

# CHAPTER 39: CONSERVATION OF BUFFER ZONES, HUMAN RIGHTS AND THE ENVIRONMENT UNDER CAMEROONIAN LAW

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## 1 Introduction

For close to four decades now, humans have discovered that their environment holds the potential on which efforts towards the attainment of sustainable development could be anchored.<sup>1</sup> To this effect, it has been consciously and unanimously accepted as a matter of policy in Goal 15 of the Sustainable Development Agenda for Post 2015 that, there is urgent need to “protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and biodiversity loss.” And to ensure that all human beings fulfil their potential in dignity and equality, the international community is more than ever before determined to protect the planet from degradation. This may also include efforts to ensure sustainable consumption and production, sustainable natural resource management and taking urgent action on climate change in order to support the needs of the present and future generations. To fulfil the above, international legal engagements have echoed the needs for humans to rethink, strategise, and put forth common behavioural patterns which can ensure and maintained a harmonious relationship with nature.<sup>2</sup>

While it has been commonly accepted that a healthy and productive human life can be attained only by ensuring a harmonious relationship with nature, states have in

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- 1 This was articulated in the Johannesburg Summit on Sustainable Development (2002) which saw the adoption of the Johannesburg Declaration and its Plan of Implementation. Again, in the Post 2015 Development Agenda which was captioned ‘Transforming Our World: The 2030 Agenda for Sustainable Development’ there was a renewed determination to protect the planet from degradation, including through sustainable consumption and production, sustainably managing its natural resources and taking urgent action on climate change, so that it can support the needs of the present and future generations.
  - 2 Paragraph 1, Preamble of the 1972 Declaration of the United Nations Conference on the Human Environment, (Stockholm Declaration); also considered in Paragraph (a), Preamble of the World Charter for Nature (1982), in which humans are aware that they form part of nature and that their life depends on the uninterrupted functioning of natural systems. Also see Principle 1 of the 1992 Rio Declaration on Environment and Development (Rio Declaration).

accordance with the principles of international law and in agreement with the United Nations Charter, been accorded the sovereign right to exploit their own resources pursuant to their own environmental and development policies.<sup>3</sup> Thus, what better way exists through which humans including the state can protect nature and natural habitats, yet ensuring that human well-being and development is maintained and promoted? Carving out portions of territories still endowed with an abundance of nature considered to be in its 'natural state' on which activities recognised to be at the basis of environmental degradation could be controlled and forbidden remains an option.<sup>4</sup> This, in other words, is conservation through protected areas (PAs).<sup>5</sup> Statistics point to the fact that by January 2009, it was estimated that some 122,512 nationally designated terrestrial and marine protected areas in 235 countries and territories were included in the World Database on Protected Areas.<sup>6</sup> These areas have been found to cover some 21,242,195 km<sup>2</sup> or about 12.1% of the earth's surface.<sup>7</sup> In sub-Saharan Africa alone, there exists well over 1,100 national parks of which 36 are designated World Heritage Sites,<sup>8</sup> and ever since 1970, the total PA coverage in Africa has increased nearly two-fold, and now encompasses 3.06 million km<sup>2</sup> of terrestrial and marine habitats.<sup>9</sup> Perhaps, the concern about the creation of PAs in Cameroon came up as a result of the need for sustainable development which is a product of the 1987 Brundtland Report and the 1992 Rio Earth Summit. From this perspective, the Came-

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3 See the 1945 United Nations Charter; Principle 21 of the Stockholm Declaration; Article 3 of the 1992 United Nations Convention on Biological Diversity (CBD); common Article 1 of the United Nations International Covenant on Civil and Political rights (ICCPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR), both 1966.

4 It may be important to note that as the first decade of the 21st century draws to a close, most countries of the world have established protected areas. Virtually all such areas enjoy some form of legal protection. Growth in protected areas has continued to trend upward since the 1960s, when data showed only about 1.5% of the earth's surface covered. Today, more than 12% of the earth's surface is part of some type of formal protected area.

5 In 1994, the IUCN gave a standard definition to protected area to include: "An area of land/sea scape especially dedicated to the protection and maintenance of biological diversity and of natural and associated cultural resources and management through legal or any effective means". Such an area has been placed into six main categories: I. strict nature reserves/wilderness area managed mainly for science or strict wilderness protection; II. National parks, managed for the protection of ecosystem and recreation; III. Natural monuments including areas protected for safeguarding particular features; IV. Habitats/species management areas; V. protected landscape and seascapes and VI. Managed resources protected areas mainly for sustainable use of natural ecosystems. Also see Section 2 (1) of Decree No. 95/466/PM of 20 July 1995 to lay down the Conditions for the Implementation of Wildlife Regulations in Cameroon.

6 IUCN World Parks Congress (2003).

7 (ibid.).

8 Newmark (2008); two national heritage sites are located in Cameroon, namely the Dja Faunal Reserve and the Sangha Trinational, a transboundary site located in Cameroon, the Central African Republic and Congo, see <http://whc.unesco.org/en/list/>, accessed 8 February 2018.

9 Newmark (2008).

roonian Government re-enforced legislation on Nature Reserves. In 1992, the Ministry of Environment and Forestry was created in Cameroon. Two years later, Law No. 94/01 of 20 January 1994 to regulate forestry, wildlife and fisheries resources was enacted to become what was known as the 1994 Forestry Law. A year later, Decree No. 95/466 PM of 20 July 1995 established conditions of wildlife regulations while in 1996, the National Environment Management Plan (NEMP) was created which was aimed at conserving more resources in the country by increasing the number of protected areas from 20 to 30% so that all the major biomes in the country could be represented. Thus, the national parks and protected areas, cover a surface area of more than 633,000 ha.<sup>10</sup> To be more precise, there exist 30 identified PAs in Cameroon as illustrated in the table below.

**Table 1: General list of protected areas in Cameroon<sup>11</sup>**

Number and name of protected area	Surface area (ha)	Year of creation	Text of creation	
1	Limbe Zoological Garden	0.5	1885	
2	Douala-Edea Game Reserve	160,000	1932	Decree of 19.11.1932 Colonial Governor, (hunting reserve)
3	Dja Reserve	526,000	1950	Decree No. 75/50 of 25.4.1950
4	Mvog Beti Zoological Garden Yaoundé	4.07	1951	
5	Kimbi Game Reserve	5,625	1964	
6	Mbi Crater Game Reserve	370	1964	
7	Garoua Zoological Garden	1.5	1966	
8	Santchou Reserve	7,000	1967	mountainous and low altitude forest
9	Benoué National Park	180,000	1968	Decree No.120/SEDR of 5.12.1968
10	Bouba-Ndjida National Park	220,000	1968	Decree No. 120/SEDR of 5.12.1968
11	Kalamaloué National Park	4,500	1968	Decree No. 7 of 4.2.1972
12	Mozogo Gokoro National Park	1,400	1968	Decree No. 120/SEDR of 5.12.1968
13	Waza National Park	170,000	1968	Decree No. 120/SEDR of 5.12.1968
14	Lake Ossa Game Reserve	4,000	1968	Decree No. 538 of 194
15	Faro National Park	330,000	1980	Decree No. 80/243 of 8.7.1980
16	Korup National Park	125,900	1986	Decree No. 86/1283 of 30.10.1986
17	Mbanyang-Mbo Sanctuary	66,000	1996	Decree No. 96/119/PM of 12.3.1996

