

Roger Ngoufo, Hubert Tsague D., Matthias Waltert

Improving the legal framework of wildlife resources management in Cameroon



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Matthias Waltert

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Cameroon

Achievements and constraints,
challenges and perspectives



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Preface

« Are you not ashamed to cease game meat from the hands of poor Cameroonians who are barely managing to survive »? This exclamation is from defaulters caught with fully protected wildlife species during patrols conducted by MINFOF officials. Far from being a simple expression of anger, such reaction indicates the incomprehension which reigns between the common citizens on the implementation of laws governing wildlife in Cameroon. The opinion of some is that, the “game guards” abuse them by ceasing without any tangible reason.

However, poaching is still rampant, feeding powerful networks. There is even more doubt justified since administrative authorities and forces of law and order, who are those responsible for the implementation of the laws of the Republic, are guilty of acts of poaching.

We arrive at situations which render precarious or even ridiculous the efforts aiming at the sustainable management wildlife, which is therefore, compared to timber, a truly neglected issue.

Are the reasons of this situation in the laws themselves or in human resources in charge of implementing the laws? A deeper thought is indispensable if we have to keep the ideal goal of the safeguarding of our Cameroonian wildlife heritage.

Acknowledgements

This work would never have come out without the contribution of various institutions and organisations as well as that of persons towards which we demonstrate our recognition.

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Our gratitude also goes to the International Union for Conservation of Nature (IUCN) through its Central and West Africa Programme's (UICN-PACO) Livelihood and Landscape Strategy Initiative (LLS), as well as to the VolkswagenStiftung, Germany, who supported financially the conception and realisation of this work.

We also manifest our profound gratitude to other partners amongst which: the Ministry of Forests and Wildlife (MINFOF), the World Wide Fund for Nature (WWF), the Central African Regional Programme for the Environment (CARPE) for their fruitful collaboration.

It is important to acknowledge here also the contribution of the various civil society actors through exchange at the occasion of meetings on wildlife issues in Cameroon.

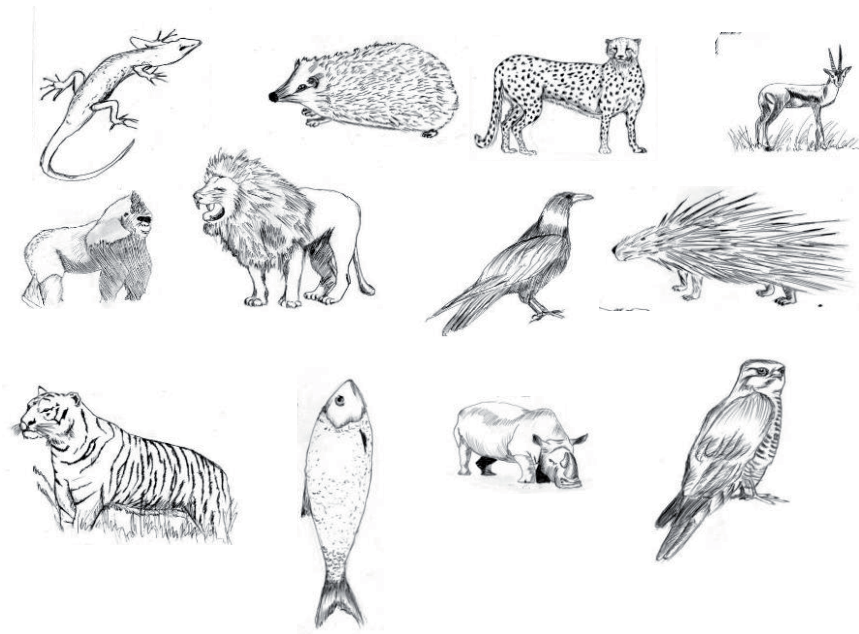
Finally, our sincere gratitude goes to the staff and resource persons of CEW for their countless efforts, especially Prof. Tsalefac, Antoine Justin Eyebe, Jacques Romain Ndongmo, Jacinte Noussi, and Njournemi Nouhou. We also thank Fiona Maisel, Kadirri Serge Bobo and Christos Astaras for their contribution.

List of abbreviations and acronyms

CARPE: Central African Regional Program for the Environment
CEW: Cameroon Environmental Watch
CIFED : Centre d'Information et de Formation pour l'Environnement et le Développement
COMIFAC: Commission des Forêts de l'Afrique Centrale
CWCS: Cameroon Wildlife Conservation Society
LLS: Livelihoods and Landscape Strategy
MINEF : Ministère de l'Environnement et des Forêts
MINEP : Ministère de l'Environnement et de la Protection de la Nature
MINFOF : Ministère des Forêts et de la Faune
ONG : Organisation Non Gouvernementale
PASOC : Programme d'Appui à la Structuration de la société Civile
PCFC : Poste de Contrôle Forestier et de Chasse
REPAR : Réseau des Parlementaires pour la gestion durable des Ecosystèmes Forestiers d'Afrique centrale
ROSE : Réseau des ONG du Sud-Est
TNS : Tri- National de la Sangha
UFA: Unité Forestière d'Aménagement
UICN-PACO: Union Internationale pour la Conservation de la Nature- Programme Afrique Centrale et Occidentale
UTO: Unité Technique Opérationnelle
WWF: World Wide Fund for nature
ZIC : Zone d'Intérêt Cynégétique
ZICGC : Zone d'Intérêt Cynégétique à Gestion Communautaire

Introduction

Wildlife in Cameroon is renowned for its wealth both in quantity and quality. More than half of the bird and mammal species existing in Africa are found in this country¹. Belonging to one of the biggest worldwide homes for biodiversity, Cameroon is at the 5th rank in Africa², for this wealth after the Democratic Republic of Congo, Madagascar, Tanzania and South Africa. This country contains at least 21 % of fish species, 48 % of mammals, 54 % of birds, 50 % of known species of the continent's amphibians, as well as 30 - 75 % of reptiles, 42 % of butterflies species listed in Africa³.



For local populations, wildlife constitutes first of all an important source of food. In central Africa, game constitutes the main source of animal protein and therefore plays an essential role in people's diet⁴.

In the forest zones where the husbandry of domestic animals does not cover needs of meat, wildlife can provide up to 70 % of animal protein to the population⁵ and is used for various reasons (tastes, food habits, rituals and holidays, friendliness and prestige). Cameroonians have become famous for their attachment to the consumption of game meat. Moreover, the availability of wildlife maintains a variety of cultural activities and public services. Jobs in the wildlife sector are estimated at 2,000 in the formal and at 8,000 in the informal sector (hunters, poachers, retailers). Wildlife also forms the basis of an unknown but indeed substantial number of indirect jobs in the branches of transport and of trade. In the Dja reserve, the sale of bushmeat by many families constitutes the second source of income after cacao⁶.

Therefore, the importance of wildlife in terms of wealth of biodiversity and satisfaction of the population's needs cannot be overrated, yet this importance involves many challenges. This heritage is severely threatened by the intensification of illegal activities. The destruction of wildlife habitats and poaching are essential threats to biodiversity in Cameroon as proven in the numerous seizures performed by the services of the administration in charge of wildlife. Owing to the cross-border character of illegal traffics, Africa and particularly central Africa is particularly exposed to threats. Since being the only natural habitat of many threatened species, illegal practices in this region also jeopardize the sustainable development goal in this part of the world⁷.

With regard to these threats, data gathered in the course of scientific studies, inquiries and public meetings allowed us to question the current legal framework in our country. Does the current wildlife legislation guarantee a sustainable exploitation of wildlife resources? Without trying to look for perfection, we are bound to wonder about its possible reform.

What would be guidelines and improvements for a new applicable wildlife legislation in Cameroon? These are the main questions towards which this work is oriented.

The overall objective is to influence the process of reform of the forest legislation on aspects concerning the management of wildlife. Specifically, we would like to :

- identify legal provisions which create problems in theory or in practice;
- document these provisions and related suggestions;
- make the suggestions known to the public and try to mobilise action in favour of the proposals made.

Our effort is based on the hypothesis that projects and initiatives aiming at revising the wildlife legislation will take into account at least one of the formulated suggestions.

Literature review, field surveys and focus group discussions with key actors of the wildlife management system enable us to work out a certain number of proposals for an eventual revision of the legislation.

In order to do this, the historical evolution of policies is re-visited to provide key elements for a better understanding of the actual norms, their strengths and weaknesses.

Wildlife legislation was re-read across the most salient aspects which are appropriate criteria for the valuation of the protection of wildlife and biodiversity, of protection of persons and property, the access to resources, and the regime of sanctions.

Although not being strictly relevant in regard to the legal framework, the practical constraints of law enforcement caught our attention. Lastly, a definition of terms is given at the end of this work due to the peculiarity of the language used.

Chapter 1

Historical background of the management of wildlife in Cameroon and the issue of law reform

The management of wildlife resources in Cameroon has witnessed deep changes. Throughout history, laws and regulations have succeeded one after the other. To understand the current policy, it is sometimes important to trace back this evolution as far as possible. Thus, in this chapter, we are proposing to review the historical evolution of the management of wildlife from the colonial period till present date. Beginning from Cameroonian independence the introduction of new laws attempted to correct the perceived abuses and inconsistencies of rules from the colonial period.

I. Historical Background of the management of wildlife in Cameroon

It is rather difficult to mention the management of wildlife in Cameroon without referring to its colonial roots. A close look at this period permits us to appreciate the efforts made by the government at the eve of independence.

1. The colonial period

Historically, with the colonial period, a monopolistic system of forest and wildlife resources management was developed. In Cameroon under the French mandate, one of the first act relating to forest management was the decree of 11 August 1920 that distinguished two principal categories of lands: on one hand, lands controlled by the German administration, and on the other hand, lands controlled by the “indigenous people” and the different villages. Any other piece of land not classified under the above cited categories was considered as “vacant land and without master” (“terres vacantes et sans maîtres”) and was de facto incorporated in the domain of the authority governing. In 1959, this notion of “vacant land and without master” which has already created so much controversy was abolished. It was replaced in the forthcoming legislation by the expression “National Domain”.

Throughout the colonial period, the forest and wildlife legislation emphasised on regulating the simple utilisation of forest and wildlife resources by local people, in contrast to allocating factual property rights. The decisions of June 11th 1935 and September 26th 1946 put in place a procedure for the allocation of exploitation titles, also mentioning the logger’s obligations. This led to an absolute centralised management of forest space. The authority in power was the single manager of forest and wildlife resources. On one hand, the allocation of the above mentioned resources obeyed the current political orientation. On the other hand, the central authorities always kept an eye on the attributed concessions. The “royalty” system (taxes and fees paid to the state) was the rule.

Within this context, the aspirations of the local populations were not necessarily taken into consideration. This led to the first irrational mode of resource management. Monopolisation of power led to an impression of marginalisation which, according to the populations, make them become foreigners in lands they have been occupying and using for centuries. It was during the colonial era that the first conflicts relating to the exploitation of natural resources started. The frustrated populations have often manifested their anger in different ways: disobedience, refusal to cooperate, violent manifestations, etc. It was from this point that certain nationalist movements were created against the violent arbitrary treatment that usually followed the dispossession of the indigenes from their land. As such, the forthcoming legislations had to try to correct these errors.

2. From independence to 1994

After independence and within the context of clearing-off the colonial text in the domain of forest resource management, the Cameroonian legislator adopted the law n° 81 – 13 of November 27th 1981 laying down forest, wildlife and fisheries regulations. This was the first ever existing and most elaborated forest code of the post-colonial era. Articles 13 and 22 of this text distinguished 4 principal categories of forest: Public forest, state own private forest, community forest, and individual forest. It was followed by a number of regulations, notably the decree n°

83/170 of 12 April 1983 laying down the wildlife regulations. These texts defined the regime applicable to hunting activities up to 1994 which marked the adoption of another forest law. The Cameroonian legislative policy in the domain of wildlife can be perceived through the following aspects:

- Institutions;
- Access to resources;
- Exercise of hunting right;
- The regulation on offences prosecution.

2.1 The Institutions

Before 1980, there was a unique structure governing wildlife and forest: This was the infamous Service of Water and Forest (Eaux et des Forêts) of the Agriculture Department. In the early 1980s, wildlife and protected areas were transferred to the administration of tourism. This transfer was instigated by the desire to favour the emergence of wildlife conservation which for a long time seemed to be a permanently neglected component of the management of natural resources.

Up to 1992, the Directorate of forest remained attached to the ministry of agriculture in charge of the elaboration and the application of forestry legislation.

The tourism administration, hence forth responsible for wildlife, managed the national parks and other protected areas for wildlife. From 1992, in the context of the preparation of the Rio de Janeiro world summit on Conservation and Development, the wildlife and forest sector witnessed a magnificent transformation with the creation of the first Ministry of Environment and Forest (MINEF) by decree n° 92/070 of 09 April 1992.

2.2 Access to resources

Under the regime of the 1980 law, access to wildlife resources was conditioned by the acquisition of a hunting permit or a hunting licence. This constitutes a constant requirement of the Cameroonian legislative policy. Hunting permits and licences are ruled by articles 48 to 52 of the 1981 law which fixes the conditions of their attribution, as well as the rights and obligations that follow. Notwithstanding, derogation to this requirement is admitted when traditional hunting is concerned, provided that hunting or trapping materials used are of plant origin.

2.3 Exercising hunting rights

The hunting right is recognised and regulated by successive laws. According to article 46 of 1981 law, “shall be considered as the act of hunting all action aimed at following, pursuing, killing, capturing, filming or snapping a wild animal or guiding expeditions to this effect. This shall also be the case with filming and snapping for commercial use”.

Traditional hunting is authorised throughout the whole territory except in protected areas for the conservation of wildlife (article 47, law of 1981). According to article 11 (1) of the 1983 decree, a protected area can be a national park, an integral natural reserve, a wildlife reserve, a sanctuary, a zoological garden or a game-ranch. Any traditional hunting procedure that can compromise the conservation of certain animals could still be restricted. As a consequence, we retain the principle that traditional hunting is free throughout the whole territory. We have noted before that the law defines it as a hunting which is practiced with the use of rudimentary tools from plant material. With the law of 1981, it is not easy to understand the notion of traditional hunting considering the criteria defined by the provisions of the text in force. To throw more light on it, article 21 of the 1983 decree takes into consideration the tools used: material of plant origin, unpoisoned arrows and knives. Concerning the circulation of wildlife products according to article 37 of the 1983 decree, the detention of protected animals shall always be with the presence of a certificate of origin.

2.4 Regulations on offences and penalties

From 1982 to 1994, the repressive system prevails against the participative aspects. As it appears in table 1 below, the 1981 law punishes with prison terms or fines some crimes relating to the exploitation of wildlife resources. The 1994 law still maintained the “alternate punishment” (either fines or jail) but increased the penalties.

Table 1: Some penalties applied to the regime of the 1981 and 1994 laws

Legal references	Faults	Penalties 1981	Penalties 1994
Article 124	Detention of hunting material within a protected area; Provocation of animals during the visits in a wildlife reserve or a zoological garden	Fine of 40 000 frs to 25 000 frs or imprisonment of 5-10 days.	Fines of up 5000 frs to 50 000frs and imprisonment of 10 days- or any of the above penalties
Article 125	Non respect of article 48, 51, 57, and 58 of the law; Hunting without permit or licence, going beyond the hunting area.	Fines of up 25 000 frs to 100 000frs and imprisonment of 10-1 month or any of the above penalties	Fines of up 50 000frs to 200 000frs and imprisonment of 20 days-2 months or any of the above penalties
Article 128	Killing or capturing of protected animals during closed period of hunting zones, or in areas where hunting is prohibited or closed	Fine of up to 500 000 frs to 2 000 000 FCFA and imprisonment of 3 months to 2 years or any above penalties	Fine of up to 3 000 000 frs to 10 000 000 FCFA and imprisonment of 1 to 3 years or any above penalties
Article 131	Resistant cases or faults committed by competent agents of administration or by competent judicial police officers or with their complicity, without prejudice of administrative and disciplinary sanctions; Hunting with the help of toxic chemical product.	The penalties of articles 124, 125, 128 (applicable without prejudice of confiscation, restitution at the interest of the initial state) shall be doubled.	The penalties of articles 154 to 160 (applicable without prejudice of confiscation, restitution at the interest of the initial state) shall be doubled.

3. Modern Evolution

3.1 The legal framework

Cameroon, signatory of a set of international, national and regional texts is, since the 1994 reform, empowered by a well developed legal framework with a certain number of conventions, regulations and other text applicable directly or indirectly to wildlife.

On the international scene, the Convention on Biological Diversity of 14th June 1992 ratified by Cameroon on the 29 December 1994 is considered as one of the principal guides in the management and exploitation of wildlife and forest resources. It is sustained by other texts among which, the RAMSAR convention on humid zones (ratified by Cameroon in 2006); the convention of Alger on the conservation of nature and natural resources; and the convention of Paris on desertification (Paris, 1994).

On the regional plan, recognising the importance of forest in central Africa and the increasing threats affecting ecosystems, the head of states of this sub region have adopted the issue during a first summit, and published an important declaration named the Yaoundé Declaration. By this declaration, they took the commitment to put in place appropriate policies for the conservation and sustainable management of the Congo basin forest. This initiative benefited from the support of the United Nation's General Assembly expressed through the resolution A/RES/54/214 UN. The initiative of the Congo basin forest programme (PFBC) came to give more weight to the Yaoundé declaration. Created in September 2002, during the Johannesburg summit on sustainable development, it grouped about 30 organisations whose objective was the strengthening of the coordination of various initiatives and conservation policies of the Congo basin forests.

On the national plan, law n° 94/01 of 20 January 1994 to lay down the forest, wildlife and fishery regulations (in PART IV: WILDLIFE) as well as decree n°95/466/PM-01 20 January 1995 laying down the conditions of application of wildlife regulations considered as the principal legal sources in the domain of management of wildlife, are amended by many others. Among them, are:

- Ordinance n° 99/001 of 31 August 1999 to amend certain provisions of law n° 94/01/ of 20 January 1994;
- Decree n° 96/237/PM of 10 April 1996 relating to the functioning of special funds created by the law of 1994,
- Arête n° 082 / PM / of 21 October 1999 creating a national committee for the fight against poaching;
- Decision n° 000857 / D- MINFOF of 10 November 2009 relating to the organisation of the commercialisation of bush meat, etc.

3.2 Institutional framework

Thanks to the decree n° 2004 / 320 of 08 December 2004, relating to the organisation of the government, the Ministry of Environment and Forest (MINEF) was subdivided into two distinct ministries: the Ministry of Forestry and Wildlife (MINFOF) and the Ministry of Environment and Nature Protection (MINEP – today's Ministry of Environment, Nature Protection and Sustainable Development). MINEP is in charge of the elaboration, the implementation and the evalua-

tion of government policies in the domain of environment. To this title, it is responsible for:

- the coordination and follow-up of interventions of the organisations concerned with the national or international cooperation in the domain of environment;
- the definition of measures for the rational management of natural resources, in association with ministries and specialised institutions;
- the information of the public on the management, the protection and restoration of the environment;
- the elaboration of sectoral plans for environment protection, in association with the ministerial departments concerned;
- the negotiation of agreements and conventions relating to the protection of the environment and their application⁸.

