number of known African species.



Figure 3. 5 Poster from KNP headquarters showing the primates of Korup

Source: Author's collection

3.10.3 Demography and Socioeconomic Activities

There are currently five villages located inside KNP. In 1999, the population was approximately 900 people (Erat: 447, Esukutan: 202, Ikenje: 179, Bareka-Batanga: 52 and Bera: 26) (Röschenthaier, 2000). The villages located inside the park were six but in 2000, the village of Ikondo Kondo was resettled outside the park as part of

a plan to resettle all the villages. The Peripheral Zone of the park consists of 23 villages. The population of the park and Peripheral Zone is approximately 2,700 with a density of about 2 persons per Km². The people have varying degree of impact on the park's resources. They are from a diverse range of ethnic groups which include Oroko, Korup, Ejagham and Balong. The small nucleated villages of the KNP are organised around one or more dominant patrilineal decent groups or extended families under the leadership of a chief and traditional council. The people rely on the farming of subsistence crops such as maize, plantain, groundnut, cassava, cocoyam and cash crops such as cocoa and oil palm production for their livelihood. They also gather NTFPs such as bush mango *Irvingia gabonensis*, njansang *Ricinodendron heudelotii* monkey kola *Cola lepidota* and kola nut *Cola acuminata*. Fishing, hunting and trapping are also among the major economic activities. A variety of chewing sticks are extracted from tree species such as *Garcinia mannii* and *Massularia accuminata* (Malleon 2000). All these activities have a great impact on the park's resources.

With increasing forest degradation and loss of biodiversity as described above, the following chapter focuses on general national law and international environmental agreements relevant for protecting the values and integrity of the KNP and other protected areas.

Chapter 4 General National Law and International Environmental Conventions Relevant for Protecting KNP

4.1 Introduction to Chapter Four

This chapter provides a deep insight into the Cameroonian law and international environmental conventions relevant for protecting the KNP. It begins with the definition of law and highlights its environmental functions. Given the importance of good governance in protected areas management, the chapter provides an insight into environmental governance and highlights the elements of environmental good governance reflected in some environmental statutes. The chapter then gives an insight into the form and evolution of the Cameroonian legal system, tracing colonial legal legacy and the historical development of the constitution in order to ensure a better understanding of the nature of the country's environmental law. It further presents some pieces of legislation relevant for protecting the KNP, highlighting some aspects of incorporation of international environmental agreements. The chapter then provides an insight into customary law given the importance of customary law administered by the traditional communities in protecting the KNP. It ends by presenting ratified international environmental conventions relevant for protecting the KNP.

4.2 Law and Environmental Function

The main strategy to manage protected areas is environmental law and this law constitutes the basis of environmental governance (Jeffery, 2004). Law is an essential instrument for the protection of the KNP. First of all, law is defined in the Black's Law Dictionary as "the aggregate of legislation, judicial precedents, and accepted legal principles; the body of authoritative grounds of judicial and administrative action; especially, the body of rules, standards, and principles that the courts of a particular jurisdiction apply in deciding controversies brought before them."²⁰ Ndifiembeu (2006, p.10) describes law as "a formal means of social control,

²⁰ Black's Law Dictionary, 9th ed. P. 962.

involving the use of rules that are created, interpreted and enforceable by specially trained persons in a particular community.” From the above definitions, one can deduce that law consists of rules of conduct and trained people are given authority to enforce it. Within the context of states, law is created and administered through a system of courts in which judges hear disputes between parties and apply a set of rules in order to provide an outcome that is just and fair. Justice represents the ultimate goal which law with its important role in creating stability and change in the society, protection of private and public interests, and facilitation of conflicts resolution in an orderly manner should strive (Ndifiembeu, 2006).

Insofar as the environment is concerned, law has a threefold function (Storm, 2000). The first and most significant is its existential function which has to do with its care for the environment. By ensuring the protection of soil, water, air, flora and fauna from negative human impacts, law helps to curb the depletion of the natural resources and safeguard the environment that man needs in order to remain healthy and to live a dignified life. Its existential function is complemented by its social function. Environmental law helps in securing facilities for people to relax and enjoy the natural environment. Its social function is linked to its aesthetic function. It allows humans to experience the diversity, uniqueness and beauty of nature (Storm, 2000). Environmental law is an essential tool of environmental governance which is important in addressing the challenges confronting the KNP.

4.3 Environmental Governance

Governance encompasses governmental actions and also the actions of actors such as private sector groups, NGOs and other civil society groups (Lemos and Agrawal, 2006; Speth and Haas, 2006). Civil society members from all over the world have been calling on authorities to adhere to the norms of good governance in their management of resources (Speth and Haas, 2006). Good governance according to the United Nations is governance that is accountable, transparent, participatory, consensus oriented, responsive, effective, efficient, equitable, inclusive, and adhere to the rule of law (UNESCAP, 2011). Environmental governance is an integral part of governance. The concept of environmental governance encompasses the relationship between governmental and non-governmental structures where power is

exercised in environmental decision making. It has to do with how decisions are made with emphasis on the need for citizens and interest groups to have their voices heard (Jeffery, 2005). The engagement of the public is essential for creating an environmentally sustainable future. Governments alone cannot solve the major environmental problems. Only through the building of partnerships within a civil society that is well informed and empowered within the framework of good environmental governance, can this challenge be met (Jeffery, 2005; Du Plessis, 2008). With environmental governance, citizens should highlight inadequacies in decision making and ensure that environmental laws are effectively enforced.

Good environmental governance can be measured by the effectiveness of strategies implemented in order to achieve environmental goals. These strategies include capacity building, public participation, access to environmental information and justice (Jeffery, 2005; Du Plessis, 2008). Even though the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (ILM 38 (1999), 517) commonly known as the Aarhus Convention is a regional environmental agreement limited to the United Nations Economic Commission for Europe area (Albrecht, 2011), it has global significance due to its promotion of environmental governance (Jeffery, 2005). It focuses on the need for participation by the civil society in environmental issues as well as the importance of access to environmental information held by the public authorities. The convention according to Albrecht (2011, p. 158), “regulates necessary requirements for participation in all kind of environmental procedures.” It provides that public participation, access to information, education and awareness are the most important elements of environmental governance (Jeffery, 2005).

Access to environmental information enables the public to be well informed and capable of questioning government actions. This can lead to more responsible environmental decision-making and greater potential for environmental justice. In 2001, the former Secretary General of the United Nations Kofi Annan, described the convention as the international community of nations’ most advanced regional environmental governance instrument (UNECE, 2001 in Dore, 2001). Law and environmental governance involve standard-setting and institutions which guide the

interaction of government and non-governmental structures in implementing environmental policy (Lemos and Agrawal, 2006; Speth and Haas, 2006). If a country's legal framework is devoid of the elements of good environmental governance, it will likely be difficult to achieve national environmental policy objectives through it. To understand the nature of Cameroon's environmental law and governance elements, it is important to provide an insight into the evolution of the country's legal system.

4.4 Cameroonian Legal System

The legal system of Cameroon is often described as bijural and a legacy of the colonial era. It consists of two distinct legal systems which are the English common law and the French civil law (Fombad, 2007; Che, 2008). The form and evolution of the legal system can be traced from the pre-colonial, colonial and post-independent periods. During the pre-colonial period, there existed diverse unwritten laws and customs which were applied to the different ethnic groups. The only exception was in the northern region where Islamic laws were operational. Justice was administered by family heads, quarter heads, chiefs and traditional councils (Timtchueng, 2005; Fombad, 2007). Customary law is still applicable in the country (see section 4.5.4).

When Cameroon was colonised, the European laws were introduced. Concerning the system of justice, the Germans operated two parallel systems of courts. One of the systems was for the Europeans where German law was applied and the other was for Cameroonians where traditional laws under German control were applied. When Britain and France took over Cameroon from the Germans, the English common law and the French civil law were introduced in the country. The British operated two parallel systems of courts just like the Germans. Through indirect rule, traditional institutions and laws were retained provided they were not repugnant to natural justice, equity and good conscience or incompatible with any existing laws (Anyangwe, 1987). In French Cameroun, the French following their policy of assimilation, made a distinction between citizens i.e. either French nationals or Cameroonians who had acquired that status and ordinary Cameroonians. It was based on this that two systems of justice were administered. One system of court was for the Cameroonians in accordance with traditional laws while the other was for

French nationals in accordance with French laws. Contrary to the British administrators, the French colonial administrators presided over the traditional courts and used the local chiefs and notables merely as assessors (Fombad, 2007).

After independence, a federal system of government which was based on a two-state federation consisting of West Cameroon (former British Cameroons) and East Cameroon (former French Cameroun) was established. The two federated states retained the colonial system of justice that they inherited and this was controlled by the Federal Ministry of Justice. In 1972, a unitary system of government was introduced and based on Ordinance No.72/4 of 26 August 1972 on Judiciary Organisation; a civilian-form unitary system of courts was created in order to replace the court structures that existed in the two states (Fombad, 2007). The ordinary courts in Cameroon consist of the Customary Courts, Courts of First Instance, High Courts, Lower Audit Courts, Lower Courts of Administrative Litigation, Courts of Appeal and the Supreme Court (Section 3 Law No. 2006/015 of 29 December 2006 on judicial organisation). These courts have the jurisdiction to adjudicate matters of environmental law. The customary courts depend merely on customary law in the administration of justice (Timtchueng, 2005). Even though the court structure was unified, the constitution allows the two pre-independence legal systems to continue to operate in the country. Article 68 of the 1996 amendment of the 1972 Constitution provides that “the legislation applicable in the Federal State of Cameroon and in the Federated States on the date of entry into force of this Constitution shall remain in force insofar as it is not repugnant to this Constitution, and as long as it is not amended by subsequent laws and regulations.” The legal system of Cameroon can therefore be described as bi-jural because the English common law applies substantially in the two Anglophone regions in addition to French civil law. The French civil law applies largely in the eight Francophone regions.

4.5 Sources of Cameroonian Law and Environmental Protection Links

There are four main sources of law in Cameroon. These are the constitution, legislation,²¹ judicial precedents and customary law (Fombad, 2007). The following

²¹ Legislation consists of the laws passed by the legislative arm of the government which are binding after their promulgation by the executive arm of the government.

sections are based on the sources of Cameroonian law and their links to environmental protection as well as reflection on good environmental governance elements.

4.5.1 The Constitution

Since independence, Cameroon has had three different constitutions and several constitutional amendments. The constitution under which French Cameroun became independent on 1 January 1960 can be considered as Cameroon's first constitution (Tamfuh, 1998). Under it, the country was defined as a unitary state with a unicameral parliament. According to Fombad (2007), the second constitution was an amendment of the 1960 Constitution which was carried out in 1961 when the British and French administered parts of the country were reunited. This constitution which was christened the Constitution of the Federal Republic of Cameroon established a powerful federal government. Each state had its own prime minister and for legislature, East Cameroon had a unicameral legislature while West Cameroon had a bicameral legislature with the West Cameroon House of Chiefs as part of it (DeLancey et al., 2000; Che, 2008). On 2 June 1972, a referendum was organised and a new unitary constitution which was drafted was adopted. Under the new constitution, the federal system was abolished and political power was concentrated on the position of the president. The country's name was changed to the United Republic of Cameroon.

In 1984, the constitution was revised and the appellation "United Republic" was replaced with "Republic." On 18 January 1996, in response to pressure groups especially from Anglophone region which demanded a return to the federal system, the National Assembly passed Law No. 96/06 which amended the Constitution of 2 June 1972. Under the 1996 Constitution, among the main changes, was the replacement of the provinces with semi-autonomous regions. Until date, this change has not been adequately implemented. In April 2008, the National Assembly passed Law No. 2008/001 of 14 April 2008 to amend and supplement some provisions of Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972. Among the changes under the 2008 amendment, the president was provided with immunity from prosecution for acts as president and the limit of the president's term of office

was eliminated (Art. 6 para 2 of Law No. 2008/001 of 14 April 2008). The 2008 constitutional amendment in Cameroon is described by Mala (2009) as one of the worst unconstitutional amendments in the 21st century. The constitution in force is the 1996 Constitution but insofar as changes introduced in it have not been implemented, the 1972 constitution remains applicable (Art. 67, 68, 69 of 1996 Constitution).

The constitution is the highest law in the hierarchy of legal norms in the country. It is treated as the supreme law of the land and any other law or custom that is inconsistent with its provisions is supposed to be treated void to the extent of its inconsistency. Following the constitution, Cameroon is a republican, presidential, secular and democratic state and even though it provides for an independent judiciary in its Art. 37 to 42, the reality according to Mala (2009, p.10) is that the country has a “highly centralised, autocratic political system with a strong executive, a judiciary under the control of the executive, and a National Assembly dominated by the ruling party.” Even though Cameroon has a centralised system of government, Article 55 of the constitution provides for decentralisation of the central administrative system. Decentralisation is seen as a means of bringing the government closer to the citizens thereby enabling them to actively participate in nation building. When decision-making is brought closer to the citizens, co-management of resources can be regarded as an integral part of good governance (Brown, 1999).

Concerning environmental matters, constitutional provisions in general offer powerful tools for environmental protection. The constitution of Cameroon 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 provides 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 protection and improvement of the environment.” Even though there are no detailed provisions on environmental protection like the constitution of African countries such as Chad, Congo and Uganda; the present constitution does not remain silent or ambiguous on environmental matters like the previous constitution. However, unlike the Republic of South Africa where the courts have applied constitutional rights to a healthy

environment (Bruch, 2001); it remains to be seen how Cameroonian courts will interpret and enforce the constitutional environmental provision stated above.

4.5.2 Legislation

The Cameroonian constitution empowers the National Assembly (parliament) as well as the government to make laws. It makes a distinction between parliamentary powers to legislate and the governmental power to issue rules and regulations for implementing parliamentary legislation (Art. 26, 27 and 28 of the 1996 Constitution). Concerning governmental intervention in the legislative domain, Article 27 states that “matters not reserved to the legislative power shall come under the jurisdiction of the authority empowered to issue rules and regulations.” This implies that the constitution empowers government to make laws by way of rules and regulations in all matters not reserved for parliament under Article 26. The country’s president (Art. 8 para. 5), the prime minister (Art. 12 para. 3), and other government officials share the authority to issue rules and regulations. Article 26 is the main provision in the constitution that provides for the scope of the legislative competence of the parliament. This article identifies six areas that fall within the reserved legislative domain. Even though the parliament is involved in political debates, political power resides in the executive arm of the government. While parliament makes the laws, their interpretation and implementation in the form of presidential and ministerial decrees remain the domain of the president and ministers.

Insofar as the environment is concerned, the National Assembly has promulgated a series of legislation which are relevant for the protection of the KNP. One of these pieces of legislation is Law No 96/12 of 5 August 1996 Relating to Environmental Management. The law regulates a wide range of issues relating to environmental protection and it is one of the national implementation instruments of the CBD especially Article 15 on access to genetic resources (see section 6.2.2). The KNP is rich in genetic resources 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. The potential for good environmental governance is promoted in the second paragraph of section 8 which grants *locus standi* to public interest litigants. This is important because it empowers citizens to

participate in exercising their environmental rights and in fighting against the depletion of natural resources. With *locus standi*, citizens can contribute to the protection of the KNP by exerting pressure on government officials to ensure compliance with the environmental protection law. It introduces public interest action and authorises grassroots communities and associations working for environmental protection to engage proceeding for environmental wrongs. The consideration given to public interest litigants to have standing to sue is an essential aspect of environmental governance because it concerns the principles of public participation and environmental justice. The environmental governance principle of participatory management is significantly reflected in a separate chapter on public participation. It makes it mandatory for the population to be encouraged to participate in environmental protection. In this light, it outlines various strategies which include free access to environmental information, consultation mechanism, representation of the population within environmental advisory bodies, sensitisation, generation of environmental information and compulsory carrying out of Environmental Impact Assessment (EIA) before any development project that can have an adverse effect on the environment (Section 17 of 1996 Law Relating to Environmental Management).

EIA is further regulated by Decree No. 2005/0577/PM of 23 February 2005 laying down the modalities to carry out environmental impact assessment and Order No. 0070/MINEP of 22 April 2005 stating different categories of projects for which an environmental impact assessment is necessary. EIA is relevant for this study because it is required for projects such as agro industrial palm plantations of more than 100 ha that may adversely affect protected areas such as the KNP (Article 4 of Order No. 0070/MINEP of 22 April 2005). Through law suits, the national courts could reject permits for projects if EIA is not undertaken as required by the law or its undertaking is considered to be inadequate. Article 11 of Decree No. 2005/0577/PM of 23 February 2005 provides that where a development project is likely to perturb or destroy the environment, a prior EIA studies must be carried out with public participation through consultations and public hearings in view of obtaining public opinion with regards to the project. EIA is also incorporated in the 1994 Law. Section 16 (2) of the law (see chapter 4), specifies that “the initiation of any development

project that is likely to perturb a forest or aquatic environment shall be subject to a prior study of the environmental hazard.” The involvement of the local population in EIA procedures is a way of enabling people to participate in decision-making for environmental protection and this is progress with respect to environmental governance. Cameroon’s incorporation of EIA in the 1996 Law Relating to Environmental Management and its putting in place of an EIA decree is a laudable effort to implement Principle 17 of the Rio Declaration and Article 14.1 (a) of the CBD which require state parties to introduce appropriate procedures requiring EIA proposed projects that could have a significant adverse effect on biodiversity.

Another important legislation is Law No. 91/8 of 30 July 1991 on the protection of the cultural and natural heritage of Cameroon. This law is relevant for this study because the KNP has been nominated as a World Heritage Site and this law aims at protecting the cultural and natural heritage of Cameroon as required by Article 5 (4) of the 1972 World Heritage Convention (ILM 11 (1972), 1358). The law comprises of three chapters of general provisions, protection, penal and miscellaneous provisions. The cultural and natural heritage of the country is defined in Section 2 (1) as all movable and immovable cultural property which for religious or secular purposes, is especially of historical, artistic, intellectual, scientific, technical or touristic importance. The KNP is an immovable property. Section 2 (3) provides that immovable property is property which by nature or as a fixture, cannot be moved without causing damage thereto or its surroundings. Such property is, in particular, sites, monuments and architectural buildings. Section 1 (1) provides that the state shall ensure the protection of the cultural and natural heritage of the nation. The duty of local authorities, associations and interested third parties to take part in the protection of the cultural and natural heritage of the nation is recognised in Section 1 (2) of the law. Chapter two spells out procedures for the protection of the cultural and natural heritage of the nation. Section 4 provides that protection shall be done by listing and classification of all the components of cultural and natural heritage. The rules and regulations to be followed by owners, custodians or tenant of classified property are outlined in chapter three while chapter four spells out sanctions in case of a breach of the law. Another piece of legislation that deals with the natural environment is Law No. 94/01 of 20 January 1994 to lay down Forestry, Wildlife and

Fishery Regulations and its decrees of implementation, Decree No. 95/531 of August 1995 and Decree No. 95-466-PM of 20 July 1995. This law and its decrees of implementation are basically on the conservation and management of the country's forestry, wildlife and fisheries resources (see chapter 5).

4.5.3 Judicial Precedent

Judicial precedent also known as case law is one of the sources of law in Cameroon. The decisions taken by higher courts on environmental matters serve as precedent for the lower courts such as the Court of First Instance Mundemba which has jurisdiction to try cases from the KNP to follow. As discussed above, Cameroonian law is also based on common law which is applied especially in Anglophone Cameroon. The development of the Common Law of Cameroon is feasible because the courts in Anglophone Cameroon partly follow the system of legal precedent or *stare decisis* (Fombad, 2007; Feh, 2009). This enables a higher court to develop the law in such a way that it becomes a precedent for lower courts to follow. Since law is not an empirical science, the national parliament cannot be expected to presuppose all life scenarios and pass relevant laws to regulate them. This is why law in Anglophone Cameroon places emphasis on the higher courts to develop the law through their decisions which become precedents and as such become law, commonly known as case 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 (Fombad, 2007). The higher courts have taken decisions on environmental matters which serve as precedents for lower courts to follow. Even though cases decided within the lower courts may not serve as precedents, they may be invoked in course of trying future similar cases. For instance, the court of First Instance Mundemba which has a competent jurisdiction to try cases from Korup, has decided on a series of cases (see Appendix 4) that may be invoked during court trial in future.

4.5.4 Customary Law

Customary law administered by the traditional communities is important for this study because of its prevalence in the villages in and around the KNP governed by traditional rulers (Sakah, 1998; Tchigio, 2007; Eyong, 2010). The prevalence of

customary law in the Korup local communities is an indication of its relevance to these communities and its potential role with respect to the conservation and sustainable use of the Korup forest resources. Customary law administered by the traditional communities is an integral part of traditional knowledge²² which if relevant for the conservation and sustainable use of biodiversity, is supposed to be respected, preserved and maintained by Cameroon as required by Article 8 (j) of the CBD.

Customary law is defined in the Black's Law Dictionary²³ 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.” A key term in the above definition worth defining is custom. It is defined in the Black's Law Dictionary²⁴ as “a practice that by its common adoption and long, unvarying habit has come to have the force of law.” From the above definition of customary law, it can be deduced that a custom must be accepted by a community for it to have the force of law. The Black's Law Dictionary definition is explicit even though the expression “treated as if they were laws” renders somehow uncertain the binding effect of customs. A much more explicit definition is provided by Freckmann and Wegerich (1999, p. 36) who 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.” This definition lays emphasis on the longevity of the practiced custom and recognition as well as certainty of its legality by most people for it to be followed.

Following the above definitions, it can be deduced that the decisive factor to determine whether certain customs have the status of law is whether they have been considered by the community concerned as having binding effect, or whether they are merely habits. This makes it worthwhile to distinguish customary law from habits. As CIRUM (2012) asserts, customary law is recognised and accepted by the entire

²² See supra note 14.

²³ Black's Law Dictionary, 9th Edition. p. 443.

²⁴ Ibid. p. 442.

community as binding, regulates the relations between community members and it is transmitted from generation to generation largely through practice. But habits are established patterns of living that are rooted in human actions and repeated over time. Habits become part of a way of living and are difficult to change. Unlike customary law, habits are not binding and are not necessarily accepted or applied by all the members of a community (CIRUM, 2012).

It is worthwhile to distinguish international customary law from the customary law applied by the traditional communities which is more relevant for this dissertation. Contrary to customary law applied by the traditional communities, the international customary law is largely unwritten law inferred from the conduct of state practice undertaken in the belief that they were bound to do so by law (*opinion juris*) (Nanda and Pring, 2003; Hunter et al., 2007; Lakshman and Hendricks, 2007). It has an objective element of state practice and a subjective element of *opinion juris* i.e. the belief that an action was carried out because it was a legal obligation. This has to do with the state conviction that the conduct is required as a legal obligation not merely as a matter of comity, convenience, discretion and diplomacy. State practice has to be relatively consistent and uniform and can be evidence by legislation, governmental documents, treaty ratifications, scholarly analyses, and judicial opinions. Evidence of *opinion juris* can be derived from these sources. The major arbiters of what is or is not international customary law are opinions of international and domestic courts and scholarly writings (Nanda and Pring, 2003; Hunter et al., 2007; Lakshman and Hendricks, 2007). Thus, the International Court of Justice²⁵ is required to apply international custom as evidence of a general practice accepted as law (Statute of the International Court of Justice, Art. 38).

Unlike international customary law, customary law administered by the traditional communities is deeply rooted in the social and political system of such communities and as Kuruk (2002) opined, to have a comprehensive insight into why customary law rights like those in folklore have binding effect, it is essential to consider the

²⁵ The Statute of the International Court of Justice is available at www.icj-cij.org. Last accessed 03.03.2012.

nature and importance of the social and political structure in tribal societies. The customary laws are derived from the values, mores and traditions of ethnic groups (Kane et al., 2005). Every ethnic group has its own customary laws that are binding on its members. The rules were applicable in the various ethnic groups before the advent of colonialism and were enforced by traditional courts presided over by traditional rulers (Ngwafor, 1993). This context is similar to the Germanic period where tribes employed customary law²⁶ and this simple unwritten law governed their lives (Freckmann and Wegerich, 1999). Customary law is unwritten even though presently, efforts are made to compile them in written form (Fombad, 2007). Just like in other African countries, the customary laws are not uniform within the various ethnic groups or tribes. The differences in the customary laws of the diverse ethnic groups can be traced to factors which include origin, history, economy, socio-cultural and linguistic affinity (Kuruk, 2002). For example, the customary law system of an ethnic group or tribe in one village may be different from the customary law system of the ethnic group or tribe in a neighbouring village even though the two ethnic groups or tribes speak the same or similar language. The Islamic law that is in place largely in the northern part of Cameroon is also considered as part of customary law (Fombad, 2007; Feh, 2009).

Following Article 68 of the Cameroonian Constitution, the customary law statutes of the Federated State of Cameroon are still applicable. In this light, the 1948 Customary Courts Ordinance²⁷ is still applicable in Anglophone Cameroon. The Customary Courts Ordinance cap 142 of 1948 defines customary law as “the native law and custom prevailing in the area of the jurisdiction of the court so far as it is not repugnant to natural justice, equity and good conscience, nor incompatible either

²⁶ According to Freckman and Wegerich (1999), customary law exist in the federal and *länder* levels in Germany but because of the high degree of codified and judge-made laws, there is little room for the application of customary law. This situation is different from that of Cameroon where customary law is applicable especially in rural communities that are traditionally subject to it (Fombad, 2007) even though judge-made law and especially codified law exist to a considerable extent.

²⁷ Customary Courts Ordinance 1948 Laws of Nigeria. This Ordinance and others are still applicable in Cameroon (Mandeng, 1997). The 1996 Constitution allows the legislation applicable in the Federated States of Cameroon to remain in force.

directly or by natural implication with the written law for the time being in force.” The Southern Cameroons High Court Law, 1955 authorises the courts to observe and enforce the observance of customary law. Section 27 of the law provides 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.” The colonial masters recognised and enforced customary law. However, not every custom of the local communities was recognised as customary law. In the Anglophone regions, the recognition and enforcement of customary law is subject to a repugnancy and compatibility test as provided in Section 27(1) of the Southern Cameroons High Court Law 1955, which states that only customary law which is not repugnant to natural justice, equity and good conscience or incompatible either directly or by implication with any existing law is supposed to be recognised and enforced. In this light, when a conflict between any written law and customary law arises, the former prevails (Anyangwe, 1987).

As Fombad (2007) opines, in the Francophone regions of the country, Decree No. 69/DF/544 of 19 December 1969 on the organisation and procedure before the customary courts in former East Cameroon, modified by Decree No. 71/DF/607 of 3 December 1971 places the jurisdiction of customary courts to the consent of all the parties particularly the defendant. In 1972, a decision of the Supreme Court provided that a rule of customary law would be recognised and enforced only if it was clear, precise and in conformity with public order. The validity of customary law in Cameroon is ensured by Article 1 of Law No. 79/4 of 29 June 1979 on Customary and Alkali Courts which state that the courts are supposed to apply only the customs of the parties which are not contrary to the law and public policy. So as can be deduced from the pieces of legislation mentioned above, the rule of customary law is considered valid in Cameroon only when it passes the repugnancy test, not incompatible with statutory law, must be precise and conforms to public order. In both Anglophone and Francophone Cameroon, customary law is administered at first instance by legally recognised customary courts operating at the sub-divisional level.

In addition to the legally recognised customary courts, the village traditional councils such as those in the Korup villages serve as traditional courts²⁸ administering customary law at the village level even though these traditional institutions are not legally empowered to perform such functions (Ebi, 2008; Feh, 2009) (see section 7.9.4). While the legally recognised customary courts address civil matters not reserved for the modern law courts and have no jurisdiction to address criminal matters (Mandeng, 1997), the traditional courts operating at the village level that are not legally recognised hear and determine all kind of matters whether civil or criminal (Ebi, 2008; Feh, 2009; GCI, 2011).

4.5.5 Treaties

Treaties²⁹ are a form of law in Cameroon. They are relevant for this dissertation because of their importance in fostering the conservation and sustainable use of the world's biodiversity including that of the KNP. The biodiversity of the KNP is an integral part of the world's biodiversity and international environmental conventions ratified by Cameroon are important in managing the park. Some international environmental agreements provide for or rely on the establishment and effective management of protected areas (such as the KNP) for the achievement of their objectives (UNEP, 1999; Jeffery, 2004). International environmental agreements contribute in shaping Cameroon's policies and actions with respect to biodiversity conservation (BSSAP, 1999). Treaties 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 Constitution stipulates that "the president of the Republic shall negotiate and ratify treaties and international agreements. Treaties and international agreements falling within the area of competence of the Legislative Power as defined

²⁸ Traditional courts are customary courts operating at the village level but the phrase traditional court is used in this dissertation for customary courts operating at the village level as a way of distinguishing it from state recognised customary courts operating at the sub-divisional level.

²⁹ In Article 2 (1a) of the Vienna Convention on the Law of Treaties (1155 UNTS 331 [1988]), a treaty is defined 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." Treaties are often known as covenants, pacts, protocols conventions (Hunter et al., 2007; Lakshman and Hendricks, 2007).

in Article 26 shall be submitted to Parliament for authorization to ratify.” Article 45 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 ratified multilateral environmental agreements (see appendix 7), some of which are relevant for the conservation and management of the country’s forest heritage including the KNP. Some of these agreements include:

- 1968 African Convention on the Conservation of Nature and Natural Resources ([1968] 1001 UNTS 4) adopted in Algiers. Its Article IV provides that member states are supposed to protect flora and ensure its best utilisation; manage forests and control burning, land clearance and overgrazing.
- 1971 Convention on Wetlands of International Importance Especially as Waterfowl Habitat (ILM 11 (1972), 963) adopted in Ramsar. The objective of the convention is to halt the worldwide loss of wetlands and to conserve and ensure their wise use. Specifically as provided in paragraph 4 of its preamble, the convention aim is “to stem the progressive encroachment on and loss of wetlands now and in the future.”
- 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (ILM 11 (1972), 1358) adopted in Paris establishes a World Heritage List and provides in Article 4 that the duty to identify, protect, conserve and transmit to future generations of the cultural and natural heritage belongs primarily to the State where properties of outstanding universal value are located.
- 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (ILM 12 (1973),1085) adopted in Washington, D.C. seeks to protect endangered species from over-exploitation by regulating international trade in endangered species of flora and fauna, whether dead or alive.
- 1992 Convention on Biological Diversity (ILM 31 (1992), 818) adopted in Rio de Janeiro offers the widest range of legal tools for promoting biodiversity conservation. For the Cameroon’s forests, the CBD is a very important instrument

since the majority of the country's biodiversity lies within forests such as that of Korup. 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 as Jeffery (2004) opines, the CBD is the most influential legally binding agreement for protected areas.

This chapter has provided an insight into the general Cameroonian law and also ratified international environmental conventions relevant for protecting the KNP. The institutions and specific forest-related laws relevant for implementing the Korup conservation policies which the courts largely depend on in the administration of justice constitute the following chapter.

Chapter 5 Specific National Laws and Institutions Relevant for Protecting KNP

5.1 Introduction to Chapter Five

This chapter focuses on specific forest-related laws and institutions relevant for implementing the conservation policy of the KNP. It starts by presenting the customary land tenure system revealing how property relations were governed prior to the introduction of statutory land law. The chapter further provides an insight into the colonial and post-colonial statutes governing the administration of land rights, linking them to the conservation law. It presents the colonial forest-related legislation exposing its influence on the post-colonial laws. The chapter then provides a deep insight into the 1994 Law which is the main law for implementing the KNP conservation policy and serving as an implementation instrument for international environmental conventions such as the CBD, CITES and the WHC. It presents in details the sections of the law which deal with the protection of nature and biodiversity. The chapter further gives an insight into the ministry in charge of conservation affairs and ends by enumerating other institutions whose role is crucial in protecting the Korup forest heritage.

5.2 Legal Frameworks for Protecting Forest Heritage

The 1994 Law is essential for this study because it is the main specific piece of legislation for the protection of the KNP. Before reviewing the law, it is imperative to first of all review the customary land tenure system of Cameroon. This is because prior to the introduction of land legislation, property relations were governed by customary land law and as discussed above, customary law is still applicable in the country. It is also important to discuss the land tenure legislation because forests classification within the national territory is based on ownership which is determined by the land tenure legislation.

5.3 Customary Land Tenure

Before reviewing the specific forest-related laws essential for protecting the KNP, it is imperative to first of all review the customary land tenure system of Cameroon. This is because prior to the introduction of the land legislation, property relations were governed by customary land law and as discussed above, customary law is one of

the sources of law in Cameroon and this law prevails in the local communities of Korup. Prior to the introduction of land legislation in Cameroon, property relations were governed mainly by customary land law (Nguiffo et al., 2009). During the pre-colonial period, a village community acquired land by settling on land where no previous claim of ownership by another community existed, by outspread or expansion when descendants of a community which has settled on a piece of land decided to move further in order to discover and occupy virgin land, by conquest when a community was ousted from its land by another during war and finally by gift³⁰ which was a generous transfer of land from its owner to others (Egute, 1995). Following native law and custom, each individual or family in a village community acquired their own portion of land by claiming part of the generally acquired land and settled on it. Each village claimed customary ownership rights on the acquired land and its inhabitants lived, carried out farming, gathering and hunting within the village land. This customary tenure system prevailed in the Korup region (Vabi, 1999).

