

CASE STUDIES AND OTHER RELEVANT INFORMATION ON THE  
IMPLEMENTATION OF ARTICLE 8(j) OF THE CONVENTION ON BIOLOGICAL  
DIVERSITY (DECISION IV/9 OF THE 4th CONFERENCE OF PARTIES TO THE  
CBD) PRESENTED BY THE GOVERNMENT OF THE REPUBLIC OF CAMEROON.

Prepared by : Bokwe Augustine,  
Fosi Mbantenkhu Mary  
Neckmen Samson

## Introduction

From Stockholm in 1972 to Rio de Janeiro in 1992, the issue of who owns the biological resources lingered at the back of the minds of both conference initiators and participants at the two conferences which have since entered the annals of history as the cornerstone of environmental protection and sustainable development in the 20th century. From the global commons to the rights of sovereign States over their biological resources, there has been a major step towards the recognition of the real owners of biological resources in a given jurisdiction. The indigenous and local communities of Cameroon are spread over the territory within various ecosystems (coastal and marine ecosystem, forest ecosystem, mountain ecosystem, Savannah and **sahelian** ecosystem, and inland freshwater ecosystem). The number of tribal or ethnic groups in the country are in the neighbourhood of 250. Although some of these ethnic groups are now submerged in the expanding urbanised regions, they maintain most of their spiritual and cultural values.

Indigenous peoples of Cameroon rely wholly on biodiversity for their livelihood, through hunting, fishing, harvesting or gathering of wild fruits, food and leaves, forestry, cattle rearing and agriculture. These communities possess expert knowledge in traditional medicine, forestry, agriculture, fisheries and had long ago instituted sacred sites within each of the ecosystem, be it in the **sahel**, Savannah, forest region. They have nurtured their ecosystems from time immemorial, preserved and conserved the biological diversity which is today Cameroon's pride. From generation to generation, knowledge has been passed down in various forms. Though undocumented, indigenous knowledge and traditional practices which have contributed to the preservation of Cameroon's biological heritage, have withstood the pressures of external influence.

The indigenous peoples of Cameroon live in land which de jure (according to the Land Tenure Act of 1974) is owned by the Government, but which de facto belongs to them through the exercise of customary rights within reserves, grazing land, farm lands, fishing areas, etc. From the original owners of land, they are now the custodians and only exercise user rights (usufructs). Access to other scientific knowledge by forest dwellers, like the pygmies in the equatorial forests and mountain peoples of the Northern provinces, is limited despite the constant interaction between these indigenous peoples and researchers, forest exploiters, bio-prospectors, government officials and others.

Agenda 21 adopted at the Rio Earth Summit, recommended that indigenous peoples and local communities be involved in the conservation and sustainable management of biodiversity and obtain a fair and equitable share of the benefits arising out of the utilisation of genetic resources. While the Convention on Biological Diversity in its preamble **recognises** the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components, in its article 8 on in-situ conservation, Parties are requested to, as far as possible and as appropriate,

(8 (j)) “subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.. .”

This article of the CBD obliges Parties to carry out obligations destined to promote **in-situ** conservation as well as the rights of indigenous and local communities who are custodians of biodiversity. Articles 1 O(c), 17 (2) and 1 S(4) which are inter-related to article S(j), stress the need for parties to protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements; exchange of results of technical, scientific and socio-economic research, as well as information on training and surveying programmes, **specialised** knowledge, indigenous and traditional knowledge as such and in combination with the technologies referred to in Article 16 (1); encourage and develop methods of co-operation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of this Convention. These two international instruments from Rio are so far the first of its kind to **recognise** the importance of traditional knowledge, innovations and practices of indigenous peoples and local communities as fundamental to biodiversity conservation and sustainable development.

In accordance with the principle contained in the United Nations Charter and the principle of international law, States have the sovereign rights to exploit their own resources pursuant to their respective environmental policies, legislation, etc.

How have the indigenous peoples and local communities in Cameroon who are the custodians of the biological heritage benefited from the exploitation of these resources? Has the issue of the utilisation of traditional knowledge, innovations and the practices of indigenous and local communities embodying traditional life styles relevant for the conservation and sustainable use of biological diversity versus other forms of knowledge

been considered in national policies and legislation on the conservation and sustainable management of biodiversity? What has been the influence of other international instruments on traditional knowledge, innovations and practices of indigenous peoples and local communities embodying traditional life styles relevant for the conservation and sustainable use of biological diversity? Has the consent of indigenous peoples and the local communities always been obtained prior to access to genetic resources, gazettement of protected areas or exploitation of other natural resources of which they are custodians?.

