

# Chapter 32:

## An analysis of environmental impacts of timber exploitation on indigenous communities' land in Cameroon

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### 1 Introduction

Cameroon is known by different monikers as 'Africa in miniature' (because of its diversity in landscapes); 'Mecca of African soccer' (because of its legendary performance in soccer); and 'Africa's crossroads between west and east Africa' (because of its strategic location).<sup>1</sup> These appellations are fuelled by its ethnic, ecological, climatic, cultural, linguistic, and religious diversity.<sup>2</sup> The country stretches from 2°N to 13°N latitude between 8°25'E and 16°20'W longitude, covering an area of 475,440 square km.<sup>3</sup> The moist tropical rainforest area of Cameroon is positioned in Central Africa, precisely in West Africa on the Gulf of Guinea.<sup>4</sup> The country is surrounded by other African countries: to the north by Chad, to the east by the Central African Republic, to the south by the Democratic Republic of Congo, Republic of Congo, Gabon and Equatorial Guinea.<sup>5</sup> To the west is the Federal Republic of Nigeria.<sup>6</sup> With a population of over 22 million people, it comprises over 250 ethnic groups that speak over 270 different languages whose speakers exhibit various cultural practices and institutions to which indigenous peoples are inclusive. The official languages are English and French.<sup>7</sup> English is spoken in the southern part of Cameroon, while French is the dominant language used in the eastern part of the country.

The rich and diverse ecosystem surrounding the tropical rainforest in Cameroon has attracted plenty of attention at the international and national levels, owing to its climatic conditions and biological diversity. Among the vast and assorted forest resources is the lowland humid timber rainforest consisting of 58% of the total surface area of the country, where the Baka, Bakola and Bagyéli indigenous communities have

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1 Gross (2003: xv).

2 Amungwa (2011: 53-54).

3 Sunderland-Groves et al. (2003: 1-2).

4 Amungwa (2011: 54).

5 Sayer et al. (1992: 110).

6 Ibid.

7 Echu (2013: 19).

resided over decades.<sup>8</sup> In these areas of moist forest zones, the majority of logging activities in the country take place. Timber plays a vital role in the country's economy and contributes over 10% of its GDP. Timber is considered one of the most important sources of income for economic growth.<sup>9</sup> To this end, timber has been rated second in terms of export after oil. Timber offers between 45,000 and 70,000 jobs to the population.<sup>10</sup>

The rainforest area is home to many indigenous peoples (Pygmies) serving them as a source of food, water, shelter, clothing, cultural identity and spiritual survival.<sup>11</sup> Until colonisation, timber was solely used for carvings, canoe construction and the building of bridges. Little commercial value was initially attached to this important resource.<sup>12</sup> This changed with the colonial system of divide and rule, resulting in severe disruptions to the traditional ways of life and the environment of indigenous peoples.<sup>13</sup> European traders not only exploited the area in search of fertile and vacant lands but also harvested natural resources such as timber.<sup>14</sup> After independence, the post-colonial government of Cameroon failed to meet the socio-economic and environmental needs of indigenous peoples and local inhabitants. Land and environmental laws adopted were still influenced by European ideology of private ownership, resource exploitation and management.<sup>15</sup> This contributed to an increase in illegal acquisition of land and unsustainable resource exploitation.<sup>16</sup> This in turn contributed to further destruction of the environment and marginalisation of indigenous communities in Cameroon.<sup>17</sup>

This chapter assesses the deleterious effects that timber exploitation has caused to the environment of indigenous communities in Cameroon. It is argued that the excessive rate of timber exploitation on indigenous peoples' land have had disastrous impacts on the environment and the peoples' well-being. The extraction of timber from the rich, dense forests prompted the government to enact some sectoral laws at the national level. These are the Forestry Law<sup>18</sup> and its Decree of implementation,<sup>19</sup> including Law No. 96/12 relating to environmental management regulating forestry activities in order to ensure environmental sustainability in the country. Despite the enactment of these laws, the rate of illegal timber exploitation and its environmental impacts on land occupied by indigenous peoples remains overwhelming. This chapter

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8 Beauchamp & Ingram (2011: 402); and Amungwa (2011: 54).

9 Alemagi & Kozak (2010: 554-555).

10 Ibid; Mbatu (2010: 444-445).

11 Mbatu (2010: 444-445).

12 Amariei (2005: 7-8).

13 Dersso (2010: 32-33); see also Dersso (2012).

14 Ardener (1962: 342).

15 Amungwa (2011: 54).

16 Alemagi & Kozak (2010: 554-556).

17 Ibid.

18 No. 94-01 of 20 January 1994.

19 Decree No. 95-531 of 23 August 1995 was laid down to determine the implementation process of Forestry, Wildlife and Fisheries regulations (also referred to as the Forestry Decree).

uncovers the underlying causes of recurrent negative environmental impacts caused by timber exploitation on indigenous peoples' lands. For this matter, the chapter critically examines the rate of exploitation of timber on indigenous lands, highlighting the devastating environmental impacts on affected communities. It also evaluates international, regional and national legal frameworks regulating environmental protection relevant to Cameroon, assessing whether the national government and extractive industries adhere to international standards. The chapter concludes with some suggestions for policy and legal reform.

## 2 The exploitation of timber on indigenous peoples' lands in Cameroon

The rich, dense forest of Cameroon consists of 20 million hectares which constitute about 42% of the national territory.<sup>20</sup> The tropical rainforest comprises two types, although the dense forest area estimated at 17 million hectares is the largest in comparison to the other.<sup>21</sup> About three quarters (75%) of the country's evergreen tropical forest is situated in the southern part of the country forming part of the Congo Basin forest.<sup>22</sup> This forest area is ranked the second largest ecosystem in the world after the Amazonia, which has attracted multinational corporations (MNCs) and extractive industries from different parts of the globe.<sup>23</sup>

Given the wide range of Cameroon's natural resources, one would expect a certain level of socio-economic and infrastructural development including a stable economy and a high standard of living for indigenous communities. Ironically, this is not the case. The situation is similar to most other African countries, where despite the abundance of natural resources, the people are still entrapped by a myriad of challenges including chronic poverty and environmental degradation. As Ross<sup>24</sup> posits, resources are at times more a 'curse than a blessing', since they easily instigate conflicts in low and middle-income countries, especially if the resources are located within areas occupied by indigenous peoples. This observation is affirmed by some scholars. For example, Frankel<sup>25</sup> opines that natural resources do not boost economic growth as is the case in resource-rich countries like Angola, Nigeria, Sudan and Congo, where despite the vast amount of oil, diamonds, petroleum and other mineral resources, living standards and per capita income remain extremely low. The host communities where these

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20 Mbati (2016: 467).