Individuals had land rights and their rights were passed on to their successors in case of death. The parcels of lands not occupied by individuals remained under the control of the community. This implies that these unoccupied lands were collectively owned. Some examples of communal land include forest used for farming and lumbering; hills, valleys and plains for farming and grazing; streams and creeks; sacred lands that harbour village shrines (Egute, 1995). The community had sovereign rights over all lands and the chief was a trustee of communal lands. Management of communal lands was vested on the chief and his traditional council. The traditional administration controlled and managed the land on behalf of his community and could allocate it for use in accordance with the established customary practice. In the Korup region, inhabitants from other villages could hunt in a territory other than their own on condition that formal permission was sought from

³⁰ As Egute (1995) asserts; the acquisition of land by settlement, outspread, conquest and by gift were legacies of the pre-colonial period's customary land tenure system. In this modern era, it is difficult to acquire land by settlement or expansion because there is no land free from occupation. It is also difficult to acquire land by conquest nowadays because of the existence of the judiciary which ensures law and order. Finally, it is rare to acquire land nowadays by gift due to increasing population and the change from subsistence to money economy that have led to the increase in the value of land. The acquisition of land by sale has replaced acquisition by gift in most communities in Cameroon.

the traditional authority (Davitt, 1988; Vabi, 1999). The customary tenure arrangement is not devoid of negative impact on forest resources but the fact that traditional authority managed the resources shows that with the customary tenure system, the forestry resources were to an extent protected from wanton exploitation.

5.4 Statutory Land Tenure

A review of the land tenure legislation is important because forests classification within the national territory that also impacts the Korup forest is based on ownership which is determined by the land tenure legislation. The current statute governing the administration and management of land rights in Cameroon was enacted in 1974. Before examining the statute, it is imperative to review colonial land laws that governed land tenure in the country in order to ensure a better understanding of the postcolonial legislation.

5.4.1 Colonial Land Legislation

The nature of land tenure legislation in Cameroon can be traced from the land tenure legislation of the country's three former colonial masters. Under the German colonial administration, the Crown Land Act of 15 July 1896 provided that all lands which no claim could be established by private person or by a chief on behalf of a native community shall become the property of the German imperial government (Art. 1 of Crown Land Acts of 15 July 1896). Following the legislation, there was no area set aside specifically as crown land. This enabled the German colonial administration to appropriate land collectively owned by the local community. When it was realised that this practice severely diminished native customary land rights, the land policy was revised. Following the reform, some areas were declared to be subject to native law and custom regarding land tenure or to the terms of each particular grant by the government to the native occupiers (Art. 3 of Crown Land Acts of 15 July 1896).

When the Germans were ousted from Cameroon in 1916, Britain and France took over the territory and imposed their own land legislation. The British 1927 Land and Native Rights Ordinance declared all territory in Southern Cameroons as "native land" but with a provision that these lands were under the control of the Prime Minister (Egute, 1995). The British recognised customary land tenure system but ensured that their administrators worked in collaboration with the Native Authority to

ensure control. For instance, during the British colonial period, the Korup rainforest was created as Korup Native Administrative Forest Reserve by Order No. 25 of 14 October 1937 and the Native Authority in collaboration with the colonial administration ensured the management of the reserve. In East Cameroon, the French introduced a land legislation which was just like that of the Germans. Under a law known as *La Legislative d'attente* of 24 July 1921, all land not under occupation i.e. "*terres vacantes et sans maître*" was declared the property of the French state. This led to the appropriation of local communities' lands. This system of legislation was later revised. The law of 17 June 1959 governing the organisation of state property and land ownership abolished the notion of "*terres vacantes et sans maître*" and created the notion of customary ownership of land (Nguiffo et al., 2009). The law granted the right of enjoyment and use of land to Cameroonians who for a minimum of five years had occupied in their region of origin a plot of land, which had been allocated to them by its customary owner. This law just like the 1927 Land and Native Rights Ordinance strengthened the rights of local communities over their land. So this review shows that the colonial legislation laid emphasis on empowering the colonial powers to be the owner of all lands with local communities rights restricted to usufruct rights.

5.4.2 Postcolonial Land Legislation

The colonial legal system inherited by Cameroon greatly influenced its land law. After independence, the country enacted a piece of legislation with inspiration from colonial legislative system designed to empower the state to be the custodian of all lands. The 1974 Land Tenure Ordinance³¹ which was enacted to regulate land rights serves as a uniform law on land issues in the whole country until date. It is made up of three separate ordinances. These ordinances include:

³¹ This piece of legislation is 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. It is hereinafter 1974 Land Tenure Ordinance.

- 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 spelling out procedures for expropriation of land for public use modified by Law No. 85/09 of 04 July 1985;
- Ordinance No. 74/3 of 6 July 1974, setting the area of national land.

The law was accompanied by decrees of implementation in 1976. These decrees include:

- Decree No. 76/165 of 27 April 1976 setting the conditions of acquisition of a land title, modified by Decree No. 2005/481 of 16 December 2005;
- Decree No. 76/167 of 27 April 1976 setting the condition of management of the state's private property.

Ordinance No. 74/1 of 6 July 1974 determining the land tenure system which governs the administration and management of land rights classifies land into two major categories. The core of the legislation is found in two provisions. The first provides that "the State shall be the guardian of all lands" and the second states that only two categories of land tenure exist i.e. public and private land (Sec. 1(b) and 14 of Ordinance No. 74/1 of 06 July 1974). Public state lands consist of those lands which prior to independence were held by foreigners. These lands were in the form of large plantations. Other lands used for public purposes are also considered to be public state lands. All lands which have not been registered are categorised under public land. Private land comprises of land which has been registered (Fisiy, 1992). The law provides that ownership of land can only be claimed by possession of a land title i.e. an official certificate of land ownership. The implication of this provision is that land in the national territory including the Korup region that has not been registered belongs to the state. So the postcolonial land legislation empowers the state to be the owner and manager of the landed property. The statutory land tenure system has an implication on the way that the KNP is managed (see chapter 6). As mentioned above, forests classification within the national territory is based on

ownership which is determined by the land tenure legislation. The land tenure legislation is linked to the 1994 Law which the following section focuses on.

5.4 Legislation on Forestry, Wildlife and Fisheries Resources

Since Cameroon gained independence, 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. This Ordinance was abrogated and replaced by Ordinance No. 81/13 of 27 November 1981 and its Decree of implementation, Decree No. 83/969 of 12 April 1983. Under this Law, Cameroon's forest concession system was complex and produced little government revenue. 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 did not integrate land use planning, forest production activities and conservation (Essama-Nssah et al., 2002). The law was characterised by inefficiencies and unsustainable forestry management practices. The situation called for concern from the international community that realised the corrupt nature and the mismanagement in the forest sector that was resulting in a loss of state revenue couple with degradation of one of the world's richest remaining tropical forest. Under pressure from the World Bank and IMF which threatened to stop funding projects in the forest sector in Cameroon until it changes its laws and start involving the local communities in forest resource management (Brown et al., 2002), the 1981 Law was subjected to review. This resulted to the enactment of Law No. 94/01 of 20 January 1994 to lay down Forestry, Wildlife and Fishery Regulations, followed by its Decrees of implementation, Decree No. 95/531 of 23 August 1995 and Decree No. 95-466-PM of 20 July 1995.

5.4.1 1994 Law on Forestry, Wildlife and Fishery Regulations

The enactment of the 1994 Law was a laudable measure taken by the law maker to ensure the protection and sustainable management of Cameroon's forest heritage including the forest heritage of Korup. The law and its instruments of implementation as stipulated in its section 1 was enacted with a view to attain the general objectives 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. The law introduces four major changes which include allocation of concessions following an auction system, new price and taxing system, management plans requirements and provisions for community forestry. Part II of the law focuses on the protection of nature and biodiversity. Section 3 makes it the duty of the state to ensure the protection of forestry, wildlife and fisheries heritage. In part III, forests within the national territory are classified. The classification is based on ownership which is determined by the land tenure legislation (Sec. 3 of Ordinance No. 74/1 of 06 July 1974).

Section 20 of the law classifies the national forest estate into permanent and non-permanent forests (Figure 4.1). Permanent forests are made up of forests belonging to the State (state forest) and to Rural Councils (Rural council forest). The permanent forests comprise forestlands used solely for forestry (Forest Reserves) or as a wildlife habitat (Wildlife Protected Areas) and shall be situated in permanent forest estate (Figure 4.1). Section 24 of the law defines the following as state forests: areas protected for wildlife such as national parks, game reserves, hunting areas, game ranches belonging to the state, wildlife sanctuaries, buffer zones and zoological gardens belonging to the state. Following forests classification as such, the KNP is situated in the permanent forest estate. This implies that it is a state forest i.e. the property of the state. State forests also include forest reserve proper such as integral ecological reserves, production forests, protection forests, recreation forests, teaching and research forests, plant life sanctuaries, botanical gardens and forest plantations (Figure 5.1). Non-permanent forests comprise forestlands used for other purposes other than forestry and they shall be forests situated on non-permanent forestland. Non-permanent forest or 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 private forests which are forests planted by natural persons or corporate bodies (Sec. 35, 37, 39 of 1994 Law). Other forests lands that constitute part of the non-permanent forest estate include orchards, agricultural plantations, fallow land, wooded land, pastoral

land and agro forestry land (Sec. 35 (2) of 1994 Law). The following figure illustrates forest classification in Cameroon.

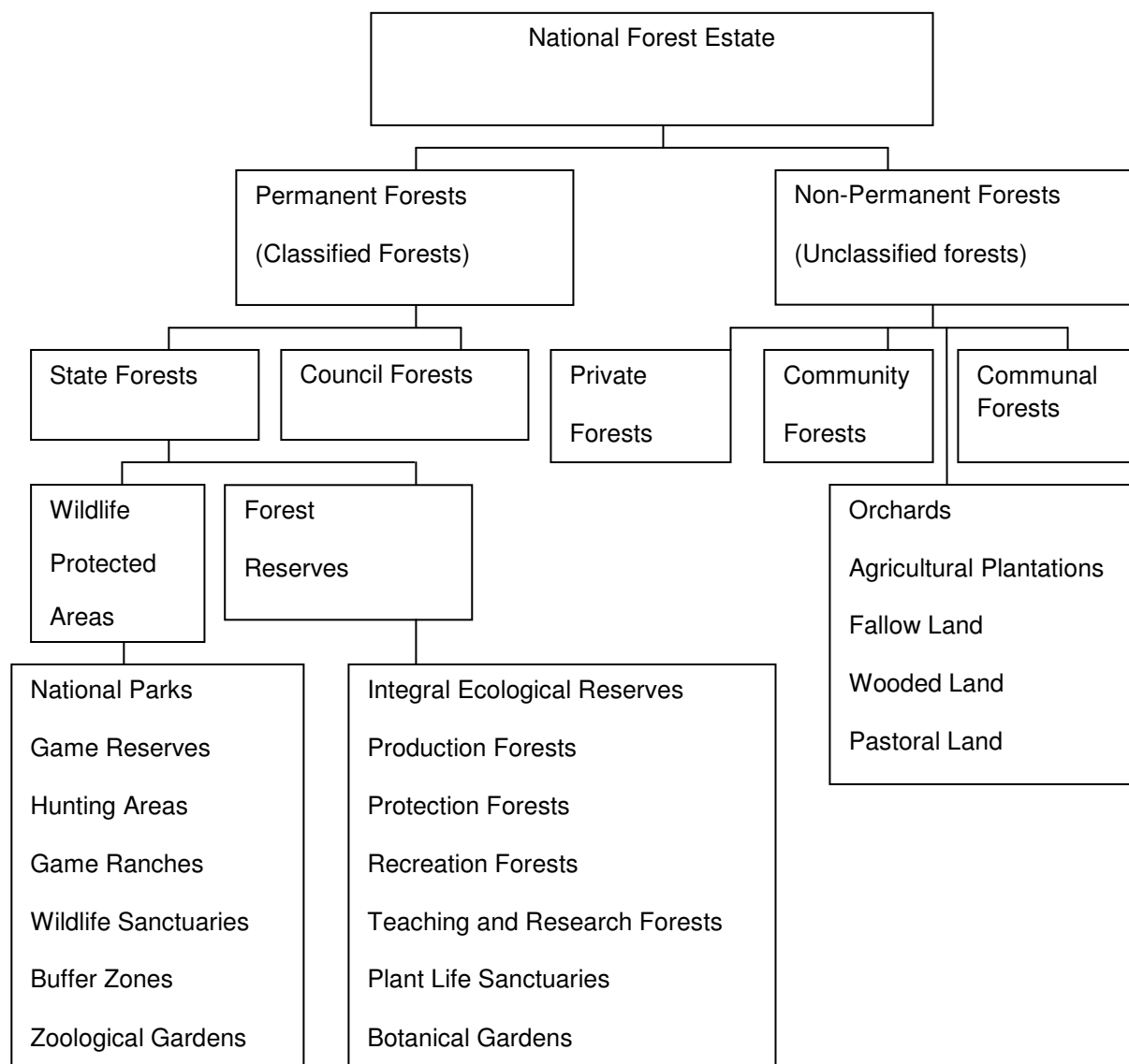


Figure 5. 1 Forest classification in Cameroon

Source: Adapted from sec. 21(1), 24 (1), 35 (2) of the 1994 Law

5.4.2 Forest Heritage Protection under 1994 Law and Implementation Decree

Concerning forest heritage conservation, clearing or exploitation is forbidden in state forest. The law prohibits habitat destruction and exploitation of especially protected plant species. Since the KNP is a state forest, this implies that clearing or resource exploitation is forbidden in the park (see chapter 6). Before opening a production

forest for logging, the development of a management plan by the logger is mandatory. This measure which aims at ensuring the sustainable management of the production forest is in line with the sustainable development commitments as provided in the Brundtland Report. As Alemagi (2011) asserts, to adhere to the definition of sustainable development as provided in the Brundtland Report, forests exploitation in Cameroon should not exceed the regenerative and growth capacity so that the forests will continue to grow to have enough forest resources to meet the needs of the future generations. Furthermore, lighting of fire that could cause damage to the vegetation of the national forest estate is forbidden and prior study of environmental hazard is required for any project that can negatively affect a protected area. As mentioned in section 4.5.2, EIA is required for projects such as agro industrial palm plantations of more than 100 ha that may adversely affect protected areas such as the KNP. The law also forbids the dumping of toxic product or waste that could destroy or modify plant and animal life in the national forest (Sec. 14, 17 & 18 of 1994 Law).

With respect to wildlife, part IV of the 1994 Law and also Decree No. 95/466 of 20 July 1995 setting down conditions for the implementation of wildlife regulations deal with the protection of wildlife. The wildlife part of the 1994 Law comprises of three major aspects. These aspects include: the classification of animal species living in the national territory, hunting regulations and punishment of offences. Section 3 of the law defines wildlife as all the species belonging to any natural ecosystem as well as all animal species captured from their natural habitat for domestication. For the purpose of protection, in Section 78 of the law, wildlife is classified into class A, B and C. Class A consist of rare species or species that are threatened with extinction. Animals of class A are totally protected and it is forbidden to kill them (Sec. 78 para. 2 of 1994 Law and Sec. 2 of Order No. 0565/A/MINEF/DFAP/SDF/SRC). Some of the most important class A animals include Elephant *Loxodonta spp*, Lion *Panthera leos*, Chimpanzee *Pan troglodytes*, Gorilla *Gorilla gorilla* and Drill *Mandrillus leucophaeus* *Papio leucophaeus* that is known as the Korup National Park's pride as can be seen in Figure 5.2. Any hunting activity relating animals of class A is punishable. Class B is made up of species that benefit from partial protection, and which can only be hunted, captured or killed by obtaining a hunting permit (Sec. 2 of

Order No. 0565/A/MINEF/DFAP/SDF/SRC) (see Appendix 2 and 3 for class A and B wildlife species). Class C comprises animal species other than those of classes A and B. Species of class C are partially protected. Their capture and killing are regulated in order to maintain the dynamics of their populations (Sec. 78 para. 3 and 4 of 1994 Law; Sec. 2 of Order No. 0565/A/MINEF/DFAP/SDF/SRC). This classification is a positive measure with respect to the legal protection of wildlife in Cameroon. These provisions of the 1994 Law and its degree of implementation are in accordance with Art. 8 (k) of CBD (ILM 31 (1992), 818) which requires the state parties to the convention to enact legislation for protecting threatened species and their populations.

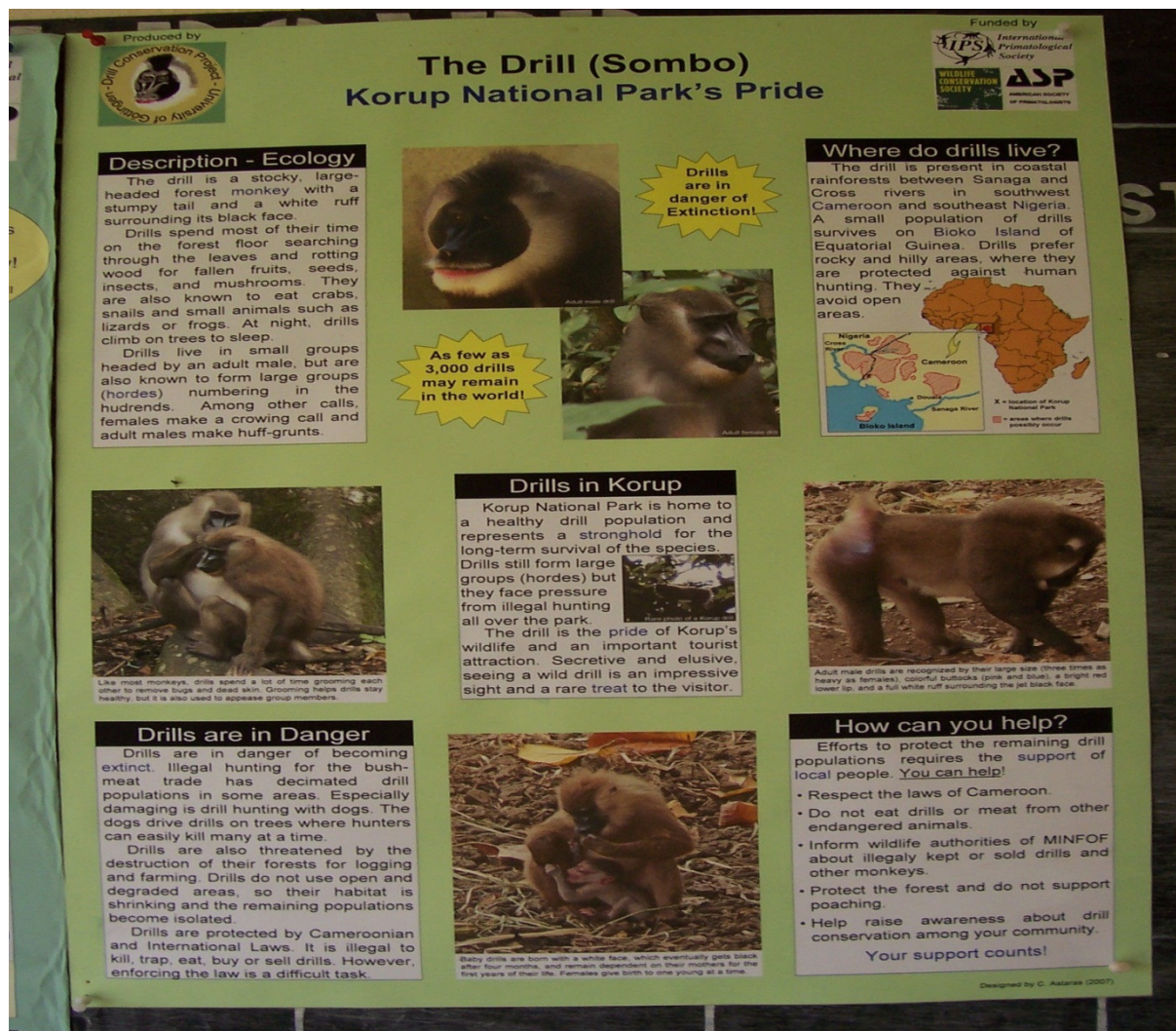


Figure 5. 2 Poster from KNP headquarters showing the Drill

Source: Author's collection

Concerning hunting, the 1994 Law stipulates that for hunting to be carried out, a valid hunting permit needs to be obtained. The law spells out three types of permit which include permit for small, medium-sized and big game. The permit allows the holder to kill a certain number of animals. Three types of hunting are practiced in Cameroon. These are traditional hunting which is also known as subsistence hunting, sport hunting and commercial hunting. Even though three types of hunting are practiced, only two are legally recognised. The legally recognised types are traditional hunting and sport hunting. In Section 2 (20) of the Decree, traditional hunting is defined as hunting carried out using weapons made from material of plant origin. This type of hunting has to do with the acknowledged rights of the local community to live on the products derived from the forest. Section 24 of the Decree stipulates that traditional hunting is supposed to be practiced by the local populations for nutritional purposes and products of this type of hunting shall under no circumstances be marketed. Traditional hunting is authorized for rodents, small reptiles, birds and other class C animals and it is supposed to be carried out throughout the national territory except on the property of third parties and in protected areas (Sections 2 (20), 24 (1) and (2) of 1996 Wildlife Decree).

Section 29 of the Decree defines sport hunting as hunting practiced on foot, with a modern weapon authorized by law and carried out according to norms defined by the ministry in charge of wildlife. Sport hunting is carried out in areas leased to hunting guides and the guides are in charge of the management of wildlife resources within the areas. Commercial hunting which is poaching and also illegal is carried out mostly by professional hunters who use sophisticated methods to kill the animals. According to the law, poaching is defined as any hunting activity carried out without a permit during the end of the hunting period, in protected areas or with prohibited vehicles or weapons. Within the context of the Decree, a poacher is anyone found at any time and at any place in possession of part of a live or dead protected animal of class A and B. Anyone who violates the law shall pay a fine ranging from 5,000 to 10,000,000 CFA Francs (7 to €15,245) and be imprisoned from 10 days to 3 years.³²

³² In chapter III of the 1994 Law, offences and penalties have been defined in details. Only the minimum and the maximum sentence are stated above. 5,000 CFA Francs (€7) or imprisonment for up to 10 days or both such fine and imprisonment is the minimum sentence designated for an

The Law further provides that the sentences shall double in case of repetition of the offence or in case the offence is committed by any sworn official of the competent services or by judicial police officers (Sec. 154-162 of 1994 Law).

5.5 Institutional Framework for Forest Heritage Protection

The institutional framework of a country plays a crucial role in the way national and international environmental laws are implemented and enforced. In order to implement its forest conservation and management policies, Cameroon put in place the following institutions.

5.5.1 Ministry of Forestry and Wildlife

The Ministry of Environment and Forestry (MINEF) was created by Decree No. 92/069 of 9 April 1992. In 2004, Decree 2004/320 of 8 December 2004 reorganised the administrative structure and split MINEF into two separate ministries. These ministries include the Ministry of Environment, Nature Protection and Sustainable Development (MINEPDED) and the Ministry of Forestry and Wildlife (MINFOF). The MINFOF is charged with the responsibility of developing a comprehensive national strategy to conserve the country's forestry and wildlife resources. The Ministry is responsible for monitoring conservation activities and enforcing the law. It is represented at the regional level by the regional delegation of MINFOF with its divisional and sub-divisional units. Decree No. 2005/099 of 6 April 2005 modified by decree No. 2005/495 of 31 December 2005 organised MINFOF and sets up four departments including the Department of Wildlife and Protected Areas as one of the main departments. The functions of the department include: implementation of government's wildlife policy; manage and protect national parks and wildlife reserves; manage and control hunting throughout the country; regulate and control

offender. The maximum sentence is 10,000,000 CFA Francs (€15,245) or imprisonment for up to 3 years or both such fine and imprisonment. It should be noted that the minimum wage in Cameroon as stipulated in the Labour Code was 23,514 CFA Francs (€35.84) per month. In 2008, it was increased to 28,246 CFA Francs (€43). The average salary is about 52,476.56 CFA Francs (€80) per month. This estimate takes into consideration the numerous unemployed people and the rural inhabitants who are generally engaged in subsistence agriculture and are not on any fixed monthly salary. Emporiki Bank (2011) <http://www.emporikitrade.com/uk/countries-trading-profiles/cameroon/labour-market>. Last accessed 10.09.2011.

wildlife trade; survey, define and develop new national parks and protected areas; and liaise with national and international wildlife conservation organisations.

The Department of Wildlife and Protected Areas consists of one Director; one Chief of unit in charge of studies and planning; and three chiefs of service in charge of protected areas management, inventories, quotas and agreements respectively (Tchigio, 2007). The Department also has regional and divisional staff although each protected area such as the KNP has its own specific staff including a conservator and a number of game guards. One of the main innovations of MINFOF is the creation of a national anti-poaching committee. The local MINFOF service branch in the field is charged with the responsibility of implementing the forestry and wildlife policies. The Operational Technical Unit is charged with sensitisation and conservation activities (Egute and Albrecht, 2011).

5.5.2 Other Forest-Related Ministries

There are many other ministries involved in the conservation and management of forestry resources. The Ministry of Environment, Nature Protection and Sustainable Development is in charge of general environmental protection and international cooperation. The Ministry of Planning, Development Programming and Regional Development is in charge of land use and land planning. The fisheries resources are managed primarily by the Ministry of Livestock, Fisheries and Animal Husbandry. The Ministry of Tourism is responsible for developing touristic sites including wildlife sites such as the Korup National Park and promoting tourism. The Ministry of Higher Education trains professionals who will be responsible for the management of protected areas. Forestry training and research are carried especially by the University of Dschang which trains forestry officers. The Ministry of Scientific Research and Innovation also carries out research through the Institution for Agronomic Research and Development (IRAD), which is the national institution in charge of research. However, research in protected areas especially the field of wildlife is not one of their main priorities. Protected areas research is carried out largely by independent researchers from research institutions, universities and NGOs (Egute, 2005; Tsi, 2006; Tchigio, 2007). The consequence of such a situation is the absence of a firm research policy and strategy for protected areas

conservation. With a national institution in charge of research in protected areas, update information with respect to the challenges confronting the protected areas will always be available for the government to use as a basis for formulating a robust policy and strategy for their effective conservation and management.

The Ministry of Territorial Administration and Decentralisation is in charge of government policy with respect to territorial administration and local government. The ministry is represented in the Korup area by the Senior Divisional Officer for Ndian Division and the Sub-Divisional Officer for Mundemba Sub-Division. The Ministry of Justice is in charge of government policy with respect to the administration of justice in all sectors including forestry and wildlife. All the country's courts are under this ministry. The Ministry of Defence is in charge of security and plays an important role in maintaining territorial integrity especially around trans-boundary national parks like Korup, Lobeke and Waza. The ministry also assist MINFOF to fight against poaching. It is represented locally by the National Gendarmerie Brigade Mundemba (NGBM). Even though many other ministries are involved in the protection of the forest heritage, there is limited coordination among the ministries and even within ministries. There is little or no interministerial dialogue in the country. For instance, the administrative unit charged with the responsibility of allocating logging concessions have limited links to that in charge of protected areas and sometimes does not even have maps of protected areas. This has resulted to the allocation of logging concessions within protected areas (Fondo et al., 2000).

Finally, this chapter has provided an insight into the specific forest-related laws and institutions relevant for protecting the KNP. The subsequent chapters focus on the presentation of the research results.

Chapter 6 Results and Discussion Part I

6.1 Introduction to Chapter Six

Chapter six is based on the presentation of the first part of the research results and comprises of two main sections which focus primarily on modern law. The first section focuses on assessing Korup and other protected areas local communities' rights in forest-related laws in accordance with the first objective of this study which was to examine the extent of forest-related laws recognition of the traditional rights of local people residing in protected areas such as the KNP. The examination of the extent of Cameroon's implementation of the CBD especially the provisions of Article 8 (j) and 10 (c) is an integral part of this section. The chapter begins by revealing the status of customary land tenure system and the nature as well as procedure of land acquisition as prescribed by the law. It then presents the extent to which the rights of local communities residing in protected areas are accommodated in the 1974 Land Tenure Ordinance and 1994 Law as well as accompanying degrees. The second part of this chapter critically examines the extent of effectiveness of conservation policy implementation through the 1994 Law in Korup to realise the study objective of assessing the degree of effectiveness of the 1994 Law application in Korup to meet Cameroon's biodiversity conservation obligation under international environmental agreements. This is done by assessing how institutions such as the Park Protection and Surveillance Unit made up of game guards, the National Gendarmerie Brigade Mudemba and the Court of First Instance Mundemba have been implementing and enforcing the law.

6.2 Protected Areas Local Communities' Rights in Forest-related Laws

The first objective of this study was to examine the extent of forest-related laws recognition of the traditional rights of the local people residing in protected areas such as the KNP. This was done by assessing the rights over resources of the local people residing in protected areas such as KNP given that the people could play a great role in conservation and sustainable management of the Korup forest heritage if their rights are properly protected legally. As will be seen in the following subsections, the assessment of the rights over resources of the local people was

based on the 1974 land tenure legislation and the 1994 Law with its degrees of implementation. The extent of Cameroon's implementation of the CBD especially the provisions of Article 8 (j) and 10 (c) is revealed within the subsections. The assessment is bolstered with qualitative primary data.

6.2.1 Assessing Protected Areas Local Communities' Rights in Land Laws

Even though property relations were governed primarily by customary law which until date is still applicable, the statutory land law does not recognise customary land tenure systems. Article 8 of the 1974 Land Tenure Ordinance provides that ownership of land can only be claimed by possession of a land certificate and Article 9 of Decree No. 76/165 of 27 April 1976 provides conditions for obtaining a land title. The law further provides that customary communities and persons with Cameroonian nationality shall be eligible to apply for a land certificate for national land which they occupy and develop if they can show proof of effective occupation or exploitation before 5 August 1974 (Art.15 and 17 of 1974 Land Tenure Ordinance). Art 1 (2) of Decree No. 76/165 of April 1976 stipulates that any land registered becomes unassailable thereby making the occupant the land owner. By making registration the only means of acquiring land ownership, the statutory law abolished private ownership of land under customary land tenure which is tenable with or without a formal title. But the procedures for obtaining a land certificate laid down in the law are cumbersome and expensive especially for people living in rural areas. The law provides that anyone seeking to convert former customary ownership to state-recognised ownership must compile a file describing the land, nature of developmental activities carried out on it, estimated value of the land, pay for field visits for confirmation of development status and demarcation of boundary (Art. 9 of Decree No. 76/165 of 27 April 1976).

Furthermore, in order to obtain a land certificate, land must be "mise en valeur," meaning that there can be no title to an intact forest. The forest must be transformed into a farm land or other form of land use before a title can be granted. So any request for a land title for a piece of land that is free from any form of occupation or

exploitation as prescribed by the law is inadmissible.³³ When the land title is granted, resources such as trees growing naturally on the piece of land belong to the state (Art. 9 of Decree No. 76/165 of 27 April 1976). Because of the conditions laid down in the law and also the costs involved, it has been very difficult for people especially in rural areas to apply for land certificate. Because national parks fall within the category of state forest (Figure 5.1), it is illegal for people residing in protected areas like KNP to apply for land certificate. Even though it is legal for local people residing outside protected areas such as the peripheral zone of the KNP to apply for land certificates, during field research, it was discovered that none of the interviewees in the sample villages outside the KNP possess a land title. According to Ngwasiri (1995) cited in Egbe (2001), for more than a quarter of a century that the law was enacted, less than 3% of land is registered under private title in rural areas. This has been done mostly by wealthy civil servants and bureaucrats who are financially viable. Thus there is a need for loosening the conditions for the acquisition of land title so that the local poor people will be able to apply for land titles.

The statutory land law is advantageous in the sense that it facilitates the identification of land as well as evidence of land ownership. The possession of a land certificate could enable land owners to be better off because the certificate could serve as collateral security for access to bank loans. Access to bank loans will enable people to establish alternative income generating activities that will divert their attention from wanton exploitation of forest resources. In addition, well defined property rights is conducive for sustainable management of resources. But by establishing registration as the only means of obtaining land ownership and by imposing a registration procedure that rural people find it difficult to fulfil, reveals the legislators' intention to unjustifiably expunge customary land ownership rights. Since the majority of rural people are not aware of the statutory land laws as deduced from field research (see section 7.7) and given the fact that the legal steps to be followed

³³ This is provided in Art. 11 (3) of Decree No. 2005/481 of 16 December 2005 amending and supplementing certain provisions of Decree No. 76/165 of 27 April 1976 setting the conditions for conditions of acquisition of a land title.

in order to obtain a land title are cumbersome and expensive, the customary land tenure system prevails despite the existence of statutory laws (Vabi, 1999; Vabi and Sikod, 2000; Nguiffo et al., 2009). Governed by customary law, the chiefs, traditional councils and family heads remain the custodians of communal and family lands.

Evidence from Korup reveals customary tenure arrangement as de facto tenure system. The study finding is in line with the assertion of Vabi and Sikod (2000) that in the conservation sites of Lobeke, Mount Kupe and Korup, customary tenure arrangement remains de facto tenure system. Interview results reveal that the local custom in Korup is that the forest remains a common property for the village community. Land acquisition is by virtue of belonging to an ethnic group or tribe and transforming a piece of forestland into a cultivated area. The custom also maintains that a piece of forestland which is beside the plot of an individual is supposed to be under the custodianship of that individual and no other person is allowed to cultivate the area except permission is obtained from the custodian. This kind of arrangement contributes in controlling wanton destruction of the forest. Another common aspect of their local custom as deduced from interview results is that which is against the selling of forestland. This is in line with the claim that the forest is a legacy handed down from one generation to another and no generation is supposed to break this customary arrangement that guarantees the future of the forest.

