

PERSONAL COPY

LAW No. 94/01 OF 20 JANUARY 1994
TO LAY DOWN FORESTRY, WILDLIFE AND FISHERIES REGULATIONS.

The National Assembly has deliberated
and adopted,

The President of the Republic hereby
enacts the law set out below :

10/10/1961

PART 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 the species belonging to any natural ecosystem as well as all animal species captured from 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 regulations on expropriation by reason of public interest.

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(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.

PART 11

PROTECTION OF NATURE AND BIODIVERSITY

Section 11: The State shall ensure the protection of the forestry, wildlife and fishery heritage.

The genetic resources of the national heritage shall belong to the State of Cameroon. No person may use them for scientific, commercial or cultural purposes without prior authorization.

(2) The economic and financial spin-off resulting from their use shall be subject to the payment to the State of royalties the rate and conditions of which shall be laid down, to the prorata of their value, by an order of the minister in charge of finance upon the proposal of the competent ministers.

Section 13 : The conditions for the importation and exportation of any forest genetic material, wildlife or live fish resources shall be laid down by statutory instruments.

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Section 14 : (1) It shall be forbidden to light, without prior authorization, a fire that may cause damage to the vegetation of the national forest estate.

(2) The organization of forest and bush fire prevention and control shall be laid down by decree.

Section 15 : In this law, 'clearing' means the act of removing the trees or natural vegetational cover of a forest land in order to use such land for purposes other than forestry, irrespective of the means used in the removal.

Section 16 : (1) The clearing of all or part of a State or council forest shall be subject to the total or partial declassification of such forest.

(2) The initiation of any development project that is likely to perturb a forest or aquatic environment shall be subject to a prior study of the environmental hazard.

(3) Forest resources shall be assigned in accordance with the master plan for regional development.

(4) The procedure for obtaining a classified forest clearing permit shall be laid down by regulations.

Section 17 : (1) If the creation or maintenance of a permanent forest cover is considered necessary for soil preservation, protection of the banks of a stream or of a river, regulating water flow or preserving biodiversity, the surrounding land may either be declared out of bounds or as an ecologically fragile area, or classified as protected State forest, full nature reserve, or wildlife sanctuary as the case may be, under conditions laid down by decree.

(2) Clearing or exploitation shall be forbidden in forests or parts of forests that have been declared out of bounds or classified as State forests as provided for in the preceding subsection.

(3) The use of natural resources shall be regulated in areas declared ecologically fragile.

(4) The services in charge of forestry, wildlife and fisheries may, in order to preserve the diversity of the biological resources, initiate or participate in setting up ex situ units, such as genetic resources banks, botanical and zoological gardens, arboreta, seed orchards or nurseries.

(5) To this end, the services concerned shall fix the conditions for taxing, treating, preserving and multiplying genes and specimens taken from the natural environment.

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Section 18 : (1) It shall be forbidden for anyone to dump, in national forests as well as in public waterways, in lakes and in the sea, any toxic product or industrial waste likely to destroy or modify animal and plant life.

(2) Industrial, handicraft and other units producing toxic products or waste shall be bound to treat their effluent before dumping it in the natural environment.

(3) The dumping in the natural environment of treated waste shall be subject to the prior obtention of a government permit issued under conditions laid down by special instruments.

Section 19 : Incentive measures may be taken, as and where necessary, in order to encourage reforestation, the breeding of game, algae and fish farming by private persons.

PART 111

FORESTS

Section 20 : (1) The national forest estate shall comprise permanent and non-permanent forests.

(2) Permanent forests shall comprise lands that are used solely for forestry and/or as a wildlife habitat.

(3) Non-permanent forests shall comprise forest lands that may be used for other purposes than forestry.

CHAPTER I

PERMANENT FORESTS

Section 21 : (1) Permanent or classified forests shall be forests situated in the permanent forest estate.

(2) Permanent forests shall comprise :

- (a) State forests
- (b) council forests.

Section 22 : (1) Permanent forests shall cover at least 30% of the total area of the national territory and reflect the country's ecological diversity.

(2) The competent service shall draw up a management plan for each permanent forest.

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Section 23 : In this law, management of a permanent forest means the carrying out of certain activities and investments, based on previously established objectives and on a plan, for the sustained production of forest products and services, without affecting the primitive value or compromising the future productivity of the forest nor causing any damage to the physical and social environment.

I. STATE FORESTS

Section 24 : (1) Within the meaning of this law, the following shall be considered State forests :

- (a) areas protected for wildlife, such as :
 - (i) national parks;
 - (ii) game reserves;
 - (iii) hunting areas;
 - (iv) game ranches belonging to the State;
 - (v) wildlife sanctuaries;
 - (vi) buffer zones;
 - (vii) zoological gardens belonging to the State;
- (b) forest reserves proper;
 - (i) integral ecological reserves;
 - (ii) production forests;
 - (iii) protection forests;
 - (iv) recreation forests;
 - (v) teaching and research forests;
 - (vi) plant life sanctuaries;
 - (vii) botanical gardens; and
 - (viii) forest plantation.