10 Lambi et al. (2012).

11 See Republic of Cameroon (2012:144).

Number and name of protected area	Surface area (ha)	Year of creation	Text of creation	
18	Campo-Ma'an National Park	264,064	2000	Decree No. 2000/004/PM of 6.1.2000
19	Mbam and Djérem National Park	416,512	2000	Decree No. 2000/005/PM of 6.1.2000
20	Lobéké National Park	217,854	2001	Decree No. 1002/107/CAB/PM of 19.3.2001
21	Mpem and Djim National Park	97,480	2004	Decree No. 2004/0836/PM of 12.3.2004
22	Mbéré Valey National Park	77,760	2004	Decree No. 2004/0352/PM of 4.2.2004
23	Boumba Bek National Park	238,255	2005	Decree No. 2005/3284/PM of 6.10.2005
24	Nki National Park	309,362	2005	Decree No. 2005/3283/PM of 6.10.2005
25	Bakossi National Park	29,320	2007	Decree No. 2007/1459/PM of 28.11.2007
26	Takamanda National Park	67,599	2008	Decree No. 2008/2751 of 21.11.2008
27	Kagwene Sanctuary	1,944	2008	Decree No. 2008/0634/PM of 3.4.2008
28	Mengame Gorilla Sanctuary	27,723	2008	Decree No. 2008/2207 of 14.7.2008
29	Mont Cameroun National Park	58,178	2009	Decree No. 2009/2272/PM of 18.12.2009
30	Deng Deng National Park	52,347	2010	Decree No. 2010/0482/PM of 18.3.2010

The issue of controlling activities carried out on natural areas especially forested zones seems to go beyond merely protecting nature to include human interests. The idea of enhancing human interests in protected area agendas started as early as kings and other national rulers in Europe during the renaissance period set aside special areas for hunting reserves. In Africa, these areas were considered as sacred groves.<sup>12</sup>

One of the major outcomes of the Rio Conference, namely the Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable

12 For a short history of protected areas see Eagles et al. (2002:5).

Management of all Types of Forests (Forest Principles), refers to the use of forests in the following words:<sup>13</sup>

Forestry issues and opportunities should be examined in a holistic and balanced manner within the overall context of environment and development, taking into consideration the multiple functions and uses of forests, including traditional uses, and the likely economic and social stress when these uses are constrained or restricted, as well as the potential for development that sustainable forest management can offer.

This statement of the Forestry Principles goes ahead to highlight the very essence for conservation by mentioning that sustainable management of forests must go a long way to meet the social, economic, ecological, cultural and spiritual needs of present and future generations. Needs which are considered to be directly related to meeting the water, food, fodder, medicine, fuel, shelter, employment, recreation, habitats for wildlife, landscape diversity, carbon sinks and reservoirs, and for other forest products of populations especially communities living at the periphery of conservation areas. These, however, form the basis for consolidating human rights and dignity.<sup>14</sup>

The argument sustained in this chapter is one which seeks to underline the fact that conservation efforts geared at protecting and sustainably managing natural resources found within conservation areas often appear to exclude human interests notably those of the communities harbouring such strict conservation areas. To this effect, most governments especially African governments including Cameroon have been seeking ways through which human rights could be considered a key issue in conservation efforts.<sup>15</sup> In order not to compromise the very objectives for which nature is conserved, most environmentalists have ever since the adoption of the Seville Strategy and Network on Conservation hammered on the creation of buffer zones around conservation areas as key for limiting human pressure on core conservation areas.<sup>16</sup> To them, “the environmental conditions of conservation areas depend upon the way land is used around such areas.”<sup>17</sup> An assertion which needs to be sustained given that, communities whose rights have been restricted due to the creation of conservation areas within their territory, look forward to the protection of such rights within the buffer zones in which they might have been relocated, resettled or confined. The questions seeking for an answer in this chapter include:

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- 13 Paragraph (c), Preamble, Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forests. Annex III, Report of the United Nations Conference on Environment and Development (1992).
  - 14 Article 3 of the 1948 Universal Declaration of Human Rights.
  - 15 As recommended in the 1974 UNESCO Man and Biosphere Programme.
  - 16 Notably Bennett & Robinson (2000); Craven & Wardojo (1993) and Wells & Brandon (1992).
  - 17 Tassi (1984).

- To what extent has conservation buffer zones been a response to the adequate enjoyment of human rights violated within conservation areas?
- Are the views of local communities taken into consideration in the creation, management and implementation of national action plans for the conservation of nature in Cameroon?
- Do communities around conservation areas enjoy the benefits and fruits of conservation initiatives?

From the above, it is certain that all governments of the world are coming to terms with the assertion that man owes a special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat, which have been gravely imperilled by a combination of adverse factors. This is the reason why humans have turned to adopt a 'stewardship' approach towards environmental conservation.<sup>18</sup> While doing so, it has been ascertained and should be remembered that man has the fundamental right to freedom, equality and adequate conditions of life, notably in an environment of a quality which permits a life of dignity and well-being.<sup>19</sup> Within this prism, the Cameroonian government has committed itself in a series of international legal instruments as spelt out in the Constitution<sup>20</sup> aimed at conserving nature for the enhancement of human rights.<sup>21</sup> In the Preamble of the Constitution, it has been laid down that natural resources of the State including environmental resources should be harnessed in order to ensure the well-being of every citizen without discrimination not only by raising living standards but also ensuring the right to a healthy environment which is the cornerstone of the right to development.<sup>22</sup>

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18 Chapin et al. (2015).

19 See Principle 1 of the United Nations Declaration on the Human Environment, (Stockholm Declaration, 1972).

20 Articles 43, 44 and 45 of Law No. 2008/1 of 14 April 2008 to amend and supplement some provisions of Law No. 96/6 of 18 January 1996 to amend the Constitution of 2 June 1972.

21 It should however be noted that, while Cameroon encompasses nearly 0.5 million square kilometer spanning some 10 degrees of latitude just north of the equator, almost a third of its territory is covered by tropical moist forests. With this, the humid forest of the littoral zone, the lowland forest of the southeastern part and the humid mountainous areas of the southwest support some of the most concentrated and diverse population of large mammals (elephant, forest ungulates, great apes) recorded in west and central Africa. Also, the elephant and bovid migrations provides ecological links between the forest and savanna mosaics of southeastern part of the country adjacent to the regions of the Central African Republic and Congo. This helps to maintain the population of the keystone species that determine the ecological character of this vast region.

22 This is the reason why in 1987 a detailed review was made on the Tropical Forest Action Plan permitting the government to draft a new forestry law for the country, which became included as part of conditionality for the grant of the structural adjustment loan in 1989. While the Forestry Department engaged studies in 1992, by 1994 a Forestry Law was adopted for the country with an implementation Decree No. 94/436 of 23 August 1994. Also, a Decree entitled *Regime de la faune* regulating the establishment of protected areas was adopted.

## 2 The conception of conservation buffer zones

Generally, forests stand as the world's largest repository of terrestrial biodiversity, offering the opportunities for global climate change mitigation, hence, contributing to soil and water conservation in many fragile ecosystems. Christened as 'Africa in miniature', Cameroon has over 30 protected areas with at least one in each region of the country consisting of forest reserves, wildlife sanctuaries, national parks and zoos.<sup>23</sup> In order to reduce the pressure likely to be meted on forests by nearby or riparian communities, there is a necessity to create conservation buffer zones around protected areas.<sup>24</sup> This means that buffer zones serve the dual goals of conservation and development. This dual goal is most appropriately reflected in Wild and Mutebi's concept of buffer zones as:<sup>25</sup>

Any area, often peripheral to a protected area, inside or outside, in which activities are implemented or the area managed with the aim of enhancing the positive and reducing the negative impacts of conservation on neighbouring communities and neighbouring communities on conservation.