6.2.2 Assessing Protected Areas Local Communities' Rights in Biodiversity National Laws and Initiative to Implement CBD

As earlier mentioned, the 1994 Law is the main national legal instrument for forest heritage conservation and management in Cameroon. Even though the law nationalised all natural resources, it is the first law which provides for an integrated approach to natural resource use and management. The law to an extent decentralises environmental resource governance by somehow recognising local communities' use and management of forest resources (Sec. 1 of 1994 Law). To begin with, insofar as forest resource user rights are concerned, the 1994 Law allows the local people to enjoy logging or customary rights to freely harvest only for personal use, all forest, wildlife and fisheries products in state or communal forest except protected species (Sec. 8 para. 1, 26 and 36 of 1994 Law). Article 26 of

Decree No. 95-531-PM of 23 August 1995 further clarifies that the rights of the local population living around State forests are limited to usufruct rights. Article 26 (1) provides that “the population living around state forests shall maintain their usufruct rights consisting in carrying out within these forests their traditional activities such as collecting secondary forest products, notably raffia, palms, bamboo, cane or foodstuff and firewood.” But following the provisions of the law, the local populations residing in protected areas such as the KNP are deprived of enjoying these rights. Article 26 (3) states that “Usufruct rights shall be maintained within State forests, except forests protected areas or areas subject to rules laid down by the Minister in charge of forestry....” The recognition and granting of user rights or customary rights to the local populations is in line with Cameroon’s commitment to implement article 10 (c) of the CBD which requires member states to “protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.”

Furthermore, forest exploiters such as logging companies have to contribute to local infrastructure and their contributions are to go directly to the local community without passing through tax channels as provided in the repealed 1981 forestry and wildlife law. Local inhabitants in and around production forest are granted 10% of revenue generated from the sale of timber for community development (Art. 68 para 2 and 3 of 1994 law; Art. 85 of Decree No. 95-531-PM of 23 August 1995). This provision of the law is positive for forest resource protection in the sense that it encourages local communities to develop a sense of custodianship of the forest and cooperation with the forestry authority in ensuring that logging companies are practicing sustainable forest exploitation. But the benefit sharing system concerns only timber exploitation which can only be carried out in forests managed for the purpose of timber production. The local communities inside or within three kilometers of forests classified for biodiversity conservation i.e. national parks like Korup do not qualify for such direct payments because timber exploitation will never be carried out within national parks. However, there are other ways that the local communities in and around the KNP could derive benefit from the park and conservation of the park’s resources ensured. The KNP is a hot spot for genetic resources that could generate

revenue for the park and the local communities through bioprospecting³⁴ and traditional knowledge. A study carried out by Nfor (2004), reveals that the genetic resources of Cameroon are increasingly becoming a major source for international bioprospecting. An example is *Ancistrocladus korupensis*, a plant in the KNP collected by the US National Cancer Institute (NCI) to screen for an anti-HIV compound, Michellamine B. The genetic resource³⁵ is still undergoing the process of testing for toxic elements in USA (Rosendal, 2010). It was through the traditional knowledge of the local communities in and around the KNP that the NCI was able to collect *Ancistrocladus Korupensis* (Mugabe et al., 2001; Eyong 2010). If the NCI successfully produce the HIV drug, then Cameroon has to share in the benefit arising from use of the genetic resources collected from the KNP and traditional knowledge in accordance with the requirements of Article 15 of the CBD.

The Access and Benefit Sharing (ABS) with respect to genetic resources is regulated by the 1996 Law Relating to Environmental Management which requires the exploration and exploitation of the country's genetic resources to be carried out in accordance with Article 15 of the CBD. Article 65 (1) stipulates that the "scientific exploration and biological and genetic resource exploitation in Cameroon shall be done under conditions of transparency, and in close collaboration with national research institutions and local communities, and should be profitable to Cameroon.

³⁴ Bioprospecting is defined by (Emerton et al., 2006; p. 63) as "the search for naturally occurring biochemical compounds of potential scientific or commercial value." Some protected areas around the world have benefited a lot from bioprospecting activities. For instance, through the bioprospecting activities of the National Biodiversity Institute of Costa Rica and international pharmaceutical companies, the protected areas of the country especially the Cocos Island National Park has benefited from US\$300,000 (Emerton et al., 2006).

³⁵ The genetic resources in Cameroon belong to the State. Section 12 of the 1994 Law provides that "the genetic resources of the national heritage shall belong to the State of Cameroon. No person may use them for scientific, commercial or cultural purposes without prior authorisation. The economic and financial spinoff resulting from their use shall be subject to the payment to the state of royalties, the rate and conditions of which shall be laid down, to the prorata of the value, by an order of the Minister in charge of Finance upon the proposal of the competent ministers." Even though the genetic resources belong to the state, local communities' stake with respect to their exploration and exploitation is legally recognised as provided in Art. 65 (1) of the 1996 Law Relating to Environmental Management.

The exploration and exploitation should be done under conditions stipulated by the international conventions relating thereto, duly ratified by Cameroon, especially the Rio Convention of 1992 on Biological Diversity.” Article 65 (2) states that an implementation decree of this law shall set out the conditions under which foreign researchers and Cameroonian research institutions as well as local communities shall collaborate. But the decree of implementation that could facilitate ABS system with respect to genetic resources and traditional knowledge relevant for bioprospecting, conservation and sustainable use of biodiversity is still to be passed (Rosendal, 2010). Article 8 (j) of the CBD explicitly recognises the importance of traditional knowledge for biodiversity conservation and the rights of indigenous and local communities to benefit from it. But no legislation has been developed for the implementation of Article 8 (j) as required by Decision III/14 made by the CBD Conference of Parties held in Argentina in 1996 and thus no existing strategy for utilisation of traditional knowledge for conservation and for enabling the local communities to benefit from it. With the incorporation of Article 8 (j) into the domestic law and the putting in place of a proper legal instrument on benefit sharing, this could lead to significant benefits for the KNP and the Korup local communities.

Moreover, as a way to legally recognise local communities’ rights not only to use but also to participate in managing forest resources, the law introduces the concept of community forestry whereby resource based village communities could via management agreement with MINFOF be permitted to manage a specific area of the forest in accordance with a simple management plan developed for that purpose (Sec. 37 and 38 of 1994 Law). Products from the community forest belong solely to the community permitted by MINFOF. As stated in the NBSAP (BSSAP, 1999), government’s attribution of Community Forests to village communities which so desire is partly an efforts by the country to implement Article 11 of the CBD which requires each contracting party to “as far as possible and as appropriate, adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity.” The creation of community forests is also a laudable effort to implement Article 10 (c) of the CBD since this gives the local communities the power to sustainably manage and use the forest resources.

The provisions of the legislation as discussed above show that local communities are entitled to very limited rights to use and manage forest resources because their right to exploit all forest products for commercial purposes is restricted only to community forest. But the law is grossly flawed with respect to the notion of community forest. For instance, the law provides that only 5,000 hectares of forest may be attributed as community forest for just 25 years (Art. 27 (4) of Decree No. 95-531-PM of 23 August 1995). The size of the community forest as prescribed by the law is not enough for adequate use and management of forest resources. Furthermore, Art. 28 (3) provides that in order to apply for a community forest, the community is supposed to have the status of a corporate body in the form of a legal entity such as cooperative, common initiative groups and economic integration groups. This implies that the law does not recognise traditional rulers including those in and around the KNP as legal entities for the devolution of forest management responsibilities. This situation is different from that of African countries such as Namibia where traditional rulers are important stakeholders in forest resource conservation and management. Section 15 of the Namibian Forest Act places the community forests within the ambit of local traditional governance as it recognises the role of traditional rulers as essential stakeholders in the establishment and management of community forests. This has enabled the traditional authorities in Namibia to be involved in the country's forest biodiversity conservation (Mwendekwa, 2008). By claiming to integrate local communities in forest management through community forest possession but at the same time excluding traditional authorities from applying for community forest, one can not hesitate to avow that the Cameroonian legislature's intention was not actually to give legal protection to local communities' customary rights to use forest resources.

Furthermore, the process of obtaining a community forest is cumbersome and expensive just like the process for obtaining a land title. Among other requirements, in order to apply for a community forest title, the applicant is required as mentioned above to possess the status of a legal entity, produce a map of the area in question as well as a forest management plan laying down management activities for a period of five years. All these carry substantial procedural costs that are beyond the means

of the local communities³⁶ and this makes it difficult for these communities to apply for community forest title. For instance, Tumnde, (2001) points out that the cost for hiring an expert in the South West Region to carry out inventory which is one of the requirements for community forest application is estimated to range from 1,000,000 CFA Francs (€1,524.49) to 16,000,000 CFA Francs (€24,391.84). This is expensive especially for the rural people given that the average salary in Cameroon is just about 52,476.56 CFA Francs (€80) per month.³⁷ When local communities succeed to acquire a community forest title, these communities are unable to seek justice when someone trespasses their forest. Article 31 (3) of Decree No. 95-531-PM of 23 August 1995 provides that in case of infringement of community forests rights, it should be up to the ministry in charge of forests to bring legal actions against the culprits when notified by the official in charge of the community forest.

The fact that community forests can only be exercised outside protected areas implies that communities situated within national parks such as the KNP can in no way enjoy the benefits of possessing a community forest. In a nutshell, without a non-permanent forest estate i.e. forest that is not a state forest (Figure 5.1), there can be no community forest. The principal forest resources such as timber and wildlife in Cameroon belong to the state and can only be harvested with permission granted through the issue of concessions, licenses or special permits by state agents. Because of poverty in particular, it is extremely difficult for rural people to fulfil conditions required for obtaining permission to exploit forest resources for commercial purposes. Just like the 1974 Land Tenure Ordinance, the 1994 Law is also being subverted by elites who secure community forests titles for their own use and sale as logging concessions.

With respect to the protection of wildlife in accordance with Article 8 (k) of the CBD which requires member states to develop or maintain legislation for the protection of threaten wildlife species, the 1994 Law classifies animals in the national territory for

³⁶ For details on procedure for applying for community forest title see Art. 27-32 of Decree No. 95-531-PM of 23 August 1995 to determine the conditions of implementation of forestry regulations.

³⁷ See supra note 32.

the purpose of their protection into Class A, B and C as discussed in section 5.4.2. The law recognises traditional hunting which is hunting carried out using weapons made from material of plant origin as being free throughout the national territory except in state forests protected for wildlife conservation or private forests (Sec. 86 of 1994 Law). Decree No. 95/466-PM of 20 July 1995 on the implementation of wildlife regulations expands on hunting by providing in Sec. 24 (1) that “traditional hunting shall be carried out freely throughout the national territory, except on the property of third parties and in protected areas where it shall be subject to special regulations defined in accordance with the management plan of the area.” This implies that hunting is forbidden in the property of third parties and in protected areas except permitted in the management plan. Specifically for national parks, Sec. 2 (8) of Decree No. 95/466-PM of 20 July 1995 provides that hunting and fishing are forbidden in national parks except as part of a management operation. The carrying out of traditional hunting with weapons made only from plant material as provided by the 1994 Law is a means to prevent wanton exploitation of wildlife resources with modern weapons such as guns. This is a positive conservation measure as it aims at ensuring sustainable utilisation of the wildlife resources.

Moreover, Section 2 (19) introduces the notion of Community Hunting Grounds (CHG) as “a hunting ground in a non-permanent State forest that is the subject of a management convention between a local community and the service in charge of wildlife.” The local community has the right to use and not to own the resources. The right to sustainably manage and use resources in a hunting concession is in accordance with sustainable use requirement as provided by Article 10 (c) of the CBD. Even though the 1994 Law provides for a CHG, its Section 2 (19) stipulates that CHG cannot be allocated in a protected area. This means that communities situated in protected areas such as the KNP cannot apply for CHG just like the case of community forest. However, the creation of CHG is a laudable effort to implement article 10 (c) of the CBD since this empowers the local peoples to sustainably manage and use the fauna resources.

Concerning financial benefits from wildlife resources, hunting permits and licenses, trophy hunting fees, capture fees, proceeds from fines and sale of wildlife is

regulated by Decree No. 96-238-PM of 10 April 1996 to determine the remuneration for services rendered under the implementation of forestry and wildlife regulations. The income generating activities are centrally controlled and do not benefit local communities directly. Financial issues with respect to national parks is regulated by Decree No. 96-237-PM of 10 April 1996 to define the conditions for the functioning of special Funds provided for in the 1994 Law. Section 10 of the decree provides that in accordance with Section 105 of the 1994 Law, 70% of the amount collected from fees for hunting permits and licences as well as the proceeds from fees for killing, capture of wild animals or for collecting their trophies shall be paid into the Treasury and 30% into the Special Fund. User rights within protected areas and the involvement of local communities in their management including benefit sharing mechanisms whereby revenue generated from hunting fees and park entry fees are shared with communities surrounding protected areas depend mainly on the provisions of an officially approved management plan (MINEF, 2002). But a review of the management plan of the KNP reveals that it does not provide for Korup communities' access rights and benefit sharing mechanism. So there is no protection of Korup local communities' rights in the KNP management plan as compared to the situation in Campo Ma'an National Park in the Southern Region of Cameroon where in 2003, access and user rights of the Bagyeli local community was protected in the park's management plan (Messe, 2009). As Nfor (2004) posits, a lack of a benefit sharing system would not contribute in improving local livelihoods nor create incentives to biodiversity conservation.

In the KNP, tourism revenue which is generated from entrance fee, camp fee, transport fee and equipment is allocated as follows: National Treasurer 55% and Wildlife Trust Fund 45%. The sharing of the benefit that accrues from the park could serve as an incentive for the local communities to participate in conservation. But the villages located within the park and the peripheral zones do not benefit from the proceeds. Interview results disclose that there is no benefit sharing mechanism put in place by the KNP management authority as recommended in the foreword section

of the park's management plan.³⁸ Tourism revenue is generally low. Revenue from wildlife is generated mostly through safari hunting, park entrance fees, auction sales and fines. This revenue is insignificant compared to African countries such as Zimbabwe, Tanzania and Kenya (MINEF, 2002). The number of tourists received by the various parks each year varies considerably. For instance, from 1992 to 2000, while Benoue National Park received 2500 visitors, only 476 visited KNP (MINEF, 2002). This implies that the revenue generated from tourism is low. This was affirmed during an interview³⁹ with the Conservator⁴⁰ of the park who admitted that the revenue generated is very low to the extent that it cannot be shared with local communities. The budgetary resources are diminished by poor infrastructure in the forest zone which hinders tourists' movement (Figure 6.1).



Figure 6. 1 Ordeal of commuters on Ndian road

Source: Ejang, 2006

³⁸ In an interview with chief Ekokola Adolf of the Esukutan village and Nqwoi Moses of Erat village, they bemoaned that their villages do not receive benefit from the KNP since the park's managing authority did not put in place a benefit sharing mechanism as stipulated in the management plan. They said emphatically that there is no incentive for the village inhabitants to participate in conserving the park. 9 February 2008, interview in Mundemba with chief Ekokola Adolf, chief of Esukutan village and president of KREO/KOGAN. 14 February 2008, interview in Mundemba with Nqwoi Moses, a member of the Mundemba rural council.

³⁹ 21 February 2008, interview in Mundemba with Mr. Pascal Dongmo, Conservator of the KNP.

⁴⁰ The manager of KNP just like other national parks in Cameroon is known as Conservator.

During focus group discussion with game guards⁴¹, it was revealed that there is little or no maintenance of existing park facilities. For instance, the trails (Figure 6.7) of the park are not regularly cleared. Guard posts buildings (Figure 6.2) are in bad state given the fact that the roofs are leaking and they have been robbed of their equipment.



Figure 6. 2 Mana guard post and information board showing lack of maintenance

Source: Author's collection

There is little or no maintenance of bridges inside the park and many have collapsed (Figure 6.3). Apart from the Chimpanzee camp which is somehow in good shape, the rest of the camps inside the park are in a bad shape. As deduced from the focus group discussion, tourists visit mostly the Southern Sector of the park partly because of the Chimpanzee camp which is still in good shape.

⁴¹ 28 February 2008, focus group discussion in Mundemba with the KNP game guards led by Darling Obecayukasong, James Takang, Joseph Njong, Lucas Etah and Oben Sam Oben.

In short, there is lack of maintenance of the park's infrastructure. All these contribute in undermining the touristic potentials of the park thereby leading to loss of revenue which ought to be generated through tourism.



Figure 6. 3 Mana suspension bridge (left) and dilapidated bridge within KNP

Source: Author's collection

Following the above analysis, it can be deduced that the national biodiversity laws especially the 1994 Law does not favour especially the local communities whose customary lands have been swallowed up by national parks. Even though the 1996 National Environmental Management Plan provides that “all protected areas are expected to fulfill an important role in the economic development of the country and especially contribute to the economic and social wellbeing of surrounding communities,” local communities are confined in the KNP making them *persona non grata* within the park. With no benefit from revenue generated through tourism, limited or no access to the park's resources, no means to benefit from the 10% revenue granted to local communities residing in and around production forest, no way to obtain community forest or hunting grounds, and no means to own land; the people cannot engage themselves in developmental activities or plan for their future. This is in violation of Cameroon's constitution whose paragraph 3 of the preamble provides that the state has resolved to harness natural resources in order to ensure the well-being of every citizen without discrimination, raising of living standards and

guaranteeing of the right to development. The situation on the ground shows that the law was not actually intended to encourage local communities to engage in protecting the forest and at the same time derive economic benefit from it. However, as discussed above, the local communities in and around the KNP could in accordance with Article 15 of the CBD incorporated in the 1996 Law Relating to Environmental Management and Article 8 (j) of the CBD whose implementing legislation is still to be developed derive benefit from the park in future through bioprospecting and traditional knowledge given that the KNP is a hot spot for genetic resources.

Considering the flaws of the law as revealed above, the enactment of the law might have been a way to ensure consistent flow of funding in the forestry sector given that community involvement and participation in forest resource management is a major condition of most forest sector international funding bodies. As the law maker considers the 1994 Law as consistent with long-term sustainable conservation and use of forest resources, it was imperative to assess the effectiveness of its enforcement in Korup.

6.3 Appraisal of the Extent of Effectiveness of 1994 Law Enforcement in Korup

This section focuses on assessing the extent of effectiveness of the 1994 Law and enforcement institutions in safeguarding the values and integrity of the KNP to realise the study objective of assessing the degree of effectiveness of the 1994 Law application in Korup to meet Cameroon's biodiversity conservation obligation under international environmental agreements. The analysis is based on data collected from the archive of the National Gendarmerie Brigade Mundemba (NGBM), Record Book of the Court of First Instance Mundemba, the 1994 Law, interviews with the staff of both institutions and focus group discussion with game guards.

6.3.1 Assessing Institutional Framework for Law Enforcement in Korup

In an interview⁴² with the Conservator of the KNP, it was revealed that the Park Protection and Surveillance Unit is the institution that oversees all activities carried out in the park. The unit is responsible for the fight against illegality in the KNP. It is

⁴² See supra note 39.

made up of game guards (Figure 6.4) and the Conservator of the park heads the institution with the assistance of two game guards. Following the management plan of the park, this institution is supposed to have two arms i.e. one at the Northern Sector of the park at Nguti under a chief game guard and another in the Southern Sector of the park at Mundemba under a game guard. The main office of this unit is situated at the park's headquarters in Mundemba. According to game guards, in order to fight against illegality in the park, they often carry out patrols in the park, control the park's entrances, check encroachment into the park, arrest poachers and other defaulters, and also appear in court as prosecution witnesses on cases relating to KNP. The game guards could in the exercise of their duty call for assistance from the NGBM when necessary. As stated in section 3.3, the courts are among the institutions responsible for the protection of the country's forest heritage. Section 165 of the 1994 Law states that disputes arising from carrying out any of the activities governed by this law shall be settled by the competent courts of Cameroon. This provision of the law fully mandates the competent courts in the locality of KNP to play an active role in the protection of Korup forest heritage. The courts are concerned with the settlement of disputes arising from wildlife and forestry activities covered by the law. This is because the courts have the competence and vested responsibility to interpret the law.

The designation of the Korup forest as a national park is in compliance with Art. 8 (a) of the CBD which requires state parties to establish such areas where special measure is supposed to be taken to conserve biodiversity and Article IV of the African Convention on the Conservation of Nature and Natural Resources which requires its member states to protect biodiversity. The putting in place of institutions for protecting the KNP is partly in compliance with Article 5 (b) of the WHC which requires a state party to set up services for the protection of the cultural and natural heritage within its territory with an appropriate staff possessing the means to discharge their functions. Following Article 4 of the WHC, it is the duty of Cameroon to protect sites that it has designated as cultural and natural heritage regardless whether or not the sites make it onto the World Heritage List. This implies that Cameroon has to adequately protect the KNP since it nominated it on 18 April 2006 as a WHS as discussed in section 1.7.



Figure 6. 4 Korup game guards (left) and those of Dja with seized bushmeat

Source: RRF, 2011; WILDLIFEDIRECT, 2009

In a focus group discussion conducted with Korup game guards⁴³, it was revealed that when they arrest poachers or people carrying out other illegal activities in the KNP, such law breakers are taken to the NGBM where they are detained. A case file is then established and the culprits are sent to court for prosecution. Field research at the NGBM archives in January 2008 revealed that from 1989 to 2008, 84 illegal wildlife and forestry activities were reported to the gendarmerie by the game guards (Figure 6.5). The charges brought against most of the suspects included poaching, possession of illegal hunting implement where hunting is prohibited, possession of carcasses of protected wildlife species, illegal trapping of animals and illegal exploitation of protected plant species (see Appendix 4). Most of the offences are in contravention of eight provisions of the 1994 Law (Sec. 45, 85, 86, 87, 101 para. 1, 154 para. 8, 155, 158 para. 8 of 1994 Law).

As can be seen in Figure 6.5, from 1989 to 1993, only 3 cases were reported to the NGBM. According to the game guards, when Korup rainforest was decreed a

⁴³ See supra note 41.

national park in 1986, there was little or no protection of the park until 1988 when the Korup Project was initiated. The project assumed a leading role in managing the park and out of 25 game guards, 22 were employed by the Korup Project while the government employed just 3 including the Conservator. Game guards were trained and after the training, they started their job timidly and made just few arrests as shown in Figure 6.5. From 1994, they already gained some experience and as a result, so many arrests were made. It was deduced from the focus group discussion with game guards that most cases were reported between May and August which are peak hunting seasons. That is when poachers intensified their activities and were arrested. 1996 was the highest year with 12 cases reported.

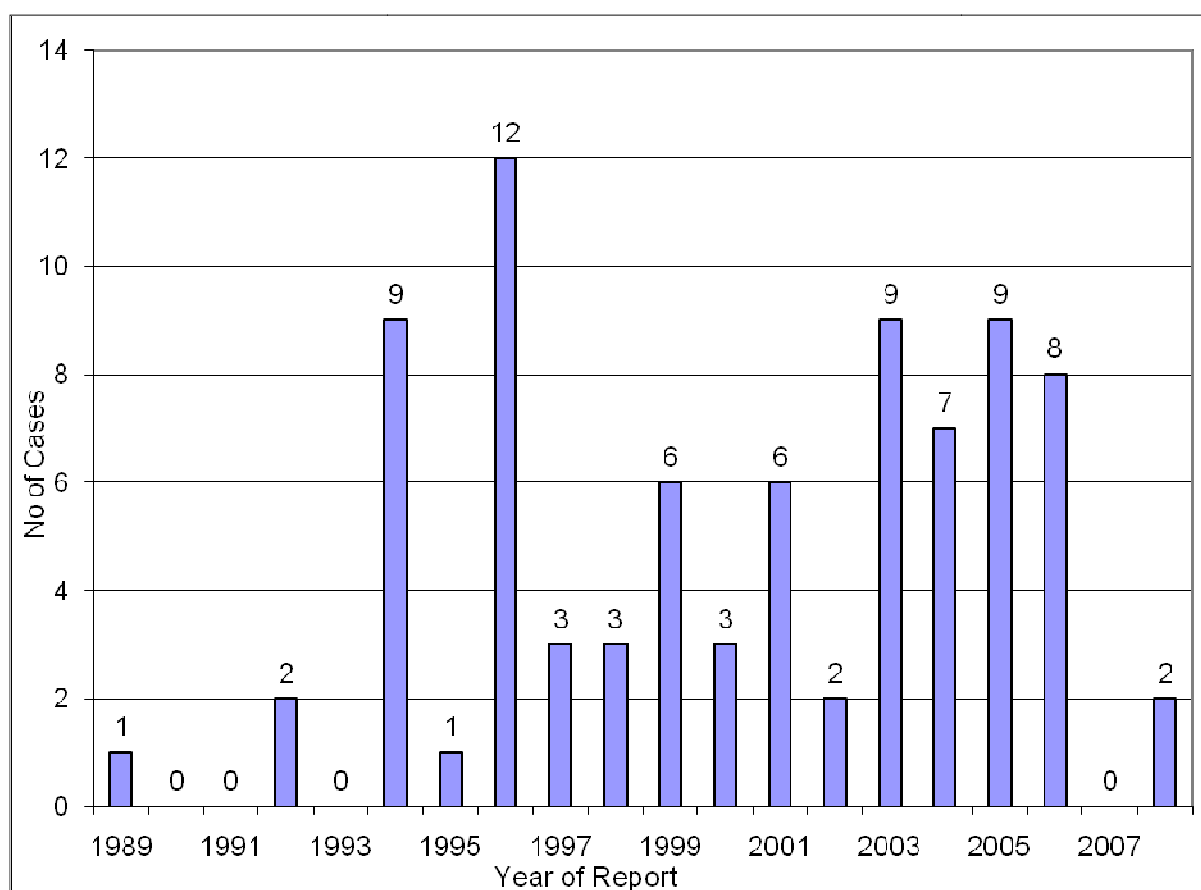


Figure 6. 5 Cases reported by Korup game guards to NGMB from 1989-2008

The game guards revealed that there were more cases reported during this period because they were motivated to do their job as a result of regular payment of salary, provision of encouraging risk allowances as well as bonuses. From 1997 to the year

2000, effective presence of game guards in the park discouraged people from engaging themselves in illegal activities and the number of arrests dropped. From 2003 to 2007, the situation changed. According to game guards, from 2003 to 2006, there was a reduction of their activities in the park and occasional patrols that were carried out led to many arrests. In 2007, the park's protection came to a complete halt.

The situation as reported by the game guards changed from 2003 because the Korup Project⁴⁴ phased out. They explained that when the project was established, it assumed a leading role in managing the park instead of the then Ministry of Environment and Forestry. Korup Project's impact was felt in the park more than that of the ministry. When the project phased out in 2003, people had an impression that the KNP has lost its status as a national park because activities carried out in and around the park by the project ended. These activities include rural development projects (roads, bridges, culverts, community halls, schools, and water supply); creation of rural income-generating opportunities (supply of palm oil press machines, cassava grinding mills, intensive cash crop plantations, and rearing of domestic animals); conservation education; inventories; scientific research and monitoring (Obasi, 1995; Sakah, 1998; Eyong, 2010). As explained by the game guards during focus group discussion, the contract of game guards employed by the Korup Project terminated but they continued protecting the park and were paid by the government even though there was intermittent flow of salary. According to the guards, in the days of the Korup Project, the lowest paid game guard received 64,000 CFA Francs (€97.57) and the highest received 120,000 CFA Francs (€182.94) monthly. When the project phased out, a ministerial decision established a fixed amount of 75,000 CFA Francs (€114.34) for all game guards.

The game guards further pointed out that the government did not integrate the game guards whose contracts expired with the end of the Korup Project into the public

⁴⁴ The Korup Project was designed as an integrated conservation and rural development project and intended to meet its objectives through five components which include park development, biological and scientific research, rural development, conservation education, management and coordination (Obasi, 1995).

service as earlier promised and they were disappointed. It is stated in the Management Plan of KNP that a total of about 36 game guards are required to ensure that the entire park is adequately protected. But according to the Conservator Pascal Dongmo (Figure 6.8), the park has only 22 game guards and among this number, only three are under the public service. He added that the park's main sources of funding are the government, World Wide Fund for Nature (WWF) and *Kreditanstalt für Wiederaufbau* (KfW). According to game guards, irregular payment of salary is still the main problem. They opined that when there is regular payment of their salary, intensive patrols are carried out and law breakers are arrested and handed for prosecution. On the other hand, when there is irregular flow of salary, there is no motivation to work and irregular or complete halt in the protection of the park follows. This was the situation from 2003 to 2006. In 2007, the park's protection came to a complete halt because payment of salary stopped and there was total misery. From January 2008, the park's management secured some funds and arranged with game guards to protect the park for 15 days per month. Due to limited financial resources, there is still irregular payment of salary. As already mentioned above, when game guards receive their pay regularly, activities geared towards protecting the park intensify but when there is irregular or no payment of salary, there is usually limited or no protection of the park.

According to game guards, due to their limited number, patrols are carried out mostly in the Southern Sector of the KNP. The park requires at least 36 game guards as provided in page 119 of the management plan in order to achieve a ratio of about one game guard per 3,500 hectares. But it has only 22 game guards and they are not actively engaged in protecting the park as already mentioned above. As deduced from the focus group discussion with game guards, the Northern Sector of the park still lacks trails. This according to the guards makes it difficult for them to do their job because when law breakers are arrested, they follow normal paths through park villages and most often villagers attack them. The Ministry of Forestry and Wildlife lacks adequate financial and human resources to ensure effective protection of the park and other protected areas (Tumnde, 2001; MINFOF, 2007; Topa et al., 2009; Egute and Albrecht, 2011). With an area of 126,900 hectares, the KNP is patrolled by only 22 game guards as earlier mentioned. If the entire surface area is taken into

consideration, this implies that one game guard in principle is in charge of about 5,768 hectares. The IUCN recommends a ratio of 5,000 hectares per guard in an open forest and 3,000 hectares in a closed forest like Korup. This implies that each game guard is responsible for almost twice the surface area recommended by the IUCN. This is a clear indication that there is ineffectiveness in protecting the park.

Furthermore, during the Korup Project, the park had six vehicles but it presently has just one. During interview with the Conservator of the park, he affirmed the Park Protection and Surveillance Unit limited capacity to carry out its responsibilities effectively. He revealed that there are plans to purchase at least four vehicles for the park and other necessary equipment. Cameroon has 18 national parks (see Appendix 1) but one of the major challenges facing these protected areas is low budgetary allocation. According to Eyong (2010) the government of Cameroon was unable to provide one-tenth of the 2002-2007 budget of €1,806,368 for the management of the KNP as agreed with the Korup Project authority. In 1996, government expenditure on protected areas was US\$ 143,325 or 0.01% of the country's annual budget of US\$ 1.2 billion (Culverwell, 1998). Spending on all protected areas in Cameroon in 1996 ranged from zero to US\$ 9.00 per hectare per year as compared to US\$ 27 in Kenya (Aylward et al., 1996). In a comparative study carried out by Culverwell (1998) on actual spending on three protected areas in Cameroon, the average expenditure of government in protected areas management since 1986 covered less than 20% of the required costs of operation (Culverwell, 1998). In terms of percentage of government budgetary allocation for protected areas, Cameroon is among countries of the world with very low percentage of government budget devoted to protected areas. Bangladesh just like Cameroon invests 0.01% of budget in protected areas, India 0.03% and Papua New Guinea 0.09% (Braatz et al. 1992). With low budgetary allocation for the management of protected areas including the KNP, it is difficult to ensure effective protection. Such a situation shows that Cameroon is not in full compliance with Article 5 (b) of the WHC which requires State Parties to provide staff for protecting cultural and natural heritage with adequate means to discharge their functions and Article 8 (d) of the CBD which requires State Parties to adequately manage biological diversity within

protected areas even though the commitments of the State Parties are weakened by phrases in the convention such as “as far as possible and as appropriate.”

6.3.2 Cases not Sent to Court

Even though cases were reported to the NGBM, some of the cases never reached the court because of escape of the offenders from the gendarmerie detention facility.⁴⁵ Following the former Criminal Procedure Code,⁴⁶ suspects were allowed to await trial at detention facilities indefinitely. Some detainees stayed long in the cells and escaped whenever there was an opportunity and some even died in detention.⁴⁷ An example of escape from detention as reported by game guards is when a poacher from KNP peripheral village of Akpassang named Ashukwor Usim Awor shot at game guards when they were on patrol in the park and he was arrested and handed to the NGBM to face justice. As explained by the game guards, he was detained for about six months without trial and cunningly established friendship with the gendarmes who sometimes sent him to buy cigarettes for them. The detainee used the opportunity and escaped to Nigeria.

As deduced during focus group discussion with game guards, the guards learnt of the escape and were very disappointed with the attitude of the gendarmes. According to the guards, when gendarmes fail to let justice take its course, it discourages them from performing their duty. They bemoaned that when offenders are taken to the gendarmerie brigade, gendarmes are sometimes reluctant to cooperate. The game guards pointed out that gendarme officers sometimes take bribe and facilitate criminals' escape. The park guards lamented that when law breakers are arrested and taken to the gendarmes with exhibits such as guns, cartridges, cutlasses and wire snares, they sometimes hide exhibits that are supposed to be used in substantiating evidence during prosecution in order to

⁴⁵ See supra note 41.