The prevailing situation in Cameroon is similar to that of most of the developing countries of the world. Lack of inventory of the various forms of traditional knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable management of biological diversity, lack of appropriate legislation to ensure the protection of traditional knowledge, lack of co-ordination and dissemination of existing information on the state of indigenous peoples within the country and lack of a well defined benefit sharing mechanism constitute a major handicap which prohibit government from benefiting from this rich heritage.

However, some development and co-operation agencies working with indigenous and local communities in Cameroon such as the Catholic Relief Service, the Dutch Volunteer Service, Tropenbos, the World Conservation Union (IUCN), World Wide Fund for Nature, the European Union (EU), the Department for International Development (DFID), World Wide Fund for Nature (WWF) and others have documented evidence that the wealth of knowledge stored by these communities, if exploited, will guarantee lasting solutions to the present biodiversity loss and ecosystem degradation challenges which the country is facing .

**Recently**<sup>1</sup>, when the Heads of States of countries of the Central African sub-region met in Yaounde during their Summit on the Conservation and sustainable management of tropical forest ecosystems, they took stock of the fact that rural/indigenous communities have not been fully involved in the decision-making process on the conservation and sustainable management of biological resources in the sub-region. The Yaounde Declaration which is the outcome of the summit, in its paragraph 4, stipulates that the Heads of State undertook amongst others, to: “Step up efforts to increasingly involve the rural population in the planning and sustainable management of ecosystems and to leave enough space for their socio-economic development . . .”

a) Interactions between traditional and other forms of knowledge relating to the conservation and sustainable use of biological diversity:

The first Cameroon National Report on Biodiversity reveals that throughout the national territory, indigenous knowledge exists in the various fields of biodiversity and very often on tribal basis. In the large majority of cases, indigenous knowledge is not documented but handed down from generation to generation. Much of the knowledge is held in family groupings and rarely exchanged or improved upon. It is guarded preciously

in family circles or within village communities and only used during critical occasions. Knowledge of treatment of some diseases is only revealed and handed to specially initiated family members. Much of the knowledge is not known to the public and, therefore, can only be exploited and investigated using special approaches and techniques. Kinds of indigenous knowledge already identified in Cameroon include: traditional science, technologies, traditional patterns, habits and customs. The National Biodiversity Strategy and Action Plan (NBSAP), has tentatively identified some forms of knowledge, innovations and practices of indigenous and local communities existing in Cameroon which enhance biodiversity conservation.

As concerns indigenous and local communities who live in and at the periphery of the forest, or are riparian, a research carried out by Avenir des Peuples des **Forêts** Tropicales (APFT) reveal that “it is a well-known fact that forest peoples are the real experts on their environment and others can only learn much from them in terms of management and diversity. With them, and relying on their knowledge, we may be able to find new conservation and sustainable development strategies. Without them, any such effort is bound to fail.<sup>2</sup> Nevertheless, with the introduction of western style conservation and management methods, emphasis has been laid on environmental protection to the detriment of the interest of the forest peoples. Thus, the mythical image of the forest has been translated into protection schemes which minimise the local and regional context. The challenges which confront national decision-makers are often neglected.. **Forest** exploitation for short-term economic and political imperatives is generally negotiated in towns without taking into account the forest’s survival or that of its inhabitants. To avoid this phenomenon, it is necessary to encourage partnership at the level of the government and the local communities in order to achieve maximum success in the conservation and sustainable use of biological diversity.” This assertion by a development co-operation organisation says it all. It demonstrates the extent to which traditional and indigenous knowledge is important, whereas it is neglected in the conservation and sustainable development strategies and actions.

The 1994 Forestry, Wildlife and Fisheries Regulation, in its articles 37 and 38, introduced a new concept of the conservation and sustainable use of biological diversity under the nomenclature of Community Forests. Under these provisions, the State shall sign an agreement with any desirous local community to enable it promote the management of forest resources with the assistance of the services in charge of forests. This type of management shall be carried out through management plans drawn up at the behest of the community and approved by the services in charge of forest. In this way, the local community concerned manages the forest in question and reap the attendant benefits. So far, the notion of community forests is still at its initial stage with the putting in place of a Community Forestry Manual through the financial and technical assistance of DFID.