The crafting of the forestry legislation in Cameroon marked the beginning of reflection on the need to create buffer zones around conservation areas.<sup>26</sup> In this regard, Section 1 of the law is to the effect that

...law and the implementing instruments thereof lay down forestry, wildlife and fisheries regulations. With a view to attaining 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.

This is clearly in consonance with the objective of the guiding principles reached at in the UNESCO's Programme on Man and Biosphere (MAB) which is to the effect that, biosphere reserves should be akin to the realisation of three main goals including the conservation function in the preservation of genetic resources, species, ecosystems and landscapes; a development function, to foster sustainable economic and human development, and a logistic support function, to support demonstration projects, environmental education and training, and research and monitoring related to local, national and global issues of conservation and sustainable development. To this effect, it has been envisaged that biosphere reserves should generally contain one

23 Tchindjang & Fogwe (2009).

24 At the Fourth World Congress on National Parks and Protected Areas, held in Caracas, Venezuela, in February 1992, the world's protected-area planners and managers adopted many of the ideas (community involvement, the links between conservation and development, the importance of international collaboration) that are essential aspects of biosphere reserves.

25 Wild & Mutebi (1996).

26 See Section 20 (3) Law No. 94/01 to lay down Regulations on the Forestry, Wildlife and Fisheries Resources in Cameroon.

or more core areas, which are securely protected sites for conserving biological diversity, monitoring minimally disturbed ecosystems, and undertaking non-destructive research and other low-impact uses (such as education). Also, there should be a clearly identified buffer zone, which usually surrounds or adjoins the core areas, and is used for co-operative activities compatible with sound ecological practices, including environmental education, recreation, ecotourism and applied and basic research; and a flexible transition area, or area of co-operation, which may contain a variety of agricultural activities, settlements and other uses and in which local communities, management agencies, scientists, non-governmental organisations, cultural groups, economic interests and other stakeholders work together to manage and sustainably develop the area's resources.

In addition to the above demands, the government of Cameroon, relying on present constitutional dispensation on the right to a healthy environment, has engaged in the conservation of the country's rich biodiversity.<sup>27</sup> This, for the most part, is an indication that the government is conscious not only of the intrinsic and ecological values of biological diversity but is equally cognizant of the social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components. It therefore remains incumbent on the government to double efforts and initiatives towards the crafting of robust national legislation capable of integrating the respect, preservation and maintenance of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilisation of such knowledge, innovations and practices.<sup>28</sup> This has however been a difficult task as the involvement of indigenous and local communities through their traditional practices and knowledge of indigenous or local communities has remained ineffective and at best passive although articulated in national law.<sup>29</sup> There is need, therefore, to examine how the law and practices governing conservation in Cameroon have evolved over the years in keeping with international commitments.

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- 27 Cameroon's commitment to the conservation and sustainable use of its rich biodiversity resulted in the ratification of the Convention on Biological Diversity (CBD) in 1994, the Cartagena Protocol on Biosafety in 2004, and the Nagoya Protocol in 2014.
- 28 Article 8 (j) CBD, which is confirmed in Article 10 (c) calling upon Contracting States to "protect and encourage customary use of biological resources with traditional cultural practices that are compatible with conservation or sustainable use requirements".
- 29 This can be seen as Article 4 of the Ordinance No. 74/2 of 6 July 1974 to establish rules governing state lands, reiterated in Ordinance No. 77/2 of 10 January 1977 which considers as artificial public property of the State chiefdoms and their related properties including land deemed to be occupied and those not occupied.



## 2.1 The evolution of the buffer zone paradigm

In Cameroon, conservation norms were and still remain inherited from former foreign administrators with very few contextual modifications. Under foreign administration, it was convenient for the purpose of mass resource capture to deny that Africans owned the lands that they and their ancestors had controlled, lived upon and used. Land, including conservation parcels, were merely declared to be the dominion of the State, and traditional owners held in law to be no more than permissive occupants and users. This phenomenon affected virtually all of sub-Saharan Africa.<sup>30</sup> Worse still, protected areas in the form of wildlife sanctuaries, forest reserves, zoos and national parks remain a nightmare to adjacent communities in Cameroon. This is so due to the fact that many unanswered questions which linger in the minds of the villages or adjacent communities which continue to embitter them are swept under the carpet by the institutions that preach and enforce conservation of the rich natural heritage in Cameroon.<sup>31</sup> From the outset, possessions of naturally collective properties or *res communis* like forests and rangelands remained at risk, as not visibly cultivated or settled.<sup>32</sup>

From the above analysis, post-independence, across most African countries including Cameroon have for so long been complacent of a sustained colonial system which has favoured State's role as landlord concerning natural resources ownership and management. At the same time, the land law of the country extended the opportunities for individuals to convert their customary interest into the private property system which however was introduced only to serve the colonial masters during their reign.<sup>33</sup> A system which goes against the notion of collective ownership visibly propped by the dispositions of related human rights international legal instruments.<sup>34</sup>

The national land legislation further empowers the government at the detriment of the rights of local communities living at the edge of conservation areas to convert any part of what is considered as 'national lands' into the private property of the state at any time. In such situation, customary land ownership is simply terminated. The

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30 Wily (2011:9).

31 See Lambi et al. (2012).

32 Article 15 of Ordinance No. 74/1 of 6 July 1974 which establishes the global scope of national land to be divided into: land occupied with houses, farms, plantations, grazing lands or any land manifesting human presence. Also included in this category are lands free of any effective occupation.

33 See Article 2.

34 See Chapter 26, Agenda 21 Plan of Action of the 1992 United Nations Conference on Environment and Development; Articles 25, 26, 27 and 28 of the 2007 United Nations Declaration on the Rights of Indigenous Peoples; 1993 Vienna Declaration and Programme of Action (Part 1, Paragraph 30) adopted by the World Conference on Human Rights (A/CONF.157/24 (Part 1), Chapter III).

supposedly modern forest law of 1994 adopted this with alacrity, in establishing that any decree or order declaring a State forest also serves as a land certificate.<sup>35</sup> In these lands and other non-forested areas brought under the private property of the State, customary landowners have moved from being permissive occupants and users of national land, to be the tenants of government, or of the private owners, leaseholders or licensees to whom the government has allocated 'their' lands. A good example is the Decree of 1968, creating national parks for the conservation of plants and animals in the Sudano-Sahelian Region of North Cameroon.<sup>36</sup> The indigenous people in this water-stressed environment, with their low rainfall and only short cycle grain crops like maize, millet and sorghum are grown are caught up in this tenuous web. While the population is not allowed to hunt the animals from the parks by dint of the protection, hungry animals from the park invade neighbouring farmlands, damaging crops thereby aggravating the meagre rural livelihoods. When the amount of rainfall drops significantly in these areas, the meagre grain harvests are threatened. With an adverse climate on the one hand and nature conservation of wildlife on the other, man is at risk as he suffers from a double tragedy of the destruction of crops by animals and the exposure to famine and also the threats of crop failure by a capricious climate. Consequently, the right to food and hence to a healthy environment is jeopardised.