(2) A decree shall lay down the definition, rules and conditions of use of the various types of State forests.

Section 25 : (1) State forests shall form part of the private property of the State.

(2) They shall be classified by a statutory instrument which shall determine their geographical boundaries and, in particular, their categories. They may be production, recreation, protection or multi-purpose forests encompassing production, environmental protection and the preservation of the diversity of the national biological heritage.

The instrument aforesaid shall serve for the establishment of a land certificate for the State.

(3) The classification of State forests shall take into account the land use plan of the ecological area in question.

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(4) Forests subject to classification or forests that had been classified according to former regulations shall remain in the private property of the State, except where the duly approved land use plan of the area in question states otherwise.

(5) The procedure for classification of State forests shall be laid down by decree.

Section 26 : (1) The instrument classifying a State forest shall take into account the social environment of the local population, who shall maintain their logging rights.

(2) However, such rights may be limited if they are contrary to the purpose of the forest. In such case, the local population shall be entitled to compensation according to conditions laid down by decree.

(3) Public access to State forests may be regulated or forbidden.

Section 27 : A forest may be classified only after compensating persons who had carried out investments therein before the start of the administrative classification procedure.

Section 28 : (1) A State forest may be declassified under conditions laid down by decree.

(2) No forest may be completely or partially declassified unless a forest of the same category and equivalent area in the same ecological zone has been classified.

Section 29 : (1) A management plan shall be drawn up for State forests defining, in accordance with the conditions laid down by decree, the management objectives and rules for each forest, the means needed to achieve the said objectives, as well as the conditions under which the local population may exercise their logging rights, in accordance with the provisions of the classification instrument.

(2) The management plan, the duration of which shall depend on the goals pursued, shall be reviewed periodically or as the need arises.

(3) Any activity in a State forest shall, in all cases, be carried out in accordance with the management plan.

(4) The services in charge of forestry may divide State forests into forest management units.

(5) In such case, a management plan shall be drawn up for each unit.

(6) The conditions for drawing up the management plan shall be laid down by decree.

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II. COUNCIL FORESTS

Section 30 : (1) In this law, 'council forest' means any forest that had been classified on behalf of a local council or has been planted by the local council.

(2) The classification instrument shall determine the boundaries and the management objectives of such forest which may be same as for a State forest, as well as the exercise of logging rights by the local population. It shall serve for the establishment of a land certificate for the local council concerned.

(3) Council forests shall form part of the private property of the local council concerned.

(4) The procedure for the classification of council forests shall be laid down by decree.

Section 31 : (1) Council forests shall have management plans approved by the services in charge of forests.

(2) Such management plans shall be drawn up at the behest of council officials, in accordance with the provisions of Section 30 above.

(3) Any activity in a council forest shall, in all cases, comply with its management plan.

Section 32 : (1) The execution of the management plan of a council forest shall be the responsibility of the council concerned, under the supervision of the services in charge of forests which may, without prejudice to the law organizing councils, prohibit the carrying out of activities contrary to the content of the management plan.

(2) In case of a shortcoming or negligence on the part of the council, the services in charge of forests may step in to carry out, at the expense of the said council, certain operations provided for in the management plan.

(3) Forest products of all kinds resulting from the exploitation of council forests shall be the sole property of the council concerned.

Section 33 : (1) Urban councils shall respect, in towns, a ratio of a least 800m² of wooded areas per 100 inhabitants. Such wooded areas may be broken or unbroken.

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CHAPTER 11
NON-PERMANENT FORESTS

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Section 34 : Non-permanent or unclassified forests shall be forests on non-permanent forest land. Non permanent forests shall be :

- (a) communal forests;
- (b) community forests;
- (c) forests belonging to private individuals.

1. COMMUNAL FORESTS

Section 35 : (1) Communal forests shall be forests that do not fall under any of the categories mentioned in Section 24(1), 30(1) and 39 of this law.

(2) They shall not include orchards, agricultural plantations, fallow land, wooded land adjoining an agricultural farm, pastoral and agro-forestry facilities.

(3) However, after the reconstitution of the forest cover, former fallow land and agricultural or pastoral land without any title deed may once more be considered as communal forests and managed as such.

(4) Forest products of all kinds found in communal forests shall be managed in a conservatory manner by the services in charge of forests and wildlife, as the case may be.

(5) The said products shall belong to the State, except where a management agreement has been signed in accordance with Section 37 below.

Section 36 : (1) Citizens living around communal forests shall be allowed logging rights under conditions laid down by decree.

(2) However, for purposes of conservation or protection, the minister in charge of forests may restrict such rights, particularly in relation to grazing, pasturing, felling, lopping and mutilation of protected species as well as establish the list of the said species.

11. COMMUNITY FORESTS

Section 37 : (1) The services in charge of forests shall, in order to promote the management of forest resources by village communities which so desire, give them assistance.