MINFOF hereby conserves the Departments of Forestry and Wildlife and Protected Areas of the previous MINEF. Under the authority of a director, the Department of Wildlife and Protected Areas is in charge of:

- the elaboration and the implementation of the government policies in the domain of wildlife;
- the socioeconomic and technical studies in the domain of wildlife;
- the inventory management, protection of wildlife species in association with the administrations concerned;
- the elaboration of norms of inventory and management in the domain of wildlife in association with the administrations concerned;
- the technical control, follow-up of the execution and approval of inventory programme and management programmes in the domain of wildlife;
- the delivery of agreements and exploitation titles of wildlife resources;
- the continuous monitoring of wildlife patrimony;
- the creation and follow-up of Managed Hunting Zones (ZIC), game ranches and Community Managed Hunting Zones (ZIC-GC)
- the studies of the behaviour and dynamics of animal populations representing cynegetic, scientific and touristic interests;
- the definition of research topics in the domain of wildlife, in association with organisations and competent technical organisations;
- the valorisation of wildlife resources, in association with competent administrations;
- the follow-up of regional and international conventions on wildlife and hunting;
- the link with international and national organisations in charge of the conservation of wildlife;

- the follow-up of the training and recycling of the personnel in association with the Directorate of General Affairs;
- the planning and creation of protected areas and ecological reserves representing biodiversity and national ecosystem in association with the administrations concerned;
- the elaboration and updating of the map of protected areas and ecological reserves in association with the administrations concerned;
- the classification, inventory, management and the protection of protected areas and ecological reserves in association with the administrations concerned;
- the definition of norms of management in protected areas⁹.

The boundaries separating the attributions of these departments are not actually clear as there are overlapping competences in practice, but it is important to have a ministerial department fully responsible for forests and wildlife, while at the same time another department is ready to be more devoted to ‘grey environments’(i.e. aspects of the environment which are different from forest which is considered as ‘green’ environment). In order to enforce its structural capacities, MINFOF is one of the ministries that regularly recruits personnel (senior staff and other). This personnel has today, contrary to previous years, logistic means, such as uniforms and working equipment. Other structures involved in the management of wildlife have been put in place, among which the national committee for the fight against poaching (Order n^o 82 / PM, of October 21, 1999) and its regional representations, forest and hunting control posts, control brigades, and technical operating units. The very first national control brigade for forest and wildlife swore an oath in the court of justice on the 13 September 2005 before the president of the Court of 1st instance with 13 appointed controllers in conformity to article 141 of the 1994 law. The brigade has been given the mission of implementing the forest and wildlife regulations, the elaboration of the national strategy for the implementation of the wildlife legislation, the reglementation of hunting activities, the constitution of an information network for wildlife vigilance, and the follow-up of files relating to judicial proceedings against violators of the law¹⁰. It is in this context marked by a multiplicity of institutions that the issue of legislative reform applicable to wildlife is raised.

II. The issue of legislative reform

Security is one of the fundamental social values, and is guaranteed at first sight by laws and regulations. Legal security implies that the rules of law in application should be clear, foreseeable and stable. On the contrary, we can be afraid that their interpretation and implementation will lead to problems and consequently bring injustice.

The establishment of law, according to Jean-Étienne-Marie Portalis, one of the main formulators of the French Civil Code (Code Civil), is to fix the general maxims of law, to establish major principles and not to go down to detailed questions which could arise from each matter¹¹. Undoubtedly, the Code's authors were aware that the law could not provide a detailed solution to each problem. Nevertheless, to be acceptable, it should be as complete and precise as possible - complete in so far, as not to allow many pending issues, and precise in so far as to not open a gate way to misinterpretations. Ambiguity and imprecision can make texts blurred and as a consequence their application difficult. In this regard, wildlife legislation is no exception. For example the issue of traditional hunting as treated in the 1994 law is still not easy to understand, when examining the criteria defined by the law's provisions. Following provision of article 2 (20) of decree n° 95 /466 /, traditional hunting is carried out on the basis of tools made from plant material. This definition is vague and simplistic, leaving space for an interpretation as wide as possible and covering a range of illegal actions under the umbrella of traditional hunting. We may note here that these imprecisions need to be corrected in order to improve the legal framework for the exploitation of wildlife resources.

Since 10 years at least, Cameroon Environmental Watch¹², as a member of the National Committee for the Fight against Poaching¹³ is continuously carrying out its action in favour of the sustainable management of wildlife resources. Findings from the cartographic follow-up of its Hunting and Circulation of Wildlife Products Project¹⁴ lead to the result that cynegetic activity is intensive in the country and is out of control except during isolated and brief operations. There exists a perpetual trade with circuits and strategies to sustain activities despite of permanent but less efficient threats from anti-poaching control. It should also be noted that local populations are not the main actors in this trade as, more and more, other actors coming from the four angles of Cameroon and neighbouring countries appear in this sector, with increasingly sophisticated means and with unimagined complicity. Apart from the partially protected species (blue duikers for example) which are massively killed by hundreds and even thousands daily, fully protected species such as elephants, gorillas, leopards, giant pangolin, chimpanzee, forest crocodile etc, are found in hunter's prey profiles and confiscations of illegal meat in all studies sites. Chimpanzee meat brings an income of 20 to 25 dollars per piece, explaining why this species is particularly in demand by hunters¹⁵. Besides the common and main axis of circulation at each site there are also other trade routes. Actors generally use all the paths that exist to move products to neighbouring localities, international airports and other transport infrastructure which still are refuge zones for trafficking of wildlife products.

In the framework of other projects of CEW¹⁶, the monitoring activities have permitted the discovery of several constraints to the application of wildlife legislation. For the restitution of work carried out, CEW has in partnership with MIN-

FOF, WWF – EFN, UICN, CARPE, organised on January 20th 2009 in the Conference Hall of the Zoo-Botanic garden of Mvog-Betsi, Yaounde, a workshop during which the participants who were officials from the MINFOF, representatives of international organisations and development partners (COMIFAC, WWF, UICN, CARPE, LAGA), representatives of the civil society, researchers, and students exchange ideas on the above mentioned constraints.

Generally speaking, 15 years of forestry law has been 15 years of experimenting, debate and proposals for its improvement. A legislative reform today is necessarily taking into consideration the lapses, incoherences and blurs that cover some provisions of the legislation.

Chapter 2

Elements for a legislative reform

If there is a necessity to reform the law on wildlife, it has to follow a certain orientation. Thus, for it to be useful, any proposal for the improvement of this legislation should be received, on the basis of a framework put in place in advance. From this point, we should be able to answer the following pressing question: which legal framework are we seeking most? Considering the fact that every reform has to obey a certain ideology, how should it look like? Such a question could guide the legislator to give a clear and measurable objective for the reform, taking into consideration the past experiences. It equally opens the gateway to the evaluation of legislative policies.

Would a new law on the exploitation of wildlife help in reinforcing the conservation system, strengthening prosecution measures or improving the commitment of the stakeholders?

- Elements of answers indicate that we have to go beyond a simple glance at the law:
- The current political decentralisation process requests that we think about the roles and powers which will be given to regions, councils and to local communities in the management of natural resources;

- It is necessary to promote a management which does not systematically separate ‘animals’ from ‘trees’ and which gives responsibility to the administration, and local entities more on space than on resources;
- It is necessary to be inspired by the UICN categorisation for a reclassification of protected areas, avoiding an artificial separation between protected areas for wildlife and protected areas for flora which is ineffective as it relates to administration instead of corresponding with functions and objectives;
- We could also at the same time envisage not only ‘national parks’ but also ‘Regional parks’ giving priority to resources by distinguishing those of national interest, those of regional or local interest, signifying a lesser implication of the central power or the reduction of its role towards a simple supervision;
- All these solutions could be of great significance if inserted in a national code for the management of natural resources;
- Should we therefore think of creating an administrative superstructure in charge of natural resources and sustainable development?

These above questions should serve as essential principles or better still as a guide for the envisaged reform. The founding principle is based on ideology: every reform should be based on an ideology which should clearly be explained. The law to be put in place should respond at least to these other principles below:

- Principle of compliance with national interest (concerned populations in particular);
- Principle of acceptability;
- Principle of feasibility;
- Principle of conformity to internationally binding agreements.

I Compliance with the legitimate aspirations of the population

The colonial period was marked by a monopolistic management of natural resources. Close to about 50 years after independence, the State now seems to have applied the same ideas. Just like forest, wildlife belongs to the ‘State’ and not to the ‘population’. This seems to be the principal failure of the law n° 94/ 01 of 20th January 1994¹⁷. The idea of giving all to the State has led to an inequitable distribution of the forest domain. The permanent forest domain is made up of lands definitively affected to forest and / or to wildlife habitat. Regrouping concessions which can hold a surface area of up to 200 000 ha, it is also rich in exploitable timber and devoted to protected areas as well as large forest concessions standing as a battle field of interest between the state and forest exploiters, etc. The non permanent forest domain on its part is poor and mainly constituted of

agro-forested zones left for settlements, farming and community forest. The latter, according to the law, should not in any case go beyond 5000 ha in surface area.

Around the large concession of the permanent domain, multinational enterprises exercise their know-how, through speculation, which have generated a real geostrategic occupation of space at the benefits of large groups. Three French forest companies (Thanry, Bolloré and Coron) controlled in 1998 – 1999 close to 1/3 of the Cameroon forest concession allocated, being more than 1 000 000 ha of forest. The situation has progressively changed in favour of Asian enterprises. Thus, the Chinese group named Vicwood controlled a surface area of close to 800 000 ha making 15.8% of the total conceded forest between 2002 and 2003¹⁸. Cameroonian forests are therefore controlled by a small group of operators who by their management strategies and methods of exploitation affect in a significant manner the future of these natural resources. The population has therefore concluded that the official Managed Hunting Zones are for others: ‘foreigners can hunt elephants while we can not do the same as those tourists’ they use to say.

What is then remaining for local populations who are claiming customary rights on these resources and who legitimately look for socio-economic development? Lacking means to acquire large forest concessions of the permanent domain, they are obliged to remain at the margin and receive satisfaction from the minimum surface they occupy in agro-forested zones poor in timber and in wildlife resources of high economic value. From this point, we can understand their recurrent expression of frustration and their refusal to co-operate in ways of managing resources which do not correspond with their needs for development. They don’t appreciate the control of forest concession by loggers of which the majority are foreigners: A flagrant illustration of population marginalisation is the fact that they are considered in the laws as ‘populations riveraines¹⁹ – ‘neighbouring populations’, a term suggesting restricted access, by whatever means, to resources. This concept of near-by population is a relictual vector of marginalisation from the colonial past which has to be abandoned. Being a near-by is to be close to, around, never at the centre; ,we are close to what is most important but we don’t have access to it: we are nearby to the forest, to logging concessions and mining operations that are found in the village perimeters.’

The negligence of the rights of the population produces serious consequences in areas which are rich in natural resources. Socio-economic requests of the population are high. This is a sign that the exploitation of these resources does not benefit them. We have heard of slogans such as the ‘rich forest for a poor population paradox’. Hence, there is an inflation in populations’ claims cristallising in conflicts which are at times violent²⁰ , which is unfavourable for paving the way to the application of laws and regulations. Not being heard, local populations do not more have confidence in ‘state civil servants’. They use as final weapon the ‘illegal’ incursions in protected areas and their involvement in the illegal exploitation of resources in the forest concessions.

One of the first conditions for success in legislative reform lays on the consideration of the legitimate aspiration of the local populations. In this case, it is important to note that the efforts made by the state for the redistribution of commodities could, at least partially solve the inconveniencies in the unequal zoning plan and respond to the requests of the local populations who consider themselves as being marginalised. But, we have to go further and place the latter at the centre of the exploitation and the conservation of resources. This will therefore lead to two consequences:

On one hand, although the resources belong to the State, it should be held property together with local communities. The customary right has to be clarified, recognised and protected. In certain localities, protected species are used for cultural rites by the indigenous population. For the Pigmies, the spirit of “Njangi” currently cited, is a ceremony during which an elephant has to be killed. The laws and regulations should take into consideration these cultural aspects through a sort of ritual hunting. In the Dja Biosphere Reserve area, in 2002, there has been a good attempt to compile oral customary rules into a written and comprehensive draft order.

Apart from the fiscal benefits which arise and which ensure for an important part the functioning of public services, the exploitation of these resources have to produce direct benefits in terms of infrastructures and socio-economic development for the populations. To these conditions, they can collaborate effectively and efficiently in the sustainable management of natural resources. Should we refuse roads to those who demand them by confusing the incapacity to follow-up impacts with impacts by themselves? It is not possible to talk of development in enclavement under the term ecology. Even in the ‘developed countries’ protected areas are accessible. Meanwhile elsewhere, structures as national parks are true ‘schools where the common and specialists come to learn and witness the functioning of nature and its interactions with other spheres. In our context, a protected area is synonymous to restricted space and resources at the detriment of the populations, hence, a source of unceasing conflicts.

II Acceptability and feasibility of legislative prescriptions

One of the remarks that was made to the process that led to the adoption of the 1994 forestry law was its insufficient participatory process and the idea that it was linked to external influence notably that of the World Bank and other development partners. If this is the case, in order to correct it, we have to be vigilant towards a new law to bear proposals that are acceptable and feasible, thought and adopted by Cameroonians according to their socio-economic and cultural context. For this reason ‘we should not write down something if we can not apply it’.

Success in law will be measured at the level of its acceptability by the different actors in the management of wildlife resources. The process of the legislative reform should be opened not only to decision makers but also to actors of the civil

society and the population taken individually or as a community. It is an occasion to collect data on their perception and their evaluation of the actual law and eventually take into consideration the suggestions of one another. The actual zoning plan of the forest area was elaborated without the participation of the populations²¹. Meanwhile the participation of actors of diverse horizons would seek for a law benefiting from the favour of the general public. Such legislation has the potential for effective application. There should be no provision in the new law whose applicability has not been verified. Sustained criticism of the actual zoning plan can lead to the conclusion of most observers that it reflects the will of the government and donors whose only absolute original goal was to get maximum revenues from forest exploitation²². It is the reason why they first took into consideration the humid dense forest, rich in 'golden' timber species. The 1994 reform intervened indeed in a particular context where Cameroon was under the structural adjustment programme. The reform was part of the achievements already planned by the structural adjustment programme signed between the Cameroon government, the World Bank and the International Monetary Fund (IMF). This experience was however that of a transposition of an outside model into our environment. It would have been necessary that this 'copy and paste'²³ distinctly revealing the influence of the institutions of Bretton Woods married the contours of the Cameroonian context. It does not seem to have been the case.

Table 2: The relationship between the government and the financial donor - a dialogue

Donor	Government
Why do you ask for support to modify the 1994 law?	To tell the truth, there are many issues in that law we are not succeeding to implement.
How can we adopt a law and not be able to apply it?	Government does not have sufficient means to do it.
But why adopting measures for which there are no means to implement?	Oh! Are you not the one who, with your institution, imposed it to us? It is high time we start writing down things which are adapted to our context. Euh!

It should therefore not be a point in time to multiply the mistakes but to correct them from the experiences made. It is worth to have a text adapted to our context and which is effective. What is the law if it cannot be applied? The gap between the provisions of the law of 1994 and the daily practices of the actors show its non-adaptation to local realities, to the level of the conservation of resources as well as that of the contribution to development: the Cameroonian experience of a royalty-oriented exploitation of the forests and wildlife can be only disappointing.

In a context of ambient poverty, the expectations of the populations on the socio-economic plan justify the dismissal of this logic of profit and therefore the ineffectiveness of the law. It would be yet hasty to reject all outside influences in the process of law reform. But those contributions must limit themselves nowadays to a certain number of frames which are part of requirements of the world resources conservation policy.

III Conformity to the requirements of global conservation

Natural resource conservation is today a world issue which extends beyond the state-controlled borders. The necessary link between the objectives of development and those of the protection of environment led to the concept of sustainable development. Arising within the United Nations, this concept attempts to conciliate the divergent points of view of the industrialised countries and that of developing countries on the importance to grant to the environmental questions in their respective economic policies²⁴. The sustainable development requirements were repeated during the Conference of Rio which define them in its principle 3 as the one that aims at making compatible the satisfaction of the needs of the present, especially in the poor countries, with those of the future generations. It is a development vision consisting of three essential pillars: the economic, the social and the environmental.

The Rio de Janeiro conference of 1992 is considered thus as an essential basis of the world conservation policy for forest and wildlife resources. It is on this occasion that the preservation of biologic diversity was registered as one of the priorities by the international community²⁵. It led to a set of conventions signed and ratified by a number of countries, one of the most important remaining the Convention on Biological Diversity.

Being one of the signatories of these texts, Cameroon would not be able to shift away from it fundamentally without shattering the achievements of the international cooperation of which they are the fruits. It can't also create disagreements with donors and international partners. This is why the reform of the wildlife law must necessarily take into account a certain number of conditions that range in the State's international policy. Cameroon would for example nowadays not be able, on grounds of national sovereignty, or for any other motive, to order the culling of all its elephants, gorillas or chimpanzees or the allocation of logging concessions in the Dja Biosphere Reserve, a world heritage site. An irretrievable rupture with the principles of the global conservation would result from it. In this sense, one has to admit that the law absolutely has to take along certain values no matter if they seem to contradict "local habits".

In the Cameroonian context (and even 'African' or 'poor country' context), it is indeed common to confuse 'animal' with 'meat'. It becomes therefore difficult to understand complaints about 'harmful acts' done to an animal. A hunter who finds an animal with a broken limb fighting to escape a trap may break him another

er one in order to immobilise it. In most western countries, such a ‘suffering’ inflicted on the animal would constitute an infringement liable to prosecution (‘animal welfare’). Such preoccupation was integrated into the Cameroonian legislation in a certain way: according to the provisions of article 13 paragraph 2 of the Decree of 1995 laying down conditions to apply wildlife regulations, ‘Any person having wounded an animal should make everything possible to kill it’. The paragraph 3 of the same text adds: ‘When a wounded animal has not been killed, declaration must be made, within twenty four (24) hours, to the nearest administrative authority who, with the local wildlife administrative official, takes all measures to kill this animal’ or the defaulter would face public prosecution.

While we cannot impose unreflected penalisations of damage caused to animals, we cannot also accept the old and disappearing idea of ‘animal’ being synonymous to ‘meat’ either. Considering wildlife as ‘meat’ only, would also mean giving up on wildlife conservation, e.g. through environmental awareness creation (‘animals as important ecosystem components’).

In order to comply with the principles of sustainable development established at the international scale, the reform of the forest law must always endeavor:

- To ensure the protection of the forest heritage and to participate in the safeguarding of the environment and the biodiversity;
- To improve the integration of forest resources in rural development in order to contribute to improve the standard of living of the population and make them participate to the conservation;
- To generate more value from forest resources in order to increase the part of forest production in the GDP while preserving their productive potential: this means ensuring the maintenance of the resource base and their renewable capacity;
- To enhance the forest sector while putting an efficient institutional system in place and while ensuring participation of all the stakeholders in the management of the sector²⁶.