It is for the foregoing reasons that there is a need to undertake a fresh and innovative approach to protected areas and their role in broader conservation and development agendas, an approach which demands the maintenance and enhancement of conservation goals, equitably integrating them with the interests of all affected people. This way, the synergy between conservation, the maintenance of life support systems and sustainable development would be forged. Yet, with regards to Cameroon, the Constitution has offered the possibilities for the government to sign and domesticate international legal instruments including those relating to the conservation and protection of nature. This offers the opportunities for conceiving human rights in conservation efforts much acclaimed in the current global legal dispensation. More so, it has been affirmed that conservation and protected areas can be the most effective way towards the realisation of the Sustainable Development Goals (SDGs) and meeting commitments under the biodiversity-related conventions, the UNFCCC, the UNCCD and other global agreements<sup>37</sup> to which Cameroon is a party.<sup>38</sup> This, therefore, means that conservation of nature must be tailored to issues

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35 In this light see Sections 7, 64, Forestry, Wildlife and Fisheries Law (1994); Wily (2011:13).

36 See Decree No. 120/SEDR of 5 December 1968, creating the Benue, Boubá-Ndjida, Mozogo Gokoro and the Waza National Parks in the northern zones of the country.

37 This kind of assumption has been drawn in the Durban Accord on Protected Areas (2005).

38 Cameroon has adhered to most of the international legal instruments in the field of the environment: The Basel Convention on the Transboundary Movements of Dangerous Waste and their Disposal in February 2001; Convention on Biological Diversity in 1992 (ratified on 29

around the enjoyment of human rights but also development issues. The only way for maintaining this is by building a harmonious relationship between nature conservation and human rights protection which could be more feasible through the creation of buffer zones around protected areas. The concept of buffer zones has however evolved from merely serving as zones protecting humans and their crops from damage by animals leaving conservation areas through saving conservation areas from negative human influences to simultaneously minimising human impacts on conservation areas and addressing the socio-economic needs of the affected population.

The World Bank which has over the years remained one of the major donors, financing development efforts in developing countries including Cameroon is increasingly revising its strategies for financing forest conservation which exclude human intervention in all its forms, to one which gives a wider consideration for conservation.<sup>39</sup> To this end, the IUCN category VI protected area concept has been adopted.<sup>40</sup> This was the beginning of a change of strategies for conservation which takes into consideration the interest of local communities henceforth considered as making significant contributions to the preservation of biodiversity, carbon sequestration, and other environmental services. This has however been embraced as a start in consideration for setting up through zoning<sup>41</sup> areas around protected areas which could entertain human intervention though strictly managed under State law.<sup>42</sup> Thus, under the Cameroonian forestry legislation, all such areas fall under State regulation as Article 24 (2) stipulates that the "...decree shall lay down rules of the various types of State forests."

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August 1994); United Nations Framework Convention on Climate Change in 1992 (ratified on 19 October 1994) and the Kyoto Protocol (adherence in 2002); United Nations Convention to combat Desertification in 1994 (ratified on 29 May 1997); The Vienna Convention on the Protection of the Ozone Layer and its Montreal Protocol on Ozone Layer Depleting Substances; The United Nations Convention on the Law of the Sea in 1982 in Montego Bay (ratified on 1 March 1983); The Bamako Convention in 1990; Convention on International Trade in Endangered Wild Fauna and Flora Species (adherence on 5 June 1981); Bonn Convention on Wild Migratory Species (ratified on 7 September 1981).

- 39 Before 2005, the Bank's performance in the forestry sector was unsatisfactory as its 1991 Forestry Strategy and the 1993 Forest Policy were hinged on the 'do no harm' stance on natural forests in the tropics, which largely exclude local communities' interests.
- 40 Protected Areas that embraces the concepts of IUCN Category VI is one which considers meaningful conservation to be one in which: "areas containing predominantly natural systems are managed to ensure long-term protection and maintenance of biological diversity while providing at the same time a sustainable flow of natural products and services to meet community needs".
- 41 Naughton (2007).
- 42 Section 24 (1) (a) (vi) of the Forestry and Wildlife Law (1994).

## 2.2 The establishment of conservation buffer zones: legal and administrative procedures in Cameroon

There is no gainsaying that biodiversity incarnates the foundation of human livelihood on earth, reason why the creation of protected areas for its conservation seem to appear top on the development agenda of many governments Cameroon inclusive.<sup>43</sup> Since the goals of biodiversity conservation may hardly be attained without adequate assurance for the enjoyment of basic human rights especially that of members of such communities peripheral or adjacent to conservation areas, there is hope that the creation of conservation buffer zones can sufficiently be the platform upon which such fears can be overcome. But then, what set of administrative/legal procedures have the Cameroonian government envisaged for the establishment of biodiversity conservation buffer zones?

To begin with, by virtue of Article 14 (1) of the July 1974 Ordinance on land tenure governance in Cameroon, it has been made clear that all lands both 'private and public' as of the date of entry into force of the law have become national lands, hence constituting the integral property of the State. While this is so considered, Article 17 (1) on its part stresses that such lands may by virtue of decrees be leased out or allocated for proper administration on behalf of the State in such a way as to ensure rational use thereof. The above dispositions therefore have turned not only to foster the already overwhelming grip the State had exercised over natural resources, but has equally confirmed the fact that biodiversity protection and conservation falls within the ambit of State power. This has gained momentum in the 1994 Forestry Law. In this regard, Article 7 of the law has recognized that the State, local councils, local communities and even private individuals may enjoy rights over forest resources including biodiversity, though such rights may be limited or controlled through the conservation paradigm. Thus, in a bid to ensure that buffer zones effectively ensure biodiversity conservation and human rights protection, its establishment by virtue of Section 16 (2) of the 1994 forestry law must be in consonance and subjected to prior environmental studies, reason why its creation has been under the supervisory authority of the Ministry of Forestry and Wildlife.<sup>44</sup>

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43 Ebreget & De Greve (2000).

44 See Section 104, Law No. 94/01 of 20 January 1994, to lay down the Forestry and Wildlife Regime in Cameroon.

### 2.2.1 Environmental and social impact assessment (ESIA)

The establishment of conservation buffer zones which turn to limit human activities and pressure upon conservation areas bear the shocks of human's development quests. According to Law No. 96/12 of 5 August 1996, human developmental activities deemed to affect the environment or conservation areas can only be permitted on the grounds that such activities do not go against the conservation objectives.<sup>45</sup> This is the reason why Article 65 (1) of this law stipulates that the scientific exploration and exploitation of biological and genetic resources must be carried out through strict collaboration and guide of national research institutions while taking into consideration the interests of local communities. To ensure that this rule is complied with, there must be an ESIA which brings out the initial nature of project sites, reason for the choice of such a site, environmental and human consequences of such projects, identified measures to curb or eliminate such consequences upon humans and the environment and reasons why in spite of such consequences the project could not be suspended.<sup>46</sup> While the respect of the above rules remain important for environmental protection and assurance of the enjoyment of human rights especially around conservation areas, or within conservation buffer zones, Cameroon is in other words respecting the exigencies of its international commitment.<sup>47</sup>

### 2.2.2 Zoning

Participatory zoning can be used as a tool for balancing conservation and development within a landscape, though such efforts might be afflicted with serious political and institutional challenges. Zoning comes in to consideration given that the aims of conservation areas today goes beyond mere conservation of nature into improving human well-being and providing economic benefits across multiple scales. As such, the 1994 law highlights the need to divide State forest into management units with a management plan adopted for each unit. In this light, Section 26 (1) goes further to lay emphasis on the need to take into account the social environment of local population whose rights needs to be protected. However, such rights can be terminated if they are found to be contrary to conservation objectives. At this juncture, the population can be compensated. Sometimes, the trumpeted compensations are hard to come

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45 Article 17, Law No. 96/12 of 5 August 1996.