⁴⁶ On July 27, 2005, the new Criminal Procedure Code of the Republic of Cameroon was promulgated into law. It came into force in January 2007. Unlike the former criminal procedure system, with the new Code, the time allowed for remand in police custody is not supposed to exceed 48 hours and this can be renewed only once. The time limit may not exceed eight days even with authorization of the state counsel (Sec. 118 para 1 and 119 para 2 of Criminal Procedure Code).

⁴⁷ See supra note 41.

frustrate cases especially when they must have taken bribe. The game guards explained that because of the corrupt nature of the gendarmes, the Conservator of the park insisted that exhibits should remain with them instead of the NGBM. In an interview with some gendarme officers,⁴⁸ they denied the bribery allegation against them and insisted that the Conservator was interested in guns and cartridges in order to keep them in the park's armoury to present to the Ministry of Forestry and Wildlife in Yaounde as evidence that the game guards are doing good work. One can therefore avow that the situation as described above contributes in impeding effective enforcement of the law.



Figure 6. 6 Mundemba gendarmes at inaugural ceremony of commandant

Source: Author's collection

⁴⁸ 04 March 2008, interview in Mundemba with Gendarme Officers led by Peter Pent Besong, National Gendarmerie Brigade Mundemba.

6.3.3 Cases Dismissed from Court

Some of the cases reached the court but were dismissed because of continuous absences and many adjournments (see Appendix 4). A case in point according to the game guards is when one of their colleagues named Orume Larry was captured by the people of the KNP peripheral village of Ekon and detained. This happened when game guards arrested four poachers from Ekon village in the park and after a fierce resistance, one of them escaped, rushed to the village where he informed the villagers that their kinsmen have been arrested. Some of the villagers rushed to the scene, liberated the poachers, captured one game guard and detained him in their village after a severe flogging. Gendarmes were sent to Ekon and they succeeded in liberating the guard, arrested four suspects and detained them in Mundemba to face trial. The Criminal Procedure Code provides that the State Counsel could decide to remand a suspect and prosecute him or her from custody or release on bail with or without surety. The State Counsel has the right to admit to bail any person apprehended for an offence which is committed *flagrant delicto* (Sec. 298 – 301 of 2005 Criminal Procedure Code). According to the game guards, the four suspects were later released on bail but they never returned for trial and the case was dismissed from the court.

Given the rampant dismissal of cases when suspects fail to appear in court for trial, it is uncertain whether bailing is actually working in the interest of justice. In an interview with the State Counsel of the Mundemba Court of First Instance Magistrate Njukeng George Ajapmua,⁴⁹ he admitted that bailing is a serious problem. He lamented that when suspects are released on bail, they go with their sureties but never return for trial and the prosecution process is frustrated thereby leading to dismissal of cases from the court. He added that it is difficult for the forces of law and order to go after runaway suspects because of the enclave nature of Korup villages and long distance trekking. As earlier mentioned, the park has trails (Figure 6.7) which are not regularly maintained. There are no roads to the park, making air travel especially for law enforcement necessary. But unfortunately, there are no

⁴⁹ 05 March 2008, interview in Mundemba with Magistrate Njukeng George Ajapmua, State Counsel of the Mundemba Court of First Instance.

transportation equipments such as helicopters for the security forces to use in enforcing the law. It is difficult to enforce the law because the forces of law and order need to trek through rough terrain on footpaths for more than 23 km from Mundemba which is the administrative headquarters to villages within the park in order to arrest suspects. The gendarme officers⁵⁰ bemoaned that when they even trek through the rough terrain to arrest suspects or defaulters who have failed to appear in court for trial, villagers are often reluctant to cooperate and instead facilitate their escape. This is a crucial barrier to law enforcement in Korup.

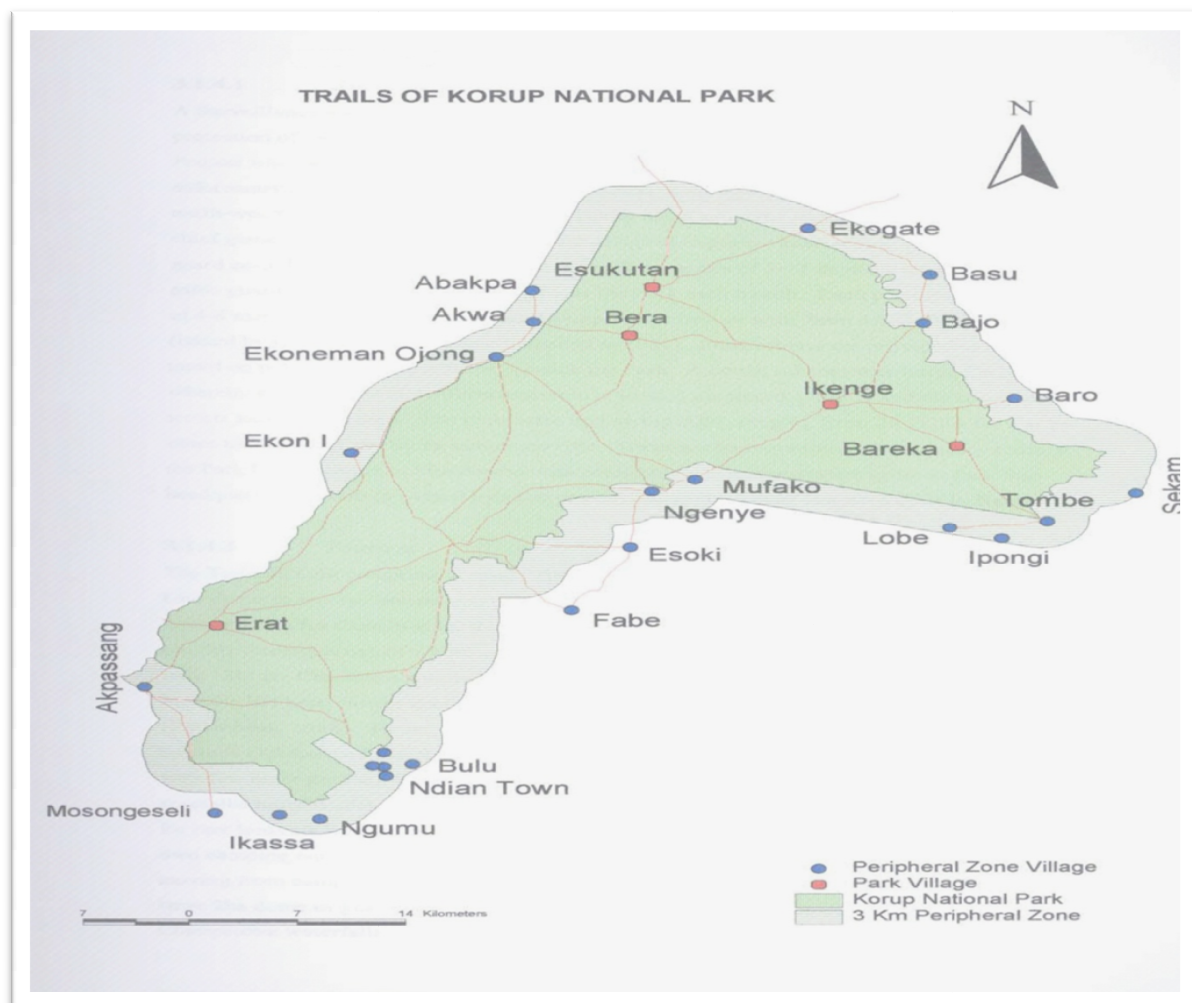


Figure 6. 7 Trails of Korup National Park

Source: Adapted from MINEF, 2002

⁵⁰ See supra note 48.

6.3.4 Cases Tried and Judgment Pronounced

Many case files established against offenders however were channelled to the Court of First Instance Mundemba and the accused were tried and judgment passed. The sentences ranged from 5 days to 18 months imprisonment with hard labour. While the least fine levied was 25,000 CFA Francs (€38.12), the heaviest stood at 200,000 CFA Francs (€304.89) or one and a half year imprisonment with hard labour⁵¹ (see Appendix 2). An example of these cases is that of the People of Cameroon vs. Ngong Bang Christopher. In this case, the accused pleaded not guilty to a charge of being found in possession of a carcass of a protected animal species in the KNP on August 28, 1999 by game guards on duty at the Mana guard post. He was arrested in accordance with Section 101 (1) of the 1994 Law which provides that “any person found, at any time or any place, in possession of a whole or part of a live or dead class A or B protected animal, as defined in Section 76 of the present law, shall be considered to have captured or killed the animal.” The only defence raised by the accused was that he carried out hunting in an area where the chief of his village had been hunting and he was not aware that the area was part of the KNP. In the judgment, the presiding judge pointed out that it is no defence by an accused to say that another person has been committing the offence for which he is charged so as to exonerate himself. He declared that the boundaries of the KNP are well demarcated in such a way that no one living in the neighbourhood will claim that he is not aware. He concluded that the offence has been established and he found the accused guilty. The accused was given a 40,000 CFA Francs (€61) fine as sentence and suspended from hunting for a period of one year.

A similar recent case widely reported by the media is that of the People of Cameroon vs. Chief Sergeant David Severin Ayi. In this case, the accused who is a military personnel (Figure 6.8) on 5 October 2011 pleaded guilty to a charge of being found in possession of carcasses of protected animal species i.e. three Blue Duikers, a Rosette-eared monkey, a Galago and a Hornbill inside the KNP by game guards (Figure 6.8). The accused was given a 387,000 CFA Francs (€589.97) fine or

⁵¹This data was extracted from the Record Book of the Court of First Instance Mundemba during field research in 2008.

imprisonment for 3 years and 7 months as sentence. The military personnel who is a marine of the 22nd Battalion in Ndian Division paid the 387,000 CFA Francs (€589.97) and was released (Nana, 2011).



Figure 6. 8 Arrested poacher (soldier in uniform) and KNP Conservator (right) with game guards

Source: Nana, 2011

When these cases are closely examined, it will be ascertained that the penalties imposed were too lenient. This is because the presiding judges probably did not operate within the ambit of the law. The 1994 Law stipulates in Section 158 that anyone found in possession of part of a dead or live protected wildlife species shall be sentenced from one to three years imprisonment or pays a fine ranging from 3,000,000 CFA Francs (€4,573.47) to 10,000,000 CFA Francs (€15,245). In addition, Section 162 (2) of the law provides that if any government official who is supposed to enforce the law is caught perpetuating such a crime, his or her fine will be doubled as to the prescription of the law. This implies that the court was supposed to give

Ngong Bang Christopher and Chief Sergeant David Severin Ayi a minimum fine of 3,000,000 CFA Francs (€4,573.47) or one year imprisonment. In addition, the fine of Chief Sergeant David Severin Ayi was supposed to be doubled in accordance with Section 162 (2) of the 1994 Law because he is a government official. Laws are enacted to be fairly and properly administered by the legal officers (Figure 6.9). Punishment is imposed on a crime in order to regulate the conduct of the offender, deter would-be offenders and compensate the damage done on the environment.

For a presiding judge who is lenient but wants to operate within the ambit of the law, there is no way to dish out prison term below one year and there is no way to impose a fine of less than 3,000,000 CFA Francs (€4,573.47) because that is the legal prescription in the 1994 Law. In an interview with the officials of the Mundemba Court of First Instance during field research, they opined that punishment of offenders especially in cases relating to poaching is often mild principally because of humanitarian feeling towards local people who depend on natural resources for survival. Furthermore, the government creates protected areas without providing local people with alternative income generating activities or pay royalties. This argument seems plausible but can be debunked following the mild penalty given to the military personnel who is a salaried worker that is not supposed to be considered poor. Some court officials and game guards argued that bribery sometimes account for mild penalties⁵². They bemoaned that due to corruption and nepotism, individuals with people in the country's administration or with money to pay bribes often receive mild penalty even for serious environmental offences. Such mild penalties for violating environmental law cannot discourage misconduct and deter would-be offenders.

This partly accounts for continuous poaching in the KNP. A case in point involves a poacher called Job Akah who entered the KNP in 2008 and killed eight elephants. After receiving a tip-off from some villagers and trekking for two days, game guards accompanied by gendarmes caught Job Akah in the KNP village of Esukutan with

⁵² In a recent study carried out by Eyebe et al., (2012), they stress that some magistrates in Cameroon are always reluctant to dish out maximum sentence to wildlife offenders especially when they must have collected huge sums of money from them.

nine elephant tusks, elephant meat weighing about 15 kg, eight elephant tails and hunting weapons.



Figure 6. 9 Legal department

Source: Author's collection

An elephant is a Class A species following the 1994 Law classification of animals within the national territory and it is listed on Appendix I of CITES.⁵³ This implies that it is totally protected and hunting or trading in specimens of an elephant is prohibited both in the national and international context. Probably because this was a high profile case that attracted a lot of attention from the media, civil society and the conservation community; the offender was sanctioned in accordance with the provisions of the law. He was sentenced to 5 years, 5 months imprisonment or payment of a fine of 3.8 million CFA Francs (€5,793) and to serve two years in prison. This means that without payment of 3.8 million CFA Francs (€5,793), Job Akah will serve 7 years, 5 months in jail (Nana, 2008; NEB, 2008). His accomplice

⁵³ African elephant (*Loxodonta Africana*) is listed on Appendix I of CITES except the elephant populations of Botswana, Namibia, South Africa and Zimbabwe, which are included in Appendix II <http://www.cites.org/eng/app/appendices.php>. Last accessed 09.04.2012.

who is a dealer in ivory and other wildlife specimens is said to have supplied him with hunting weapons from the city of Kumba which is about 80 Km from Korup.

The major concern in this case is how city-based wildlife dealers who usually work in collaboration with hunters to supply them with protected wildlife species and their specimens, successful trade in ivory despite the fact that CITES has imposed a ban on international ivory trade. There are several forestry and wildlife control stations with game guards, gendarmes, police and the custom officers at airports and seaports but yet illegal trade is still thriving. In addition to the seizure of 3.9 tonnes of ivory originating from Cameroon (Wasser et al., 2008), customs officers at Zurich airport, Switzerland, have seized ivory several times that have been discovered in transit from Cameroon to Europe and the United States of America (Muam, 2009). According to Mfonfu (2009), corrupt government officials often overlook illicit consignments of endangered species for bribe. Some of the officials have been observed issuing false government documents such as CITES permits in gross violation of the convention (Fondo et al., 2000; Mfonfu, 2009).

It can therefore be asserted that the public servants who are supposed to protect wildlife have turned to be the source of its demise even though the 1994 Law provides in Section 162 (2) that if any government official who is supposed to enforce this law is caught perpetuating such a crime, his or her fine will be doubled as to the prescription of the law. Muam (2009) opined that even if bribery was to be ruled out, it is doubtful whether the police and gendarme as law enforcement officials have the technical know-how to detect illegally exploited protected wildlife species and their specimens. In addition, since it is apparent that the 1994 Law does not make adequate provision for the involvement of the Customs in enforcing the law, these officials who are supposed to be invaluable in controlling international trade in protected species do not even consider controls in these sectors as part of their official duty. This has contributed to their inability in recognising specimens of protected species especially when concealed to facilitate exportation. The consequence of all these is the loss of biodiversity.

6.4 Chapter Conclusion

In conclusion, the assessment of Korup and other protected areas local communities' rights in forest-related laws reveals that the statutory land law does not recognise customary land tenure system and that ownership of land can only be claimed by applying for a land title, but the law prohibits the KNP inhabitants like the inhabitants of other national parks from applying for land title. The law grants the local population living around state forests except national parks usufruct rights, the right to apply for community forest and hunting zones in compliance with especially Article 10 (c) of the CBD but the local population residing in the KNP cannot enjoy such benefits. The chapter also reveals that the KNP local communities could in accordance with Article 15 of the CBD incorporated in the 1996 Law Relating to Environmental Management and Article 8 (j) of the CBD whose implementing legislation is still to be developed, derive benefit that will subsequently accrue from the park through bioprospecting and traditional knowledge given that the park is a hot spot for genetic resources but a benefit sharing mechanism is not yet established and this does not create incentives for biodiversity conservation. One can therefore assert that the rights of the local people residing in protected areas especially the KNP and other national parks are to a lesser extent legally recognised. An examination of the 1994 Law enforcement in Korup reveals that the law enforcement institutions whose approach is merely top-down have been making laudable efforts in enforcing the law but that they encounter problems which inhibit effective enforcement of the law. One can therefore avow that the application of the 1994 law in Korup is to a greater extent ineffective and this impedes Cameroon's adequate compliance with its biodiversity conservation obligations under international environmental agreements. Given that the top-down approach that relies primarily on modern state institutions has not resulted to effective enforcement of the law and adequate protection of the park, chapter seven largely focuses on the local communities' natural resource management option that could supplement the management strategy of the park.

Chapter 7 Results and Discussion Part II

7.1 Introduction to Chapter Seven

Chapter seven presents the second part of the research results. Following the study objective of identifying and elucidating Korup peoples' traditional system of natural resource management compatible with biodiversity conservation, this chapter focuses on the local traditional system of natural resource management given that this system could contribute in enhancing Korup conservation policy implementation and also Cameroon's fulfilment of its biodiversity obligations under international environmental agreements. The first part of the chapter focuses on the Korup inhabitants' perceptions of modern law and its application in Korup and this is in line with the study objective of assessing the degree of effectiveness of the 1994 Law application in Korup that is dealt with in details in chapter six. The chapter starts by presenting the results of the questionnaire survey with the demographic and social characteristics of respondents presented in the first section while the subsequent sections present the local communities' perceptions on modern law application and enforcement mechanisms of game guards; sources of information on modern law and local customs. The chapter then provides a profound insight into traditional law enforcement institutions and also the traditional methods of natural resource management. It also presents the extent to which statutory law recognises traditional institutions and the traditional system of natural resource management in accordance with the research objective of elucidating the extent to which the modern law protects Korup traditional system of natural resource management. In line with the study objective of finding out whether the villages inside the KNP should be resettled, the chapter gives an insight into the perceptions of Korup inhabitants on the resettlement scheme and ends with a conclusion.

7.2 Demographic and Social Characteristics of Respondents

A survey was carried out to sample the opinion of the Korup inhabitants with respect to modern law and local traditional system of natural resource management. A total of 150 respondents (80 inside and 70 outside KNP) answered the questionnaire (Table 7.1).

Table 7. 1 Gender, age group and educational level of respondents

Gender	Villages inside Korup		Villages outside Korup	
	Frequency	Percentage	Frequency	Percentage
Male	49	61.25	42	60
Female	31	38.75	28	40
Total	80	100	70	100
Age Group				
15-19 years	10	12.5	11	15.72
20-29 years	16	20	13	18.57
30-39 years	19	23.75	23	32.86
40-49 years	14	17.5	11	15.72
50-59 years	12	15	8	11.43
60 years and above	9	11.25	4	5.7
Total	80	100	70	100
Educational Level				
No Formal Education	13	16.25	10	14.28
Primary School	41	51.25	38	54.28
Secondary School	21	31.25	19	27.14
University	1	1.25	2	2.86
Others	0	0	1	1.42
Total	80	100	70	100

As shown in Table 7.1 above, 61.25% of the respondents inside the KNP were male while 38.75% were female. Outside the park i.e. the peripheral zone, 60% of the respondents were male while 40% were female. The discrepancy in the male to female ration is because the first respondents targeted were the head of households who were mostly men both within and outside the park. The population surveyed ranged in age between 15 and above 60 years. As can be seen in Table 7.1, 23.75% of the respondents within the park and 32.86% outside the park were in the age

group of between 30 to 39 years. This was followed by respondents in the age bracket of 20 to 29 years within (20%) and outside (18.57%) the park. The respondents in the age bracket of 40 to 49 years represented 17.5% and 15.72% respectively. These age brackets reveal that both the park and its peripheral zone have an active population that may impact more on the park's resources given that most of the people have no other opportunities than relying on farming and hunting as shown in Figure 7.1 below. The age groups of 15 to 19 years constituted 12.5% and 15.75% while that between 50 to 59 years constituted 15% and 11.43%. Lastly, the age group of 60 years and above constituted 11.25% and 5.7% respectively.

Concerning educational level, the majority of the respondents within the park (51.25%) and outside it (54.28%) attended primary school. Since more than 50% of the respondents ended their academic career at the basic level, this implies that the level of education in the sample villages is low. 31.25% of the respondents within the park and 27.41% outside it attended secondary school. Through interviews, it was discovered that some respondents in this category were secondary school leavers while the others were secondary school dropouts. 1.25% of the respondents within the park and 2.86% outside it were degree holders. The respondents with no formal education represented 16.25% as well as 14.28% and this shows that many people in the sample villages are not literates. This is partly why the main occupation of the majority of the people is farming and hunting as shown in Figure 2.1 below.

7.3 Occupation of Respondents

In order to come up with plausible conclusions with respect to data gathered through questionnaire, it was worthwhile to find out the occupation of respondents. The question presented to the respondents was as follows: *What is your occupation?* The data collected is represented in the following figure. As can be seen in Figure 7.1 below, the majority of the respondents within (41.25%) and outside (37.2%) the park are farmers. This shows that the people living within and outside the park are mostly farmers. Farming is followed by hunting as 26.25% of the respondents within the park and 22.8% outside the park are hunters. This shows that hunting is an important economic activity in the Korup area. Given that more than 50% of the respondents ended their academic career at the basic level and a significant number

have no formal education as revealed in Table 7.1 above, it is obvious that this people end up being farmers and hunters. This implies that special conservation educational programmes are necessary for this people as one of the ways of ensuring the sustainability of the KNP.

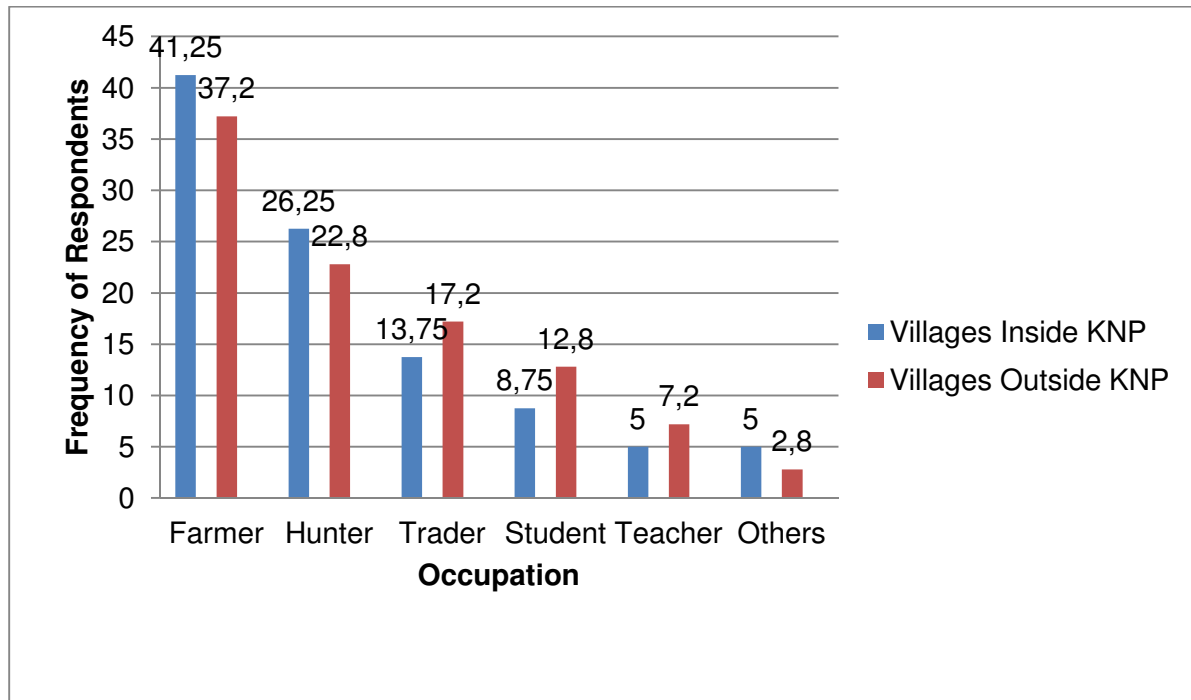


Figure 7. 1 Occupation of respondents

13.75% of the respondents within the park and 17.2 outside it said they are traders. This implies that petty trading is an essential economic activity since it serves as a supplementary source of income for the upkeep of some families in the Korup area. 8.75% of the respondents inside the park and 12.8% outside it are students. Section 7.2 also shows that a significant number of the respondents were secondary school students. As deduced from the questionnaire, most of them were secondary school students who study in Mundemba town where they were contacted for answering the questionnaire. Some of the students visited their villages during weekends and this provided an opportunity for the researcher to contact them in view of answering the questionnaire. Few teachers within (5%) and outside (7.2%) the park participated in answering the questionnaires. Through follow-up discussion, it was revealed that they were all primary school teachers from the sample villages. 5% of respondents within and 2.8% outside the park chose the option “others.” It was discovered that

some of the respondents in this category were retired civil servants, clerical officers, old people and school dropouts who were not engaged in any meaningful activity.

7.4 Perceptions on Law Enforcement Mechanisms of Game Guards

Since one of the study objectives was to assess the degree of effectiveness of the 1994 Law application in Korup and game guards are in charge of law enforcement, it was imperative to assess Korup inhabitants' impression about the methods used by the guards in enforcing the law as a means of coming up with sound recommendations for improvement. A statement was presented to respondents to assess their degree of agreement or disagreement with it. The statement presented to the respondents was as follows: *The methods used by Korup game guards in protecting the park are good.* They were required to choose among the following options: totally agree, partially agree, neither agree or disagree, partially disagree, totally disagree and I don't know. The respondents were also required to briefly justify their response.

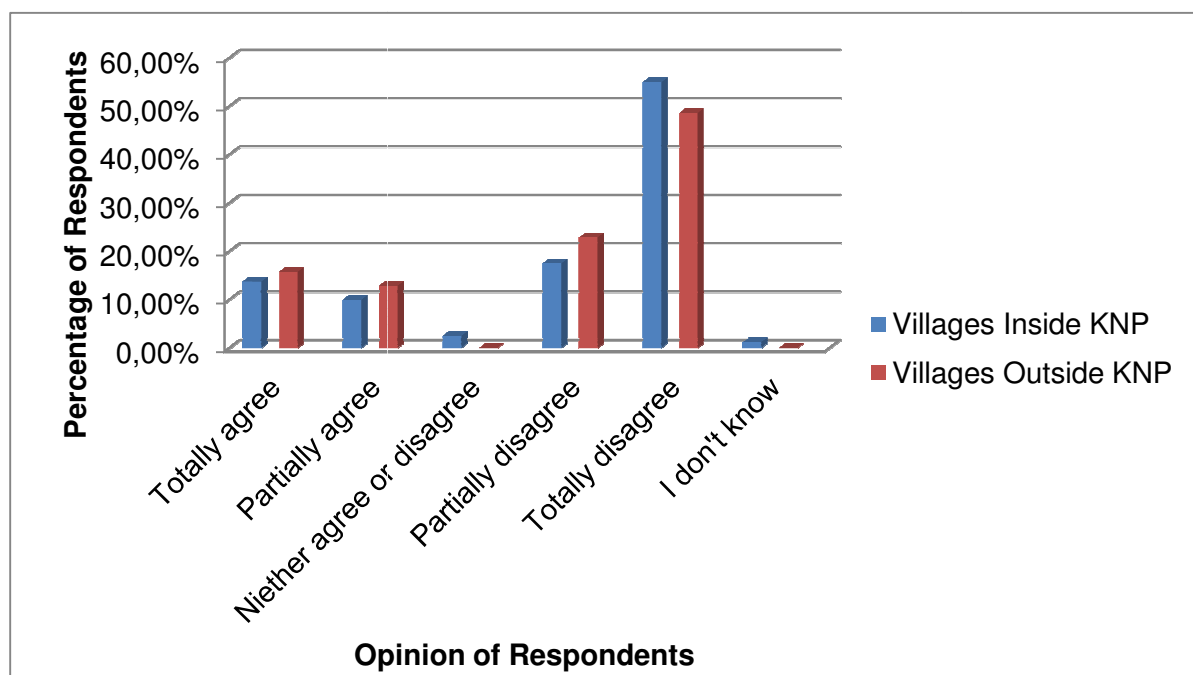


Figure 7. 2 Respondents' opinion on law enforcement methods

As can be seen in Figure 7.2, 55% and 48.57% of the inhabitants in and around the KNP totally disagreed with the methods used by game guards when they are on

patrol in the park. As deduced from their responses from the open-ended question which required justification of answer, most of them whose occupation are hunting as well as farming as shown in Figure 7.1 above, said that they dislike game guard's anti-poaching method of harassment, flogging, arrests, seizure of hunting implements, burning down of huts in the forest during patrols etc. Many respondents who totally disagreed are from park villages probably because their activities impact more on the forest since they rely on the park's resources more than peripheral zone villages and are often arrested by game guards when they are on duty. A significant number i.e. 17.5% and 22.86% partially disagreed with the methods and still advanced reasons similar to the ones mentioned above. 13.75% and 15.71% totally agreed and were of the opinion that game guards have to use such methods in order to discourage people from engaging themselves in illegal activities in the park. Since more than 50% of the inhabitants in and around the KNP totally disagreed with the methods used by game guards when they are on patrol in the park and advanced reasons as seen above, one can therefore avow that most of the people in Korup still exploit resources in the park even though the law prohibits all resource exploitation activities in the park. There is a need for improvement of the park's conservation strategy as will be revealed in the subsequent sections.

7.5 Perceptions on Statutory Law Application in Korup

Since Korup park management uses primarily modern law in implementing the park's conservation policy and following the study objective of assessing the degree of effectiveness of the 1994 Law application in Korup, it was essential to know respondents' opinion on how statutory law impact their lives. The statement presented for assessment of the level of agreement or disagreement with it was as follows: *Existing forestry and wildlife laws in Cameroon make life easier for the Korup inhabitants*. They were required to choose within a scale which ranges from totally agree to I don't know. The respondents were also required to briefly justify their response. The results are represented in the following figure.

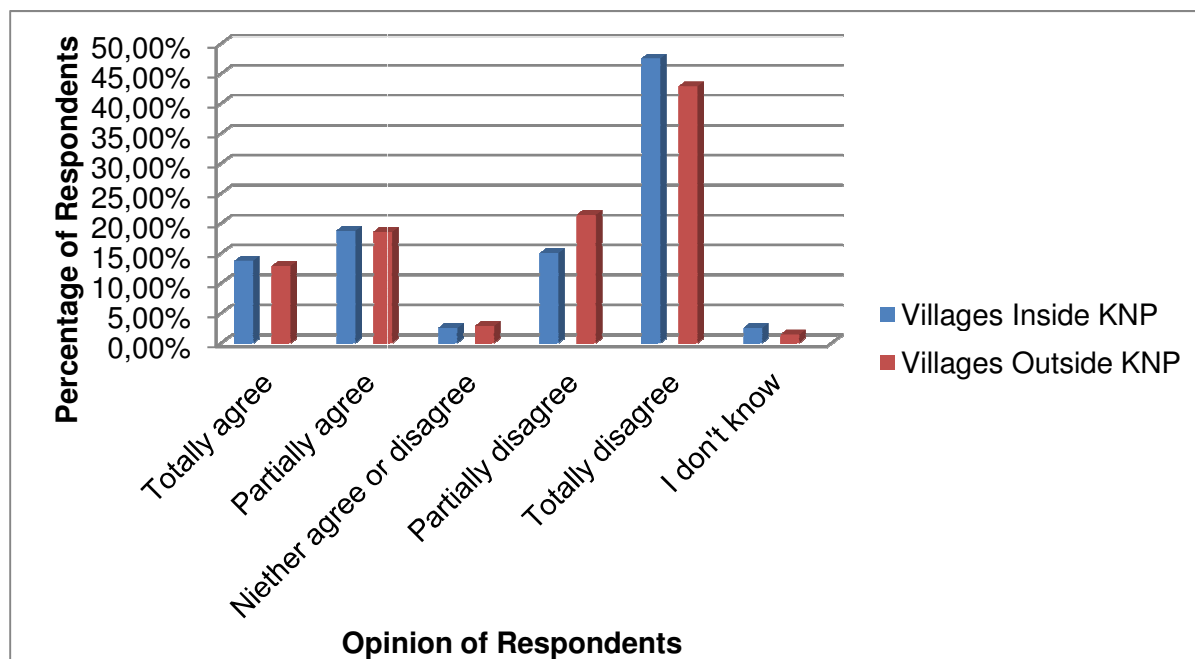


Figure 7. 3 Perception of respondents on statutory law impact on their lives

From Figure 7.3, it can be seen that 47.5% inside and 42.86% outside the KNP totally disagreed that the laws make life easy for them. Some of the reasons advanced by them are as follows: “the law prohibits us from hunting, we cannot exploit forest resources that we depend on, our farmland has been seized, we don’t receive royalties from the government and no one has provided us with alternative means of earning money.” Some said that people are prosecuted and imprisoned when they carry out hunting whether for subsistence or commercial purposes in the park. Many stated that one should think of a situation where a hunter can be made to serve years of imprisonment for killing just a rodent. Some of the respondents pointed out that activities that lead to development such as roads, educational facilities and electricity are not provided. 47.5% of the respondents who totally disagreed are from park villages and because their entire customary territory is within the park and with restriction in their activities including extension of farmland, it becomes clear that they are the most affected people. 15% of park inhabitants and 21% of peripheral zone inhabitants partially disagreed with the statement. They said that the law is good for the protection of the park but life is difficult for the Korup inhabitants because of limited alternative income generating activities. 19% of the respondents from the park and 13% from the peripheral zone partially agreed that

the laws make life easy partly because people still use the forest but not as freely like when the park was not yet created. These respondents must have been amongst people who still strongly believe that the forest belongs to them and carry out exploitation of the park's resources even though human activities within the park are prohibited by the law.