Chapter 3

New efforts needed for the protection of wildlife and biodiversity

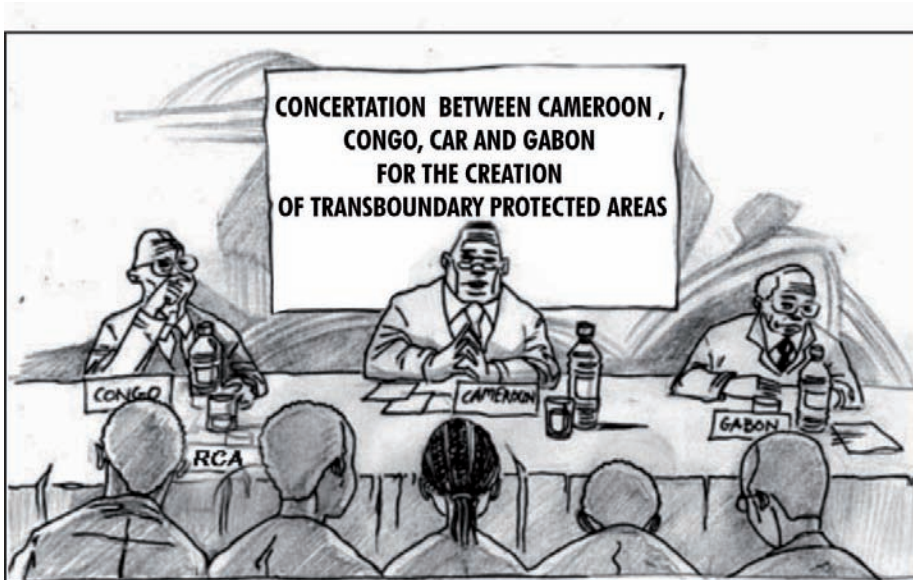
In the 1994 law, the protection of wildlife and biodiversity is envisaged by articles 78 to 81. Basically, animal species found on the national territory are categorised into 3 classes of protection which are A, B and C²⁷. Fully protected species of class “A” cannot be hunted and can only be captured on conditions laid down by an authorization delivered by the administration in charge of wildlife²⁸. Species of class “B” can be hunted, captured or killed when in possession of a hunting permit²⁹. Partially protected, the species of class “C” can be captured or killed following conditions laid down by an order of the ministry in charge of wildlife³⁰.

Hunting of certain animals can be temporally restricted throughout the national territory by the administration in charge of wildlife³¹. Certain hunting procedures are in principle forbidden, except with special authorisation from the Ministry in charge of wildlife. It is the case for example of approaching and gunning of animals from a vehicle, night hunting, hunting by the use of fire, hunting using a fixed rifle, hunting with the use of a modern net³², etc. Beyond the simple letter, this mechanism put in place by the legislator has given impulsion to a conservation dynamics which, even though it possesses certain lapses, has brought success as concerning certain levels.

I Some progress made with the 1994 law

Among the innovations of the 1994 law, we first note the will of the legislator to integrate the new concepts established at the global scale in the field of development and environment. In general, the forest policy since 1994, in concordance with international trends brings innovations on a certain number of aspects linked to the management of wildlife and biodiversity. The strengthening of sub – regional cooperation coincided with an internal improvement of conservation structures.

1. Strengthening the sub-regional cooperation



The common vision for the management of the forest ecosystems in Central Africa was drafted in Brazzaville in May 1996 during the launching of the conference on the Central African dense forest ecosystem (CEHDHAC). The putting into place of this commission constituted an important stage. It was in charge of the management of concerted processes through sub regional and national fora, and their specialised commissions. More specifically, it was beset with the following mission:

- Organise political and technical debates through national fora and the sub – regional forum on the basis of specific themes;
- Channel the recommendations formulated by the different stakeholders towards the Commission for Central African Forests (COMIFAC);
- Contribute to the implementation of the convergence plan of COMIFAC, the environmental action plan of the New Partnership for Africa’s Development (NEPAD) in the forest management, the ministerial declaration on the forest legislation and governance in Africa and its action plan as well as the FLEGT action plan (Forest Law Enforcement, Governance and Trade) of the European Union;
- Develop the coherence of policies in the field of forest management;
- Ensure the dissemination of information on the state of forest resources of Central Africa, including innovative initiatives;
- Organise thematic campaigns.

Reaffirming their will to strengthen the protection of ecosystems and to promote a common vision, the Heads of States adopted in March 1999 an important declaration, the Yaounde declaration. During this meeting, they decided to assign a primordial role to parliamentarians of the sub – region in the process of integration. It was in this light that the parliamentary network for the sustainable management of central African ecosystem (REPAR) was created in 2001.

Since its creation, the REPAR held in October 2006, its first international conference during which its missions were defined as follows:

- Favour the most effective implication of legislative powers (National Assemblies and Senates) in the implementation of the convergence plan, the follow up of the implementation of international agreements signed and ratified as well as innovative initiatives;
- Develop and encourage environmental governance through the harmonisation of laws and forest policies, efficient use of budgets and benefits issued from forest management;
- Support the consolidation or the structuring of sub – regional networks and national networks of parliamentarians for the sustainable management of Central Africa ecosystems;
- Favour partnerships between networks of Central Africa and other active parliamentary networks all over the world;
- Improve the parliamentary system of enquiries in the domain of natural resource management;
- Systematise the implication of parliamentarians in the process of attribution of forest concessions and in the creation of protected areas;
- Elaborate strategies for capacity building of parliamentarians in the domain of national laws and international conventions;

- Develop systems of communication able to facilitate the denunciation of unscrupulous operators who move from one county to the other;

The creation of CEFDHAC and REPAR was followed by the signing of the Treaty constituting the Commission for Central African Forest (COMIFAC) in February 2005. The signing and ratification of this treaty by a certain number of African states (Central Africa) was also an important step. The COMIFAC is an inter-governmental organ of reference, in charge of the orientation, coordination, harmonisation and the follow up of forest and environmental policies in Central Africa.

Far beyond the declaration of intentions of the Head of States and the establishment of the institutional framework of the sub – regional cooperation, concrete actions of sustainable management of resources are still awaited. It was in this light that the first transfrontier protected areas were created.

Let's note first the establishment of the Sangha tri – national landscape (TNS) thanks to the cooperation agreement between the Republics of Cameroon, Central African Republic and Congo signed on the 7 December 2000. The TNS (28 000 km²) is in effect, a transboundary zone of conservation, comprising the three National Parks of Lobéké (Cameroon), Dzanga Ndoki (Republic of Central Africa) and Nouabalé-Ndoki (Congo) and their peripheral zones. The Sangha Tri – national Landscape thus extends over three countries: Congo, Central African Republic and Cameroon. We further note the initiative known as tri – national Dja – Odzala – Minkebé (Cameroon-Congo-Gabon) or Tri – Dom (around 130 000 km²) with the localities of Dja (Cameroon), Odzala (Congo) and Minkebé (Gabon).

Finally, other bilateral cooperation agreements have given birth to other protected areas which extend beyond the states' frontiers. It is the case of the following processes implicating the Republic of Gabon and the other neighbouring countries:

- The Bateke– Lekedi plateau (Congo – Gabon);
- The Mayoumba – Conkouati plateau (Gabon – Congo);
- The crystal Mountains –Aloum Mountains(Gabon – Equatorial – Guinea)³³

2. The improvement of the internal policy of conservation

With the aid of the 1994 law, the government's policy was initially based on the national plan for the management of the environment (Republic of Cameroon 1996) and further in the forest and environment sectorial program (PSFE). In these programs, the participation of private operators, trade unions, NGO etc. to the management and conservation of forest resources is well noted, what constitutes a progress. The development partners support the conservation efforts of the administration in many areas. It is the case of WWF in the East, the South and

the North regions, that of WCS in the South-West and the Centre Region of Cameroon (Mbam et Djerem). Other partners listed but not exhaustive also give support to the administration of MINFOF and MINEP: GIZ, World Bank, DFID and SNV/FGF, LAGA, IUCN, CARPE, GFW-WRI, Traffic, European Union, FSC, French Cooperation, National NGOs.

More specifically, the conservation actions have been strengthened with initiatives which are more and more innovative. The forest administration is more and more open to issues of forest certification and collaborate with the forest stewardship council (FSC). It is a process of forest or forested land inspection in the objective to know if they are managed following the required conditions by a set of standards/norms³⁴. It terminates with the deliverance of an attestation certifying that the management/exploitation/utilization of a forest follows the conditions required by the whole of Principles, Criteria and Indicators (norms/standards) defined. It is therefore a tool that also helps in the conservation of wildlife. Generally, techniques to be used differ according to the two principal modes of conservation: in situ and ex situ conservation.

The in situ conservation approach refers to conservation of species in their natural habitat. In order to protect the plant cover and reduce threats, certain forest areas are transformed into protected areas. These are delimited geographic zones managed in order to achieve specific objectives of conservation and sustainable development of one or several given resources. In 2006, the country counted twelve (12) national parks, six (06) wildlife reserves, and one (01) wildlife sanctuary, seventeen (17) community hunting zones found in the East and in the Centre. In 2011, from the data included in the interactive forest atlas of Cameroon, version 3.0, there are 24 national parks covering 3 459 798 ha and 52 managed hunting zones covering 3 078 418 ha.

In contrast, ex situ conservation aims at protecting wildlife outside their natural habitat. Three zoological or zoo-botanic gardens dating from the colonial period are maintained on a surface area ranging from 0.5 to 2.07 hectares (Table 3).

Table 3: Zoological Gardens of Cameroon

Name	Surface area in hectare	Year of creation	Situation
Yaoundé	2,07	1951	Centre Region
Limbé	0,5	1885	South West Region
Garoua	1,5	1966	North Region
Total	4,07		

Source: MINFOF/DFAP (2006).

A rehabilitation operation of the Mvog – Betsi Zoo (Yaoundé) started in 1997³⁵. From this date on, the animals in cages started receiving good treatment in contrast to the past where e.g. gorillas and emaciated chimpanzees were chained,

with locks on their necks, justifying protests by the international community and the world of conservation. This zoo bears numerous species such as lions, gorillas, baboons, different birds, and attracts today numerous visitors daily: from a poorly developed fence, we moved to a real touristic and environmental education centre.

Around protected areas, diverse and inter-connected activities do develop. These are ecotouristic activities (safari or, cynegetic tourism). Also, the fight against poaching is intensified. We have noted publicized isolated operations with the seizing of illicit wildlife products and offenders arrested. In the same line, the Last Great Ape Organization (LAGA) is positioning itself to support the administration and obtain the prosecution of the violators of the wildlife legislation. These are some of the examples of the steps taken in the direction of a better application of the law.

II Some constraints to biodiversity conservation

First of all, concerning the 3 classes of species protection which are A, B and C, there is a strong need for this classification to be done and updated with the close and active collaboration of wildlife biologists and other scientists so as to avoid species confusion and to take into consideration the current knowledge.

Then in the analysis of the 1994 law, we should urgently consider the question of resource ownership which is central to conservation policy. The consecration of a quasi monopoly of the State as owner and protector of wildlife patrimony reinforces the poor comprehension within the population³⁶ who can therefore be considered excluded or marginalized. The State is more seen through its doubtful repressive machinery. In practice, participation of the local population in the creation of protected areas remains a controversy. Public notices issued prior to the establishment of protected areas do not permit to reach all target groups. Often, a participative mechanism is only applied when parks are already gazetted. To what extent can we satisfy the demands and claims of the local population when a site is already declared biologically rich and needs protection? The local population and the national NGO should be given official and clearly defined roles to play in the framework of conservation activities. The acceptance of the existence of parks ('no-take zones') by the local population is a pre-requisite for the protection of biodiversity and a certain form of ownership needs to be instituted while law enforcement is effective. This is especially so since the State, wanting to be the unique owner of resources, it meanwhile does not have sufficient means to exercise an efficient control. The increasingly applied – but still insufficient - practice of deployment of community guards, trained in surveillance techniques, may constitute a solution to the insufficiency of control personnel. Why could we not reinforce their status and legalise their activities? Could we not also envisage the withdrawal of the State from a certain number of sectors even if it will lead to the consecration of a duality in classification of resources, some being of national interest and others of local interest? In some counties, "national parks" exist as

well as “regional parks”. The Cameroonian decentralisation process certainly offers respective opportunities.

It is a hypothesis that protection of biodiversity in parks could be more efficient if at the same time the availability and the flow of a legal supply in bush meat could be maintained. In this light, the legislator has envisaged the possibility of rearing wild animals in game ranches. If belonging to the State, the management of these game ranches should be organised either by the state or through specialised organisations - structures whose competence in wildlife management is officially recognised (with an agreement of the technical administration)³⁷. In any case, the rearing of wild animals in “ranches” or “farms” is subordinated to an authorisation of the local official of the administration in charge of wildlife³⁸.

As a result of the disfunctioning of the legislative and regulatory system, bush meat supply remains difficult to assess in an official manner, but under current conditions, the legal supply may be only marginal. Considering the differences between the illegal traffic estimates (90-100 tons) per year for the whole country and estimates of the unit for the fight against poaching in 2003 (7-15 tons), we may conclude that illegal supply is more than 50 tons per year and does not satisfy the demand. The obstacles to the existence and the increase of the legal supply are many: disorganised, haphazard supply, predominance of illegal practices and few registered legal sources, banning of bush meat marketing even when from traditional hunting, blockages at the level of commercialisation and also at the level of administration, e.g. unrealistic requirements (permits, certificates of origin and conditions of delivery, taxes..). With the 1994 law and its implementation decree, the problem of establishing a legal bush meat markets is acute. First elements are provided by the decision N°000857/D-MINFOF of 10 November 2009 relating to the organisation of the sale of bush meat.

Commercialisation of bush meat from this point should be carried out only by those having the collection permit delivered by the administration in charge of wildlife. Also, this commerce should only be carried out in areas arranged to this effect by government delegates and council authorities. The commercialisation of bush meat products in other places notably along major road axes, railway, parks, motor parks, airports and sea ports is prohibited (articles 2 and 3).

This text innovates on two main points: on one hand, the official localisation of markets can help to control flows. On the other hand, the recognition of the role of decentralised authorities is a progress especially within the Cameroonian context.

It remains that this text (which is a decision) of the inferior level is very laconic and develops certain aspects that are better elaborated in the law and its implementation decree. Envisaging official markets for bush meat is one thing and indicating their spatial distribution and their localisation is another. Furthermore, the role and responsibilities of the different actors implicated have to be clarified.

Other challenges are to manage the equilibrium between the supply and the demand to ensure the tracking down of illegal products.

A precautionary article of the law requires a certificate of origin in a systematic manner for part or entire animal held, and everywhere. In effect, article 98 (1) states that

the keeping of and traffic in live protected animals, their hides and skins or trophies within the national territory shall be subject to the obtention of a certificate of origin issued by the administration in charge of wildlife.

It therefore means that the presentation of such certificate of origin is not only applicable to the *keeping of* protected species. It is applicable to their *traffic, their hides and skins or trophies*. This is the same with the exploitation of wild animals, *their hides and skins*, crude or processed (article 64 decree of 1995). However, in the field, certificates of origin are scarce and even inexistent and usually do not have any relationship with the activities duly carried out; they are simple covers for illegal acts. The users claim they face difficulties in the process of obtaining certificates of origin.

On a complementary title, it would have been necessary that the legislator integrates incentive mechanisms for a greater-scale rearing of game meat in a way to encourage the circulation of legal bush meat products as well as the development of game ranches as they exist in Kenya. Such structures even at the experimental level do not exist in Cameroon. Also, cane rat domestication which is still poorly developed, has a limited impact.

In order to contribute to the formulation of a project to rear wild animals, a multi-sectoral study has been carried out by WWF around the artificial lake of the Lagdo area. It has permitted the exploration of the feasibility of the project and to arrive at a point that it was sufficiently justified even though necessary precautions would need to be taken. The importance in volume of production as envisaged at the beginning signifies a serious pressure on natural resources already used by rearing. The construction of a fence would create serious problems to cattle rearers but solutions are envisaged if restricted access to land is guaranteed; The study concluded on the innovative character of the project as it is based on utilisation of space aiming at sustainable animal biomass production. As recommendation, it was suggested that this type of rearing starts with an experimental phase. A less ambitious production at the beginning on a reduced surface area carried out in a narrow collaboration with the local population is obviously necessary.

Considering above difficulties which arise mostly from problems of governance, some propositions are formulated and introduced in Table 4 below.