21 Ernst et al. (2012: 25).

22 Mbati (2016: 467).

23 Oyono (2005: 321).

24 Ross (2015: 240).

25 Frankel (2012: 4).

resources are extracted live in abject poverty and are often confronted with environmental and other socio-economic challenges. Scholars have further argued that:<sup>26</sup>

The overlap in the functions of the Ministry of Environment and Nature Protection, charged with the duty to articulate, execute, and evaluate government policy in relation to environmental protection and the Ministry of Forestry and Wildlife that enact, assess and implement policies regarding the forest sector makes it difficult to safeguard a sustained environment. This is particularly true when it comes to environmental impact assessment following developmental projects to be executed in indigenous peoples' territories.

The exploitation of forests and other natural resources dates back to the colonial period when European settlers and traders such as the Germans, British and French implemented a policy of indirect rule. This practice enabled them to manage all land and forest resources in Cameroon. Commercial logging was introduced in the country during the German colonial rule in the 19<sup>th</sup> century. It was later adopted by Britain and France shortly after the First World War. These colonial masters saw the vast resources in Cameroon as a source of income essential for the development of their country, to the detriment of the local population. This relegated indigenous communities to a periphery position, as the management and control of natural resources was centralised in the hands of the colonial administration.<sup>27</sup> It is estimated that by 1920, close to 59,000 tons of timber had been exported to France.<sup>28</sup> This amplified by 1948, when the Anglo-Franco administration of Cameroon at the time managed to secure logging concessions over a period of 25 years within an area of 714,000 hectares of forest land.<sup>29</sup> Indigenous peoples were reduced to mere cheap labourers on the lands they traditionally occupied over time.

Prior to this period, over 70% of the population of Cameroon depended on agricultural products for subsistence.<sup>30</sup> Related studies reveal that agricultural products contributed to about 40% of the GDP, as against 20% of the industrial sector and 36% generated from the civil service.<sup>31</sup> The severe economic recession that affected the world in the late 1980s led to a drastic fall in the prices of agricultural products and the country's GDP declined by 6% between 1986, 1988 and 1989 respectively, resulting in social unrest and economic instability.<sup>32</sup> To this end, internal and external pressures from western financial institutions forced the government of Cameroon to embark on a number of internal economic restructuring projects such as the Structural Adjustment Programme spurred by the International Monetary Fund (IMF).

Efforts to recover from the effects of the economic crisis caused the government to focus on the exploitation of timber for export to enhance the living conditions of the

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26 Alemagi & Kozak (2010: 557-558); and Alemagi (2011: 70).

27 Fonjong et al. (2010: 159).

28 Biesbrouck (2002: 56).

29 Oyono et al. (2005: 358).

30 Ibid.

31 Djontu (2009: 10).

32 Wunder (2003: 183).

population. In fact, timber exploitation became a primary source of income, especially after the significant price decline of oil, cocoa, coffee and cotton.<sup>33</sup> Reports from the Ministry of Environment and Forestry,<sup>34</sup> indicate that the country had a steady increase in the demand for timber resources during this period.<sup>35</sup> This was possible with the advent of globalisation, which facilitated the free movement of goods and services from one country to the other. As a result, the government resorted to timber extraction for export as a means to generate income and increase economic growth through taxes.<sup>36</sup>

Notwithstanding the significant contribution of timber to the economy, the country experienced a high rate of depletion of the rain forests. The forest sector contains important biodiversity with a variety of species relevant in the context of climate change and environmental sustainability.<sup>37</sup>

It is estimated that between 1990 and 2010, the country experienced a deforestation rate of about 0.9% per year, constituting approximately 4,400,000 hectares (1.8%).<sup>38</sup> According to Atyi et al.,<sup>39</sup> out of the 105 companies involved in timber exploitation in Cameroon, 90 have obtained logging rights while 15 are involved in timber processing and export. There is a substantial amount of documented evidence of illegal logging activities and bad practices by large European (French) and Asian (Chinese) companies, including the violation of concession rules, exploitation in prohibited areas and extinction of protected species.<sup>40</sup> This was *inter alia* due to the lack of effective monitoring mechanisms and inconsistency in the functions and implementation of government policies by responsible ministries.<sup>41</sup>

Companies such as Rougier and Pallisco (both French-owned companies), operating in Cameroon have accumulated vast lands in Lomié (a district in the Upper Nyong division in the East Province of Cameroon) where the Baka indigenous peoples (Pygmies) are located.<sup>42</sup> These MNCs and their logging activities have forcefully displaced the Baka and Bagyeli people from their traditionally owned lands to the roadside where

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33 Ibid.

34 Decree No. 92/069 of 9 April 1992 laid down by the Ministry of Environment and Forestry (MINEF) in 1992, which has been changed to Ministry of Forestry and Wildlife (MINFOF) following the passing of the Forestry Law with an implementing Decree aimed at regulating the forestry sector in Cameroon.

35 Ekoko (2000: 133).

36 Ibid: 134.

37 Djeukam (2013: 108).

38 Mbatu (2016: 467).

39 Atyi et al. (2013: 43).

40 Cerutti et al. (2013: 540). Although the Forestry Law of 1994 has made provision for all logging companies to obtain legal documents before operating on a given area, this has not been the actual situation on ground.

41 Ibid.

42 The estimated surface area occupied by them amounts to 625,253 ha and 388,949 ha respectively. This is way beyond the minimum amount prescribed by the Forestry Law of 1994, which only provides for 200,000 ha.

they were forced to adopt a sedentary lifestyle. This can be seen as a violation of their fundamental human right to a safe and healthy environment, access to land and natural resources, health care, food security and the right to existence as a people. It can also be seen as a violation of Section 23 of the Forestry Law 1994.<sup>43</sup> The government of Cameroon in collaboration with the MNCs, greatly neglected and failed to protect indigenous peoples' fundamental human rights as reiterated in several international instruments. Indigenous communities are disgruntled not just because the government has permitted illegal logging operations on their lands, but also by allowing activities that cause substantial damage to the environment. On 12 September 2017, 50 Baka and Bagyeli indigenous communities signed a declaration requesting for the respect and recognition of their rights to land and natural resources as well as a safe and healthy environment.<sup>44</sup> They indicated that:<sup>45</sup>

We, the forest indigenous peoples, have increasingly experienced serious violations of our human rights, because of agro-industrial activities, mining, forestry concessions, and because of the creation of protected areas on our ancestral lands. This disturbing situation foreshadows a future where we as indigenous peoples will no longer have land. If we continue to lose our lands and forests, the very survival of our cultures and peoples' is at risk.

Based on the above declaration, it is unfortunate to note, that the same people who are bestowed with the responsibility of protecting indigenous peoples' interests are the very perpetrators allowing the violation of their fundamental human rights. It is also worth noting that the government and extractive industries work to safeguard their own selfish interest, leaving indigenous communities to deal with the consequences of timber exploitation on their ancestral lands.<sup>46</sup> The discussion that follows is an assessment of the legal framework regulating environmental protection in Cameroon.

### 3 Legal framework regulating environmental protection in Cameroon

#### 3.1 International framework

The increasing global concern for the health and environment of the world's forest-dependent people has caused Cameroon to become actively involved in the

43 Section 23 of the Forestry Law provides that: "...management of a permanent forest means the carrying out of certain activities and investments, based on previously established objectives and on a plan, for the sustained production of forest products and services, without affecting the primitive value or compromising the future productivity of the forest nor causing any damage to the physical and social environment".