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An agreement shall then be signed between the two parties. The technical assistance thus given to the village communities shall be free of charge.

(2) Community forests shall have ^{simple} single management plans approved by the services in charge of forests.

(3) Such plans shall be drawn up at the behest of the communities concerned in accordance with conditions laid down by decree.

(4) All activities in a community forest shall comply with its management plan.

(5) Forest products of all kinds resulting from the management of community forests shall belong solely to the village communities concerned.

(6) Such communities shall, however, be bound to comply with the provisions of section 16 above.

(7) Village communities shall have the right of pre-emption in the event of the alienation of products found in their forests.

Section 38 : (1) The management agreements provided for in Section 37 above shall specify the beneficiaries, the boundaries of the forest allocated to them, and the special instructions on the management of areas of woodland and/or wildlife, formulated at the behest of the said communities.

(2) The implementation of community forest management agreements shall be incumbent on the communities concerned, under the technical supervision of the services in charge of forests and, where applicable, wildlife.

In case of violation of this law, or of the special clauses of the agreements, the aforementioned services may, as of right, and at the expense of the community concerned, carry out the required works or annul the agreement, and this shall not affect the logging rights of the population.

111. PRIVATE FORESTS

Section 39 : (1) Private forests shall be forests planted by natural persons or corporate bodies on land they acquired in accordance with the laws and regulations in force.

Owners of such forests shall draw up simple management plans with the assistance of the services in charge of forests, in order to ensure sustained and durable yield.

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(2) Plans to put the land concerned to any other use shall be subject to the provisions of Section 16(3) above.

(3) The execution of the simple management plan shall be incumbent on the owner of the forest, under the technical supervision of the services in charge of forests.

(4) Forest products as defined under Section 9(2) found in natural forests on land belonging to a private individual shall be the property of the State, except where the said products have been acquired by the person concerned in accordance with the laws and regulations in force.

(5) Private individuals shall have a right of pre-emption in the event of the sale of any natural product found in their forests.

CHAPTER III

INVENTORY OF THE EXPLOITATION AND MANAGEMENT OF FORESTS

1. FOREST INVENTORY

SECTION 40 (new)

(1) A survey of forest resources shall be the prerogative of the State.

(2) The results of such survey shall be used in estimating revenue and in management planning.

(3) In that respect, the exploitation of any forest shall require that a prior survey be conducted on such a forest in accordance with the norms laid down by the ministers in charge of forests and wildlife.

11. FOREST EXPLOITATION

SECTION 41 : (1) Any natural person or corporate body wishing to carry out forest exploitation activities shall be granted approval under conditions fixed by decree.

(2) Forest exploitation rights may be granted only to natural persons resident in Cameroon, or to companies whose registered offices are in Cameroon and whose shareholders are known to the forestry services.

SECTION 42 : (1) Holders of personal exploitation rights may subcontract some of their activities, provided that they obtain prior approval from the forestry services. Under all circumstances they shall be answerable to the said services for the proper fulfilment of their obligations.

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(2) The rights provided for in the preceding sub-section 1 above shall be personal and non-transferable.

(3) The issue of new shares, or the sale of shares in a company holding forest exploitation rights shall be subject to prior approval by the minister in charge of forests.

SECTION 43 : Forestry services may mark as reserved any tree within an area being exploited under licence which is considered useful for conservation and regeneration purposes.

SECTION 44 : (1) The exploitation of a State forest shall be done either through the sale of standing volume or through an exploitation contract.

However, the forest may be exploited by the administration when there is need to recuperate the forest products concerned or in case of an experimental project and in accordance with conditions laid down by decree. It may be done under a sub-contracting agreement, in accordance with the management plan of the said forest.

(2) At the beginning of each year, forestry services shall determine the volume that can be logged from all State production forests.

(3) The exploitation of forest products from any State forest shall be in accordance with its management plan.

(4) In State forests, other than production forests, the extraction of certain forest products may be allowed, if it is necessary for the improvement of the biotope. Such extraction shall be carried out by the administration in accordance with the management plan of the said forests.

SECTION 45 : (1) A sale of standing volume in a State production forest shall be an authorization to exploit, for a fixed period, a precise volume of standing timber which may not exceed the annual logging potential.

(2) Standing volume in State production forest may be sold to persons of Cameroonian nationality only, except as provided for in Section 77(2) below.

(3) Standing volume shall be attributed by the minister in charge of forests upon the recommendation of a competent commission for a non-renewable maximum period of one year.

SECTION 46 : (1) An exploitation contract shall be an agreement in which the licence-holder is granted the right to collect a specific volume of wood from a forest concession, for the long-term supply of his wood-processing industry or industries. The contract shall include specifications, and shall define the rights and obligations of the State and the licence-holder.

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The volume granted may, in no case, exceed the annual felling potential for each of the forest management units concerned.

(2) Forest exploitation contracts shall be concluded for a maximum renewable duration of fifteen (15) years. They shall be assessed every three years.

