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“Development on the margin”

Impact of Laws and Regulations on the Use of Non-wood Forest Products in Central Africa

ARMAND ASSENG ZÉ, JULIANE MASUCH, OUSSEYNOU NDOYE

Food and Agriculture Organization of the United Nations (FAO), Cameroon

Abstract

The Congo Basin is home of some 100 millions habitants of which the livelihoods of many depend on the forest providing a huge number of non-wood forest products (NWFP). NWFP contribute to household food security, help to generate employment and additional income and offer opportunities for small and medium scale enterprises involved in harvest, transformation and trade of these products. This paper explores the impact of laws and regulations governing the use of NWFP on the wellbeing of forest dependent communities and the promotion of small- and medium scale forest based enterprises (SME) in Central Africa. Exploitation of NWFP is regulated by national forest legislations which generally distinguish between subsistence and commercial use. Local communities enjoy access to NWFP through their traditional user rights which are recognised by modern forestry laws but limited to subsistence purposes. The small-scale commercial use of NWFP is excluded by these user rights, although local communities especially women, children and indigenous people regularly trade small quantities of NWFP allowing them to purchase food, medicine, clothes, kitchenware and to pay school fees. Commercial trade and processing of NWFP are subject to regulatory and legal frameworks which are focused on the timber value chain and not adapted to the realities of SME based on NWFP. Traders need to obtain professional licences and exploitation permits from the centralised administration and way bills from decentralised offices in charge of forests; administrative processes that often hinder small- and medium scale traders to legalise their entrepreneurial status. Both, legal and illegal traders are subjected to illegitimate payments at numerous roadblocks by police and forestry officials creating high transaction costs. The different national tax systems are not harmonised within the region; quotas for exploitation of NWFP are allocated without knowledge of the resource base and do not enforce the sustainable use of endangered species. Since 2005, the Central African Forests Commission (COMIFAC), governments and partners like the Food and Agriculture Organisation of the United Nations (FAO) are working on the improvement and harmonisation of legal and regulatory frameworks in order to enhance the contribution of NWFP to the wellbeing of local communities.

Keywords: Central Africa, illegitimate payments, legal framework, non-wood forest products, user rights