44 Reuters (2017).

45 Declaration on land rights from the Gabandi Platform, Cameroon, at <<http://www.forestpeoples.org/en/rights-land-natural-resources/news-article/2017/declaration-land-rights-gbabandi-platform-cameroon>> (accessed 10-3-2018).

46 Cultural Survival (2017).

development of international instruments protecting the environment. Studies reveal that by 2013 the government of Cameroon had signed and ratified a multitude of international environmental agreements.<sup>47</sup> Although this might reflect the government's commitment to guarantee a safe and healthy environment for its citizens, the situation on the ground presents a rather different picture. Nevertheless, a few of the aforementioned instruments, especially those relevant to indigenous peoples are discussed below.

### 3.1.1 The Convention on Biological Diversity

The 1992 Convention on Biological Diversity (CBD) also aims to safeguard the conservation of forest biodiversity. As is stipulated in Article 1, CBD aims at "the conservation of biological diversity, the sustainable use of its component and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources". Based on these objectives, states in accordance with their particular capabilities are under the obligation to develop national strategies, plans and programmes, which enhance the conservation and sustainable use of biological diversity.<sup>48</sup> Contracting parties are also encouraged to adopt measures that serve as incentives for the sustainable use of natural resources.<sup>49</sup> Besides, states are to identify and monitor components of biological diversity that demand immediate conservation measures and have the potential for sustainable use.<sup>50</sup> States are also expected to identify processes and activities that might have adverse effects on the conservation and sustainable use of these resources as well as to monitor their effects through sampling and other techniques.<sup>51</sup> These processes aim to preserve and protect the rainforest and other natural resources from future depletion.

One important aspect of CBD is that it explicitly recognises indigenous peoples' traditional knowledge. It requires states to enact national legislation and policies that respect, preserve and maintain indigenous peoples' traditional lifestyles vital for the conservation and sustainable use of biological diversity.<sup>52</sup> This is in line with Steven's argument that indigenous peoples as polytheistic and self-ascribed human beings are the best caretakers of the environment.<sup>53</sup> This is attributed to the close affinity they have with their ancestral lands coupled with their collective pattern of management

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47 Mitchell (2003: 434-436).

48 Article 6 of the Convention on Biological Diversity (CBD) 1760 UNTS 79, 31 ILM 818 (1992).

49 Article 7(a) CBD.

50 Article 7(b) CBD.

51 Article 7(c) CBD.

52 Article 8(j) CBD.

53 Stevens (1997: 49).

and ability to preserve and transmit these lands to younger generations.<sup>54</sup> Environmentalists and conservationists are expected to work together with indigenous peoples rather than to cast them into the role of environmental villains and dispossess them from their traditionally owned lands.<sup>55</sup>

Besides, regarding developing countries, states are obliged to cooperate, as appropriate, directly or through competent international organisations to provide financial support and establish programmes for scientific and technical education. They are also required to provide training opportunities that seek to promote and encourage research that contributes to the conservation and sustainable use of biological diversity.<sup>56</sup> It is the responsibility of states to formulate suitable measures like impact assessments and to provide notifications and exchange information on activities that might cause serious harm to the environment and promote public participation to help mitigate such effects.<sup>57</sup> Given that indigenous peoples are also likely to suffer more from the adverse effects of climate change, it is important to involve them in impact assessment programmes to help minimise the grave effects of climate change that remain a pertinent environmental challenge in Cameroon.

States must take into consideration legislative and administrative national programmes that encourage methods of cooperation that promote the use of technologies, indigenous knowledge and traditional technologies, provided they are in line with the objectives of the CBD, especially those that do not cause substantial damage to the environment.<sup>58</sup> Cameroon is a party to the CBD, which shows the country's willingness to ensure environmental sustainability for its population. The worrying question is whether the country is living up to international standards, especially owing to gross environmental harms caused by MNCs and other extractive companies on indigenous peoples traditionally owned lands.

The answer to this question is simple. A closer look at the activities of timber exploiting companies and the serious effects on the environment and well-being of indigenous peoples reveals that the country is not honouring its international or national obligations in safeguarding a safe and healthy environment for the population. The excessive destruction of the ecosystem, soil, plants, pollution of water sources and air caused by the process of timber extraction as discussed below reflecting the government's inability to comply with the normative expectation of the CBD.

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54 Ibid.

55 Colchester (2000: 1365).

56 Article 12 CBD.

57 Article 14 CBD.

58 Articles 16, 17 and 18 CBD.

### 3.1.2 The Convention on International Trade in Endangered Species of Wild Fauna and Flora

Unlike the CBD and the United Nations Framework Convention on Climate Change (UNFCCC), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international instrument with binding force on member states. CITES is the brainwork of a draft resolution of the 1963 meeting of members of the International Union for the Conservation of Nature. Signed on 3 March 1973 and entered into force on 1 July 1975, CITES has been operational for 43 years. As an international instrument that combines wildlife and trade, CITES aims at promoting the conservation and sustainable use of species, including timber. Its main objective is to ensure that wildlife, fauna and flora in international trade are exploited in a sustainable manner such that they are prevented from extinction.<sup>59</sup>

As a country endowed with a variety of natural resources including timber, Cameroon signed CITES in June 1981 and ratified it in September of the same year. This gesture also shows the country's commitment to protect the environment and to improve on persistent environmental degradation resulting from continuous resource extraction and pollution.<sup>60</sup> Most importantly, the government seeks to ensure that growing international trade in CITES-listed timber species is consistent with sustainable management and conservation policies in the country.<sup>61</sup>

CITES provides that prior to the exportation of any specimen of species, the scientific and management authority of the state has a responsibility to ensure that such activity does not have a substantial impact on the survival of species.<sup>62</sup> A species is also not to be obtained contrary to the laws that protect the fauna and flora in the country.<sup>63</sup> Articles VIII and XIV require member states to adopt appropriate and stricter measures at domestic levels to safeguard future violations in relation to species that prohibit trade, possession and transportation. While Cameroon has maintained an impressive record of memberships to several international multilateral environmental agreements to eradicate pressing environmental issues in the country, it is worth noting, that the enforcement and monitoring mechanisms remain a challenge. This is attributed to ineffective and weak government policies coupled with the absence of an efficient monitoring system to control the activities of MNCs and other extractive industries. Government officials in charge of ensuring that logging companies adhere to and respect government policies and contracts are often incapable of performing their duties as extractive companies bribe their way through the process.

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59 Article II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 27 UST 1087, TIAS 8249, 993 UNTS 243.