SECTION 47 : (1) A forest concession shall be the area on which an exploitation contract is executed. It may comprise one or more forest exploitation units.

(2) A forest concession shall be granted upon recommendation by a competent commission under conditions laid down by decree.

(3) The forest concession provided for under subsection (1) above may be transferred under conditions laid down by decree.

SECTION 48 : Some concessions shall be set aside for nationals acting individually or grouped into companies, in accordance with the conditions laid down by regulations.

SECTION 49 : (1) The total forest area that may be granted to any one licence-holder shall depend on the potential of the forest concession, calculated on the basis of sustained and lasting yield as well as the capacity of existing wood-processing industries or those to be installed. It may not, in any case, exceed 200,000 hectares.

(2) The acquisition of majority shares or the creation of a forest exploitation company by a forest exploiter with the intention of exploiting a total area of more than 200,000 hectares shall be forbidden.

SECTION 50 : (1) Licence-holders for a forest concession shall conclude with the forest department a provisional exploitation contract prior to the signing of the final contract.

(2) A provisional contract shall have a maximum duration of three (3) years during which the licence-holder undertakes to carry out some works, in particular, the setting up of an industrial unit (s) for the processing of wood.

The wood-processing unit and the head office of the enterprise shall be located in the area of exploitation.

During this period the area of the forest concerned shall be reserved for the licence-holder.

The conditions for drawing up provisional contracts as well as the specifications related thereto shall be fixed by decree.

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SECTION 51 : (1) A subcontract shall be an agreement which defines the forest exploitation and management activities which a promoter is required to carry out in the development or exploitation of a forest. It does not confer on the subcontractor any right of ownership over the forest produce exploited.

(2) Exploitation under State management of a forest management unit within the confines of a subcontract may only be carried out with the exclusive participation of a promoter of Cameroonian nationality.

SECTION 52 : Council forests shall be exploited on behalf of the council concerned, under State management, by the sale of standing volume, by permit or by individual felling authorization in accordance with the management prescriptions approved by the forestry department.

SECTION 53 : (1) Communal forests shall be exploited by the sale of standing volume, by permit or individual felling authorization.

(2) Forestry services shall determine annually, for each ecological zone, areas of communal forests open to exploitation, taking into account any prescriptions of the duly approved land allotment plan of the said zone, and according to the conditions determined by decree.

SECTION 54 : Community forests shall be exploited, on behalf of the community concerned, under State management, by the sale of standing volume, by individual authorization to cut poles or by permit, in accordance with the management plan approved by forestry services.

SECTION 55 : (1) Sales of standing volume in a communal forest shall, within the context of this law, mean an authorization to exploit in an area not exceeding two thousand five hundred (2,500) hectares a specific volume of standing timber for sale.

(2) In communal forests, sales of standing volume shall be granted upon the recommendation of the competent commission for a non-renewable period of three (3) years.

SECTION 56 : (1) (new) An exploitation permit, within the context of this law, shall mean an authorization to exploit or harvest specific quantities of forest products in a given zone. The products concerned may be special products as defined in Section 9(2) above, timber whose volume does not exceed 500 gross cubic metres, firewood or poles for commercial ends.

(2) Exploitation permits for timber and some special forest produce listed by forestry services shall be granted upon the recommendation of a competent commission for a maximum non-renewable period of 1 (one) year.

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(13) For other special forest produce, firewood and poles, exploitation permits shall be granted by mutual agreement by the minister in charge of forests.

SECTION 57 : (1) An individual felling authorization, in this law, shall mean an authorization issued to a natural person to cut wood not exceeding 30 gross cubic metres for personal, non-commercial use. This provision shall not apply to the local population who shall maintain their logging rights.

(2) Individual felling authorizations shall be granted by mutual agreement for a non-renewable period of 3 (three) months.

SECTION 58 : Exploitation permits and individual felling authorizations may be granted only to persons of Cameroonian nationality to whom various facilities may be given by various professional groups in order to make forest exploitation more accessible to them.

SECTION 59 : In communal forests, some sales of standing volume may be reserved for persons of Cameroonian nationality taken individually or grouped into a company, following a quota fixed annually by forestry services and in accordance with the procedure laid down by decree.

SECTION 60 : Transfer of sales of standing volume, exploitation permits and individual felling authorizations shall be forbidden.

SECTION 61 : (1) Exploitation for profit of forest produce shall be regulated by contract specifications comprising general and specific clauses.

(2) The general clauses shall deal with technical prescriptions governing the exploitation of the forest produce concerned and, in the case of State forests, with management prescriptions which the holder shall apply.

(3) The specific clauses shall deal with the financial charges as well as the charges in respect of industrial installations and social amenities such as roads, bridges, health centres, schools for the benefit of the local population.

(4) The conditions for putting in place the industrial installations and social amenities, as well as those for renegotiating the said charges shall be laid down by decree.

