

SIMPLIFIED VERSION

OF

CAMEROON'S WILDLIFE LAW OF 1994,

BY

CHANGE COMMUNICATIONS

Yaoundé, October 2015

INSTRUMENTS APPLICABLE IN THE PROTECTION OF ENDANGERED WILDLIFE SPECIES (THREATENED WITH EXTINCTION)

Four instruments make up the corner stone of wild life protection in Cameroon but those under study are concerned with the 1994 law as well as its implementation Decree of 1995.

- The Convention on International Trade in Endangered species of wild fauna and flora
- **The law No 94/01/ of January 1995** to lay down forestry, wildlife and Fisheries Regulations
- **The Decree No 95/466/PM/ of 20 July 1995** to lay down the conditions for the implementation of wildlife Regulations
- **Order No. 0565/ADFAP/SDF/SRC OF 14 August 1998** to set the list of animals of classes A, B and C

.DECREE of JULY 20, 1995 TO DETERMINE THE CONDITIONS FOR THE IMPLEMENTATION OF WILDLIFE REGULATIONS

SECTION 100:

1. The transforming of ivory into local crafts and the keeping of processed ivory for commercial purposes shall be subject to obtaining a license issued by the administration in charge of wildlife, in accordance with the conditions fixed by the order of the minister in charge of wildlife
2. It shall be subject to payment of fees, the rate of which shall be fixed by finance law

Section 105:

Seventy percent of the amounts of money derived from the collection of fees for hunting permits, licenses as well as the proceeds from killing, capture and collection fees and taxes shall be paid into public treasury and thirty percentage shall be paid 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.

Section 2:

For the purposes of implementation of the law and of this decree, the following definitions should be applicable

(1) Protected area: a zone geographically demarcated and managed with a view to attaining specific objective of conserving and realizing the sustainable harnessing of one or more given resources.

Any project, particularly industrial, mining and agro-sylvo-pastoral likely to affect the conservation of a protected area must be accompanied with environmental impact survey.

The service in charge of wildlife shall be an ex-officio member of any commission or body responsible for conducting such an assessment survey .

(17) Settlement: an instrument by which the author of a wildlife-related offence committed in a communal cynegetic zone shows his willingness to repay the damage by paying certain fee;

Acceptance to such a service in charge of wildlife shall extinguish prosecution

SECTION 3:

Within the meaning of the law and the decree, a cynegetic zone shall mean: protected area reserved for hunting and managed by the service in charge of wildlife, a natural person or corporate body or local council and in which any hunting activity is subject to the payment of a fee determined by the Finance Law. No hunting activity shall be carried out therein involving fully protected species.

SECTION 12:

(1) “Batue” or “purposive killing of an animal/animals due to proven direct or indirect

threat” shall require the prior authorization of the service in charge of wildlife.

- (2) It shall be organized, either at the initiative of the service in charge of wildlife in case of a threat, or as a preventive measure, or at the request of the population concerned.
- (3) All applications for a battue shall be addressed to the provincial official in charge of wildlife who, after carrying out an investigation, shall authorize the hunting, chasing away or killing of the animals having caused, or likely to cause damage, excluding those of class A which may not be killed without the authorization of the Minister in charge of wildlife.
- (4) Battues shall be undertaken by officials of the services in charge of wildlife, which may solicit the assistance of volunteers holding valid licenses

SECTION 42:

Special authorization from the minister in charge of wildlife must be obtained prior to the capture of **class A animals**.

SECTION 62:

- (1) Meat from animals killed during official battues or for safety reasons shall belong, in part, to the affected population and in part to the volunteer hunters.
- (2) The trophies of the animals referred to in Section 62 (1) above shall belong to the services in charge of wildlife. However, if the animals are killed by a voluntary hunter with a hunting permit, he may own the trophies on condition that he pays the related fees.