The National Forestry Action Plan (**NFAP**) of November, 1995, in its Chapter Two has as objective to increase the participation of local population in forest conservation and management in order to contribute in raising their living standard. This is an indication

of the translation of the Convention's obligation into national policies, especially as the approach will combine scientific and indigenous knowledge to promote conservation and sustainable management.

A National Working Group on Certification created under the auspices of the Government is currently working towards adopting national criteria and indicators for certification of tropical forest using standards drawn from International Stewardship Councils, international and sub-regional organisations which pay attention to the amelioration of the forest dwellers' standard of living.

In Cameroon, some aspects of scientific research has contributed much in enhancing conservation and sustainable development and is gradually making good use of traditional knowledge, innovations and practices. For instance, some national scientists and modern medical experts are collaborating with indigenous healers in treating diseases which **left** to modern medicine alone would not have been handled. Plan-based pharmaceutical companies have in many cases, used the ethno-botanical knowledge of indigenous healers and farmers for developing drug leads with little or no benefits accruing from the exploiters to the knowledge holders or communities concerned. The Government through the National Institute of Medicinal Plants works in collaboration with indigenous healers using their ethno-botanical knowledge to discover plants which are being developed nationally as pharmaceuticals.

In conclusion, we make reference to Prof. Clement N. Ngwasiri and Yvonne Njock Nje who, writing on indigenous systems in their book entitled *Advocacy for Separate Land Legislation for the Rural Areas of Cameroon*, state: "Development professionals are now realising that Western-based science and technology has proved inadequate, on its own, to fully address Third World problems. Those who have relied excessively on Western ideas for the solution of the problems of Third World countries, seem to forget that indigenous communities in these countries have been producing systems of knowledge, for decades, which have enabled them to live more harmoniously with their environments. Utilisation of both Western and indigenous knowledge systems would contribute to development in a balanced way; but excluding one of them means that not all the stock of knowledge existing in society was being used for its development. Indigenous knowledge has its weaknesses; so also is Western science and technology, especially when adopted wholesale in a Third World setting. It is by studying indigenous knowledge that it can be compared and contrasted with its Western counterpart in order to understand the comparative strengths and weaknesses in each system. In this way, indigenous knowledge can be judiciously combined with the Western system to better effect."

We agree in **toto** with this assertion.

2) The influence of international instruments, intellectual property rights, current laws and policies on knowledge, innovations and practices of indigenous and local

communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity.

(i) Influence of international instruments:

The Convention on Biological Diversity is so far the only major international legally binding instrument which request Parties to establish policy, legislation and administrative measures to protect the traditional knowledge, innovations and practices of the indigenous peoples and local communities embodying life styles relevant for the conservation and sustainable use of biological diversity. Other international instruments such as the UPOV, TRIPS, WTO, ITO, ATO, other Intellectual Property Rights Conventions (Bangui and Paris) to which Cameroon is a party, have very little or no provisions on the recognition of the traditional knowledge, innovations and practices of the indigenous people and local communities relevant to the conservation and sustainable management of biodiversity. On the contrary, some of these instruments have negative effects on traditional knowledge. However, the ITO and ATO criteria and indicators for certification takes into consideration the socio-economic aspects of the riparian communities and their indigenous knowledge in order to achieve sustainable management of the forest.

Consequently, the influence of the CBD on Government policies and legislation has been translated within the framework of the law of 20 January, 1994, regulating Forestry, Wildlife and Fisheries in Cameroon and its implementation decrees. Articles 37, 38 and 54 of the Law and articles 28 to 32, 95 and 96 of the Decree provides that citizens living at the periphery of national forests could, through an agreement with the State and a management plan, manage the maximum of 5.000 ha of state forests for two years renewable.

This is a departure from the former Law which attributed the ownership and management of forests to the sole control of the State. This notwithstanding, the State still conserve proprietary ownership over such forest allowing the local communities only limited management. The procedure for operating a community forest management is, however, not automatic. It can only begin at the initiative of the village community concerned who benefit from free technical advice provided by the Ministry of the Environment and Forestry.