SECTION 62 : All exploitation contracts, sales of standing volume, permits or individual felling authorizations shall confer on their holders, over the surface area conceded, the exclusive right to collect the produce described in the exploitation document for a specific period, but shall confer no right of ownership over the the corresponding land. Furthermore, the holder may not prevent the exploitation of produce not mentioned in his exploitation document.

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III. FOREST MANAGEMENT

SECTION 63 : The management referred to in Section 23 comprises especially the following :

- inventory
- re-afforestation
- natural or artificial regeneration
- sustained forestry exploitation
- infrastructure

SECTION 64 : (1) Forest management shall be the concern of the ministry in charge of forests working through a public body. It may sub-contract certain management activities to private or community bodies.

(2) The financing of forest management activities shall be through a Special Forestry Development Fund managed by a committee.

The composition as well as the modalities of functioning of the Committee and the Special Forestry Development Fund shall be laid down by decree.

(3) The forest management plan shall be a compulsory clause of the specifications made during the execution of the provisional contract stipulated in Section 50 above.

(4) The specification shall specify the financial costs of the management operations.

(5) The corresponding sums shall be paid directly to the Special Forestry Development Fund.

These sums may not be used for any other purpose.

SECTION 65 : (1) Any breach of the provisions of this law or regulations passed in implementation thereof, in particular the violation of the prescriptions of a management plan for a permanent or community forest or the breach of obligations relating to industrial installations or the implementation of clauses of the specifications shall entail suspensions or, in case of a repeat offence, withdrawal of the exploitation document or approval as the case may be, following the conditions laid down by decree.

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CHAPTER IV
FINANCIAL AND FISCAL PROVISIONS

SECTION 66 : (1) For sales of standing volume and exploitation contracts, the financial charges referred to in Section 61(3) above shall, besides the business licence provided for by the General Tax Code, comprise :

- the annual forestry fees assessed on the basis of surface area; the rate shall be fixed by the Finance Law;
- the felling tax, that is, the value by species, by volume, weight or length, estimated following the procedure laid down by decree;
- the graduated surtax on exports of unprocessed forest produce;
- the contribution to the execution of social amenities;
- the carrying out of a forest inventory
- participation in management projects.

(2) Exploitation by permit or individual felling authorization shall give rise solely to the collection of the selling price of the forest produce.

(3) Services produced by State forests referred to in Section 44(4) above shall give rise to the collection of the corresponding fees.

(4) The financial charges provided for in subsection (1) above shall be fixed annually by the Finance Law except costs relating to inventories and in management projects.

SECTION 67 : (1) Beneficiaries of sales of standing volume and concessions, regardless of the tax schedule, may not be exempted from the payment of the felling tax for forest products or the payment of any forestry fee related to their exploitation activities.

(2) Councils shall, for the exploitation of their forests, receive, in particular, the selling price of forest products and the annual royalty for the forest area.

Village communities and individuals shall be paid the selling price of the products extracted from forests belonging to them.

(3) No exporter of unprocessed forest products may be exempted from the payment of the graduated surtax on exports.

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SECTION 68 : (1) The sums resulting from the collection of taxes, royalties as well as the proceeds of sales referred to in Section 66, 67(3) and 70 of this law, excluding contributions towards the provision of social services and taxes from the exploitation of council and community forests as well as forests belonging to individuals shall be paid partly into the Treasury and partly into a Special Forestry Development Fund under conditions laid down by decree.

(2) For the development of neighbouring village communities of certain communal forests under exploitation, part of the proceeds from the sale of forest products shall be reserved for the said communities under conditions laid down by decree.

(3) Contributions towards the provision of social services shall be reserved entirely to the councils concerned. They shall not be used for any other purpose.

SECTION 69 : The grant of a licence to sell standing volume or of a forest concession shall be subject to the provision of a guarantee the amount of which shall be fixed by the Finance Law.

The guarantee shall be furnished by making payment into the Treasury.

SECTION 70 : The transfer of a forestry concession shall entail the payment of a transfer fee whose amount shall be fixed by the Finance Law.

CHAPTER V
PROMOTION AND MARKETING OF TIMBER
AND FOREST PRODUCTS

SECTION 71 : (1) Seventy percent of the total production of each species of logs shall be processed by the local industry during a transitional period of five (5) years with effect from the date of enactment of this law.

Thereafter, the exportation of log timber shall be prohibited and the totality of the national timber production shall be processed by the local industry.

(2) The exportation of unprocessed special forest products shall in accordance with conditions laid down by decree, be subject to a prior annual authorization issued by forestry services and to the payment of the graduated surtax determined according to the volume exported.

(3) A National Timber Board, the organization and functioning of which shall be determined by decree, shall be responsible for the exportation and marketing of timber abroad.

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(4) Three years following the enactment of this law, forestry services shall evaluate each concession to ascertain whether, in keeping with an investment plan duly approved by the same services, the necessary measures have been taken by the licence-holder to ensure the processing of total logs derived from his concession.

In the event of serious default, the concession shall either be suspended or permanently withdrawn.