7.6 Perceptions about the Creation of Korup National Park

After 26 years of gazettement the KNP, it was important to find out respondents' perceptions about the creation of the park. In this case, a statement was presented to the respondents to assess their level of agreement or disagreement with it. The statement presented was as follows: *The creation of protected areas such as the Korup National Park is important.* The Likert items presented for them to choose among range from totally agree to I don't know. They were required to briefly justify their response.

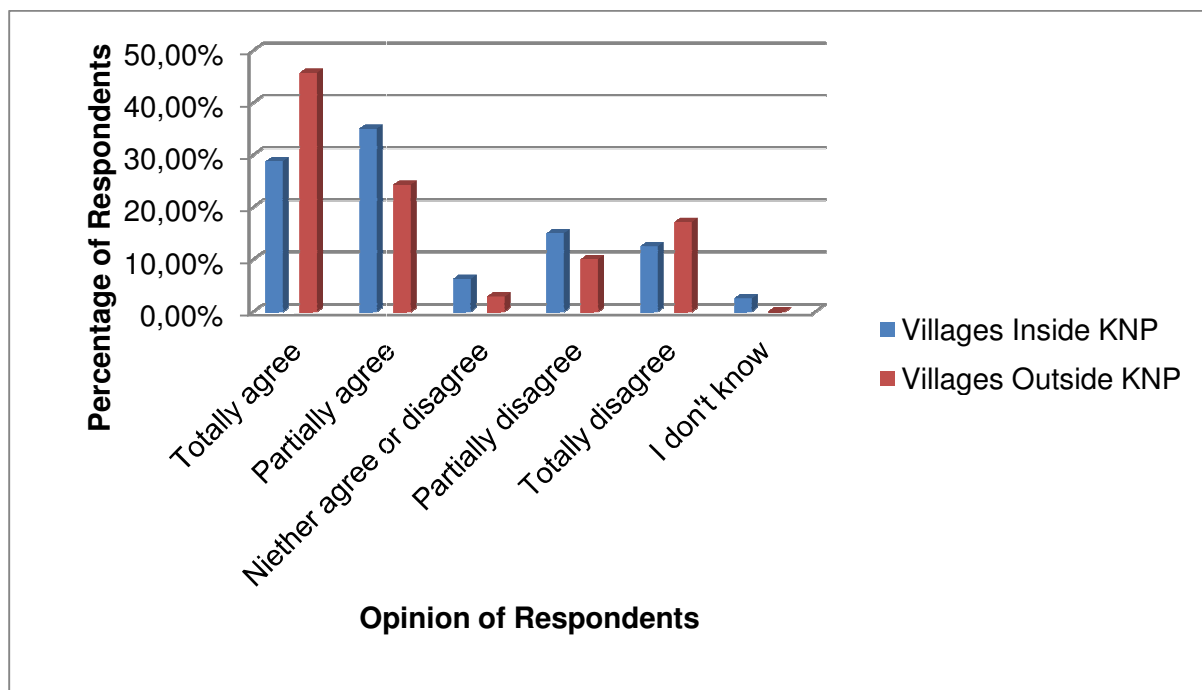


Figure 7. 4 Respondents' impression about creation of KNP

As can be seen in Figure 7.4, 45.72% of the respondents from the peripheral zone villages totally agreed that the creation of KNP is important as compared to 28.75% from park villages. Many respondents from villages outside the park were in favour of the creation of KNP probably because only a small portion of their customary

territory extends into the park and they do not experience the kind of restriction imposed on park inhabitants by the KNP management. A significant number of park inhabitants i.e. 35% however partially agreed that the creation of the park is important. The respondents who totally or partially agreed were of the opinion that the creation of protected areas such as the KNP is important because it is a means of conserving biodiversity, forest helps in regulating the climate, forest gives room to researchers to carry out research, flora and fauna is protected for future generations to see, the park serves as a source of revenue for the state because of tourists who come to see the flora and fauna. It was noticed in course of the questionnaire analysis that the respondents who gave the above reasons were to a greater extent literate. 18% and 17% of the respondents in and around the park totally disagreed. Those who totally disagreed had diverse reasons. Some said that their means of livelihood is cut-off and they benefit little or nothing from the park. They said that they are totally prevented from utilising the forest even though they depend on it for survival. Many were of the opinion that animals within the park are given better protection than people. Reasons like land seizure and deceiving people that the park is beneficial to them were mentioned.

7.7 Sources of Information on Forest-Related Laws

Given the importance of awareness of natural resource management legal instruments in facilitating compliance with the law in forest communities like those of Korup and following the study objective of assessing the degree of effectiveness of the 1994 Law application in Korup, the research sought to find out the peoples' sources of awareness of statutory law. The question presented to respondents is as follows. *What is your main source of information on Cameroon's forestry, wildlife and land laws?* As can be deduced from Figure 7.5, 50% of the respondents in villages inside the KNP as compared to 41.43% from the peripheral zone receive information concerning forest-related laws from the KNP staff. This shows that the KNP management especially when the Korup Project was still ongoing contributed greatly in disseminating information about natural resource management laws. About 25% and 15.71% receive such information from their village chief and traditional council while 18.75% and 28.75% get the information from text books. The respondents in favour of text books were perhaps literate people who often get some information

about Cameroon laws from school text books. From the responses, it can be seen that the village chief and traditional council also play an important role in raising awareness on modern laws.

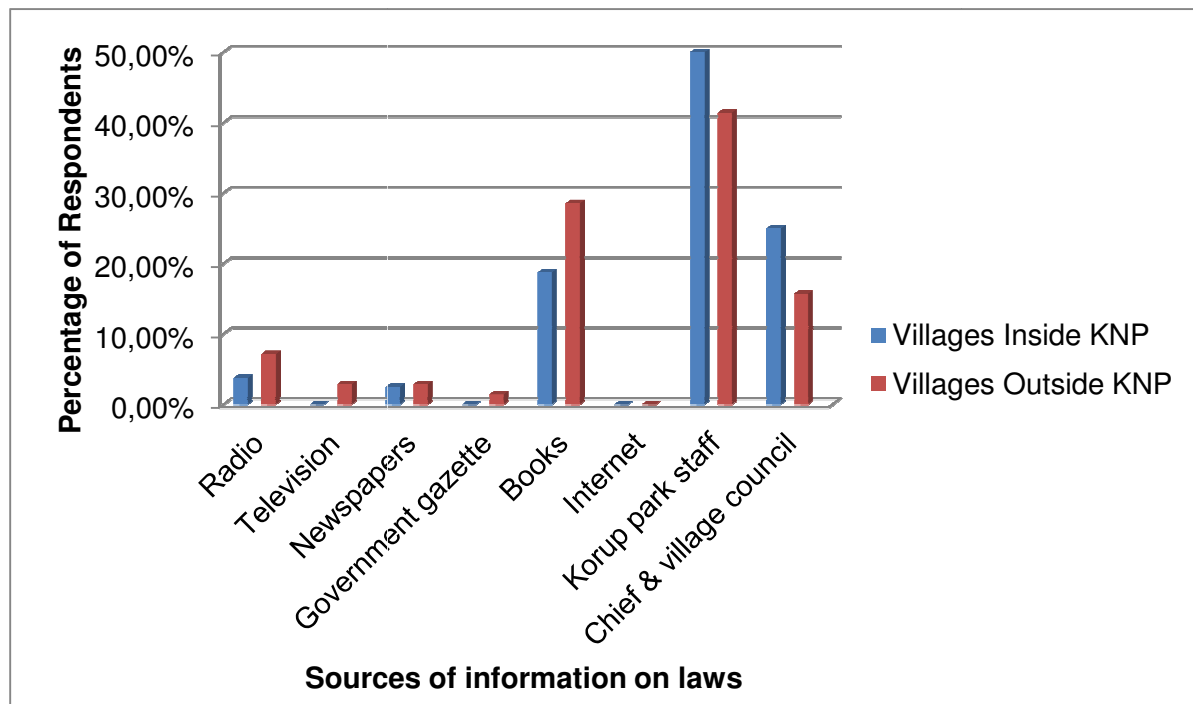


Figure 7. 5 Respondents’ sources of information on forest-related laws

The radio, television, newspapers and government gazette serve as sources of information for less than 10% of the respondents. It was observed that in the Korup area, Cameroon radio and television signals are seldom received. Those who responded in favour of these sources probably live in Mundemba town and have satellite receivers or receive radio signals at specific locations in the Korup area. Nigerian radio and television signals are received everywhere in the Korup area as a result of the area’s proximity to Nigeria. None of the respondents answered in favour of the internet. This is simply because there is no internet access in the Korup area.

From the above analysis, it can be deduced that without the Korup park staff; there is little or no dissemination of information on forest-related laws in the Korup area and ignorance contributes to non-compliance with the law. When laws are passed in Cameroon, they are published in English and French languages in the country’s Official Gazette given that both languages are constitutionally recognised as official

languages with the same status (Art. 1 para. 3 of 1996 Constitution). As Egute and Albrecht (2011) opine, sometimes information about these laws is transmitted to the public through print and audiovisual media in English and French. Court officials such as judges and other state agents have easy access to the country's laws. Most citizens especially in rural areas like Korup are not aware of the country's laws (Egute and Albrecht, 2011). As seen in the case of Korup, there is limited communication strategy to disseminate information on laws to citizens in the entire nation. The communication network of the country is poor. People living in urban areas may have access to radio, television and internet. But information on statutory laws rarely reaches the rural areas where there is limited or no access to radio, television and internet. In reality, the majority of people in the country are not aware of laws primarily because of poor communication strategy. There is a need to improve upon the strategy of disseminating information on modern laws in Korup in order to facilitate compliance with the laws.

7.8 Traditional Institutions for Law Enforcement

In order to partly realise the study objective of identifying and elucidating Korup peoples' traditional system of natural resource management compatible with biodiversity conservation, it was important to first of all find out through questionnaire whether traditional institutions could contribute to conservation and management of forest resources before gathering detailed information about the institutions through interview. A statement was presented to the respondents to assess their degree of agreement or disagreement with it. It was posed as follows: *Chiefs and traditional councils of villages in and around the Korup National Park could contribute to conservation and management of the park.* They were required to choose among Likert items which range from *totally agree to I don't know*. The figure below represents the responses. From Figure 7.9, it can be seen that 52.5% and 42.86% of the respondents in villages in and around the KNP totally agreed that traditional institutions could contribute to conservation and management of the park. Some reasons given were that traditional authorities enforce modern and customary laws;

though not legally authorised,⁵⁴ pass local byelaws and ensure their enforcement; local communities could be involved in park management through them; they live in similar conditions like the local population and know how to better manage and educate them; they live in the forest and know it better than others etc.

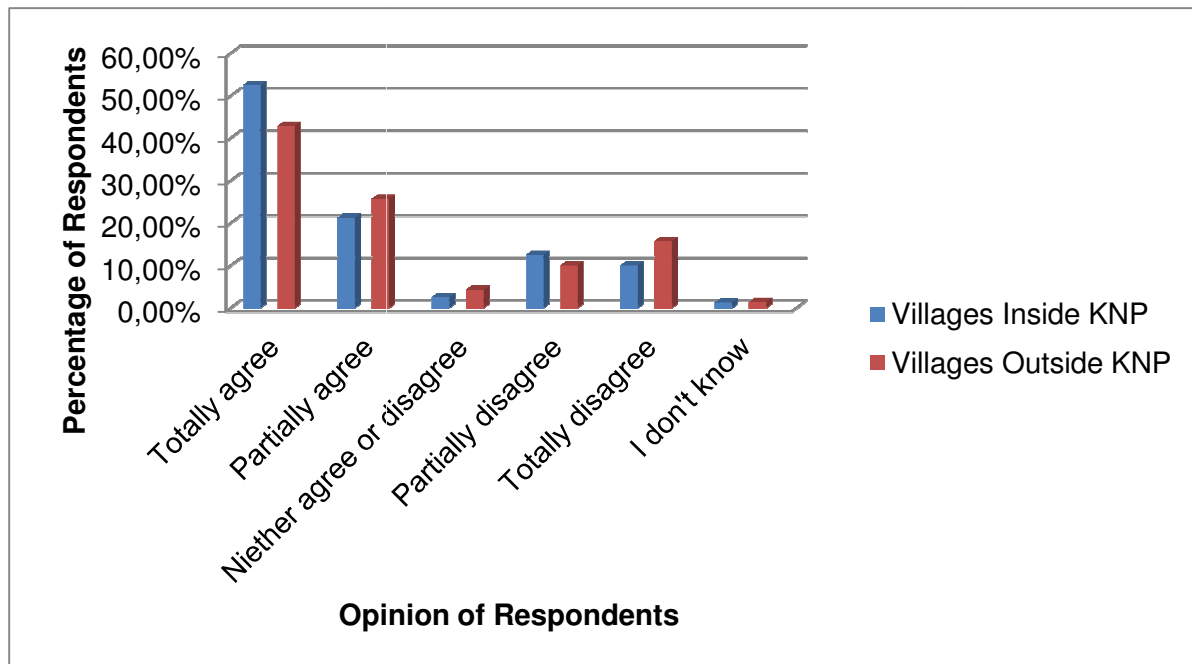


Figure 7. 6 Views of respondents on potentials of traditional institutions to manage forest resources

21.25% of respondents within the park and 25.72% outside it were partially in favour of the positive role that traditional institutions could play in conservation. Some reasons advanced were that some chiefs are corrupt and could contribute to the loss of biodiversity of the park by accepting commercial hunters in their villages provided that they are able to render financial compensation. In addition, the sharing of benefits from the park by its management authority may help in alleviating poverty which is one of the greatest threats to the sustainability of forest resources, instead of relying on traditional authorities. 10% of the respondents within the park and

⁵⁴ Under Decree No 77/249 of 15 July 1977 ascribing a structure to traditional chiefdoms, traditional authorities were not empowered to make byelaws unlike the case of Namibia where section 3 (3) (c) of the Traditional Authorities Act, empowers the traditional authorities to pass byelaws.

15.72% outside it totally disagreed and the main reasons given were that the institutions are weak and corrupt.

In a follow-up interview intended to gather detailed information about traditional institutions and law enforcement, it was discovered that in addition to the chieftaincy institution and the village traditional council, secret societies i.e. Ekpe and Disongo contribute in enforcing laws and safeguarding the village tradition as well as natural resources.⁵⁵ The traditional institutions (Figure 7.7) control the use of natural resources in the perceived customary territory of each village.

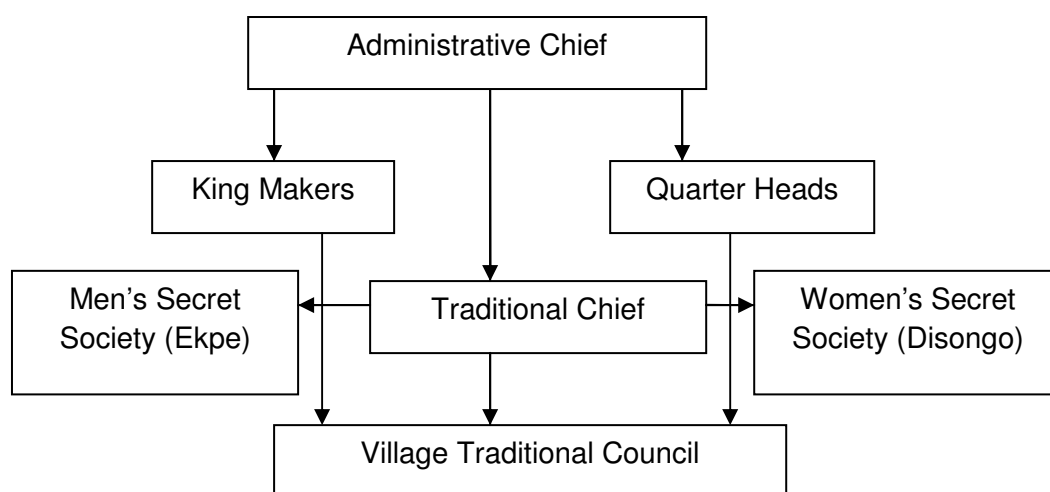


Figure 7. 7 Korup villages' traditional institutions of law enforcement

7.8.1 Administrative Chief

Interview results reveal that the villages in and around the KNP are headed by administrative chiefs designated by the central government in collaboration with the king makers⁵⁶ and the Village Traditional Council. Following the tradition of the villages, chieftaincy rotates amongst the main families in the villages. Unlike the Southwest region, in the Northwest, Western and Northern regions of Cameroon,

⁵⁵ Malleson (2002) affirms that these village-based institutions control the use of natural resources and ensure the enforcement of rules.

⁵⁶ King makers are a group of persons that have great influence in designating the village chief.

any person who is to be enthroned as a traditional ruler must come from the royal family and must be in the line of succession. Except demanded by local custom, any enthronement will be invalid when the person is not from the royal family. But the main similarity between all the regions of Cameroon is that enthronement must take place only when there is a vacancy. As can be seen in Figure 7.7, the administrative chief is the principal head of the village administration.⁵⁷ He serves as a mediator between the central government and his subjects. He works in collaboration with the traditional chief and the village traditional council to enforce modern and customary laws; pass local byelaws (see section 7.9.4) and ensure their enforcement and above all ensure proper administration of the village. With this role played by the administrative chief, the KNP management ought to integrate this institution in the park's management.

7.8.2 Village Traditional Council

The village traditional council according to interviewees is the village institution which cooperates with the administrative and traditional chiefs in governing the village. As illustrated in Figure 7.7, it is made up of king makers, quarter heads and elders who are mainly lineage heads of the families of each village. The main task of the Village Traditional Council following interview results is to preside over all matters relating to forest use, land tenure including the use and management of village land; allocation of land for farming and for building; enforce modern and customary laws; pass local byelaws (see section 7.9.4) and ensure their enforcement; serve as traditional courts⁵⁸ at the village level by resolving land and other disputes between individuals and also neighbouring villages. Disputes that are difficult for the village council to resolve are reported to the National Gendarmerie Brigade Mundemba or referred to the Court of First Instance Mundemba in view of a solution. Eyong (2010) and Sakah (1998) describe the Village Traditional Council as the most democratic institution at the village level as decisions are taken democratically. This traditional institution is

⁵⁷ In page 58 of the 2002-2007 management plan of the KNP, it is affirmed that the villages in Korup are headed by the administrative chief (MINEF, 2002).

⁵⁸ The Village Traditional Council plays a judiciary role at the village level even though this institution is not empowered under the Cameroonian law to play such a role (Ebi, 2008; Feh, 2009).

respected at the village level and it contributes in limiting access and wanton exploitation of the Korup forest resources and this equally contributes in enhancing Korup conservation policy implementation and Cameroon's fulfilment of its biodiversity obligations under international environmental agreements such as the CBD and the WHC. The KNP management authority ought to identify the above stated potentials of the Village Traditional Council, strengthens the potentials and liaise with this institution in view of participatory management of the park.

7.8.3 Ekpe Society and Traditional Chief

The Ekpe society, which literally means "the leopard society", is the institution that is in charge of especially customary and local byelaws enforcement. The Leopard according to Ekpe members symbolises courage. There are two main secret societies or cults in each village as can be seen in Figure 7.7. The society which is known in the Korup area either as Ekpe, Nyamkwe or Angboo is for men while Mawooh, Diala or Disongo is for women. According to the interviewees, the men group is the most powerful in all the villages and each village has a traditional elder who leads the secret society.⁵⁹ The Ekpe leader in most cases is the traditional chief. He is a member of the village traditional council. The Ekpe society represents cultural values and serves as a mediator between the village population and the ancestors. The society is made up of mostly village elders.

Eyong (2010) describes the powers of the Ekpe society as supreme. He points out that all the villagers including the chiefs often respect and abide by the norms of the Ekpe society. The secret society contributes in dispute resolution and its masquerade helps in enforcing especially customary and local byelaws. The Ekpe masquerade often contribute in arresting law breakers for prosecution at the village level and has a lashing stick that is believed to possess magical power that could harm culprits and generations yet unborn (Eyong, 2010). The fear of Ekpe masquerade lashing and a bad future (Eyong, 2010) contribute in enabling law breakers to cooperate in course of law enforcement by the masquerade. The

⁵⁹ Eyong (2010) posits that despite the hierarchy of the village institutions, the Ekpe society remains the most powerful governing institution in all villages of the KNP and peripheral zone. Sakah (1998) just like Eyong (2010) affirms the vital role of the Ekpe society in law enforcement at the village level.

interviewees were of the opinion that there is a decline in the power of the Ekpe society because the youths are no longer interested in becoming its members. That notwithstanding, some village youths still want to be members of the Ekpe society for prestige and also for having a say in the traditional administration (Malleon, 2000). As outlined above, the Ekpe society just like the Village Traditional Council contributes in forest conservation and management. These institutions are closer to the forest heritage resources and the villagers respect and understand their functions. A KNP management approach that does not alienate these institutions could be desirable for the sustainability of the park.

As some NGOs with interest in conservation choose to cooperate with the Korup traditional institutions for the purpose of protecting the KNP, this is an indication that these institutions are vital for the sustainability of the park. Appendix 5 shows an example where an indigenous NGO in Korup known as Korup Rainforest Ecotourism Organisation/Korup Guide Association (KREO/KOGAN) signed a Memorandum of Understanding (MoU) with the chiefs and representatives of the villages in and around the KNP to use their traditional village councils as well as their Ekpe societies to ban wanton exploitation of the park's resources. Article 2 of the MoU provides that *"The traditional council/Ekpe society of each village will put a ban on the hunting of all endangered species. The fine for defaulters will be determined by respective traditional council concerned."* Article 3 stipulates that *"Hired hunters will be strictly prohibited to hunt in Korup National Park and its peripheral zones. Each traditional council/Ekpe society will affect a ban on this."* By initiating a MoU as such, the indigenous NGO recognised the potential of the traditional institutions to pass local byelaws and ensure their enforcement thereby contributing to the Korup forest heritage protection. To ensure effective and efficient management of the park, the traditional institutions for law enforcement should be involved in the park's management strategy. The traditional institutions are in charge of the traditional methods of natural resource management which constitute the next section.

7.9 Traditional Methods of Natural Resource Management

To further realise the study objective of identifying and elucidating Korup peoples' traditional system of natural resource management compatible with biodiversity

conservation, it was imperative to find out whether traditional methods of forest resource management actually exist in Korup and identify the methods if at all they exist. The question presented to the respondents is as follows. *Does your village have any traditional methods of forest resource management?* They were given three choices of *yes, no and I don't know* to choose from and were required to *list the methods of management if the answer is yes*. The results obtained are represented in the following figure.

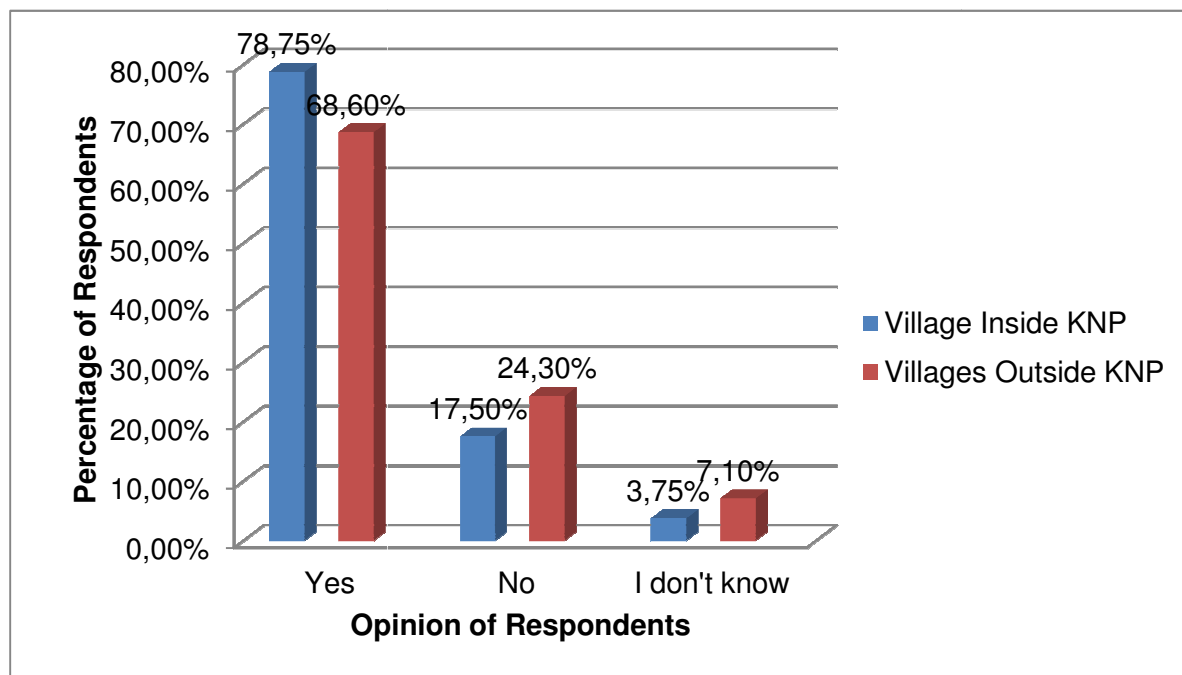


Figure 7. 8 Respondents' views on villages' possession of traditional methods of resource management

As can be seen in Figure 7.8, 78.75% of the respondents inside KNP and 68.60% from the peripheral zone agreed that their villages have traditional methods of conservation. This significant number of respondents shows that the people had methods of conserving and managing the forest even before it was gazetted a protected area. 17.50% of villagers from the park and 24.30% from the peripheral zone said that they do not have traditional methods of conservation. In a follow up interview with some of the respondents in this category, they cited some methods but said that they were not sure that these methods were meant for conservation. The last category probably was not aware of any traditional conservation methods.

The respondents identified several methods of resources management. The main methods of natural resource management enumerated by most of them include cultural beliefs, taboos, sacred forests or groves,⁶⁰ totems,⁶¹ customary law, hunting habits, fishing habits, cultivation practices and control of non-native exploiters. Detailed information on these methods was uncovered through interviews. The following sections provide details on the traditional methods of resource management.

7.9.1 Sacred Forests

The results of the questionnaire reveal that sacred forests known as the Ekpe or Nyamkpe Forests are common in the sample villages. Interview results reveal that Ekpe Forest is believed to be the abode of the village deity and clearing the forest is a taboo. Access to the forest is reserved exclusively to members of the Ekpe Society. They often enter the sacred forest in order to perform rituals to appease the deity in view of the wellbeing of the community. The activities of humans such as hunting, trapping and farming are forbidden in the Ekpe forest. According to the interviewees, it is believed that anyone who violates the traditional rule and enters the sacred forest for hunting or any other exploitative activity may suffer from sanctions inflicted on him by spirits. It is also believed that anyone who enters the forest may get missing and if he succeeds to find his way out, he is considered unclean and must be cleansed by members of the Ekpe Society. In order to be cleansed, some Ekpe societies require victims to bring the following items: a domestic animal such as a goat or pig, locally brewed wine *Afofo*, pieces of smoked meat and a piece of cloth. If the victim is not cleansed, he or she is believed to suffer in future from serious ailments. If the victim is a female, it is believed that she will not

⁶⁰ Khan et al. (2008), define sacred groves as “tracts of virgin forest with rich diversity, which have been protected by the local people for centuries for their cultural and religious beliefs and taboos that the deities reside in them and protect the villagers from different calamities.” Their publication entitled “The sacred groves and their significance in conserving biodiversity: An overview,” is available at: <http://www.nieindia.org/ijees/pdf/v34/34-277.pdf>, Last accessed 20.05.2012.

⁶¹ The American Heritage Dictionary defines a totem as an animal, plant, or a natural object serving among certain tribal or traditional peoples as the emblem of a clan or family and sometimes venerated as its founder, ancestor, or guardian.

be able to conceive until she is cleansed. Even though this traditional practice of the Korup people was not put in place primarily for conservation purposes, it however contributed in conserving part of the forests declared sacred and the biodiversity which inhabit them. The belief in the consequences of entering the Ekpe forest prevented the villagers from exploiting its resources and this unintentionally contributed in conserving biodiversity.

The concept of sacred forest was also common in the Mount Cameroon area which is in the same region like the KNP. According to Tumnde (2001), the indigenous inhabitants of the area i.e. the Bakwerians had shrine bushes where valuable plant and animal species were conserved. According to the author, it was “generally believed that any exploitation of plants and animals species in the shrine bushes which is not in consonance with the wishes and authority of the traditional council was likely to lead to some sanctions inflicted by spirits on the victim” (Tumnde, 2001, p. 354). The Ekpe forest practice ought to be maintained in accordance with Article 8 (j) of the CBD which requires Cameroon to respect, preserve and maintain practices of local communities relevant for conservation and sustainable use of biological diversity. Given the role of sacred forest in biodiversity conservation, the KNP management authority ought to integrate the sacred forest concept into the park’s management strategy.

The concept of sacred forest is prevalence in African countries such as Zimbabwe, Ghana and Nigeria. A study carried out by Byers et al. (2001), in the Zambezi Valley of northern Zimbabwe reveals that forests loss is less in sacred forests because traditional spiritual values influence people’s behaviour and play a vital role in biodiversity conservation. The authors avow that the traditional rulers contribute greatly in conserving the sacred forests because the rate of forest loss is high in areas where they are disempowered as compared to areas where they have more power. The Zimbabwean government must have realised the importance of traditional authorities in protecting forest biodiversity as it changed its policy of stripping chiefs of their functions and established a House of Chiefs in 1993. In Ghana, sacred groves are regarded as community forest reserve that serve as abode for ancestral spirits, community deities and traditional worship (Kwame,

2008). Sacred forests or groves such as the Buabeng-Fiema Monkey Sanctuary and the Buoyem Sacred Grove are known to provide a refuge for biodiversity. Taboos and cultural beliefs safeguarded by the traditional institutions greatly contribute in protecting the sacred groves (Sarfo-Mensah and Oduro, 2007). To ensure adequate protection, sacred groves in Ghana like Anweam Sacred Grove situated in the Esukawkaw Forest Reserve are now legally protected by the federal government (Campbell, 2004). This is a clear acknowledgement of the government of Ghana of the vital role of sacred forests in biodiversity conservation as opposed to Cameroon where the government has not yet recognised the potentials of sacred forest in biodiversity conservation.

Sacred groves are also known to contribute to biodiversity conservation in Nigeria. For instance, the dense forest of the Osun Sacred Grove is one of the last remnants of virgin high forest in the southern region of Nigeria. It is regarded as the abode of the goddess of fertility Osun in the Yoruba Mythology. In 2005, the Osun-Osogbo Sacred Grove was designated as a World Heritage Site (WHS) following the cultural heritage criteria (ii), (iii) and (vi) for assessing the outstanding universal value of a site.⁶² Following the criteria used in designating the Osun-Osogbo Sacred Grove as a WHS, it is clear that the cultural values associated to the forest landscape largely contributed to the site's inscription on the World Heritage List. As discussed above, the cultural beliefs associated with the Ekpe forests contribute in safeguarding forest biodiversity. Since the notion of sacred forest was ignored in course of designing the KNP management strategy, the cultural values associated with the Ekpe forests were equally ignored during the nomination of the site as a WHS. The government of Cameroon should recognise the notion of sacred forests and their potentials in biodiversity conservation like the government of Zimbabwe, Ghana and Nigeria. Since the KNP is legally protected, with the recognition of the notion of sacred forest, local traditional mechanisms of protecting sacred forest safeguarded by the traditional institutions discussed above will complement the park's management strategy.

⁶² Osun-osogbo Sacred Grove. <http://whc.unesco.org/en/list/1118>, Last accessed 05.06.2012.

7.9.2 Traditional Hunting and Fishing Practices

Concerning hunting practices, interview results reveal that in most sample villages, each hunter had his own forest area for hunting where other hunters were not allowed to encroach. Hunters respected each other's hunting area to minimise conflict and also because hunting with weapons such as bow and arrows or guns was considered risky when hunting is carried out by many hunters in one area at the same time. Traditional hunting methods include fence and snare trapping, dog hunting, bow and arrow hunting. Guns are now used and this gradually erodes typical traditional hunting methods (Tchigio, 2007). The interviewees said that hunting was not carried out all through the year. It was revealed that following local custom, when big game animals such as elephant, leopard, giant pangolin and python which are considered village animals were killed; hunters were expected to carry the carcass to the traditional authority where important parts and trophies were distributed to the chief, key members of the Ekpe Society and the village council. This traditional practice meant for hunters to pay tribute to their traditional authorities paradoxically discouraged them from hunting big game because they gained little or nothing from the animals they killed. Since the traditional practice of handing big game killed for bushmeat to members of the village traditional institutions unintentionally reduced pressure on the wildlife resources, the KNP management authority ought to collaborate with the village based institutions in view of utilising this practice for conservation purposes. Fishing according to interviewees was carried out mostly during the dry season and the methods used include baskets traps, hooks, nets and plant poisonous substances. Some areas of the river were designated as sacred and fishing was prohibited⁶³ in such areas. It was believed that mystic forces reside in these sections of the river and could enable anyone who wants to violate the traditional fishing ban to drown. These traditional practices which contributed to the sustainability of wildlife and fishery resources should be explored for the purpose of conserving the resources of Korup.

