

The effectiveness of criminal law in the enforcement of wildlife law in Cameroon

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Abstract: Wildlife crime is considered to be a serious and growing national, sub-regional, regional and global problem challenging national, regional and international efforts to combat it. Burgeoning wildlife crime which has seen the increase involvement of organised criminal groups and armed groups carrying trans-boarder poaching activities is not only a threat to the sustainability of wildlife species but a food security and national, and global security problem. Cameroon is extremely rich in fauna and flora ranking fourth in terms of biodiversity richness in Africa after the Democratic Republic of Congo, Tanzania and Madagascar. Unfortunately, the sustainability of her wildlife diversity continues to be threatened by *inter alia* mass and indiscriminate poaching activities engendered by the illegal bushmeat trade and illegal trade and traffic in wildlife species and trophies. This has caused the dissipation of the population of major wildlife species like the elephant, big cats and great apes, and the extinction of others like the black rhinoceros. In a bid to reverse this trend, Cameroon's wildlife law criminalizes and punishes wildlife offences and this since 2003 has seen the arrest, prosecution and imprisonment of wildlife offenders. The objective of this study is to analyse the extent to which criminalisation of wildlife offences has been effective in enforcing Cameroon's wildlife law in order to enhance sustainable management of wildlife resources in the country.

In attaining our objectives, we have reviewed and analysed both secondary sources of data; collected through desk research by way of visits to libraries, documentation centres and websites of national and international organisations working in the area of environmental law and wildlife conservation in particular, and primary data collected through interviews with staff and officials of institutions involved in wildlife conservation and wildlife crime prosecution in Cameroon. We came to a major conclusion using the 'rational choice theory of crime and deterrence' that the criminal process of investigation, prosecution and punishment of wildlife offences in Cameroon is not very effective as it fails to adequately deter potential and actual wildlife offenders from the commission of wildlife crimes.

It is suggested *inter alia* that improving on the surveillance and investigative capacity of wildlife law enforcement officials especially frontline law enforcement officials in order to increase success in wildlife crime detection and investigation, and educating judges and other judicial actors on environmental law and wildlife law in particular in order to ensure swiftness, severity and certainty of sentences, can increase the criminal enforcement system's ability to ensure effective enforcement of wildlife law in Cameroon. This will create a greater deterrence to wildlife crime thereby offering more protection to wildlife resources in the country.

Keywords: criminal enforcement, illegal wildlife trade; wildlife conservation, wildlife law

Introduction

Wildlife¹ existed before *Homo erectus*, well before human civilisation and the adoption of legal systems.² Humans have always co-existed with wildlife with the former depending much on the latter for food, clothing, medicine etc. In the ancient times, man's reliance on and exploitation of wildlife posed no major threat to its sustainability, for this was done at such rates that permitted these exploited species to reproduce to maintain their continuous existence.^{3,4} This is caused by increase commercialisation (especially illegal) of wildlife species and trophies especially ivory and rhino horn. Illegal wildlife trade is estimated to worth at least US\$19 billion per year, ranking together with illegal trade in timber and fisheries, as the fourth largest global illegal activity after narcotics, counterfeiting, and human trafficking and ahead of oil, art, gold, human organs, small arms, and diamonds. It is not only a serious global environmental crime with profoundly negative impacts on endangered species protection, ecosystem stability and biodiversity conservation but it is also a real and increasing threat to national and global security.⁵

Wildlife in Cameroon is renowned for its wealth in quality and quantity. More than half of birds and mammals species existing in Africa are found in this country.⁶ Located within one of the biggest worldwide homes for biodiversity (the Congo Basin),⁷ Cameroon is at the 5th rank in Africa as far as wildlife is concerned after the Democratic Republic of Congo, Madagascar, Tanzania and South Africa.⁸ Cameroon has 21% of fish species, 48% of mammals, 54% of birds, and 50% of continental known species of amphibians, 30-75% of reptiles, and 42% of butterfly species list in Africa.⁹ Cameroon's extremely rich fauna and flora includes 9000 plant species, 409 mammal species, 250 reptile species, and 200 amphibian species with many of these species endemic to Cameroon, that is not found anywhere in the world.¹⁰

Problem Statement

The population of wildlife species in the world in general and Cameroon in particular keep shrinking faster than ever before. This has led to the extinction of major species¹¹ and many others threatened with same. By 1997, 27 species of mammals and 47 species of birds were threatened with extinction¹² and today, many more are threatened in Cameroon. This is due to the fact that man exploits wildlife more quickly than they could replenish themselves coupled with effects of climate change which include modification of wildlife habitat, reproduction and migratory patterns. The total number of great apes in 2005 was estimated not to be more than 400 000 as against at least

¹ The term wildlife in the Cameroonian context (which is that which is used in this work) is defined in S. 3 of Law No. 94-1 of January 1994 to lay down Forestry, Wildlife and Fisheries Regulations as "all the species belonging to any natural ecosystem as well as all animal species captured from their natural habitat for domestication purposes". This definition is similar to that propounded by Gordon R. Kerr (Gordon, R. K., Revised by A. J. Kwasniak, Wildlife Conservation and Management, The Canadian Encyclopaedia, retrieved on February 18, 2015 from www.theCanadianencyclopedia.com/m/article.cfm?params=A1&id=A0008591) that "wildlife comprises those forms of animal life that are not domesticated including individual members of wild species held tame in captivity as they are not genetically different from those remaining in the wild state". This means therefore that wildlife includes animals in the wild and those tamed and kept in zoos, parks, sanctuaries and other protected areas. This of course includes not only mammals but reptiles and birds.

² Favre, D. (2010) Wildlife Jurisprudence (ed) Lavanda, J. Environmental Law and Litigation. Vol. 25, p. 459.

³ The severity of over-exploitation as a threat depends on the species being exploited and the value that is placed on it by consumers. This is the case with the elephants and rhinoceros which are seriously threatened all over the world as the price of ivory and rhino horn in the black market increases.

⁴ <http://m.panda.org/what-we-do/>, consulted on January 25, 2013.

⁵ IFAW (2013), Criminal Nature: the Global Security Implications of the Illegal Wildlife Trade, p. 4.

⁶ Global Forest Watch (2000), Aperçu de la Situation de l'Exploitation Forestière au Cameroun, Un initiative du WRI, p.15.

⁷ The Congo Basin is the second largest ecosystem after the Amazon basin in South America.

⁸ Ibid.

⁹ MINEP (2006), National Biodiversity Strategy and Action plan-NBSAP, 174p. chapter2, p. 17.

¹⁰ Sone, N. C. (2012), Cameroon's Wildlife: Endangered Animal Species, Anucam Educational Books Plc, p. 25.

¹¹ In 2011, the IUCN officially announced the extinction of the Western black Rhinoceros, one of the rhinoceros subspecies formerly found in Cameroon and other West African countries from its last known habitat in Cameroon.

¹² Ministry of Environment and Forestry Report on the State Biodiversity in Cameroon 1997.

2 000 000 50 years before in the world and 4000 chimpanzees and 3000 gorillas are hunted every year.¹³ With regards to elephants, between 1970 and 1989 alone, half of Africa's elephants perhaps about 700 000 individuals were killed in illegal trade. An average of at least 3 elephants is killed every day in the areas around the DJA Biosphere Reserve and NKI National Reserve Park in Cameroon. Worst still in early 2012, poachers from Sudan and Chad massacred more than 300 elephants in the northern Cameroon's Bouba Njida National Park-about 80% of the regions elephants¹⁴ (see Fig.3 photos in Annex I). In some regions of Cameroon like the North West, there has been local extinction of the big cats, antelopes, apes and even elephants in most areas.¹⁵

The phenomenon has not been very different in Cameroon's neighbouring countries. In January 2013, the Agence Gabonaise des Parc Nationaux released a report showing a tremendous decline in the elephant population in Gabon. Indeed, between 2004 and 2013, more than 11,000 elephants were slaughtered in the Minkebe Park area alone, north-eastern Gabon. In March 2013, 86 elephants, including 33 pregnant females, were slaughtered within a week in Chad.¹⁶

Wildlife is a major source of protein to some Cameroonians especially those in the forest communities and a major dish in Cameroonian restaurants. Wildlife depletion will therefore bring a major food security problem in Cameroon. The above statistics and trends of wildlife resource depletion are so perplexing that if something is not done and done fast, Cameroon risk losing its status in the sub region as a major ecotourism attraction. This will mean loss in the enormous contributions wildlife makes to the ecological system, eco-tourism and the economy as a whole in terms of contributing to the national income, providing employment to so many and sustaining other facilities like hotels, transport insurance. Posterity may not behold some of these wonderful species of wildlife some of which are endemic to Cameroon, which nature has blessed us with.

Worse still, poaching has become an organised transnational crime¹⁷ involving the participation of organised criminal networks, use of sophisticated weapons¹⁸ and significant violence leading to the dead of wildlife security persons.¹⁹ There have also been incidents of poachers caught trafficking wildlife and drugs. The United Nations Congress on Crimes holding in Thailand in 2005 acknowledged the fact that wildlife trade is the third largest crime in the world after international illicit arms trade and drug trade.²⁰ Income from illegal wildlife trade continue to fuel criminal networks since it has been discovered that wildlife trade yields considerable profit with very little risk

¹³ Klans Toepfer , UNEP Executive Director, speaking on behalf of the UN Secretary General Koffi Annan during the first ever intergovernmental meeting on ape conservation held in Kinshasa, Democratic Republic of Congo 2005.

¹⁴ WWF /TRAFFIC Central Africa Programme Office press release, 15 December 2012.

¹⁵ Interview granted by His Royal Highness Fon Ganyonga III of Bali on Wildlife Management, Wildlife Justice Bilingual Wildlife Law Enforcement Journal: protected species and race towards extinction, N° 005-November 2007.

¹⁶ United Nations, Report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affected areas, S /2013/297, 20 May 2013. p. 2

¹⁷ On May 1, 2013, the United Nations Commission on Crime Prevention and Criminal Justice agreed to a resolution calling on the nations of the world to "recognize wildlife and forest crimes as a serious form of organized crime and strengthen penalties against criminal syndicates and networks profiting from such illegal trade.

¹⁸ The most often used weapon for poaching in South East Cameroon is the AK 47 Investigations of a poaching incident in Garamba National Park in the Democratic Republic of Congo in March 2012 showed that at least 15 of the 22 elephants killed were shot with a single shot to the top of the head-evidence of professional marks men firing from helicopter: WWF/TRAFFIC Central Africa programme Offices Press Release-15 December 2012.

¹⁹ Wildlife Justice Law Enforcement Journal No 001-march 2006 reports that Tambe Agbor Bruno, an ecoguard was shot dead by a gang of poachers at the Bayang-Mbo Sanctuary project of the Wildlife Conservation Society in 2006. Also At least 1,000 rangers were killed in 35 different countries over the last decade. See Bottollier-Depois, A, (2013). Ruthless Crime Gangs Driving Global Wildlife Trade, as cited in IFAW (2013), Criminal Nature: the Global Security Implications of the Illegal Wildlife Trade, p. 5.

²⁰ It also considered as one of the most profitable forms of organized crime, only after illegal drugs and trafficking in firearms and ammunition even though it is difficult, if not impossible, to estimate the true scale of the problem.. UNODC (2012), Op cit., p. 2.

involved. Poaching is therefore not only wildlife conservation or ecological problem but a major national and global security²¹ and socioeconomic problem in Cameroon demanding inter-sectoral and international cooperation for an effective and urgent response to be found.

Illegal trade in ivory constitutes an important source of funding to armed groups like the Lord's Resistant Army (LRA) that recently initiated a coup d'état in Central African Republic. Because of this, poachers continue to use more and more sophisticated weapons. Reiterating on the fact that poaching and its potential linkages to other criminal, even terrorist, activities constitute a grave menace to sustainable peace and security in Central Africa, the UN Secretary General urges Governments of the sub region to consider the issue of poaching as a major national and sub-regional security concern requiring their concerted and coordinated action.²²

In the midst of this perplexing background, it is disheartening that despite the existence of so many laws, decrees, orders and arrêtés protecting wildlife; coupled with increasing cases of wildlife offenders arrested and convicted by the courts, and the plethora of NGOs operating in this area, illegal exploitation of and trade in wildlife has been increasing with the consequence of continuous dwindling in protected species' population in Cameroon.²³

The question that arises and which is central throughout this study therefore is why do criminal wildlife activities continue to be on a rise despite the existence of a vast criminal legal and institutional framework for its repression in Cameroon. Is the problem with the wildlife law, Criminal Law, various structures charged with its implementation or the wildlife offenders are more sophisticated and smart? Again to what extent does criminal law enforce wildlife law in Cameroon and how can Criminal Law be reformed or applied to effectively implement wildlife regulations in order to achieve sustainable management of wildlife resources in Cameroon?