SECTION 72 : Except by special waiver of the minister in charge of forestry, processed or unprocessed forest products destined for marketing shall be required to meet the standards defined by a joint order of the ministers in charge of forestry and commerce.

SECTION 73 : (1) In the case of the execution of a development project likely to partially destroy a communal forest, or in the event of a natural disaster with similar consequences, the administration shall carry out salvage logging either through forestry services or through the sale of standing volume of the wood concerned under conditions laid down by decree.

(2) Drift timber without apparent local marks, found awash on the Atlantic coast, or logs abandoned along the road side may be recovered by any natural person or corporate body in accordance with conditions laid down by decree, subject to the payment of a selling price, the amount of which shall be determined by the Finance Law.

SECTION 74 : Specific measures may be taken especially within the investment code or the law on industrial free zones, by a joint order of the ministers in charge of forestry and industry, to promote the use of less or not marketed species of timber and other forest products.

CHAPTER VI

TRANSITIONAL PROVISIONS

SECTION 75 : (1) Forest exploitation instruments issued before the date of enactment of this law, which are still valid, are being used and are in order as concerns the financial charges linked thereto shall be considered valid until they expire.

(2) In all cases contrary to the provisions of Subsection (1) above, these instruments shall be automatically cancelled and the forest exploitation related thereto suspended.

(2) Conditions for the regularization of instruments granted prior to this law shall be laid down by decree.

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SECTION 76 : Holders of valid exploitation rights shall be required, in carrying out their activities, to comply with the provisions of this law within twelve months.

Consequently, the exploitation of a forest located in the permanent forest estate and covered by an exploitation instrument may be subject to certain management rules in keeping with the objectives of the permanent forest concerned, pursuant to conditions laid down by decree.

SECTION 77 : (new) (1) On the expiry of an exploitation instrument referred to in Section 75(1) above, forestry services may proceed to define the limits of new exploitation instruments provided for this law, in the zone concerned, so that they may be granted by a competent commission. This provision shall not cancel any previous exploitation instrument which is still valid.

(2) On the expiry of previous exploitation instruments located in permanent forest estates, their holders may exceptionally be granted sales of standing volume in the zone concerned for a maximum period of three years, on condition that they own a wood processing unit and in accordance with the provisions of this law and the instruments of its application.

(3) This provision shall only be valid for a period of five years from the date of enactment of this law.

PART IV : WILDLIFE

CHAPTER I

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, 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 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

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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 II

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.

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CHAPTER 111

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.

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(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 expeditions 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.

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(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.

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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 1V

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.

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PART V
F I S H E R I E S
CHAPTER 1
D E F I N I T I O N S

Section 109 : There are the following types of fishing operations, depending on the means used to obtain fishery resources :

- 1) industrial fishing;
- 2) semi-industrial fishing;
- 3) traditional or small-scale fishing;
- 4) sport fishing;
- 5) fishing for scientific purposes;
- 6) sea farming;
- 7) fish farming.

The different types of fishing listed hereabove shall be defined and regulated by decree.

Section 110 : A fishing vessel shall be any boat, no matter its size, that is used in activities connected with fisheries.

Section 111 : Fishing gear shall refer to tools, implements or appliances used in fishing operations.

Section 112 : Mesh size shall be defined in relationship to the bag of a net to mean the dimension of one of the open spaces between the cords of a net taken or measured at the 50th space or wet and out-stretched net, or any dimension of a consecutive 50th space of the net measured when the net is under normal pressure, wet and stretched out.

Section 113 : Within the meaning of the present law :

- 1) Fish processing establishments shall comprise :
 - a) Fishmongering establishments which prepare fishery products, especially by sorting, washing, weighing and icing.
 - b) Freezing establishments which preserve fish by means of freezing or simply store frozen products.

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- c) Smoking houses or workshops which smoke fish and fishery products using wood or by-products of wood.
- d) Drying workshops which dehydrate fishery products through the direct action of heat produced by solar energy or some other source.
- e) Salting workshops which process fishery products by using exclusively sea salt or its substitutes.

2) Storage and sale establishments shall comprise :

- a) Cold stores or premises equipped for the storing of products at a temperature of at least minus 20°C (-20°C).
- b) Fishshops where fishery products are stored for sale by retail to the local public.

3) Means of transportation shall comprise :

- a) Isothermic vehicles which include mainly cars, wagons, containers whose walls are made air tight to prevent any exchange of temperature between the interior of the vehicle and the outside.
- b) Refrigerated vehicles which mean vehicles equipped with an autonomous compressor to maintain a cold environment within the said vehicle.

Section 114 : The technical norms and the conditions of hygiene in the installation listed in Section 113 above shall be laid down by decree.

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CHAPTER II

EXERCISE OF FISHING RIGHTS

Section 115 : (1) The right to fish waterways and coastlands shall belong to the State.

(2) However, fishing shall be carried out under conditions laid down by decree.

Section 116 : (1) Any natural person or corporate body wishing to exploit fishery resources at the industrial level shall first of all apply for a licence or permit in accordance with the procedure laid down by decree.