46 See Article 19 (1) and (2) Cameroonian Environmental Legislation (1996).

47 This falls in line with the required standard of international environmental impact assessment document as previewed in Article 4 and Appendix II of the Espoo Convention on Environmental Impact Assessment in Transboundary Context (1991). See to this effect, Paragraphs (a) to (i).

by, leaving local people evicted in the name of conservation. These evictions can destroy both the lives of tribal peoples and the environment they have shaped and cared for over millennia.<sup>48</sup>

### 2.2.3 Sourcing for funds

When a government earmarks any project including that of creating a conservation area, what immediately follows is the issue of financing the project. The United Nations General Assembly in its Resolution 44/228 of 22 December 1989 called on the United Nations Conference on Environment and Development to seek and identify ways and means of providing new and additional financial resources, particularly to developing countries, for environmentally sound development programmes and projects in accordance with national development objectives, priorities and plans. This has further been reechoed in Chapter 33 of the Agenda 21 Plan of Action. However, the 1996 Law on Environmental Management in Cameroon envisages the creation of a special fund (National Fund for the Environment and Sustainable Development) for the protection of the environment.<sup>49</sup> Today, this fund is operational but simply as a chapter under the National Forestry Fund and not as a separate entity with its own personnel and autonomy.

Besides, the 1994 Forestry and Wildlife Law provides that the public administration shall be guarantor of funds for biodiversity conservation, though such funds can be devolved to other public, community and private bodies by sub-contracting certain management activities.<sup>50</sup> To add, funds for the implementation of conservation initiatives especially within conservation buffer zones could be gotten through the conclusion of forest exploitation contracts. These contracts may generate funds as provided for by the general national tax code. However, the assessment of such taxes may be based on the annual forestry fees assessed on the basis of surface area as will be fixed by the financial law.<sup>51</sup>

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48 Sukdev (2013).

49 Articles 11 and 12 of Law No. 96/12 of 5 August 1996.

50 See Section 64, Law No. 94/01 of 20 January 1994, to lay down the Forestry and Wildlife Regime in Cameroon.

51 (ibid.:Sections 66-70).

### 2.2.4 Establishment of a comprehensive conservation management plan

In order to obtain satisfactory system of nature conservation, the Forestry Law of 1994 recommends the establishment of a management plan for every forest. A management plan for meeting conservation objectives in Cameroon should be one which conforms to the conditions found within the environmental legislation for the country.<sup>52</sup> A comprehensive environmental management plan therefore must be one which holds human rights issues at the centre. Within the CBD, a link has been established between protected areas and surrounding landscapes. In Article 8, the Convention calls upon Parties to set up a system of protected areas to “promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings” (Article 8(d)), and to “promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas” (Article 8(e)). The CBD Programme of Work on Protected Areas, adopted in 2004,<sup>53</sup> goes further by setting a target for broad integration of all protected areas into their wider landscape and seascape, as follows:

By 2015, all protected areas and protected area systems are integrated into the wider land- and relevant sectors, by applying the ecosystem approach and taking into account ecological connectivity and the concept, where appropriate, of ecological networks.

The ecosystem approach mentioned in the CBD program and in the Millennium Ecosystem Report alludes to consideration of all interests including basic human rights of the local people around protected areas. This must be translated into practical reality in Cameroon.

### 2.3 Approaches to the management of buffer zones

There are various approaches to buffer zone management related to the specific approaches in and opportunities for nature conservation. Buffer zones management can take the approaches of land use planning (LUP), ICDP as well as the Man and Biosphere approach (MAB).

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52 The government is responsible for establishing environmental management plan for the country which is subjected for revision every five years, while taking into consideration the economic, social and cultural situations within such plans.

53 CBD COP 2004 VII/28, Programme Element 1.

### 2.3.1 The land use planning approach (LUP)

In many countries including Cameroon, the land is generally owned by the State. The creation of conservation areas, therefore, will entail the expulsion of people found to have settled on such lands. Until 2000, little progress was made in Cameroon in this direction.<sup>54</sup> Conservation organisations and the government had done almost nothing in Cameroon to implement their international commitments to protect community rights in their conservation projects. Most of the new standards to which they had agreed remained unknown at the local level. Yet, it is conservation and especially government staffs at the local level that are in most need to be informed about these new standards and be given support to implement them.<sup>55</sup> In addition to being impeded by a persistent lack of information and support, local government officials, in particular, are also constrained by their duty to implement outdated laws which contradict the government's international commitments.<sup>56</sup> To this effect, while asserting that, the land belongs to the State, its management, especially concerning conservation areas, should be devolved to the local communities and government overseeing.

### 2.3.2 Integrated conservation and development projects (ICDP)

Though the concept of ICDPs is considered to be new, they represent a shift away from traditional approaches to park management, which was hinged on penalties for illegal use, to increased emphasis on promoting the participation of local resource users in conservation activities. In practice ICDPs usually target both the protected area (by strengthening management) and local communities (by providing incentives such as rural development opportunities to reduce pressure on natural habitats and resources). In most countries including Cameroon, ICDPs started as small NGO efforts, but most major donors have now embraced the ICDP model; many build on earlier, more traditional conservation efforts to strengthen park protection and management. ICDPs range in size and scope from initiatives that seek to empower and benefit local communities, through projects designed for poverty alleviation around protected areas, to major programmes which attempt to integrate conservation with regional and national development.

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54 Venant (2009).

55 (ibid.).

56 (ibid.).



3 The conceptualisation of conservation buffer zones in environmental legal frameworks

Protected areas (PAs) have been, and continue to be, the predominant units for the conservation of biodiversity.<sup>57</sup> While these areas may vary considerably in shape and size as well as in habitat and species,<sup>58</sup> what seems to be common is the fact that its primary concern is biodiversity conservation. This approach has been found to be based on the ‘wilderness preservation’ philosophy which originated in the United States in the late 1800s, giving birth to a movement of national park establishment with the purpose of preserving areas of scenic beauty and natural wonders free from human exploitation, for the recreational enjoyment of visitors. The North American conservationism model rapidly spread throughout the world, creating the dichotomy of ‘parks versus people’ – which may have devastating effects on local populations whose relation with nature can hardly be undermined.<sup>59</sup> This therefore calls for the need to scrutinise how such inspirations have been enshrined within some legislative initiatives undertaken both at the international and national levels using Cameroon as a yardstick.

This therefore calls for the need to scrutinise how such inspirations have been enshrined within some legislation both at the international and national levels using Cameroon as a yardstick.

3.1 Scrutiny of international policies and legal framework

Whether accepted or not, there is a need to foster the already existing links between conservation and the knowledge system and livelihood of communities that live at the edge of conservation areas. This entails a holistic approach to conservation initiatives which is sustainable, realistic, and resilient. Conservation therefore should seek to enhance the land rights of communities, their culture and livelihood.

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57 Nelson (2003); Le Saout et al. (2013).

58 Colchester (2004).

59 Brower (1995).

### 3.1.1 Declaration of the United Nations Conference on the Human Environment (1972)

At the Stockholm Conference,<sup>60</sup> world leaders showed prove that nature preservation can no longer be possible especially at a time when human population growth started witnessing a rise. This means that, while nature continue to be needed for intellectual, moral, social and spiritual growth by humans, a mechanism is needed to ensure that this does not go against the very rights sought to be protected. This marks the beginning in bridging the gaps between environmental preservation and human rights protection. Yet, the quest for conservation and human rights protection can only be synergised more effectively within conservation buffer zones. By implication therefore, this was the very foundation for perceiving the need for the establishment of conservation buffer zones around conservation areas. After all, it has been accepted that<sup>61</sup>

...of all things in the world people are the most precious. It is the people that propel social progress, create social wealth, develop science and technology and, through their hard work, continuously transform the human environment. Along with social progress and the advance of production, science and technology, the capability of man to improve the environment increase with each passing day.

