

Decentralization of Biodiversity Management under Cameroonian Law: Searching For a Conservation Paradigm.

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ABSTRACT:- Cameroon has been endowed with enormous biodiversity and diverse ecosystems upon which majority of the populations owe their livelihoods. Even so, local interests in the management as well as decision-making of varied stakeholders here involved still remained questionable. At a time when the government is pressing hard for the effective take-off of decentralization, one wonders, yet hopes that the so much dissatisfied manner in which natural resources including biodiversity have been managed previously with all decisions taken by the central authority almost single-handedly would be thing of the past. Thus, with the adoption of the December 2019 Law which spirit is to accord more powers to local and regional authorities, there is hope in the horizon that, if adequately implemented, local interests especially grass-roots entities would not only have a say in the way their biodiversity is managed but would equally have the opportunities to democratically elect their representatives at various levels of decision-making. This would enhance transparency, satisfaction, involvement, inclusion and above all, a sense of belonging for all and sundry.

Key Words: Decentralization, Biodiversity, Management, Democracy and Governance.

I. INTRODUCTION AND BACKGROUND

Cameroon¹ is endowed with rich biological diversity found within different ecosystems largely representing Africa's main ecosystems, the savannah and tropical rainforests inclusive. This is why Cameroon has often been referenced to as "Afrique en miniature". The country's abundant biodiversity is generally characterized by a high level of endemism, and high frequency of new species discoveries also remain a reality.² Cameroon's rich biodiversity has made the country to constitute one of the world's biodiversity hotspots as it ranks fifth in Africa for fauna and fourth for flora potentials.³ Thus, the country is home to nearly 8,300 species of plants, 335 mammals, 542 fresh and saline water fish species, 913 birds, 330 reptiles, and 200 amphibians, many of which are endemic. Beside, biodiversity is found everywhere, in the wild and out of the wild, in the farmer's field and even beyond.

With such huge biodiversity potentials, Cameroon like many other countries in Africa and beyond, are still at 'the cross road' to finding appropriate biodiversity management strategies robust enough to enhancing their development yet in a sustainable manner. This is so given that biodiversity which is variability among living organisms including genes, species and ecosystems remains the foundation upon which human livelihoods in its entirety is found to be anchored.⁴ Biodiversity underpins the Earth's ecosystems in diverse

¹Cameroon is located in Central Africa and shares borders with Chad, Central African Republic (CAR), Equatorial Guinea, Gabon and Nigeria. Its total area is 475,442 km².

²See Cameroon's 3rd National Report to the Convention on Biological Diversity, towards meeting the objectives of the conservation of natural resources in general and the 2010 Biodiversity loss reduction target held in Kuala Lumpur in 2005.

³ Ibid.

⁴In 1992, a United Nations Conference on Environment and Development was held in Rio de Janeiro in which 115 heads of state and government attended, with 178 nations sending some seven thousand delegates with close to 1400 nongovernmental organizations in participation to chart ways forward for enhancing environmental integrity in the development context. One of the significant out comes of this Conference was the adoption of the Biodiversity Convention (CBD) which article 2 consider biodiversity as "...the variability among living

ways.⁵ To this effect, biodiversity potentials can be considered as the live wire that propels the ecosystems, thus, enabling them to enhance human livelihoods – providing goods and services such as: food, water, disease management, climate regulation, spiritual fulfillment, and aesthetic enjoyment beside timber, fiber, and fuel among others.⁶

From the above, one is tempted to state that it is biodiversity which determines human well-being on Earth. As such, for there to be business as usual in human well-being-biodiversity connections, meaningful ways must be sort at every level to enhance effective biodiversity management. This however seemed to have been made popular with the setting up of the World Commission on Environment and Development (WCED) Our Common Future better known as the Brundtland Commission in 1987.⁷ This Commission was given the task among other things to raise the level and commitment to action on the part of individuals, voluntary organizations, business, institutions and governments when it comes to biodiversity management. To carry on with such agenda, the Rio Declaration made it crystal clear that no meaningful sustainable management of the environment including biodiversity would be attained without member states providing and multiplying opportunities for their communities to participate in decision-making processes. To this effect, Principle 10 of the Rio Declaration recognizes that:

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by the public authorities, including information...on their communities and the opportunity to participate in decision-making processes...by making information widely available...⁸

This call has equally been reiterated in the Convention on Biological Diversity (CBD) in the following words:

Each contracting party shall as far as possible and as appropriate subject to national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities...relevant for the conservation and sustainable use of biological diversity...with the approval and involvement of such knowledge, innovations and practices...⁹

The need for this has been further captured and presented within Agenda 21- blue print to the Rio Conventions in yet the following words:

Government ents...should regularly assess the laws and regulations enacted and the related institutional/administrative machinery established at the national/state and local/municipal levels in the field of environment and...development...that new forms of dialogue...for achieving better integration between national and local government in the process of achieving effective approaches to environment and development...it lies with government in partnership with the private sector and local authorities...¹⁰

With the above orientations, Cameroon signatory to the CBD and other related instruments¹¹ has since independence been on a steady move toward the search for a better biodiversity management, environmental

organisms from all sources including inter alia, terrestrial, marine, and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and the ecosystems.”

⁵ Ecosystem generally means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

⁶ See Millennium Ecosystem Assessment, (2005), *Ecosystems and Human Well-being: Synthesis*. Island Press, Washington, DC. Pp. 25-35.

⁷ This Commission considered environmental management including biodiversity in the context of sustainable development in which sustainable development was viewed as one which meets the needs of the present without compromising the ability of future generations to meet their own needs. This simply means that biodiversity management should be one which is sustainable.

⁸ Principle 10, Rio Declaration on Environment and Development (1992).

⁹ See article 8(j), CBD, (1992); in this light, article 10 of the same further have it that, “...each contracting party shall... (b). adopt measures relating to the use of biological resources... (c). protect and encourage customary use of biological resources in accordance with traditional customary practices that are compatible with conservation and sustainable use... (d). support local populations to develop and implement action in degraded areas where biological diversity has been reduced... (e). encourage cooperation between governmental authorities and its private sector in developing methods for sustainable use of biological resources.”

¹⁰ See Programme Areas 8.2-8.17, Agenda 21 Plans of Action to the Rio Earth Summit, (1992).

¹¹ Cameroon has clearly embedded within her constitution that is law no. 2008-1 of 14 April 2008 to amend and supplement some provisions of law no. 96/06 of 18 January 1996 to amend the constitution of 2 June 1972, dispositions which allow her to sign and ratify international instruments especially concerning the management

protection and development strategy which could enable the country to become emergent on the basis of good and inclusive governance.¹² But then, what governance option could channel better these high standing ambitions if not a decentralization option? This is the reason why besides examining decentralization model of governance in this write up, one is poised to question its robustness for biodiversity management in Cameroon, investigate if the decentralization law provides possibilities for promoting the customary, yet unwritten rules and procedures through which natural resources are being harnessed by local communities and then bring out lessons learned from the laws before advancing some recommendations which could go a long way in enhancing effective decentralized biodiversity management paradigm for the country.

1.1. A Review of the Decentralization Concept

Although decentralization can be considered as the transfer and splitting of decision-making centers from a concentrated and centralized form toward the periphery in order to obtain collaborative decision-making, it still remains a yet difficult concept to comprehend. This is arguably so given that, many may advocate for decentralization without understanding the alternative forms which it can take. According to Cohen et al.,¹³ there are a number of activities which parade under the banner of decentralization viz; devolution, deconcentration, delegation to autonomous agencies, and delegation to parallel organizations among others.¹⁴ All these however make the concept of decentralization to be perceived to be loosely construed. Even so, decentralization involves the accordance of power to make decision to autonomous and semi-autonomous units. In this light, Mawhood opines that,

...decentralization...in the structures of government is the creation of bodies separated by law from the national center in which local representatives are given formal power to decide a range of public matters. Their political base is the locality...Their area of authority limited, but within that area their right to decisions is entrenched by law and can only be altered by new legislation. They have resources which subject to stated limits, are spent and invested at their own discretion.¹⁵

From the above, one can assert that decentralization in effect results from two factors - autonomy and self-government. Firstly, autonomy implies the existence of a given locality with clearly defined territorial limits and vested with legal personality, distinct from that of the State, capable of taking its own decisions and possessing its own resources and services. Self-government or what can be referred to as autogestion may turn to actually imply the effective management of local affairs by local residents or constituents, either directly by themselves or through their chosen representatives. Thus, in choosing their representatives, locals are participating in a democratic process which would obviously result in what can be generally referred to as democratic decentralization.¹⁶

The concept of decentralization was considered for administration in Cameroon with the adoption of the 1972 constitution which was revised by the constitutional law of 18 January 1996 and that of 14 April 2008

of biological diversity. For instance, according to article 43, “the president of the Republic shall negotiate and ratify treaties and international agreements. Treaties and international agreements falling within the areas of competence of the legislative power as defined in article 26 above shall be submitted to parliament for authorization to ratify.” Furthermore, article 45 holds that, “duly approved or ratified treaties and international agreements shall, following their publication, override national laws...”