Objective of the Study

The main objective of this study is to seek ways in which Criminal Law can be used to enhance protection and conservation of wildlife through effective enforcement of wildlife law.

To achieve the above main objective this paper sorts to achieve the following specific objectives:

- To analyse sources of threats to the sustainability of wildlife in Cameroon.
- To assess the importance of wildlife in Cameroon.
- To examine the protection of wildlife under Cameroonian law.
- To analyse predicaments to the effective criminal enforcement of wildlife law in Cameroon.
- To identify recommendations for a more effective enforcement of wildlife law.

Methodology

The methodology utilised involves review and critical analyses of both secondary sources of data; collected through desk research by way of visits to libraries, documentation centres and websites of national and international organisations working in the area of environmental law and wildlife conservation in particular, and primary data collected through interviews with staff and officials of private and public institutions involved in wildlife conservation and wildlife crime prosecution in Cameroon.

Why Should Wildlife Be Protected? Before proceeding to issues regarding wildlife law and enforcement, it will be expedient to ponder upon the questions of the importance of wildlife and the nature of threat which wildlife faces in Cameroon. This is very important because it can help shape perceptions and commitment at various levels in the fight against poaching and illegal wildlife trade for it paints a picture of what the present and future generations stand to lose and also what challenges we stand to fight against.

²¹ In November 2012, then Secretary of State Hillary Clinton said that illegal wildlife trade must be addressed at every level of the international community and declared illegal wildlife trade a national security issue. Retrieved on February 9, 2013 from www.cites.org/eng/news/pr/2012/20121111_wildlife_trafficking.php

²² United Nations (2013), Report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affected areas, S /2013/297, 20 May 2013, p. 15.

²³ This is also the position of the Conservation Director of WWF Cameroon, the Head of Communication Department of LAGA and the Communications Officer of the TRAFFIC Central African Office when interviewed by the researcher on the situation of wildlife in Cameroon.

Importance and Uses of Wildlife in Cameroon. Wildlife is important in all the countries of the Congo basin, where Cameroon is located, although local communities and the state may view it in different ways.²⁴ The understanding of its importance is necessary in order to shape countries' perception in and commitment to the fight against wildlife crime which is indispensable in ensuring wildlife sustainability. This attempts to paint a picture of what states stand to lose if something is not done about wildlife crime which is a phenomenon that threatens wildlife sustainability the most.

Ecological Importance of Wildlife. This is the most important value of wildlife that is unfortunately not often understood. The judicial actors need to understand the ecological importance of wildlife in order to accord it the importance that it deserves. The ecosystem is a function of many components including biomass (fauna, flora), soil and other organic and climatic balances. Most ecosystem processes are driven by the combined activities of many species. Therefore activities, such as hunting, have the potential to not only impact targeted species but the ecosystem more broadly.²⁵ The depletion of a particular predatory wildlife species may lead the abundance of other wildlife prey species they depend on as food, thereby increasing the threat on plant and other wildlife species as these abundant species will need to feed. Wildlife therefore influences forest composition and density which correspondently affects even the climate.

Ensures Food Security and Nutritional Balance. Wildlife in Cameroon ensures food security especially to some forest communities like the Pigmies of the East and South regions of Cameroon who are still engaged in subsistence life of hunting and fruit gathering for livelihood. It is estimated that hunting provides between 30 to 80% of the overall protein intake of rural households in Central Africa and nearly 100% of animal proteins. The depletion or extinction of major wildlife animal species in these areas will cause a major problem to such communities and increase burden on the government.²⁶ Bennett and Robinson²⁷ express the view that, “[it is] either we manage the resources now, while wild species still exist or we shall be forced to address the nutritional needs of people when the wildlife resources are no longer available. By then, the wider implications for both humans and tropical forest biodiversity will be much more serious and much less manageable”.

Medicinal Uses. In Cameroon, wildlife is used for medicinal purpose both in the traditional and modern settings. Some wild animals are of medicinal value with their body parts used in the cure of diseases and the manufacture of drugs. Besides, many people in most rural areas rely on traditional medicine for their health care because *inter alia* they lack finances to go for modern treatment in hospitals. Wild animals are also useful for medical research in that most researchers use them as specimens for carrying out tests.

Economic Importance of Wildlife

- **a) Source of Employment.** Wildlife serves as a source of employment to a number of Cameroonians who are involved in various activities related to the sector. This includes those who work as hunters and others who process wildlife products like ivory into works of art as a means of livelihood. In the area of ecotourism, there are so many Cameroonians who work in wildlife protected areas as eco-guards, hunter guides, carriers and conservators. Jobs of the wildlife sector are estimated at 2000 in the formal sector and at 8000 in the informal sector (hunters, poachers, retailers etc).²⁸
- **b) Source of Income to Individuals.** Wildlife is a major source of continuous cash income to a cross section of people including: hunters, middlemen, market women, and restaurant owners. It is also a source of income to those that are involved in transformation and collection of wildlife products for commercial

²⁴ Nguiffo, S. and M. Talla (2010) Cameroon's Wildlife Legislation: Local Custom Versus Legal Conception, Unasylva 236, Vol; 61, P. 14.

²⁵ Nasi, R. Et Al (2008), Conservation and Use Of Wildlife-Based Resources: The Bushmeat Crisis. Secretariat of the Convention on Biological Diversity, Montreal, and Center for International Forestry Research (CIFOR), Bogor. Technical Series no. 33, 50 pages, p. 9.

²⁶ Nasi, R. Et Al (2008), op. cit., p. 14.

²⁷ Bennett E. L. & Robinson J. G. (2000), Hunting of Wildlife in Tropical Forests. Implications for Biodiversity Forest Peoples. Biodiversity Series – Impact Studies Paper No 76. EU, WCS. New York. USA, as cited in Mbotiji, J. (2002), Sustainable Use of Wildlife Resources: The Bushmeat crisis, FAO, P. 2.

²⁸ Ngoufo, R. and D.H.Tsague (2010), improving the Legal Framework of Wildlife Resources in Cameroon: Developments and constraints, challenges and Perspectives, Cameroon Environmental Watch (CEW), P. 7.

purposes. Julius Mbotiji²⁹ identifies the sale of wildlife as a source of income to majority of households around the Korup National Park.

- **c) Source of Income to the State.** It ensures continuous inflow of foreign earnings through the legal export trade in live animals, their skin, hides and trophies. The Cameroonian law provides the possibility for the exportation of wildlife in Cameroon through the procurement of a Certificate of Origin and an export licence without which the CITES Permit required for the exportation of wildlife from one CITES member country to another cannot be gotten. Also the government get finances through the various taxes that are paid to obtain hunting licences, scientific research permit, game ranching permit, cinematographic permit³⁰ and finally licence to possess fire arm.

Socio-cultural Value. The socio-cultural value of wildlife in Cameroon cannot be over emphasised as it is emblematic in almost all tribes. Traditional rulers especially in the Northwest, Southwest, West and Northern Regions sit on the skins of the lion, tiger or leopard and use other wildlife trophies as ornaments (often with strong cultural and ceremonial significance) around their palaces. In some communities, some wildlife species are considered secret and their capture or killing is forbidden. This is because these animals are used as totems by the villagers³¹ and in some cases are considered to be the incarnation of the souls of their ancestors.

Wildlife is also used in traditional medicine and also for the performance of traditional rites and rituals.

Aesthetic value of wildlife. The aesthetic value of wildlife takes many different forms, and arises in terms of the pleasure that humans derive from non-consumptive wildlife utilization schemes. Wildlife has intrinsic beauty and is a source of recreation for humans, with several wildlife-related recreation activities, especially aesthetic uses due to its aesthetic appeal (game viewing, photography and sport hunting). Allen³² notes that “*the greatest significance of wild living things is aesthetic or environmental rather than exploitative*”.

Threats To Wildlife Sustainability in Cameroon

Despite her enormous wealth and diversity in wildlife, characterised by much species endemism, it is rather unfortunate that wildlife in Cameroon like in other countries in the Congo Basin and other parts of Africa continue to face threats of extinction, making their sustainability questionable. Already there has been extirpation and worst still extinction of wildlife species in Cameroon because of pressure from various sources. There have always been extinctions in the history of the earth’s evolution. The peculiarity of this recent wave of extinctions is that there exist factors that have directly or indirectly caused current extinction rates of wildlife resources to be 100 to 10000 more than traditional natural extinction rates. These factors are to a greater extent anthropogenic. These threats are as follows;

Illegal Trade and Traffic in Wildlife. Illegal trade in wildlife has become a lucrative business generating billions of dollars every year. The global annual value of the illegal trade in wildlife, excluding fisheries and timber, has been estimated to be between US \$7.8 and \$10 billion.³³ The price of rhinoceros horn has increased to around US\$60,000 per kilogram –twice the value of gold and platinum, and it is now more valuable on the black market than diamonds and cocaine.³⁴ The effect of this activity has been continuous increase in the scale of hunting of some animal species like the elephant and rhinoceros which are already endangered for their trophies despite an international ban on their sale by CITES.

The lucrative nature of illegal trade in wildlife has brought new actors into the scene like organised criminal networks and armed groups who regard wildlife activities as an easier and less risky means of raising funds³⁵ for

²⁹ Mbotiji, J. (2002), Op cit., p. 6.

³⁰ Article 34 of the 1995 Decree.

³¹ The Bakwerians belief in the elephant, the Akwaya people in the cross river gorilla and monkeys as a whole and the Lebialem people belief in the gorilla.

³² Allen, D. L. (1978). The enjoyment of Wildlife. In H. P. Brokaw, (Ed.), *Wildlife and America*, Penguin, as cited in Sifona, N. (2012) Op cit., P.35.

³³ Global Financial Integrity (2011), *Transnational Crime in the Developing World*, as cited in Martini, M.(2013), *Wildlife Crime and Corruption*, Transparency International, p. 2.

³⁴ Ibid. p. 11.

³⁵ This is because most countries including Cameroon take illegal wildlife trade as a less priority crime and the courts tend to be more sympathetic when it comes to wildlife crime than when it concerns for instance, drug and arms trafficking which currently has a lower value as compared to wildlife trafficking.

their illegal activities than trade in drugs. This therefore explains the increase involvement of armed groups in mass poaching of elephants in Africa, for instance, rebel poachers from Sudan invaded the Bouba Njida National Park in the north of Cameroon in early 2012 killing over 200 elephants and there are reports of the Lord's Resistance Army involvement in elephant poaching to fund its activities.³⁶

The increase in the demand for wildlife trophies especially those of the most endangered species like the elephant tusks, rhinoceros horns, tiger bones, and other wildlife species like leopard, African grey parrot, in some Asian countries and Europe is due to economic growth in these countries that has made finances readily available. This demand is driven by the perceived medical value and the social status associated to these wildlife products being trafficked in these societies.³⁷

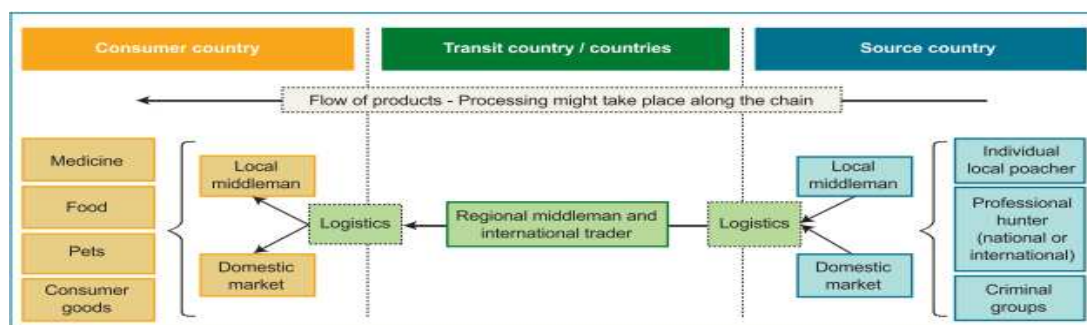


Figure 1 1. The Illegal Wildlife Trade Chain³⁸
Source: WWF/ Dalberg (2012), Op cit., P.11.