⁶³ In an interview with chief Ekokola Adolf of the Esukutan village and NKwui Bodie of Erat village, they emphasized that the essence of designating some areas of the river as sacred was to secure enough fish in the river for feeding strangers. 9 February 2008, interview in Mundemba with chief Ekokola Adolf, chief of Esukutan village and president of KREO/KOGAN. 02 February 2008, interview in Erat village with NKwui Bodie, a literate influential native of Erat.

7.9.3 Taboos and Totems

It was discovered that in the Korup area, taboos contributed in regulating the people's behaviour towards the use of forest heritage resources especially wildlife. Some of the taboos are widely applicable in the area while others are limited to ethnic groups and families. Interview results reveal some taboos of the Korup area. For instance, in most of the sample villages, it is a taboo to hunt apes such as Chimpanzee and Gorilla because they resemble *Homo sapiens*. They are regarded as the closest relatives of humans and some interviewees said their meat is regarded as human flesh. This taboo was also common in the Mount Cameroon area. As reported by Tumnde (2001, p. 352), it was a taboo for the indigenous inhabitants of the Mount Cameroon area i.e. the Bakwerians to kill Chimpanzee because "it is the closest relation to man of all the animals." The author opined that this practice of the Bakwerians aimed at securing the availability of the wildlife resources. This taboo which limits the hunting of apes is good for conservation. Another example is that it is a taboo for a woman who is pregnant to eat certain species of monkeys because of the belief that her child will likely resemble a monkey. This taboo could also be used for conservation purpose in the KNP. The last example is that it is a taboo to kill a python because it is believed that it controls aquatic animals and leads them to safe spawning areas. This taboo which unintentionally protects pythons is good to utilise for conservation.

There are also beliefs associated with certain giant trees which are considered sacred. Such trees are not supposed to be felled without performing some rituals. Examples of these trees include camwood *Baphia nitida* and a tree locally known as *king tree*. It is a taboo to cut such trees because it is believed that they harbour the spirit of the ancestors. According to Eyong (2010), the fear of making expensive sacrifices before felling sacred trees deters many village inhabitants from cutting down the trees. The local communities surrounding the Banyang-Mbo Wildlife Sanctuary which is situated to the East of KNP also have similar cultural beliefs associated with totems and taboos (Abugiche, 2008). Sarfo-Mensah and Oduro (2007) report that in most traditional settings in Ghana, trees such as Odum *Milicia excels* and African Mohogany *Khaya ivorenses* are regarded as the abode of community deities, protect the communities and should not be felled without

performing some rituals. This cultural practice which contributes to the protection and sustainable use of sacred trees is good for incorporation into the KNP management strategy.

Interview results also reveal that there is a common belief in totems. This according to the interviewees means that the human lives in two separate locations at the same time where he has a spiritual bond with a particular animal and exists in the forest in a complete form of that animal as well as in settlement areas in a human form. It is believed that because of the spiritual link between the totem and the human, what affects the totem equally affects the human. Totems are venerated as guardians of the village. Animals such as Chimpanzee, Elephant and Buffalo are believed to be totems in the sample villages and are venerated as guardians of the villages. The elephant is also a totem in the Mount Cameroon area. According to Tumnde (2001), the Bakwerians were prohibited from killing elephants because they are regarded as totems and guardians of the land. In the Korup area, it is believed that when totem animals are killed, the owners of the totems immediately die. The belief that a section of forest is a habitat of totems gives the forest some form of protection for fear of killing totems that could result to the death of humans. Some totems are believed to safeguard the forest from natural calamities while others protect some species of plants and animals. This implies that their killing will not only lead to the death of the humans they represent but will also lead to the extinction of the species that are under their protection. This portrays the interconnectedness and interdependence between culture and nature.

According to the interviewees, chronic ailments are often caused by a failure to respect taboos. It is believed that non-respect of taboos causes the ancestors to be angry and as a result, the victims are liable to punishment in the form of disease infection except cleansing is performed. According to Kwame (1996), in most societies in sub-Saharan Africa, ancestors are believed to be residing in the spirit world from where they frequently communicate with the world of humans. They are believed to guide, help and confer honour on their descendants. Some Africans often worship their ancestors in order to ensure favourable treatment from them. The ancestors are believed to be interested in their descendant's welfare and willing to

give them favourable treatment. They are believed to be the custodian of tradition and “have the power to punish their earthly kinsmen who break the traditionally sanctioned code or fail to fulfil their moral obligations to their relatives, while rewarding those who conform their lives to traditional code” (Kwame, 1996; p. 168). However, in Korup, the respect of taboos is disappearing because of immigrants who rarely respect traditional values, rapidly changing economic situation couple with increasing demand for bushmeat and the youths who often consume taboo animals and experience no ailment. The beliefs associated with totems and taboos contributed to the sustainability of biodiversity and this could be useful for conservation of the KNP, if the traditional knowledge is utilized for the purpose of conservation in accordance with Article 8 (j) of the CBD. Therefore, these traditional cultural practices which contributed to forest biodiversity conservation should form a solid base for the KNP management authority to collaborate with the Korup local communities to participate in managing the park.

7.9.4 Customary Law and Local Bylaw

Interview results reveal as deduced from the above sections that customary laws as defined in section 4.5.4 exist in the sample villages. Some customs have from long usage obtained the force of law and are now customary laws in the sample villages. Customary law is administered by the traditional institutions and it is not written but orally transmitted from generation to generation by the Korup local communities. This unwritten law is important for the protection of the Korup forest heritage and could contribute in enhancing Korup conservation policy implementation and also Cameroon’s fulfilment of its biodiversity obligations under international environmental agreements. Caleb (2008, p. 23) affirms that “local customary law constitutes an important link needed for implementation of international environmental law.” He opined that traditional societies in small Polynesian Islands have customary laws rooted in cultural beliefs practices which relate to natural resource management and these laws have contributed to the survival of many vulnerable species. As mentioned above, customary laws exist in villages in and around the KNP that could contribute to the protection of the park. For instance, customarily, non-village inhabitants are not supposed to exploit resources in the Korup village territories

without obtaining permission from the chief and the village council. To buttress the validity of this customary rule, interview results reveal that the villagers often report hunting or other forest exploitation activities of non-village inhabitants to the village law enforcement institutions and the culprits are often prosecuted in the traditional court and sanctioned in accordance with the customary law when found guilty as will be seen below. It is a common practice in the sample villages that the exploitation of resources in the perceived village territory by outsiders is punishable in accordance with the customary law. Another example is that it is now a customary rule in the Korup villages that nobody is allowed to poison rivers with chemicals such as Gammalin 40 for the purpose of fishing (Eyong, 2010). But as Eyong (2010) asserts, because customary norms are unwritten, newcomers into the Korup villages or non-natives do not usually adhere to the norms. The author points out that in the Korup village of Esukutan, only newcomers were involved in all reported cases of violating the customary rule of no use of chemicals for fishing in 2006. There is a need to document customary law relevant for biodiversity conservation to ensure effective protection of the KNP.

In addition to customary law, the village traditional institutions for law enforcement often pass local bylaws⁶⁴ even though these institutions are not legally empowered under Decree No. 77/249 of 15 July 1977 ascribing a structure to traditional chiefdoms or any other statute to pass such laws. The local bylaws passed by the traditional law enforcement institutions most often reiterate the customary law. For instance, the Traditional Council of the Ikenge village passed a local bylaw banning non-native hunters from their perceived customary portion of the Korup forest and the Ekpe Society with its masquerade is in charge of enforcing the ban. Another

⁶⁴ The Black's Law Dictionary defines bylaws as regulations, ordinances or rules adopted by an association or corporation for its government. It is further explained that the term is sometimes used to refer to the municipal statutes of a city or town even though the term ordinance is commonly used. The Korup village traditional councils in cooperation with other village law enforcement institutions often adopt rules to govern the conduct of the village inhabitants. These rules adopted at the village level are just like bylaws that are often passed by cities or towns. Since these rules are not exactly what is known as bylaws but are adopted at the local level just like bylaws, the phrase "local byelaw" is used in this dissertation to refer to rules adopted by the Korup village traditional councils in cooperation with other village law enforcement institutions to govern the conduct of the village inhabitants.

example is that during the Ndian Chiefs' Conference in Ekondo-Titi in 1994, the traditional rulers banned the use of chemicals for fishing in Korup (Tamajong and Balinga, 1996) and the village law enforcement institutions are in charge of enforcing the ban. As found out during field research, even though the village traditional institutions often pass local byelaws, these laws are not documented just like customary law. While efforts are still being made to compile customary law in written form in Cameroon (Fombad, 2007), in African countries such as Namibia, there is a certain degree of documentation of customary law (Hinz, 2011). The codified customary laws according to Hinz and Ruppel (2008) are known as the self-stated laws of the traditional communities. Self-stated customary law is defined as customary law as ascertained by the communities themselves in written form. Section 3 (3) (c) of the Namibian Traditional Authorities Act, empowers the traditional authorities to pass such laws. Most of the self-stated laws contain rules that contribute to the conservation of the country's biodiversity. For instance, the self-stated laws of the local communities of Oukwanyama, Ondonga, Uukwambi, Sambyu and Masubiya provide for the protection of trees especially fruit trees, water, wildlife, fisheries resources and prohibition of wild fire. It is an offence to violate these self-stated laws (Hinz and Ruppel, 2008; Hinz, 2011). This documentation initiative of Namibia is worth emulating by Cameroon.

As pointed out by the interviewees, the customary law and the local bylaws of each village are binding on its inhabitants and there are sanctions in place for violation as shown below. The village traditional councils which serve as the traditional courts in villages cooperate with the Ekpe societies in administering justice. The chief of each village often serve as the presiding officer. The courts often settle disputes such as those pertaining to ownership, misuse or illegal exploitation of the natural resources. People found guilty are often sanctioned and fines could be paid in cash or kind. Payment in kind is usually in the form of livestock such as pigs, goats and sheep. The sanctions are usually enforced by the Ekpe society as discussed above. In addition to avoiding the intervention of the Ekpe society to compel compliance through its masquerade, people found guilty by the traditional court often comply with the court's sanctions partly because other compliance mechanisms such as shaming of the culprit, ostracism and fear of ancestral retribution for misconduct exist in the

villages. Tumnde (2001, p. 354) also highlights the issue of ancestral retribution in the Mount Cameroon area. The author reiterates that decisions taken by traditional courts were binding because it was believed that “the wrath of the ancestors awaits recalcitrant defaulters.” An example of a case handled by the traditional court is that involving a Nigerian. As reported by Eyong (2010), in the Esukutan village in 2000, a Nigerian called Okoro who was living in the village poisoned a river with a chemical for the purpose of fishing. After thorough investigation by the law enforcement institutions, he was prosecuted and found guilty. Okoro was fined 22,985.46 CFA Francs (€35), 12 bottles of locally brewed wine *Afofo* and was banished from the village. The severity of the sanction was probably to deter would be offenders from committing such as a crime (Eyong, 2010).

Even though the courts are supposed to try only disputes pertaining to local tradition, it was discovered during field research that criminal matters reserved for modern law courts are tried by these courts. The reasons according to interviewees are because people trust the traditional justice system, awareness of local customs, hearings conducted in the indigenous language, simple nature of traditional court procedure, fast nature of prosecution process and the low cost. Moreover, justice administered through modern courts is not brought closer to the inhabitants in and around KNP. The authority of traditional institutions is felt in the Korup villages and other rural areas in Cameroon more than that of state institutions. As interviewees opined, because of no roads, they need to trek for days in order to report matters to the gendarmerie brigade or the Court of First Instance whose seat is at Mundemba the sub-divisional headquarters. They admitted that poverty, illiteracy and judicial delays render the modern court inaccessible to them. Since the traditional institutions of law enforcement contribute in protecting the KNP, these institutions should be legally empowered to contribute in enforcing modern law, enact and enforce local bylaws reflecting their customary practice that contribute to the forest heritage protection.

7.9.5 Cultivation Habits and Control of Non-Native Exploiters

It was observed that the Korup people usually plant fruit bearing trees such as coconut, avocado pear, mango, orange and plum trees in their farms and around their villages (Figure 7.9).



Figure 7. 9 View of Erat and Fabe villages

Source: Author's Collection

Interview results reveal that in some sample villages of Korup, customary rules prohibit the cutting down of medicinal and fruit bearing trees. Röschenthaler (2000) affirms that traditionally, there was a rule in some Korup villages that Njasanga, Mango and other important trees should not be cut down. It was also made known that the way the Korup inhabitants harvest Non-Timber Forest Products (NTFPs) does not cause damage to the plants. It was observed that the sizes of the farms are small and this according to interviewees is because the people cultivate primarily for subsistence purposes since there is little or no access to the market. However, the people still practice slash and burn agriculture which leads to forest degradation and loss of biodiversity. Interview results disclose that the villagers are aware of the boundaries of their perceived customary land and the traditional authorities did not allow outsiders to exploit their forest resources without obtaining permit from the traditional authority. The forest was often monitored and the activities of non-native

exploiters were reported to the village traditional authorities. The permits were often withdrawn in case of wanton exploitation of the resources. The attitude of dishing out permit to strangers was due to recognition of the fact that resources are exhaustible and when harvested senselessly, these resources may not be available any longer. One can therefore deduce from this section that the local communities have some resources management potentials worth harnessing by the KNP management authority for managing the park.

7.10 Sources of Information on Local Customs

Since local custom⁶⁵ plays a significant role in regulating behaviour especially in rural communities and following the study objective of identifying and elucidating Korup peoples' traditional system of natural resource management compatible with biodiversity conservation, the study sought to find out peoples' sources of awareness of this control mechanism. The question which was asked is as follows: *What is your main source of information on your local custom?* The results obtained are represented in the following figure.

From Figure 7.8, it can be seen that 91.25% of the respondents within the KNP and 62.85% from the peripheral zone receive information concerning local customs from their village chief as well as village traditional council. 21.4% of the respondents from the peripheral zone villages answered in favour of the KNP staff. Following informal discussion with some respondents, they opined that it was when the Korup Project was still ongoing that the project's staff tried to encourage traditional control mechanisms in the peripheral zone villages. Only 6.25% of the respondents from the park villages said their source is the park staff and the reason is likely that the Korup Project orientation activities concentrated on the peripheral villages since park villages were to be resettled. Less than 8% of the respondents said that their sources of information on local custom are radio, television, newspapers and books. In course of an informal discussion with some of the respondents, it was discovered that these respondents were mostly students and some public servants who have

⁶⁵ In page 443 of the Black's Law Dictionary, 9th ed., local custom is defined as a "custom that prevails in some defined locality only, such as a city or country, and constitutes a source of law for that place only."

these facilities and gather such information through cultural programmes broadcasted over the media. They buy newspapers from towns such as Ekondo Titi or Kumba, since there is no print media in this area. Just like in Figure 7.5 above where no respondent receive information on modern laws from the internet, none of the respondents obtain information on local customs from the internet because there is no internet access in the area.

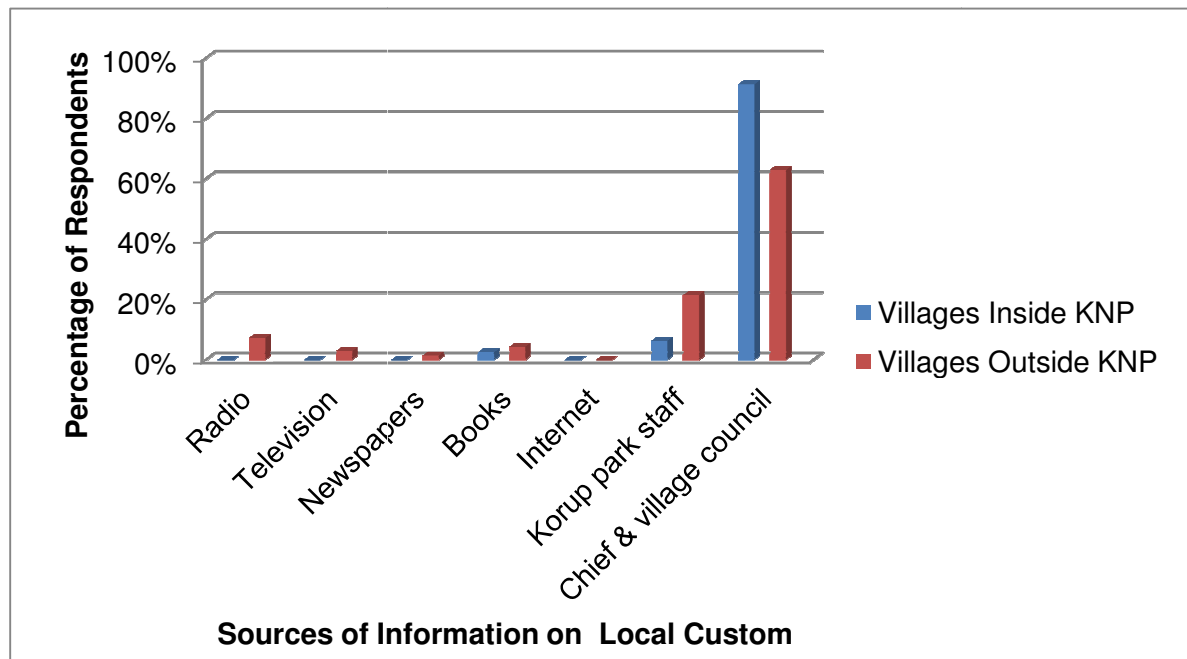


Figure 7. 10 Respondent’s source of information on local custom

The fact that a significant number of respondents answered in favour of the village chief and traditional council shows that traditional institutions are instrumental in grass roots administration and customary and local bylaws are easily disseminated. Since Cameroonians especially rural people have limited knowledge of formal written laws in their daily lives, they largely adhere to customary laws. Chiefs often rule according to customary laws that relate to issues pertinent in peoples’ lives and in a local language or Pidgin English that they understand (Egute and Albrecht, 2011). Joko (2006) affirms that most people in rural areas are aware of local custom as well as the process of bylaw making in their tribes and are bound to adhere to these norms. This local administrative instrument which can contribute greatly to forest biodiversity conservation is worth integrating into the management strategy of the

KNP. In addition, as shown in Figure 7.5, given that a significant number of respondents i.e. 25% inside the park and 15.71% outside the park receive information on modern laws from their village chiefs and traditional councils, it can be asserted that these institutions can also contribute greatly in raising awareness on modern laws and therefore there is a need to encourage the institutions to play this role.

7.11 Assessing Legal Recognition of Traditional Institutions and Practices

To realise the study objective of elucidating the extent to which the modern law protects Korup traditional system of natural resource management, it was essential to assess the degree of legal recognition of traditional institutions, norms and practices. As earlier mentioned, before colonialism, natural resources including the forest were managed through traditional institutions headed by chiefs (Figure 7.11). When the colonial masters came, the British in particular recognised the importance of traditional institutions and adapted the institutions for the purpose of effective implementation of colonial policies. They were convinced that an effective administration could only be carried out with active cooperation of traditional rulers. The colonial governor received instructions from his home government and delegated his authority to the district officer who was in direct contact with traditional rulers. They administered their own part of Cameroon in collaboration with the Native Authorities. Each Native Authority was responsible for the smooth-functioning of the administrative machinery in its area of jurisdiction. Even though the French practiced the system of direct rule, they later realised the importance of traditional rulers, changed their policy and granted chiefs some degree of authority. The British created a House of Chiefs in 1957 in order to allow the chiefs to participate in policy making.

According to Ngoh (1996), indirect rule had advantages for both the colonised and the British colonial authorities. Firstly, it was financially less expensive for the traditional rulers to carry out the day-to-day administration in their area of jurisdiction than for European officials. Secondly, the colonial administrators accepted the traditional institutions as a basis of colonial administration. Thirdly, the chiefs who were agents of the British administration added some respect to their positions as

traditional rulers. Lastly, indirect rule facilitated the collection of taxes without confrontation between the natives and the colonial authorities. Cheka, (2008, p. 76) admits that “citizen in Cameroon out of fear of one case or willingness in the other, subject himself to two types of order: modern and traditional.” Cameroonians are bound by modern law as well as local customary law. His study shows that the authority of traditional rulers is significantly felt in their chiefdoms and beyond.



Figure 7. 11 Traditional rulers of Southwest (left) and Northwest (right) regions of Cameroon

Source: Ngoh, 2008; SPM, 2008

During the early days of independence, the House of Chiefs created by the British still existed and chiefs served as a check on the activities of the government, played an advisory role and supported no political party (Nkwi, 1979). As deduced from the provisions of statutory law, after the first decade of independence, the postcolonial administration made up of elites embarked on reducing the powers of traditional rulers. While the colonial administration sought to work in collaboration with traditional rulers, the postcolonial administration through statutory provisions reversed the status quo (Nantang, 1995). Article 38 of the 1961 Federal Constitution of the Republic of Cameroon provided for a House of Chiefs. Even though the House of Chiefs was not endowed with legislative powers, Article 40 of the 1972

Constitution abolished this institution. Through forums of traditional rulers such as the Ndian Chiefs' Conference in Ekondo-Titi mentioned in section 7.9.4, the traditional rulers banned the use of chemicals for fishing in Korup and called upon the village law enforcement institutions to ensure compliance with the banned. This was a positive contribution by the traditional rulers towards the implementation of modern law, given that modern law strives to protect Korup forest heritage resources.

With the potentials to contribute in protecting the KNP and given that the Ministry of Forestry and Wildlife lacks adequate financial and human resources to ensure effective protection of the KNP and other protected areas as discussed in section 6.3.1, the government would have made use of the traditional rulers just like the colonial masters and of recent, African countries such as Ghana and Namibia. The House of Chiefs exist in many African countries (see section 3.8.6) given the importance of the chieftaincy institutions in traditional administration. For instance, the National House of Chiefs of Ghana established in 1971 is charged with the responsibility of advising the Ghanaian authority under the country's constitution on matters relating to chieftaincy and the customary law. The House of Chiefs also contribute in protecting the country's forest heritage. Through the institution, NGOs such as Conservation International have collaborated with the traditional authorities to ensure their increasing involvement in the enforcement of conservation laws. Through the Houses of Chiefs, traditional conservation norms as well as sanctions have been reinstated in some villages. For instance, some traditional authorities have banned the hunting of totem animals in their area of jurisdiction and put in place sanctions for violation (Donovan, 2004). Cameroon ought to emulate the example of Ghana by reinstating the House of Chiefs (see section 3.8.6).

Furthermore, Decree No. 77/249 of 15 July 1977 ascribing a structure to traditional chiefdoms in Cameroon which according to Nkwi (1979) is a verbatim inherited French colonial legislation (Order No. 224 of 4 February 1933 defining the status of indigenous chiefs) recognises the chieftaincy institution and defines the role of chiefs within the state. Article 20 of the Decree provides that recognised chiefs are to serve as auxiliaries of the central government and are answerable to divisional as well as

sub-divisional officers who often use their administrative authority to sanction them when they act contrary to government directives. For instance, in a conflict between the Senior Divisional Officer of Bui Division and the chief of Nso' who supported his subjects in their unanimous decision not to pay water bills to a state own company that unjustly took over their pipe-borne water supply, the Senior Divisional Officer signed Prefectorial Order No. E26/78/RPB/RS/89 of 1 June 1989 prohibiting the chief from entering his office and that any violation will lead to severe sanctions (Fisiy, 1995; Nantang, 1995). Following the statutory law, chiefs are supposed to serve as intermediaries between the central administration and their subjects, help administrative authorities in the execution of government policies. By designating them as mere auxiliaries, their role in ensuring checks and balances as well as accountability by government agents was not only revoked but the institution was weakened as their pre-colonial autonomy was never restored and the privilege enjoyed during the colonial period was diminished.

To consolidate the grip of the post-colonial administration on traditional rulers, when a chief is enthroned following customary procedure, he must be presented to the central government for official recognition. Article 4 of Decree No. 77/245 of 15 July 1977 set up a classification system in which chiefs are classified into the first, second and third class. Classification is done according to the surface area and population that is under the jurisdiction of each chief. A large surface area with a high population is a prerequisite for a higher category. Interview results reveal that all the chiefs of the Korup area are third class chiefs except the chief of Mundemba who is a second class chief. By designing a classification system and placing the chiefs into different categories, the government weakened the institutions because some chiefs now regard themselves as more important and powerful than the others thereby fomenting conflicts between them. With conflicts among chiefs, it is always difficult for them to unanimously react against bad governance. Conflicts between traditional rulers serve as a means for the government to apply a divide-and-rule method which often contributes in maintaining it in power. Chiefs of the third class are not entitled to annual allowance (Art. 22 of Decree No. 77/245 of 15 July 1977) from the government like those of the second and first class. The allowance serves as incentive for traditional rulers to carry out their functions as required by the

government. Conversely, the central government often suspend their annual allowance as a way of sanction when they fail to carry out their functions as required.

Insofar as customary law is concerned, it is constitutionally recognised as stated in section 4.5.4 given that Article 68 of the 1996 Constitution provides for the continuous application of the statutes of the Federated State of Cameroon with customary law statutes as an integral part of the statutes (see section 4.5.4). Furthermore, customary law is given recognition in Decree No. 77/249 of 15 July 1977 ascribing a structure to traditional chiefdoms. Article 21 of the Decree provides that in case of lack of statutory provisions, the chiefs could settle disputes between their subjects in accordance with customary law. This is a clear recognition of customary law even though the phrase “in case of failing statutory provisions” limits its application. Even though its application is limited, the decree serves as a bridge between customary law and statutory law. In addition, legal recognition of customary law in Anglophone Cameroon where the KNP is located is provided in section 27 (1) of the Southern Cameroon High Court Law of 1955. Section 27 (1) of this piece of legislation provides that the court shall apply customary law “insofar as it is not repugnant to natural justice, equity and good conscience, nor incompatible either directly or by natural implication with any written law for the time being in force.” Section 27 (2) provides that such laws and customs shall be applicable in matters where the parties concerned are natives and also matters between natives and non-natives where it may appear to the court that substantial injustice would be done to either party by a strict adherence to the statutory law. The validity of customary law in Cameroon is ensured by Article 1 of Law No. 79/4 of 29 June 1979 on Customary and Alkali Courts which provides that the courts are supposed to apply only the customs of the parties which are not contrary to the law and public policy. So as stated in section 4.5.4, the rule of customary law is considered valid only when it passes the repugnancy test, not incompatible with statutory law, must be precise and conforms to public order. When a conflict arises between any written law and customary law, the former prevails (Anyangwe, 1987).

Concerning customary courts, customary law is administered at first instance by legally recognised customary courts operating at the sub-divisional level. The

territorial competence of customary courts is the sub-division. So the seat of each customary court is the headquarters of each sub-division. A fundamental difference between customary courts in Anglophone and Francophone Cameroon is that in Francophone Cameroon, customary courts deal with numerous civil matters such as recovery of civil and commercial debts and other contractual claims (Fombad, 2007), career magistrates are allowed to handle matters and lawyers are allowed to appear in the courts (Article 43 para I of Decree of 1969). The presence of the magistrates and lawyers in the customary courts in Francophone Cameroon is rampant in such a way that the courts largely apply modern law instead of customary law. Because of this, it is increasingly becoming difficult to distinguish between customary courts and the modern courts in Francophone Cameroon (Timtchueng, 2005; Fombad, 2007). But in Anglophone Cameroon, customary law courts deal with civil matters mostly relating to customary marriage and only traditional authorities versed in customary law handle matters in the customary courts.⁶⁶ The similarity in both Anglophone and Francophone Cameroon is that since the customary courts operate at the sub-divisional level just like the court of first instance, they play little or no role in protecting Cameroon's forest heritage.

Contrary to the state recognised customary courts, at the village level, the village traditional councils serve as traditional courts and contribute to Cameroon's forest heritage protection. In the villages of Korup as discussed in section 7.8.2, traditional councils serve as traditional courts even though these institutions are not legally empowered to perform such functions (Ebi, 2008; Feh, 2009). While the state recognised customary courts address civil matters not reserved for the modern law courts and have no jurisdiction to address criminal matters (Mandeng, 1997), the traditional courts hear and determine all kind of matters whether civil or criminal (Ebi, 2008; Feh, 2009; GCI, 2011). As mentioned above, the village traditional councils which serve as traditional courts are not legally recognised. Article 55 of the 1996 Constitution provides for decentralisation where the local government authorities are

⁶⁶ In an interview with leading legal experts at the TA Abie and Associates Law Firm Bamenda, Barrister Kelvin Awananyah Egute and Barrister Theophil Amana Abie, they emphasized that customary courts in Anglophone Cameroon try mostly matters relating to customary marriage and career magistrates and lawyers are not allowed to appear in the courts.

going to be regions and councils. The constitution and decree on decentralisation are silent on the status of traditional authorities within the decentralisation process. Chapter 1-3 of Law No. 2004/017 of 22 July 2004 on the Orientation of Decentralisation provides that decentralized local entities of Cameroon that shall be entitled to devolution of power are made of 10 regions and 339 councils. The three types of local government councils provided in the law include city, sub-divisional urban and urban or rural councils. Rural councils refer to councils whose jurisdiction is an entire sub-division. Article 4 (1) of 2004 Law on Decentralisation provides that councils are in charge of promoting economic, social, cultural, health, educational and sports development. The village traditional councils which deliver some of the above basic services and settle disputes as discussed in section 7.9.4 thereby contributing in protecting the Korup forest should be legally recognised as part of the local government institutions.

Even though the traditional institutions contribute in dispute settlement, Eyong (2010) reports that their sanctions include corporal punishment as people found guilty in traditional courts are often thrashed. In order for the traditional courts to function properly, their authority should be clearly established and legally recognised. The traditional courts should be regarded as courts of law at the village level that deal with very minor and simple offences. The courts should be guided to administer justice in accordance with customary law that is consistent with statutory law. The courts should be given orientation that more serious offences are supposed to be dealt with by the magistrate or higher courts. Above all, they should be monitored and cautioned that corporal punishment is unconstitutional and illegal.

Concerning land matters, the role of traditional rulers as regards land was already in existence before colonialism. As stated in section 6.2.1 above, even though property relations were governed primarily by customary law, the statutory land law does not recognise customary land tenure systems. However, the customary land tenure system prevails despite the existence of statutory laws and traditional rulers still act as custodian of the land within their area of jurisdiction. Being the custodian of land, in case of land dispute between his subjects, a chief is expected to settle the dispute in accordance with customary law. If the traditional authority is unable to arrive at a

solution, the case can be sent to the Land Consultative Board and if it is unable to resolve the dispute, the case can be referred to the Court of First Instance. Traditional rulers are members of the Land Consultative Board which was created by Decree No. 76/165 of 27 April 1976 to establish the conditions for obtaining land certificates and determining the procedure for registering land. Article 15 provides that the recommendations of the Land Consultation Board are adopted by a simple majority and the decisions are considered valid if the traditional ruler or his representative is present. Any matter that is taken to the court that concerns land certificate is supposed to be first of all referred to the Land Consultative Board for examination. The presence of the traditional ruler in the Land Consultative Board deliberation is important because he is in principle considered the natural custodian of land and so it is assumed that better decisions could be arrived at with his assistance. The recognition of the role of the traditional rulers in land matters is a laudable effort by the government to facilitate the resolution of land disputes.

Concerning the use and management of forest resources by traditional authorities through the traditional management system, the main legal instrument for the conservation and management of forest heritage resources i.e. the 1994 Law recognises forest resource traditional user rights to a lesser extent as revealed in chapter six but fails to recognise the traditional system of natural resource management. Unlike in Namibia where Section 3(2)(c) of the Traditional Authorities Act spells out the environmental responsibilities of traditional authorities which include ecosystem protection (Hinz, 2011), Cameroon's Decree No. 77/249 of 15 July 1977 ascribing a structure to traditional chiefdoms does not provide for the protection of the forest heritage by traditional rulers. This for instance, prevents traditional rulers from participating in protecting the Korup forest resources through the traditional system of natural resource management as discussed above. By paying very little attention to the rights of local communities to use and manage forest resources through their traditional management system, government action is not in full compliance with Art. 8 (J) and 10 (c) of CBD (ILM 31 (1992), 818) which require state parties to the convention to develop national legislation that protects and encourage traditional knowledge, customary use and conservation of biological resources in accordance with traditional cultural practices. Following the above

analysis, one can deduce that traditional institutions and practices are not adequately recognised. The management of the Korup forest heritage can best be addressed through local communities involvement and a better means of involving the local communities is by recognising adequately their traditional institutions and system of forest resource management that enhance biodiversity conservation.