(2) The issuing of the fishing licence or permit shall be subject to the payment of an exploitation tax, the rate of which shall be fixed by the Finance Law.

Section 117 : (1) The right to carry out industrial fishing shall be subject to the obtention of a fishing licence. For the other forms of fishing excluding subsistence, traditional or small-scale fishing, a fishing permit shall be required.

(2) Any person who wishes to fish crayfish and small shrimps (Pallonula SPP and Palaemon Hastatus) shall first obtain a special authorization granted under conditions to be determined by decree.

Section 118 : Fishing licences may be issued only to persons resident in Cameroon or to companies whose head office is located in Cameroon and whose composition is known by the fisheries services.

Section 119 : Fishing licences shall be of three types :

- the licence to catch fish;
- the licence to fish for shrimps and other crustaceans;
- the licence to fish for tuna, and/or in high sea.

Section 120 : Fishing permits shall be of four types :

- Permit A - the permit for semi-industrial fishing;
- Permit B - the permit for sport fishing;

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Permit C - the permit for profit-making
small-scale fishing;

Permit D - the permit for fisheries research.

Section 121 : (1) The issuing or renewal of a fishing licence or permit shall be subject to the payment of an exploitation tax, the rate of which shall be fixed by the Finance Law.

(2) The conditions under which fishing licences and permits are issued and renewed shall be determined by decree.

Section 122 : Any fishing licence or permit shall be presented upon requisition to the control authorities.

Section 123 : (1) The sale or lease of fishery exploitation rights shall be forbidden.

(2) The transfer of a fishing licence or permit shall be subject to the approval of fisheries services and the payment of a tax, the rate of which shall be determined by the Finance Law.

(3) The conditions of the transfer of fishing licences and permits shall be determined by decree.

Section 124 : Irrespective of the fiscal provisions applicable to him, no exploiter of fishery resources and no exploiter or processor of fishery products shall be exempted from the payment of corresponding fishing taxes and/or duties.

Section 125 : All fishermen and fishing companies shall declare their catches in accordance with the conditions laid down by fisheries services.

CHAPTER III

MANAGEMENT AND CONSERVATION OF FISHERY RESOURCES

Section 126 : Prohibitions may be placed on the right to fish in accordance with the conditions determined by decree in order to :

- protect fauna, aquatic environments and traditional fishery operations, and
- maintain fish production at an acceptable level.

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Section 127 : The following shall be forbidden :

- a) the use of trawlers or fishing vessels equipped with trawling gear within a 3 nautical mile zone of the basic line fixed by decree;
- b) the use, for any type of fishing, of any material likely to obstruct the mesh of nets or having the effect of reducing their selective action, and no accessory equipment may be placed at the interior of fishing nets. Protective devices may be permitted if such devices have a dimension of more than two times that of the authorized mesh and are placed on the upper part of the net and not behind the net;
- c) the use for fishing of any diving suit equipped with a respiratory device;
- d) the presence on board a fishing vessel of respiratory equipment such as a diving suit, a harpoon or of a dangerous fishing weapon, except as a safety precaution;
- e) the use for fishing of explosives, chemicals, poisons or other noxious substances, electrical currents or headlamps, fire-arms, light or automatic traps or any other devices likely to destroy aquatic fauna and the aquatic environment;
- f) the construction of dams, embankments, large channels or port facilities without the prior approval of fisheries services.
- g) the pouring or discharging into the aquatic environment of toxic or noxious materials such as industrial, agricultural or domestic waste and pollutants (pesticides, fertilizers, sediments, detergents);
- h) the destruction of the environment within a distance of 50 metres along a water course or over a radius of 100 metres around its source;
- i) the presence on board a fishing vessel of any fishing nets, whose mesh sizes do not conform to prescribed standards and ensure the protection of species;
- j) the presence on board a fishing vessel of any destructive devices or of substances that are capable of stunning or disabling fish, as well as any other materials and devices capable of reducing or obstructing the meshes of fishing nets;
- k) the export of any fishing resource without the prior approval of the services in charge of fisheries;

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- l) the introduction into Cameroon of foreign living fishery resources;
- m) the capture, sale or possession of any protected fishery resources appearing on a list established by fisheries services,
- n) fishing in closed areas forbidden by fisheries services.

Section 128 : Exceptions may be made, if need be, to the provisions of Section 127 above by fisheries services.

Section 129 : (1) No fishing vessel whose tonnage exceeds 250 gross registered tons may fish in Cameroon's territorial waters.

(2) In public waterways, the total weight of fishing vessels may not exceed 10 gross registered tons.

Section 130 : Fishing gear and the characteristics of permissible nets, in particular, the mesh, shall be determined, for both marine and inland waters, by order of the minister in charge of fisheries.

CHAPTER IV
SEA FARMING AND
FISH FARMING

Section 131 : (1) No aquacultural establishment may be constructed on public or private State or national land, by deviating the course of a river, without the issue of a permit by fisheries services. The conditions for issuing any such permit shall be determined by decree.