SECTION 64:

“IN ACCORDANCE WITH Section 98 of the Law:

- (1) The possession or circulation of live protected animals, their hides and skins or trophies within

the national territory shall be subject to the obtainment of a certificate of origin issued by the services in charge of wildlife. (2) the exportation of wild animals, their hides and skins or their trophies or not, shall be subject to the presentation of a certificate of origin and an export permit issued by the service in charge of wildlife in accordance with the Law and related international conventions in force”

SECTION 78:

- (1) Settlement shall be solicited by the offender
- (2) The settlement shall be jointly signed by the competent authority representing the service in charge in wildlife and the offender.

It shall be registered at the offender’s expense and shall fix the conditions and deadline for payment.

Under no circumstances shall this period exceed

(3) three months.

- (3) Any settlement, even when it has already been implemented, concluded in violation of the

provisions provided for in Section 77 above shall be automatically rendered null and void. The Minister in charge of wildlife shall, at any time, notify the offender of the nullification.

- (4) The Minister in charge of wildlife may unilaterally propose the amendment of some clauses of the settlement or compounding in case such compounding is not been executed
- (5) No settlement shall be authorized;
 - 1. For an offence committed in protected areas;
 - 2. In case of the killing of an animal belonging to totally protected species
 - 3. In case there was a previous or further offence
 - 4. In case of water pollution by poisoning.

LAW No. 94/01 OF 20 JANUARY TO LAY DOWN FORESTRY, WILDLIFE AND FISHERIES REGULATIONS.

SECTION 78:

- (1) Animal species living in the national territory shall, for the purpose of their protection, be classified into three classes; **A**, **B** and **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 Section 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 captured or killed shall be regulated by conditions laid down by order of the Minister in charge of wildlife.

SECTION 83

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

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

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 animals, 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 obtainment of a certificate of origin issued by the administration in charge of wildlife.
- (2) It shall be subject to payment of fees, the rates of which shall be fixed by financial law.

SECTION 101:

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

SECTION 141:

- (1) Without prejudice to the prerogatives of the legal Department and judicial police officers having general jurisdiction, sworn officials in charge of wildlife and fisheries shall, on behalf of the State, local councils, or private individuals investigate, establish, and prosecute offences, relating to forestry, wildlife and fisheries.
- (2) The officials referred to in Section (1) above shall at the request of the services concerned and under the conditions laid down by decree, take an oath before a competent court against a receipt. Such deposit shall be fixed by the service in charge of forestry, wildlife and fisheries.

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

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 service in charge of forestry, wildlife and fisheries, as the case may be 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 a competent courts of governments expenses
- Submit any written statement and submissions and make any observations which they deem necessary to protect their interest. In such case, their representatives, in uniforms 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 by those lodged by Legal Department

SECTION 148:

The competent court may order the confiscation of forest products, equipment or animals seized.

In such case:

- The arms shall be handed to the head of administration 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 sales shall be paid into the treasury within 24hours

SECTION 150:

- (1) Any natural person or corporate body found guilty of violating the provisions of this law and its implementation instructions shall be liable and

punishable in accordance of the penalties provided thereof.

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

SECTION 155:

A fine of from 50 000 to 200 000 FCFA or imprisonment from 20 days to two months or both such fines and imprisonment shall be imposed on whoever commits any of the following offences:

- Absence of proof of self-defense within the deadline stipulated in Section 83 (2) above
- Contravention of the provisions on hunting as stipulated in Section 87, 90, 93, 98, 99, 101 & 103 above
- Hunting without license or permit or exceeding killing limit

SECTION 158:

A fine from 3 000 000 to 10 000 000 CFA francs or imprisonment shall be imposed on whoever commits any of the following offences:

- 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 protected animals either during periods when hunting is closed or in area where hunting is forbidden or closed

SECTION 162:

(1) The penalties provided for in Section 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 offense or where the offense 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 gate;
- In case of escape or refusal to obey orders from officials in charge of control.