Commercialisation of Bushmeat or Bushmeat Trade. The commercialisation of bushmeat threatens the existence of so many wildlife species in Cameroon. Growing demand for bushmeat in most cities in Cameroon coupled with the precarious financial situation of the country provides new economic opportunities for people especially in the local communities to intensify their hunting activities³⁹ in order to make money for livelihood there by rendering wildlife hunting unsustainable.⁴⁰ In some big cities in Cameroon like Yaounde and Douala, there are special markets for bushmeat operating mostly clandestinely.⁴¹

Commercial Logging and other Natural Resource Extraction Activities. Wildlife is adversely affected by commercial logging and other exploitation activities by the industrial extractive sector (plantation agriculture, mining, and oil-drilling, for example) because in the course of their activities, companies directly destroy critical habitat, disturb movement patterns and alter behaviour, and indirectly facilitate hunting by building roads and/or providing hunters transportation.⁴²

³⁶ UN (2013), Report of the Secretary-General on the activities of the United Nations Regional Office for Central Africa and on the Lord's Resistance Army-affected areas, May 2013, p. 3.

³⁷ It is believed in some Asian countries that rhino horns are used as a palliative medicine for cancer and tiger bones as a handover cure for some diseases. Also in recent years, the collection of arts and crafts, jewellery and antiques, including ivory carvings, skins of wild animals, has become fashionable and the price of those items has increased significantly. See WWF/ Dalberg (2012), Op cit., p. 9, and also Kakabadse, Y. (2011), The fight against Wildlife Crime: Enforcement v. Corruption, Environmental Policy and Law, 41/3(2011), p.124.

³⁸ Ibid. p. 11

³⁹ Mbotiji, J. (2002), Op cit., p. 6.

⁴⁰ Wildlife hunting will be unsustainable if the rate of extraction surpasses the natural regeneration rate of these species.

⁴¹ A research carried by this researcher revealed that in Yaounde bushmeat is sold by non-permit holders around the railway stations especially in the Elig-Edzoa and Nkolndongo neighbourhood. Bushmeat sellers in these markets disclosed that they buy from middlemen who transport bushmeat by train from the Eastern Region of Cameroon.

⁴² Nasi *et al* (2008), Op cit. p. 29.

Climate Change. Human-mediated Climate Change represents a potentially disastrous sleeping giant in terms of future biodiversity losses.⁴³ The Intergovernmental Panel on Climate Change concludes that approximately 20-30% of plant and animal species are likely to be at increasing high risk of extinction as global temperatures exceed warming of 2-3°C above pre-industrial levels.⁴⁴

Destruction and Alteration of Habitat. Habitat destruction is a silent and indirect way of destroying wildlife, as a lot is often lost without notice. This is because when this is done animals are not only deprived of where to live but what to eat.⁴⁵ The habitat may be destroyed by deforestation, drainage, overgrazing, expanding agriculture, urban and suburban development, highway construction, dam building, etc.

Poverty. Another major threat against wildlife is the poor economic situation in Cameroon. High unemployment coupled with low income rates is the reason some people engage in illegal wildlife activities in order to make ends meet. A general lack of alternatives for income generation has played a role in recent increase in illicit wildlife trafficking.⁴⁶ There is a positive relationship between poverty and natural resource depletion and environmental degradation as a whole.⁴⁷

The Proliferation of Weapons. For most of human existence, traditional practices, cultures and beliefs have successfully ensured the sustainable use of wildlife by prohibiting the killing of particular animals considered as secret and totem animals, restricting the use of some for particular rituals, limiting entry into or hunting in particular areas of land considered as secret. In recent times the value of these cultures and practices has really degraded partly because of the spread of Christianity and other religions which most often than not condemn these traditional practices⁴⁸ and the advent of modern life style. Also urbanisation and globalisation has eased the movement of people from one place to another leading to the movement of poachers into alien societies whose culture and beliefs they are unfamiliar with

Strategy For The Regulation And Management Of Wildlife Under Cameroon Wildlife Law.

- **Protection of Wildlife through Elaboration of Wildlife Law.** Wildlife law is an indispensable tool in the protection and conservation of wildlife. This is because it sets the parameters for the protection and use of wild animals in a sustainable manner. The importance of this is expressed in the 1982 World Charter for Nature in terms of the need for a "Code of conduct for the preservation of nature"⁴⁹ and also Article 8(k)⁵⁰ of the Convention on Biodiversity. Wildlife laws usually focus on the protection of a particular species or group of species of wildlife on the one hand (species-base conservation), or the protection of wildlife habitat against degradation, destruction and modification on the other (site based conservation) or both.⁵¹

⁴³ Climate warming can affect species in five principal ways: (1) alterations of species densities (including altered community composition and structure); (2) range shifts, either poleward or upward in elevation; (3) behavioural changes, such as the phenology (seasonal timing of life cycle events) of migration, breeding, and flowering; (4) changes in morphology, such as body size; and (5) reduction in genetic diversity that leads to inbreeding depression. See Sodhi, N. S., W. B. Brook and J. A. Bradshaw, *Op cit.*, p. 516.

⁴⁴ Fischlin, A. *Et al* (2007) Ecosystems, their Properties, Goods and Services in, Linden, P.J. and C.E. Hanson(eds) *Climate Change: Impacts, Adaptation and Vulnerability*, contribution of Working Group II to the Fourth Assessment Report of the intergovernmental panel on Climate Change, Cambridge University Press, UK, pp. 211-272.

⁴⁵ Ekpelynyang (2012) *Environmental Problems in the Bakossi Landscape*, WWF Coastal Forest Programme, Limbe, p. 31.

⁴⁶ WWF/ Dalberg (2012) *Fighting illicit wildlife trafficking: A Consultation with Governments*. WWF International, Gland, Switzerland, p. 14.

⁴⁷ Sikod, F, *Op cit.*, p. 1.

⁴⁸ Sifona, N. (2012), *Op cit.*, p.33.

⁴⁹ Paragraph II (a) of the preamble.

⁵⁰ It states that each contracting party shall as far as possible and as appropriate develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations.

⁵¹ This is an obligation on state parties according to Article 8 of the Convention on Biodiversity.

The 1994 Forestry and Wildlife Law which is the main Law regulating wildlife adopts a species based conservation⁵² strategy classifying animals into classes A, B and C depending on their endangered status,⁵³ and also a site based conservation⁵⁴ by designating particular sites reserved for wildlife where human activities are strictly regulated. It also lays down conditions for carrying out exploitation activities in protected areas and most importantly defines crimes and sanctions related to the wildlife sector.

The policy and strategy adopted by Cameroon for the regulation and management of wildlife is inspired by the many Multilateral Environment Instruments she has ratified, particularly the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 1975, and the Convention on Biodiversity (CBD) 1992. This is as follows;

Classification of Wildlife (Mammals, Birds and Reptiles) Under Different Categories for Protection (Species Based Conservation). Drawing inspiration from the CITES and International Union for the Conservation of Nature (IUCN) classification of endangered species, the Cameroonian legislator in the 1994 law classifies wildlife into different categories depending on their threat situation and need for protection. Article 78 of the law stipulates that; *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.*

Ministerial Order No 0648/MINFOF of 18 December 2006 (herein after referred to as the 2006 Order) sets the list of animals of classes A, B and C in accordance to the above section. It is important to examine these classes individually.

a. Class A Protected Wildlife Species. The law gives total protection to animals falling under this class which are not to be killed and their capture or keeping in captivity is subject to an authorization by the service in charge of wildlife.⁵⁵ This class includes animals that are faced with the highest threats of extinction like the Rhinoceros, lion, the big cats, elephants, great apes, African sharp-nosed crocodile etc. The 2006 Order takes into account in the national classification into class A, species of Annex I of the CITES classification and species belonging to groups settled out of the wild, in critical danger of extinction, endanger, vulnerable with regards to the classification of IUCN.⁵⁶

b. Class B Protected Wildlife Species. The law provides protection to animals of this category by stipulating that they shall be protected and may be hunted, captured or killed subject to a grant of hunting permit.⁵⁷ All other acts of hunting including traditional hunting of animals of this class are prohibited without a hunting licence.⁵⁸

c. Class C Protected Wildlife Species. Animals falling under class C are partially protected and their capture and killing is regulated in order to maintain the dynamics of their population.⁵⁹ This class comprises mammals, reptiles and birds other than those of class A and B and birds of annex III of the CITES.⁶⁰ Included in this class also are species of Annex III to the exception of those already admitted into class B or A at the national level of CITES classification or belonging to groups of minor preoccupation according to IUCN.⁶¹

Creation and Management of Wildlife Protected Areas (Area Based Conservation). Another approach to the conservation and management of wildlife has been the creation of protected areas where the pristine nature of the

⁵² It focuses exclusively on the identification and restoration of species that have reached critically low population levels, on the basis of defined criteria and procedures for listing these species and at least two general mechanisms designed to ensure recovery of individual species.

⁵³ Section 78 of the 1994 law and section 14 and 15 of its decree of implementation.

⁵⁴ This identifies specific areas that are critical for the survival of certain wildlife species (migration routes, feeding or breeding grounds, etc.), through a listing system. This legal approach, therefore, prioritizes the protection of habitats as special conservation areas for wildlife.

⁵⁵ Section 2 of the 2006 Order.

⁵⁶ Section 6 paragraph 1.

⁵⁷ Article 78 (3) of the Law.

⁵⁸ However, Section 24 of the law authorizes traditional hunting of rodents, small reptiles, birds and other class C animals.

⁵⁹ Section 78(4) of the Law and section 42 of the 1998 Ministerial Order.

⁶⁰ Section 4 (1) of the Order.

⁶¹ Section 6 paragraph 3 of the Order.

ecosystem is maintained and the exploitation of natural resources including wildlife is regulated, providing wildlife the opportunity to live in its natural habitat unfettered by human disturbing activities. The aim of this is to safeguard particular species of wildlife and their habitat. The mere provoking of animals in game reserve or zoo⁶² and possession of a hunting implement in a protected area⁶³ is considered a crime. Different types of protected areas include;

- **National Parks.** There are a total of 18 national parks in Cameroon.⁶⁴
- **b) Wildlife Sanctuaries.** There are a total of 3 sanctuaries in Cameroon. This includes the Kakwene gorilla sanctuary, the Mengame gorilla sanctuary and the Bayang Mbo sanctuary.
- **c) Zoological Gardens.** There are 3 zoological gardens including the Limbe, Mvog Beti and Garoua zoological gardens.
- **d) Wildlife or Game Reserves.** This includes; the Dja, Deng Deng, Douala- Edea, Sancthou, Lake Ossa, Mbi crater and Mount Bakossi game reserves.
- **e) Hunting Grounds to Lease Out:** This is a zone where hunting activities are authorised and carried in accordance with hunting regulations.⁶⁵
- **f) Hunting Grounds for Community Management:** These are hunting grounds in a non permanent state forest that is the subject of a management plan between a local community and the service in charge of wildlife.⁶⁶

Cameroon law further protects wildlife resources through the regulation of various wildlife exploitation activities. This is because emphasis has been switched from management of species to management of activities and processes that have potential harm on species.⁶⁷ The law provides for the grant of permits and licences for the exercise of various wildlife exploitation activities. This facilitates enforcement of the wildlife law, by permitting the identification of hunters, collectors etc and imposing effective administrative⁶⁸ as well as judicial sanctions⁶⁹ for violations. It also no doubt serves as a source of income to the state. This is seen in the following;

- **Regulation of Hunting Activities**

The 1994 Law and 1995 Decree define hunting as any action which aims at; Chasing, killing and capturing a wild animal or guiding expeditions for such purposes. Photographing and filming wild animals for commercial purposes.⁷⁰

Any hunting except in the case of traditional hunting shall be subject to the grant of a hunting permit⁷¹ failure of which shall contravene the provisions of section 155 of the 1994 Law punishable as crime.