¹² This quest reached its peak in the early 2000 when the country qualified for debt reduction by the International Monetary Fund (IMF) and the World Bank. This marked a turning point as the development orientation of the state became more focused in 2006 when a debt completion point was attained. From this point, the government adopted the fight against poverty as a priority beside protection of the environment, the need to diversify the economy, and the speeding up of growth to respond to the needs and expectations of the populations among others.

¹³ Cohen et al. (1981), *Decentralization: A Framework for Policy Analysis*, project on Managing Decentralization, University of California, Berkeley; Conyers, D. (1986), *Decentralization and Development: A Framework for Analysis*, Community Development. Pp. 88-100 and also Conyers, D. (1983), in yet another publication entitled *Decentralization: The Latest Fashion in Development Administration?* Development, vol. 3, pp. 97-109.

¹⁴ Mawhood, P. (1983), *Applying the French model in Cameroon*, in Mawhood, P. (ed.), *Local Government in the Third World, The Experience of Tropical Africa*, Wiley, J. & Sons, Ch. 7, pp. 177-200.

¹⁵ Ibid.

¹⁶ Article 55 of the Cameroonian constitution embodied in law no. 2008-1 of 14 April 2008 to amend and supplement some provisions of law no. 96/06 of 18 January 1996 to amend the constitution of 2 June 1972 which holds that, “...regional and local authorities shall be public law corporate bodies...have administrative and financial autonomy in the management of regional and local interest...they shall be freely administered by councilors elected under conditions laid down by law.”

giving a decisive impulsion in the decentralization process by consecrating a decentralized unitary system.¹⁷ This was later ascribed within Law No. 74/23 of 5th December 1974 on the Organization of Local Councils. Within this framework, the council was considered to be the driving force behind the state's development.¹⁸ This has been taken almost mutatis mutandis within existing legal dispositions in force at present dispensation.¹⁹

1.2. Rational for Biodiversity Management

Ever since it became dawn upon humans that they constitute part of nature, efforts at encouraging everyone towards environmental protection especially biodiversity has never ceased to occupy the center-stage in environmental discourses. Before engaging to adopt the CBD where it was held sacrosanct that biodiversity holds intrinsic value including the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values, world leaders had earlier undertaken to protect and conserve nature though in sectoral manner.²⁰

While biodiversity degradation remains reality and the quest for reversing its trend ever urgent, the Stockholm Declaration established the links with human rights. In this light, it became known that, 'Man has fundamental right to freedom, equality and adequate conditions of life in an environment of a quality that permits a life of dignity and well-being.'²¹ While this is so, the duty to protect biodiversity has been vested upon States by acknowledging that they have sovereign rights over natural resources within their jurisdictions including biodiversity.²² In this light, the CBD underscores the need to while developing adequate measures for enhancing biodiversity conservation; its components must be used in sustainable manners with its benefits shared equitably among stakeholders.²³ In order to realize this, adequate measures must be adopted most especially at the level of the states for enhancing the interests of every biodiversity stakeholder at every level remarkably when it comes to decision-making which may affect their interests. But then what better way could express such possibilities if not through decentralizing biodiversity management?

II. ADMINISTRATIVE DECENTRALIZATION, UPSHOT FOR BIODIVERSITY MANAGEMENT

As it has been mentioned above, the concept of decentralization can be comprehended from diverse perspectives including deconcentration, devolution and the delegation of power to parallel organizations beside other things. It would be therefore important to examine these various arms of decentralization so as to be ascertained if decentralization can be a veritable panacea for environmental management including biodiversity conservation.

a. Deconcentration of the Administration for Biodiversity Management and Environmental Protection

French Cameroon acceded to independence in 1960²⁴ with her British counterpart²⁵ obtaining hers in 1961 with the option of joining the former under a federal system. Barely 10 years into such experience was the country

¹⁷ Ibid, see article 1(2), which stipulates that, "the Republic of Cameroon shall be a decentralized unitary state...shall ensure the equality of all citizens..."

¹⁸ See articles 1-5, 1974 law on Local Councils.

¹⁹ Articles 55 and 56 of the Constitution. Also see section 5(1) (2) of law no. 2019/024 of 24 December 2019 on the Bill to Institute the General Code of Regional and Council Authorities. This legal disposition holds that, "decentralization shall consist of devolution by the State of special powers and appropriate resources to local authorities. Decentralization shall constitute the basic driving force for promotion of development, democracy and good governance at the local level."

²⁰ As early as 1940, a West Hemisphere Convention on Nature Protection was adopted; the International Convention on the Regulation of Whaling in 1946; the Food and Agricultural (FAO) Plant Protection Convention of 1951; Convention on Wetland for Waterfowl Habitats (Ramsar Convention) of 1971; World Cultural and Natural Heritage Convention 1972; Convention on Trade in Endangered Species (CITES) 1973; Convention on Migratory Species of Wild Animals 1979; Convention on the Laws of the Sea 1982; the Convention for the Protection of New Varieties of Plants 1991 among others.

²¹ See Principle 1, Stockholm Declaration (1972); the World Charter for Nature furthers this by asserting that, "mankind is part of nature and life depends on natural systems which ensure the supply of energy and nutrients."

²² United Nations Charter, (1945) ; World Charter for Nature

²³ See article 1, CBD (1992).

²⁴ According to Decree No.57/501 of 16 April 1957 laying down the Statutes of Cameroon, the former Eastern Cameroon was moved from a Trusteeship status to a centralized one in which the country was divided into Provinces. This instrument created a North Cameroon province, comprising the Adamawa, the Benue, the Diamaré, the Logone-and-Chari and the Margui - Mandala regions. The headquarters of the province chosen by the High Commissioner after the approval of the Prime minister was in charge of administering the province. He

swiftly moved into a unitary system before being shoved into a decentralized one thereafter.²⁶ Although the country was being administered under a federal system after independence and unification, the federal constitution of 1961 did not ascribe in its dispositions any application of decentralization. Rather, the constitution vested a legislative power comprising a legislative assembly and a House of Chiefs to the former British Cameroon.²⁷

By the 1990s Cameroon witnessed a forceful return to decentralization following the tripartite arrangement of 1991.²⁸ This later gave birth to the 1996 constitution. Within this framework law, State power rests in the hands of the president and the parliament. From every indication therefore, these two are the fountains from which every power derive their strength in the Republic of Cameroon including deconcentrated administrative units.

The President of the Republic in the above mentioned position therefore, is considered as 'head of State.' In this position, he, beside other things, define the policy of the State.²⁹ To assist in this daunting task encumbered around the functioning of the President of the Republic, the constitution goes further to give a guide on how the tasks of the president can be deconcentrated. Besides the President, at the central level, one finds the State Ministers who at the regional level may be represented by the Governors, as well as Delegates.³⁰ Here, article 10(1) and (2) in the following words prescribes that:

The president of the Republic shall appoint the Prime Minister and on the proposal of the latter, the other members of government. He shall define their duties and terminate their appointment...the President of the Republic may delegate some of his powers to the Prime Minister, other members of government and any other senior administrative officials of the State, within the framework of their duties.