The Organisation of African Unity in its Summit in Ouagadougou in May 1998, endorsed a **draft** law and a draft African Convention on Access to Biological Resources and on the Protection of Community Rights, and recommended that, based on the draft law, African countries pass national legislation to enable them to regulate access to their genetic resources and to legally protect the rights of the their communities. The draft law is aimed at safeguarding the economic interests of Africa, and the rights of its local communities to take charge of their own destiny and to develop at their own wish and initiative.

The United Nations Draft Declaration on the Rights of Indigenous Peoples of 1993 yet to be adopted by the UN General Assembly, promises to strengthen the position of indigenous collective rights considerably. For instance, Article 29 states: "Indigenous people are entitled to the recognition of the full ownership, control and protection of their cultural and intellectual property.. .".

The Fourth Technical Conference on Plant Genetic Resources held in 1996 by FAO, produced the Leipzig Declaration on 'farmer's rights'. This Declaration gives legal recognition to farmer's innovation in contributing to the rich diversity of agricultural crops to the world. The central objective of farmer's rights is to ensure control of and access to agricultural biodiversity by local communities, so that they can continue to further develop their farming systems in a sustainable manner.

Despite the above mentioned international instruments constituting non-binding status, there is the strong indication that there exist international consensus on the positive assertion of indigenous community rights. These rights will provide a powerful tool in changing attitudes as well as a focus for dialogue and debate at the national and international level. In Cameroon, the debate on the protection of community rights has just begun and various stakeholders are very involved.

(ii) Influence of intellectual property rights:

Intellectual Property Rights (**IPRs**) enshrined in various International Conventions such as the Paris Convention, the **Berne** Convention, The Bangui Convention, the Agreement on Trade-Related Intellectual Property Rights, UPOV and others, have had an adverse effect on the knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity. Whereas the ownership of traditional and indigenous knowledge is held jointly for a family, a village or a community, **IPRs** have tended to privatise knowledge and deny the prior rights and prior innovations of indigenous communities. Patents deprive indigenous communities of their basic and natural rights of the resources they have conserved from generation to generation to the benefit of patent holders, thus creating a monopoly. Intellectual Property Rights tend to be among the factors contributing to biodiversity erosion because of the insecurity to which they expose indigenous knowledge and traditional practices relevant to biodiversity conservation and sustainable development.

The current Biosafety protocol in negotiation needs to take into consideration the contributions of indigenous communities and their knowledge necessary for conservation of biological diversity through the consideration of socio-economic aspects which take into account the capabilities of the local communities concerned in developing technologies which will be displaced by the introduction of modern biotechnology.

In Cameroon, the indigenous people or villagers constantly have the apprehension that any researcher or exploiter coming into contact with them is likely to unfairly exploit

their knowledge. There is, therefore, a need for Cameroon to develop a national sui generis system to affirm and protect as well as prevent biopiracy of traditional knowledge of the indigenous people and local communities relating to food and agriculture, medicine, and other aspects.

( iii) Influence of current laws and policies:

Most of the national legislation cited in (a) and (b) above have been timidly applied in the field. There is actually no inventory of the various forms of traditional knowledge of the indigenous peoples and local communities existing in the country. Indigenous people have been the object of the plagiarisation of their knowledge both by national and foreign exploiters without a fair and equitable share to the benefits accruing from such exploitations. Existing legislation for access to benefit sharing on biological resources by indigenous people and local communities whose knowledge and innovations have contributed to the conservation of biodiversity needs to be reviewed in order to promote interest in the preservation of this area of knowledge.

The majority of the Reserves in Cameroon were created before the country attained its **independence** in 1960. Indigenous peoples living in or around these reserves (which were gazetted without their prior informed consent), have user rights which unfortunately are some times interpreted differently depending on the discretion of the forest official or law enforcement officer concerned. Lack of education, information, and sensitisation of the indigenous and local communities on their rights, and on the advantages of their knowledge, have placed these communities at the mercy of unscrupulous exploiters. Despite the work carried out by the development agencies and some non-governmental organisations, there is still a lot of confidence building exercise to be done in order to make the impact of national legislation to be felt.

c) The extent to which traditional knowledge of indigenous and local communities has been incorporated into development and resource-management decision-making processes :