60 Mbatu (2016: 470).

61 Amougou et al. (2009: 15).

62 Articles III and IV CITES.

63 Article V CITES.

### 3.1.3 The United Nations Framework Convention on Climate Change

The growing concern about the impacts of human activities on the environment resulting from climate change called for the adoption of an international framework to respond to the changing climate. The negotiations around the UNFCCC were spurred during the 1992 United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro, Brazil following deliberations regarding the development of the forest principles in Chapter 11 of Agenda 21. Even though the UNCED did not impose an obligation on member states to address forest loss and related issues in its forest principles, the framework was applauded for establishing the UNFCCC.<sup>64</sup> As its main objective, the UNFCCC seeks to “stabilise greenhouse gas concentrations in the atmosphere so as to prevent dangerous anthropogenic interference with the climate system”,<sup>65</sup> as well as to ensure sustainable economic development and sufficient food production in the state. The UNFCCC in its Articles 3 and 4 obligates parties to protect the climate system to the advantage of present and future generations and to address the specific and special needs of those groups that are particularly vulnerable to its effects. It also obliges states to take precautionary measures through national policies to anticipate, prevent and mitigate the effects of climate change as well as to promote international economic systems that will enhance sustainable development in developing countries to improve their endogenous capacities and capabilities.<sup>66</sup> The development and implementation of educational and public awareness programmes, access to information as well as public participation in addressing climate change issues through training of scientific, technical and managerial personnel is equally the responsibility of member states.<sup>67</sup>

Recognised as one of the achievements of UNFCCC to minimise the effects of climate change, UNFCCC is a programme intending to reduce emissions from deforestation and forest degradation (REDD+). As a global initiative that seeks to preserve the world’s remaining forest, REDD+ also aims at protecting the rights, needs and aspirations of indigenous peoples.<sup>68</sup> Considering that Cameroon is a party to the UNFCCC with a variety of diverse ecosystems, Cameroon has the potential to protect the forest ecosystem, improve the environment and livelihood of indigenous peoples and to enhance their right to a forest and the resources therein. It is on this basis that the government adopted the REDD+ readiness programme as part of its national policy to combat forest degradation in the country.

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64 Mbatu (2016: 479).

65 Article 2 of the United Nations Framework Convention on Climate Change (UNFCCC) 1771 UNTS 107, S.Treaty Doc No. 102-138, U.N. Doc. A/AC.237/18 (Part II)/Add.1, 31 ILM 849 (1992).

66 Article 3 of the UNFCCC.

67 Article 5 of the UNFCCC.

68 Savaresi (2013: 4-5).

Viewed as a framework to promote the voluntary efforts of developing countries to mitigate climate change, to promote conservation and the sustainable management of the forest, the government of Cameroon has embarked in the process of establishing crucial technical, institutional and policy competencies for REDD+.<sup>69</sup> This includes the REDD+ Steering Committee established on 13 June 2012 through a Ministerial Decree.<sup>70</sup> Chaired by a Committee under the Ministry of Environment, Nature Protection and Sustainable Development and assisted by the Minister of Forestry and Wildlife, the main objective of this Committee is to approve and pilot activities that aim at enhancing REDD+ programmes.<sup>71</sup>

The major way of realising the REDD+ process in the country is to ensure the full participation, prior consent and information sharing which enable indigenous peoples to be informed and be involved in the management process. Unfortunately, the process has not been effectively implemented.<sup>72</sup> It is argued that indigenous peoples are not fully involved or represented in the REDD+ process and no measures are prescribed for redress at the national level in cases of violation of their rights.<sup>73</sup> Studies reveal that the REDD+ process has in fact intensified indigenous peoples marginalisation by putting them under pressure and limiting their rights.<sup>74</sup> This explains why indigenous peoples continue to suffer the consequences of climate change in their various communities.

It is significant to note, that despite all efforts to ensure compliance and commitment with regards to climate change, the UNFCCC and the Kyoto Protocol omitted indigenous peoples rights in relation to a healthy environment.<sup>75</sup> Though it is widely observed that indigenous peoples are the ones most affected by the impacts of climate change, most international instruments do not provide for adequate adaptation mechanisms specifically designed for indigenous peoples.<sup>76</sup> Policymakers should thus revisit international and national frameworks regulating climate change and environmental protection with a stronger focus on indigenous peoples.

#### 4 Regional framework

Environmental protection has a longstanding history in Africa.<sup>77</sup> The Organisation of the African Unity (OAU) and its successor the African Union (AU) have developed

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69 Alemagi et al. (2014: 711).

70 Decree No. 103/CAB/PM.

71 Alemagi et al. (2014: 711).

72 Savaresi (2013: 12-14).

73 Hansungule & Jegede (2014: 287).

74 Cultural Survival (2018).

75 Hansungule & Jegede (2014: 283).

76 World Bank (2010: 128).

77 Erinoshio (2013: 378).

several legal instruments to enhance environmental protection on the African continent both through ‘soft law’ (non-binding) and ‘treaty law’ (binding).<sup>78</sup> The most prominent of these treaties is the African Convention on Nature and Natural Resources (African Convention), adopted in Algiers in 1968 and entered into force in 1969.<sup>79</sup> It is considered as one of the first multilateral efforts at the regional level to regulate and preserve the natural environment. It has been revised following the adoption of the Stockholm Declaration of 1972, the Rio Declaration of 1992 and in 2003 in Maputo within the framework of the African Union. Cameroon is yet to ratify the Convention, which has the main goal to foster cooperation with other international environmental instruments and to implement measures that enhance environmental protection on the African continent.

These principles are stated in the Preamble, which recognises the significance of the natural environment and natural resources to humankind with an obligation on states to harness natural and human resources in a way that improves the well-being of the population. It affirms that the conservation of the African environment is the primary responsibility of all human beings.<sup>80</sup> This implies that all segments of the population, including governments and foreign investors, have the responsibility to ensure that their activities pose no threats to the natural environment and the people living close by. The Convention has as a key objective to enhance environmental protection and foster the conservation and sustainable use of natural resources through the harmonisation and coordination of policies. The African Convention emphasises on the right of all people to a satisfactory environment and calls on states to implement preventive measures that prohibit land degradation and guarantee the effective management of forests and other natural resources to ensure sustainable development.<sup>81</sup>

Interestingly, the African Convention reiterates the need to adopt effective legislative and regulatory measures that aim at providing a coherent means of disseminating information to the general public to enable them to participate in decisions regarding potential environmental impacts within their natural habitats.<sup>82</sup> The African Convention equally obliges member states to enact legislative measures that promote indigenous peoples’ traditional rights. This includes access to indigenous knowledge through prior informed consent as well as active participation in the planning and management of programmes relating to natural resources.<sup>83</sup> Despite the fact, that Cameroon is not a signatory to the African Convention, the participation of indigenous peoples in forest management can help preserving the environment for future generations.

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78 Van der Linde (2002: 33).