- **Regulation of the Capture of Wildlife.** Not only does the law regulate hunting, it also regulates the capture of wildlife. Any person wishing to capture wild animals for scientific, commercial or breeding purpose or to keep them in captivity shall hold a licence issued by the local official in charge of wildlife service⁷² on the basis of a file including inter alia, a hunting licence corresponding to the species to be captured.⁷³

⁶² Ibid Section 154.

⁶³ Ibid Section 154 paragraph 8.

⁶⁴ This include the Mbam and Jerem, Mpem and Jim, Campo Ma'an, Lobeke, Boumbabek and Nki, Ndongoré, Bakossi, Bayan Mbo, Korup, Ebo, Faro, Bouba Ndjidda, Benoué, Mbere Valley, Mozogo Gokoro, Waza, Kalamaloue and Mount Cameroon national parks. Data from the Ministry of Forestry and Wildlife, Department of Wildlife and Protected Areas, Communication Service (2011).

⁶⁵ Ibid section 19.

⁶⁶ Ibid section 20.

⁶⁷ Muam, A .C.(2006), Traders are the Higher Target in the Fight Against Wildlife Crime, in Wildlife Justice, Bilingual Wildlife Law Enforcement Journal: Wildlife offences and Crimes, N°002, LAGA, p. 7.

⁶⁸ Suspension and withdrawal of licences and permits.

⁶⁹ Fines, imprisonment and confiscations.

⁷⁰ Section 85 of the 1994 law and 3(3) of the 1995 Decree.

⁷¹ Ibid Section 87.

⁷² Section 99 of the 1994 Law.

⁷³ Section 40 *et seq* of the 1995 Decree.

- **Regulation of their Collection.** The law equally provides that the collection of trophies and carcasses of classes B and C game used for commercial purposes or otherwise and the possession of worked ivory for commercial purposes shall be subject to a licence issued by the Minister in charge of wildlife upon the fulfilment of the conditions set by the law.⁷⁴
- **Regulation and Control of the Possession, Circulation and Sale of Wildlife Products.** The possession and circulation (including exportation and re-exportation) of live protected animals, their hides and skins or trophies within the national territory is subject to the procurement of a certificate of origin⁷⁵ issued by the service in charge of wildlife.⁷⁶
- **Regulation of Hunter Guide Activity.** A hunter guide is any professional hunter approved by the services in charge of wildlife whose main activity is the organization and guiding of hunting expeditions under a duly formed company whose registered office is located in his area of activity.⁷⁷
- **Game-Ranching or Game Farming.** The Law provides that the exploitation of game-ranch shall be subject to obtaining a licence issued to the applicant by the Minister in charge of wildlife upon the submission of particular documents spelled out by the law to prove his identity, morality and conduct, and capacity to carry out the activity.⁷⁸
- **Regulation of Cinema, Camera and Photographic Hunting.** The practice of this activity; filming or photographing of wildlife scenes shall require a licence issued by the Minister in charge of wildlife under conditions laid down by a special order of the Minister.⁷⁹
- **Regulation of the Processing of Wildlife Products.** The law also requires that any person processing wildlife products must be registered with the services in charge of wildlife which shall entail the payment of a fee prescribed by law each year.⁸⁰

Criminal liability for unauthorized killing and exploitation of wildlife. Due to increase in the dimension of threats to wildlife sustainability and scope of perpetrators of illegal wildlife activities, many international legal instruments like the CITES, Lusaka Agreement, and international organisations like TRAFIC, UNODC recommended to and urged members states to provide for criminal and civil liability for wildlife law violations. In this light the 1994 Forestry and Wildlife Law like its predecessor⁸¹ spells out criminal sanctions for the violation of its provisions in order to provide effective enforcement of the wildlife law. The law does not only spell out offences and penalties, but empower wildlife officials with special judicial police powers to on behalf of the state, local councils, communities or private individuals, investigate, establish and prosecute offences relating to forestry, wildlife and fisheries.⁸²

The law also imposes strict criminal liability which does not only catch the poacher in the field but any other person in possession of whole or part of protected species by presuming them to have killed or captured the animal.⁸³ The object of this is to pay violators in their own coins while at the same time creating a deterrent factor in potential offenders. This criminal aspect in wildlife law forms the fulcrum of this work. So more issues relating to its relevance and effectiveness will be discussed in subsequently.

Having examined the above, it is clear that there exists a broad array of dispositions for the protection of wildlife under Cameroonian law. The regulation of wildlife examined above is thanks to the international and national legal framework that exists in the country. The existence also of a broad institutional framework facilitates their implementation.

⁷⁴ Ibid Section 45(1).

⁷⁵ The certificate specifies the characteristics of the animal and registration number of the trophies to enable identification of the animal product in circulation -Section 98 (2) of the Law.

⁷⁶ Section 98 (1) of the Law.

⁷⁷ Section 3(2) of the 1995 Decree.

⁷⁸ Ibid Section 53 (2).

⁷⁹ Ibid Section 55.

⁸⁰ Ibid Section 63.

⁸¹ Law No 81-13 of 27 November 1981.

⁸² Section 141 of the law.

⁸³ Ibid Section 101.

Criminal Enforcement of Wildlife Law in Cameroon

1. The relevance of Criminal Law in the enforcement of Wildlife Regulations. The existence of wildlife conservation laws *per se* serves no purpose if proper measures are not taken to ensure compliance and effective enforcement. The best environmental standards in the world will be innocuous if they are not complied with or effectively enforced.⁸⁴

Criminal Law,⁸⁵ administrative law and civil society actions are some of the contemporary instruments for environmental compliance and enforcement.⁸⁶ The nature of wildlife offences and environmental offences⁸⁷ as a whole makes it difficult for civil actions for damages to adequately compensate victims for their loss since the *status quo ante* can hardly be restored. Criminal law therefore becomes indispensable in this context in terms of not compensating victims but through the imposition of sanctions to deter potential offenders from engaging in acts which cause irretrievable harm to wildlife resources.⁸⁸ The effectiveness of Criminal law in performing this task is contingent on the existence of an efficient institutional framework for implementation and enforcement.

The objective of this paper will be to examine the role and effectiveness of criminal law in the enforcement of wildlife laws in Cameroon. Criminal enforcement is one of the means to ensure compliance with various regulations by using or threatening to use the most serious sanctions.

Criminal law is also deemed appropriate in the enforcement of wildlife law based on the 'rational choice theory' which considers that a person who commits for instance a wildlife crime is a rational man who weighs what he stands to gain against what he risks to lose if he commits the wildlife crime before engaging into the particular conduct. According to this theory criminal behaviour should be viewed as an event that occurs when an offender decides to risk violating the law after considering his or her own personal situation (need for money, personal values, learning experiences) and situational factors (how well a target is protected, how affluent the neighbourhood is, how efficient the local police happen to be). Before choosing to commit a crime, the reasoning criminal evaluates the risk of apprehension, the seriousness of the expected punishment, the value of the criminal enterprise, and his or her immediate need for criminal gain.⁸⁹ A person will therefore commit a wildlife crime only if he expects to have some "profit" as a result of doing it. If they conclude that there is a strong probability of their being caught and suffering a penalty that is significantly greater than the benefit they can derive from the offence, then they will be less likely to commit the offence.⁹⁰ It therefore becomes imperative for the cost of committing wildlife offences to be increased by greater proportions, through effective criminal enforcement, that is, by increasing surveillance, patrols to increase the rate of detection and arrest of wildlife criminal, increasing the penalty and improving on the trial process to ensure that arrested offenders receive a swift trial that ends up with a serious penalty that is executed. Enforcement will be effective only if the criminal process deters the potential offender, that is gives him the impression that the cost of violating the wildlife law is higher than the benefit that will accrue.

2. The Legal and Institutional Framework for the Criminal Enforcement of Wildlife Law in Cameroon.

Cameroon benefits from a broad array of legal and institutional opportunities for the conservation and protection of wildlife resources in the country which if effectively utilised can ensure protection and sustainability of wildlife resources in a way that will benefit all stake holders, present and future generations.

⁸⁴ Nchunu, S. J, Criminal Law and Environment, Prosecutors, Inspectors and NGOs in Cameroon. p. 1, retrieved on February 2, 2013 from

https://inece.org/assets/Publications/5799107d3432b_PanelCriminalLawAndEnvironmentProsecutors_Full.pdf

⁸⁵ By Criminal Law we mean the body of laws defining offenses against the community at large, regulating how suspects are investigated, charged, and tried, and establishing punishments for convicted offenders, Bryan A. Garner, Ed, (2009), *The Black's Law Dictionary*, 9th Edition, Thomson Reuters.

⁸⁶ Ibid.

⁸⁷ It involves damage of values and interests common to all men which are rarely assessed in pecuniary terms and most of the time irretrievable.

⁸⁸ Faure, M. G. and M. Visser (2003), *Law and Economics of Environmental Crime: A Survey*, pp. 2 &3.

⁸⁹ Siegel, L. (1992), *Criminology*, 4th ed., West publishing, p.131, as cited in Keel, R.(2005) Rational Choice and Deterrence Theory. Retrieved on June 6, 2013 from <http://www.umsl.edu/~keelr/200/ratchoc.html>

⁹⁰ Claridge, G., V. Chea-Leth, and I. V. Chhoan (2005) *The Effectiveness of Law Enforcement against Forest and Wildlife Crime: A Study of Enforcement Disincentives and Other Relevant Factors in South-western Cambodia*, p.11.

- **Legal Framework for Criminal Enforcement.** There are so many legal instruments that are relevant to the protection of wildlife in Cameroon with most of them containing provisions for the prosecution of wildlife offences as one of the ways of enforcing protection of the wildlife heritage.

i) The Penal Code (Law No 65-LF-24 of 12-11-1965 and Law No 67-LF-1 of 12-06-1967)

This is one of the earliest laws criminalizing environmentally wrongful activities. It punishes many environmental offences like air and water pollution, adulteration of food stuffs, trespass to land, cruelty to animals, and lays down general principles for the establishment of criminal responsibility and punishment in Cameroon.

ii) Law N0 94-01 of January 1994 to Lay Down Forestry, Wildlife and Fisheries Regulations. This is the main law laying down forestry, wildlife and fisheries regulations in Cameroon. The law gives the state the duty to protect the forestry, wildlife and fisheries resources and ownership over all genetic resources. It is to this effect that the Ministry of Forestry and Wildlife (MINFOF) is in charge of the management and protection of wildlife and protected areas. It also gives sworn officials of MINFOF special judicial police powers to on behalf of the state, local councils, communities or private individuals, investigate, establish and prosecute offences relating to forestry wildlife and fisheries sector.⁹¹ The law further provides for the rights and duties of these sworn officials and defines modalities for the exercise of these rights and duties in collaboration with judicial police officers and agents, and the judiciary and the Legal Department.

Amazingly, the law provides for criminal liability for any natural person or corporate body found guilty of violating its provision and enumerates inter alia, various wildlife crimes and the accompanying penalties to be meted on offenders. It also provides for civil liability and the possibility of a settlement when a wildlife crime is committed. All these are geared towards protection, conservation and sustainability of wildlife in Cameroon by basically creating deterrence in potential offenders. The 1994 law if properly implemented will serve as a great tool in the protection and sustainable management of wildlife resources in Cameroon.

iii) Decree No 95/466-PM of July 20 1995 to Lay Down the Conditions for the Implementation of Wildlife Law Regulation

This Decree lays down conditions for the implementation of Law No 94/01 of 20 January 1994 to lay down Forestry, Wildlife and Fisheries regulations, in particular part IV there of relating to wildlife. This Decree among other things defines the functions of wildlife officials responsible for the control and follow up of wildlife activities in the prosecution of offences, conditions and effects of a settlement and other sanctions for wildlife offences like suspension and withdrawal of licences or permits, the seizure and confiscation of illegally acquired wildlife products and equipment used in such acts.⁹²

iv) Law No 96/12 of 5 August 1996 Relating to Environmental Management. This was the first comprehensive law relating to the protection of the environment as a whole of which wildlife is just a component in Cameroon. This law empowers the government to formulate national strategies, plans or programmes for the conservation and sustainable use of environmental resources including wildlife.⁹³ The environmental code also provides for criminal and civil liability for offenders who carry out environmental degrading acts defines and penalties therefore.⁹⁴

Institutional Framework for Criminal Enforcement. Cameroon equally benefits from the vast network of both national and international institutions operating in the biodiversity conservation sector in the country. These institutions carry out different wildlife conservation projects, fight against loss of biodiversity and illegal trade in wildlife.