Table 4: Proposition for the protection of wildlife and biodiversity

Legal references	Problem/Judicial lacuna	Arguments	Improvement proposals	Proposed new formulation
<p>Article 9 : Certain forest products such as ebony, ivory, wild animal horns, as well as certain animal, plant and medicinal species or those which are of particular interest, shall be classified as special</p>	<p>This section needs to be strengthened not to leave any loop holes</p>	<p>Why should emphasis be put only on horns?</p>	<p>Other animal parts can be classified as special</p>	<p>Certain forest products such as ebony, ivory, wild animal horns, bones and skins as well as certain animal, plant and medicinal species or those which are of particular interest, shall be classified as special</p>
<p>Article 11 : The protection of wildlife patrimony is ensured by the state.</p>	<p>The predominant role of the State in the protection of wildlife patrimony should not mean that we should not recognise the role of the different actors within the law. The risk is to think here that it is an affair of the central power alone in the absence of effective decentralisation. The actual weak implication of the local population in the management of wildlife and protected areas is a significant example.</p>	<p>The State alone does not have enough to ensure the protection of resources (necessity of decentralisation)</p>	<p>Mention the role of territorially decentralised units, communities and other non state actors.</p>	<p>The protection of wildlife patrimony is ensured by the State Territorial decentralised units, communities and other national or international actors support the State in this role.</p>

Table 4 (continued):

Legal references	Problem/Judicial lacuna	Arguments	Improvement proposals	Proposed new formulation
<p>Article 24 (1) Are considered within the context of the present law as State forests: Protected areas for wildlife such as: National parks Wildlife reserves Cymegetic interest zone Game ranches belonging to the State Zoological sanctuaries Zoological gardens belonging to the State Wildlife sanctuaries Buffer zones Forest reserves such as: Integral ecological reserves Production forests Protection forests Recreational forests Forest for research and teaching Floristic sanctuaries Botanical gardens Reforestation perimeters</p>	<p>Difference is being made between protected areas for wildlife and protected areas for flora. Is a national park a protected area for wildlife? And what about an integral natural reserve? Does not take into consideration the importance of the resource for the classification of protected areas.</p>	<p>The categories of protected areas should not be fixed on the administration but obey their functions and goals. Following the example of other countries (Kenya) we could distinguish national parks from regional parks</p>	<p>Put an end to that dichotomy (protected areas for flora and protected areas for wildlife) which is artificial and not operational.</p>	<p>1) Use as basis the IUCN categories of protected areas and proceed to adaptations. 2) Envisage for example the possibility of having, considering the qualitative and quantitative importance of resource or present environmental functions or services, national and regional parks. 3) some forest and wildlife resources can be recognized of national regional or local interest</p>

Table 4 (continued):

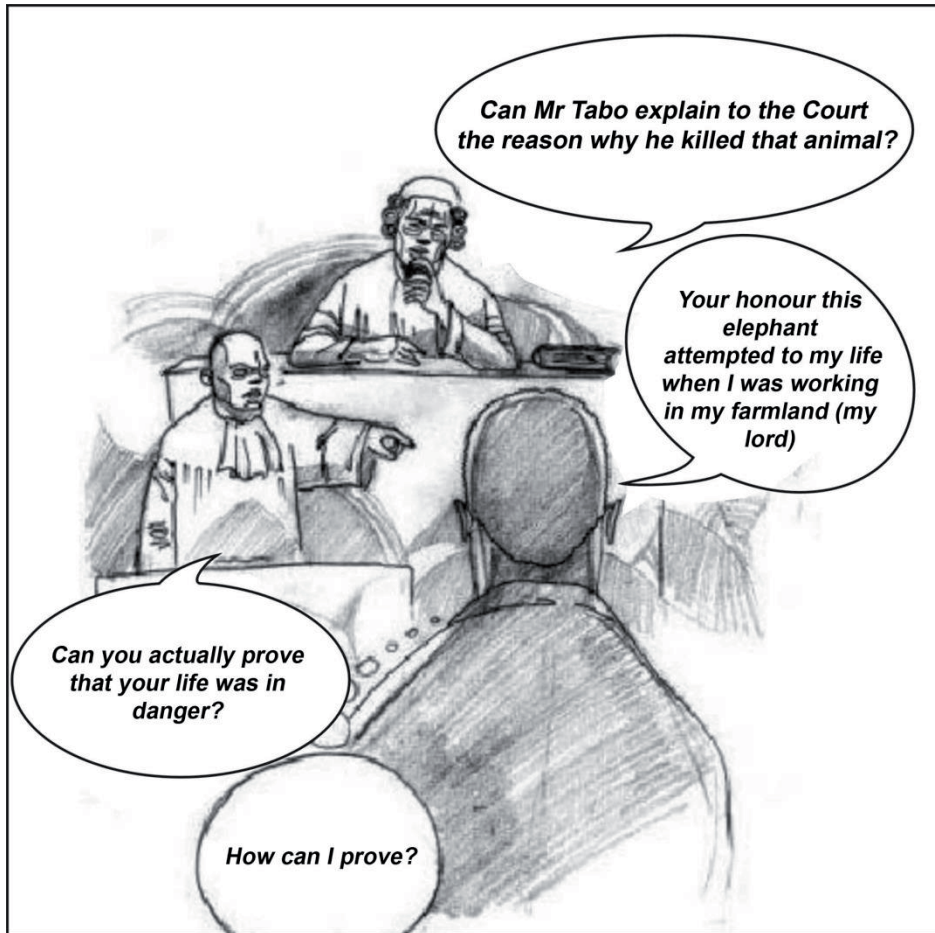
Legal references	Problem/Judicial lacuna	Arguments	Improvement proposals	Proposed new formulation
<p>Article 12: The genetic resources of national patrimony belong to the State of Cameroon. No one can exploit them for scientific, commercial or cultural interest without an authorisation</p>	<p>Does not protect the customary rights of the local populations. Gives an impression that the populations do not play any role in safe guarding the resources and as a consequence are not implicated at the beginning in the negotiation aiming at valorising these resources.</p>	<p>The logic for the State is a continuation of the colonial spirit.</p>	<p>Recognise to the communities' incentive rights on certain resources.</p>	<p>Resources other than those declared of national interest can be managed by territorial decentralised units or communities following the conditions laid down by decree. The communities and local populations that actively participate in safeguarding the genetic resources could pretend at the benefits in the case of commercial exploitation of the above mentioned resources.</p>
<p>Article 80 : Except where specially authorized by the service in charge of wildlife, the following shall be forbidden (...)</p>	<p>This seems awkward, it should include « hunting lamps, unconventional hunting devices, drugs-poisoned bait – explosives to be used for hunting etc.</p>	<p>There are many other practices left which are harmful to wildlife</p>	<p>Add more to the forbidden practices</p>	<p>The ban on the use of hunting dogs within protected areas / or the ban of use of hunting dogs that are not vaccinated, specially trained, and microchipped/health card The use of snares within or outside protected areas The importation, sale and circulation of hunting lamps, unconventional hunting devices, drugs-poisoned bait – explosives to be used for hunting etc.</p>

Chapter 4

Towards the strengthening of measures for the protection of persons and goods

With the 1994 law, the question of the protection of human beings against the eventual destruction caused by wildlife is on the agenda. It should be noted, according to article 82 of the above mentioned text, that when some animals are seen to constitute a danger for persons and /or goods in a way they can cause damage, the administration in charge of wildlife can proceed through controlled killing following the conditions laid down by order of the Minister in charge of wildlife. Also article 83 of the same text institutes lawful defence as a justification for the killing of protected animals in a case of threat on goods and individuals. To give a full effectiveness to this measure, the legislator could clarify the required mode of proof for this act. It is obvious that the gravity of threat on the security of men and goods should not occult the question of repairing damages caused by animals.

I Lawful defense facing a situation of proof



In the application of article 83 cited above 'No persons may be charged for breaking hunting regulations as concerns protected animals if his act was dictated by the urgent need to defend himself, his livestock or crops'. This recognition is positive. Generally the penal responsibility can not result from an act committed by the immediate necessity for defending oneself or someone else. On one hand, goods and persons are daily exposed to danger of wild animals. On the other hand, certain big and migratory animals which move in groups cause quasi irremediable destructions (example: a herd of elephants that crosses plantations or settlements). However, the legislator provides that 'the proof of lawful defence should be furnished under a dead line of seventy two hours (72) to the nearest administration in charge of wildlife'³⁹. We can therefore ask the question on how the accused will provide the proof of lawful defence.

In the absence of precisions, speculations are going on. Some think that the report of the judicial police (having special jurisdiction) is sufficient. To others, it is important to bring forth a third party (bailiff for example) to avoid what they consider as the partiality of the MINFOF agents. For others again, the presence of a witnesser could facilitate the task of the accused. Concerning the witness declaration, it could only be useful if it is concordant. This is to say that a declaration of a single witness cannot be sufficient to constitute a proof. In general, unless to admit that witnesses attended a scene of attack by animals, it is a difficult mean due to the fact that such attacks do not always demonstrate foot prints of material destruction. In the same light, the executive officer can not consider only the declaration of the defendant and leave away the material foot prints which seem to be inconsistent. In general, the proof of lawful defense by the defendant is difficult to establish if it is not just impossible in some cases.

It would have been preferable to establish in this context a mandatory mechanism of the administration which could regularly and in an efficient manner proceed to field investigations to establish or note the authenticity of the alleged facts. We should never forget to emphasise on the fact that the administration needs sufficient means in order to move efficiently and frequently in the field and to establish facts and reports when need arises.

II Necessity for a compensation for the damages caused by wild animals

Beyond the absolution of the sanction in case of lawful defense, the protection of persons and goods raises a fundamental preoccupation, that of the compensation for damages caused by wild animals. There again the legislator would have provided for a mechanism of compensation for the victims. Such a disposition does not exist in the 1994 law. Should we therefore conclude to judicial lacuna or go back to the common law?

1. Inadaptability of the common law for the responsibility on the act of animals

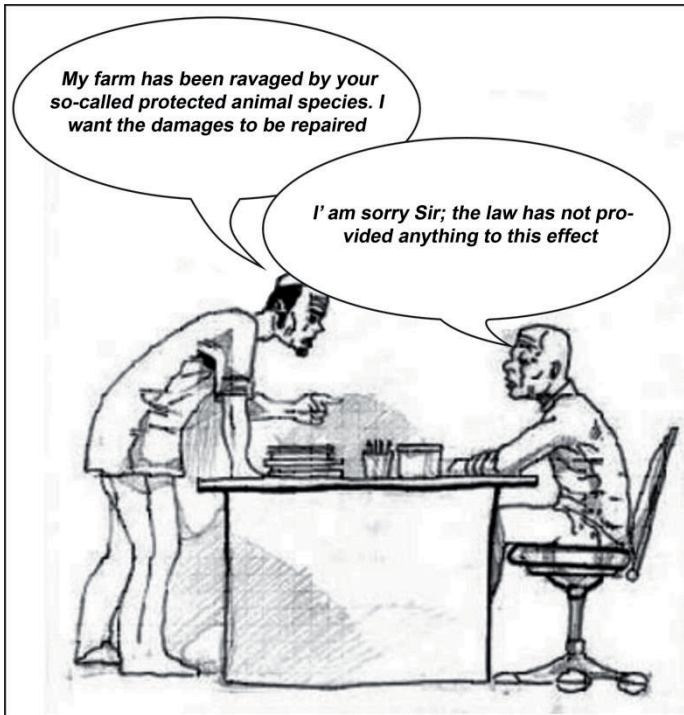
‘We are responsible not only for the damage that we cause by our own act, but also of the one caused by the act of persons for who we have to respond to or things that we have under our control’; this is read in article 1384 (1) of the civil code. Through this provision, the legislator of 1804 intended to institute a general principle of responsibility for acts of things that will be adapted in particular situations. This principle has one of its applications in article 1385 regarding the responsibility for the acts of animals: ‘the owner of an animal, or a person using it, when it is at his disposal, is responsible for the damage caused by the animal, either the animal was with him or was lost, or has escaped’.

Arguing from generalisations of this regulation, we could think that it can also be applied to the reparation of damages caused by wild animals and to the conditions linked to the animal and to whom it should be fulfilled.

For the animal, although its zoological nature is indifferent, its legal nature is of great importance. Article 1385 talks of owned animals, domestic or domesticated. This evidently excludes 'wild animals' dispersed in nature and which are not an object of private appropriation.

Regarding the responsible, court law requires that the latter would effectively also act as the guardian⁴⁰. The guardian may be the owner of the animal or the person having control over it. Once more, this is a situation difficult to be applied when wild animals are concerned. True, we could say that the property of the wildlife resource belongs to the State. But a civil responsibility that results from this principle of belonging would be, considering the missions and prerogatives of the State, absolutely unprecise. The inapplicability of the common law of the responsibility for the act of animals to damages caused by "wildlife" therefore calls for a special disposition from the wildlife legislation.

2. Necessity for a special provision



There is therefore a judicial lacuna to be filled concerning the reparation for destructions caused by wild animals. The silence of the 1994 law on this issue is even more deplorable in the matter since the civil code as concerns the responsibility for acts committed by animals seems to be poorly adapted to wildlife. If the forest law regards wildlife as State property, then destructions by wild animals also need to be taken care by the State.

The availability of such a special provision would at first solve a need for justice. Mainly it is a *sine qua non* condition to improve the relationship between the technical administration in charge of wildlife and the local population. The civil code and the administrative culling procedure cannot offer a solution to this issue. If wildlife is important, it would be equally important that a certain attention be accorded to it when it causes more or less important damages. Otherwise, the common citizen will continue to think that animals are more protected than human beings. Thus, there is a necessity of further changes to be instituted in the law.

Table 5: Proposition for the protection of persons and material goods

Legal references	Problem/Judicial lacuna	Arguments	Improvement proposals	Proposed new formulation	Actions to be undertaken
<p>1994 law</p> <p>Article 83 (1)</p> <p>No person may be charged with breaking hunting regulations as concerns protected animals if his act was dictated by the urgent need to defend himself, his livestock or crops</p> <p>Proof of lawful defense shall be given within 72 hours to the official in charge of the nearest wildlife service</p>	<p>Does not indicate the manner in which the proof for lawful defense has to be made</p>	<p>The institution of the lawful defense is good but the system of proof is unrealistic. The victim is left alone and is asked to bring a proof which is usually difficult and even impossible.</p>	<p>Indicate the means of proof of the lawful defense and state clearly the role of the administration.</p>	<p>No persons may be charged with breach of hunting regulations as concerns protected animals if his act was dictated by the urgent need to defend himself, his livestock or crops</p> <p>The territorially competent administration in charge of wildlife, after being informed, takes measures to pay, in a very close deadline, a visit to the field and produce a report.</p> <p>For the proof of lawful defense, the material observations are corroborated by any other mean of proof being oral or written.</p>	<p>Modify paragraph 2 of article 83</p>

Table 5 (continued):

Legal references	Problem/Judicial lacuna	Arguments	Improvement proposals	Proposed new formulation	Actions to be undertaken
<p>1994 law</p> <p>Article 84 The trophies resulting from the activities referred to in Section 82 above shall be deposited with the service in charge of wildlife which shall sell same by public auction or by mutual agreement in the absence of a bidder and pay the proceeds from such sale into the Treasury.</p>	<p>Why can the administration kill and auction in the same time even by mutual agreement</p>	<p>This favours illegal practices . The auction sale is not appropriate especially for protected species as it feeds the market with their parts encouraging illegal practices</p>	<p>Ensure that no illegal material can be sold to anyone (e.g. chimp meat, animal parts, ivory etc.</p>	<p>There is a strong need to abide with CITES. Ensure that no illegal material can be sold to anyone (e.g. chimp meat, animal parts, ivory etc. and that if it cannot be sold it should be destroyed publicly within 48 hours of acquisition).</p>	

Table 5 (continued):

Legal references	Problem/Judicial lacuna	Arguments	Improvement proposals	Proposed new formulation	Actions to be undertaken
1994 law Compensation of destruction caused by animals.	No provision	The refusal of a reparation for damages caused by wild animals means that the animal is better treated than a man as usually said by the local populations. It constitutes at the same time a permanent cause of conflicts between the administration in charge of wildlife and the local populations.	Institute the compensation for populations a case of damages caused by animals.	<p>The State is civically responsible for the damages caused to persons, crops and other goods by wild animals.</p> <p>The territorially competent administration in charge of wildlife take measures to pay, in a very close deadline, a visit to the field and produce a report on the situation.</p> <p>The proof of existence and the level of damages is carried out through every possible means. It gives way to compensation on the basis of the report established by an inter-ministerial commission constituted to this effect.</p>	Institute a new article

Chapter 5

The problems of access to wildlife resources

To correct the inconsistencies of the past policies, the 1994 law recognises to local populations the right on wildlife resources. This honest effort for decentralisation in the management of wildlife resources is welcomed. It is based on the improvement of the participation of the populations in the elaboration and the implementation of adopted policies. To guarantee substantial advantages to the populations and encourage a better management of the forest, they are more and more involved in the process. The population equally benefit from the redistribution of a percentage of revenues issued from the exploitation of forest and wildlife resources.

Generally, the 1994 legislators took an option for participative management of resources and engaged actions on the long term. At the centre of government action, the organisation of forest took into consideration the necessary integration of all the components and resources of the forest ecosystem. During the application of the law, different partners (administration, private operators and the populations) take part. Access to wildlife resources supposes the consideration of two essential preoccupations: the first is linked to the regulation of hunting and the other to the involvement of populations in the management of resources.

I For a hunting regulation more adapted to the socio-economic context

Hunting is not prohibited, but it is regulated. Apart from traditional hunting, every act of hunting is subordinated in principle to the delivery of a hunting permit or licence⁴¹. Forest zones of the national domain could be declared Community hunting zones and exploited as such⁴². The owners of a hunting permit freely use the meat and trophies of animals regularly killed, provided they pay for taxes and/or benefits from it⁴³. The local populations usually witness the refusal of hunters to give back to them the meat after the trophies have been removed. Even though the law does not oblige them to do so, the practice has more or less instituted this retrocession. In the same way, we always witness situations where the meat is transported to be sold or supplied to relatives in town at the detriment of the local populations.

In accordance with the provision of article 86 of the 1994 law, traditional hunting is authorised throughout the national territory except in State forests protected for wildlife conservation and in the individual private properties. The decree n° 95/466, in its article 2 considers that traditional hunting is the one carried out with the use of tools made from vegetative material. It adds that the products obtained from this are exclusively destined for consumption and should not, in any case, be sold⁴⁴.

Despite the efforts made to regulate this activity, , the limits of traditional hunting have essentially remained blur. From theory to practice, in the field, it is not easy to make a clear distinction between, traditional hunting, users' rights and commercial hunting. As a consequence, we discover that hunting is carried out without any distinction of zones; commercial hunting and poaching are carried out under the pretext of traditional hunting. Today, what do we understand by the "tools made from plant materials" which, all have disappeared in the hunting practises, but remain as noted in the 1995 decree, a criterion to define traditional hunting? In practice, the mixing up does strengthen the confusion around the traditional hunting. Arms of all sorts circulate amongst the poachers. Some locally made arms use modern ammunitions meanwhile at the level of the populations, a particular trade starts prospering with the frequent sale of class "C" species(species which are given a low level of protection) in small quantities. It is important to clarify the prescriptions of user rights notably through the signing of a new decree on "subsistence hunting".

II Perspectives for the community management of resources

1. The indispensable role of the populations and the communities in the management of resources

The importance of wildlife to the local population has already been demonstrated⁴⁵. Through their dependence vis-à-vis wildlife resources, human groups try firstly to satisfy their elementary needs (nutrition, wood for heating, medicine etc).

They further struggle to push forward their economic activities. Around wildlife, income generating activities are developing (rearing, small trade, etc.). But at times these populations engage themselves in exploitation activities without assessing the legal consequences. Also, some, consciously or unconsciously tend to ignore the laws; as such, it is difficult for them to feel the challenges and understand the stakes in species conservation and more generally new issues and concepts like biodiversity, the development, the sustainable management of resources and others⁴⁶. When they even understand the prescriptions of the laws, it is not certain that they really consider them. At this level, we could ask ourselves if the dependence of the population vis-à-vis the wildlife resources coupled with “ignorance” of certain aspects of legislation does not contribute to the expansion of poaching⁴⁷. According to some people, it is not established that poachers are poor or ignorant of the law. They operate at times beyond the national boundaries, which means that they have sufficient means for their activities. On the contrary, it seems that a context of poverty is favourable to poachers who do not hesitate to exploit it for their own interest.

For others, a link exists between certain economic activities such as cocoa cultivation and poaching, suggesting the importance of the issue of revenue sources. From the findings of a study carried out by CEW in the sub-division of Yokadouma and from the monitoring of hunting and the circulation of wildlife products, the period of intensive hunting is the same as that of the cocoa treatment; the treatment of cocoa is very expensive⁴⁸.

Whatever the case, the notion of “alternatives” usually employed creates more misunderstanding. Is it correct to talk of alternative to poaching? There is no alternative to an illegal and destructive activity. As such, the arrest of defaulters, and their prosecution remain the only remedy to poaching. But, are the real guilty persons who hold the principal nets of the system prosecuted? Nevertheless, within the Cameroonian context, it is extremely important for the State to support income generating activities. Such options fall within the global policy of the fight against poverty and for the improvement of the living conditions of the population.