The National Framework Law on the Environment of 1996, states in its article 72 that populations shall be encouraged to participate in environmental management, especially through: free access to environmental information pending the imperatives of national **defence** and security, consultative mechanisms to take stock of the opinion and contribution of populations; representation of populations within environmental advisory bodies; sensitisation, training, research and education on the environment. Article 73 of the same law further lays stress on environmental education to be introduced in primary and secondary school curriculums as well as in institutions of higher learning. Article 74 also provides for the strengthening of environmental awareness in the society and increase sensitisation on and participation of populations in environmental issues; the

Administration in charge of the environment and communication, as well as other administrative units and public bodies concerned shall launch information and sensitisation campaigns using the media and other means of information. To this end, they shall make use of the traditional means of communication as well as the traditional authorities and associations working in the field of the environment and development. These legal provisions pave the way towards incorporating the participation of local communities in the development and resource management decision-making processes.

However, implementation of these provisions have been slow due to several factors amongst which figure the economic depression which the country suffered recently. A timid approach towards the incorporation of traditional knowledge of indigenous and local communities into development and resource-management **decision-making** processes is being made through enlarged consultation meetings. Elsewhere, projects funded by the WWF, Korup, Dja and the Waza **Logone** Projects involving the local populations more and more not only in decision making but also in integrated participatory management of biodiversity.

d) Documented examples and related information on ethical guidance for the conduct of research in indigenous and local communities about the knowledge they hold:

Cameroon has been called “Africa in Miniature” because of its unique peculiarity in the amount of biodiversity and its endemism. This appellation does not only arise from the fact that the physical features of the country hold a bit of all the other countries’ features but because all of Africa’s ethnic groupings are found within the national territory. From the nilotics, through the Bantus, semi-Bantus, Fulanis, to the Pygmies have their homes in Cameroon. It is, therefore, no exaggeration that Cameroon is comprised of numerous ethnic groups who have different cultures and traditions which contribute to the conservation and sustainable management of biodiversity . **Religion-**wise, members of these ethnic groups are either Christians, Muslims or animists who have over the years amicably co-habit without any problems. Each of these tribes hold ethical believes on different species of biodiversity, exploitations techniques, etc. Research in Cameroon is conducted through attribution of Research Permits by the Ministry of Scientific and Technical Research (MINREST).

However, there exist no known documented examples and related information on ethical guidance for the conduct of research in indigenous and local communities about the knowledge these people hold. Nevertheless, researchers do carry out research activities amongst the indigenous peoples and local communities of Cameroon with their consent and collaboration while respecting their sacred places, rights, taboos and other believe systems. This is why **NGOs** like Bioresources Development Programme of Cameroon (BDCP-C), in collaboration with Smithsonian Institute of USA and Shaman Pharmaceuticals have carried out certain research geared towards pharmaceutical leads on traditional healers and nutritionist in Cameroon. (1998).

Payments made to indigenous people for knowledge provided have had no set down principles for calculating compensation or royalties. Research permits provide that samples of all research material collected must be deposited at the National Herbarium. Research permits have a limitation because they do not provide for the description of the nature of indigenous knowledge acquired by the research from the indigenous people to be included in the deposition.

With the implementation of the Convention on Biological Diversity (CBD) through other national policies and legislation, it is hoped that ethical guidance for the conduct of research in indigenous and local communities knowledge will be put in place as a reference document or directives for research amongst the indigenous peoples and local communities.

e) Matters of prior informed consent, fair and equitable sharing of benefits and in situ conservation in lands and territories used by indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity:

(i) Prior informed consent:

Indigenous peoples and local communities' prior consent is seldom sought, neither in the case of the creation of protected areas in which they live, nor in the case of access to genetic resources, equitable sharing of the benefits arising from the utilisation of genetic resources. Most often than not, they have been objects of resettlement schemes like in the Waza National Park, the Korup National Park and the Campo-Ma'an Reserve, just to mention a few. Indigenous people are usually informed of decisions already taken during consultation meetings and after studies have been carried out.

The recent practice of consultation meeting held between the administration, exploiters and indigenous/local communities destined to promote participation of these communities into various programmes is not tantamount to prior informed consent because their views may or may not be taken into consideration during policy formulation.

However, with the coming into force of the Convention on Biological Diversity, and the enactment of corresponding national legislation which call for participatory approach to conservation and management of biodiversity, more and more interest is being shown in this direction both by the Government, **NGOs**, exploiters and other economic operators. Indigenous peoples and local communities are gradually being sensitised by **NGOs** and other developing partners on their rights. It is hoped that this change will be sustained in order to enhance indigenous peoples' and local communities' awareness on issues relating to their rights and to create a mechanism necessary to ensure prior informed consent in order to enhance their full participation in the conservation and sustainable use of biodiversity.