79 African Convention on Nature and Natural Resources (African Convention) 1001 UNTS 3.

80 Paragraphs 1, 2, 3 and 4 of the Preamble to the African Convention.

81 Articles II, III, IV, VI, VII, VIII, XIV of the African Convention.

82 Article XVI of the African Convention.

83 Article XVII of the African Convention.

#### 4.1 The African Charter on Human and Peoples' Rights

It is observed that efforts made by the African Union to safeguard environmental protection have resulted in a rights-based approach to environmental protection ushered by the African Charter on Human and Peoples' Rights (the Banjul Charter) in its Article 24.<sup>84</sup> While most African countries are endowed with a wide variety of natural resources, the continent is encountering numerous environmental problems. These problems range among others from the pollution of waterways, deforestation, desertification, loss of biodiversity, climate change to the destruction of the soil.<sup>85</sup> It is against this background that the Banjul Charter adopted in 1981 has embarked on protecting the environment to secure a better standard of living especially for forest-dependants. The Banjul Charter stipulates in its Article 24 that “[a]ll peoples shall have the right to a general satisfactory and healthy environment favourable to their development”. Although it does not directly refer to indigenous peoples, the wording “all peoples” can be interpreted to mean all categories of human beings in the society, including indigenous peoples, whose survival is strongly tied to the natural environment. Based on the above provision, it is established that a healthy environment is crucial to all human beings to enable them to live a healthy and dignified life, vital for realising sustainable development.

As a binding legal instrument, the Banjul Charter is widely known for incorporating categories of rights such as solidarity rights, the right to a satisfactory environment and the right to development as reiterated in Articles 22 and 24 respectively.<sup>86</sup> Evidently, the present condition of indigenous peoples in Cameroon is quite frustrating, where the ever-increasing over-exploitation of timber is undermining their rights by reducing their prospects of realising environmental sustainability. In fact, it seems more than important that states adopt appropriate national measures aimed at safeguarding the environment in favour of those communities that rely on natural resources for their subsistence. Regrettably, this has not been the case in Cameroon and other African countries.

The landmark case of *Social and Economic Rights Action (SERAC) and Centre for Economic and Social Rights (CESR) v. Nigeria*<sup>87</sup> deals with a violation by the Nigerian government and the oil company Shell of the rights to health and a clean environment of the Ogoni people residing in the Niger Delta. It was submitted that the government of Nigeria did not only fail in its duty to carry out studies that might determine potential environmental threats on the said area; it also participated in perpetrating the contamination of water sources, pollution of air, destruction of soil and the natural

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84 Strydom (2015: 37).

85 Colchester (2000: 1366-1367).

86 Scholtz (2015: 104).

87 Communication No. 155/96 African Commission on Human and Peoples' Rights.

environment of the Ogoni people. In deciding this case, the African Commission on Human and Peoples' Rights invoked the provision of Article 24 of the Banjul Charter, which guarantees everyone a satisfactory and healthy environment. The Commission found that the Nigerian government has failed to take necessary measures to monitor, regulate and mitigate the activities of the oil consortium company in the Niger Delta, with a view to minimising the adverse effects of these activities on the Ogoni peoples' land. This case demonstrates the significance of a healthy environment for indigenous communities. States are obliged to take reasonable measures within their national legislation to ensure that the activities of extractive industries do not jeopardise the health and natural environment of indigenous peoples. In addition, actions should be taken at all stages of development processes to mitigate such effects. Unfortunately, this is not happening in Cameroon, as it is submitted that despite the persistent outcry by indigenous communities following multiple spills from the Chad-Cameroon Pipeline Project, in Kribi, at the country's coast, the government is more concerned with the financial gains than the welfare of indigenous communities residing in that area.

For instance, prior to the project, oil companies had promised to improve the living conditions of indigenous peoples as well as to ensure that their natural environment is not altered. However, none of these promises has been kept. Instead, affected communities are left to battle with social and environmental challenges, such as the destruction of flora and fauna, dispossession of land, contamination of water sources, pollution and poisoning of natural habitats and plants, and the destruction of ecological and cultural structures.<sup>88</sup> It is therefore submitted that economic development projects have been driven by ideological and economic agendas as opposed to national and international models of sustainable development.<sup>89</sup>

## 5 Cameroon's legal framework

The urgent need to address the alarming environmental problems caused by extractive companies triggered the adoption of environmental policies to minimise its impacts at the national level. These policy and legal frameworks are examined below.

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88 Swing et al. (2012: 257-273).

89 For a better understanding of this argument in general, see Swing et al. (2012).

## 5.1 The Constitution of the Republic of Cameroon

Owing to human rights concerns and the need for environmental sustainability, the Constitution of Cameroon provides for the enforcement of environmental interests. The provision stipulates as follows:<sup>90</sup>

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.

A cursory analysis of this provision prompts an impression that environmental protection in Cameroon is a collective commitment to the entire population. This constitutional provision requires the state to ensure that all segments of the population, including indigenous peoples, enjoy a satisfactory, safe and healthy environment essential for their development. This is in line with the government's promise to "ensure the protection of minorities and preserve the rights of the indigenous population".<sup>91</sup> This being said, one would least expect recurrent instances of environmental degradation within the areas occupied by indigenous peoples. Closer scrutiny into the country's activities reveals, however, the possibility of a contradictory notion. For instance, government activities in collaboration with extractive companies constantly violate and undermine indigenous peoples' rights to a clean, safe and healthy environment. In addition, the sophisticated machines used for timber exploitation together with toxic chemicals have had a great toll on the nature, including animals, crops, plants and the soil, leaving indigenous communities in a destitute state. This is attributed to the lack of adequate protection and recognition of indigenous peoples in the national Constitution. It is observed that the government usually refers to indigenous peoples as 'marginalised populations' or 'vulnerable groups'. Unfortunately, the Constitution also fails to specifically define, which groups constitute indigenous peoples in the country.<sup>92</sup> Worse is the fact, that the Constitution fails to state clearly, which groups of people deserve the special protection as reiterated in paragraph 5(2) of the Constitution.<sup>93</sup>

The aforementioned shortcomings can be explained in a sense where Cameroon, like most African countries, is reluctant to acknowledge the existence of indigenous peoples maintaining that in fact the entire population is indigenous.<sup>94</sup> The Cameroonian legal system is hesitant to adopt a definition of the indigenous population as provided in international law, which refers to those people who have unique identities and organised societies, distinct from the broader society, who were the original

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90 Paragraph 5(22) of the Preamble of the Constitution of the Republic of Cameroon Law No. 96-06 of 18 January 1996 to amend the Constitution of 2 June 1972.

91 Paragraph 5(2) of the Constitution of the Republic of Cameroon, 1996.

92 Nguh (2013: 8); and Pelican (2013: 13-14).

93 Pelican & Maruyama (2015: 49-50); and Pelican (2013: 13-14).

94 Ibid.

inhabitants of and have a special relationship with their ancestral land. As the latter is of course vital for their collective, physical and cultural survival as peoples, many such groups experience a state of subjugation, marginalisation, dispossession, exclusion or discrimination as a result of their unique and distinct traditional lifestyle.<sup>95</sup>

Under Cameroonian law, the term indigenous population is thus applied in a broader sense to include all categories of people in the country. This assertion is confirmed by the provision of Article 57(3) of the Constitution, which allows an indigene of a region to be elected as a member of the Regional Council. Based on this provision, it is observed that the term ‘indigene’ is used to refer to all categories of people in Cameroon and does not specifically refer to ‘indigenous populations’ as defined in international law. This controversy in the application of the term has deterred the full recognition and protection granted to indigenous peoples by international instruments. Yet, it is significant to note, that scholars have established that the term ‘indigenous peoples’ as used in international instruments has a different connotation to ‘natives’, ‘first inhabitants’ or ‘aboriginal’ referred to by colonial masters in African states.<sup>96</sup> It is therefore important for the Cameroonian government to review its stand regarding the definition of indigenous peoples, so as to enable them to enjoy the special recognition and protection accorded to them by international law.