Ignorance and poverty complicate the problem of illegal exploitation of wildlife resources. However, another series of factors of sociological order should be added to this. Except a few cases, the villager will hardly understand the fact that hunting of bush meat, which is a “national” resource “offered by God” constitutes a crime. As the results of this, there are many obstacles to the application of law especially concerning the distribution of species into different classes of protection. The fight against poaching with all the measures accompanying it (imprisonment, seizure of animals and auction sales...) remain poorly considered today by villagers and the common Cameroonian; this is witnessed in violent scenes that surround the patrol operations especially the checks of public and private vehicles. The law is essentially perceived through its constraints and restrictions. Any pro-

hibition to hunting, killing and capture of a specie always constitute a risk in a long run, directly or indirectly, for example in terms of anger among the local resource users; potentially, this situation can have an impact on the reduction or the elimination of economic incentives to protect the species and thus a decline in the political will to protect the environment.

The actors in the domain of hunting and the circulation of wildlife products, who are aware of the informal or illegal status of their activities and the risk they are exposed to are careful at times aggressive towards any person in search of information related to wildlife hunting. The administration as well as the legislation are not welcomed. One could regret the unconfident atmosphere that reigns between the administration and the local actors. It is but obvious that a better application of norms in the domain of wildlife resource exploitation will only pass through a strong collaboration between actors of diverse horizons. The population is better placed to provide the administration with information on the flows of poachers and as well on the circulation of weapons.

In the final analysis, there is a need to give more responsibility to the populations and the communities in the management of wildlife. Community management could constitute an adequate response to this effect.

2. Some current experiences of community management of resources

Since 1994, participative management programmes that merit support have emerged. The experience of community hunting zones had been initiated in Cameroon to better involve local populations in the conservation of wildlife against intensive poaching, the destruction of natural habitats due to the inefficiency of the administration in charge of the management of these resources. It is for this reason that, in the South East of Cameroon since 1999, this participative process has led to the creation of local structures for the management of wildlife known as the Committee for the Valorisation of Wildlife resources (COVAREF). These structures are managed by local populations, with the benefits issued from sport hunting in the cynegetic interest zones and the community management hunting zones (ZICGC). In the frame work of these programs, a quota of the revenue issued from the management of wildlife is given to the populations for the functioning of local structures and the realisation of community micro-projects. Till 2008, the COVAREFs have received a cumulative total of 125 984 665 million with 25 478 514 million (20.22%) reserved to their functioning and 10 423 900 million (8.51%) for securing the boundaries of the ZICGC; we also note that 84 318 211 million (66.92%) were allowed to community projects, which is a good sign (MINFOF et al, November 2008).

In northern Cameroon, since 2000, the process of participative management of wildlife has permitted the creation of two community hunting zones (Doupa and Voko – Bantadjé) and the co-management of ZICs N° 1 and 4 by the administration in charge of wildlife and the neighbouring populations. Speaking on the

co-management option, some local structures known as village committees of wildlife (CVF) and Union of village committees of wildlife (UCVF) had been put in place since 2002 by the GEF/savana project and two management conventions have been issued in 2004. Also, revenues allocated to the populations, have served the functioning of UCVF and CVF, the rehabilitation of social infrastructures, and the realisation of conservation activities.

The legislator could base his analysis on successes and failures of these test experiences which essentially need to be formalised for the improvement of the regulation of hunting in general and the access of populations to wildlife resources in particular. The 1994 law does not provide appropriate provisions for community wildlife management. The provisions relating to community hunting zones and to hunting territories managed by the communities are not elaborated. For the time being, only the notion of community hunting territory (*territoire de chasse communautaire –TTC*) is mentioned in existing regulations. This is inappropriate as it was inspired from the community forests notion confined in area which can not be more than 5000 ha.. We should also make sure that, beyond the revenue they perceive, the local populations actively participate in the protection of wildlife resources, which is generally not the case.

Table 6: Proposition for the improvement of the regulation on hunting

Legal references	Problem/ Juridical lacuna	Arguments	Improvements proposed	Proposed new formula- tion	Actions to be undertaken
Article 87 (1) Any hunting except in the case provided for in section 86 shall be subject to the grant of a hunting permit or licence.	The application of this provision is difficult for the community.	The requirement of a permit fits only with sport hunting.	Cancel the obligation for communities to obtain a permit prior to hunting in a community zone.	Any act of hunting other than traditional hunting and community hunting is subordinated to the delivery of a permit or licence (workshop WWF and partners, October 2009).	Modify article 87 (1)
Section 95: The exploitation of wildlife within State, council, community and private forests and within cynegetic zones shall be subject to a management plan drawn up jointly by the forestry services.	This provision exists but is never applied systematically	This can favour sustainability	Make it a formal requirement that such plans are developed and approved by several committees to ensure standards /	in absence of such management plans all hunting is to be assumed forbidden	

Table 6 (continued):

Legal references	Problem/ Juridical lacuna	Arguments	Improvements proposed	Proposed new formulation	Actions to be undertaken
Ritual hunting: the one practised by the local populations for spiritual and cultural objectives.	Not recognized by the law.	It is part of sacred traditions of certain communities	Institute ritual hunting.	Ritual hunting is exercise within the conditions laid down by an order of the ministry in charge of wildlife (Workshop of WWF and partners, October 2009).	Institute and regulate ritual hunting
Decree in wildlife Article 2 (20) Traditional hunting: the one carried out with the use of tools made from vegetative materials.	Blur concept and uneasily operational; unrealistic definition	It is difficult to make a distinction between what is traditional and what is not; Tools made from plant materials are a rare exception, almost disappeared .	Replace the concept of traditional hunting with that of subsistence hunting.	The customary right is the one which is recognised to local populations to exploit all forest, wildlife or fish products excluding the protected species for domestic use; Subsistence hunting is the one practised by the local populations to satisfy their vital needs (WWF and partners October 2009). In no instance, neither the customary right nor subsistence hunting shall permit the killing or catching of more than 3 animals per house and per week.	Actualise the definition

Table 6 (continued):

Legal references	Problem/ Juridical lacuna	Arguments	Improvements proposed	Proposed new formulation	Actions to be undertaken
<p>Article 24 (1) Traditional hunting is free all over the entire territory, except in the properties of third parties, in a protected area where it is subject to a particular regulation taking into consideration the management plan of the area.</p>	<p>Inconsistencies in the legal framework governing the practice of traditional hunting.</p>	<p>It is not easy to make a clear distinction between traditional hunting and the other notions: customary rights for example.</p>	<p>Specify the places, the period and the techniques allowed.</p>	<p>Subsistence is practised in any season. Subsistence hunting is practised with the help of every means not expressly prohibited by the law. (cf. workshop of WWF and partners, October 2009).</p>	<p>Review and complete art 24 (1)</p>
<p>Article 24 (3) The products obtained from traditional hunting are exclusively for consumption and should not be sold in any case</p>	<p>Severe restriction to the population</p>	<p>The vital needs of the populations go far beyond the simple consumption of bush meat.</p>	<p>Authorise the circulation of products obtained from traditional hunting in local trade.</p>	<p>The products obtained from subsistence hunting and the exercise of user rights are in principle, destined for consumption; However, the commercialisation of these products at the local level can be authorised by the administration in charge of wildlife (workshop of WWF and partners, October 2009); In no instance, neither in user rights nor in subsistence hunting shall permit the supply in a single instance more than 3 bush meats authorised.</p>	<p>Modify article 24</p>

Table 7: Proposition for the legal framework of community hunting

Legal references	Problem/legal Lacuna	Arguments	Improvement proposals	Proposed formulation	Actions to be undertaken
1994 Law Absence of reference.	The law does not provide for community management of resources. The dispositions relating to community hunting zones and to hunting territories managed by the communities are not developed.	Disequilibrium between timber and wildlife: The law gives priority to the aspect of community forest by allocating a whole section to it. (section II, Chapter II Title III)	Introduce provisions for community hunting zones/territories	The problem is not just one of a single article to write ; Create a section "zone/territory for community hunting or managed by communities compared to that of community forests.	A corpus of articles to be formulated
Decree on wildlife Article 2 (19) Community hunting zone: a hunting zone of the non permanent forest domain subject to a management convention between the nearby community and the administration in charge of wildlife.	Difficulty to envisage community hunting zones found in the non permanent domain unless to use them as a sort of "ranches"	Means that we ought to create them in areas generally poor in wildlife resources and unable to generate substantial revenues.	Provide that the community hunting zones or hunting territories managed by communities could also cover even partially, the permanent forest domain.	A community hunting zone /territory managed by the communities are: A hunting territory of the permanent forest domain subject to a management convention between the nearby community and the administration in charge of wildlife.	Modify the article as a consequence.

Table 7 (continued):

Legal references	Problem/legal Lacuna	Arguments	Improvement proposals	Proposed formulation	Actions to be undertaken
Decree on wildlife					
<p>Article 25</p> <p>(1) As provided by the law, the administration in charge of wildlife brings to the target communities a free of charge technical assistance for the definition and the implementation of management conventions of community hunting zones.</p>	<p>In practice this assistance is neither easy nor free of charge.</p>	<p>Despite the efforts made by the government, the technical services are still facing the "lack" of financial and logistic means.</p>	<p>Credits should be allowed to precise budgetary sections for this assistance.</p>	<p>The administration in charge of wildlife provides means to bring to the target communities a free technical assistance for the definition and the implementation of management conventions of community hunting zones.</p>	<p>Formalise the assistance in a regulatory text.</p>
<p>Article 25</p> <p>(4) The management convention is approved in the following manner: By the territorially competent Senior Divisional Officer when the community hunting territory in question is found in a Division; b) By the territorially competent governor when the community hunting territory in question overlaps two Divisions of the region; c) By the Ministry in charge of wildlife if the community hunting territory in question overlaps two regions.</p>	<p>The procedures for the elaboration of the conventions are not well explained in the actual texts.</p>	<p>Weakness of legal basis of the existing conventions</p>	<p>Specify the stages in the elaboration of the convention ; Specify the role of the technical administration, the populations and that of the development partners if any.</p>	<p>Many more dispositions to be written.</p>	<p>Explain in detail in the decree, the procedures of the elaboration conventions.</p>

Chapter 6

The regime of offences penalties in search of greater efficiency

Articles 154 to 165 of the 1994 law state clearly offences and penalties applicable to forest and wildlife sector. Just to give few examples, shall be punished by an imprisonment and fine penalty, the author of an offence consisting of the violation of provisions of articles 8, 26 and 36 on the user rights, burning a forest of the national domain, the detention of a hunting tool within an area restricted from hunting, the provocation of animals during a visit paid to a wildlife reserve or a zoological garden⁴⁹. Beyond this possibility of condemnation of delinquents to imprisonment terms and/or fines, the legislation provides for the auction sale of the seized forest products. The administration also conserves the possibilities to conclude a transaction with the offender without prejudice to the right of the public prosecutor⁵⁰.



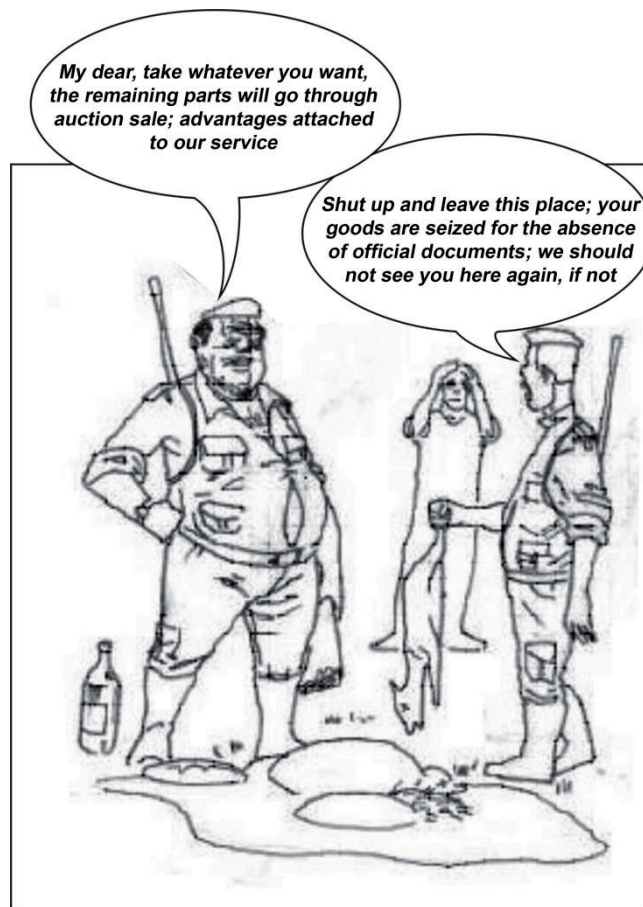
Public car check during a mixed operation carried out by MINFOF – CEW



Living crocodiles seized from a vehicle and transferred to the zoo-botanical garden of Mvog-Betsi.

The intensification of the fight against poaching frequently leads to control operations and seizure of illegally captured or killed species. Article 142 al. 3 empowers the sworn officials to that matter to arrest and identify immediately any offender who is caught red-handed (in flagrante delicto), but also to request in the course of their duties the support of the Police and Gendarmerie for purposes of search and seizure of products fraudulently exploited, sold or circulated. However, in the absence of serious guarantees to the respect of the defence rights and the legality of measures that are undertaken, the mechanisms as seizures and compounding can raise, in their implementation, serious difficulties.

I A weak framework for extra juridical procedures




In their isolated operations of fighting against poaching, the state agents usually proceed in controlling, seizing and auction sale of illegally detained species. However, these mechanisms do not benefit an adequate legal framework.

In the 1994 Law, there is no specific mechanism to evaluate the damages in the case of transaction. As a consequence, the amount is freely negotiated between the civil servants and the defaulters ; this favours irregularities.

The operations of seizure and auction sales of wildlife products are not surrounded by sufficient guarantees. There exists a sort of favouritism by certain agents and buyers who want either particular species or preferential prices. The common individual also thinks, rightly or wrongly that the state civil servants share the best meat seized among themselves for their personal consumption. The perishable nature of the products taken into consideration is also a constraint in the absence of conservation equipments. In general, the auction sale is a controversial enterprise that ends on a “guilt transfer”. The meat of gorilla or chimpanzee (or other species of class A) is seized and auctioned. Why could we not destroy it, punish the offender to pay for the fees of such operation as well as for the loss? There is a risk for people to maintain and even newly develop a tasteful relation to these species when they regularly eat them thanks to the auction sale. It is therefore a “guilt transfer” officially organised by the auction sale.

Table 8: A dialogue between the eco-guard and the villager

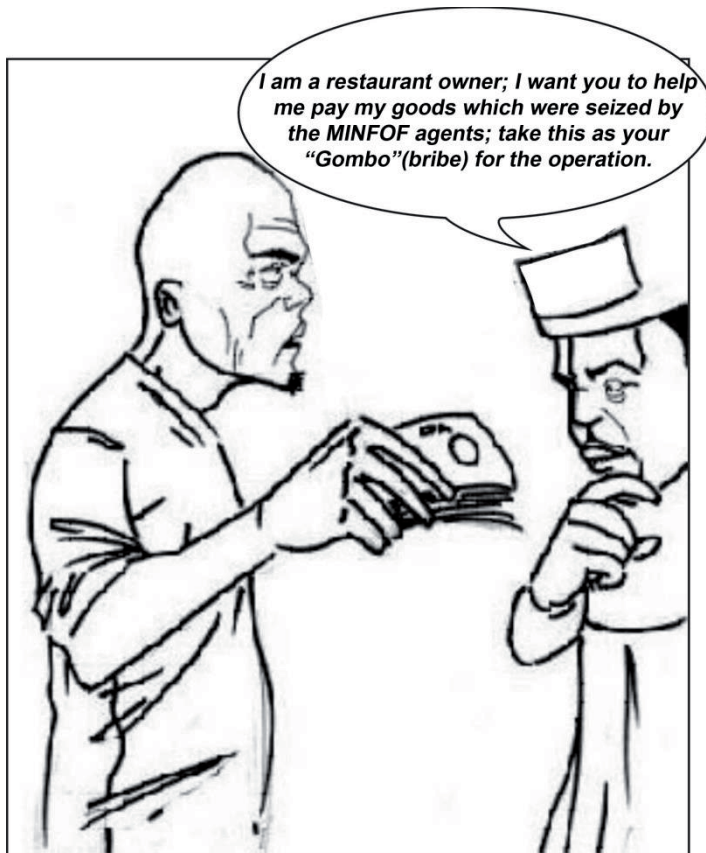
Villager	Eco-guard
Chief, what have you done with the gorilla bush meat you seized from me?	Following the regulations in force which severely punish offences on protected species, we have auctioned it.
Yesterday, I saw my neighbor in the quarter cooking the same part of meat.	He must have got it from the auction sale.
It is therefore clear that someone has finally eaten this protected animal. Next time, I will also buy one from public auction sale.	

We must add to this that associated health risks are not considered by the law. The bush meat sold on auction does not systematically pass through a sanitary control. Hence meat of great apes is sold to be consumed with all the sanitary risks. The same goes with the other species. Who will be to blame in case of contamination as a result of consumption of meat that was auctioned?

With the poor legal framework for seizures of bush meat and auction sales, many abuses are registered. The legislator could have limited the magnitude by excluding the consumption of some species that are totally protected (chimpanzee, gorilla) which could simply be incinerated after seizure, the fees being charged to the offender. Generally, the control of auction sale supposes that the administration uses seizure files to record the quality, the quantities and the amount got. More so, for the bush meat buyer from auction to render his product legal, it is important that a certificate of origin be issued to him. Following the provisions of article 101 of the 1994 law “Any person found, at any time or in any place, in possession of a whole or part of a live or dead class A or B protected animal, as defined in section 76 in the present law, shall be considered to have captured or killed the animal”.

The person possessing a product in the conditions of the above article should then provide a document stating the origin, what can only be done through a certificate of origin. This is never the case.

II The regime of offences penalties characterised by the lack of punishment of some state agents



The populations on their part consider that the daily acts of state agents implicated in the management of wildlife are marked by doubtful behaviors. The citizens, particularly the actors who are in the formal or informal sector, regularly protest against all kinds of abuses (harassment, corruption, confiscation, etc.) committed by the agents of the administration. The latter are also accused of perpetuating illegal trade with a network of complicities as reported by a listener of the “CRTV m’accompagne”⁵¹ program of the 23rd of September 2009 (CRTV national station).