Notwithstanding, the Parliament shall be the law-making organ of the State. Among the laws include those for environmental protection, but also those on governance and territorial administration. In this light, the Constitution provides that:

...the following shall be reserved to the legislative power...election into local bodies...rules governing associations...land tenure...natural resources...³¹

From preceding discussions, the deconcentration of power in Cameroon has since witnessed the creation of various Ministries especially those having to do with environmental protection and biodiversity

executed the budget of the province as well as decisions taken by the provincial assembly. He represented the province in all public events. A provincial assembly was also supposed to be created, comprising representatives of the legislative assemblies of the regions of the province and of delegates representing the traditional customary command, the regional authorities and the economic interests, elected in equal number as the People's representatives following the terms stipulated for each province by the Legislative Assembly

²⁵ Before acceding to independence in 1961, the former British Cameroons was administered under the indirect rule introduced by the British Governor for Nigeria, Lord Lugard. Decentralization was perceived in that society through the introduction of ordinance of 1948 on Local Administration and Ordinance No. 21 of 1950 on local Administration and Chapter 140 of the 1948 Laws of Nigeria. Within these laws, the prime minister was considered to have a wide discretion when it comes to matters of administration. For instance, the Prime minister has discretionary powers to define the scope of the jurisdiction of the local authorities at will. That is why, whenever he created a Local administrative unit, he could : - decide that the said Unit will only exercise some of the powers as conferred on local administrative units by Regulation; - define the components of the local administrative unit, state the duration of the mandate of its members, the method of election or appointment of its members; - grant a general or restricted authorization to a local administrative unit to control and manage its own financial resources; - create or amend the status of a local administrative unit; Order its suppression or merger with others, suspend or dissolve the Assembly of the Unit. That was an effective and pragmatic way of adapting the scope of competence of a regional authority to its specific situation and configuration.

²⁶ Following the blueprint of French government institutions, Cameroon became independent with a highly centralized system of government in 1961. The Constitutions of 1961 and 1972 stressed the unitary nature of Cameroon, attempting to foster national unity between its Anglophone and francophone parts and its more than 100 different ethnicities.

²⁷ See Law No. 61/LW-1 of 26 October 1961 on the 1961 Constitution.

²⁸ See Owona, J. (2012), Decentralization in Cameroon. L'Harmattan, rue de l'Ecole-Polytechnique, 75005 Paris. Pp. 5-22. The tripartite pave the way to a constitutional amendment in 1996, with the adoption of Law No. 96/06 of 18 January 1996.

²⁹ See article 5, law no. 2008-1 of 14 April 2008 to amend and supplement some provisions of law no. 96/06 of 18 January 1996 to amend the constitution of 2 June 1972.

³⁰ This is technical as it is the delegation of functions.

³¹ See article 26 of the Constitution.

management. For instance, the Ministry of Environment, Forestry and Wildlife (MINEF) was created in 1992 following Decree No. 92/069 of April 1992 reflecting Cameroon's resolve to set up an adequate and unique institutional framework for the management of its local resources including biodiversity. The presidential Decree of 2004/320 of 8 December 2004 revised the administrative structure of government and then, split up MINEF into two separate Ministries being the Ministry of Environment and Nature Protection (MINEP) and the Ministry of Forestry and Wildlife (MINFOF) which major achievement remains the setting up of the national anti-poaching committee.

b. Devolution of Administrative Power for Biodiversity Management

Decentralization has been considered as a system around which the necessary force for development, good governance including the effective management of biodiversity could evolve. In this wise, decentralization provides for the devolution of 'special powers' from the State to local institutions and authorities among which one finds the Regions and the Councils which are deemed to constitute public law corporate bodies. These bodies presumably have jurisdiction in areas necessary for their economic, social, health, educational, cultural development.³²

Generally, while decentralization may be an embrace of both the transfer to the peripheral level of decision-making centres with financial autonomy, devolution from a strict perspective is the transfer of rights and responsibilities to users groups at the local level.³³ As such, devolution programmes may tend to exist under different names. When control over resources is more or less transferred to local user groups, it may be termed, community-based resource management.³⁴ Also, when the State chooses to maintain a large influence over biodiversity management in conjunction with local resource users, it may be termed joint-management or co-management with no clear-cut boundaries between their levels of influences.³⁵

Devolution in most cases corrects the excessive centralization of decision-making authority and power in the hands of the State. Arguably therefore, devolution can be invoked as a system of administration on grounds that, government institutions are not effective when it comes to the management of biodiversity resources at the base or local communities. Also, local institutions are flexible enough, well adapted and accepted by the local populations as they turn to identify with when it comes to administering natural resources found within their areas. Moreover, cost-effectiveness equally is a factor pushing forth for the devolution of the management of natural resources at the local level. This may be so due to the fact that, local users often have intimate knowledge of the resources and by living and working in the area, users may turn to have comparative advantage over government in monitoring resource use, and the respect of basic usage modalities.³⁶ Furthermore, one can find that since the livelihood of locals largely depends upon biological diversity, they would be assumed to have the highest incentives in its sustainable management.

By shifting decision-making centres from the central to the peripheries that is from the central authority to the local level there is hope that information asymmetries would be reduced so as to produce more efficient decisions. Thus, information shared in an appropriate manner, can lead to better decision-making. This implies that, greater efficiency in decision-making and implementation of projects may lighten financial pressure upon the central government and encourage government officials to facilitate decentralization rather than acting as stumbling blocks to its effective implementation. Devolution therefore may just be another way of encouraging democracy and public participation in decision-making process and good governance.

III. POSSIBILITIES FOR EVOLVING FROM BIODIVERSITY MANAGEMENT TO DECENTRALIZED BIODIVERSITY MANAGEMENT OPTION

³² While this has been enshrined within articles 55, 56 and 57 of the Constitution, it has equally been established within sections 1-7 et seq. of the 2019 Bill to institute the General Legal Code on Regional and Council Authorities.

³³ Tchiogio, I. (2007), *Opportunities for Community-based Wildlife Management: A Case Study from the Korup Region, Cameroon*. Cuvillier Verlag Gottingen University. Pp. 40-44.

³⁴ See Tamasang, C. (2007), *Community Forest Management Entities as Effective Tools for Local-Level Participation under Cameroonian Law: Case Study of Kilum/Ijim Mountain Forest*. A thesis submitted and publicly defended for the award of a PhD in law. University of Yaoundé II.

³⁵ *Ibid*, also see, Vabi, M. et al. (2000), *The Devolution of Forest Management Responsibility to Local Communities: Context and Implementation Hurdles in Cameroon*. WWF, Yaoundé; Ndonde, M. (1999), *Managing from Below: Opportunities for and Constraints to Legal and Institutional Innovation for Community Forestry in Tanzania*. Proceedings of the International Workshop on Community Forest in Africa. FAO, Rome. 11 pages; Borrini-Feyerabend, G. et al. (2000), *Co-management of Natural Resources: Organizing, Negotiating and Learning by Doing*. GTZ, IUCN, KasperekVerlag, Heidelberg.

³⁶ Tchiogio, I. (2007), *op cit*.

The goals of the CBD as seen above can effectively be realized when local populations are generally involved in decision-making which affect their environment especially the biodiversity component which greatly influence their livelihoods on daily basis in diverse manners. It is biodiversity that enables the ecosystems to provide humans with the necessary food, pharmaceutical products for health, water recycling, rest and recreational facilities, educational, spiritual and the aesthetics for human well-being. Within this prism, it is apparent that international agenda as well as national frameworks already exist for harnessing decentralized biodiversity management as an option for meeting the goals of the CBD as ascribed to and weaved within their development agendas by States, Cameroon inclusive.

a. International, Regional and Sub-regional Agenda for a Decentralized Biodiversity Management Paradigm

Several legal instruments and facilities have been construed and adopted at the international, regional and sub-regional levels indicating the need for a decentralized management of biodiversity resources. Some of these initiatives include:

i. Convention on the Protection of Cultural and Natural Heritage (1972)³⁷ and its Operational Guidelines (2005)

The cultural and natural heritage is among the priceless and irreplaceable assets, not only of each nation, but of humanity as a whole. However, these assets including biodiversity can be loss, through deterioration or disappearance, which can constitute the impoverishment of the heritage of all the peoples of the world. Parts of that heritage, because of their exceptional qualities, can be considered to be of “Outstanding Universal Value” and as such worthy of special protection against the dangers which increasingly threaten them.

