
Cameroon: Forest policy must respect "Pygmy" forest peoples' rights

With a population generally estimated to number about 100,000 persons in Cameroon, "pygmies" constitute the best known and the most vulnerable of Africa's forest peoples. Their lifestyle is closely linked to the forest, from which they obtain their food (meat, fruits, honey, roots, etc.) and the traditional medicinal products for which they are known to be great experts. The forest is their natural habitat in which they continue, for the most part, to be nomadic.

Cameroon's 1993 Forestry Policy and the 1994 Forestry Law and its implementation instruments have implied a negation of the customary rights of natives.

Cameroon has a system of double legal standards, with a statute law of colonial origin, presented as "modern", which coexists with a multitude of unwritten laws referred to as "customary", of a pre-colonial origin. By virtue of the implementation of the notion of "no man's land", which was unknown in the customary laws of forest-dwelling people, the State claimed all the land on which individuals were incapable of showing proof of ownership in accordance with modern law (i.e. land titles).

The granting of concessions is the preserve of the forestry administration, and the procedure ignores all the marginal communities. The determination of surface areas open to exploitation takes into consideration neither the hunting areas nor the migration zones of "pygmies". Only economic profitability criteria are considered when determining production forests, thus ignoring any social consideration.

Industrial-scale timber exploitation has a negative effect on the "pygmy" populations, both directly through the destruction of forest resources on which they rely, and indirectly by creating access to the forest for poachers who may carry out game collection on a massive scale. By so doing, they contribute to growing scarcity of wildlife resources, which directly impact on the diet and therefore quality of life of "pygmies". Many species of high commercial value as timber, such as moabi and bubinga, also have an economic and cultural importance to "pygmy" communities. Felling of such species by logging companies contributes in altering the foundations of "pygmy" life, and contributes to the destruction of their culture.

Since the enactment of the forestry law on 20th January 1994, village communities living on or around State land have had the right to obtain community forests. As defined in the law, a community forest is a piece of State forest land, free from any forest exploitation license, and having a surface area of at most 5,000 hectares, on which the State retains ownership of the land, but entrusts the management of the forest resources to the village community concerned for 25 years, on a renewable basis.

Under the existing provisions, "pygmy" communities would find it very difficult to obtain a community forest. One of the prerequisites for obtaining a community forest is the legalisation of an institution representing "the community". Generally, "pygmy" communities do not have the level of formal education or social organisation needed to enable them to fulfil this requirement.

The community forest may be designated only in areas where the community enjoys customary land rights. Generally, “pygmies” who have been re-settled along forest roads and tracks do not enjoy any customary land rights, as such rights are reserved to the Bantus who "host" them. The law does not provide for the designation of community forests in the "Permanent Forest", where pygmies mostly enjoy "customary rights".

The maximum surface area of community forests and community hunting areas (5,000 hectares) is not adapted to “pygmies”, whose hunting and gathering way of life generally extends over a much greater surface area.

“Pygmy” communities are an important and integral part of the cultural and human heritage of the Congo Basin. In Cameroon, “pygmy” customary rights concerning the management of space and resources are among those that have been sacrificed in the name of modernism, through the imposition of modern over customary law. The frailty of “pygmy” communities' existence, compounded by their strong dependence on an intact forest ecosystem, should have justified special attention by the law in their favour.

Urgent and vigorous measures need to be taken in order to ensure that forest exploitation and conservation policies are not detrimental to the pygmies of the Congo basin:

1. There is a need for recognition within Cameroon’s forest zoning plan of “pygmies” customary land rights, including in concessions and protected areas. In protected areas, “pygmy” communities should be involved in law enforcement and other monitoring operations, in collaboration with the administration;
2. The logging of species with high cultural, therapeutic or nutritional value for forest dependent peoples should be prohibited;
3. The government should increase sanctions against illegal loggers;
4. The regulations concerning community forestry should be adapted to take account of the particular context of “pygmy” communities;
5. Definitions of acceptable user rights should be adapted to encompass pygmy modes of production, in order to enable them earn their living legally through the sale of traditionally gathered products in the forest.

Excerpted from: “Forest Management Transparency, Governance and the Law. Case studies from the Congo Basin”, edited by Centre for Environment and Development (CED), Cameroon; Rainforest Foundation, UK; and Forests Monitor, UK; October 2003, at http://www.africa-environment.org/gendoc/Case_studies.pdf