Furthermore, from the very acceptance that humans have the rights to adequate conditions of life, add impetus to the need for an environment of quality which permits a life of dignity and well-being constitutionally protected in most countries in the world including Cameroon. While such can only be realistic within conservation buffer zones, humans have been accorded the responsibility to protect and improve the environment for present and future generations through careful planning or management.<sup>62</sup>

### 3.1.2 UNESCO's Man and Biosphere Programme (1974)

Biosphere reserves<sup>63</sup> are designed to deal with one of the most important questions the world faces today, that of how to reconcile the conservation of nature with its

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60 The United Nations Conference on the Human Environment was convened at Stockholm, the Swedish capital from 5 to 16 June 1972 with the need to forge a common outlook for the enhancement of the human environment.

61 See Paragraph 5 of the Proclamations of the Stockholm Declaration (1972).

62 Principles 2, 4, 8, 15 and 18 of the Stockholm Declaration.

63 Biosphere reserves can be considered as areas of terrestrial and coastal/marine ecosystems which are internationally recognised under UNESCO's Man and the Biosphere (MAB) Programme; they constitute ideal sites for research, long-term monitoring, training, education and

use.<sup>64</sup> The strategies developed by the biosphere programme in which there is a recommendation that, biosphere strategies should be integrated within plans for protected areas, and in the national biodiversity strategies.<sup>65</sup> This seeks to strengthen the views of the CBD which states that.<sup>66</sup>

Each contracting party shall, in accordance with its particular conditions and capabilities develop national strategies, plans and programmes for the conservation and sustainable use of biological diversity...and integrate as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral and cross-sectoral plans, programmes and policies.

Following this vision, there is need to lay emphasis on the fact that, the biosphere programme highlights the need to ensure better harmonization and interaction among the different biosphere reserve zones, including buffer zones which are hosts to full range of interests such as agriculture, forestry, hunting and extracting, water and energy supply, fisheries, tourism, recreation and research.

### 3.1.3 Convention on Biological Diversity (1992)

From its objectives,<sup>67</sup> the CBD incarnates the legal foundation for the needs of establishing conservation buffer zones around conservation areas. This has been elaborately articulated by encouraging and promoting environmentally sound and sustainable development in areas adjacent to protected areas with a view of fostering the protection of these areas.<sup>68</sup> Also, Article 8 (i) goes further to recommend that contracting parties should provide the necessary conditions needed for “compatibility between present uses and the conservation of biological diversity”, condition necessary for the enhancement of human rights within conservation buffers. To strengthen this, there is need to respect, preserve, and maintain the knowledge, innovations and practices of indigenous and local communities for the conservation and sustainable use of biolog-

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the promotion of public awareness while enabling local communities to become fully involved in the conservation and sustainable use of resources.

64 The concept of biosphere reserves originated from a Task Force of UNESCO’s Man and the Biosphere (MAB) Programme in 1974. The biosphere reserve network was launched in 1976 and, as of March 1995, had grown to include 324 reserves in 82 countries. The network is a key component in MAB’s objective of achieving a sustainable balance between the sometimes-conflicting goals of conserving biological diversity, promoting economic development, and maintaining associated cultural values. Biosphere reserves are sites where this objective is tested, refined, demonstrated and implemented.

65 Objective 1.2 of the Biosphere Strategies of the MAB.

66 See CBD, Article 6 (a) and (b).

67 Article 1 CBD.

68 Article 8 (e) CBD.

ical diversity. However, such knowledge, innovations and practices should be the bedrock for equitable sharing of benefits arising from the utilization of such knowledge, innovations and practices.<sup>69</sup> In this light, Cameroon has elaborated a National Strategy on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilisation (ABS). This document harnesses and projects the country's ambition to weave biodiversity conservation with the enjoyment of human rights especially at a time when the country had ratified the Nagoya Protocol on Benefit Sharing and is strategising on with other countries of the COMIFAC zone on defining modalities for access and the fair and equitable sharing of benefits from their utilisation.

### 3.1.4 World Summit on Sustainable Development's Action Plan for the Achievement of 2010 Biodiversity Targets (2002)

While considering conservation buffer zones as effective tool for the enhancement of conservation areas with special consideration on human rights, the World Summit on Sustainable Development (WSSD)<sup>70</sup> affirmed that, indigenous people have a vital role to play in sustainable development.<sup>71</sup> This has been endorsed within the key commitments, targets and timetable of the implementation plan of the summit in what has been entitled "management of natural resource base". This concurred with the target that was set forth to achieve by 2010 a significant reduction in the rate of loss of biological diversity. Hardly could this have been attained without ensuring collaboration with local communities, a path traced within the objectives of the CBD. This section highlights the need to access and sustainably use biodiversity components. The identification of this need has been reflected within National Biodiversity Strategic Plan II (NBSAP II) adopted by the Ministry of Environment, Nature Protection and Sustainable Development in 2012. In this light, while acknowledging the international strategy for conservation of biodiversity and streamlining conservation efforts towards the protection of human rights, the country has adopted its own biodiversity strategic goals and targets.

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69 Articles 8 (j), 10 (c), (d) & (e) CBD.

70 From 26 August to 4 September 2002, eighty-two Heads of State and Government, thirty Vice-Presidents and Deputy Prime Ministers, seventy-four Ministers, royalty and other senior officials, and thousands more official representatives came together with observers from civil society, academia, the scientific community, local communities, and the private sector at the Sandton Convention Centre in Johannesburg, South Africa for the World Summit on Sustainable Development (WSSD).

71 Paragraph 26.1 of Agenda 21 Plan of Action.

### 3.1.5 The Nagoya Protocol (2010)

Many environmentalists consider protected areas as cornerstones of biodiversity and species conservation. For most species, protected areas will be the single most important way to ensure their long-term survival. To this effect, conservationists are advocating for a landscape or ecosystem approach towards conservation which entails the need to work with local communities within and around protected areas, to further conservation objectives while ensuring the enjoyment of human rights. Indeed, many in the conservation community believe that wildlife conservation and protected areas in poorer countries are doomed to failure unless local communities become an integral part of conservation efforts and benefit economically from those efforts. Benefitting from conservation initiatives now constitutes the focus of the third objective of the CBD (the fair and equitable sharing of benefits arising out of the utilisation of genetic resources). By 2010, the Nagoya Protocol was adopted as an implementing mechanism of this CBD objective also reechoed in Article 15 (2) and (3) of same.<sup>72</sup>

However, at the domestic level, though the country's environmental legislation does not effectively catalogue how human rights issues should be dealt with in conservation buffer zones in an explicit manner, one can trace through the 1994 Forestry Law some initiatives that have been taken by the State so far, even though some of these have been highlighted above.

## 3.2 National policies and buffer zones management

The Cameroonian government has taken the engagement within the constitution to respect the rights of its citizens without discrimination. While others will ask where particularly these rights should be protected as they are considered to be foundationally dubious and lacking in cogency.<sup>73</sup> It is a matter of policy that natural resources are harnessed for the well-being of all citizens and to ensure their development. To crown these, it has been held sacrosanct that "every person has the right to a healthy environment".<sup>74</sup> It is with this clairvoyance that most environmental legal instruments including the 1994 Forestry Law have been adopted. Within this optic, the environmental legislation in a bid to ensure that human rights are protected within con-

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72 See Articles 5, 6, 7 and 12 of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the CBD.