7.12 Scheme of Resettling Villages Outside Korup National Park

After creating the KNP, all the six villages within the park were to be resettled as their inhabitants were seen as a threat to the park’s resources but after more than two decades, a resettlement scheme has been completed only for one village as earlier mentioned. The remaining five villages are still in the park, not knowing whether they will be resettled or not and the uncertain legal status is said to have a negative impact on the park (Schmidt-Soltau et al., 2007). Given that the legal status of the villages needs to be defined so as to put in place a good conservation strategy, it was essential to sample the opinion of the Korup inhabitants about the resettlement scheme following the study objective of finding out whether the villages inside the KNP should be resettled. The question presented to them was that:

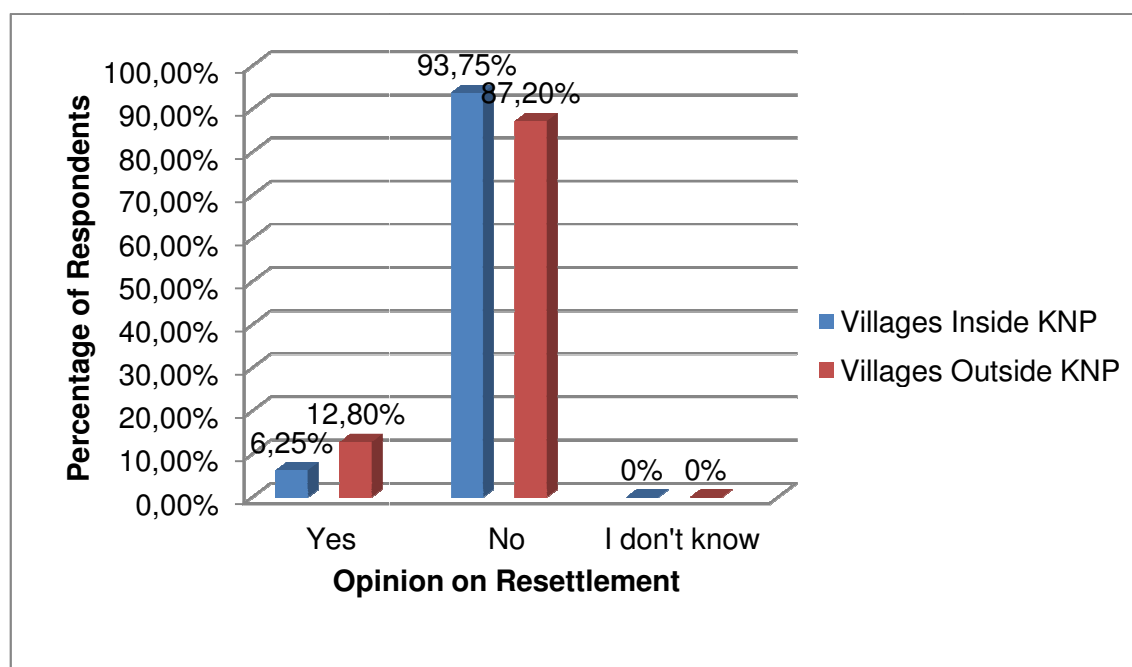


Figure 7. 12 Respondents’ opinion on resettling villages outside KNP

Should the villages within the Korup National Park be resettled outside the park? The respondents were required to choose between *yes, no and I don't know and give reasons to justify their response*. As can be seen in Figure 7.12, 93.75% of the respondents from park villages as compared to 87.75% from the peripheral villages said that villages should not be resettled outside the KNP. 6.25% of respondents from park villages and 12.80% outside the park were in favour of resettlement. No respondent chose "I don't know" option probably because this was a sensitive issue that all the inhabitants of the Korup area are aware of it. The reasons given by respondents within the park who answered in disfavour of resettlement were as follows: The forestland as well as its resources belongs to them and from time immemorial, they have been using and managing the forest well. Furthermore, they claimed that it is their ancestral land and they are supposed to be involved in any decision making process concerning the forest. Some stated that the way in which they were informed about the resettlement decision was undesirable and provocative. They were not informed about the resettlement site and also the procedure. They were not given the chance to choose a new site, decide on the type of houses to construct for them, no consultation on the kind of income generating activities etc. They further claimed that the people of Ikondo Kondo who accepted resettlement are now regretting because of false promises that were made with respect to the provision of infrastructure. They rejected resettlement stressing that they cannot abandon their ancestral land for a different location because their ancestors are buried on the land, they were born there and the powers of their deities as well as shrines reside in the villages. The respondents from the peripheral zones gave similar reasons like those enumerated above and added that there is no free land in the peripheral zone to resettle them on it. They cited the example of Ikondo Kondo which was resettled and the village now lacks adequate land for farming, hunting and gathering activities.

The respondents from the park who answered in favour of resettlement said that the park guards do not allow them to carry out farming, hunting, and gathering. In addition, the restriction of access to forest resources is unbearable. Their reasons largely had to do with concerns about the loss of livelihood source. Some respondents from outside the park who answered in favour of resettlement were of

the opinion that the best way to protect the park properly is to resettle people out of it. According to them, people cannot be living in the park without exploiting the park's resources. Their reasons were conservation oriented probably because of the orientation they received during the Korup Project.

From the results, it can be deduced that the implication of the resettlement decision was not highly taken into consideration before embarking on relocation. The resettlement scheme was doomed to fail as only a single village has been resettled until date. The management approach with resettlement of villages out of the park as an integral part of it was very expensive. Between 1988 and 2000, the Korup Project spent up to 20 million Euros i.e. 1,3 million Euros a year in the KNP and this is the highest conservation budget per square kilometre of forest in the whole of west and central Africa (Schmidt-Soltau, 2004; Cernea et al., 2006 in Eyong, 2010). Despite the enormous amount of money spent between 1998 and 2000, the project succeeded in resettling only one village and there was no more money to continue with the resettlement scheme (Eyong, 2010).

The questionnaire and interview results reveal that the resettlement of Ikondo Kondo was not properly done as people were not adequately compensated and provided with the facilities that were initially promised. Interviewees from Ikondo Kondo complained that they suffer from portable water shortages during the dry season and still feel like strangers in their present settlement. According to them, some villagers still have nostalgic feelings for their former site and often return there for hunting as well as gathering activities. Furthermore, the host village i.e. Fabe (Schmidt-Soltau, 2000) does not fully accept co-habitation and are unhappy for sacrificing their land as well as forest resources to the Ikondo Kondo people without compensation. The decision to ignore them during the decision making process was against their human rights. In an interview with the park's Conservator, he acknowledged the weaknesses with respect to the resettlement scheme and revealed that the government is probably reluctant to go ahead with the resettlement plan for fear of encroachment by Nigeria. According to him, politically, the KNP shares a border with Nigeria and is just about 40 km north of the disputed Bakassi peninsula which the International Court of Justice (ICJ) on 10th October 2002 ruled in favour of

Cameroon's claim of the territory.⁶⁷ In the opinion of the park's Conservator, the fact that people are present in the park's area deters Nigerians from encroachment plans and if people are relocated out of the entire park's land, the Nigerians may in future encroach into the land. Given the obstacle to resettlement as discussed above, it can therefore be asserted that resettlement should be avoided and the local communities should be involved in managing the park.

7.13 Chapter Conclusion

From the research results in this chapter, it is evident that the Korup people utilised the traditional system for the management of the Korup forest heritage. The chapter reveals the potentials of the traditional institutions and methods of natural resource management in protecting the KNP. It presents how the traditional institutions of law enforcement play a significant role in constraining forest resource use in the KNP and how traditional practices unintentionally contribute to conservation thereby enhancing Korup conservation policy implementation and also Cameroon's fulfilment of its biodiversity obligations under international environmental agreements. The chapter reveals that the statutory law recognises traditional institutions and the traditional system of natural resource management to a lesser extent. The modern state institutions have not adequately protected biodiversity as revealed in chapter six. Given that the modern state and local traditional institutions both contribute in Korup forest resource conservation and management as revealed in chapter six and seven, the KNP requires both modern and the local management systems for its sustainability. It is based on the results presented in chapters six and seven that the conclusions and recommendations which constitute chapter eight are drawn.

⁶⁷ The full text of ICJ judgment, opinions, declarations and press releases are available at <http://www.icj.org/docket/index.php?sum=495&code=cn&p1=3&p2=3&case=94&k=74&p3=5>, Last accessed 03.04.2012.

Chapter 8 Conclusions and Recommendations

8.1 Introduction to Chapter Eight

Chapter eight presents the conclusions drawn from the research findings within the framework of the study objectives. In addition to the conclusions, it reveals future research areas and proffers recommendations based on the research findings for the government as well as the conservation community to use for effective conservation and management of the KNP in particular and other national parks of Cameroon in general.

8.2 Conclusions

The first objective of this study was to examine the extent of forest-related laws recognition of the traditional rights of local communities residing in protected areas such as the KNP. To begin with, this study reveals that the land law makes provision for landownership through application for a land certificate but it does not allow the local people residing inside national parks to apply for land certificates. This implies that no person residing inside the KNP owns a land certificate and there is no hope of owning it except the law is revised. Furthermore, this research shows that despite statutory law abolition of the customary land tenure system, this tenure system prevails in Korup and other rural areas principally because the procedure of obtaining a land certificate is cumbersome, expensive and the poor local people are not aware of it. That is probably why no inhabitant of the sample villages in the KNP peripheral zone has a land title given that the law does not restrict them from applying for land titles like the case of the people living inside the park. This situation shows that the local people living in and around the KNP are deprived of the opportunity of using land certificates to apply for bank loans. With no opportunity to obtain loans, alternative income generating activities which could contribute in diverting people's attention from the park's resources cannot be established.

Furthermore, this study finds that the law recognises the rights of local communities over forest resources but limits the rights to usufruct rights which can be exercised in state forests except national parks. Even though the granting of usufruct rights is in

compliance with especially Article 10 (c) of the CBD, the local population residing in the KNP cannot benefit from the rights. Another point is that the local communities in and around production forests are granted 10% of revenue generated from the sale of timber for community development but those living in and around national parks like Korup cannot benefit from such direct payments because timber exploitation cannot be exercised inside national parks. In addition, the law makes provision for the local communities to apply for community forest and Community Hunting Grounds but renders local communities in protected areas like Korup handicap to apply because such forest titles can only be exercised outside protected areas. Besides, exploitation of resources in national parks is forbidden and even though user rights of protected areas inhabitants depend mainly on the provisions of an officially approved management plan; that of Korup does not grant these rights. This makes the Korup local communities *persona non grata* within the park. This could be seen as discrimination against the Korup inhabitants given that they cannot benefit from the opportunities granted to the local population residing outside national parks.

This is in violation of Cameroon's constitution whose paragraph 3 of the preamble requires the state to harness natural resources to ensure the well-being of every citizen without discrimination. Moreover, even though the local communities outside protected areas can apply for community forest titles, these communities are unable to do so due to the very tough, expensive and cumbersome nature of the application requirements. Since local communities cannot apply for community forest, it cannot be claimed that Cameroon's community forest notion fully protects and encourages customary management and use of biological resources in accordance with traditional cultural practices as required by Article 10 (c) of CBD. The study also reveals that the law does not recognise traditional rulers as legal entities for the devolution of forest management responsibilities like the case of African countries such as Namibia thereby preventing them from contributing to forest heritage conservation through application of the local traditional system of natural resource management.

Even though the law is not in favour of protected areas populations, it is revealed that by incorporating the traditional rights of local communities to use forest

resources in national laws, government action is however partly in compliance with Art. 8 (J) and 10 (c) of CBD which require state parties to the convention to develop national legislation that protects and encourage customary use and conservation of biological resources in accordance with traditional cultural practices. Still concerning local communities' rights, the work reveals in section 6.2.2 that the villages located within the KNP and the peripheral zones do not benefit from revenue generated by the park through tourism due to no benefit sharing mechanism put in place and the low amount of money generated. It can be asserted that since the local inhabitants do not benefit from the park, there is no incentive for them to participate in protecting the park. However, as mentioned in section 6.3, if a benefit sharing mechanism is established, the KNP local communities could in accordance with Article 15 of the CBD incorporated in the 1996 Law Relating to Environmental Management and Article 8 (j) of the CBD whose implementing legislation is still to be developed, derive benefit that will subsequently accrue from the park through bioprospecting and traditional knowledge given that the park is a hot spot for genetic resources.

Concerning the objective of assessing the degree of effectiveness of the 1994 Law application in Korup, this research reveals that the Park Protection and Surveillance Unit in charge of law enforcement in the park has been making an effort to be effective in protecting the park but irregular payment of salary as a result of lack of financial resources hampers its work. In addition, the limited number of game guards makes the park's protection to be ineffective. It can therefore be avowed that inadequate financial and human resources as well as logistics render the institution of law enforcement weak. Moreover, the indifference of local communities with respect to the park's protection is revealed following the cooperation of these communities to assist poachers to escape justice and reluctance to cooperate with law enforcement officers to arrest law breakers. This shows that their consideration as a key stakeholder in managing the park is inevitable. The instance where villagers from the Esukutan village informed and assisted law enforcement officers in arresting a notorious poacher on the other hand shows their willingness to cooperate in protecting the park thus justifying the need to integrate local communities in the park's management. The role of gendarmes in enforcing the law is revealed. Their role in accompanying game guards in order to arrest suspects and also in detaining

law breakers in view of prosecution is laudable. But as the study results show in section 6.2.2, an obstacle to effective law enforcement is corruption as deduced from gendarmes' release of detainees especially when they have taken bribe. The issuing of fraudulent CITES permits by government officials as highlighted in section 6.2.4 is a corrupt practice that leads to the loss of biodiversity. In addition, the inability of custom officers to identify concealed illegal fauna and flora products for export as revealed in section 6.2.4 is also seen as an obstacle to law enforcement.

The role of the legal department with respect to law enforcement is elucidated. The Mundemba Court of First Instance has prosecuted many cases from the KNP and this is important for the sustainability of the park's resources. The first major problem identified with respect to wildlife cases is that of bail abuses. This is because when a suspect is released on bail, he goes but never return for trial and the case is dismissed from the court as revealed in section 6.2.3. There is therefore the need to enable bailing to work in the interest of justice. Another crucial problem identified is that punishment of offenders is often lenient. Even though some officials gave an excuse that punishment is often lenient because of humanitarian feelings for poor local communities, others attributed the leniency to corruption. This point is corroborated by a recent study carried out by Eyebe et al. (2012), where they stress that some magistrates in Cameroon are always reluctant to dish out maximum sentence to wildlife offenders especially when they must have collected huge sums of money from them. It can therefore be asserted that the application of the 1994 Law in Korup is to a lesser extent effective and this impedes Cameroon's adequate compliance with its biodiversity conservation obligations under international environmental agreements.

In sampling local inhabitants' perspectives with respect to law enforcement, many were against the methods used by game guards in enforcing the law. Given that the respondents mostly saw the methods as coercive, this implies that the park's management authority focuses on policing mechanism in implementing the park's conservation policy. Some respondents appreciated the idea of creating KNP while others were not in favour of it primarily due to the loss of their livelihood source. The study reveals that the Korup park staff has been making an effort worth appreciating

in creating awareness on the forestry and wildlife law but that generally; there is a poor communication network as well as lack of a communication strategy to disseminate information about Cameroonian laws.

One other objective was to identify and elucidate Korup peoples' traditional system of natural resource management compatible with biodiversity conservation and the extent to which the law protects this system. This study finds that the Chieftaincy institution, Village Traditional Council and the Ekpe society are institutions in charge of law enforcement. Among others, these institutions cooperate in enforcing modern and customary laws; pass local byelaws and ensure their enforcement. The study also shows that these institutions contribute in disseminating information about local custom and could be instrumental in creating awareness on modern laws in Korup. Following the study results, it can be deduced that the authority of traditional institutions is highly felt in villages in and around the park than that of modern state institutions. The research shows that statutory law recognises the institution of chieftaincy but reduces traditional rulers to mere auxiliaries of the government thereby weakening the institution. Given the important role played by the chieftaincy and other institutions as revealed in the study, there is a need to recognise, revive strengthen and involve the institutions in the park's management strategy to ensure its sustainability.

The traditional institutions are in charge of the traditional methods of natural resource management. This study finds that cultural beliefs and traditional practices associated with totems, taboos, sacred forests, hunting and cultivation habits exist in the sample villages and contributed to the sustainability of the Korup forest heritage. Totem and taboo animals are revealed as having a greater chance of continuous survival. The common belief in totems is shown as portraying the interdependence as well as interconnectedness between culture and nature. The putting into practice of the traditional practices was often without conservation intention but ironically, this contributed to forest biodiversity conservation. In accordance with Article 8 (j) of the CBD which requires Cameroon to respect, preserve and maintain practices of local communities relevant for conservation and sustainable use of biological diversity, it can be asserted that taboos, totems as well as sacred forest could be useful

conservation instruments if the traditional knowledge is used in such a way that it can contribute in achieving conservation goals.

Furthermore, the study reveals local customs that have from long usage obtained the force of law and are now customary laws in the sample villages. In addition to customary law, the research discloses that the village traditional institutions for law enforcement often pass local bylaws even though these institutions are not legally empowered to pass such laws. The customary laws as well as local bylaws contribute to rational use of forest resources. These laws are important for the protection of the Korup forest heritage and could contribute in enhancing Korup conservation policy implementation and also Cameroon's fulfilment of its biodiversity obligations under international environmental agreements. The village traditional councils are also revealed as institutions which serve as the traditional courts but these councils and courts are not legally recognised. Regions and Councils are legally recognised as the local government institutions but the village traditional councils have no status in the decentralisation process. The study shows that statutory law recognises customary law as well as customary courts which operate at the sub-divisional level. Moreover, as the law does not recognise traditional institutions ensuring justice to take its course at the village level, the traditional system of natural resource management is not also legally recognised. There is therefore a need to reform the traditional justice system and legally recognise the traditional system of natural resource management.

Concerning the research objective of finding out whether villages inside KNP should be resettled or not, this study finds that the majority of the people in the Korup area are against resettlement of villages outside KNP. Their main concern as revealed in this work is the loss of their customary territory as well as their source of livelihood without a guarantee for adequate compensation. Their opinion following the research results stems from failure to consider them as a key stakeholder in the park's creation and management process. Considering the opinions of the respondents and given that the resettlement scheme is very expensive for Cameroon to implement, one can assert that participatory management is a better option to resettling villages outside KNP.

8.3 Recommendations

Based on the findings of this study, the following recommendations if utilised, will contribute to efficient and effective conservation and management of the KNP in particular and other national parks in Cameroon in general.

8.3.1 Adequate Recognition of Local Communities' Rights in Forest-related Laws

The research results reveal that local communities are confined in the KNP making them *persona non grata* within the park. With no benefit from revenue generated through tourism, no compensation for loss of customary forestland, no opportunity to own land, limited or no access to the park's resources, the people cannot engage themselves in meaningful development activities or plan for their future. The government should ensure adequate recognition of the rights of the Korup and other protected areas local population in forest related laws. A benefit sharing mechanism between the park's management and the villages in and around the park should be put in place. The sharing of benefits generated from the park's resources should be done in a fair and equitable way. The financial benefit which will serve as compensation for loss of their source of livelihood will be used for village development projects and this will be an incentive for the Korup inhabitants to participate in protecting the park. The government should adequately reconstruct the Mundemba road and the KNP management authority should regularly ensure the maintenance of the park's facilities in order to boost ecotourism.

Furthermore, land is one of the most precious assets for the Korup inhabitants as well as other rural people in Cameroon because they exploit it to earn a living. The customary land tenure system should be legally recognised. The colonial law of 17 June 1959 governing the organisation of state property and land ownership and the 1927 Land and Native Rights Ordinance recognised to a larger extent customary land tenure system. But as Njoh (1999, p. 117) notes, the "post-colonial land laws in the country are bolder and less tolerant of customary systems than the colonial ones they replaced." The government should ensure the recognition of customary land ownership in state law and the conditions for applying for land certificate should be simplified. Land certificates will facilitate access to credit which will enable the people

to establish alternative income generating activities that could divert their attention from forest resources. Moreover, it is imperative to reinstate the authority of traditional institutions over customary land where customary law will be applicable like in the case of Ghana where customary law is used in managing lands in rural areas (Ubink and Quan, 2008). In addition to demarcating enclaves (see section 8.2.7) for villages inside the park and recognising the authority of traditional rulers over them, their authority should be to some extent recognised over state lands as they then become the viable watchdogs over KNP and protected areas such as Boumba Bek and Nki National parks (where the traditional lands of Baka indigenous people overlap) on behalf of the state.

8.3.2 Capacity Building and Adequate Coordination among Law Enforcement Institutions

The government should ensure capacity building and adequate coordination among the law enforcement institutions. The study reveals that there is limited coordination among the state's law enforcement institutions. This is shown in the case of the Park Protection and Surveillance Unit and the National Gendarmerie Brigade Mundemba where the game guards accused the gendarmes of concealing exhibits as well as releasing wildlife offenders from detention in exchange for bribe. The consequence of this situation is distrust of the gendarmes by the personnel of the Park Protection and Surveillance Unit. Such a situation is counterproductive. The customs should be adequately involved in enforcing the 1994 Law. Experienced illegal traders in specimens of wildlife such as ivory tend to be aware of loopholes in government illegal trade control systems and have devised means of operating successfully. The law enforcement officials should be given adequate training to improve their law enforcement skills. Training workshops should be organised regularly for law enforcement officials in order to improve upon their investigation skills, legal procedures and smuggling detection methods. The government should furnish environmental protection institutions with adequate financial and human resources as well as logistics. It should also negotiate a legal agreement with Nigeria which aims at trans-boundary cooperation in protecting the Korup National Park and the Cross River National Park, Nigeria.

8.3.3 Respect Flagrante Delicto Proceedings

It is undesirable when offenders arrested red-handed in possession of protected animal species are admitted on bail by the State Counsel. The problem created by such release is that when they are freed, the people do not only escape justice but they continue with their poaching activities while judgment is still pending. It is desirable for the legal department to embark on *flagrante delicto* proceedings to prevent offenders from escaping justice. This implies that when suspects are referred to the State Counsel, they should be detained temporally and the prosecution process should begin without delay. With *flagrante delicto* proceedings, it will be difficult for Korup wildlife offenders to escape justice.

8.3.4 Combat Corruption within Law Enforcement Institutions

From the study results, it can be asserted that corruption is a serious obstacle to effective law enforcement. According to an eminent Cameroonian lawyer i.e. Nico Halle in Ndifiembeu (2006, p.10) "No matter how good the laws are, if those implementing them are not honest, fair, equitable and patriotic, such laws will represent nothing." As revealed above, corruption is one of the main obstacles to effective enforcement of the 1994 Law. This study shows how it is manifested by personnel in charge of law enforcement. The government should fight against corruption within the law enforcement institutions and the civil society should be involved. NGOs can play a meaningful role in fighting against corruption and ensuring enforcement and compliance with environmental laws. The Last Great Ape Organisation (LAGA) is an example of an NGO in Cameroon whose aim is to assist the government in enforcing the 1994 Law. It participates in fighting against corruption within wildlife law enforcement personnel, sensitisation, investigations and arrest of wildlife offenders (LAGA, 2011). With the eradication of corruption in the law enforcement institutions, there will be effective enforcement of the 1994 Law and this will contribute to effective protection of the KNP.

8.3.5 Involve Media in Law Enforcement Process and Ensure Access to it

Deterrence in wildlife crime in Korup and other national parks can be created by involving the media in environmental law enforcement operation in the country. The deterrent concept through the media should be integrated into environmental law enforcement strategy. It deters for instance potential wildlife law violators by combining prosecution of offenders with wide media coverage via English, French and local languages. By making public cases of law defaulters who have been found guilty and severely sanctioned, this will discourage other people from violating the law. Since it is unrealistic for the law enforcement officials to arrest and prosecute all environmental offenders, there is a need to involve the media in law enforcement activities in order to create deterrence with the wildlife cases which carry severe sanctions. This study reveals that there is limited awareness of the existence and requirements of forest-related laws. Considering the severe sanctions incorporated in the conservation law and given the fact that ignorance for violating the law is not an excuse; the local communities should be educated on the content of the law. There is a need for adequate awareness creation on the existence and content of statutory laws in Korup. Traditional authorities should be encouraged to disseminate information about conservation law to Korup local communities and encourage the people to report law defaulters to the KNP management authority. The government should ensure that there is adequate access to the radio and television signals, newspapers as well as the internet in Korup in order to guarantee effective circulation of information.

8.3.6 Integrate Traditional Rulers/Institutions in Modern Governance Structure and Revitalise Traditional System of Resource Management

As the study reveals, before the advent of colonialism, traditional rulers as custodian of cultural values were held in high esteem as they were looked upon as the only leaders of the people. The colonialists ruled in cooperation with traditional authorities as they understood that it was an easy and a cost effective means of ruling colonial Cameroon. While the colonial administration sought to work in collaboration with traditional rulers, the postcolonial administration through statutory law reduced their authority and weakened the institution. Even though the power of traditional rulers is diminished, the authority of traditional institutions is highly felt in Korup as well as

other rural areas in Cameroon. As revealed in chapter six, the traditional law enforcement institutions contribute in protecting the Korup forest heritage. The government should revive and strengthen the chieftaincy institution by revising Decree No. 77/249 of 15 July 1977 ascribing a structure to traditional chiefdoms. The government should review its programme of decentralising the central administration and integrate the Chieftaincy Institution and the Village Traditional Council into the modern governance structure as the first level of modern local government.

Moreover, the House of Chiefs created in 1957 which was abolished in 1972 should be reinstated as through such forums, traditional rulers contribute in taking meaningful decisions against the wanton exploitation of the forest heritage resources as reveals in section 7.11. In addition, the House of Chiefs should be reinstated to advise and oversee parliament as well as government activities especially with respect to chieftaincy and customary law. As Cheka (2008, p. 84) asserts; “traditional authorities complement rather than compete with modern authorities.” Several countries in Africa have taken measures to reinstate and integrate chiefs into their modern governance structure. Zimbabwe for instance changed its policy of stripping chiefs of their functions and established a House of Chiefs in 1993. The Zambian House of Chiefs was reinstated in 1996. The constitution of South Africa provides for the establishment of provincial as well as national houses for traditional rulers. In 1990, the Congress of Traditional Leaders of South Africa was established. As mentioned in section 7.11, the National House of Chiefs of Ghana was established in 1971 to advise the Ghanaian authority on matters relating to chieftaincy and the customary law. In Namibia, the Council of Traditional Leaders where traditional authorities are represented was established under the Council of Traditional Leaders Act of 1997 (Economic Commission for Africa, 2007; Hinz, 2011). The integration of traditional rulers and the village councils into the modern governance structure will be a step in the right direction with respect to realising the Millennium Development Goal of good governance.

Furthermore, the traditional system of natural resource management should be encouraged and revitalised. The study finds that cultural beliefs and traditional practices contributed to the sustainability of Korup forest heritage resources. The

cultural beliefs and traditional practices associated with totems, taboos and sacred forests should be harnessed for protecting the KNP. Besides, as revealed in section 7.9.4, customary laws and local bylaws valuable for the protection of the KNP exist in Korup. These laws just like statutory law could serve as important legal tools in enhancing the Korup conservation policy implementation and also Cameroon's fulfilment of its biodiversity obligations under international environmental agreements. The customary laws valuable for safeguarding the Korup forest heritage should be identified and documented like in Namibia. In addition to enforcing customary law, the traditional institutions for law enforcement should be legally empowered to enact and enforce local bylaws reflecting their customary practice that contribute to the forest heritage protection. The traditional courts used by the traditional institutions of law enforcement in administering justice should be legally recognised and guided to administer justice in accordance with customary and local bylaws consistency with statutory law (see section 7.11). Above all, these local traditional mechanisms of managing natural resources should be thoroughly investigated and documented for safeguarding the Korup forest resources.

8.3.7 Establish Enclaves for Villages within Korup National Park

The government should demarcate enclaves for the villages inside the park where the activities of the villagers will be restricted. In addition, it should provide the villages with a legal status guaranteeing that they will remain permanently in their settlements (enclaves) within the park. Given the fact that there is no guarantee for adequate compensation due to limited land as well as financial resources, the resettlement of the villages outside the park should be avoided. The area of land demarcated for each park village should be integrated into the management plan of the park. The local communities should be encouraged through traditional authorities to use their traditional system of managing natural resources in managing the enclaves and beyond for the benefit of the KNP. In addition, traditional rulers should be encouraged to coordinate local communities to monitor and report illegal activities carried out in the park.

Following the study results, with or without resettlement, traditional system of resource management remains important for the management of village land. The resettlement site can only be in the peripheral zone which also requires adequate management in order to ensure the sustainability of the park. The park is not fenced and animals do not know its boundaries. It is obvious that these animals will always trespass to village lands where they can be killed if the villagers are not made to understand the importance of safeguarding them. After recognising the traditional management system and enabling the villages to secure a legal permanent resident status, able men from these villages should also be employed to work as game guards. The people know the park's territory very well and will be in a better position to contribute in fighting against illegal activities. The villages will have a real feeling that they have been integrated into the park's management and game guards recruited from these villages will be able to facilitate collaboration arrangements with village inhabitants in tracking down and arresting illegal exploiters of the park's resources.

8.3.8 Provide Alternative Income Generating Activities to Alleviate Poverty

In order to divert the attention of local communities in and around KNP from the forest resources to a considerable extent, it is important for the government to put in place alternative income generating activities in order to alleviate poverty in the communities. Micro projects such as piggery, poultry, sheep rearing, goat rearing, cane rat farming, bee farming and intensive farming of both subsistence and cash crops should be encouraged. The introduction and training of some villagers on how to carry out cane rat and bee farming in the sample village of Fabe (Figure 8.1) by a development project funded by KfW is desirable but as interview results reveal, an obstacle for villagers to establish such micro projects is lack of financial resources.

This is in line with the philosophy of the World Conservation Strategy also endorsed by the 1987 Brundtland Report (see section 1.2.1) that conservation can be sustainable if and only if the needs of the poor people are met by development and development cannot be sustainable without nature conservation. The proposed actions are also in accordance with the Millennium Development Goals of poverty alleviation and environmental sustainability. If the above measures are taken into

consideration, the Korup people will generate income from these activities to sustain their lives and this will contribute greatly in diverting their attention from the Korup forest resources.



Figure 8. 1 Project manager (German) coordinating construction of cages for cane-rats and wooden beehives for bee farming in Fabe village

Source: Author's collection

8.3.9 Educate Local Communities on Essence of Environmental Protection

Insofar as the local inhabitants of Korup do not see the need for the conservation of their forest heritage, they will always continue to wantonly carry out hunting and gathering. It is essential to educate the forest inhabitants on the need of safeguarding the forest heritage. Educative and sensitisation programmes should be designed and vigorously implemented. If the people are educated on the socioeconomic and environmental impacts of forest loss as well as wildlife extinction, they will be able to see the need for protecting it especially when the KNP authority put in place a benefit sharing mechanism as incentive for the people to participate in protecting the park. In addition, environmental education has been introduced in the curricula of higher educational institutions but it is still at its infancy. There is a need to introduce and strengthen environmental education at primary, secondary and university levels. Cameroon should emulate the example of Ghana where

environmental education has been introduced in the curriculum of basic school in order to create a positive attitude on environmental protection at an early stage. Children who acquire environmental education will likely become agents of change in Ghana as they grow up (Tweneboah, 2009).

8.4 General Conclusion

In conclusion, the modern state institutions through modern law implementation and enforcement have made laudable efforts in protecting the KNP but the management system has not led to adequate protection of the park. In addition to the recommendations proffered for strengthening the institutions and laws, the traditional institutions and the traditional system of natural resource management that enhance biodiversity conservation should be integrated into the KNP management strategy to ensure the sustainability of the park. This will be the basis for participatory management which should be made an explicit strategy of protecting the KNP. Through participatory management, traditional institutions will enhance the level of participation of the Korup inhabitants and stimulate compliance with the legal instruments for protecting the KNP. Participatory management will contribute in improving the relations between the KNP management staff and the local communities and thus enhance the Korup inhabitants' sense of collective responsibility for protecting the park. Above all, a management and conservation strategy that involves the people of Korup through their traditional institutions and system of natural resource management, will lead to effective protection and sustainability of the KNP, and thus contribute in enhancing Cameroon's compliance with its biodiversity conservation obligations under international environmental agreements.