While States took the commitment to ensure the implementation of the World Heritage Convention, by 2002 a Budapest Declaration on World Heritage³⁸ called for the need to seek to ensure an appropriate and equitable balance between conservation, sustain-ability and development, so that World Heritage properties can be protected through appropriate activities contributing to social and economic development. To ensure this, the Declaration calls for the active involvement of our local communities at all levels in the identification, protection and management of our World Heritage properties.³⁹

The further ramification of the Convention and its Declaration was the adoption by an Inter-governmental Committee of the Operational Guidelines for the Implementation of the World Heritage Convention in 2005.⁴⁰ Beside sustainable development as an option for enhancing global well-being, State’s governments ascertained that the participation of a wide variety of stakeholders, including site managers, local and regional governments, local communities, non- governmental organizations (NGOs) and other interested parties and partners in the identification, nomination and protection of World Heritage properties should remain one of the major priorities of governments.⁴¹ While this is so, Cameroon has been on the move to introducing decentralization as an option for harnessing such holistic ambition.

ii. Convention on International Trade in Endangered Species, (CITES) (1973)⁴²

Since the thirteenth Conference of the Parties (CoP) in 2004, the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)⁴³ has begun to directly address the question of how its decision making impacts on the livelihoods of the indigenous peoples and local communities who rely on the use and trade of wild resources. More broadly, these questions about how CITES decision making affects how local people use and manage resources are fundamental to debates about sustainable use of wild resources that have been ongoing in CITES since its inception.

Globally, over a billion rural people, particularly the poor are dependent for some part of their livelihood on the use and trade of wild resources, including fish and other marine resources, timber species, medicinal plants, mammals, birds and reptiles. As such, these resources may be used for subsistence or sold into markets for a wide variety of purposes – food, healthcare, building materials, handicrafts, pets, clothing, spiritual and cultural

³⁷ Cameroon ratified this Convention on the 7th of December, 1982.

³⁸ This Declaration was adopted by the World Heritage Committee in 2002, to foster cooperation between States. This year was also considered as *World Cultural Heritage Year*.

³⁹ See Agreement 3(f) of the Budapest Declaration (2002).

⁴⁰ This Guidelines aims at facilitating the implementation of the Convention concerning the Protection of the World Cultural and Natural Heritage especially by site managers, stakeholders and partners in the protection of World Heritage properties including biodiversity components.

⁴¹ See Operational Guideline 12 to the Implementation of the World Heritage Convention as a fulfilment of article 6, 16, 17 and 27 of the Convention.

⁴² Cameroon signed and ratified the CITES Convention in June and September 1981 respectively.

⁴³ Convention on International Trade in Endangered Species of Wild Fauna and Flora (Washington, DC, 3 March 1973 and entered in force, 1 July 1975) (CITES).

uses, decorative items, musical instruments and so on.⁴⁴ To this effect, the CITES though recorded some difficulties in reconciling communities well-being and the conservation of species, there was however the development of a Strategic Vision 2008–2013, which has now been extended to 2020. The draft Strategic Plan⁴⁵ presented in 2006 to the 54th Meeting of the CITES Standing Committee, included a goal to ‘adopt balanced wild-life trade policies compatible with human well-being, livelihoods and cultural integrity.’

By its CoP 16, CITES adopted a Resolution which recognizes that CITES implementation is better achieved with the engagement of rural communities, particularly those that are traditionally dependent on CITES-listed species for their livelihoods. It recognizes that CITES listing decisions can restrict income, employment, food and other resources for rural people, but can also enhance livelihoods by delivering long-term species conservation and reducing illegal, yet unsustainable trade.⁴⁶ This Resolution however set out some considerations for parties when addressing livelihoods issues among which includes the need for empowering rural communities, including through promoting associations of primary users of wildlife, recognizing resource tenure and ownership and traditional knowledge of rural communities.

iii. UNESCO Programme on Man and the Biosphere (MAB) (1974)⁴⁷

Ever since, the ambitions of protecting Cameroon’s biological diversity gained grounds, the interests of biodiversity inhabiting communities remain yet to be satisfactorily taken into consideration. Within this Programme, biodiversity conservation for education and research is of priority. But then, can this be possible without integrating the interests of local communities? This worry has been addressed within the Programme in the following words:

...The concept of a protected core and a peripheral buffer zone, or zones, available for a variety of purposes, will be fundamental to most biosphere reserves. In this way the conflict between different types of utilization can largely be resolved...

What is of essence here is that the MAB remain an essential guide toward achieving a successful intercourse between humans and nature. To attain this, an effective management must be put into place through careful planning by adopting a plan for each conservation area.⁴⁸ This plan must establish the aims and policies of the reserve. It should outline the requirements for establishing and managing the area and serve as a basis for providing the necessary resources (manpower and funds). The plan should be always related to the conditions in the surrounding areas and cognizant of the relevant environmental, social and economic issues in those areas. Ideally such a reserve and the surrounding areas which have a major influence upon it should be subject to one agency responsible for planning and executing the conservation and use programmes.⁴⁹

iv. Role of Action Plan of the Environment Initiative of the New Partnership for Africa’s Development (NEPAD)⁵⁰

Chapter 8 of the Plan of Implementation adopted at the World Summit on Sustainable Development⁵¹ provides that:

⁴⁴ See Center for International Forestry Research (CIFOR), (2012), *Forests, Food and Livelihoods: What Policymakers Should Know*, CIFOR Factsheet No. 3.

⁴⁵ See CITES, *CITES Strategic Plan 2008–2013*.

⁴⁶ Cooney, R. and Abensperg-Traun, M., (2013), *Raising Local Community Voices: CITES, Livelihoods and Sustainable Use*. Wiley J. & Sons Ltd, 9600 Garsington Road, Oxford OX4 2DQ, UK. RECIEL, vol. 22, 10 pp.

⁴⁷ The concept of biosphere reserves may be viewed as an approach to maintaining the integrity of biological support systems for man and nature throughout the whole biosphere. As such it involves conservation, restoration and the acquisition of knowledge for improving man's stewardship of both the domesticated and wild countryside.

⁴⁸ See Tamasang, C. & Kaspas, K. (2018), *Conservation of Buffer Zones, Human Rights and the Environment under Cameroonian Law*, in Ruppel, C. and Kam Yogo E. (ed.), (2018) *Environmental Law and Policy in Cameroon: Toward Making Africa the Tree of Life*. Press de l’UCAC, pp. 635-654.

⁴⁹ Ibid.

⁵⁰ This is an initiative that was adopted in 2003 by African leaders based on a common vision and a firm and shared conviction that they have a pressing duty to eradicate poverty and put their nations on the path of sustainable growth and development. This came after the United Nations Millennium Declaration in New York (2000), during which African leaders had presented their challenges toward development to include: the impacts of droughts, other natural disasters, diseases, ineffective development policies, debt burden among others.

⁵¹ The World Summit on Sustainable Development held in Johannesburg from the 26 of August to 4 September 2002. The outcome of this Summit was among other things a Johannesburg Plan of Action which contains 47 recommendations aimed at ensuring the promotion of sustainable development in Africa.

The New Partnership for Africa's Development is a commitment by African leaders to the people of Africa. It recognizes that partnership among African countries themselves and between them and with the international community are key elements of a shared and common vision to eradicate poverty and place their countries both individually and collectively on a path of sustained economic growth and sustainable development while participating actively in the world economy and body politic.

To further the above vision, the NEPAD under the leadership of the African Ministerial Conference on Environment (AMCEN) and in close cooperation with the Secretariat of the African Union with support of the United Nations Environment Programme (UNEP) and the Global Environment Facility (GEF) entered into a consultative process to identify the root causes of environmental degradation. Here, the aim was to develop a convergence approach to tackling the identified causes of environmental degradation.⁵²

v. **Forest Partnership⁵³ and the Central African Forest Commission Strategic and Convergence Plans of Action⁵⁴**

Conscious of their major responsibility with respect to mankind, Central African heads of State came together on March 17 1999 in Yaoundé during their first ever summit on the conservation and sustainable management of the Congo Basin forests.⁵⁵ At the end of the Summit, the heads of State signed a Declaration known as the Yaoundé Declaration officially proclaiming their attachment to the principle of biodiversity conservation as well as the sustainable management of their forests. They also recognized the rights of their people to rely on forest resources for their economic and social development.⁵⁶

IV. HUMAN RIGHTS EXIGENCIES FOR DECENTRALIZATION OF BIODIVERSITY MANAGEMENT IN CAMEROON

Decentralizing biodiversity management by creating semi-autonomous decision-making centres at the local level is not only a necessity in a democratic and human right abiding country but also an obligation.⁵⁷ This may be so given that, it has been neatly established within international legal instruments that 'all human beings have the right to life, liberty and security.' As if this is not enough 'everyone is considered to have the right to take part in the government of his country either directly or by choosing representatives while the will of the

⁵² In order to do this, NEPAD adopted an Environmental Action Plan which identified effective projects from an environmental, institutional, and financial perspective. This led to the convening of eight thematic workshops in 2003 in Algeria, on desertification; South Africa on invasive species; Mali on poverty and environment; Cameroon on forests; Kenya on wetlands; Senegal on health and environment; Nigeria on marine and coastal environment and fresh water resources; and Morocco on climate change. In addition to these, was a consultative meeting with Civil Society Organizations in Nairobi.