(3) For the offense provided for in Section 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 the elections to the Chamber of Commerce and Chamber of Agriculture and to court dealing with labour matters until such ban is lifted

VIII. DISTRIBUTIONS OF ANIMALS ACCORDING TO VARIOUS CLASSES OF PROTECTION

SECTION 1:

In the application of the provisions of Section of 78 of Lwa No 95/466 of 20 July 1995 to lay down forestry, wildlife and fisheries Regulations as well as Section 14 of Decree 95/466 of 20 July 1995 to determine the conditions for the implementation of the Wildlife Regulations, animal species living within the national territory are hereby distributed in three classes of protection A, B and C.

SECTION 2:

- (1) Class A comprise of rare species threatened with extinction. As such, they are totally protected and it is forbidden to kill them.
- (2) However, any person who wishes to capture or to keep for management purposes or within the framework of scientific research or for reasons of protection of persons and their property must obtain a special authorization issued by the services in charge of Wildlife.

The species belong to this class are as follows:

A – Mammals

1. Lion
2. Leopard
3. Cheetah, Hunting Leopard
4. Gorilla
5. Chimpanzee
6. Drill
7. Eastern black-and-white
8. De brazza's monkey
9. Preuss's Guenon, Preuss's Monkey L'Hoest's monkey, Mountain Monkey

10. Preuss's Monkey
11. Agile Mangabey
12. Angwantibo, Golden Patto
13. Giant ground Pangolin, Giant ground
14. African Manatee, West African Manatee
15. Bee croft's Flying Squirrel
16. African Elephant, African Savanah Elephant (with tusk of less than 5 kilogram
17. Block Rhinoceros, browse Rhinoceros, Hook-lipped Rhinoceros
18. Giraffe (Seahorse)
19. Red Fronted Gazelle
20. Yellow Backed Duiker
21. Mountain Red Buck
22. Hippopotamus
23. Water Chevrotain

B – BIRDS

1. Cameroon Mountain Francolin
2. White-napped pigeon
3. Banners man Tura co
4. Cameroon Montane Greenbul

5. Grey-headed Greenbul
6. Crossley's ground Thrush
7. Bangwa forest warbler
8. Banded wattle-eye
9. White-throated Mountain Boblber
10. Mount Cameroon Speirops
11. Mount Kupe buh Shrike
12. Banners man's weaver
13. Bate's Weaver
14. White-Tailed Warbler
15. Bamenda apalis
16. Green Turaco

C. – Reptiles

1. Nile Crocodile
2. African Dwarf Crocodile
3. Green Turtles
4. African Spurred tortoise
5. Euprepis des nganha

D – BATRACHIAN

1. Giant frog

Section 3:

(1) Class B comprises species that benefit from partial protection, and which can only be hunted, captured or killed by obtaining a wildlife exploitation title or licence

(2) Species of class B. are made of the following:

A – Mamals

1. Eland
2. Bongo
3. African Buffle
4. Roan antelope
5. Hortebeeste
6. Elephant
7. Kob
8. Defassa waterbuck
9. Bush buck
10. Giant foresthog
11. Bush pig
12. Wart hog
13. African civet

14. Serval
15. Bay duiker
16. Peter's and Harvey's duiker
17. SpattedHeyna

B – Birds

1. Forest swallow
2. Grey Throated Greenbul
3. Mountain Robin Chat
4. Knob-billed Duck
5. Honey Buzzard
6. Bat hawk
7. African Fish eagle
8. Palm-nut vulture
9. African White Block Vulture
10. Western little Sparrowhawk
11. Ovampo Sparrowhawk
12. Tawny eagle
13. Steppe eagle
14. African hawk eagle
15. Long crested eagle
16. Long necked falcon

17. Yellow billed Turaco

18. African Cross owl

19. Born owl

C – Reptiles

1. African Python

2. Royal Python

3. African burrowing python

4. Spitting Cobra

5. Black Mamba

6. Lizard Buzzard

7. Common Buzzard

8. Long-leg Buzzard

9. Crowned eagle

10. Martial eagle

11. Saker Falcon

12. African grass Owl

13. Born Owl

14. African Wood owl

15. Marsh Owl