This listener reported that on a highway, a vehicle coming from Nkondjock was stopped at 3 a.m by a control agent of the administration in charge of wildlife. The later, single at the control post, removed from the car some bags and questioned the “poor woman” to whom the “products” belong in the following terms: “what do we do? After retaining the vehicle for about one (1) hour, he liberated the passengers only after receiving a sum of 3 000 francs CFA. The participant to the program was bitter for the attitude of a civil servant working alone very late in the night and demanding a fee to be payed for his own pockets even to allow the circulation of a simple bag of “eru”. Such declarations and indignations are common and widespread over the whole country. Certainly, their justification is a matter of discussion. In practice, the check hour is understandable. The control has to be adapted to the strategy of traffickers who usually pass their products during unpredictable hours. What is questionable is the bribe taken and the fact that he is alone. The populations also report, in the form of anecdotes, cases of bush meat seizures in pots: agents of administration enter into a house and find a pot on the fire. After eating to their satisfaction and gathering bones, they asked the national identity cards of the inhabitants to lawsuit them. In 2008, the study conducted by CEW and CARPE “Constraints in the application of laws governing wildlife: actors, practices and lessons learned in the South East Cameroon” gave an idea of the part played by the State officials in the illegal exploitation of wildlife resources. Information from the field testifies that:

- The military supply weapons and bullets to hunters;
- Abuses by Eco-guards are still common: according to the persons interviewed , “everything is seized”, even rodents such as porcupines, cane rats or a Gambian rat;
- Private, public service vehicles and “big elites” are never subjected to the checking procedures while ambulances are also alleged to transport illegal bush meat;
- At a check point, when a bush taxi driver signals a recommendation from Yaounde to the Eco-guards (showing business cards of high administrative authorities), they are at times surprised that they later allow the vehicle without searching or verifying it;

- Poaching regularly implicates some highly placed administrative, military or judicial authorities against which the prosecution is never conducted.

It is regrettable that the authorities, who, through their mission, ought to contribute to safeguard the national patrimony, carry out activities that are totally in violation of the law. The reinforcement of hierarchical control is indispensable here to point out cases of complicity, corruption and other abuses which remain within the administration.

In this light, a new law could equally provide for more severe sanctions applicable to administrative authorities and state agents, authors of the different abuses or those implicated in the illegal exploitation of wildlife resources. Compared to the 1981 law, the one of 1994 almost doubled some penalties (see table 1). Still they are at times very weak to be able to discourage the offenders. A fine of 5, 000 to 50,000 CFA francs or imprisonment for up to 10 days is too small to be a deterrent for anyone. For instance you set fire to a national park and you can pay 5k CFA (less than 9 euros) and be kept ten days in jail. Penalty should be like at least 10 or 20 times the market price of the animal concerned. The possibility of requalifying certain offences on wildlife is based on article 162 of the 1994 law. The penalties provided for in sections 154 to 160 that offences against wildlife regulations shall be doubled when committed by sworn officials of the competent services or by judicial police officers with general jurisdiction or with their complicity. Maximum must be given to someone who is a repeat offender, to sworn officials or civil servants not only by doubling but rendering it proportional with the frequency of the offence (offence i.e. 1 time x , 2 times $2x$, 3 times $4x$, 4 times $8x$...). In addition, the employees should be sanctioned or sacked with no possibility to be transferred to another government or administrative position.

The position held as sworn officials of the competent services or judicial police officers is thus an aggravating circumstance obliging to double the penalties. It therefore results that the maximum penalty instituted in this case (for the heaviest offence) could not be more than 6 years term of imprisonment and a fine of 20 000 000 francs. Meanwhile, certain offenders especially in cases of “*delits d’initiés*” (taking advantage of the position held in the wildlife administration to consciously violate for your interest) ought to be subjected to more than 10 years of imprisonment and consequent fines to be paid, thus becoming crimes.

To go further the legislator could reinforce the actual system of offence penalties. Actually, certain acts of criminality in the domain of wildlife are not sufficiently taken into consideration. The circulation of fire arms is a major preoccupation, and deserves to be considered as such. Sanctions linked to the production of arms and sales of munitions sustaining the illegal trade of wildlife resources have to be strengthened. In the same manner, special sanctions should be provided for offences committed by state authorities in charge of the management of wildlife.

The publication of judgments and sanctions could be an important element for the efficiency of repression. In the 1994 law, the generalisation of alternative condemnation is also a weakness. The legislator prescribes either a fine to be paid or imprisonment terms and at times the two cumulatively. The question shall be to know which of the two measures is the most appropriate to weaken offenders and better protect the wildlife resources.

The ideal point should have been a minimum imprisonment term added to fines to be paid. By so doing, we would avoid the confusion of the public opinion on a law whose application is limited to seizures of bush meat and public auction sales.

Table 9: Proposition for the amelioration of the regime of seizure and auction sales

Legal references	Problem/legal lacuna	Arguments	Improvement proposals	Proposed new formulation	Actions
1994 Law Article 142(3) The sworn officials of forestry, wildlife, fishery and Merchant Shipping services... search trains, vessels, vehicles, aircraft or any other means that may be used to transport the said products, upon presentation of a special search warrant	This means that game guards need a search warrant to search a car in the road for bushmeat	This constitutes an obstacle to the efficiency of patrols	State the conditions in which they might not need a warrant	Cars and personal luggage could be checked at clearly marked checkpoints	
Perishable products seized shall be sold forthwith, by public auction or mutual agreement in the absence of a purchaser (article 144 (i))	Lack of a control mechanism for the seizures and auction sales.	It is a gateway open to: Abuses in the seizures Sanitary risks Transfer of criminality	Strengthen the control of seizures and the auction sales.	Except the species of class "A", the seized products could in the absence of a purchaser be sold forthwith, by public auction or mutual agreement (Article 144 (1)). The administration in charge of wildlife take necessary measures to ensure: the record of seized products the conservation of perishable products the sanitary control before sale If it is species of class "B", a certificate of origin should be issued after sale. Species of class "A" illegally killed, are burnt in case of seizure, the costs of such operation being charged to the offender civilly responsible for damages and compensation, without prejudice to possible public prosecution	Strengthen article 144

Table 9 (continued):

Legal references	Problem/legal lacuna	Arguments	Improvement proposals	Proposed new formulation	Actions
<p>Decree on wildlife</p> <p>For any sale of seized produce by public auction or mutual agreement, a surcharge of 12% on the sale price shall be paid and the corresponding amount shall be shared among the employees of the competent services under conditions laid down by decree (article 149) of the 1994 law</p>	<p>Difficult in application considering the auction sale practice done in a very noisy market.</p>	<p>During the auction sale, it is difficult to surcharge the product sold by a 12%</p>	<p>Take the 12% on the cost price of the product.</p>	<p>For any sale of seized produce by public auction or mutual agreement, an amount of 12% on the price shall be shared among the employees of the competent services under conditions laid down by decree.</p>	<p>Modify article 149</p>

Table 10: Improvement proposals for the compounding system

Legal references	Problem/ legal lacuna	Arguments	Improvement proposals	Proposed new formulation	Actions to be undertaken
<p>1994 Law</p> <p>The deposit received by the official who drew up the report following the provisions of section 143 (2), shall be paid into the treasury within 48 hours section 143 (3)</p>	<p>No sanctions provided for in case of delay of deposition.</p>	<p>Absence of sanction favours laxism within the state agents.</p>	<p>Include sanctions in case of delay to deposition.</p>	<p>The sum of caution free received by the lawsuit state agent with conformity with article 143 is deposited to the public treasury and if not respected sanctions will be applied.</p>	
<p>Decree on wildlife</p> <p>Article 77 of the decree</p> <p>The compounding amount shall not, in any case be less than the minimum fine provided for, to which may be added other sums as compensation for damages.</p>	<p>Those in no legal basis to evaluate the amounts of compensation for damages.</p>	<p>The lack of the legal basis to evaluate the amounts of compensation for damages can open the way to abuses. The sum retained can be exaggerated or insignificant</p>	<p>Elaboration a legal basis for the evaluation of the sum for compensation for damages in the case of compounding.</p>	<p>The amount of compensation for damages shall take into consideration the quality and the quantity of species illegally exploited. An evaluation table shall be laid down by an order.</p>	<p>Integrate these mechanisms of evaluation of compensation for damages in case of compounding</p>

Table 11: Proposition on imprisonment terms and fines

Legal references	Problem/legal lacuna	Arguments	Improvement proposals	Proposed formulation	Actions to be undertaken
1994 Law Article 101 (1) Any person found, at any time or in any place, in possession of a whole or part of a live or dead class A or B protected animal, as defined in section 78 in the present law, shall be considered to have captured or killed the animal.	Strictly precaution provision, useful but having many constraints.	Everybody becomes an offender.	It is important to effectively use the certificates of origin.	Any person found, at any time or in any place, in possession of a whole or part of a live or dead class A or B protected animal, as defined in section 78 in the present law, shall be bring justification of the legal source.	Reformulate article
Trespassing within and setting a fire on a State forest shall be punished by a fine of from 5 000 – 50 000 FCFA or imprisonment for up to 10 days (article 154)	Severity in the provision concerning trespassing within a State forest; Difficulty to sanction the local population for trespassing within a State forest.	Trespassing within a State forest should not be reliable to situation of guilt (for local population).	Remove the sanction for trespassing within a State forest.	Setting a fire on a State forest shall be punished by a fine from 5 000 – 50 000 FCFA or imprisonment for up to 10 days.	

Table 11 (continued):

Legal references	Problem/legal lacuna	Arguments	Improvement proposals	Proposed formulation	Actions to be undertaken
<p>Decree on wildlife</p> <p>Legal disposition (art 146 (4)): in a case of compounding : The equipment seized may be given back to the offender after the final settlement of the compounding process, where they were used for the first time to commit the offence and where the person concerned is first offender.</p> <p>The equipment seized may not be restored to the offender but sold by public auction or by mutual agreement in the absence of a purchaser, with the exception of arms and ammunition which shall be handed over to the competent services of the Ministry of territorial administration.</p>	<p>The consideration of the confiscation of the "corpus delicti" to a number of times the offender has been convicted guilty is not able to demoralise them.</p>	<p>These provisions tend to generalize breaches to the law. Actually, it is impossible to have a good mastery of all the infractions committed in the domain of wildlife, due to the lack of a dynamic data base system shared in all the network of MINFOF authorities.</p>	<p>The confiscation of objects, tools and equipments that have served to commit an offence ought to be systematic without reference to any compounding.</p>	<p>The confiscation of objects, tools and equipments that have served to commit an offence should be systematic without reference to any payment of any compounding</p>	<p>Modify art 146 (4) of the law because in its nature it may encourage offences</p>

Chapter 7 Beyond the text, its effectiveness...

Through the legislative reform, the improvement of the management of wildlife is entirely envisaged as a whole. It is for this reason that, far beyond the provisions, the question of effectiveness of the text, is also crucial. From euphoria, the law n° 94/01 of 20th January 1994 has been facing the practice.

Does the state have the necessary means to assure the efficient control of activities within its area of competence and to assure a rigorous implementation of the legislation?

The lack of material and human means is usually noted as a major constraint for the application of texts. Though not being part of the fundamentals of this book, those practical questions are of great importance and deserve a development within this last chapter.

I The crucial issue of inadequate human resources

The insufficiency of personnel is certainly one of the major constraints in the implementation of the law in the domain of exploitation of forest and wildlife resources⁵². To increase the efficiency of its action in favour of sustainable management of wildlife resources, the administration has to rely on a sufficient number of personnel who are well trained and benefit from good working conditions.

The insufficiency in number of personnel. The fight against poaching and other illegal practices in the exploitation of wildlife resource require that the ad-

ministration has a sufficient number of agents. The human resources are generally insufficient in relation to the standard established by IUCN, one (1) person per 5000 ha. The monitoring of poaching hotspots and the main areas of traffic of wildlife products depends on the permanent use of sufficient personnel.

With the previous MINEF, the lack of personnel was noted as an obstacle to the work of this ministerial department. The later had in effect stopped recruiting since 1992. In 2000, the East region where is found the essential forest patrimony had, as a paradox, less agents in general, and less agents per surface area of concessions than the majority of other regions⁵³.

Table 12: Summary of MINEF logistic capacities⁵⁴

Provinces	East	South	Centre	Littoral	S. West
Number of agents	116	115	232	167	163
Number of 4 x 4	1	1	1	1	1
Number of motorbikes	4	4	10	4	6
Surface area of concession (ha) per agent	20 859	6 608	2 762	306	31

In a study carried out by CEW and CARPE in 2000⁵⁵, the state of needs of the administration shows that its has to increase its personnel in this domain to a standard of 13 supplementary agents in the Mbam et Kim, 09 in the Sanaga Maritime Divisions. It should also envisage the creation of 03 supplementary control posts in Mbam and Kim Division and consequently the personnel, especially eco-guards.

Created in 2004 following the dislocation of MINEF, The MINFOF has tried, since then, to correct this inconvenience⁵⁶. But, in the field, the need to increase the number of personnel still exists. Another study carried out by CEW and CARPE in 2008⁵⁷ ended up in the recommendations and conclusions which points as obstacles to the implementation of the law, the small number of “eco-guards”.

To this should be added the malpractice of recruiting, posting to the field (forest priority zones) and reposting them to urban locations as to let it know that they are only providing young people with matricule numbers of the public service; here we have one of the illnesses of the Cameroonian public service.

There is need to improve in a substantial manner the working conditions of civil servants in “difficult” zones and institute a rotation instead of entertaining play games which bring disruption into the functioning of administrative structures. In the perspective of strengthening the capacities of intervention of the administration, the increase in personnel remains a priority. We wish the recruitment at the level of MINFOF shall continue. Endowed with an important number of personnel, the administration will be able to reach the large and remote areas

and could efficiently control the areas of poaching and those of major traffic (border zones in particular).

Training needs: The increase in number of agents of the administration in charge of wildlife is an important but insufficient step to guarantee a full effectiveness of actions in the fight against poaching. Training and permanent recycling of these agents appear as another strategy for the efficiency in their interventions. In practice, eco-guards usually ignore certain aspects of the legislation and could therefore contribute poorly to their implementation. Scientific knowledge or know how on new questions of conservation and sustainable development, participatory approach remain insufficiently acquired. In addition, there is an insufficient mastery of juridical procedures with the new penal code. For this reason, it is necessary to develop the educational capacities of these actors, including agents of the administration in charge of safeguarding wildlife. Also for technicians and other high officials, continuous training and recycling remain a priority: few number of technicians sent for control operations are able to make a difference between meat from cow and that of the buffalo, class A species from class B species, for example: the aquatic “chevrotain” (class A) is less known as integral protected species⁵⁸.

Improvement of working conditions: Within the popular imagination, the professions in the domain of wildlife belong either to wicked people or to those who have “failed in their life”. MINFOF agents are particularly poorly perceived. However this perception depends also on their behaviour. There are abuses in authority and complicities that do dishonor them. In most cases, their action is measured to the importance of seizures they make, which are not strictly controlled and usually lead to abuses. But, really, the problem of valorisation of these professions is to be raised.

Globally, it is necessary to improve the working conditions of the personnel. For the agents to be in an ideal position to give the best of themselves and to be able to preserve their independence and neutrality, their domain of activity has to be considered as a priority. In practice, certain eco-guards and community guards do not benefit from a clear status and a fortiori receive not only insufficient but irregular salaries. In these conditions, it is difficult to expect from them any efficiency in the control operations they are called upon to make.

The posting of the administrative personnel in the field poses another problem, that of collaboration between several administrations implicated in the management of wildlife resources. Apart from MINFOF agents, other ministries (ministry of agriculture, ministry of livestock, etc.) are about to influence the management of wildlife. In the absence of a strong collaboration amongst these different administrations, there are usually interferences in their approaches and incoherence in a general policy. Also the collaboration between the agents of MINFOF, the forces of law and order (FLO) and the territorial administration officials is not easy in practice.

The forces of law and order (FLO) whose role is decisive in the operation of fight against poaching, at time, want to substitute themselves to MINFOF agents instead of backing them in special actions. More preoccupying, an agent of MINFOF declared that following a mix patrol, materials seized and placed under the control of one FLO element disappeared without traces.

II The lasting problem of logistics

In its annual report of activities, for the year 2005, the Divisional Delegation of forestry and wildlife for Boumba and Ngoko reported of a quasi-paralyzed administration due to lack of means of transportation and other equipments. Amongst the vehicles none was in a state to support a sustainable activity. Few vehicles existing material were not only old but also did not permit to have a true output considering the multiplicity of activities that have to be carried out and the long distance to be covered. Moreover, the administration does not have motorbikes in a good state of functioning. This situation is summarised in the table below.

Table 13: Transport equipment (vehicles and motorbikes) available to the Divisional Delegation (DD) of MINFOF Boumba and Ngoko, East Cameroon, in 2005

Design	Matriculation N°	Source	Destination	State in 2005
Toyota pick-up Hilux	CA 7970 B	EX-MINEF	DD	Worn out, could not more support the work
Isuzu pick-up	CA 6856 B	EX-MINEF	DD	On a jack and unused
Suzuki SJ 410	CA 4027 B	EX-MINEF	DD	On a jack and unused
Yamaha AC 100	CA 8558 J	EX-MINEF	DD (wildlife section)	On a jack
Seven (07) old motorbikes existing in certain PCFC		EX-MINEF	Garigombo, Kika, Mbong II, Ngatto, Moloundou, Salap, Yokadouma	Worn out or on a jack, most of them needing repairs

MINFOF (December, 2005) ⁵⁹

In 2007, a mission report⁶⁰ on the fight against poaching confirmed these difficulties linked to matériel which hinder the activity of the administration. This situation is thus described in the terms below.

- Lack of transportation means allocated to the fight against poaching (4x4 doubled cabine vehicles);
- Insufficient working equipment (tent, uniforms, arms and munitions) ;
- Lack of warehouse for the storage of seized products and tools ;
- Inexistence of appropriate budget for the fight against poaching ;
- Non-execution of judicial decisions concerning offences relating to hunting;
- Lack of collaboration between MINFOF and other administrations.

In practice, the administration contacted following the denunciation of certain infractions usually argues about the unavailability of means of intervention. On the popular opinion, this constitutes a pretext. In effect, it is not proven that well equipped or those endowed with the best budgetary envelopes are the most prompt to react and the most performant considering the quality of services. Also, it has not been proven that the response of public services to demands expressed by the local populations is the most adequate where the means are the most important.

It is clear that MINFOF needs sufficient means in terms of material and finances without which the fight against poaching will remain useless. On certain roads axis such as Moloundou – Batouri - Bertoua – Yaoundé, the activities of industrial forest exploitation are particularly intense. These axis link cross-border protected areas (Lobeké, Boumba Beck . . .) with a high abundance and high wildlife diversity in the South East of the country, to the North periphery of Dja Biosphere Reserve implicating major towns (Yokadouma, Bertoua, Abong-Mbang, Yaoundé). This means that poaching is highly fed with the resources from the protected areas which are supposed to benefit from a better protection. At a moment when poaching is having the image of drug traffic, getting intensity and becoming a cross border crime phenomenon, the administration would have witnessed itself an evolution in the sense of multiplying and modernising its equipments. To this single condition, it would be able to cover long distances and to have access to the most remote areas.