⁵³ The Congo Basin Forest Partnership was launched at the 2002 World Summit on Sustainable Development in Johannesburg as a non-binding partnership registered with the United Nations Commission on Sustainable Development. As a Type II partnership, it represents a voluntary multi-stakeholder initiative contributing to the implementation of the 1999 Yaoundé Declaration, concluded during the Summit meeting of the Heads of State of Cameroon, the Republic of Congo, Chad, Equatorial Guinea, Gabon, and the Central African Republic. The Declaration recognizes the protection of the Congo basin ecosystems as an integral component of the development process and reaffirms the signatories' commitment to work together to promote the sustainable use of the Congo basin forest ecosystems.

⁵⁴ The COMIFAC Convergence Plan, adopted by the Heads of State of Central Africa in 2005, defines a common regional intervention strategy for the countries of the sub region and their international development partners.

⁵⁵ This was in part to implement a common outlook for Africa in terms of nature conservation adopted under the banner of African Convention on the Conservation of Nature and Natural Resources (1968). In adopting this Convention African heads of State acknowledge 'to harness the natural and human resources of the continent for the total advancement of the people.' In this regard, article XI stipulates that, "contracting States shall take all necessary measures including legislative to reconcile customary rights..." While this is so, article XIII further adds that, "1(a)...contracting States shall ensure that their people appreciate their close dependence on natural resources and that they understand the need and rules for the rational utilization of natural resources..."

⁵⁶ See the Convergence Plan, (2007).

⁵⁷ By 1990, Cameroon adopted her liberty laws. See for instance Law No. 90/052 of 19 December 1990 on freedom of social communication; Law No. 90/053 of 19 December 1990 on freedom of association; Law No. 90/055 of December 1990 on public manifestation; Law No. 99 of December 1999 on NGOs among others.

people constitutes the basis of government's authority.' Furthermore, 'all humans have the rights to participate in the cultural life of his community in which the full and free development of his personality is possible.'⁵⁸ The above mentioned rights among others in their respect may engender the need to ensure best environment practices that would ensure human well-being at all levels of the society. It is the enhancement of these rights therefore that makes the decentralization of natural resource including biodiversity a necessity.

a. The Right to Life, Food and Health and Need to Decentralize Biodiversity Management

Decentralization remains one of the unique opportunities that offer the possibilities for enhancing human rights in general including the right to food, health and above all life. In this regard, human rights to life, food and health would be better channeled in a decentralized society. These human rights aspects are capable of offering to humans the standard of living that is adequate for their well-being and their family. This can only be possible in a safe, satisfactory and healthy environment.⁵⁹

From the above, it is the duty of the State to guarantee that her citizens enjoy the various rights to life, health and to have adequate quantity and quality of food for sustenance. As a matter of fact, the Sustainable Development Goals (SDGs) which carries the world's vision for 2035 indicates in goals 2 and 3, the need to improve upon the food and health conditions of the world's populations.⁶⁰ But how this would be done may remain challenging, the Cameroonian government has opted for a decentralized system of governance in which the State would not only devolve authority and powers to local institutions including the Regions and Councils but also allocate not less than 15% of the State budget every year to the functioning of these institutions beside other autonomous sources of finance.⁶¹

In Africa and in Cameroon in particular, to guarantee the above rights for the populations, there is need to ensure that land ownership rules be made in line with such views. It is from the land that majority of the population can have their food source, medicinal properties guaranteed. The Cameroonian government undertook a series of land legislations in the 1970s so as to ensure the land tenure system of the country which will be considered hereafter in greater detail. This is in line with the Constitution which states that, "...the people of Cameroon resolve to harness natural resources in order to ensure the well-being of every citizen without discrimination, by raising living standards...to development..."⁶²

b. Rights to Information, Education and Participation in Decision-making, Implications for Decentralization of Biodiversity Management

The need to inform, educate and ensure that humans at all levels of the society participate in the management of biodiversity upon which their livelihood depends started to be considered as a model for biodiversity conservation with the introduction of the concept of community-based natural resources management (CBNRM).⁶³ It has been enshrined within the Law Relating to Environmental Management in Cameroon (1996) that, all persons have the right to be informed on the harmful effects of environmental issues

⁵⁸ See articles 3, 21, 27 and 29 of the Universal Declaration of Human Rights, (1948); articles 3, 6, 25 and 27 of the International Covenant on Civil and Political Rights (1966); articles 2, 3, 10, 12 and 15 of the International Covenant on Economic, Social and Cultural Rights (1966); articles 2-6, 10, 13, 14, 16 and 17 of the African Charter on Human and Peoples Rights (1981).

⁵⁹ Article 24, African Charter on Human and Peoples Rights (1981). Also, article 5 of Cameroon Environmental Management Law 1996 provides that, "laws and regulations shall guarantee the right of everyone to a sound environment and ensure a harmonious balance within ecosystems and between the rural and urban zones."

⁶⁰ In 2015, the United Nations General Assembly adopted the SDGs with its 169 Targets on world's vision for the year 2030. In this light, the General Assembly adopted Resolution 70/1 entitled: Transforming Our World: The 2030 Agenda for Sustainable Development. Also available at: www.sustainabledevelopment.un.org (consulted on the 19 of March, 2020).

⁶¹ Section 17 of the Decentralization Law, 2019 is to the effect that, "The State shall devolve to local authorities the powers necessary for their economies, social, health, educational, cultural and sports development." Also, Section 25 (1) goes ahead to state "A Common Decentralization Fund for the partial financing of decentralization is hereby instituted." While 25(3) announces that the fund may not be less than 15%.

⁶² See the Preamble of the 1996 Constitution.

⁶³ See Forest Stewardship Council (FSC), (2004), Biodiversity Management Plans of HCV Bimbia Bonadikombo Community Forest (BBCF). Forest Stewardship Council National Initiative Cameroon, Yaoundé; Forlemu, F. (2011), An Analysis of Co-management on the Development and Preservation of Natural Resources on the Mt. Cameroon National Park. University of Dschang. Gardner, A. (2001), Community Forestry in the Bamenda Highlands Region of Cameroon: A Partnership for Conservation. Second international workshop on Participatory Forestry in Africa: Defining the Way Forward: Sustainable Livelihoods and Sustainable Forest Management through Participatory Forestry;

on man, health and the environment.⁶⁴ According to FAO and other proponents, this engenders a greater involvement of rural communities in the management and utilization of their natural resources and as the policy strategy for achieving the triple objectives of livelihood improvement, resource conservation and natural resource management devolution.⁶⁵

When power is devolved to the local people with adequate finances, they would seek not only to encourage the right to access information, public participation in decision-making but also access to justice. To enjoy these rights among other things, they need to build up the capacity of these communities which encompass the human, scientific, technology, organizational, institutional and resources capabilities. As such, the fundamental goal of such capacity-building is to enhance the ability to evaluate and address fundamental issues relating to policy-choice and mode of implementation as perceived by the people concerned. In this light, contracting and non-contracting parties to the Aarhus Convention have been called upon to:

...to make appropriate practical...provisions for public participation during the preparation of plans and programmes relating to the environment, within a transparent and fair framework having provided the necessary information to the public...⁶⁶

V. National Initiatives Aimed at Strengthening the Decentralization of Biodiversity Management

In Cameroon, public policy has concentrated the powers to manage State affairs largely in the hands of the government. In this wise, the central administration can collaborate with local institutions in the running and management of State affairs including biodiversity which plays key role in the determination of human well-being in the country especially the majority of population whose livelihoods greatly depends upon their ecosystems. Beside laws, institutions have been created for the effective implementation of such agenda.

a. The Constitution⁶⁷

The Constitution in its preamble recognizes the need to harness the country's natural resources including biodiversity for the well-being of every citizen without any discrimination. In this light, every citizen is expected to contribute to the protection of the environment given that "...every person shall have the right to a healthy environment..." To foster these values, the government of Cameroon has heeded to the international call for States to maintain sovereignty over their natural resources for the well-being of their population.⁶⁸

While the above tasks remain cumbersome to be achieved, the Constitution recognizes that State power shall be exercised by the President of the Republic and Parliament within the context of maintaining the Decentralized Unitary nature of the State.⁶⁹ It is within this framework that the much needed socio-economic development of the State is expected to be channeled. Article 55(2) is clear on this point as it stipulates that:

The duty of the councils of the regional and local authorities shall be to promote the economic, social, health, educational, cultural and sport development of the said authority.

