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

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The National Assembly has deliberated and adopted:

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

## PART I

### GENERAL PROVISIONS

#### Article 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.

#### Article 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.

#### Article 3:

Wildlife, within the context of this law, means ail the species belonging to any natural ecosystem as well as ail animal species captured from their natural habitat for domestication purposes.

#### Article 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.

#### Article 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.

#### Article 6:

The ownership of forests and aqua cultural establishments shall be determined by the regulations governing land tenure and State lands and by the provisions of this law.

#### Article 7:

The State, local councils, village communities and private individuals may exercise on their forests and aqua cultural 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.

#### **Article 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 ail 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, because 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.

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

#### **Article 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 homes, 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.

#### **Article 10:**

- (1) The services in charge of forestry, wildlife and fisheries shall, as the case may be, issue recovery notices for duties and taxes in 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 II**

# **PROTECTION OF NATURE AND BIODIVERSITY**

#### **Article 11:**

The protection of forest, faunal and halieutic heritages is ensured by the State.

#### **Article 12:**

- (1) 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 minister.

#### **Article 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.

#### **Article 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.

#### **Article 15:**

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

#### **Article 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.

#### **Article 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, initial or participate in setting up *ex situ* units such as genetic resources banks, botanical and zoological gardens, arboreal, 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.

#### **Article 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.

#### Article 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 III

### FORESTS

#### Article 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 forestlands that may be used for other purposes than forestry.

## Chapter I

### PERMANENT FORESTS

#### Article 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.

#### Article 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.

#### Article 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.

## Section I

### STATE FORESTS

#### Article 24:

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

a) Areas protected for wildlife, such as :

- national parks;
- game reserves;
- hunting areas;
- game ranches belonging to the State;
- wildlife sanctuaries;
- buffer zones.

b) Forest reserves proper :

- integral ecological reserves;
- production forests;
- protection forests;
- recreation forests;
- teaching and research forests;
- plant life sanctuaries;
- botanical gardens; and
- forest plantation.

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

#### **Article 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 instrumental foresaid 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.

(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.

#### **Article 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.

#### **Article 27:**

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

#### **Article 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.

#### **Article 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..

## **Section II**

### **COUNCIL FORESTS**

#### **Article 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.

#### **Article 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.

#### **Article 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.

### Article 33:

- (1) Urban councils shall respect, in towns, a ratio of a least 800m<sup>2</sup> of wooded areas per 100 in habitants. Such wooded areas may be broken or unbroken.

## Chapter II

### NON-PERMANENT FORESTS

### Article 34:

Non-permanent or unclassified forests shall be forests on non-permanent forestland. Non-permanent forests shall be:

- communal forests;
- community forests;
- Forests belonging to private individuals.

## Section I

### COMMUNAL FORESTS

### Article 35:

- (1) Communal forests shall be forests that do not fall under any of this law. The categories mentioned in Section 24(1), 30(1) and 39
- (2) They shall not include orchards, agricultural fallow land, wooded land adjoining an agricultural farm, pastoral and agroforestry 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.

### Article 36:

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.



## Section II

### COMMUNITY FORESTS

#### Article 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.

An agreement shall 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 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 lay down by decree.

(4) Ail 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.

#### Article 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.

## Section II

### PRIVATE FORESTS

#### Article 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.

(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

## Section I

### FOREST INVENTORY

#### Article 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.

## Section II

### FOREST EXPLOITATION

#### Article 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.

#### Article 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.
- (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.

#### Article 43:

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

#### Article 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.

#### **Article 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.

#### **Article 46:**

- (1) An exploitation contract shall be an agreement in which the license-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 license-holder.

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.

#### **Article 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.

#### **Article 48:**

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

#### **Article 49:**

- (1) The total forest area that may be granted to any one license-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.

#### **Article 50:**

- (1) License-holders for a forest concession shall conclude with the forest department a provisions 1 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 license- holder undertakes locally out some works, in particular, the setting up if 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 license-holder.

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

#### **Article 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 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.

#### **Article 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 their management prescriptions approved by the forestry department.

#### **Article 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.

#### **Article 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.

#### **Article 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 limber 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.

#### **Article 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

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

#### **Article 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 meters 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.

#### **Article 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.

#### **Article 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.

#### **Article 60:**

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

#### **Article 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 re-negotiating the said charges shall be laid down by decree.

#### **Article 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 corresponding land. Furthermore, the holder may not prevent the exploitation of produce not mentioned in his exploitation document.

## Section III

### FOREST MANAGEMENT

#### Article 63:

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

- inventory
- re-forestation
- natural or artificial regeneration
- sustained forestry exploitation
- infrastructure.

#### Article 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.

#### Article 65:

Any breach of the 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.

## Chapter IV

### FINANCIAL AND FISCAL PROVISIONS

#### Article 66:

- (1) For sales of stranding volume and exploitation contracts, the financial charges referred to in Section 61(3) above shall, besides the business license 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.

#### **Article 67:**

- (1) Beneficiaries of soles 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.
- (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 license 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.

#### **Article 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 reserve 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.

#### **Article 69:**

The grant of a license 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.

#### **Article 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

### Article 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.

### Article 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.

### Article 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 roadside 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.