73 Sen (2004:549).

74 Preamble of Law No. 2008-1 of 14 April 2008 to amend and supplement some provisions of Law No. 96/6 of 18 January 1996 to amend the Constitution of 2 June 1972.

ervation buffer zones, certain key commitments have been undertaken including determination of land ownership, involvement of local people in environmental management as a whole, while giving room for compensation when human rights are violated as spelt out in most international legal instruments relating to or having implications on the subject under study.

### 3.2.1 The determination of land ownership

Land in Cameroon is systematically owned by the State. This is in line with the technical assumption of Article 1 (2) of the 1974 Ordinance establishing rules governing land tenure in the country which is to the effect that, “the State shall be the guardian of all lands”. Environmental policies simply come to confirm this as Section 24 (1) (a) and (b) of the 1994 Forest Law spells out the contour of State forests to include areas protected for wildlife and forest reserve proper. The State, therefore, depends upon such broad definition of state forest to guarantee land certificates on such lands to its self (Section 25 (1) and (2)). In addition to this, the State through the Constitution doubles as guarantor of human rights. So the question here therefore is, if all forests belong to the state and all lands owe belonging to the state equally and the State is in charge of creating conservation areas, depriving local people of access to natural resources in the country, how can the State turn to reconcile these seemingly contradictory goals? Yet, Article 10 (1) and (2) of the 1996 environmental management law of Cameroon gives the government authority to define environmental politics of the nation and see to its implementation and enforcement.

While conservation buffer zones have been considered to fall within the context of State lands as seen in Section 24 above, it becomes very easy for the State, therefore, to set out laws for its management while enforcing the rights of all communities found in such. To this effect, Article 9 of the 1996 Environmental Law sets out the principles which must be respected in the exercise of rights within these zones. These principles include that of precaution, preventive action, polluter-pays as well as environmental responsibility. From this point, the State can, therefore, accord lands to private persons and other entities with much assurance as to environmental respect, especially the protection of conservation areas through the permission of human activities within surrounding buffer zones which are considered sustainable and in line with conservation objectives.<sup>75</sup>

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75 Section 26 (2) of the 1994 Forest Law.

### 3.2.2 Involvement of local communities in conservation buffer zones management

The 1996 environmental law has articulated the need to involve populations in environmental management. In this light, the national ABS strategic plan recognises the need to strengthen capacity building of persons, institutions and communities on the access to genetic resources and benefit sharing within the framework of the implementation of the Nagoya Protocol on ABS.<sup>76</sup> Here it is strongly believed that such involvement in capacity strengthening can be possible through effective access to information, continues consultation and exchange of views, representation at decision-making levels, availability of information as well as sensitisation, training, research and environmental education.<sup>77</sup> The open nature of the Cameroon legislation to local communities living around conservation areas is plausible, though in concrete terms it largely remains on paper. The government has been charged with the duty of elaborating an environmental management plan which is revised every five years. This is accompanied by a bi-annual report on the state of the environment submitted to an inter-ministerial commission on the environment.<sup>78</sup>

## 4 Benefits of conservation buffer zones

Even though many authors turn to think that the conservation drives in Africa have been the replication of western ideas and stereotypes, Ngwasiri<sup>79</sup> on his part considers that the “conceptions of the primitive drive the modern and the post-modern across a wide range of fields including environmental conservation”. Thus, calling for the inclusion of local participation and community development as part of a comprehensive strategy for nature conservation in Africa especially in conservation buffer zones. This has however been ubiquitous with organisations ranging from the World Bank to grassroots human rights activists.<sup>80</sup> This is more evident even as the World Bank lending policy of recent years has been oriented towards integrating “forest conservation projects with macroeconomic goals” and the need to involve “local people in forestry and conservation management”.<sup>81</sup> However, while the relationship between local communities and the government has been characterised by scepticism, local people have turned to see parks as government-imposed restrictions

76 See Chapter 2.1 National ABS Strategic Document (2012).

77 See Article 72 of the 1996 Environmental Legislation.

78 Articles 14, 15 and 16, 1996 Environmental Legislation.

79 Ngwasiri (1995).

80 See Cleaver (1993); KIPOC (1992); Fombat (1997).

81 See Neumann (2000:222).

on their traditional rights. This is even made worse as governments including that of Cameroon turn to consider them as primary forces for environmental degradation.<sup>82</sup> This kind of conflict between conservationists and local communities can be resolved through the buffer zones paradigm, otherwise known as ‘new conservation approach.’<sup>83</sup>

#### 4.1 Buffer zones: a new approach to conservation

The establishment of conservation buffer zones can be viewed as an effective tool for balancing nature conservation with human rights protection. This explains why for the past fifteen years, the World Bank and United Nations Development Programme with funding from the Global Environment Facility (GEF) have embarked more on landscape approach towards conservation which lays emphasis on the need to work beyond park boundaries. The needs to work with local communities and other stakeholders to further conservation objectives have been recognised. This approach was emphasised in the ‘Beyond Boundaries’ theme of the 2003 World Parks Congress and is also recognised in the GEF’s 3 and 4 Biodiversity Strategic Priorities.

The benefits that this has brought to local communities include those directly related to wildlife management which, according to Egbe<sup>84</sup> include wages, income, bushmeat; social services and infrastructure which include clinic, schools and roads as well as political empowerment through institutional development and legal strengthening of local land tenure. To sustain this, Tamasang<sup>85</sup> has posited that “the *Kwihfon* plays a preponderant role in the management of land and forest resources through injunctions”. He goes ahead to enumerate such injunction orders to include “no farming in the forest, no cutting of wet trees, no grazing in the forest, no harvesting of *prunus* barks, no fire, no hunting of protected species” among others. While these may be beneficial to the society or community involved, it goes a long way to foster nature conservation.

#### 4.2 A kinder, gentler conservation approach

Despite the fact that land alienation and local impoverishment seem to continue apace, there is growing sympathy in the treatment of local land rights as well as ben-

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82 IUCN (1991); IUCN, UNEP, WWF (1991).

83 Baskin (1994); Fletcher (1990).

84 Egbe (1998).

85 Tamasang (2007).



efit sharing by buffer zones proponents. At first, nature conservation was equivalent to eviction as there exists no such thing as wilderness. This means that most protected areas especially land-based have been carried out on the ancestral homeland of tribal people. In the name of conservation, such people were evicted from their lands. For local communities, eviction is a catastrophe, as when they are evicted they have their self-sufficiency taken away from them. Where once they thrived on their land, all too often they are forced to begging or receiving government handouts in resettlement areas. Furthermore, when these guardians of the land are removed, their former environment can also suffer, as poaching, over-harvesting and wildfires increase along with tourism and big businesses.<sup>86</sup>

To resolve these worries, the concept of buffer zones has brought in a lot to improve upon the livelihood and well-being of local communities. For instance a buffer zone project has been implemented of recent around the Selou Game Reserve in Tanzania, being the largest in Africa with close to 50,000 km<sup>2</sup>. With the creation of the buffer zone, management by the park's authorities have been liaised with the need to consult and to jointly manage with local communities.