It is in this light that the State is supposed to transfer to the Regional Council through a power-sharing deal the management power and control over natural resources as a whole and land resources in particular including biodiversity. As such, the State is only to maintain mere 'supervisory powers' over the Regions and Councils.⁷⁰

b. The Decentralization Law⁷¹

Cameroon derives its decentralization from the Constitution. Though existed in a sectoral manner, before the adoption of the 2019 law on decentralization, other legal texts had designated and regulated this model of

⁶⁴ See article 7(1), 1996 Law Relating to the Environment.

⁶⁵ FAO, (2011), Economic and Social Significance of Forests for Africa's Sustainable Development. Food and Agriculture Organization Regional Office for Africa. Nature and Fauna, Vol. 25, No. 2; FAO, (2012), Global Forest Resources Assessment 2012. Progress towards Sustainable Forest Management. Food and Agriculture Organization of the United Nations, Rome. Also see Oyono, R. (2004), One Step Forward, Two Steps Back? Paradoxes of Natural Resources Management Decentralization in Cameroon. Journal of Modern African Studies Vol. 42.

⁶⁶ See article 7 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (1998). Also see articles 6, 8 and 9 of the same.

⁶⁷ The Constitution of Cameroon was adopted in 1996 and some of its provisions were modified in 2008 as found in 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.

⁶⁸ See the United Nations Charter (1945); common article 1 of the ICCPR and ICESCR (1966); principle 21, Stockholm Declaration (1972); principle 2, Rio Declaration (1992).

⁶⁹ Articles 1(2), 4, 27, 55-61 of the Constitution.

⁷⁰ Article 55(3) of the Constitution.

⁷¹ Law No 2019/024 of 24 December 2019 of the Bill to Institute the General Code of Regional and Council Authorities.

governance.⁷² Within the ambits of the decentralization law in Cameroon, the desire to devolve power to manage public affairs for common good and interests to the local authorities including the Regions and Councils.⁷³

In the light of this law, local authorities shall administer based on the principles of democracy. This means that their representatives shall be elected directly by the people of the concerned Regions and Councils. This constitutes an avenue through which the customs and traditional practices of local people in biodiversity conservation and management could be legitimized, thus, engendering their desires when it comes to benefit sharing in a great deal. Notwithstanding, as public law legal persons, local authorities possess administrative and financial autonomy in the management of regional and local interests and can through deliberation, address matters falling within their sphere of competence including biodiversity issues.⁷⁴

c. Land Tenure Legislations

Land tenure in Cameroon has been regulated by several legislations, taking land including other resources management such as biodiversity and ecosystems to the local levels.⁷⁵ Here, the law has strategically stratified land and other landed interests into various management composites, thereby implicating a multidimensional management strategy. As such, various stake holders interests are involved in land management issues in Cameroon although the State remains the single guarantor, coordinating management modalities.⁷⁶

While the greatest amount of biodiversity is found upon land,⁷⁷ it has been segmented in Cameroon to variously fall either under private property regime,⁷⁸ public property,⁷⁹ national or common property.⁸⁰ Under the national land regime for instance, management is left in the hands of the Land Consultative Board (NLCB). Beside the presence of State officials, the board also knows the participation of village chiefs and notables.⁸¹

⁷² See Law No. 74/23 of 5th December 1974 on the Organization of Local Councils; Law No. 2004/17 of 22 July 2004 on the Orientation of Decentralization including Decree No. 2009/248 of 5 August 2009 to Lay down the Conditions for the Assessment and Distribution of the Common Decentralization Fund.

⁷³ See sections 2, 5, 17-21 of Law No 2019/024 of 24 December 2019 of the Bill to Institute the General Code of Regional and Council Authorities.

⁷⁴ Ibid, sections 8-12.

⁷⁵ Cameroon has adopted a series of land tenure legislations which implementation enhances resource management not only by the State but also by local authorities. These pieces of legislations include: Ordinances No. 74-1 of 6 July 1974 on Rules Governing Land Tenure, No 74-2 of 6 July 1974 on State Lands, No. 74-3 of 6 July 1974 on the Expropriation for Public Purposes; Decrees No. 76-165 of 27 April 1976 on Conditions for Obtaining Land Certificates, No. 76-166 of 27 April 1976 on the Management of National Lands, No. 67-167 of 27 April 1967 on Private Property of the State; Decree No. 77-193 of 23 June 1977 on Urban and Rural Land Development Equipment; Decree No. 79-17 of 13 January 1977 on Real Property Transaction; decree No. 79-189 of 17 May 1979 on Rules Governing the Delimitation of Urban Centres; Law No. 80-21 of 14 July 1980 to amend certain provisions of Ordinance No. 74-1 of July 16 1974 on Rules Governing Land Tenure; Law No. 80-22 of 14 July 1980 on Infringements on State Lands; Decree No. 81-185 of 14 May 1981 on the Creation of Special Layouts by Urban and Rural Lands development and Equipment Authority; Order No. 79/PM of 10 July 1981 on the Conditions for Allocating Plots of Special Layouts among others.

⁷⁶ Article 1(2), of the Ordinance No. 74-1 of 6 July 1974 on rules governing land tenure is to the effect that, “the State shall be the guardian of all lands. It may in this capacity intervene to ensure rational use of land or in the imperative interest of defense or economic policies of the nation”

⁷⁷ See the United nations Development Programme, (UNDP), (2017), Integrated and Transboundary Conservation of Biodiversity in the Basins of the Republic of Cameroon. United Nations Development Programme, Government of Cameroon and Global Environment Facility Project Document. Pp.6 -10.

⁷⁸ According to article 2, Ordinance No. 74-1 of 6 July 1974 on rules governing land tenure, lands under this category include: registered lands, freehold lands, lands acquired under the transcription system, lands acquired by a final concession and the grundbuch. Also see sections 29 and 30 of the Decentralization law 2019.

⁷⁹ These are lands set aside for public purposes and falls within the ambit of article 3, Ordinance No. 74-2 of 6 July 1974 on rules governing state lands which include: coastlands, waterways, sub-soils and air space, lakes pond lagoons among others. See section 31-35 of the Decentralization law 2019.

⁸⁰ Article 14 of the 1st 1974 Ordinance provides that such lands shall be those not falling under private property or public lands. Thus, article 15 concludes that national lands shall be divided into two categories: lands occupied with houses, farms, plantations and grazing lands, manifesting human presence and development. Secondly, lands free of any effective occupation.

⁸¹ Decree No. 76-166 of 27 April 1976 on the establishment of terms and conditions of management of national lands provides in its article 12 that members of the Consultative Board though appointed by the Senior

This marks the involvement of communities through their representatives in land management having an implication on the management of natural resources found therein including biodiversity. While this may not fit squarely with devolution to elected officials or local authorities in the sense of the decentralization law, one remain optimistic that decentralized local authorities while exercising their economic, social cultural, sporting and developmental powers would in the near future have authority over land matters falling within their jurisdictions. However, this hope is more feasible given that these authorities have autonomy over their resources including natural resources.⁸²

d. The Environmental Management Law⁸³

By 1996, the government adopted a national environmental management law. This law can be considered as a framework for the decentralization of environmental management including biodiversity wealth of the country. This is seen as the law clearly acknowledges the fact that, the President of the Republic is not only guarantor of State laws but is also in charge of defining national environmental policies. Article 3 of the law states that:

...national environmental policies...shall devolve upon the government...in collaboration with decentralized territorial authorities, grassroots communities, and environmental protection associations.⁸⁴

When it comes to exploration and exploitation of biodiversity, the law calls for the implication of local communities as well as other local institutions and authorities. How this implication dictate becomes reality remains in adopting laws which are holistic in nature. Here, decentralization becomes impending as national policy. Thus, article 65(1) provides that,

Scientific exploration and biological and genetic resource exploitation in Cameroon shall be done under conditions of transparency and in close collaboration with national research institutions and local communities...⁸⁵

In this light a form of partnership grouping can be created linking the State and the decentralized authority.⁸⁶

e. The Forestry Law⁸⁷

Since 1994, Cameroon has witnessed several reform measures in the forestry sector as well as in the sustainable management of its natural resources including biological diversity. This is reflected as the State is considered as policy-maker while the local population remains at the periphery of decision-making.⁸⁸ This is so given that; the centralization of decision-making has never been best option when it comes to forest and biodiversity management.