(2) The issue of the permit shall be subject to the payment of a tax, the rate of which shall be fixed by the Finance Law.

Section 132 : The construction permit may lay down restrictions to ensure the conservation, proper management and optimum exploitation of fishery resources. Such restrictions may concern in particular :

- the layout and the characteristics of construction;
- management;
- the control of the quality of the products and health conditions.

Section 133 : Fisheries services shall be responsible for the running of fish stations and fish breeding centres in the public waterways and coastland.

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CHAPTER V
INSTALLATION OF FISH
PROCESSING ESTABLISHMENTS

Section 134 : (1) The setting-up of a fishmonger's store, a frozen products plant, a processing plant (for smoking, drying or salting), a canning factory or a fish shop shall be subject to the obtention of a certificate issued in accordance with conditions to be determined by decree.

(2) Persons of foreign nationality who run the establishments referred to above and who import eighty percent of their products shall be required to also carry out fishing.

The conditions of implementation of the above subsection shall be laid down by order of the minister in charge of fisheries.

Section 135 : Fish processing establishments shall be classified according to their size and type by fisheries services.

Section 136 : Public access to the fish processing plants referred to in Section 135 of this Law shall be subject to the obtention of a certificate of conformity issued under the conditions laid down by decree.

CHAPTER VI
SANITARY INSPECTION AND CONTROL OF FISHERY PRODUCTS

Section 137 : (1) No person may expose, prepare, distribute, store or transport for sale any fishery products which have not been subjected to sanitary inspection.

(2) Such inspection may be carried out anywhere and at any time by the empowered officials and shall be subject to the payment of a tax, the rate of which shall be fixed by the Finance Law.

Section 138 : (1) The purpose of the sanitary inspection referred to in Section 137 above shall be to :

- ensure compliance with the official nomenclature set out for marketable species;
- ensure compliance with the minimum marketable size of species;
- check the source of the catch; and
- ensure that fishery products are good for consumption.

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(2) Quality norms shall be set by order of the minister in charge of fisheries.

CHAPTER VII

PACKAGING AND TRANSPORTATION OF FISHERY PRODUCTS

Section 139 : Fishery products shall be processed, preserved and transported in accordance with the norms in force.

Section 140 : (1) Vehicles meant for the transportation of fishery products shall first undergo a technical inspection under conditions laid down by an order of the minister in charge of fisheries.

(2) Such an inspection shall be subject to the payment of a tax the rate of which shall be determined by the Finance Law.

PART VI

PROSECUTION OF OFFENCES

CHAPTER I.

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.

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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.

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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

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- 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 products, 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 the corresponding amount shall be shared among the employees of the services under conditions laid down by decree.



CHAPTER II LIABILITY

SECTION 150 : 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 therefor.

(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.

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CHAPTER III
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 up to twenty days, or both such fine and imprisonment shall be imposed on whoever commits any of the following offences :

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- 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), (j), 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;

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- 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(b), (c), (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 area 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;

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- 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 periods 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, B and 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

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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 fishery 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 VII

MISCELLANEOUS AND FINAL PROVISIONS

Section 166 : The proceeds from the taxes referred to in Sections 116(2), 121(1), 123(2), 131(2), 134(1) and 137(2) above shall be distributed in accordance with the provisions of Ordinance No.91/5 of 12 April 1991 to supplement the provisions of Finance Law No. 89/1 of 1 July 1989.

Section 167 : (1) The proceeds of fines, compounding fees, damages and sale by public auction or private contract of produce and various objects seized shall be allotted as follows :

.../...

- 25 % to officials of the services in charge of forestry, wildlife and fisheries who took part in the prosecution and collection exercise ;
- 40 % to the development funds referred to in Sections 68, 105 and 166 above ;
- 35 % to the Treasury.

(2) The conditions of distribution of the proceeds referred to in paragraph (1) as well as to the above officials shall be determined by order of the Ministers concerned.

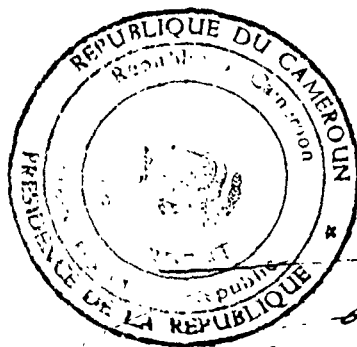
Section 168: In order to facilitate the access of persons of Cameroonian nationality to the forestry profession, an interprofessional solidarity fund, the conditions of organization and functioning of which shall be determined by decree, is hereby set up.

Section 169: The decrees of implementation of this law shall define, as and when necessary, the conditions thereof.

Section 170: All previous provisions repugnant hereto, in particular Law No. 81/13 of 27 November 1981 to lay down forestry, wildlife and fisheries regulations, are hereby repealed.

Section 171: This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.

YAOUNDE,



Paul Biya
Paul BIYA

PRESIDENT OF THE REPUBLIC