International and Regional Institutional Framework for the Protection of Wildlife Law in Cameroon

TRAFFIC (The Wildlife Trade Monitoring Network)

TRAFFIC aims to ensure that trade in wild plants and animals is not a threat to the conservation of nature.⁹⁵ In Cameroon TRAFFIC amongst other things carries out training of officials involved in wildlife law enforcement in

⁹¹ Section 141-142.

⁹² Section 64 *et seq.*

⁹³ Section 3 paragraph b.

⁹⁴ Part V.

⁹⁵ Retrieved on February 8, 2013 from <http://www.traffic.org/trade/>

order to improve the implementation of international conventions especially CITES and national laws related to wildlife protection. In November 2012 TRAFFIC carried out training of students at the police school in Mutengene on the content and application of the Cameroonian wildlife law.⁹⁶

International Criminal Police Organisation (INTERPOL)

INTERPOL is the world's largest international police organisation with 190 member countries including Cameroon⁹⁷ with the mission of preventing and fighting crime through international police cooperation. Among the various crime areas for INTERPOL's action, is Environmental crime which *inter alia* includes wildlife and pollution crime. On November 29, 2012 INTERPOL organised a training course focused on the training of law enforcement officials from Cameroon and other African countries to effectively prevent and investigate wildlife crime at its regional bureau in Abidjan.⁹⁸

National Institutional Framework for the Enforcement of Wildlife Law in Cameroon. The law enforcement process in every system involves different actors, playing different roles geared towards maintaining particular standards set by the law and ensuring that defaulters are identified, apprehended, prosecuted and sanctioned in a way that leaves the offender and a potential offender with the impression that such violations can easily be detected and severely punished. As far as wildlife crime is concerned, sworn officials of MINFOF are the main actors involved in control, investigation, and prosecution of wildlife crime, with the collaboration and assistance of the forces of law and order, customs and finance service, the Legal Department, the courts and non-governmental organisations. This is because the law gives them special judicial police status to investigate and prosecute wildlife crimes.

The Ministry of Forestry and Wildlife (MINFOF) Section 1(2) of Decree No. 2005/099 of 06 April 2005 creating the Ministry of Forestry and Wildlife, gives MINFOF the primary responsibility to elaborate, apply and evaluate government policy in the field of forestry and wildlife. In this light MINFOF among other things is responsible for the supervision of wildlife exploitation activities and also the application and enforcement of the law related to this sector. This is done through its technical staff acting as Judicial Police Officers (JPO) with special competence in wildlife matters.

With regards to the wildlife sector, section 68 of Decree No 95-466-PM of 20 July 1995 to lay down the Conditions for the Implementation of Wildlife Regulations (herein after referred to as the 1995 Decree), stipulates that '*the control and follow up of wildlife activities shall be carried out by the services in charge of wildlife under conditions fixed by order of the Minister in charge of wildlife*'. These officials who must be armed and in uniform⁹⁹ shall act as JPO having special jurisdiction after taking an oath before the competent court.¹⁰⁰ These officials are empowered to investigate, establish and assist in the prosecution of offences relating to wildlife, establish facts and seize products collected without authorisation and objects used to commit offences, and write reports thereon which shall be held as *prima facie* true record of the facts there in.¹⁰¹

Below are various MINFOF organs with special judicial police powers to investigate and prosecute wildlife crimes; The National Brigade for Control of Forestry and the Fight against Poaching Placed under the central services of MINFOF, this organ is composed of 12 National Controllers and a Chief of Brigade.¹⁰² The National Brigade is empowered among other things to enforce forestry and wildlife law through the following;¹⁰³

- Working out a national wildlife law enforcement strategy.
- Investigating all wildlife crimes in liaison with the legal unit of MINFOF.
- Coordinating anti poaching activities in the national territory.
- Organising and setting up of a network of informants on wildlife crime.
- Control of hunting activities.

⁹⁶ Information from the Communications Officer, TRAFFIC central African office.

⁹⁷ Cameroon hosts the Central African Sub Regional INTERPOL Bureau and the Cameroon National Central Bureau which is under the General Delegation for National Security

⁹⁸ Retrieved on June 25, 2013 from www.interpol.int/crime-areas/Environmental-crime/Environmental-crime

⁹⁹ The requirement for the above officials to be armed and wear uniforms is intended to distinguish them and facilitate their task of control which in most cases requires coercion for effectiveness.

¹⁰⁰ Section 69 of the 1995 Decree.

¹⁰¹ Section 142 (1 & 2) of the 1994 Law.

¹⁰² Section 7(2) of Decree No.2005/099 of 06 April 2005 creating and organising MINFOF.

¹⁰³ Ibid Article 7 (1).

- Building cases for eventual administrative sanctions.
- The Regional Control Brigade of Forestry and Wildlife

This is placed under the Regional Delegations of MINFOF. It is composed of a Chief of Brigade and six Provincial Controllers.¹⁰⁴ This is the most active organ of MINFOF as far as the fight against poaching and the prosecution of wildlife crime cases are concerned. Almost all the wildlife cases that have been decided in court are initiated by the Regional Control Brigade whose agents also appear as prosecution witnesses to give evidence in court for the prosecution.

The National Anti-Poaching Committee Created by Arrete No 082/PM of 21 October 1999, this Committee studies and proposes to the Minister in charge wildlife guidelines for the implementation of policies for the fight against poaching at both the national and sub regional levels. In this light, it is in charge of the following:¹⁰⁵

The Legal Department. As far as wildlife crimes are concerned the Legal Department performs its regular duties under Section 135 of the CPC¹⁰⁶ without prejudice to the special powers of forestry and wildlife officials. The state counsel directs and controls operations of judicial police officers and agents including of course MINFOF officials exercising special judicial police powers. The Legal Department assist MINFOF agents by issuing search and arrest warrants without which investigation operations cannot effectively be carried out given the fact that the MINFOF staff require the assistance of forces of law and order to apply force in the absence of such facilities in MINFOF. Also MINFOF officials' power to carryout searches and arrests without authorisation is limited to flagrante delicto cases.¹⁰⁷

The Legal Department also receives reports and complaints on wildlife crimes from other entities like NGO's and open investigations and were necessary initiate criminal proceedings in court.

The Trial Courts. The trial courts play a great role in applying the wildlife law especially in wildlife criminal cases in Cameroon. The courts are not only charged with adjudication of disputes arising from the carrying out of wildlife exploitation activities governed by the 1994 law (Sec 65) but also prosecute and impose criminal sanctions (imprison terms and fines) and civil awards (damages, confiscation and restitution) on those who violate the wildlife law. Before 2003, the prosecution of wildlife offences was not a reality even though the 1994 Law made provisions for it. But since 2003, more and more of wildlife crime cases have been appearing before the courts.

Judicial Police Officers and Agents with General Competence. Working under the supervision of the Legal Department and acting as it auxiliary, they include elements of the police and gendarmerie who have taken and oath to act as Judicial police officers.¹⁰⁸ Judicial Police Agents on their part are gendarmes who are not JPOs, police inspectors and constables.¹⁰⁹

The duties of the judicial police includes investigating offences, including wildlife offences, collecting evidence, identifying offenders and accomplices and bringing them before the Legal Department either on their own motion, upon receiving complaints about the commission of an offence and finally execution of the orders of the State Counsel or other judicial authorities. In the normal execution of their duties, JPOs and agents uncover various crimes including wildlife crimes and report to the Legal Department that continues with prosecution or may order for further investigation.

Judicial police agents also assist MINFOF staff to execute search and arrest warrants, in control missions, raids etc, given the fact that MINFOF officials are not properly equipped as provided by the law to carry out their duties. In the April 15 to 26, 2013 anti poaching operation in the East, 25 soldiers of the Rapid Intervention Battalion (BIR) assisted MINFOF officials to do the control operation. During the 2012 Bouba Njida Elephant crisis, more than 100

¹⁰⁴ Ibid Section 75(2).

¹⁰⁵ Art 2 of the Arrete.

¹⁰⁶ This include, receiving written or oral information and complains on the commission of crimes from the public or any administrative authority, controlling judicial police activities, ordering investigations and instituting criminal proceedings against suspects.

¹⁰⁷ Sec 142(1)(b).

¹⁰⁸ Section 79 CPC.

¹⁰⁹ Section 81 (1) CPC.

elements of the BIR were also called in to intervene to fight poaching activities and after the incident, some have been stationed there to guard against poaching activities.

The Customs Services. The custom service plays a vital role in the identification of wildlife law offenders, especially trafficking as they control the entry into and exit of goods from the country in order to collect custom duties. Customs service checkpoints are located in all sea ports and airports, boarder roads and even all the main entrances to major towns in the country. In carrying out these duties they uncover illegally gotten wildlife products and report to the wildlife service. Traffic in wildlife products is done through no other means but the major roads and parts of Cameroon.

Non-Governmental Organisations (NGO's). The role of NGO's in realising prosecution of wildlife crime offenders in Cameroon is very important and exemplary not only in the Central African sub region but in the whole of Africa. This is thanks to the willingness of the Cameroonian government to permit the existence of these organisations which operate in different capacities in the country and mostly in the various protected areas primarily for the conservation of wildlife. As far as the enforcement of wildlife law through identification investigation and prosecution of wildlife offences is concerned, the most outstanding NGO is the Last Great Ape Organisation commonly known by its acronym LAGA, which is the only NGO engaged primarily in the enforcement of wildlife law in Cameroon.

The Process of Criminal Enforcement of Wildlife Law in Cameroon

It is rather interesting to note that even though criminal provisions for wildlife offences were introduced as early as 1981, these provisions were never implemented. This of course, explains why there was very little compliance with that law. The 1994 law suffered a similar fate until 2003 when the government of Cameroon inspired by the new trend and dimension of wildlife criminality, especially in ivory and the strong pressure from the international conservation community embarked on a vast campaign to fight poaching and illegal trade through the effective implementation of the 1994 Law, which has continued to date. This is by ensuring that poachers, and illegal traders in wildlife species and trophies are identified, arrested, taken to court, and at the end a sentence is pronounced upon them that will not only serve as a lesson to them to abstain from similar acts, but also deter potential offenders not to engage in illegal wildlife acts.

Enforcement is the process of making sure that something is done or obeyed. When we talk of criminal enforcement we mean use of criminal law to ensure the obedience or adherence to particular rules or standards in this case wildlife law. The theory of rational choice¹¹⁰ and deterrence examined above, presumes that crime is a rational action and occurs when an offender decides to risk violating the law after considering the following two factors; (1) his or her own personal situation and (2) external situation or factors. External situational factors basically mean how well the target is protected by the state, how efficient the police are etc. Before choosing to commit a crime, the reasoning criminal evaluates the risk of apprehension, the seriousness of the expected punishment (costs) on the one hand and the value of the criminal enterprise, and or his immediate need for gain (value) on the other.¹¹¹ Only tightening legislation on paper, without effective enforcement has very little effect on compliance with laws. This is because for there to be compliance, the potential law breaker has to perceive that the costs of committing a crime are high not only on paper but in practice too.¹¹² It is therefore only effective enforcement that can ensure compliance by creating the necessary deterrence from criminal behaviour. The effective operation of the institutions responsible for detection, apprehension, prosecution, conviction of offenders increases the possibility of a more certain swift and severe punishment, and therefore yields a stronger deterrent effect against crime. The Swiftiness, Severity, and Certainty of punishment are the key elements in understanding a law's ability to control human behaviour.¹¹³ The

¹¹⁰ In criminology, the rational choice theory adopts a utilitarian belief that man is a reasoning actor who weighs means and ends, costs and benefits, and makes a rational choice. It is assumed, that crime is purposive behaviour designed to meet the offender's commonplace needs for such things as money, status, sex and excitement, and that meeting these needs involves the making of (sometimes quite rudimentary) decisions and choices, constrained as these are by limits, ability, and the availability of relevant information .

¹¹¹ Seigel, L. (1992), *Criminology*, 4th edition, West Publishing. P. 131, as cited in Keel, R. (2005), 13 *Rational Choice and Deterrence Theory*. Retrieved on March 15, 2013 from <http://www.umsl.edu/~keelr/200/ratchoc.html>

¹¹² Abaraviciute, D. (2010), *Environmental Protection through Criminal Law: the case study of Lithuania*, Lund University International, p. 17.