Within the Law, forest management of national forest zones has been decentralized and territories have been located for forest exploitation and conservation.⁸⁹ In this light, policy-makers have taken into account the rights

Divisional Officer (D.O.) (prefect), shall include: a Sub-Divisional Officer (sub-prefect), representative of land service, representative of surveys service, representative of town planning service, representative of ministry, and the village chief and elders or notables. See section 36(1)-(4) of Decentralization law 2019.

⁸² See sections 17-26 of the 2019 Decentralization law.

⁸³ Law No. 96/12 of 5 August 1996 Relating to Environmental Management.

⁸⁴ In this vain, article 41 of the Decentralization Law stipulates *mutatis mutandis* that, "grassroots, civil society associations and organizations as well as neighborhoods and village committees may contribute in achieving the objectives of the local authorities."

⁸⁵ Also see article 7 and 8(j), CBD (1992).

⁸⁶ Section 97(1) of the Decentralization Law provides that, "For the achievement of objectives or implementation of public interest projects, local authorities may; as and when necessary, enter into contractual arrangements with: the State on or more public law corporate bodies set up either under State control or with State-participation; one or more corporate bodies governed by private law; one or more civil society organizations. (2) In the performance of their duties, local authorities may form or join various groupings to exercise common interest powers, by setting up public cooperation bodies through agreements, in accordance with the laws applicable in each case."

⁸⁷ Law No. 94/01 of 20 January 1994 to Lay Down Forestry, Wildlife and Fisheries Regulations. The implementation Decrees to this law include: Decree No. 95/531/PM of August 23, 1995 setting the terms and conditions of application of the forest regime amended by decree No. 2000/092/PM of March 27, 2000; Decree No. 95/466/PM of July 20, 1995 setting the terms and conditions of application of the wildlife regime.

⁸⁸ Mawoung, N. (2015), Attempts at Decentralization, Forest Management and Conservation in South Eastern Cameroon. African Studies Monographs, vol. 51, pp. 143-156. Also see Oyono, P. et al., (2007), Correctif pour la Gestion Décentralisée des Forêts au Cameroun : Options et Opportunités de Dix Ans d'Expérience. CIFOR, Bogor.

⁸⁹ Section 1, Law No. 94/01 of 20 January 1994 to lay down Forestry, Wildlife and Fisheries Regulations provides that, the implementation instrument of the law would be carried out within the framework of an

of the local populations which had suffered neglect, marginalization and lack of recognition over the years.⁹⁰ With the involvement of local communities in forest management, sustainable conservation can be obtained, poverty reduced and the rights of local people enhanced.

f. National Biodiversity Strategy and Action Plans (NBSAP)⁹¹

In order to conserve, for future generations, the biological wealth that nature has bestowed upon earth, the CBD in its article 6 requires that Contracting Party ‘develops national strategies, plans and programmes, or adapts existing plans, to address the provisions of the Convention; and to integrate biodiversity work into sectoral and cross-sectoral plans, programmes and policies.’ By adopting her NBSAP II, the government of Cameroon indicated the intention of consolidating her commitments within the framework of the CBD, yet, developing a tool which will harness the harmonious relationship which exists between community development and biodiversity conservation. Thus, the appropriation of the NBSAP by key sectors including decentralized local authorities.⁹²

Under Strategic Goal B of the NBSAP, Target 13 provides the need to promote community-based approaches to biodiversity management.⁹³ By so providing, there is hope that provides an opportunity to valorize the rich diversity of the nation’s cultural systems and to ensure the effective integration of customary norms and traditional knowledge into biodiversity management approaches.

VI. OVERCOMING THE CHALLENGES THAT CAN PLAGUE EFFECTIVE DECENTRALIZATION OF BIODIVERSITY MANAGEMENT AND CONCLUSION

Many authors perceive decentralization to be complex and elusive, concluding these account for some of the reasons why States hardly attained set objectives through it.⁹⁴ Truly decentralization is taking away centralized decision-making powers from central authorities to peripheral authorities, act not easy to engaged in given that this can lead to ‘losers’ and ‘winners,’ and thus, bias in its effective implementation. Nevertheless, Cameroon has embraced decentralization as option for governance, reason why one is poised besides highlighting some obstacles which might impede its smooth functioning especially in natural resources management including biodiversity. Also, the possible means through which the challenges can be overcome need to be identified in other to strengthen its applicability.

integrated management which ensures sustainable conservation and use of resources of various ecosystems. Also see sections 7, 8(1) and (2), 21(1)(2), 23 and 24(1) of the same.

⁹⁰ Delville, P. (2012), *Affronter l’incertitude? Les Projets de Développement à contre-courant de la Révolution du Management de Projet*. Revue Tiers Monde, vol. 211, pp. 153–168.

⁹¹ In May 2012, along the margins of the Celebration of the International Day of Biodiversity, Cameroon launched the revision of its maiden National Biodiversity Strategy Action Plan which resulted in the adoption of the NBSAP II. The need for such revision was anchored on the fact that the first NBSAP did not take into consideration development based on biodiversity whereas Cameroon had adopted her Growth and Employment Strategic Plan (GESP), which hosts the country’s development vision for 2035. Also, from a global point of view, the 2011-2020 Strategic Plan and the Aichi Targets provide a new orientation and a more dynamic approach to attain the objectives of the CBD. The new vision of living in harmony with nature adopted by the CBD Strategic Plan proposes 20 global targets to be achieved by 2020 in order to address the underlying causes and drivers of biodiversity loss, human induced and natural pressures and the inequity in sharing benefits from biodiversity and ecosystem services, while the 2000 NBSAP was found to predate this global vision.

⁹² Section 2(1) of the 2019 Decentralization Code provides that ‘the local authorities of the Republic shall be regions and councils.’

⁹³ Strategic Goal B is entitled: “Maintain and Improve the Status of Biodiversity by Safeguarding Ecosystems, Habitats, and Species and Genetic Diversity.” While Target 13 highlights that: “By 2020 community-based biodiversity conservation and ecosystem management approaches should be promoted.” In this same light, an Ecosystem Target was reached. As such, E-Target 8 holds that, By 2020 Increase by 20% and strengthens Community-Based Biodiversity Conservation and Management initiatives for endangered montane species.

⁹⁴ Yuliani, E. (2004), *Decentralization, Deconcentration and Devolution: What do they Mean? Forests and Governance Programme*, Center for International Forestry Research, Bogor, Indonesia. Also available at: http://www.cifor.cgiar.org/publications/pdf_files/interlaken/Compilation.pdf (consulted on the 28 of March 2020); UNDP, (2004a), *Decentralized Governance for Development: A Combined Practice Note on Decentralization, Local Governance and Urban/Rural Development*. Available at: <http://www.undp.org/governance/decentralization.htm> (consulted on the 28 of March 2020); Ribot, J. (2003), *Democratic Decentralization of Natural Resources: Institutional Choice and Discretionary Power Transfers in Sub-Saharan Africa’s Public Administration and Development*. Pp. 53-65. See: http://www.cardiff.ac.uk/cplan/teaching/cp0231/articles_gh/ribot.pdf. (Visited on the 28 of March, 2020).

a. Some Challenges Affecting Decentralized Biodiversity Management Processes Explained

Decentralization was adopted and considered as paradigm for governance with its ascription in law since the adoption of the 1996 Constitution.⁹⁵ Within this same Constitution, natural resources biodiversity inclusive have been resolved to be harnessed for the well-being of every citizen without discrimination with the State engaging in providing the necessary conditions for development including healthy environment for everyone.