Annexes

Annex I: Definitions

Act of hunting: Any action aimed at:

- pursuing, killing or capturing a wild animal or guiding expeditions for that purpose;
- photographing and filming wild animals for commercial purposes section 85, law of 1994

Administrative culling: killing of wild animals, ordered by the administration in charge of fauna, with the aim of planning, or protection of people and goods (section 2 sub 15 of Decree n° 95/466/PM of 20 July 1995)

Collection: act by which one obtains the spoils (meat) or wild animal trophies, either from a holder of a hunting permit, or from the wildlife legal authorities as a result of an administrative hunting, from an auction sale operation, or from the communities who have hunting rights (section 2 sub 21 of Decree n° 95/466/PM of 20 July 1995).

Community hunting zone: Hunting territory of the non-permanent forest domain under a management convention between local populations and the administration in charge of wildlife (Article 2 al 19 of the Decree of 1995).

Compounding: act by which the author of an infringement committed in a non-protected area or a hunting zone shows his will to repair the prejudice by the payment of certain fines and by so doing could no more be subject to prosecution (Section 2 sub 17 of the Decree of 1995).

Environment: set of the outside conditions that influence on the existence, the development and the survival of an organism (INS, 2006)

Forest: land covered by vegetation with a predominance of trees, shrubs and other species capable of providing products other than agricultural produce (Section 2 of the law of 1994).

Game-farming: raising wild animals in a controlled environment, for commercial purposes (section 2 sub 12 of Decree n° 95/466/PM of 20 July 1995).

Game-ranch: protected area planned in view of the repopulation of the animals and their possible exploitation for food or other goal (section 2 sub 11 of Decree n° 95/466/PM of 20 July 1995).

Hunting zone: area in which the hunting activities are allowed and organized in accordance with the legislation concerning hunting (Section 2 sub 18 of the Decree of 1995)

National park: area of one holding only (one block), planned for the conservation fauna, flora, soil, the basement, the atmosphere, waters, and in general, of the natural habitat, and which present a special interest that should be preserved against all cases of natural deterioration, and subtracted to all intervention which can alter the aspect, the composition and the evolution of it (section 2 sub 8 of Decree n° 95/466/PM of 20 July 1995).

Participative management: any approach of resources management integrating in all phases of its elaboration and implementation, the views of local populations and other parties (section 2 sub 14 of Decree n° 95/466/PM of 20 July 1995).

Poaching: any act of hunting without permit, within a period of closing, in reserved places or with prohibited tools or weapons (section 3 sub 4 of Decree n° 95/466/PM of 20 July 1995)

Protected area: area geographically delimited and managed in order to reach specific objectives of conservation and sustainable development of one or several resources (section 2 sub 1 of Decree n° 95/466/PM of 20 July 1995)

Sanctuary: area in which only the animal or plant species specifically mentioned benefit from an absolute protection (section 2 sub 9 of Decree n° 95/466/PM of 20 July 1995).

Traditional hunting: the one made by tools prepared from materials of plant origin (section 3 sub 4 of Decree n° 95/466/PM of 20 July 1995).

Trophies: in accordance with section 97 of the law of 1994, trophies shall mean tusks, carcasses, skulls and teeth of animals;
tails of elephants or giraffes;
skins, hoofs or paws; horns and feathers;
as well as any other part of animal which may interest the permit holder.

Wildlife: all wildlife species as part of natural ecosystems as well as all animals which have been taken out of the natural habitat for domestication purposes (article 3 of the law of 1994).

Zoological garden: site created and managed around the agglomerations for a recreative, aesthetic, scientific, or cultural interest, and regrouping species of animals wild, indigenous or exotic, benefitting from an absolute protection (section 2 sub 10 of Decree n° 95/466/PM of 20 July 1995).

Wildlife sanctuary: area

- managed apart for the conservation, the planning and the propagation of the wild animal life, as well as for the protection and the planning of its habitat;
- in which hunting is forbidden, except on authorization of the Minister in charge of fauna, in the setting of the planning operations duly approved;
- where the dwelling and other human activities are either regulated or forbidden. (section 2 sub 7 of Decree n° 95/466/PM of 20 July 1995).

Annex II

Part 1: Excerpts of law No 94-01 of 20 January 1994 (Regime des forêts, de la faune et de la pêche)

I General Provisions

Section 1: This law and the implementing instruments thereof lay down: forestry, wildlife and fisheries regulations with a view to attaining the general objectives of the forestry, wildlife and fisheries policy, within the framework of an integrated management ensuring sustainable conservation and use of the said resources and of the various ecosystems.

Section 2: Under this law, forest means any land covered by vegetation with a predominance of trees, shrubs and other species capable of providing products other than agricultural produce.

Section 3: Wildlife, within the context of this law, means all to any natural ecosystem as well as all animal their natural habitat for domestication purposes.

Section 4: Fishery or fishing, within the context of this law, means the act of capturing or of harvesting any fishery resources or any activity that may lead to the harvesting or capturing of fishery resources, including the proper management and use of the aquatic environment, with a view to protecting the animal species therein by the total or partial control of their life cycle.

Section 5: Fishery resources, within the context of this law, means fish, seafood, molluscs and algae from the marine, estuarine and fresh water environments, including sedentary animals in such environments.

Section 6: The ownership of forests and aquacultural establishments shall be determined by the regulations governing land tenure and State lands and by the provisions of this law.

Section 7: The State, local councils, village communities and private individuals may exercise on their forests and aquacultural establishments all the rights that result from ownership, subject to restrictions laid down in the regulations governing land tenure and State lands and by this law.

Section 8: (1) Within the context of this law, logging or customary right means the right which is recognized as being that of the local population to harvest all forest, wildlife and fisheries products freely for their personal use, except the protected species.

(2) The Ministers in charge of forestry, wildlife and fisheries may, by reason of public interest, and in consultation with the populations concerned, temporarily or permanently suspend the exercise of logging rights, when necessary. Such suspension shall be done in consonance with the general appropriation by reason of public interest.

(3) The conditions for the exercise of logging rights shall be laid down by decree.

Section 9: (1). Within the context of this law, forest products shall comprise mainly wood and non-wood products as well as wildlife and fishery resources derived from the forest.

(2) Certain forest products such as ebony, ivory, wild animal horns, as well as certain animal, plant and medicinal species or those which are of particular interest, shall be classified as special. The list of special forest products shall be fixed, as and when necessary, by the competent ministry.

(3) The conditions for the extraction of special products shall be laid down by decree.

Section 10: (1) The services in charge of forestry, wildlife and fisheries shall, as the case may be, issue recovery notices for duties and taxes on forestry, wildlife and fishery resources.

(2) The said notices shall be enforceable and the fees and taxes shall be paid into the public treasury.

(3) Copies of recovery notices for duties and taxes on export products shall be submitted to the customs services.

(4) Forestry, wildlife and fisheries officials shall receive allowances in respect of the operations referred to in subsection 1 of this section under conditions laid down by decree.

IV *Wildlife*

Chapter 1: Protection of Wildlife and Biodiversity

Section 78: (1) Animal species living in the national territory shall, for the purpose of their protection, be classified into three classes: A, Band C; according to conditions laid down by order of the minister in charge of wildlife.

(2) The species of class A shall be totally protected and may on no occasion be killed except as provided for in Sections 82 and 83 of this law.

However, their capture or their being kept in captivity shall be subject to the grant of an authorization by the service in charge of wildlife.

(3) The species of class B shall be protected and may be hunted, captured or killed subject to the grant of a hunting permit.

(4) The species of class C shall be partially protected. Their capture or killing shall be regulated by conditions laid down by order of the minister in charge of wildlife.

Section 79: The hunting of certain animals may be temporarily closed in all or part of the national territory by the service in charge of wildlife.

Section 80: Except where specially authorized by the service in charge of wildlife, the following shall be forbidden :

- the pursuit, approach to or shooting of game from a motor vehicle;
- hunting at night, especially with search lamps, head lamps, or in general with any lighting equipment whether designed for cynegetic purposes or not;
- hunting with drugs, poisoned bait, tranquilizer guns or explosives;
- hunting with unconventional devices;
- hunting with fire;
- the importation, sale and circulation of hunting lamps;
- hunting with fixed guns and dane guns;
- hunting with a modern net.

Section 81: Any hunting method, whether traditional, which endangers the conservation of certain animals may be forbidden or regulated by the service in charge of wildlife.

Chapter 2: Protection of Persons and Property against animals

Section 82: In cases where animals constitute a danger or cause damage to persons and/or property, the service in charge of wildlife may undertake to hunt them down under conditions laid down by order of the minister in charge of wildlife.

Section 83: (1) No persons may be charged with breach of hunting regulations as concerns protected animals if his act was dictated by the urgent need to defend himself, his livestock or crops.

(2) Proof of lawful defence shall be given within 72 hours to the official in charge of the nearest wildlife service.

Section 84: The trophies resulting from the activities referred to in Section 82 above shall be deposited with the service in charge of wildlife which shall sell same by public auction or by mutual agreement in the absence of a bidder and pay the proceeds from such sale into the Treasury.

Chapter 3: Exercise of Hunting Rights

Section 85: Any action aimed at:

- pursuing, killing or capturing a wild animal or guiding expeditions for that purpose;
- photographing and filming wild animals for commercial purposes shall be considered as an act of hunting.

Section 86: (1) Subject to the provisions of Section 81 above, traditional hunting is authorized, throughout the national territory except in State forests protected for wildlife conservation or in the property of third parties.

(2) The conditions for the exercise of traditional hunting shall be laid down by decree.

Section 87: (1) Any hunting except in the case provided for in Section 86 above shall be subject to the grant of a hunting permit or licence.

(2) Hunting permit and licences shall be personal and non-transferable.

Section 88: The grant of a hunting permit or licence shall entail the payment of a fee, the rate of which shall be fixed by the Finance Law.

Section 89: The rights and obligations resulting from the grant of hunting permits and licences as well as the conditions for their grant shall be determined by decree.

Section 90: Hunting permits and licences may be issued to persons who have complied with the regulations in force concerning the possession of firearms.

Section 91 The killing, capture or keeping in captivity of certain animals shall be subject to the payment of fees, the amount of which shall be fixed by the Finance Law, and to the issuance of a certificate of origin.

The list of such animals shall be fixed by the administration in charge of wildlife.

Section 92: (1) Communal forest zones may be declared as zones of cynegetic interest and exploited as such.

(2) The exploitation of cynegetic zones may be carried out either by the Administration or leased by any other natural person or corporate body.

In the latter case, the exploitation of such a zone shall be subject to specifications.

(3) The conditions for classifying certain forests as cynegetic zones as well as the conditions for exploiting such zones shall be determined by decree.

Section 93: (1) All professional hunters recognized by the administration in charge of wildlife who organize and lead hunting shall be considered as professional hunter guides by the present law.

(2) The practice of the hunter guide profession shall be subject to the obtention of a permit issued by the administration in charge of wildlife in accordance with conditions determined by decree.

(3) It shall be subject to the payment of fees, the rates of which shall be fixed by the Finance Law.

Section 94: Hunting within an unleased zone of cynegetic interest as well as the conduct of hunting expeditions by a hunter guide, in any communal forest shall be subject to the payment of a daily fee, the amount of which shall be fixed by the Finance Law.

Section 95: The exploitation of wildlife within State, council, community and private forests and within cynegetic zones shall be subject to a management plan drawn up jointly by the forestry services.

Section 96: Persons who hold hunting permits and who have paid the prescribed fees and/or taxes may freely dispose of the meat and trophies of animals lawfully killed by them.

However, they shall take all necessary measures to ensure that no meat is abandoned in the bush.

Section 97: Trophies shall mean tusks, carcasses, skulls and teeth of animals; tails of elephants or giraffes; skins, hoofs or paws; horns and feathers; as well as any other part of animal which may interest the permit holder.

Section 98: (1) The keeping of and traffic in live protected animals, their hides and skins or trophies, within the national territory, shall be subject to the obtention of a certificate of origin issued by the administration in charge of wildlife.

(2) The certificate of origin shall specify the characteristics of the animals and the registration number of the trophies to enable the identification animal produce in circulation.

(3) The exportation of wild animals, their hides and skins, or trophies shall be subject to the presentation of a certificate of origin and an export permit issued by the administration in charge of wildlife.

Section 99: (1) The capture of wild animals shall be subject to the obtention of a permit issued by the administration in charge of wildlife in accordance with the conditions fixed by order of the minister in charge of wildlife.

(2) It shall be subject to the payment of fees, the rates of which shall be fixed by the Finance Law.

Section 100: (1) The transforming of ivory into local crafts and the keeping of processed ivory for commercial purposes shall be subject to the obtention of a licence issued by the administration in charge of wildlife, in accordance with the conditions fixed by order of the minister in charge of wildlife.

(2) It shall be subject to the payment of fees, the rates of which shall be fixed by the Finance Law.

Section 101: (1) Any person found, at any time or any place, in possession of a whole or part of a live or dead class A or B protected animal, as defined in Section 76 of the present law, shall be considered to have captured or killed the animal.

(2) However, the collection of hides and skins of certain wild animals of classes A and B for commercial purposes may, under conditions fixed by order of the minister in charge of wildlife, be subject to the granting of permit by the administration in charge of wildlife, subject to the payment of fees, the amount of which shall be fixed by the Finance Law.

(3) Each hide or skin collected shall be subject to payment of fees, the rates of which shall be fixed by the Finance Law.

Section 102: The management of State game ranches shall be carried out by the State or leased by specialized bodies.

However, it may be entrusted to specialized bodies or private persons under conditions determined by order of the minister in charge of wildlife.

Section 103: (1) The breeding of wild animals in ranches or farms shall be subject to an authorization issued by the administration in charge of wildlife.

(2) The conditions for creating ranches and farms as well as those relating to the exploitation of produce shall be determined by a joint order of the ministers concerned.

Section 104: Buffer zones shall be created around all protected areas in accordance with the conditions determined by decree.

Hunting shall be forbidden in such zones as in the protected areas.

Section 105: Seventy percent of the sums resulting from the collection of fees for hunting permits and licences as well as the proceeds of killing, capture and collection fees and taxes shall be paid into the public treasury and thirty percent into a special fund for the development and equipment of areas for the conservation and protection of wildlife, in accordance with conditions determined by decree.

Chapter 4: Hunting Arms

Section 106: *Hunting carried out using the following weapons shall be forbidden:*

- war arms or ammunition which were or are part of the standard arms of the armed or police forces;
- firearms capable of firing more than one cartridge with one press on the trigger;
- projectiles containing explosives;
- trenches and dane guns;
- chemical products.

Section 107: (1) The administration in charge of wildlife may regulate the calibre or type of arms for hunting certain animals.

(2) It may also prohibit the use of certain types of arms or ammunitions if the need to protect wildlife so requires.

Section 108: (1) Duly licensed cynegetic tourist enterprises, created within the context of the laws and regulations governing tourist activities, may, under the conditions determined by decree, issue their clients hunting arms of the type authorized by their hunting permits.

(2) In this case, the enterprises shall be civilly liable for any damage caused or offences committed by its clients, without prejudice to legal proceedings which may be taken against the client himself.

VI Prosecution of Offences

Chapter 1: Prosecution Procedure

Section 141: (1) Without prejudice to the prerogatives of the Legal Department and judicial police officers having general jurisdiction, sworn officials of the services in charge of forestry, wildlife and fisheries shall, on behalf of the State, local councils, communities or private individuals, investigate, establish, and prosecute offences relating to forestry, wildlife and fisheries.

(2) The officials referred to in subsection 1 above shall, at the request of the services concerned and under the conditions laid down by decree, take an oath before the competent court.

Section 142: (1) The sworn officials of forestry, wildlife, fishery and Merchant Shipping services shall be judicial police officers having special jurisdiction as concerns forestry, wildlife and fisheries.

Without prejudice to the recognized duties of judicial police officers having general jurisdiction, such officials shall establish facts and seize products collected without authorization and the objects used to commit the offences, and write a report thereon. Such report shall be exempt from stamp duty and registration formalities.

(2) The report drawn up and signed by the sworn official shall be held as a true record of the facts stated therein until proved false.

(3) The sworn officials shall, forthwith, question and identify any offender who is caught in flagrante delicto.

They may, in the exercise of their duties

- requisition the Police and Gendarmerie for purposes of search and seizure of produce fraudulently exploited or circulated or of securing the identity of the offender;

- search trains, vessels, vehicles, aircraft or any other means that may be used to transport the said products, upon presentation of a special search warrant;
- enter houses and enclosures after consultation with local traditional authorities by day in case of flagrante delicto;
- bring proceedings against offenders.

(4) In the discharge of their duties, sworn officials shall be expected to possess their professional cards.

Section 143: (1) The sworn officials of forestry, wildlife, fishery and Merchant Shipping services and judicial police officers having general jurisdiction shall, forthwith, and as the case may be, forward their reports to their superiors.

(2) The official who drew up the report or, if need be, the person to whom the report is sent may require the offender to pay a deposit against a receipt. Such deposit shall be fixed by the services in charge of forestry, wildlife and fisheries.

(3) The deposit received shall be paid into the treasury within 48 hours. The amount received as deposited shall, as of right, be used to cover any fines and court charges, but in case of acquittal, the court shall order its refund.

Section 144: (1) Perishable products seized, with the exception of those that are dangerous or damaged shall, in the absence of a purchaser, be sold forthwith, by public auction or mutual agreement, by the competent service, under the conditions laid down by decree.

(2) Proceeds of the sale shall be paid into the treasury within 48 hours.

Section 145: (1) The custody of non-perishable produce and equipment seized shall be entrusted to the competent technical service or, failing this, the nearest pound.

(2) No proceedings may be brought against the sworn official or service who undertook the seizure where the equipment or domestic animals seized deteriorate.

(3) The loss of produce seized shall be governed by the provisions of the Penal Code relating thereto.

Section 146: (1) Without prejudice to the Legal Department's right of prosecution, offences against forestry, wildlife and fishery laws and regulations may be compounded.

(2) The compounding as requested by the offender shall put an end to public prosecution, subject to its effective execution within the prescribed time limit.

(3) The offender shall bear the cost of registering such compounding.

(4) Where the offence is compounded:

(a) an adjustment shall be made immediately between the amount of the deposit and that of the compounding fee, where the offender has paid a deposit;

(b) Non-perishable produce seized shall be sold by auction.

c) The equipment seized may be restored to the offender after the final settlement of the compounding process, where they were used for the first time to commit the offence and where the person concerned is a first offender.

(d) The equipment seized may not be restored to the offender but sold by public auction or by mutual agreement in the absence of a purchaser, with the exception of arms and ammunitions which shall be handed over to the competent services of the Ministry of Territorial Administration, where such equipment was used for the first time to commit the offence and where the person concerned is not a previous, offender.

(5) In the area of industrial fishing, the minister in charge of fisheries may set up a Research and Compounding Committee in each Province.

Section 147: Where there is no compounding or in case such compounding is not executed, and following prior notification of the offender, court action shall, at the request of the services in charge of forestry, wildlife and fisheries, as the case may be and as the party to the proceedings, be initiated within 72 (seventy-two) hours.