Appendices

Appendix 1: National Parks of Cameroon

National Parks in Forest Zone	Area (ha)	Year of creation	Region
Boumba Bek National Park	309,300	2005	East
Nki National Park	238,300	2005	East
Lobéké National Park	183,855	2001	East
Korup National Park	126,900	1986	Southwest
Mbam and Djerem National Park	416,512	2000	South
Campo Ma'an National Park	26,406	2000	South
Takamanda National Park	61,816	2008	Southwest
Bakossi National Park	29,320	2008	Southwest
Deng Deng National Park	52,347	2009	East
Mount Cameroon National Park	58,178	2009	Southwest
National Parks in Savannah Zone			
Faro National Park	330,000	1980	North
Bouba-Ndjida National Park	220,000	1968	North
Benoue National Park	180,000	1968	North
Mozogo National Park	1,400	1968	Far North
Kalamaloue National Park	4,500	1968	Far North
Waza National Park	180,000	1968	Far North
Mbéré Valley National Park	77,760	2004	Adamawa
Mpem and Djim National Park	97,480	2004	Adamaoua, Centre, East

Source: Adapted from Books, 2010; Republic of Cameroon, 2009; WRI, 2007

Appendix 2: Wildlife Species Belonging to Class A

Common Name	Scientific Name
I. Mammals	
Lion	<i>Panthera leos</i>
Leopard	<i>Panthera pardus</i>
Cheetah, Hunting Leopard	<i>Acinonyx jubatus</i>
African Caracal, Asian Caracal, Caracal, Desert Lynx	<i>Felis caracal (Caracal caracal)</i>
Wild dog	<i>Lycaon pictus</i>
Gorilla	<i>Gorilla gorilla</i>
Chimpanzee	<i>Pan troglodytes</i>
Drill (Mandrillus leucophaeus)	<i>Papio leucophaeus</i>
Mandrill (Mandrillus sphinx)	<i>Papio sphinx</i>
Eastern Black-and-White Colobus, Magistrate Colobus, Guereza	<i>Colobus guereza</i>
Preuss's Guenon, Preuss's Monkey L'Hoest's Monkey, Mountain Monkey	<i>Cercopithecus hoesti</i>
Angwantibo, Golden Potto	<i>Aretocebus calabarensis</i>
Bosman's Potto, Potto, Potto Gibbon	<i>Perodicticus potto</i>
Allen's Bushbaby, Allen's Galago, Allen's Squirrel Galago	<i>Galago alleni</i>
Aardvark, Antbear	<i>Orycteropus afer</i>
Giant Ground Pangolin, Giant Pangolin	<i>Manis gigantea</i>
African Manatee, West African Manatee	<i>Trichechus senegalensis</i>
Beecroft's Flying Squirrel, Beecroft's Scaly-tailed Squirrel	<i>Anomalurops beecrofti</i>
African Elephant, African Savannah Elephant (with tusk of less than 5 kilogrammes)	<i>Loxodonta spp.</i>
Black Rhinoceros, Brown Rhinoceros, Hook-lipped Rhinoceros	<i>Diceros bicornis</i>
Giraffe (Seahorse)	<i>Giraffa camelopardalis</i>
Gazelle (Red-fronted Gazelle)	<i>Gazelle rufufrons</i>
Mountain Reedbuck	<i>Redunca fulvornfula</i>
Water Chevrotain	<i>Hyemoschus aquaticus</i>
II. Birds	
Ostrich	<i>Struthio camelus</i>
Bateleur, Bateleur Eagle	<i>Terathopius ecaudatus (radiatus)</i>
Japanese White Stork, Oriental Stork, Oriental White Stork	<i>Ciconia boyciana (ciconia spp.)</i>
Black Stork	<i>Ciconia nigra</i>
American Flamingo, Caribbean Flamingo, greater Flamingo	<i>Phoenicopterus ruber (roseus)</i>
Mount Cameroon Partridge	<i>Francolinus spp.</i>

Large-striped "Cobe-mouches"	<i>Platysteira pinina</i>
Black Crowned-Crane, West African Crowned Crane	<i>Balearica pavonina</i>
Crested Ibis	<i>Ibis ibis</i>
Saddlebill Stork, Saddle-billed Stork	<i>Ephippiorhynchus senegalensis</i>
Secretarybird, Secretary-bird	<i>Sagittarius serpentarius</i>
Ring-necked Prakeet, Rose-ringed Prakeet	<i>Peirualla kollerii (Psittaculla krameri)</i>
Red-faced Lovebird, Red-headed Lovebird	<i>Agapornis pullarius</i>
Senegal Parrot	<i>Poicephalus senegalus (Aparponis meyeri)</i>
Jardine's Parrot, Red-crowned Parrot, Red-fronted Parrot	<i>Poicephalus guliemi</i>
Niam-niam Parrot	<i>Poicephalus crassus</i>
Mount Kupe Shrike, Butcherbird	<i>Malanconoctus kupensis</i>
Bare-headed Rockfowl, White-necked Picathartes, White-necked Rockfowl, Yellow-headed Rockfowl	<i>Picarthartes gymnocephalus</i>
Grey-headed Green Shrike	<i>Malanconotus gladida</i>
White-necked "Timalie"	<i>Kupearus gilberti</i>
Maxwell's Black Weaver, White-naped Weaver	<i>Ploceus bannermani</i>
Green Turaco	<i>Touraco persa</i>
Bannerman's Turaco	<i>Touraco bannermani</i>
III. Reptiles	
African Sharp-nosed Crocodile, African Slender-snouted Crocodile, Long-snouted Crocodile	<i>Crocodylus cataphractus</i>
African Crocodile, Nile Crocodile	<i>Crocodylus niloticus</i>
African Dwarf Crocodile, West African Dwarf Crocodile	<i>Osteolaemus tetraspis</i>
Marine turtles	<i>CHELONIDIIDAE spp.</i>
IV. Batrachian	
Indian Bullfrog Frog, Tiger Frog	<i>Conrua goliath</i>

Source: Sec. 2 of Order No. 0565/A/MINEF/DFAP/SDF/SRC

Appendix 3: Wildlife Species Belonging to Class B

Common Name	Scientific Name
I. Mammals	
Giant Eland	<i>Taurotragus derbianus</i>
Bongo	<i>Tragelaphus (Boocerus) eurycerus</i>
Buffalo	<i>Syncerus caffer</i>
Hippopotamus, Large Hippo	<i>Hippotamus amphibus</i>
Roan Antelope (Giant Sable)	<i>Hippotragus equitus</i>
Topi, Tsessebe, Tsessebi, Korrigum	<i>Damaliscus spp.</i>
Hartebeest	<i>Acephalus buselaphus</i>
African Elephant (with tusk of more than 5 kilos)	<i>Loxodonta spp.</i>
Marshbuck, Sitatunga	<i>Tragelaphus spekei</i>
Cob	<i>Kobus kob</i>
Defassa, Waterbuck	<i>Kobus ellipsiprymnus</i>
Bushbuck	<i>Tragelaphus scriptus</i>
Giant Forest Hog	<i>Hylochoerus meinertzhageni</i>
African Wildpig	<i>Potamochoerus aethiopicus</i>
Wart Hog	<i>Phacochoerus porcus</i>
African Civet	<i>Vivera civetta</i>
Yellow-backed Duiker	<i>Cephalophus sylvicultor</i>
Blackstripped Duiker, Bay Duiker	<i>Cephalophus dorsalis</i>
Banded Duiker, Zebra Antelope, Zebra Duiker, Peter's Duiker	<i>Cephalophus callipigus</i>
Spotted Hyaena	<i>Crocuta crocula</i>
II. Birds	
Martial Eagle	<i>Polemaetus bellicosus</i>
Steppe Eagle, Tawny Eagle	<i>Aquila rapax</i>
Great Egret, Great White Egret	<i>Egretta alba (Casmerodius albus)</i>
Ducks	<i>Anatidae</i>
Marabou Stork	<i>Leptoptilos crumeniferus</i>
Denham's Bustard, Stanley Bustard	<i>Neotis dehami</i>
Grey (Red-tailed) Parrot	<i>Psittacus erythacus</i>
Senegal Bustard, Whit-bellied Bustard, White-bellied Korhaan	<i>Eupodotis senegalensis</i>
Black-tip Crested Turaco, Crested Turaco, Verreaux's Turaco, Yellow-billed Turaco	<i>Touraco macrorhynchus</i>
White-crested Turaco	<i>Touraco leucolophus</i>
Violet Plantain-eater, Violet Turaco	<i>Musophaga violacea/ porphyreolopha</i>
Blue Plantain-eater, Great Blue Turaco	<i>Corythaeola cristata</i>

III. Reptiles	
African Python, African Rock Python	<i>Python sebae</i>
Chinese Cobra, Chinese Spitting Cobra	<i>Na ja spp.</i>
African Small-grain Lizard, Nile Monitor	<i>Varanus niloticus</i>
Agra Lizard, Agra Monitor, Baghdad Small-grain Lizard, Desert Monitor, Grey Monitor	<i>Varanus griseus</i>

Source: Sec. 3 of Order No. 0565/A/MINEF/DFAP/SDF/SRC

Appendix 4: Cases from Korup National Park Tried by the Court of First Instance Mundemba from 1999 to 2007						
Charges No.	Complainant	Accused	Offence	Plea	Judgment Date	Judgment
MUN/10 ^c /99-2000	The people of Cameroon	Osake Adolf	Hunting in prohibited Zone with unlawful implements contrary to sec. 152 of law No. 94-01 of 20/01/94		19-02-02	Dismissed see 301 (2) C.P.O
MUN/20 ^c /2000-2001	The people of Cameroon	Asongu Njuzychrle	Illegal hunting contrary to sec. 152 of law No. 94-01 of 20/01/94	Guilty	7-03-01	50.000 Francs or 2 months imprisonment with hard labour in default
MUN/23 ^c /2000-2001	The people of Cameroon	Egbe Peter	Entered in Korup Bush without a hunting permit contrary to sec. 158 p. 8 of law No. 94-01 of 20/01/94	Not guilty	12-03-01	40.000 Francs or 6 months imprisonment with hard labour in default
MUN/34 ^c /2000-2001	The people of Cameroon	Ladibe Jean	Poaching contr. to and punishable under sec. 154 p. 8 of law No. 94-01 of 20/01/94	Guilty	16-05-01	50.000 Francs or 6 months, cost: 50.000 Francs or 10 day, Total 100.00 or 6 months 10 days

MUN/55 ^c /2000-2001	The people of Cameroon	Eromba A. Ekole	Count I. Prohibited hunting contrary to sec. 101 (1) of law No. 94-01 of 20/01/94 Count II. Found with hunting implements where hunting is prohibited contrary to sec. 154 p.8 of law No. 94-01 of 20/01/94	Guilty	27-08-01	100.000 Franc or 1 year imprisonment with hard labour
MUN/57 ^c /2000-2001	The people of Cameroon	Sunday Anaman Akperi	Poaching contr. to and punishable under sec. 154 p. 8 of law No. 94-01 of 20/01/94	Guilty	28-08-01	25000 or 10 days imprisonment with hard labour, Cost 10.000 Francs
MUN/62 ^c /2000-2001	The people of Cameroon	Okon Okon	Found carrying out illegal hunting in the KNP contrary to sec. 158 (8) of law No. 94-01 of 20/01/94	Not guilty	19-09-01	Disposed 301 (2) of C.P.O
MUN/32 ^c /2001-2002	The people of Cameroon	Robert Ekpenyoun g	Found carrying out illegal hunting in the KNP contrary to sec. 158 (8) of law No 94-01 of 20/01/94	Guilty	21-03-02	30.000 Francs fine or 2 months imprisonment with hard labour

MUN/32 ^c /2001-2002	The people of Cameroon	1. Ekpoh Arong Michael 2. Inyang B. Efang	Ct I. poaching contr. to sec. 154 p. 8 of law No. 94-01 of 20/01/94 Ct II. Accomplice to poaching contr. to sec 96 of P.C. & Art. 154 (8) of law No. 94-01 of 20/01/94	No plea under sec of C.P.O	9-07-03	Dismissed 2001 (2)
MUN/68 ^c /2002-2003	The people of Cameroon	Anaman Cosman	Ct I. Poaching and found with illegal hunting implements contrary to sec. 154 (8) of law No. 94-01 of 20/01/94 Ct II. Found with a Monkey contrary to sec. 158 (8) of law No. 94-01 of 20/01/94	Guilty	11-09-03	6 months imprisonment with hard labour, cost: 10.000 Francs, gun, cutlass are with State Counsel for disposal
MUN/11 ^c /2003-2004	The people of Cameroon	1. Akwaku William 2. Motia Jude	Ct I. Found in possession of illegal hunting implement contrary to sec. 154 (8) of law No. 94-01 of 20/01/94 Ct II. Found in	guilty	13-05-04	1 st accused Ct I. 25000 Francs or 2 months, Ct II. 10.000 Francs or 1 month, 2 nd acc: Ct I. 25000 Francs or 2 months, Ct II. 10.000 or 1month.

			possession of an animal contrary to sec. 154 (8) of law No. 94-01 of 20/01/94			
MUN/13 ^c /2003-2004	The people of Cameroon	Mbella Elvis	Poaching contrary to sec. 154 (8) of law No. 94-01 of 20/01/94	guilty		25000 Francs or 5 days imprisonment with hard labour
MUN/14 ^c /2003-2004	The people of Cameroon	Tabi Wilfred	Poaching contrary to sec. 154 (8) of law No. 94-01 of 20/01/94	Not Guilty		Discharged & acquitted
MUN/15 ^c /2003-2004	The people of Cameroon	Moses Ndah	Poaching contrary to sec. 154 (8) of law No. 94-01 of 20/01/94	guilty	14-01-05	25000 Francs or 5 days
MUN/27 ^c /2003-2004	The people of Cameroon	Awor Njong Emanuel	Poaching contrary to sec. 154 (8) of law No. 94-01 of 20/01/94	guilty	14-01-05	25000 Francs or 5 days, cost 5000 Francs
MUN/35 ^c /2003-2004	The people of Cameroon	1. Egbe Stephen 2. Kkpoh Daniel 3. Awoh Manfred 4. Inyang	Ct I. Poaching in KNP contrary to sec. 154 of law No. 94-01 of 20/01/94 Ct II. Simple harm contrary to s. 280 of P.C	No plea	27-07-05	Dismissed 30 (2) of the C.P.C

		Michael 5. Ondo Jean Marie 6. Inyang Francis	Ct III. Destruction contrary to s. 316 (1) of P.C			
MUN/41 ^c /2003- 2004	The people of Cameroon	1. Orume Elvis 2. Robert Moto	1. Found with 3 pieces of dried protected animal species contrary to sec. 158 (8) of law No. 94-01 of 20/01/94 2. Found with 7 pieces of dried protected animals contrary to sec. 158 (8) of law No. 94-01 of 20/01/94	guilty	6-08-04	1 st Ct. 75000 Francs or 6 months and cost 10.000 Francs. order not to trade on protected animal species Ct II. 15000 Francs or 1 month, cost 5000 Francs, paid
MUN/60 ^c /2003- 2004	The people of Cameroon	Motia Julius Megkogo	Poaching contrary to sec. 158 p. 8 of law No. 94-01 of 20/01/94	No plea	20-10-05	Dismissed 301(2) of C.P.O
MUN/62 ^c /2003- 2004	The people of Cameroon	Ngoe Emmanuel	Found with unregistered fire arm contrary to sec. 237	No plea	20-10-05	Dismissed 30/2 of C.P.O

			(1) of C.P.O			
MUN/00 ^c /2005-2006	The people of Cameroon	Eroba Augustine	1. Poaching contrary to sec. 158 p. 8 of law No. 94-01 of 20/01/94 2. Found with animal	guilty	20-10-05	200.000 Francs or 1 year 5 months imprisonment with hard labour, cost 10.000 Francs or 1 year, 6 months
MUN/12 ^c /2005-2006	The people of Cameroon	Tambe Michael	Poaching contrary to sec. 154 p. 8 of law No. 94-01 of 20/01/94	No plea	6-04-06	Dismissed 301(2) of C.P.O
MUN/15 ^c /2005-2006	The people of Cameroon	Ojong Sffim	Poaching contrary to sec. 154 p. 8 of law No. 94-01 of 20/01/94	guilty	6-04-06	30.000 or 3 months imprisonment with hard labour, cost 5000 Francs
MUN/28 ^c /2006-2007	The people of Cameroon	Ndele Stanley & 2 others	Poaching contrary to sec. 154 p. 8 of law No. 94-01 of 20/01/94	guilty	25-05-07	20.000 Francs or 4 months each, cost 10.000 Francs or 1 month each
MUN/29 ^c /2006-2007	The people of Cameroon	Ngwa Moses & 1 other	Poaching contrary to sec. 154 p. 8 of law No. 94-01 of 20/01/94	guilty		30.000 Francs or 5 months each, cost 10.000 Francs or 1 month
MUN/30 ^c /2006-2007	The people of Cameroon	Obri David & 11 others	Unlawfully destroyed protected species contrary to Art. 155 & 43 of law No. 94-01 of 20/01/94	1 st , 3 rd - 12 th guilty 2 nd discharged &	28-05-07	10.000 Francs or 3 month, cost 5000 Francs or 1 month

				acquitted		
MUN/31 ^c /2006-2007	The people of Cameroon	Effangue Bangane & 3 others	Poaching contrary to Art. 155 & 85, 86 & 87 of law No. 94-01 of 20/01/94	Not guilty	25-05-07	20.000 Francs or 4 ms each, cost 10.000 Francs or 1 month each, paid
MUN/93 ^c /2006-2007	The people of Cameroon	Abonifor Friday William & 3 others	Poaching contrary to Art. 155 & 85, 86 & 87 of law No. 94-01 of 20/01/94	1 st & 3 rd guilty	29-11-07	20000 Francs each or 6 months each, cost 25.000frs or 3 months each

Source: Record Book of the Court of First Instance Mundemba

Appendix 5: Memorandum of Understanding between KREO/KOGAN and Chiefs/Representatives of Villages in and around KNP

MEMORANDUM OF UNDERSTANDING (MoU) BETWEEN KORUP RAINFOREST ECOTOURISM ORGANISATION/KORUP GUIDE ASSOCIATION (KREO/KOGAN) AND THE CHIEFS/REPRESENTATIVES OF VILLAGES OF THE KORUP NATIONAL PARK AND ITS PERIPHERAL ZONES.

Introduction

Korup National Park is one of the oldest Rainforest National Parks in the world that survived the ice age. It is very rich both in flora and fauna with a lot of endemic species as well. Unfortunately, most of these species are becoming extinct due to unsustainable use of the resources.

The beauty and diverse nature of this forest attracts many people from Cameroon and abroad to visit this park. Unfortunately a very small portion of this park has been developed so far and the people living in the villages have not been involved at all.

With the emergence of an indigenous NGO "Korup Rainforest Ecotourism Organization/Korup Guides Association", KREO/KOGAN, the indigenous people have decided to take a step in collaboration with the above-mentioned organization to conserve the forest and the animals.

After the meeting of Chiefs/Representatives of the villages in the Korup National Park and its peripheral zones and officials of KREO/KOGAN in a workshop held on the 5th January 2005 in Mundemba, the following were agreed:

1. KREO/KOGAN has to work in close collaboration with the management of Korup National Park in promoting Ecotourism and protection of biodiversity of the area.
2. The traditional council/"Ekpe society" of each village will put a ban on the hunting of all endangered species. The fine for defaulters will be determined by respective village traditional councils concern.

3. Hired hunters will be strictly prohibited to hunt in Korup National Park and its Peripheral Zones. Each traditional council/"Ekpe society" concerned will affect a ban on this.
4. Hunting with wire snares will be prohibited in the Park.
5. A ban will be put on stream and river poisoning.
6. Village Ecotourism Committees will be formed in all the villages in the Park and its Peripheral Zones for effective implementation of KREO/KOGAN'S activities.
7. A ban will be put on the disposal of used batteries and other non-biodegradable materials in the forest. The waste materials will be deposited in the appropriate place of waste disposal.
8. This MoU shall be subject to amendments during meeting of chiefs of the KNP and PZ that will take place annually on the availability of funds.

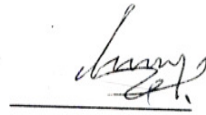
ANTICIPATED BENEFITS/OPPORTUNITIES FOR VILLAGERS

- Benefit sharing meeting shall be organized at the end of each tourist season.
- Villagers from KNP and PZ villages will be given priority for employment when need arises.
- Agricultural support shall be given to villagers of KNP and PZ villages.
- Capacity building workshops shall be organized in different Village Ecotourism Committees.
- Scholarships shall be awarded to some youths to foster their education and training on the availability of funds.
- Crafts shall be sent to KREO/KOGAN for sales and the money sent back to the producer.
- Medical facilities shall be given to the villagers of KNP and PZ upon availability of funds.

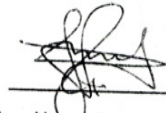
SIGNATORIES



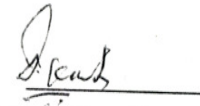
Chief Ekokola Adolf N
President of KREO/KOGAN
Esukutan Village



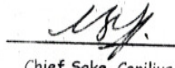
Chief Nalanya Joseph
Treasurer of KREO/KOGAN
Ikenge Village



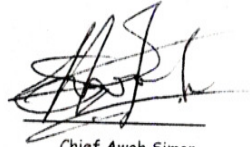
Prince Nwese Cletus Nmkpang
Coordinator of KREO/KOGAN
Esukutan Village



Chief Nmkpang Okon
Bera Village



Chief Sake Conilius
Beboka Village



Chief Awoh Simon
Ikondo Kondo Village



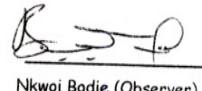
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Fabe Village



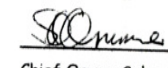
N. Joseph Mulango
Ngenye Village



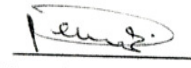
Darling Johnson
Ekogate Village



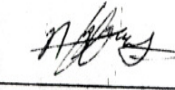
Nkwai Bodie (Observer)
Erat Village



Chief Orume Sylvester
Mosongiseli Balondo Village



Nangunda Denis
Mofako Village



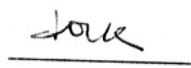
Ayuk Maurice
Ekoneman Ojong Village



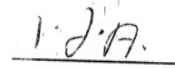
Oke Christopher (Observer)
Ngenye Village



Tiko Oscar
Esoki Bima



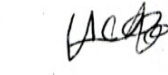
Oke Elias
Ikenge Village



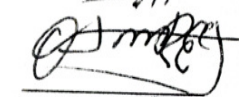
Iwatt John (R)
Ikondo Kondo Village



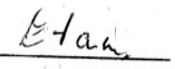
Ngwoi Moses
Akpasang Village



Chief Awoh Mintah
Akpasang Village



Ekpoh Robert
Bera Village



Etana Denis
Esoki Bima



Ekpoh Peter Effiong
Erat Village



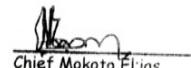
Enoh Mintah
Erat Viillage



Enow Paul Ebay
Ngoro Korup Village



Ashu Fritz (Member KREO)



Chief Mokoto Elias
Bakumba Village

Appendix 6: Questionnaire Survey

Dear Respondents,

I am Terence Onang Egute, a PhD student of “Environmental and Resource Management” at the Brandenburg University of Technology Cottbus, Germany. I am carrying out a research on the topic “Modern Law and Local Tradition in Forest Heritage Conservation in Cameroon: The case of Korup.” The aim of the research is to discover appropriate mechanisms for the conservation and management of Korup National Park by assessing the potential of both modern law and local traditional system of natural resource management as instruments for effective management of the park. I therefore wish you to kindly answer the following questions whose answers will be used for academic purpose only. I hereby assure you that any information provided about yourself will be treated with confidentiality. Thank you very much in advance.

Section A: Background Information

1. What is your name? (Optional).....
2. What is the name of your village?
3. What is your gender? Male Female
4. What age group are you? 15-19 years 20-29 years 30-39 years 40-49 years 50-59 years 60 years and above
5. What is your occupation? Farmer Hunter Trader Student Teacher
Others
6. What is your level of education? No formal education Primal School
Secondary School University Others

Section B: Understanding Importance of Forest and Need for Protecting it

7. Is the Korup forest important for the people living in your village? **(Tick only one answer)** Yes No I don't know

8. If your answer of question 7 is Yes or No, give reasons to justify it.

(i).....

(ii).....

(iii).....

9. What are the causes of deforestation and loss of plants and animals in Korup?

(You can tick more than one answer) Shifting cultivation Plantation agriculture
 Illegal logging Wild bushfire Limited job opportunities Over exploitation for firewood Civil engineers to construct roads and dams Other reasons

10. What are the consequences of deforestation? **(You can tick more than one answer)**

Soil erosion Loss of biodiversity Loss of valuable forest products
Continued poverty Local and global climate change Availability of more fertile land Other reasons

11. The creation of protected areas such as the Korup National Park is important.

(Tick only one answer) Totally agree Partially agree Neither Agree or Disagree Partially Disagree Totally disagree I don't know

12. Give reasons to justify your response to question 11.

(i).....

(ii).....

(iii).....

Section C: Cameroon Law and Forest Resource Management in Korup

13. Existing forestry laws in Cameroon make life easier for the Korup inhabitants.

(Tick only one answer) Totally agree Partially agree Neither Agree or Disagree Partially Disagree Totally disagree I don't know

14. Give reasons to justify your response to question 13.

(i).....

(ii).....

(iii).....

15. The methods used by Korup game guards in protecting the park are good. **(Tick**

only one answer) Totally agree Partially agree Neither Agree or Disagree Partially disagree Totally disagree I don't know

16. Give reasons to justify your response to question 15.

(i).....

(ii).....

(iii).....

17. What is your main source of information about Cameroon's forestry and wildlife laws? **(Tick only one answer)** Radio Television Newspapers Government

gazette Books Internet Korup Park Staff Chief/Village Council

Section D: Local Traditional System and Forest Resource Management

18. Does your village have any traditional modes of forest resource management?

(Tick only one answer) Yes No I don't know

19. If your response to question 19 is yes, list the modes of management.

(i).....

(ii).....

(iii).....

20. Chiefs and traditional councils of villages in and around the Korup National Park could contribute to conservation and management of the park. **(Tick only one answer)**

Totally agree Partially agree Neither Agree or Disagree Partially

Disagree Totally disagree I don't know

21. Give reasons to justify your response to question 20.

(i).....

(ii).....

(iii).....

22. What is your main source of information on your local custom? **(Tick only one answer)**

Radio Television Newspapers Books Internet Korup Park

Staff Chief/Village Council

23. Should the villages inside Korup National Park be resettled outside the park?

(Tick only one answer) Yes No I don't know

24. Give reasons to justify your response to question 23.

(i).....

(ii).....

(iii).....

Appendix 7: Semi-structured Interviews

Section A: Focus Group Discussion with Game Guards

1. Are the game guards employed by a conservation project or by the government?
2. What activities do game guards actually carry out in the field?
3. Can you give an estimate of the number of arrest that you make in a month?

4. How can you compare the Korup National Park protection during and after the Korup Project?
5. Are more arrests of law defaulters made now or when the Korup Project was ongoing?
6. Do game guards have any role to play after handing conservation law defaulters to the gendarmerie?
7. What problems do game guards usually face with the gendarmerie with respect to handling law defaulters?
8. What problems do game guards usually face with the legal department with respect to handling cases from Korup National Park?
9. What problems do game guards actually face with respect to protecting the park?
10. Do game guards presently receive more salary as compared to the Korup Project period?
11. Do game guards receive motivation for arrest and successful prosecution of law defaulters?
12. Are there many animals in the park now as compared to the Korup Project period?
13. Should local communities in and around the Korup National Park be involve in the park's management?
14. What is the state of the park's facilities?

Section B: Interview with the Conservator of Korup National Park

15. How many game guards are employed to work at the Korup National Park?
16. What are the main problems faced in protecting the park?
17. Why did the government not permanently employ game guards who worked under the Korup Project after the project phased out as earlier agreed?
18. Will resettlement of villages inside Korup National Park outside it take place as planned?
19. Do villages in and around the Korup National Park share in the benefits generated from the park?

Section C: Interview with Gendarmes

20. Do villages in and around the Korup National Park share in the benefits generated from the park?

21. Why are cases from Korup National Park reported to the gendarmerie and not the police?
22. How often does the gendarmerie receive cases of law violation from the Korup National Park?
23. Which difficulties do you face with regard to handling law defaulter brought to the Gendarmerie by Korup game guards?
24. How does the gendarmerie cooperate with Korup game guards to fight against illegal activities in the park?
25. Can the relationship between the gendarmerie and the Korup National Park Protection and Surveillance Unit be described as cordial?
26. Why was the conservator of the Korup National park insisting that exhibits collected from law defaulters should remain with the park's Protection and Surveillance Unit?

Section D: Interview with Legal Experts

27. How often does the court receive cases from the Korup National Park?
28. Does the gendarmerie always send cases to the court in accordance with the law?
29. What are the problems often faced by the court in prosecuting wildlife cases?
30. Can customary law be invoked in the court in course of prosecuting wildlife crime?
31. What are the challenges of customary law application in Cameroonian courts?
32. How can you describe the sanctions often given by the court to people found guilty of carrying out illegal activities in the Korup National Park?

Section E: Interview with Traditional Authorities and Village Elders

33. How can you describe the sanctions often given by the court to people found guilty of carrying out illegal activities in the Korup National Park?
34. How is a traditional ruler chosen in your village?
35. Which institutions are used in managing your village?
36. What role do traditional institutions play in Korup forest management?
37. What are the conditions for acquiring land in your village?
38. Do you have a certificate of land ownership or do you know any inhabitant of your village who owns a land certificate?

39. Are traditional authorities involve in any way in managing the Korup National Park?
40. How does your village benefit from Korup National Park?
41. How is access to your Ekpe forest regulated?
42. Describe the customary requirements for hunting and fishing.
43. Are there some animals in your village that people are not allowed to kill?
44. Are there some trees in your village that people are not allowed to cut?
45. What are the consequences if someone cuts a forbidden tree or kills a forbidden animal?
46. State some customary laws in your village that are important for forest resource management.
47. What are the taboos that are highly respected in your village?
48. Which beliefs are associated to totems?
49. Which beliefs are associated to unauthorized exploitation of resources in sacred forest?
50. Before your forest was made a National Park, did you have rights to use the forest the way you wanted or there were some restrictions?
51. Should the villages within Korup National Park be resettled outside the park?

Section F: Interview with Government Officials and NGOs

52. What management challenges are often faced with respect to Korup National Park Management?
53. How does the Divisional Delegation of Forestry and Wildlife cooperate with Korup National Park authority in managing the park?
54. What are the obstacles to resettling villages outside Korup National Park?
55. Can effective management be realised with people living inside the park?
56. Are there any projects going on in the Korup villages which aim at diverting peoples' attention from exploiting the park's resources?

Appendix 8: List of National Legal Instruments Relevant for Forest Heritage Conservation and Management

Law of 17 June 1959 on the Organisation of state property and land ownership

Decree No. 69/DF/544 of 19 December 1969 to appoint the organisation and procedure before the traditional courts of Eastern Cameroon, modified by Decree No. 71/DF/607 of 3 December 1971

Ordinance No. 72/4 of 26 August 1972 on Judicial Organisation

Law No. 79/4 of 29 June 1979 to attach the Customary Courts and the Alkali Courts of the former Western Cameroon to the Ministry of Justice

Ordinance No. 74/1 of 6 July 1974 to establish rules governing land tenure

Ordinance No. 74/2 of 6 July 1974 to establish rules governing state land

Ordinance No. 74/3 of 6 July 1974 concerning expropriation for a public purpose

Law No. 81/13 of 27 November 1981 on Forestry, Wildlife and Fisheries

Decree No. 76/165 of 27 April 1976 to establish the conditions for obtaining land certificates, and determining the procedure for registering land

Decree No. 77/249 of 15 July 1977 ascribing a structure to traditional chiefdoms

Decree No. 83/169 of 12 April 1983 on the Implementation of Law No. 81/13 of 27 November 1981 on Forestry, Wildlife and Fisheries

Law No. 91/8 of 30 July 1991 on the Protection of the Cultural and Natural Heritage of Cameroon

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

Decree No. 95-531-PM of 23 August 1995 to determine the conditions of implementation of forestry regulations

Decree No. 95-466-PM of 20 July 1995 to lay down the conditions for the implementation of wildlife regulations

Decree No. 96-237-PM of 10 April 1996 to define the conditions for the functioning of special Funds provided for in Law No. 94-1 of 20 January 1994 to lay down forestry Wildlife and fisheries regulations

Law No. 96/06 of 18 January 1996 to amend the Constitution of 2 June 1972

Decree No. 96-238-PM of 10 April 1996 to determine the remuneration for services rendered under the implementation of forestry and wildlife regulations

Order No. 0565/A/MINEF/DFAP/SDF/SRC to set the list of animals of class A, B and C, distributing animal species whose killing are authorised as well as the rate of their killing per type of hunting permit

Law No. 96/6 of 18 January 1996 to amend the Constitution of 2 June 1972

Law No. 96/12 of 5 August 1996 Relating to Environmental Management

Joint Order No. 000122/MINEFI/MINAT of 29 April 1998 sets the terms of use of logging revenue intended for local village communities from companies benefitting from concessions and small-scale logging titles

Law No. 2004/017 of 22 July 2004 on the Orientation of Decentralisation

Law No. 2005 of 27 July 2005 on the Criminal Procedure Code

Decree No. 2005/0577/PM of 23 February 2005 laying down the modalities to carry out environmental impact assessment

Order No. 0070/MINEP of 22 April 2005 defining different categories of projects for which an environmental impact assessment is necessary

Decree No. 2005/481 of 16 December 2005 amends the regulations for obtaining land certificates and the procedure for registering land

Law No. 2006/015 of 29 December 2006 on judicial organisation

Appendix 9: List of Ratified Forest-Related Multilateral Environmental Agreements

1968 African Convention on the Conservation of Nature and Natural Resources (Algiers) ([1968] 1001 UNTS 4)

1971 Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar) (ILM 11 (1972), 963)

1972 Convention Concerning the Protection of the World Cultural and Natural Heritage (Paris) (ILM 11 (1972), 1358)

1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington) (ILM 12 (1973), 1085)

1979 Convention on the Conservation of Migratory Species of Wild Animals (Bonn) (ILM 19 (1980), 15)

1985 Vienna Convention for the Protection of the Ozone Layer (Vienna) (ILM 26 (1987), 1529)

1992 Convention on Biological Diversity (Rio de Janeiro) (ILM 31 (1992), 818)

1992 United Nations Framework Convention on Climate Change (Rio de Janeiro) (ILM 31 (1992), 849)

1992 Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation, and Sustainable Development of All Types of Forests (Rio Forest Principles) (Rio de Janeiro) (ILM 31 (1992), 881)

1994 United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (Paris) (ILM 33 (1994) 33480)

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