Even though the right to a healthy environment is only mentioned in the Preamble to the Constitution, the same Preamble also has a provision that affirms the country’s commitment to human rights and fundamental freedoms such as those contained in the Universal Declaration of Human Rights, the Charter of the United Nations, the Banjul Charter and all duly ratified international instruments relating to environmental protection.<sup>97</sup> In support of the above provision, Article 45 provides that all “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”.<sup>98</sup> This implies that indigenous peoples could seek recourse through these international instruments in cases of violation or failure to adequately protect their right to a healthy environment.

In line with the Constitution, the government has also developed some sectoral legislation at the national level to regulate environmental management. This happened shortly after the establishment of the UNCED, which emphasised the global need for a holistic approach to environmental management. It is on this basis that Law No. 94/01 of 20 January 1994 relating to Forestry, Wildlife, and Fisheries and Law No. 96/12 of 5 August 1996 relating to environmental management were adopted to ensure efficient forestry management and environmental protection in the country. The above

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95 Wessendorff (2002: 4).

96 Anaya (2010: 27); and Gilbert & Couillard (2011: 62).

97 Article 5 of the Constitution of the Republic of Cameroon.

98 Article 45 of the Constitution of the Republic of Cameroon.

laws, main objectives are to ensure the principles of precaution, prevention and corrective measures, of public participation and the polluter pays responsibility. They lay down a framework for environmental sustainability in the country and advocate for environmental impact assessment (EIA), especially on projects that have the potential of causing severe harm to the environment. The next section examines these legal frameworks.

## 5.2 The Forestry Law

The Forestry Law and its Decree of implementation enacted in Cameroon, are part of the government strategy to regulate the exploitation of forestry (timber) activities and to ensure the sustainable conservation and proper management of such resources and the ecosystem in the country.<sup>99</sup> It is argued, that an increase in human population and the growing need for natural resources have rendered the forest vulnerable to poachers and extracting companies, who exploit resources indiscriminately and on a day to day basis.<sup>100</sup> In Cameroon, the management and protection of the forest, which is not limited to importation, exploration and exploitation to safeguard against environmental degradation is the sole responsibility of the state.<sup>101</sup> By implication, the state is in charge of managing the forest and making decisions regarding all activities taking place therein. The main reason for this is to combat the excessive rate of illegal timber exploitation and the unequal distribution of forest benefits in a way that indigenous peoples may share in the proceeds and ensure that they are involved in the forest management and related decision-making processes. Such forest management shall also take the needs of the younger generations into account.<sup>102</sup> It should enable indigenous peoples to take part in decisions relating to the use, control, management and development of the land and resources as well as suggest possible measures to mitigate environmental degradation therein.

The Forestry Law prohibits any development project that has the potential of destroying the forest or the aquatic environment. This is particularly relevant, where the creation or maintenance of a permanent forest cover is considered essential for soil preservation, protection of river banks to control water flows, or preserving biodiversity as the area might be declared ecologically fragile.<sup>103</sup> This implies that no exploitation is allowed to take place within that area in order not to damage the ecosystem or to pollute the soil and water sources.<sup>104</sup> In addition, the Forestry Law classifies the

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99 Section 1 of the Forestry Law No. 94/01 of 20 January 1994.

100 Rusko (2015: 125-126).

101 Part II Sections 11 and 13 of the Forestry Law.

102 Alemagi et al. (2013: 8-9).

103 Sections 16(2) and 17(1) of the Forestry Law.

104 Section 17(2) of the Forestry Law.

forest into two parts, namely the permanent forest and the non-permanent forest. The permanent forest is land used exclusively for forestry and wildlife habitat, while non-permanent forests include forest land also used for other purposes.<sup>105</sup> The permanent forest is also referred to as state or council forest and comprises 30% of the national territory, which is the private property of the state and exclusively managed by the state.<sup>106</sup> The non-permanent forest, also known as unclassified forest, includes communal and community forest belonging to private individuals.<sup>107</sup> Although this portion of land has been handed to local communities and requires them to manage woodland areas, it is interesting to note that the state still has absolute control over this portion of land.<sup>108</sup> This is the reason why most timber exploited in the country comes from the communal forests, that is, areas inhabited by indigenous communities.

More so, the Forestry Law provides that exploitation activities require a legal approval by means of a licence authorising the exploitation of timber within a specific period.<sup>109</sup> It also entails that the exploitation of certain volumes of standing timber may not exceed the annual logging potential renewable for fifteen years and assessed every three years.<sup>110</sup> In addition, Section 49 clearly stipulates that the total forest area to be granted to a licence-holder will depend on the potential of the forest concession. This is usually calculated on the basis of sustainability and lasting yield and the capacity of the said extractive industry not exceeding 200,000 hectares. This is granted to large-scale logging companies over a long-term period of fifteen years. Thus, no extracting company in whatever case is allowed to exploit an area of more than 200,000 hectares. Section 55 of the Forestry Law authorises the exploitation of timber from a communal forest following a sale of standing volume not exceeding 25,000 hectares for a non-renewable period of three years. This is usually at the expense of indigenous peoples as most often extractive companies violate their rights and exploit beyond the specified limits resulting in their dispossession of natural habitats.

As previously mentioned, the management of forests is the responsibility of the state, specifically the Ministry of Forestry and Wildlife. As prescribed in Section 23 of the Forestry Law, the state is under the duty to ensure that the exploitation of timber is done in a sustainable manner. It is also essential that timber is exploited in a way that does not alter the traditional values of local inhabitants or compromise the future productivity of the forest. Nor shall it cause any substantial damage to the physical and social environment. In this regard, emphasis is laid on aspects pertaining to inventory,

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105 Part III Section 20 of the Forestry Law.