(ii) Fair and equitable sharing of benefits:

The Convention on Biological Diversity (CBD) has provided for the fair and equitable sharing of benefits arising out of the utilisation of genetic resources (Art. 1). This means that benefits from the use of genetic resources should not only profit the receiving country, corporate bodies or individuals of such a country, but should also benefit the providing country, both the present and future generations. The benefits accruing to providing country should flow down to indigenous peoples, local communities and individuals who have over the years maintained and developed genetic materials and have knowledge of their properties and location.

In partial fulfilment of the provisions of the CBD, the Government of Cameroon (GoC) enacted Law N°94/01 of 20 January, 1994, to regulate Forestry, Wildlife and Fisheries in the country and the Framework Law on the Environment N°96/12 of 5 August, 1996. Article 11 of the Forestry Law places all genetic resources of the national heritage under the ownership of the State. This falls in line with the United Nations Charter and the principles of international law cited in Article 3 of the CBD which makes it the sovereign right of States to exploit their own resources pursuant to their own environmental policies.

Article 12 (1) of the above law further provides that “No person may use them for scientific, commercial or cultural purposes without prior authorisation.” The issue of benefit sharing has been partially handled by Article 12 (2) which provides that “the economic and financial spin-off resulting from their use shall be subject to the payment to the State of royalties the rate and conditions of which shall be laid down, to the prorata of their value, by an Order of the Minister in charge of finance upon the proposal of the competent ministers. No reference, however, has been made to the treatment of indigenous peoples and the local communities in this provision. Unfortunately, the Order mentioned in Articles 12 (2) and 13 have not yet been signed. This makes it difficult to ascertain the benefit sharing mechanism provided by the CBD.

Article 62 of the Framework Law on the Environment of 1996 provides for the protection of nature, the preservation of animal and plant species and their habitat, the maintenance of biological balances and ecosystems and the conservation of biodiversity and genetic diversity against all causes of degradation and threats of extinction as issues of national interest. It further makes it the responsibility of the Administration and each citizen to safeguard the natural heritage. The Law further provide for the rational management of natural resources to meet the needs of the present generation without compromising the capacity of **future** generations to meet their own needs (Art.63). Sustainability is required through “a system on the control of access to genetic resources.” Article 65 (1) stipulates 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 and should be profitable to Cameroon. The exploration and exploitation should be done under the conditions stipulated by the

international conventions relating thereto, duly ratified by Cameroon, especially the Rio Convention of 1992 on biodiversity.” But the enabling decree provided for in 65 (1) has not yet been enacted, making it **difficult** to apply this article and others in relation to benefit sharing.

The Forestry, Wildlife and Fisheries Law, through the “Cahier des Charges” or obligations to be fulfilled by exploiters, requests exploiters to plough back some of their benefits into the communities where they operate by investing in the construction of schools, health centres, roads and bridges, community halls and other social services. The Community is charged with establishing its priorities to the exploiters and eventually owning and maintaining the structures when realised. This provision of the Law is being timidly implemented and can be considered as an approach to benefit sharing.

Recently, the Bioresources Development and Conservation Programme Cameroon (BDPC-C) a national NGO which deals with the indigenous peoples and local communities have signed contracts with pharmaceutical companies in the USA which are exploiting traditional knowledge and innovations in Cameroon from traditional healers. These contracts do ensure some sort of benefit sharing if such knowledge eventually proves useful to develop a drug lead. Plantecam, an exploitation company based in Mutengene in the Southwest Province of the country, dealing with pharmaceuticals and utilising the plant *Pygeum Africana* that contains properties for the treatment of prostate cancer, has been giving some compensation to the local people who provide these raw materials. This is, however, a timid approach to the principle of fair and equitable sharing. In the first case it is even **difficult** for the NGO concerned to monitor the drug development process to ascertain that the material supplied from a given traditional healer did or did not yield positive results in the drug discovery programme.

Many cases of bio-piracy have been reported in Cameroon adding to the fact that indigenously knowledge is exploited without adequate compensation neither to the custodians of the knowledge nor royalties to the State. This situation as already highlighted does not create incentives for the local communities to conserve and manage biodiversity in a sustainable manner.