¹¹³ Seigel, L. (1992), *Op cit*.

criminal's presumption of how certain, swift and severe the punishment is directs his/her actions backwards or towards the crime.¹¹⁴ If he finds committing the crime to be more costly than rewarding, he will have an incentive to withdraw¹¹⁵ and vice versa.

From the discussion in the previous chapter, it is noted that the criminal enforcement process of wildlife law is a chain that has a number of components ranging from the detection, investigation, prosecution of wildlife offences to the conviction of offenders and execution of sentences. For criminal enforcement to successfully and effectively deter the crime, each of these components must work efficiently. Therefore barriers experienced in one step can seriously affect the whole system. This is because punishment of offenders is not the end by itself but a way to achieve the end¹¹⁶ which is wildlife crime prevention and thus greater compliance with wildlife law. Consequently higher compliance results to better protection to the particular subject protected by criminal law¹¹⁷ which is wildlife in our case.

The prosecution of wildlife crimes and award of penalties in Cameroon similarly should not an end but a means to achieve an end which is deterrence to the commission of wildlife crime or the violation of wildlife law, which will go a long way to contribute to the sustainability of wildlife in the country which is greatly threatened by wildlife crime. The effectiveness of this task will depend on how far people have effectively been deterred from engaging into acts that are prohibited by the wildlife law. For deterrence to be achieved through the criminal process, prosecution and conviction of offenders must be done in a way that gives a potential offender the impression that the probability of a person, who engages into illegal acts to be caught, prosecuted and severely punished is very high. The deterrent effect is therefore limited if a rational offender concludes that his chances of being caught and receiving a punishment are minimal.¹¹⁸

Criminal enforcement is a chain that includes a number of steps (such as detection, investigation, prosecution, conviction and sentence, and execution of sentences); therefore, for enforcement system to effectively deter the crime, each of these steps must happen efficiently. The criminal enforcement process is all about identifying offences or offenders. This will entail carrying out investigations, searches for the discovery of evidence, apprehension of alleged offenders, and initiating criminal proceedings in order to ensure that their culpability is decided and sanctions or penalties are imposed by the courts where necessary and finally such sanctions are executed, which will serve as a deterrent to actual and potential offenders. This therefore will involve different processes and actors in different sectors. To properly examine the extent of prosecution of wildlife crime in Cameroon (criminal enforcement), it will be necessary to identify the various wildlife offences and sanctions under Cameroonian law, and further examine the identification and investigation of crimes and the institution of criminal proceedings and trial.

Wildlife Offences And Penalties Under Cameroonian Law. The Law No 94/01 of 20 January 1994 to lay down Forestry, Wildlife and Fishers Regulations (here in after referred to as the 1994 law) provides for criminal liability in the following words, "*Any natural person or corporate body found guilty of violating the provisions of the law and its implementing instruments shall be liable and punishable in accordance with the penalties provided therefore.*"¹¹⁹ The 1994 Law goes further to stipulate that same penalties shall be applicable on accomplices or any other person who in one way or the other contributed to the offences.

Very important to the prosecution of wildlife offences is **Section 101** of the 1994 Law which stipulates that "*any person found at any time or place, in possession of part or whole 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.*"

¹¹⁴ Ibid.

¹¹⁵ Scott, J. (2007), Rational Choice Theory, in Browning, G., A. Halcli and F. Webster (eds), Understanding Contemporary Society: Theories of the present, Sage publications. Retrieved on March 15, 2013 from www.soc.iastate.edu/sapp/soc40/rabondchoice.pdf

¹¹⁶ Abaraviciute, D., Op cit., p. 4.

¹¹⁷ Ibid.

¹¹⁸ Nurse, A. (2012), Repainting the Green Line: The Enforcement of United Kingdom Wildlife Law, Internet journal of criminology. P.13. Retrieved on January 16, 2013 from www.internetjournalofcriminology.com

¹¹⁹ Section 150 (1).

The real threat to the survival of wildlife is not limited to the act of their killing or poaching but extends to illegal wildlife trade which involves middle men and traffickers who though do not carry out the actual killing themselves, create an incentive for such acts to be done. The above section in this regard extends the legal responsibility of the act of killing a protected animal to all the actors in the trade chain.¹²⁰

For convenience sake wildlife offences will be classified under the various categories of penalties provided by the law;

- Crimes Punishable with Fine of from 5000 to 50.000cfa Francs or Imprisonment of from Twenty Days to Two Months or Both;

Unauthorized importation or exportation of genetic material for personal use.¹²¹

Possession of hunting implement within an area where hunting is forbidden¹²²
provoking animals while on a visit to a game reserve or zoo¹²³

- *Crimes Punishable with Fine of from 50.000 to 200.000cfa Francs or Imprisonment for from 20 Days to 02 Months or Both;*

Unauthorized Importation and Exportation of Genetic Material for Gainful Purposes¹²⁴

Contravention of the Provisions on Hunting as Stipulated in Sections 87, 91, 93, 98, 100, 101 and 93 of the 1994 Law.

Hunting without a Licence or Permit or Exceeding Killing Limit¹²⁵

- *Crimes Punishable with a Fine of from 200.000 to 1000.000cfa Francs or Imprisonment from 1 to 6 Months or Both;*

Fraudulent use, forgery or destruction of marks, marking hammers, boundary marks or posts utilized by the services in charge of forestry and wildlife.¹²⁶

Contravention of the provisions on hunting arms stipulated in the following sections 106 and 107 of the Wildlife Law

- Crimes Punishable with a Fine of 3000.000cfa Francs or Imprisonment of from 01 to 03 Years or Both;¹²⁷
Falsification or Forgery of any Document Issued by the Forestry and Wildlife Services.¹²⁸

In the case of wildlife, this may include hunting permit, authorization for capture, certificate of origin, CITES permit. For example, the case of *The People v Fon Valerie (2009)*¹²⁹ the accused found guilty of forging a CITES permit in order to fake the sale of a capuchin, a class A animal to a Dutch. And sentenced to 12 months imprisonment with a fine of 300.000 FRS and damages of 250.000 to MINFOF. In a similar case, *The People v Mathias Sam Ngonain and Vincent Suh*,¹³⁰ the first accused persons was sentenced to pay a 01 million fine or serve one year imprisonment term, and the second accused person to pay 2 million Frs fine or serve 3 years imprisonment. Killing or Capture of Protected Animals either during Periods when Hunting is closed or in Areas where Hunting is forbidden or Closed.¹³¹

Sanctions Provided by the Wildlife Law. The 1994 law provides for different sanctions that can be meted on individuals or legal entities that violate its provisions depending on the type and recurrence of the offence and the profession of the offender. These sanctions are imposed in the most part by the courts especially after finding the accused guilty of an offence and in few instances by officials in charge of wildlife. The essence of these sanctions as in any other case is to punish the offender for his wrong conduct, deterring and preventing its recurrence and other potential offenders from engaging in similar prohibited conduct. The sanctions are as follows:

- **a) Imprisonment Terms.** The Cameroonian Penal Code defines imprisonment “*as a loss of liberty during which the offender shall be obliged to work, subject to any contrary decision of the court for reasons*

¹²⁰ Djeukam, R. (2012), op.cit., p. 11.

¹²¹ Section 154 paragraph 3.

¹²² Section 155 paragraph 8.

¹²³ Section 154 paragraph 9.

¹²⁴ Supra.

¹²⁵ Section 155 paragraph 9.

¹²⁶ 156 paragraph 9.

¹²⁷ Section 158.

¹²⁸ Ibid Section 158 paragraph 7.

¹²⁹ CFIBA/72/2009 (unreported).

¹³⁰ CFIBA/820/2009 (unreported).

¹³¹ Section 158 paragraph 8.

recorded in the judgment".¹³² As examined above Sections 154, 155, 156 and 158 of the 1994 Law name various wildlife crimes and prescribe imprisonment terms to be meted on offenders ranging from 10days to 3years and double in case of aggravation.

- **b) Fines.** This is a pecuniary criminal punishment or civil penalty payable to the public treasury.¹³³ It constitutes an amount of money awarded by the court to be paid by a convict to the treasury of the state for the injury caused to the society. The Sections of the 1994 law listed above provide for fines to be paid by offenders found guilty of committing wildlife crimes, ranging from 50.000 CFA Francs to 10 million CFA Francs. This penalty while acting as punishment and deterrence to offenders and potential offenders, also contribute to the income of the state.
- **c) Damages.** This is money claimed by, or ordered to be paid to a person as compensation for loss or injury.¹³⁴ The 1994 law stipulates that the genetic resources of the national heritage shall belong to the state of Cameroon which shall ensure their protection.¹³⁵ In this light, the law empowers sworn officials of the services in charge of forestry, wildlife and fisheries to investigate establish and prosecute offences relating to forestry and wildlife resources on behalf of the state. These officials represent the interest of the state as civil claimants in criminal matters relating to wildlife crime since section 61 of the CPC gives possibility for application for damages to be made in the course of a criminal trial provided that the claim arises from the offence. Almost all wildlife crime cases include civil claims upon which the judges are expected to rule while passing the sentence. The courts have awarded damages of up to 1.5million in *The State v Kang Ruffin (2006)* and 2million FCFA. in *The people v Emmanuel Beri Oze (2007)* and *The People v Mathias Sam Ngonain and Vincent Suh.*
- **d) Prevention from the Assumption of Office.** Section 158 the 1994 Law also gives the judge powers in the case of the commission of wildlife offences to without prejudice to other sanctions stipulated there in, give a ruling on the period during which the offender shall be banned from elections to the chamber of commerce and chamber of agriculture and to courts dealing with labour matters until such a ban is lifted.¹³⁶
- **e) Suspension and Withdrawal of Licence.** This is an administrative sanction given by the minister in charge of wildlife. The law provides that in the case of commission of wildlife crimes without prejudice to the sanctions stipulated by law, the approval provided for in Section 32 of the 1995 Decree¹³⁷ may be suspended or withdrawn in the following circumstances;¹³⁸
- **f) Withdrawal of Fire Arm.** The minister in charge of wildlife may following an infringement of the law request the Minister of Territorial Administration to withdraw the fire arm seized where it has not been confiscated by a competent court of law.¹³⁹
- **g) Confiscation of Seized Wildlife Products and Equipment Used in the Commission of Wildlife Crimes**

Sworn forestry and wildlife officials in the exercise of their duties as Judicial Police officers inter alia seize fraudulently acquired wildlife products and equipment used in the commission of wildlife offences.¹⁴⁰

Challenges to Effective Criminal Enforcement of Wildlife Law in Cameroon.

It is commendable that Cameroon is a leading country in the Central African sub-region and Africa as a whole in wildlife conservation and wildlife law enforcement. Cameroon has not only elaborated a wildlife conservation law and created a plethora of protected areas and trans-boundary protected areas in collaboration with other sub-regional countries, but has taken exemplary steps in the region to repressing wildlife crimes through investigation and

¹³² Section 24.

¹³³ Bryan A. Garner, Ed,(2009), *The Black's Law Dictionary*, 9th Edition, Thomson Reuters.

¹³⁴ Ibid.

¹³⁵ Section 11 and 12.

¹³⁶ Section 162 (3).

¹³⁷ This include the approval granted a natural person to carry out the following; wildlife inventory, wildlife exploitation in the capacity of a hunting guide or a capturer, exploitation of protected areas as a hunting guide and the management of protected area and hunting zones.

¹³⁸ Section 7(1) of 1995 Decree.

¹³⁹ Ibid. Section 76(1).