106 Chapter I Sections 21-33 of the Forestry Law.

107 Chapter II Section 34 of the Forestry Law.

108 Sections 37 and 38 of the Forestry Law.

109 Sections 41 to 44 of the Forestry Law.

110 Sections 45 to 46 of the Forestry Law.

re-afforestation, natural or artificial regeneration, sustained forestry exploitation and infrastructure.<sup>111</sup>

A reading of Section 63 places a responsibility on the state and other bodies in charge of managing forest products to ensure that prior to the issuance of exploiting licences and drafting of contracts, an inventory is carried out on the specific area to be allotted to exploiting companies. They must also ensure that while the prescribed area is under exploitation, there is a replacement of younger trees in the exploited area and that extracting activities are done in a way that does not jeopardise the needs of future generations. In other words, forest exploitation must be carried out in a manner that does not exceed production, to enable the forest to continue growing such that there remain sufficient forest resources for unborn generations.<sup>112</sup> Furthermore, as specified in Section 61, extractive industries must embark on infrastructural developments such as the construction of roads, the building of bridges, health centres, schools and other social amenities that help in developing indigenous communities. There is a salient need for stakeholders, the government, civil society and extractive companies to be proactive in improving the living standards of indigenous peoples, and in promoting and protecting the ecological forest where these people live. It is worth noting that the recent normative approach to forest management and environmental protection in Cameroon has failed to generate viable results. This is because logging activities are usually attained in grave disregard of existing laws, indigenous peoples' environment and well-being.

### 5.3 Environmental management

Law No. 96/12 lays down the general framework regulating environmental management in Cameroon.<sup>113</sup> Conscious of the fact that the environment is a common heritage, its protection and the rational management of resources therein are of prime importance given its significance to human beings.<sup>114</sup> The Law guarantees everyone the right to a sound environment and calls on both public and private institutions to include programmes in their activities that sensitise and provide knowledge about environmental concerns in the country.<sup>115</sup> The provision implies that information about the state of the environment where indigenous peoples reside is essential for them. In line with the above assertion, Section 7 provides for the right to be informed of the activities that might have adverse effects to the environment, livelihood and possible measures put in place to mitigate these effects. To this end, the state has an obligation to ensure

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111 Section 63 of the Forestry Law.

112 Alemagi (2011: 66).

113 Section 1 of Law No. 96/12 of 5 August 1996.

114 Section 2 of Law No. 96/12 of 5 August 1996.

115 Section 6 of Law No. 96/12 of 5 August 1996.

that all population, especially indigenous peoples who are most often affected, have information about dangerous substances and activities that have adverse effects to their health and the environment.<sup>116</sup> The Law also requires that forest-dwellers be consulted prior to any decisions relating to their environment.<sup>117</sup> This shall enable them to challenge policies that have the potential to destroy the environment and alter their traditional way of life.

The state is also obliged to develop, coordinate and implement strategies that safeguard air, water and soil pollution, which may have a detrimental impact on indigenous peoples' health and environment.<sup>118</sup> Further efforts to safeguard the environment require the government to develop a national environmental management plan and set up an environmental information system that obliges the authorities concerned to ensure that all environmental issues relating to land are respected at all levels.<sup>119</sup>

The law on environmental management also makes provision for environmental impact assessment (EIA). This requires that – prior to the execution of any development project – the state, together with the extractive industries, should carry out an EIA on the area where the project is to be executed. This process shall enable the state to assess the nature of the impact on the physical environment and the host communities likely to be affected by the project in question.<sup>120</sup>

Based on Principle 17 of Agenda 21 of the UNCED, the government of Cameroon has adopted the EIA policy as an essential requirement prior to the execution of development projects, which can instigate environmental degradation on the lands of indigenous peoples. It is argued that this process is far from being effective as often, the conditions laid down for the EIA, are those designed by funding institutions that tend to undermine national policies on EIA.<sup>121</sup> In many instances the national environmental management plan, which aims at ensuring environmental management is ignored. In the absence of proper consultation, host communities that are potentially affected have no means of public participation and possible effects on socio-political aspects of the local population are often not clearly addressed.<sup>122</sup> A practical example is the procedure used in carrying out an EIA on the Mokong Dam Project (Waza-Logone Project, 1995).<sup>123</sup> Situated 42 kilometres west of Maroua in the Far North Region of Cameroon, the Mokong Dam construction required an EIA prior to the execution of the project in order to assess its biophysical and socio-economic impacts on the environment surrounding the Waza National Park and River Longone. The EIA was

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116 Section 9(e) of Law No. 96/12 of 5 August 1996.

117 Section 9(e) (iv) of Law No. 96/12 of 5 August 1996.

118 Section 10(1)(2) of Law No. 96/12 of 5 August 1996.

119 Sections 13, 14 and 15 of Law No. 96/12 of 5 August 1996.

120 Section 17 of Law No. 96/12 of 5 August 1996.

121 Bitondo (2000: 33-35).

122 Ibid: 37-38.

123 Ibid: 35-36.

conducted by some Cameroonian experts in collaboration with a Brazilian expert. The reports revealed that the Dam construction would have serious repercussions on the biophysical, economic and social well-being and environment of local communities. However, following the absence of specific clarifications of its impacts to the general public coupled with irregularities in conducting and handling of the report and the lack of prior consultation with the affected communities, the government suspended the project and embarked on employing alternative measures in developing the region.<sup>124</sup>

It is submitted that economic development projects have ideologically and economically driven agendas as opposed to national and international models of sustainable development and resource extraction.<sup>125</sup> These practices have caused many conflicts between the state, logging companies and indigenous communities over government's failed policies to guarantee a sustainable environment for its population.<sup>126</sup> As such, indigenous peoples' livelihoods are endangered as they fear that increased exploitation of natural resources and destruction of their traditional lands could ultimately reduce their chances of survival, increase poverty, food insecurity and complete destruction of their living environment.

## 6 The impact of timber exploitation on indigenous peoples' environment

Unsustainable logging activities threaten the rainforest biodiversity in Cameroon. Alemagi<sup>127</sup> has noted that these logging operations left a plethora of challenges to the environment and indigenous peoples' survival.

### 6.1 Environmental degradation

Environmental degradation is provoked by considerable deforestation rates by multinationals who pay little attention to the long-term sustainability of the wood.<sup>128</sup> Indigenous peoples are of the opinion that government symbolises an alien that threatens their land and resource security leaving them with little or no economic benefits or employment opportunities.<sup>129</sup> Instead, they have to deal with the environmental consequences left behind which undermine their subsistence base.

Inefficient and weak government policies and the absence of effective monitoring and enforcement mechanisms have caused MNCs and other extractive companies to

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124 Ibid.

125 Ibid.

126 Alemagi (2011: 69-70).

127 Ibid: 65.

128 Shearman (2012: 18-19).

129 Glastra (1999: 70).

exploit the situation to their advantage. To this end, indigenous communities in Cameroon are unable to retain their traditional sustainable ways of life, land use and environmental management.<sup>130</sup> The adverse effects of timber exploitation on the forest ecosystem of indigenous peoples remain visible and alarming, posing a substantial threat to food security and their survival. Moreover, forest exploitation has resulted in the development of large-scale trade in bush meat, which indigenous communities use as their primary source of protein.

## 6.2 Climate change

Climate change is a human influence identified by several scholars as a global environmental challenge affecting millions of forest-dependent communities.<sup>131</sup> Lenzerini and Piergentili argue that climate change is also a major cause of biodiversity loss.<sup>132</sup> Instigated by greenhouse gas emissions, climate change has serious repercussions on the poor rural and forest-dweller communities who depend solely on agriculture and forest products for their economic subsistence.<sup>133</sup> Although the adverse effects of climate change are not specific to indigenous peoples, their close affinity to land makes their case significant and requires immediate redress.<sup>134</sup> From this perspective, the destruction caused by timber extractive companies in areas inhabited by indigenous peoples have gravely disrupted their societies and lifestyle.