The Government is therefore considering the urgent need to establish a more explicit and comprehensive regulatory process regulate access and benefit sharing arising out of the utilisation of genetic resources acquired from Cameroon which will look into issues related with appropriate technology transfer resulting from benefit sharing and capacity building benefits. These measures shall include the basic requirement that the Parties and Governments which are users of genetic resources acquired from Cameroon should adopt measures to ensure that all genetic resources imported into their countries are acquired legally..

(iii) In situ conservation in lands and territories used by indigenous and local communities:

Indigenous and local communities in Cameroon are inhabitants within or around various protected ecosystems where they have de facto communal ownership of the lands or territories and the biodiversity incorporating it. While, the Land Tenure Act of 1974 which abolished the concept of native and customary lands, considers them as mere custodians or caretakers of such property, indigenous and local communities exercise some amount of freedom within the lands and territories they occupy.

The real institutional organisation of the indigenous and local communities into tribes and villages obeys the administrative structures of the country. In situ conservation in these lands is done by the villagers through the establishment or maintenance of sacred sites such as shrines, forests, waterfalls, streams or riversides and other coastal and marine “protected” areas. The fact that these sites have been precluded from daily use and normal activities have turned these sites into breeding grounds or havens for biodiversity conservation. The main problem faced in in situ conservation in lands and territories under local communities is that of illegal exploitation by non-inhabitants. These are usually through poachers, problems of illegal research and illegal exploitation of other forest products is another problem. On some occasions, this is carried out with the local populations acting like facilitators.

The Management Plans of the **Waza** National Park and the Dja Reserve have made provisions for the involvement of local communities in the management committee of the reserves thus providing a mechanism for participation in in situ conservation policy. It is worth noting that not all the reserves in the country have management plans. In many protected areas, there have been constant conflicts between the populations ( which are encroaching on the reserve) and the **officials** of the reserves. This, as was indicated above, is due to the fact that most of the reserves date before independence and since then, there have been galloping population growth.

However, the rural populations in most protected areas have lived with the constant uncertainty and insecurity because of the fear of an imminent expropriate, eviction or resettlement out of such areas. This is the case, notably, with the indigenous people of the Korup National Park, the Waza National Park, the Dja Reserve and **Campo-Ma’an**, just to mention a few. This fear stems from the provision of Article 17 of Ordinance N°74/1 of July 6, 1974, bearing the Land Tenure Act of Cameroon, which reads: “

Customary communities, members thereof, and other persons of Cameroonian nationality peacefully occupying or using land on August 5, 1974, the date of entry into force of the present Ordinance, shall continue to occupy or use the said land until such a time as the state has assigned the land to a specific purpose.

This provision of the law which is like a sword of Damocles hanging above the heads of indigenous people and local communities, constraints them to collaborate with unscrupulous exploiters to plunder biodiversity and thus contributing to biodiversity loss in in situ conservation in lands and territories occupied by them.

Paraphrasing Ngwasiri et al (1995), it is a truism that the present land tenure legislation in Cameroon was enacted without full knowledge of the indigenous land tenure systems which was **labelled** as “anti-development” in nature. The refusal of the land legislation to **recognise** the occupants of rural lands as “proprietors”, thereby questions the legality of that “occupation”. Such a policy places the rural people in a situation of uncertainty and insecurity with regard to their land rights.

## CONCLUSION

In Conclusion, the need to develop a mechanism for access to genetic resources in indigenous people’s land and territories, fair and equitable share of benefit so as to ensure indigenous people’s full and meaningful participation in the implementation of the article 8 (j) and related articles, has been felt by the Government of the Republic of Cameroon. Constant effort has been made to benefit from the experiences of other countries, for instance, in 1996, a delegation composed of government and **NGOs** representatives visited the **InBio** Costa Rica to see how ethno-botanical knowledge is utilised for plants drug leads with the collaboration of foreign pharmaceutical companies.

The recommendations of the Madrid International Workshop on Traditional Knowledge and Biological Diversity, (1997), are being analysed nationally in order to provide Cameroon with guidelines necessary for the development of a national policy, legislation and administrative measures for the protection of the traditional knowledge of indigenous peoples and local communities embodying lifestyles relevant to the conservation and sustainable use of biological diversity. For Cameroon to succeed in this endeavour, the support of various stakeholders and the international community is invaluable.

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