#### 4.3 Participatory integrated conservation and development projects

ICDPs offer new approaches to conservation that, if properly implemented, are likely to be an effective means of conserving wild lands and their biodiversity. This is so given that, almost 80% of the world's biodiversity is found on the lands of tribal peoples and the vast majority of the 200 most biodiverse places on earth are tribal peoples' territories.<sup>87</sup> More so, by developing ways to live sustainably on the land they cherish, tribal peoples have often contributed sometimes over millennia towards the high diversity of species around them.<sup>88</sup> The question here is: can conservation initiatives succeed without these communities? This has been concluded by affirming that, future success of conservation therefore critically depends on tribal peoples. Thus, "when the rights of communities are respected, they are far more effective than governments or the private sector in protecting forests".<sup>89</sup>

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86 Sukdev (2013).

87 Oviedo & Maffi (2000).

88 Prance (1997:135-143).

89 (ibid.).

## 5 Challenges of buffer zone management and impacts on the enjoyment of human rights

In theory, it remains that buffer zones exist in order to ensure the effective conservation of protected areas and on the other hand, guarantee the rights of nearby communities. Yet, in practice, the conservation objectives while highly pursued by most governments, human rights is still lagging. This makes one to wonder why human rights of communities deprived, chased out or ousted from conservation areas, relocated and sometimes seeking refuge in buffer zones near to their former homelands will be neglected, rendering them victims of double abuse. This may find answer in the presumption that the “conceptual foundation of human rights remains soft and mushy”.<sup>90</sup> This dismissal of human rights is often comprehensive and is aimed against any belief in the rights that people can have unconditionally simply by virtue of their humanity (rather than having them contingently, on the basis of specific qualifications, such as citizenship or legal entitlement). Some critics, however, proposed a discriminating rejection as they accept the general idea of human rights but exclude, from the acceptable list specific classes of proposed rights, in particular, the economic and social rights, or welfare rights.<sup>91</sup> These rights, which are sometimes referred to as second-generation rights, such as common entitlement of subsistence or to medical care, have mostly been added relatively recently to earlier enunciation of human rights, thereby vastly expanding the claimed domain of human rights.<sup>92</sup> It is therefore time for humans to change thoughts on how to protect human rights through various rubrics including environmental issues.<sup>93</sup> This proactive stance has had its colossal appeal of the idea of human rights to confront intense oppression or great misery even without waiting for the theoretical air to clear. Thus, for human rights ideas to command reasoned loyalty and to establish secure intellectual standing in conservation initiatives, some conceptual doubts must be cleared.

### 5.1 The challenge of articulating customary land right

One of the greatest challenges faced by most African governments including that of Cameroon has been one of ensuring that nature is integrally conserved, but also that such conservation should not be opposed to the very principles of human rights preached and privileged in most domestic policy documents. The question of the land

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90 Sen (2004); Bentham (1792).

91 Ivan (2002).

92 Razzaque (2002).

93 Westra (2009).

tenure system is conspicuous. The Cameroon's 1994 Forestry Law was enacted with the objective of involving communities in the management and protection of forest resources. Although it constitutes an important aspect of the democratisation and liberalisation process initiated by the State in the early 1990s, it has not defined the rights to land as an important resource. Yet, the 1994 law and its 1995 Enabling Instrument on Wildlife (Wildlife Decree) recognise traditional custodians of wildlife resources as partners in the resources management exercise. They were enacted on the assumption that, resources are better managed when their local custodians have shared or exclusive rights to make decisions over and make benefits out of their use. Even the 1974 and 1976 land tenure legislation of the country have devolved limited or rather 'mere paper' rights to local communities to land ownership. Systematically though, all lands are owned by the State.

Whereas it has been recognised that bringing decision-making close as possible to citizens, joint resource management is seen as integral to good governance,<sup>94</sup> to succeed in such strive, there is need for negotiation processes on shared rights and privileges (including tenure and decision-making powers) by multiple stakeholders and the recognition of this by government and other wide range of resource users.

## 5.2 Overwhelming State power versus local community(ies) rights

The State incarnates the owner and overall determinant of how natural resources should be owned and managed including forest and biodiversity found to constitute major sources of livelihood to communities that harbour conservation areas. This power has been legitimised under the United Nations Charter and other international legal policies which turned to shove the sovereign right to exploit and control their natural resources. Systematically, major international environmental legal instruments have been streamlined within this same pattern.<sup>95</sup> At this juncture, one needs to know the position of local communities in the management of their natural resources as articulated in the United Nations Declaration on Indigenous People, Agenda 21 as well as the Durban Accord besides others.

However, for the purpose of the 1994 Law and the 1995 Enabling Instrument, a community must be a recognised legal entity. Yet, to obtain this status, a community needs to demonstrate proof of its existence to the government. With this, *de facto* village councils and traditional institutions are not recognised legal entities under the 1974 Law on the Organisation of Councils, the 1977 Law on the Organisation of

94 Egbe (2001).

95 For instance, see Principle 21, Stockholm Declaration; Principle 2 Rio Declaration; Article 3 CBD among others.

Chieftaincy as well as Article 55 (2) of the 1996 Constitution. Whereas these are deeply involved in determining how resources are managed within local communities, they still need to show proof of their existence to obtain status as public law corporate bodies (*personne morales de droit public*) for the purpose of managing their own natural resources including conservation buffer zones.<sup>96</sup> Even if recognised, there has been the confusion about the use of terms such as village ‘community(ies),’ ‘community,’ ‘neighbouring community,’ one or ‘many communities’ and the members of the said community. Like Egbe, one wonders if the term ‘community’ includes strangers (non-indigenes), women, youths, or socially stigmatised groups such as the Baka pigmies; does it mean village, tribes, ethnic group or clan; does it assume a traditional, politico-administrative, or geographical dimension?

## 6 Concluding remarks and moving forward

There is no single boiler-plate formula for implementing a buffer zone management approach. Any conservation area needs a tailor-made buffer zone, which will have a specific size, format, management, and land use pattern which works best for that area. The development of a buffer zone follows a process which is slow. It is perhaps for this reason that few conservation areas with fully operational and effective buffer zones have been identified. Most often, the government, in the quest for establishing conservation areas, simply strip local communities of their rights to livelihood, which is difficult to be established somewhere else.

Due to the complexity and long duration of buffer zone establishment, as a result of perhaps cumbersome human rights demands, many of the buffer zone initiatives have not, or have not yet, succeeded in achieving their ultimate goals. Thus, buffer zones approach demands solving the conflict between nature conservation and rural development, while taking a participatory approach. For the government to set up buffer zones with a clear community-based view there is need to adopt a holistic approach which is based on performance, stability, sustainability, equity, and productivity.

However, buffer zone establishment should be that unique opportunity which Cameroon government should not miss in order to reconcile itself with marginalised forest communities. This may be very easy to articulate given that there is already in existence a national biodiversity conservation strategic goal which vision centres mainly on the establishment of a sustainable relationship between biodiversity and human-wellbeing by 2035. As such, if the interest of these communities is taken on a

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96 Ngwasiri (1995); Tamasang (2007).

serious note as pointed out, they may turn to see buffer zone management, not as government impose laws, but rather as means by NGOs, and their community leaders to enhance their interests.

The Government should equally intensify training of its personnel on participatory resource management. Participatory resource management requires stakeholders to work together in establishing objectives and programs to meet these. For instance, as members of the Land Consultative Board (which manages national lands) and as mediators of local disputes, District Heads, Senior Divisional Officers and Divisional Officers are crucial stakeholders in this participatory process. Thus, building confidence for dialogue between administrative officials and traditional custodians of forest and wildlife resources might help to reduce pressure as a result of competition for immediate and unsustainable resource exploitation.

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