¹⁴⁰ Section 142 of 1994 law.

prosecution of wildlife offences. In fact the Cameroonian wildlife law enforcement model is copied by other countries in the sub-region. Despite all these and the achievement of an increase in the prosecution wildlife crimes in Cameroon of at least one wildlife case per week, the rate of poaching activities and illegal trade in wildlife has been on an increase. This raises concern whether the criminal enforcement process in Cameroon really does create sufficient deterrence to dissuade offenders from wildlife crime. Put in the context of the above discussion on the Rational Choice Theory, the chances of wildlife crimes being detected and offenders apprehended, prosecuted, and receiving a sentence that has either a deterrent effect or contains sufficient rehabilitative elements to prevent further offending is slight.¹⁴¹

From this study, we found out that there are so many factors that impede the effectiveness of the criminal system to implement wildlife law in Cameroon. Because of this, there is still continuous violation of wildlife law in Cameroon and there are increasing reports of seized illegal wildlife trophies on transit in foreign countries originating from Cameroon, despite the massive arrest of suspects and conviction of offenders since 2003. The following account for this phenomenon;

- **Low Detection Rates of Wildlife Crime.** A greater portion of poaching and illegal wildlife activities in Cameroon go undetected. Without information on illegal wildlife activities, competent authorities cannot even commence investigations. Most staff of NGOs interviewed during the research for this work were of the opinion that illegal wildlife activities are on a rise in Cameroon and the resources to fight it are very limited. Consequently not more than 30% of poaching activities are heard about or discovered. If the detection of breaches remains difficult, the deterrent effect of the sanctions that attain to those breaching is subsequently lessened.¹⁴²

This is very evident in the massive traffic in illegal wildlife products from Cameroon to other countries. In 2006 for example a shipment of 4 tones of ivory (603 tusks) were seized by Hong Kong authorities, originating from Cameroon.¹⁴³

- **Low Prosecution Rates of Wildlife Crimes.** Another major factor hampering the effective criminal enforcement of wildlife law is the fact that there is very low prosecution rate of wildlife crimes in courts in Cameroon as compared to other crimes. No wildlife crime was registered in 2012 and early 2013 in the Northwest Region¹⁴⁴ despite the upsurge of wildlife criminal activities during the same period.
- **Limited Personnel.** The acute shortage of qualified personnel especially in protected areas where wildlife conservation activities are carried out has also hampered the functioning of the justice system. Most of these areas are operating at below standard capacities especially with respect to the number of personnel, with very few workers under the state's pay role supplemented by other staff paid by the NGOs who are always attached to these areas. For instance, the Lobeke national park has 40 eco guards only and in 2009 Takamanda national park had 23 eco guards only¹⁴⁵ which are very inadequate given the vastness of the terrain and the continuous threat of illegal wildlife activities.
- **Weak Penalties Awarded by Courts.** If there is another pertinent problem plaguing the effective criminal enforcement of wildlife law in Cameroon, it is the fact that courts in the country generally hand down judgments in wildlife crime trials with very low penalties. These judgments in most cases fail to meet the minimum penalty set by the law and therefore fail to perform the deterrent function of the criminal law, e.g. *the People v Emmanuela Beri Oze Dzemomo* (2007)¹⁴⁶ and *The People v Kang Ruffin* (2006)¹⁴⁷. Investments in patrols, intelligence led enforcement and training of law enforcement officials will be ineffective in deterring wildlife crime, and essentially wasted, if cases are not successfully prosecuted in a way that appropriate sentences and sanctions commensurate with the crimes are applied.¹⁴⁸
- **Low Status of Wildlife Crime in the Cameroonian Society.** If there is one phenomenon that is evident in Cameroon, it is that wildlife crime has a relatively low status in the Cameroonian society at all levels and correspondingly a very low interest in tackling it. The society is not yet ready to consider that this type of crime concerns primary interest which must be protected by criminal law. This is because the society does

¹⁴¹ Ibid., P. 16.

¹⁴² Pain, N. (1998), *Criminal Law and Environmental Protection: An Overview of Issues and Themes*, p. 5.

¹⁴³ Retrieved on may 5 from <http://www.interpol.int/news-and-media-releases/2007/N20070620>

¹⁴⁴ Information from the Regional Delegation of Forestry and Wildlife, April 2013.

¹⁴⁵ Information from the Director of the Takamanda-Mone Landscape, WCS.

¹⁴⁶ CFIBA/262C/07 (unreported).

¹⁴⁷ CFIBA/60C/08 (unreported).

¹⁴⁸ Akella, A.S. and C. Allan (2012), *Dismantling Wildlife Crime: Executive Summary*, TRAFFIC, p. 11.

not perceive crimes to the environment as a whole and wildlife in particular to be as dangerous and threatening as for example murder or theft.

- **Very Low Execution Rate of Court Judgments and Decisions.** This has been another heavy blow to the effectiveness of the criminal system in enforcing wildlife law in Cameroon. Court judgments no matter how severe and reasoned they may be will be completely nugatory if not executed on the persons against whom it is passed.
- **Slow Judicial Proceedings.** One perplexing problem in the Cameroonian courts is that criminal trials like civil cases run for very long periods caused by delays within the judicial system. Wildlife cases are no exception, irrespective of the fact that they are usually initiated using flagrante delicto proceedings which are supposed to be swift. It is said that justice delayed is justice denied and delay defeats equity. As an official of the Southwest Regional Delegation of Forestry and Wildlife told the researcher, “*wildlife crime trials in court at times go for more than 3 years, suffering from multiple adjournments and at times judgements are not handed at all.*”¹⁴⁹

Not only does it lead to the deterioration of evidence which in wildlife cases is usually perishable, but also compromises the ability of witnesses to give evidence as they might have forgotten or lost facts concerning the case. In the *People v Nemoh Moses Oben (2012)*,¹⁵⁰ it was difficult for the Divisional Delegate for Forestry and Wildlife for Manyu to give evidence in the case in 2012 which was investigated by his predecessor in 2010.

Failure to Arrest and Prosecute High Level Poachers. Another major impediment to the effectiveness of enforcement efforts is that it targets increasingly low level actors in the illegal wildlife and bushmeat trade like poachers, transporters, retailers etc but fail to target and bring to justice high level traders and kingpins in the illegal wildlife trade who drive the trade and benefit the most from the activity. Enforcement efforts will only be truly effective if they are complemented by intelligence-led investigative efforts that go beyond sporadic seizures, aiming to systematically uncover and document the links and financial flows between the low-level and high-level players so that the latter can also be prosecuted and punished for their crimes.¹⁵¹ If the low level actor is sanctioned and the high level actor left untouched, the tendency is that the latter will simply go ahead to recruit another low level actor to further the criminal enterprise.¹⁵²

- **Ignorance of the Public.** The public is very ignorant of the wildlife law and in most of the cases tried in the courts; accused persons often expressed their ignorance of the fact that their acts were illegal. This is also reflected in the perception the public has towards MINFOF technical staff in charge of enforcement of wildlife law. They see them more as vicious persons who are depriving them of their means of livelihood. In some cases they become as naive as to mistake the enforcement capacity of the officials for their private actions.¹⁵³
- **Inadequate Knowledge and lack of expertise in Environmental Law within the Judiciary.** There is ignorance among members of the judiciary of wildlife law and environmental law as a whole. Most of these officials studied law in an era where environmental issues had not gained prominence and were not part of the university curriculum. Even in the course of their professional training as magistrates, they did not come across these aspects of the law. The effect is that they fail to fully comprehend the environmental, economic, social and cultural implication of environmental related externalities like wildlife crime. This partly explains the reason for the unfounded sympathy judges have for wildlife offenders leading to inadequate criminal sanctioning of environmental crime including wildlife crimes, and consequently less deterrence to their commission.
- **Inadequate Financial and Material Resources.** Inadequate financial and material resources greatly limits the carrying out of control, survey and patrol activities which can lead to the prevention of poaching activities and also detection of wildlife crime. The staff of most protected areas are not only limited but the few are also ill-equipped and not well trained for their task.

¹⁴⁹ Mr. Deba Sampson, Chief of Control Brigade.

¹⁵⁰ MCFI/15^c/2010 (unreported).

¹⁵¹ Akella, A. S and C. Allan (2012), Op. cit., p10.

¹⁵² This was also the opinion of Mr Rolf Dieter Sprung, Conservation Director, WWF Cameroon.

¹⁵³ This was the opinion of Mr Echiombe Victor, Op cit.

The inadequate finance and logistics for conservation is due to the fact that the government dispenses little for wildlife conservation projects in the country. Again protected areas which could have been self-sustaining out of eco-tourism are not because of limited infrastructure around and inaccessibility of the national parks which makes them less attractive to tourists. Also protected areas fail to reinvest the little amounts generated in national parks in their development.¹⁵⁴

- **Difficulties in Enforcing the Law beyond Borders.** The porosity of Cameroonian borders and long coast line has made it very easy for poachers to leave neighbouring countries and infiltrate the borders to carry out illegal wildlife activities especially poaching in protected areas close to the borders and also for easy traffic of illegal wildlife products out of Cameroon. After these activities they flee back to their countries of origin with the proceeds of the crime. Also some offenders run into neighbouring countries when investigations are opened. Once these offenders have crossed the boundaries of Cameroon, it becomes particularly difficult if not impossible for the law to be enforced on them owing to the principle of territoriality of laws and state sovereignty in international law.
- **Pressure from High Ranking Military and Administrative Authorities.** The fact that some offenders of the wildlife law are connected to highly placed government and military officials in the country, really do hamper the proper administration of justice. Many actors in the field of conservation are of the opinion that poaching of economically lucrative animals is done at times with the complicity of such officials who provide the arms and money for such illegal acts to be carried out.¹⁵⁵
- **Limited Will on the Part of the Government.** Although the government of Cameroon has shown some commitment in the fight against poaching and conservation of wildlife in the country, many are still of the opinion that there is the absence of a strong will and commitment to do this. This is evident in the low budgetary allocations made towards the sector and in, as a TRAFFIC staff¹⁵⁶ told this researcher, a general tardiness in the implementation of recommendations from and agreements with partner organization and NGOs, and in taking action on wildlife threatening issues.
- **Corruption within the Criminal Enforcement System.** Corruption in the form of bribes, preferential treatment, nepotism, cronyism and even state capture can be observed in every stage of the law enforcement process in Cameroon.¹⁵⁷ According to the Last Great Ape Organisation (LAGA), bribing attempts have been documented in 85% of field arrest operations and 80% of all court cases within the legal system.¹⁵⁸ Corruption involves various actors implicated in the wildlife law enforcement process; state authorities, villagers, forest rangers, police/gendarmerie, custom officials, etc.

Findings and Recommendations

From this study, empirical findings reveal the following;

Wildlife in Cameroon, especially elephant, rhinoceros, great apes and exotic birds continue to be under increasing threats of extinction because of indiscriminate and intense poaching caused by illegal bushmeat trade and illegal wildlife trade which is driven by increase in the black market prices of the trophies of some wildlife species especially elephant and rhino horns as a result of increasing demand in some Asian countries. There has been an announcement by the IUCN that the black rhinoceros that was endemic to the northern part of the country is extinct. The criminal process of detection, prosecution and punishment of wildlife crimes is not very effective and therefore fails to adequately deter wildlife offenders and potential wildlife offenders including even arrested and convicted offenders from further commission of wildlife crimes. This as examined above is because of *inter alia* low wildlife crime detection rates caused by limited human, financial and material resources; irregularities in the trial and sentencing of wildlife crimes, leading to lengthy delays and, weak and negligible sentences passed by the courts which in some cases are not executed; limited will in combating wildlife crime because of ignorance and the very low status of wildlife crime in the Cameroonian society. Using the rational choice theory, we have established that

¹⁵⁴ This was the opinion of Chris Jameson, Director of Takamanda -Mone Landscape, WCS.

¹⁵⁵ Conservation Director, WWF Cameroon and Director Takamanda-Mudoni Landscape, WSC; See also Munde, W., Bushmeat Industry in Cameroon. p. 4.

¹⁵⁶ Louissette Silvie Ngo, Communications Officer, TRAFFIC Central Africa.

¹⁵⁷ Last Great Ape Organisation, as cited in Martini, M. (2013), Wildlife Crime and Corruption, Transparency International, p. 3.

¹⁵⁸ Wildlife justice, Bilingual Wildlife Law Enforcement Journal No. 066, June 2009, LAGA, P.2. ;See also LAGA 2012 First Semester Report, P 17.

wildlife crime is still viewed by wildlife law offenders and potential offenders as a low cost or less risk venture with high gains because the ineffective enforcement system sends signals to potential offenders that wildlife is not adequately protected.