### Article 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

### Article 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.

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

**Article 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.

**Article 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

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## PROTECTION WILDLIFE AND BIODIVERSITY

**Article 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 by order of the minister in charge of wildlife.

#### **Article 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.

#### **Article 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 synergetic 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 modem net.

#### **Article 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**

#### **Article 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.

#### **Article 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.

#### **Article 84:**

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

# EXERCISE OF HUNTING RIGHTS

### Article 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.

### Article 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.

### Article 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 license.
- (2) Hunting permit and licenses shall be personal and non-transferable.

### Article 88:

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

### Article 89:

The rights and obligations resulting from the grant of hunting permit and licenses as well as the conditions for their grant shall be determined by decree.

### Article 90:

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

### Article 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.

### Article 92:

- (1) Communal forest zones may be declared as zones of synergetic interest and exploited as such.
- (2) The exploitation of synergetic zones may be carried out either by the Administration or leased by any other natural person or corporate body.

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

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

#### **Article 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.

#### **Article 94:**

Hunting within an unleased zone of synergetic 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.

#### **Article 95:**

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

#### **Article 96:**

Persons who hold a 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.

#### **Article 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.

#### **Article 98:**

- (1) The keeping of and traffic in live protected animals, their hides and skins or trophies, within the national territory, shall be subject to the obtention of a certificate of origin issued by the administration in charge of wildlife,
- (2) The certificate of origin shall specify the characteristics of the animals and the registration number of the trophies to enable the identification animal produce in circulation.
- (3) The exportation of wild animals, their hides and skins or trophies shall be subject to the presentation of a certificate of origin and an export permit issued by the administration in charge of wildlife.

#### **Article 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 condition 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.

#### **Article 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 license 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.

**Article 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.

**Article 102 :**

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

**Article 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.

**Article 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.

**Article 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 IV

# HUNTING ARMS

**Article 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.

#### Article 107:

- (1) (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.

#### Article 108:

- (1) Duly licensed synergetic 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.

## PART VI

# PROSECUTION OF OFFENCES

## Chapter I

### PROSECUTION PROCEDURE

#### Article 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.

#### Article 142:

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

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

Such report shall be exempt from stamp duty and registration formalities .

- (2) The report drawn up and signed by the sworn official shall be held as a true record of the facts stated therein until proved false.
- (3) The sworn officials shall, forthwith, question and identify any offender who is caught in "*flagrante delicto*."

They may, in the exercise of their duties :

- requisition the Police and Gendarmerie of 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.

#### Article 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.

#### Article 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.

#### Article 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.

#### Article 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.

#### **Article 147 :**

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

To this end, they shall be empowered to :

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

#### **Article 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.

#### **Article 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**

#### **Article 150:**

- (1) Any natural person or corporate body found guilty condition, the provisions of this law and its implementation instruments shall be liable and punishable in accordance with the penalties provided therefore.
- (2) The same penalties as in the case of the offender shall be inflicted on accomplices or any other persons who, in one way or the other, contributed to the offence.

#### **Article 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.



#### Article 152:

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

#### Article 153:

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

## Chapter III

### OFFENCES AND PENALTIES

#### Article 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 aqua-cultural 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 aqua-cultural establishment belonging to the State or to a council.

#### Article 155:

A fine of from 50.000 to 200.000 CFA francs or imprisonment for twenty days/ or both such fine and imprisonment shall be imposed on whoever commits any of the following offences :

- committing a breach of the official work norms regarding the exploitation of special forest products provided for in Section 9(2) above;
- unauthorized importation or exportation of genetic material for gainful purposes, as provided for in Section 13 above;
- exploitation under license, 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 license 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.

#### Article 156:

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

- clearing or setting fire on a State forest, an afforested or a fragile ecological zone, in contravention of Sections 14, 16(1) and (3), and 17(2) above;
- use of a forest belonging to an individual for anything other than forestry purposes, in contravention of Section 59(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 license 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.

#### Article 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.

#### **Article 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;
- falsification or forgery of any document issued by the service 5 in charge of forestry, wildlife and fisheries, as the case may be;
- killing or capture of protected animals either during period; when hunting is closed or in areas where hunting is forbidden or closed.

#### **Article 159:**

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

#### **Article 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.

#### **Article 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.

#### **Article 162:**

- (1) The penalties provided for in Sections 15 to 160 above shall be applicable without prejudice to any confiscations, restrictions, damages awarded and restoration of property.
- (2) They shall be doubled:
  - Where there has been a previous offence or where the offence was committed by sworn officials

of the competent services or by judicial police officers with general jurisdiction or with their complicity, without prejudice to administrative and disciplinary sanctions;

- for any hunting involving the use of chemicals or toxic products;
  - for any violation of forest control gates;
  - in case of escape or refusal to obey orders from officials in charge of control.
- (3) For the offences provided for in Sections 157 and 158 above, the judge may, without prejudice to the sanctions stipulated in this law, give a ruling on the period during which the offender shall be banned from election of the Chamber of Commerce and Chamber of Agriculture and to courts dealing with labour matters until such ban is lifted.

#### **Article 163 :**

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

- for a delay of more than 3 months an increase of 101 ;
- 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%.

#### **Article 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**

#### **Article 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.

#### **Article 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.

**Article 168 :**

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

**Article 169 :**

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

**Article 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.

**Article 171 :**

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

**Yaounde, 20 January 1994**

**Paul Biya  
President of the Republic**