The State of Cameroon went ahead to couch her development agenda within the decentralization option which has since then remained in paper rather than in practice until late 2019 when a decentralization code was concluded and adopted by the Parliament in yet an extra-ordinary session. But then, what hindered the smooth implementation of decentralization in Cameroon for over 23 years even though it had been written in texts and described as efficient in channeling and propelling the socio-economic development of the country? Such wondering may be genuine given that over the years the country has been administered as a centralized one with every administrative decisions coming from the top rather than from the bottom especially in the management of biodiversity located within communities and depended upon for livelihood by such communities.

i. Legal Framework, Needs for Clarification

Decentralization no doubt is the transfer of competence from the central to the periphery, empowering local authorities to take decisions in areas relating to their development including natural resources including biodiversity. While this is so, the Decentralization Code in Cameroon hardly draws a line between the limits of the competences of central government officials with those of local authorities.

Section 8 of the law for instance provides that local authorities shall have administrative and financial autonomy in the management of regional and local interests on matters falling within their competence. This section remains problematic in the sense that, central authority's interests may clash with those of local authorities in several spheres including economic, social, health, educational, cultural and sports.⁹⁶ When this occurs, the central administration will turn to keep what is valuable and then transfer ready-made decisions to be implemented by local authorities. This may lead to even a more centralized system. While this and others still remains unclear, biodiversity management issues remain implied rather than explicit within a law which aim is to transfer power to local authorities to manage their own affairs or biodiversity management remain still to be determined within the so-called 'local interests' concept with an undefined scope.

ii. Non-Focused CBNRM on Broader Local Governance Framework

CBNRM has been adopted as a means for inclusive management of natural resources including biodiversity in Cameroon. But then, which aspects are left in the hands of local communities to manage? Generally, local communities are left with very little say in almost non-economic valuable biodiversity resources most often considered as non-timber forest products. As such, CBNRM often tend to focus on these resources and hence are implemented outside the broader-local governance framework.

With the above situation, local communities would lack the necessary opportunities to generate financial resources needed to conserve their biodiversity. This is further compounded in that it is the central government that still retains the power to decide on the commercialization of biodiversity and the power to finance local authorities.⁹⁷ The reluctance of central governments and environmental ministries to delegate sufficient financial and administrative resources means local entities can end up with an unfunded mandate.

iii. Accountability Issue and the Overwhelming State Powers over Local Authorities

Decentralization in Cameroon may continue to remain ineffective due to the fact that the law itself seem to recognize local populations' interests only when it comes to election of local officials. This may be so given that, the central government still retain the powers to appoint governors to head the Regions, Divisional Officers to head the Divisions and even Sub-divisional Officers to represent the State at local levels. While such representation may not be a problem in itself, the powers bestowed upon these officials almost makes them to control elected local officials rendering the later accountable to them rather than to the local populations which elected them.⁹⁸ If the status quo is to remain as such then of what service would be the purported decentralization? It seems more like a disguised centralized system.

⁹⁵ See articles 1(2), 55, 56, 57, 58, 59, 60 and 61 of the Constitution.

⁹⁶ Rather, the law provides in its section 19 that the powers and authorities transferred to the regions shall be distinguished from transferred to the councils, without distinguishing those of the central government and local authorities as a whole.

⁹⁷ Section 25(1) provides for the creation of a common decentralization fund by the central government. As if it is not enough, the law goes ahead to state that only a meagre 15% of the State budget shall be set aside for the decentralized collectivities. The law does not state the percentage to be allocated to the regions and councils but rather jumble them all in the same footing.

⁹⁸ Beside the National Decentralization Board, Inter-ministerial Committee for Decentralization, Inter-ministerial Committee on Local Service that regulate the functioning of decentralized local authorities (institutions which do not even exist as of now), the governors, SDOs and Dos are to be appointed to represent

From the above, one need not wonder why land management issues especially when it comes to national lands is left in the hands of the Land Consultative Board which functions more as arm of central administration rather than for the interests of local communities. This may be so given that the Decree No 76-166 of April 1976 in its article 12 consecrates the powers to appoint members of the board in the hands of the Senior Divisional Officer or Prefect. As if it is not enough, the Sub-divisional Officer is to be the chairman of the board while the chief and two notables are mere members with no particular powers even though they represent the entire community. To this effect, the voice of the community has been silenced and relegated to the background when it comes to land management, implicatively on biodiversity management too. With this kind of picture, much hope would have been casted on the decentralization law, yet, there also seems to be no better.

iv. **Elite Capture and Patronage**

The electoral law of Cameroon provides that candidates are to deposit an amount of 50,000 FRS to the public treasury to be eligible to stand for local elections (Council and regional elections).⁹⁹ From such financial demands, one understands that majority of the community members who are usually very poor have been left out and only the elites can therefore become mayors, councilors or regional representatives. While this is so, local representatives who deposit such amounts may get into office and in order to compensate the amount deposited, involve in embezzlement of public funds.

b. **Conclusion, Overcoming the Challenges and Way Forward**

Cameroon is continuously on the search for better policies geared at ameliorating governance for the acceleration of development for the enhancement of the well-being of her population. In this quest, natural resources management sector has not been left out. In this wise, the State has positioned herself at the centre of decision-making while the local population remains at the periphery. This is so given that the centralization of natural resources management including biological diversity has never been the most efficient or equitable in sustainable management. With centralization, policy-makers never saw the need to consider local communities in resources management, reason why they were often neglected, marginalized and never recognized.¹⁰⁰ Nevertheless, one is looking up to decentralization of the management of biodiversity wherein the local communities would become main actors and as such, given adequate opportunity to participate, contribute in fighting against poverty and contribute to the achievement of the sustainable development goals of the State.¹⁰¹ The laws on decentralization, forestry and land tenure should be revisited in order to give local communities the place they deserve in a decentralization era. This is so given that, Decree No. 76-166 of April 1976 has established the conditions for the management of national lands (lands to which local community interests are attached). While such category of lands is so considered, the State is still having the right to lease out or assign such lands. To this effect, the interests of local communities are relegated to picking of fruits, and hunting.¹⁰² As such, where their interests needed to have been protected through the Land Consultative Board, the village chief and two notables are not the chairpersons of such a board but rather mere participants with very little role to play. While this is so, one would have hoped that with decentralization things would be better but then, the local authorities are to be closely supervised by appointed officials including Governors for Regional Council, DOs and SDOs controlling Local Councils (representing local communities) which in the present context of decentralization are merely to implement already designed projects from the central administration.

It is necessary to change perspectives, and to reconsider the decentralization process and the conservation of the environment as a whole. This implies the joint efforts of different stakeholders, values, and productive uses. This process requires a social dialogue with local communities that must aim to appropriate this new approach of environmental governance – an integrative approach.¹⁰³ This is indispensable for decentralization and biodiversity management given that, decentralization has the possibility to reshape institutional infrastructures for effective biodiversity management. At the same time, biodiversity conservation

the State in local collectivities. See sections 73, 77, 79, 90 and 91 of the Law on the Decentralization Code 2019.

⁹⁹ See section 183 of Law No. 2012/001 of 19 April 2012 Relating to the Electoral Code, Amended and Supplemented by Law No. 2012/017 of 21 December 2012.

¹⁰⁰ See Borrini-Feyerabend, G., et al. (2004), *Indigenous and Local Communities and Protected Areas: Towards Equity and Enhanced Conservation*. IUCN, Gland, Switzerland/Cambridge, UK.

¹⁰¹ Phillips, A. (2003), *Turning Ideas on their Heads: The New Paradigm for Protected Areas*. In (Jaireth, A. & Larson, A. eds.), *Innovative Governance: Indigenous Peoples, Local Communities and Protected Areas*. Anne Books, New Delhi, pp. 8–32.

¹⁰² Article 17(3), Ordinance No. 74-1 of 6 July 1974 to; Establish Rules Governing Land Tenure in Cameroon.

¹⁰³ Razzaque, J. et al. (2019), *The IPBES Global Assessment on Biodiversity and Ecosystem Services*. Chapter Six, Option for Decision-Makers.

and use remain important to decentralization and local democracy given that, they are source of revenue and power for local authorities.

Also, good governance is essential for successful application of decentralized biodiversity management in Cameroon. Good governance includes sound environmental, resource and economic policies to be adopted both by the State and the local authorities that are responsive to the needs of local people. As such, robust and sound resource management systems and practices are required to support these policies and institutions. At this juncture, decision-making should account for societal choices, be transparent and accountable and involving the society. Accountability for making decisions has to be placed at the appropriate level that reflects that community of interest. For example strategic land-use planning and management which has been undertaken by central government, should now give way to operational decisions taken by local government authorities, while decisions associated with the sharing of benefits should be left in the hands of the local community.

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