Between 1972-1973, 1982-1983 and 1987-1988 severe droughts affected the Sahelian northern part of Cameroon with dry spells, predominantly caused by timber exploitation and excessive deforestation.<sup>135</sup> The overall impacts included food shortages, hunger, famine, malnutrition and high mortality rates.

The hot climatic conditions caused by climate change conditions have resulted in drying streams leading to the disappearance of some species of fish (*Nwahka*), which the Baka indigenous communities use for traditional rituals, such as during the initiation of young girls upon maturity for marriage and womanhood.<sup>136</sup> Both mushroom, *tre larvae* and bush yam (*Bahh*), which serve as their staple food have gradually disappeared from the forest due to the harsh and changing climatic conditions.<sup>137</sup>

Additionally, the severity of climate shocks has aggravated hunting activities due to the prolonged absence of rainfall. Indigenous hunters usually trace the footprints of

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130 Sikod (2010: 75).

131 Jegede (2016: 35).

132 Lenzerini & Piergentili (2016: 159).

133 Abate & Kronk (2013: 3).

134 Jegede (2016: 3).

135 Molua & Lambi (2007: 8).

136 Animatua et al. (2010).

137 Ibid.

animals left behind during rains in order to trap them. The continuous droughts have, however, rendered this practice impossible, thereby intensifying the suffering and vulnerability of indigenous communities.<sup>138</sup> More important is the fact that crop yields, especially cash crops have significantly decreased due to unstable rainfall.<sup>139</sup> The changes in climatic conditions trick indigenous women to plant food crops at the sight of early rains, which only last for a couple of days, the excessive sun that follows afterwards destroys the crops that had managed to germinate.<sup>140</sup> This situation has both a direct and indirect influence on the survival and resilience of indigenous peoples and poses serious threats to their health and existence. In fact, the increase rate of sicknesses such as malaria, ulcers, skin rashes and subsequent death is attributed to the absence of nutritious food, which fortifies the immune system, coupled with high temperatures and the absence of frequent rainfalls.<sup>141</sup>

### 6.3 Pollution of water sources, air and soil

Pollution refers to the degradation of the quality and quantity of natural resources.<sup>142</sup> Air pollution, in particular, is a common cause of environmental degradation as it emits contaminations into the environment that may damage or kill plants and animal species.<sup>143</sup> Moreover, the method of timber extraction produces dust (sawdust) and smog, thereby polluting the air. As such dust particles are inhaled by local inhabitants living around the area, it affects their eyes, causing allergies, blindness, persistent flu and lung infections, which subsequently result in tuberculosis.

The indiscriminate and unsustainable extraction of timber on local indigenes lands has left detrimental effects on water sources leading to serious health issues such as respiratory infections, heart diseases and lung cancer. The process of timber extraction requires the use of fuelled engine saws and other sophisticated machines, which cause fuel spills that pollute the ground and local streams, thereby poisoning the only source of water which indigenous peoples use for drinking, cooking, bathing and other household chores. Once this water is consumed, it leads to severe health problems and at times subsequent death. When the soil is contaminated by spillage substances, it loses its quality and fertility level, resulting in decreased crop productivity, famine and poverty. In some cases, crops that manage to survive contain poisonous substances from the chemicals, which might lead to serious health complications when consumed. It is submitted that although the forest is a sink for carbon dioxide and the major gas

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138 Molua & Lambi (2007: 8-9).

139 Animataua et al. (2010).

140 Ibid.

141 Bele et al. (2011: 373).

142 Tyagi et al. (2014: 1492).

143 Ibid: 1493.

enhancing greenhouse effects, the immense timber exploitation process has caused a decline in environmental services that are only provided by the forest.<sup>144</sup>

#### 6.4 Destruction of ecosystems

It is widely established that logging companies are first and foremost interested in the economic value of timber for income and profit and care little about their impact on the environment and well-being of host communities. In fact, the common notion of “grab-it-and-run” as described by 20<sup>th</sup>-century European geographers aims at exploiting the rich timber species within a short period without regard to environmental sustainability.<sup>145</sup> Even though it is argued that specific logging (clear-cut logging) prevents large-scale damage to the forest, the process has the potential to cause direct and indirect environmental effects. For example, in a bid to search for preferred species, MNCs construct roads into large portions of the forest. This activity destroys ecosystems and peasant fields and exposes the forest to poachers, thereby decimating rare and wild animals such as forest elephants and lowland gorillas.<sup>146</sup> It is maintained that the extraction of each cubic metre subsequently results in massive destruction leading to a substantial change of the ecosystems diversity.<sup>147</sup>

### 7 Conclusion

This chapter examined the exploitation of timber and its environmental impact on indigenous peoples’ lands in Cameroon. It observed that – despite the significant contribution of timber to the country’s economy – forest activities have the potential to cause substantial damage to the ecosystem, flora and fauna, including rivers and other water catchments. Extensive timber exploitation activities have placed the country on the map as foreign investors keep invading the country’s rich, dense forest in search of timber. Besides, in assessing the country’s commitment to environmental protection, it was revealed that Cameroon, like many African countries, has been quite active in promoting international, regional and national instruments that enhance environmental sustainability. Yet, weak government policies, the absence of efficient monitoring and implementation mechanisms, the lack of an integrative participative management system has, however, rendered the rich, diverse rainforest vulnerable to environmental degradation, depletion, pollution and the consequent extinction of flora and fauna. It

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144 Djeukam (2013).

145 Ibid: 10.

146 Samndong & Vatn (2012: 217-219).

147 Djeukam (2013: 115).

is suggested that a key starting point to improved environmental protection in Cameroon is to develop an effective monitoring system with the aim to impose serious penalties for perpetrators in cases of violations. For example, if the licences of perpetrators are suspended for a certain period of time, the current status quo in the country could be significantly improved. An inclusive system of participative governance should be encouraged to enable indigenous peoples to become part of the policy formulations, decision-making processes and in the management of environmental resources. In fact, the Cameroonian government should consult and collaborate with indigenous peoples on issues relating to forest management prior to the execution of development projects within the areas they occupy. There is also a need to review environmental laws especially the Forestry Law and Law No. 96/12 relating to environmental management. The Forestry Law should be revisited to ensure that indigenous peoples have absolute control over the communal and community forest. The fact that the Forestry Law has made the state the sole manager of the forest has permitted the state to make decisions on the portions of land allocated to indigenous peoples without their informed consent. Since indigenous peoples are the best custodians of the land, Law No. 96/12 on environmental management should be revised to include indigenous peoples as part of the EIA committee. This would go a long way in mitigating environmental harms and in ensuring environmental sustainability on indigenous peoples' lands.

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