To this end, they shall be empowered to:

- bring any offender before the competent court at Government's expense;
- submit any written statement and submissions and make any observations which they deem necessary to protect their interests. In such case, their representatives, in uniform and without caps, shall act in association with the State Counsel. They shall not be refused the right to speak and lodge appeals as provided for by law in accordance with ordinary law procedure. Such appeals shall have the same effect as those lodged by the Legal Department.

Section 148: The competent court may order the confiscation of forest product equipment or animals seized.

In such case:

- the arms shall be handed to the head of the administrative unit concerned; and
- forest products, vehicles, boats, equipment or animals shall be sold by public auction or mutual agreement in the absence of a purchaser. The proceeds of the sale shall be paid into the Treasury within 48 hours.

Section 149: For any sale of seized produce by public auction or mutual agreement, a surcharge of 12% on the sale price shall be paid and corresponding amount shall be shared among the employees of the services under conditions laid down by decree.

Chapter 2: Liability

Any natural person or corporate body found guilty of violating the provisions of this law and its implementation instruments shall be liable and punishable in accordance with the penalties provided therefore.

(2) The same penalties as in the case of the offender shall be inflicted on accomplices or any other persons who, in one way or the other, contributed to the offence.

Section 151: Where the forest products seized are sold in an irregular manner, the service concerned may, without prejudice to the various penalties to which the accused is subjected, nullify the compounding.

Section 152: The liability of those granted exploitation rights or any authorized agent acting for the administration shall, as the case may be, be absolute where the offenders are its employees, representatives, and sub-contractors.

Section 153: The services in charge of forestry, wildlife and fishery shall be civilly liable for the activities of their employees in the exercise of or while exercising their duties. In that case, such services may, as and where necessary, appeal on behalf of their employees.

Chapter 3: Offences and Penalties

Section 154: A fine of, from 5, 000 to 50,000 CFA francs or imprisonment for up to 10 days or both such fine and imprisonment shall be imposed on whoever commits any of the following offences

- carrying out of activities not in conformity with the restrictions provided for in Section 6 on the right of ownership over forests or aquacultural establishments;
- contravention of the laws and regulations on exploitation rights provided for in Sections 8, 26 and 36 above;
- unauthorized importation or exportation of genetic material for personal use;
- setting fire on a State forest, as provided for in Section 14 above;
- trespassing within a State forest, as provided for in Section 26 above;
- logging under personal authorization in a communal forest for gainful purposes, or logging beyond the period or quantity granted, in contravention of Section 55(1) above, without prejudice to the damages for timber exploited as provided for in the Section below;
- transfer or sale of a personal logging authorization, in contravention of Sections 42(2) and 60 above;
- possession of a hunting implement within an area where hunting is forbidden;
- provoking animals while on a visit to a game reserve or zoo;

- contravention of the provisions on fishing as stipulated in Sections 121, 122, 131, 132 and 139 of this law;
- fishing without permission in an aquacultural establishment belonging to the State or to a council.

Section 155: A fine of from 50,000 to 200,000 CFA francs or imprisonment for twenty days to two month or both such fine and imprisonment shall be imposed on whoever commits any of the following offences:

- committing a breach of the official work norms regarding the exploitation of special forest products provided for in Section 9(2) above;
- unauthorized importation or exportation of genetic material for gainful purposes, as provided for in Section 13 above;
- exploitation under licence, in a communal forest, of unauthorized forest products beyond the quantity and/or period granted, in contravention of Section 56 above, without prejudice to the damages for timber exploited as provided for under Section 159 below;
- transfer or sale of an exploitation licence, in contravention of Sections 42(2) and 60 above;
- contravention of Section 42 above by a holder of an exploitation title who prevents the exploitation of products not mentioned in his exploitation title;
- felling, without authorization, of protected trees, in contravention of Section 43 above, without prejudice to the damages for timber exploited, as provided for in Section 159 below;
- absence of proof of self-defence within the deadline stipulated in Section 83(2) above;
- contravention of the provisions on hunting as stipulated in Sections 87, 90, 91, 93, 98, 99, 100, 101 and 103 above;
- hunting without a licence or permit or exceeding killing limit;
- contravention of the provisions on fishing stipulated in Sections 116, 117, 125, 127 (f), (g), (h), (i), (l), 129, 130, 134 and 137 of this law.

Section 156: A fine of from 200,000 to 1,000,000 CFA francs or imprisonment for from 1 to 6 months or both such fine and imprisonment shall be imposed on whoever commits any of the following offences:

- clearing or setting fire on a State forest, an afforested or a fragile ecological zone, in contravention of Sections 14, 16(1) and (3), and 17(2) above;
- use of a forest belonging to an individual for anything other than forestry purposes, in contravention of Section 39(2) above;

- implementation of a development or exploitation inventory not in conformity with the norms established by forestry services, in contravention of Section 40(1) above;
- unauthorized forest exploitation in a communal or community forest, in contravention of Sections 52, 53 and 54, without prejudice to damages for timber exploited, as provided for in Section 159 below;
- exploitation by sale of standing volume in a communal forest beyond the authorized felling plan and/or the period granted, in contravention of Section 45 above, without prejudice to damages for timber exploited, as provided for in Section 159 below;
- acquisition of shares in a company with an exploitation title, without the prior approval of forestry services, in contravention of Section 42(3) above;
- contravention of the established norms on the processing or marketing of forest products as provided for in Section 72 above;
- non-demarcation of the boundaries of forest exploitation licence and the current felling plan;
- fraudulent use, forgery or destruction of marks, marking hammers, boundary marks or posts utilized by the services in charge of forestry, wildlife and fisheries, as the case may be;
- contravention of the provisions on hunting arms stipulated in Sections 106, 107 and 108;
- contravention of the provisions on fisheries stipulated in Sections 118 and 127 Cb), Cc), (d) and (k) of this law.

Section 157: A fine of 1,000,000 CFA francs or imprisonment for from six months to 1 year or both such fine and imprisonment shall be imposed on whoever commits any of the following offences:

- exploitation by sale of standing volume in a State forest beyond the felling plan fixed and/or the volume and period granted, in contravention of Section 45(1) above, without prejudice to damages for the timber exploited as provided for in Section 158 below;
- fraudulent forest exploitation by a sub-contractor operating in a State forest under a sub-contracting agreement, in contravention of Section 51(2), without prejudice to damages for timber exploited as provided for in Section 158 below;
- contravention of the provisions on fisheries stipulated in Section 127(a), (j) and (m) of this law.

Section 158: A fine of from 3,000,000 to 10,000,000 CFA francs or imprisonment for from one to three years or both such fine and imprisonment shall be imposed on whoever commits any of the following offences:

- unauthorized forest exploitation in a State or Council forest, in contravention of Sections 45(1) and 46(2) above, without prejudice to damages for timber exploited, as stipulated in Section 159 below;
- exploitation beyond the boundary of forestry concession and/or the volume and period granted, in contravention of Section 47(4) and 45 above, without prejudice to damages for timber exploited as provided for in Section 159 below;
- production of false supporting documents relating particularly to the technical know-how and financial status, place of residence, nationality and payment of a security deposit, in contravention of Sections 41(2), 50 and 59 above;
- acquisition of shares or setting up of a forest exploitation company with the intention of increasing the total and of exploitation to more than 200,000 hectares, in contravention of Section 49(2) above;
- transfer of sale of standing volume, or of a forest concession without authorization, as well as the sale of such rights, in contravention of Sections 42(2), 47(5) and 60 above;
- sub-contracting of personal forest exploitation titles, acquisition of shares in a company holding an exploitation title, without the prior approval of forestry services in contravention of Section 42 above;
- falsification or forgery of any document issued by the services in charge of forestry, wildlife and fisheries, as the case may be;
- killing or capture of protected animals either during period when hunting is closed or in areas where hunting is forbidden or closed.

Section 159: Damages for exploited timber shall be calculated on the basis of the total current market value of the species concerned.

Section 160: (1) For holders of categories A, Band C fishing permits and certain fishery establishments designated by fisheries services, the penalties provided for in Sections 152, 153, 154, 155 and 156 above shall be reduced by half.

(2) However, the full penalties shall be applicable in the case of contraventions of Section 127(i) and (j) of this law.

Section 161: (1) Any fishing offence committed by a foreign vessel shall be punished with a fine of from 50,000,000 to 100,000,000 CFA francs.

(2) Any person guilty of dumping toxic waste into an aquatic environment shall be punished in accordance with the regulations in force.

Section 162: (1) The penalties provided for in Sections 154 to 160 above shall be applicable without prejudice to any confiscations, restrictions, damages awarded and restoration of property.

(2) They shall be doubled:

- Where there has been a previous offence or where the offence was committed by sworn officials of the competent services or by judicial police officers with general jurisdiction or with their complicity, without prejudice to administrative and disciplinary sanctions;
- for any hunting involving the use of chemicals or toxic products;
- for any violation of forest control gates;
- in case of escape or refusal to obey orders from officials in charge of control.

(3) For the offences provided for in Sections 157 and 158 above, the judge may, without prejudice to the sanctions stipulated in this law, give a ruling on the period during which the offender shall be banned from election to the Chamber of Commerce and Chamber of Agriculture and to courts dealing with labour matters until such ban is lifted.

Section 163: Any delay in the payment of the forestry, wildlife and fisheries taxes or fees shall, without prejudice to the sanctions stipulated by this law, entail the following penalties:

- for a delay of more than 3 months; an increase of 10%;
- for a delay of more than 6 months, an increase of 20 % ;
- for a delay of more than 9 months, an increase of 50% ;
- for a delay of more than 12 months, an increase of 100%.

Section 164: If, during a prosecution for an offence, the accused pleads a right of ownership or any other right, the court shall decide the matter in accordance with the following rules:

- An interlocutory plea shall only be allowed if it is founded either on an apparent right or on equivalent facts of possession, and if the legal grounds are such as to negate the character of the offence attached to the facts which gave rise to the legal proceedings.
- If the case is brought before a civil court, the judgment shall specify a period which shall not exceed three months within which the party must bring the case before the competent judges and justify his action, failing which the plea shall be overruled.

Section 165: Disputes arising from the carrying out of any of the activities governed by this law shall be settled by the competent courts of Cameroon.

Part 2: Decision N° 000857/D/MINFOF of 10 November 2009 to organize bush meat trade

The Minister of Forestry and Wildlife

Mindful of the Constitution;

Mindful of Law No. 94/ 01 of 20 January 1994 to lay down forestry, wildlife and fisheries;

Mindful of Decree No. 2008/376 of 12 November 2008 on the administrative organization of the Republic of Cameroon;

Mindful of Decree No. 2004/320 of 08 December 2004 on the organization of the Government;

Mindful of Decree No. 2004/322 of 08 December 2004 on the appointment of the Government;

Mindful of Decree No. 2009/223 of 30 June 2009 to reform the Government;

Mindful of Decree No. 2005/099 of 06 April 2005 on the organization of the Ministry of Forestry and Wildlife and its subsequent amendments;

Mindful of Decree No. 95 -466- PM of 20 July 1995 laying down detailed rules for implementing the status of Wildlife;

Mindful of Order No. 082/PM of 21 October 1999 establishing a national committee to fight against poaching;

Mindful of Order No. 0566/A/MINEF/DFAP/SDF/SRC of 14 August 1998 fixing the quotas of collecting permits and the conditions for its establishment;

Mindful of Order No. 0648/MINFOF of 18 December 2006 establishing the list of animals of classes A , B, and C;

Mindful of Order No. 0649/MINFOF of 18 December 2006 classifying wildlife species in groups according to their protection status and fixing the hunting quota for each type of sport hunting license.

Mindful of the needs of service

Decides:

Section 1: This Decision concerns the organization of bush meat trade in Cameroon, in accordance with the above mentioned law and its subsequent implementation decrees.

Section 2: Bush meat trade should only be done by holders of collection permits issued by the administration in charge of wildlife.

Section 3 (1): The sale of bush meat should only occur in locations designated and equipped for that purpose by the council Government delegates and mayors of municipalities.

(2) The commercialisation of bush meat outside the areas mentioned above is strictly prohibited, especially along roads and railways, bus stations, airports and ports.

Section 4 (1): Holders of valid collection permits are authorized to sell the remains of species of class C.

(2) However, the sale of classes A and B species is only possible if the products are carried by holders of a valid hunting permit, by the competent authorities from an administrative culling operation or from public auction.

(3) Anyway, the Minister in charge of Wildlife establishes an annual the list of species allowed to be sold in the above mentioned areas.

(4) Apart from commercial transactions authorized by administrative culling operations or public auction in accordance with paragraph (2) above, any other trade of bush meat is prohibited during the closing of the hunting season.

Section 5: The relevant structures of the Ministries in charge of Wildlife, Livestock, Public Health, Justice, Territorial Administration and Decentralization, the Government Delegate and the Mayors of municipalities, are responsible, each in concerned, to implement the provisions of this Decision.

Section 6: Any person contravening the provisions of this Decision shall be penalized in accordance with the existing laws.

Section 7: This Decision shall be registered and published wherever necessary.

The Minister of Forests and Wildlife,
Elvis NGOLLE NGOLLE

Copies:

- SG / PM
- MPH
- MINTAD
- MINJUSTICE
- MINLFAH
- MINDEF
- GOUV. DEL
- MAYORS / Councils
- CHRONO / ARCHIVES

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- Décret n° 96/237/PM du 10 avril 1996 fixant les modalités de fonctionnement des fonds spéciaux prévus par la Loi n°94-01 du 20 janvier 1994 portant régime des forêts, de la faune et de la pêche ;
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- Décret n° 86-230 du 13 mars 1986 fixant les modalités du port d'uniforme, d'armes et munitions, d'insignes et de grades des fonctionnaires des administrations des forêts, de la faune et de la pêche ;
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⁸ Article 1er du Décret n° 2005/117 du 14 avril 2005 portant organisation du Ministère de l'Environnement et de la Protection de la Nature.

⁹ Article 53 nouveau du Décret n° 2005/495 du 31 décembre 2005 modifiant et complétant certaines dispositions du décret n° 2005/099 du 6 avril 2005 portant organisation du ministère des Forêts et de la Faune.

¹⁰ Wildlife Justice, Bimensuel d'application de la loi faunique, n°0001, mars 2006, Editorial.

¹¹ Discours préliminaire de Portalis présenté le 1er Pluviôse An IX par la commission nommée par le gouvernement consulaire (France).

¹² Founded in 1996 and legalised 16 January 1997, Cameroon Environmental Watch (C.E.W.) is a Yaoundé-based non-governmental organisation. Its mission is to contribute sustainably to the management of the application of and respect to the norms in regard to the exploitation of forest resources, the participation of stakeholders and more specifically the local population in the management of forest resources.

¹³ See Orders No. 082/PM of 21 October 1999 establishing a National Committee for the fight against poaching and No. 0768/MINEF/CAB indicating the composition of the Committee

¹⁴ This project was managed by C.E.W. in 2006, in partnership with WWF CARPO and UTO Sud Est with financial support from CARPE

¹⁵ M. Infield. *Hunting (1991), Trapping, Fishing in Villages within and on the periphery of the Korup National Park*, rapport du WWF Washington, DC. 1991).

¹⁶The example of the study entitled “Constraints in the enforcement of wildlife laws: actors’ practices and lessons learned in East Cameroon” conducted in 2007/2008, with support from CARPE-IUCN. We can also mention the partnership with IUCN-PACO (Programme Afrique Centrale et Occidentale) for the development of an applied methodology for monitoring the circulation of the of wildlife products along roads (LLS- Livelihoods and Landscapes and initiative in the Tri-National Sangha).

¹⁷ Greenpeace (Fév. 2007), *Réforme du secteur forestier: Échec au Cameroun, pillage annoncé en RDC*, www.greenpeace.org

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²⁵ Ngoufo R., Tsalefac M. et Mbatchou Djadjou (2009). *Braconnage et chasse traditionnelle dans le département du Djerem*, in *Annales de la FALSH*, V1, n^o9, nouvelle série 2009, 1^{er} semestre, p. 11

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²⁷ Article 78 al. 1 de la loi de 1994

²⁸ Article 78 al. 2 de la loi de 1994

²⁹ Article 78 al. 3 de la loi de 1994

³⁰ Article 78 al. 4 de la loi de 1994

³¹ Article 79 de la loi de 1994

³² Voir l'article 80 de la loi de 1994, pour la liste complète des procédés de chasse interdits.

³³ Boussengue J. M. (2006)

³⁴ FSC, (1998)

³⁵ Mvog Betsi Zoo technical report (october 2002)

³⁶ L'article 11 de la loi de 1994 dispose en effet que « La protection du patrimoine faunique est assurée par l'Etat »

³⁷ Article 102 de la loi de 1994

³⁸ Article 102 de la loi de 1994

³⁹ Art. 83 de la loi de 1994

⁴⁰ Cour de Cassation (française), 2^e chambre civile, 5 mars 1953, Dalloz 53.

⁴¹ Article 87 al. 1. de la loi de 1994

⁴² Art. 92 al. 1. de la loi de 1994

⁴³ Art. 96. de la loi de 1994

⁴⁴ Art. 24 al. 3 du décret n°95/466.

⁴⁵ Voir supra, n° 1.

⁴⁶ Zouya-Mimbang L. (mars 1998)

⁴⁷ CEW (2009), Actes de l'atelier du 20 janvier 2009 sur les contraintes d'application de la législation faunique.

⁴⁸ Dans la localité de Gribe par exemple il faut en moyenne 100 000 FCFA/ha à un paysan pour acheter les pesticides et autres intrants avant d'entrevoir une bonne production.

⁴⁹ Art. 154. de la loi de 1994

⁵⁰ Art. 146 al. 1. de la loi de 1994

⁵¹ Le débat en question portait sur l'exploitation de la faune au Cameroun.

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⁵⁴ Source : Théophile Ndjodo, Présentation succincte des conditions de travail et des capacités logistiques du ministère de l'Environnement et des Forêts du Cameroun (non publié), in Global Forest Watch (2000), op. cit.

⁵⁵ CEW/CARPE (2000), Etude sur les « Contraintes pratiques de mise en œuvre de la réglementation sur l'exploitation forestière au Cameroun ».

⁵⁶ C'est l'un des ministères où les cadres sont recrutés en permanence ces derniers temps.

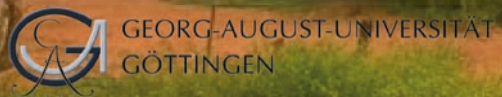
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In the African rainforest zone, wildlife can provide up to 70 % of animal protein to the population and is used for various cultural reasons (e.g. tastes, food habits, rituals and prestige). Cameroonians have become famous for their attachment to the consumption of game meat. Moreover, the availability of wildlife maintains a variety of public services, forming the basis of substantial numbers of public and informal jobs in the branches of transport and trade. But this natural and cultural heritage is severely threatened by the intensification of illegal activities, including the destruction of habitats and poaching. This book questions the current legal framework of wildlife resources management in Cameroon, asks whether the country's legislation could be improved towards a sustainable exploitation of wildlife resources and makes concrete suggestions for a possible reform.



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