It is only by strengthening the criminal enforcement system in a way that ensures that wildlife crimes are increasingly detected, prosecuted and punished severely through a swift trial which also is executed, that adequate deterrence can be created in offenders and potential offenders to abstain from wildlife crime. There by increasing protection of wildlife species. Achieving this objective will require, above all, adopting a holistic view that aims to remedy key weaknesses in all institutions involved in all parts of the criminal enforcement chain, while facilitating cooperation between them. This is because for instance, outstanding achievements in detection and investigation are virtually meaningless in deterring wildlife crime if prosecutions are rarely successful, or if judges rarely apply meaningful penalties. Conversely, competent prosecutors and committed judges cannot effectively punish offenders if detection agents and investigators fail to collect thorough and compelling evidence needed to bring a strong case to court. It is only by achieving this that the cost of committing wildlife crime in Cameroon can be significantly raised above the benefits thereby increasing deterrence to wildlife crime. Following the rational choice theory, for the criminal system to be effective the cost of crime commission must be increased above the benefits. We therefore advance the following recommendations;

1. Raising Awareness on the Need to Protect Wildlife (Wildlife Conservation) and the Devastating Effects of Wildlife Crime. The public can be an important player in the fight against wildlife crime, especially in reporting them. Therefore, it is important to sensitise individuals in the society on the importance of wildlife sustainability and the fact that wildlife crime is as serious as any other crime in the society. Awareness-raising should also be tailored to touch sectors of the public involved indirectly in illegal traffic in wildlife like the shipping and other transport services, employees of foreign companies and embassies etc. This can then elicit sympathy and obedience to the law from the society which will be more ready to collaborate in terms of reporting offenders.

More so, informing the public on the situation of wildlife resources and the complexity of the illegal wildlife trade will also make the local communities less vulnerable to the financial entices of real poachers of wildlife, traders who offer very little to local people to get trophies which are subsequently sold for very large amounts of money.

Sensitization of the public can be done through radio and television programmes, newspapers, commemoration of days for the conservation of wildlife, organising public exhibitions and events on wildlife conservation, introducing the basics of wildlife subjects and environmental law as a whole in elementary school studies.

2. Publicity of Cases of Arrest and Conviction of Wildlife Law Offenders. The conviction of wildlife offenders *per se* will not have much dissuading effect on the public if it is not known to people that such convictions are going on. Publicity given to sentencing is essential in establishing general deterrence, as the public must be encouraged to believe that punishment automatically follows the commission of a crime.¹⁵⁹ The use of the audio-visual media therefore becomes imperative in achieving this. Major breakthroughs in the interception of wildlife crimes must also be publicized in the media.

3. Training Members of the Judiciary. Improving on the knowledge of members of the judiciary on wildlife and Environmental Law as a whole will be crucial to the effective application of wildlife law in Cameroon. This can be done by including environmental courses in the curriculum of university law programmes, police and gendarmerie training programmes, and also that of the National School of Magistracy and Administration so that magistrates are given essential knowledge of Environmental Law. This will help them to better appreciate environmental crimes including the wider environmental, social, economic, political and cultural impacts of wildlife crime.

More so, the initiation of refresher courses, seminars and workshops for members of the judiciary who are already in the field on wildlife law and environmental law.

4. Building a Programme for Rewarding those who Report Offenders. Officials in charge of the implementation of wildlife law can also institute a programme for rewarding members of the public who give information on illegal wildlife activities. This will go a long way to increase detection of offences and deterrence of potential offenders from engaging into wildlife crime, as the public will be ready to report criminal activities in order to get compensation. This can be done by creating a hot telephone line through which people can call for free to report about wildlife crime violation and violators, which must be made known to the public. Also, the implementation of

¹⁵⁹ Nurse, A. (2012) Op. Cit., p.12.

micro-projects in communities that frequently give information on wildlife crime can encourage community participation and collaboration in the fight against poaching and illegal trade in wildlife.

5. Increasing the Number and Training, and Equipment of Front Line Wildlife Law Enforcement Officers.

Field detection agents, rangers and guards are the first line of defence in deterring perpetrators of wildlife crime, and highly trained and well equipped patrols are critical to securing the core areas in which endangered charismatic species are making their last stand.¹⁶⁰ The increase of their numbers in protected areas to meet international standards in order to fully cover these areas is very important. In this respect, Joseph Okouyi, a senior warden at the Gabonese National Parks Agency noted as follows; “*With more men you have more patrols and cover more ground. Not only does this result in more arrests, but it sends a strong signal to poachers that we are [t]here*”.¹⁶¹ This is particularly important as today poachers involve organized criminal groups and rebel groups armed to the teeth with modern war weapons like the AK 47, M 16..

6. Improving on the Independence and Transparency of the Judiciary. The independence of the judiciary is very important for the proper administration of justice. We have already highlighted above, cases in which highly placed individuals in the society obstruct the course of justice in wildlife crime cases by using their administrative and military powers or position to influence law enforcement actors to work in favour of their selfish interest. Transparency among judges can be encouraged by creating a data base where wildlife crime judgments are published and publicly analysed. This way, a judge may have to think twice before taking bribe or passing an unreasonable judgment in a wildlife case.

7. Increasing the Severity of Penalties. Having proposed measures for improving the criminal justice system, we will want to recommend that the maximum penalty for wildlife crime should be raised to 8 years, especially those involving the killing of highly endangered species like the elephant and rhino. Cameroon can copy the examples from other countries. For example, the maximum imprisonment for wildlife crimes in the Republic of Congo is 5 years. Also Russia, Japan and New Zealand have also increased the maximum penalty for wildlife crime to 5 years by early 2013.¹⁶² There have been sentences of 29 years for poaching offences, in South Africa, while a convicted Thai national kingpin in a rhino horn poaching racket was given a 40 years jail sentence in late 2012.¹⁶³

8. Increase Cooperation among States in the Fight against Wildlife Crime. There is a strong need for concerted action especially within the central African sub region in the fight against poaching and illegal trade. Trans-boundary poaching activities have been very detrimental to national anti-poaching efforts as foreign poachers leave the territorial confines of the *forum actus* as soon as they commit the crime, into their countries of nationality or other neighbouring countries. States in the sub-region therefore need to develop and implement regional wildlife enforcement strategies and networks that are interconnected through a global coordinating mechanism like INTERPOL’s ‘Operation Tram’ in 2010.¹⁶⁴

Adoption of the Lusaka Agreement Task Force for Cooperative Enforcement Operations Directed at Illegal Trade in Wild Fauna and Flora (LATF) type of cooperation may be very necessary.¹⁶⁵

9. Improving on the Execution of Judgment. Taking proper measures for the effective execution of court judgments is crucial for the effectiveness of the criminal process. Effective execution of judgments can be achieved by first and foremost ensuring that bail is granted in accordance to justice, so as to enable the availability of the

¹⁶⁰ Bennet, E.L. (2011), Another Inconvenient Truth: The Failure of Enforcement Systems to Save Charismatic species, *Oryx*, 45, 1-4 as cited in Akella, A.S. and C. Allant (2012). *Dismantling Wildlife Crime: Executive Summary*, WWF, TRAFFIC, p. 9.

¹⁶¹ WWF/TRAFFIC Central Africa Regional Programme Offices, Press Release 2013/1, 28 January 2013, p. 1.

¹⁶² Retrieved on May 27, 2013 from <http://www.traffic.org/home/2013/4/19/japan-and-rusia-increase-penalty-for-wildlife-crime.html>

¹⁶³ *Ibid*.

¹⁶⁴ Operation Tram targeted the illegal trade in traditional medicines containing protected wildlife products. It resulted in a series of arrests worldwide and the seizure of thousands of illegal medicines containing or marketing the use of ingredients such as tiger, bear, and rhinoceros, with a value of more than €10 million. National wildlife law enforcement authorities, police, customs, and specialized units from 18 countries across all five continents worked together during the month-long operation. See IFAW (2013), *Criminal Nature: the Global Security Implications of the Illegal Wildlife Trade*, p. 25.

¹⁶⁵ See p. 55.

offender when a final verdict of the court is handed down. Also effective execution of judgments will also require increase commitment of the forces of law and order in serving court processes and locating accused persons in case he jumps bail. Again, the courts need to be harsh on offenders who are apprehended after abusing bail and also increase penalties in trials in absentia.

In all, the Legal Department needs to be more committed and efficient in performing the task of enforcement confided to it by the law.

10. Fighting Corruption within the Wildlife Law Enforcement System. Stamping out corruption at all levels of the wildlife law enforcement process is very important for the course of justice in this sector. Financial and other related considerations have the potential of tainting the judgment of wildlife law enforcement staff at various levels including the judiciary. Stamping out corruption will ensure greater commitment and efficiency in the fight against poaching and illegal trade.

Fighting corruption will entail greater involvement of national agencies like the National Anti Corruption Commission (CONAC) in ensuring sanctity within all the institution in charge of enforcement at different levels. The participation of the National Financial Investigation Agency (ANIF) will also be important in investigating and tracing financial transactions that take place in wildlife crimes. The creation of an independent judicial body responsible for overseeing the judiciary's activity, investigating and sanctioning potential wrong doings, and unethical behaviour and the establishment of a whistle-blower policy so that lawyers, citizens, prosecutors, among others can report suspected or actual cases of corruption in wildlife crime case will be very important.¹⁶⁶

11. Adequate Pay and Incentives to Law Enforcement Officials. The salaries and other entitlements of enforcement officers need to be reflective of their seniority, responsibilities, education and experience.¹⁶⁷ This is to increase their motivation and reduce the likelihood of corruption by illegal wildlife traders, who are always ready to buy their way out by proposing payments.

12. Building the Capacity of Wildlife Law Enforcement Officials, Forces of Law and Order, and Customs Officials. Given the fact that wildlife officials of MINFOF especially those of the Control Brigade are the ones who are mainly involved in investigation of wildlife crimes and appear in court to give evidence, it becomes imperative to build their capacity on criminal investigation, the taking of statements in a way that will facilitate admissibility in court and basic rules of criminal procedure. This becomes particularly important because these officials are specialists in their respective fields of forestry and wildlife and not legal experts. This may involve instituting training courses that may include the following as recommended by Claridge *et al*;¹⁶⁸

"...surveillance; search; interrogation; interview of witnesses; operation of checkpoints; planning and carrying out of patrols; supervision of armed ranger teams; negotiation and conflict resolution; escort of prisoners; identification of forest and wildlife products; seizure, recording and custody of evidence; photography of crime scenes and evidence; preparation of a range of official documents; liaison with Prosecutors and Investigating Judges; the detailed aspects of laws relevant to forest and wildlife offences (not only those under their organisational jurisdiction), the types of offences defined in the laws and their characteristics, the requirements of the Courts in terms of documentation and evidence, and appearing in Court as a witness."

13. Reducing Demand. Recent increase in the poaching of wildlife species like the elephant and rhinoceros for their horns in Cameroon and Africa as a whole has been linked to increase in demand for and prices of these wildlife trophies in especially some Asian countries. Instituting strategies to reduce demand in these demand countries will be crucial for the effective implementation of wildlife law in supply countries. This requires the collaboration of the demand countries in effectively implementing laws against illegal wildlife trade.

Concluding Remarks

We how ever must acknowledge the fact that an ideal wildlife law enforcement situation can not be achieved in a day or a year but will take a gradual process of changing the mentality and perception of the society and those

¹⁶⁶ Martini, M. (2013), wildlife crime and corruption, Transparency International, p.7.

¹⁶⁷ UNDOC (2012), Wildlife and Forest Crime Analytic Toolkit, United Nations, New York, p. 75.

¹⁶⁸ Claridge, G., V. Chea-Leth, I. V. Chhoan (2005), The Effectiveness of Law Enforcement Against Forest and Wildlife Crime: A Study of Enforcement Disincentives and Other Relevant Factors in Southwestern Cambodia, p. 58.

involved at different levels in wildlife law enforcement as regards the natural, environmental, economic and criminal implications of wildlife crime. Also the feasibility of some of the recommendations we have made is limited by the poor economic and financial situation of the country given that Cameroon is a developing country still facing so many economic challenges. Nevertheless there are some recommendations that do not need an increase in financial resources like increasing the maximum penalty and introducing compulsory minimum imprisonment terms for wildlife crimes, concerted action between states in wildlife criminal matters, educating members of the judiciary, improving on the independence of the judiciary. Cameroon may also need to copy good examples from countries like South Africa in wildlife law enforcement.

Effective wildlife law enforcement is very indispensable for the sustainability of Cameroon's wildlife resources, without which succeeding generations will not behold most of the exotic wildlife species which we have today.

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