

Law No. 81-13 of 27 November 1981

to lay down forestry, wildlife and fisheries regulations.

The National Assembly has deliberated and adopted :

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

PART I

General Provisions.

1. The national forestry, wildlife and fisheries regulations shall comprise all the rules laid down by the present law and subsequent implementing instruments with a view to ensuring the conservation, exploitation and development of the forest, wildlife and fishery resources of the forest estate and waterways.

2. The following shall be subject to the provisions of this law :

- State forests;
- local council forests;
- private forests;
- communal forests;
- wildlife;

- fishery resources of public waterways and coastlands.

3. Forests shall mean land covered by vegetation which is capable :

- either of producing wood or other produce which is not agricultural produce;

- or of providing a habitat for wildlife;

- or of exercising an indirect effect on the soil, climate or water regime.

4. The fauna and flora of either the public waterways or the public coastlands shall belong to the State.

5. The system of forest ownership shall be determined by the regulations governing land tenure and State lands and by the provisions of this law.

6. (1) The forestry, wildlife and fishery services shall be responsible for the management and protection of State, local council and communal forests as well as the fishery resources of the public waterways and coastlands.

(2) They may take all necessary measures to ensure the protection of forests, of wildlife and fishery resources irrespective of their ownership.

7. State forests shall be regenerated in accordance with the rules laid down by the rules laid down by regulations.

8. No person may make use of the forests, wildlife and fishery resources of the public waterways and coastlands in any manner that is prohibited by the provisions of this law and its implementing instruments.

9. Individuals, local councils, public bodies and establishments may exercise on their forest and water resources all the rights that result from ownership, subject to restrictions laid down in this law and its implementing instruments.

10. For purposes of seizure and marking operations, the Administration in charge of forests shall possess a marking hammer whose end mark shall be lodged with the registry of the Supreme Court.

11. (1) The collection of forestry, wildlife and fisheries duties and taxes shall be carried out in the following manner :

(a) With regard to produce meant for local consumption : officials of the forestry, wildlife and fisheries services shall issue assessment notices and the fees or taxes shall be paid into the Treasury.

(b) With regard to export produce : customs officials shall issue assessment notices after checking to see that information on the export declaration (D6) agrees with the specifications established by officials of the services in charge of forests, wildlife and fisheries. The export duties and taxes shall be paid into the Treasury.

(2) The assessment notices provided for in sub-section 1 above shall be enforceable.

(3) Forestry, wildlife and fisheries officials shall receive allowances in respect of the operations cited in sub-section 1 above, under conditions to be determined by decree.

12. (1) The services in charge of forests and wildlife shall carry out control missions and prosecute in matters concerning forest exploitation and hunting.

For this purpose, forestry officials, in the exercise of their duties, shall wear uniforms with badges showing their ranks, carry firearms and ammunitions and be subject to a paramilitary type of organization and discipline in accordance with the rules laid down by decree.

(2) However, under certain especial circumstances they may carry out their duties in plain clothes.

(3) In any case, they must carry their professional card.

PART II

Forests.

CHAPTER I

State Forests.

13. (1) State forests shall be those that form part of the private property of the State.

(2) The following shall be considered State forests :

- integral nature reserves;
- national parks;
- sanctuaries for certain wild animals or plant species;
- game reserves;
- production forests;
- protection forests;
- recreation forests;
- forest plantations;

zoological and botanical gardens;
game ranches belonging to the State.

14. (1) The constitution of a forest into any of the categories referred to in section 13 (2) above shall be done in accordance with a procedure fixed by decree.

(2) The decree to constitute a State forest shall specify in which of the categories it has been placed. Furthermore, it shall indicate the manner of resource management, the restrictions and the customary rights applicable within the said forests.

15. State forests shall cover 20 % of the total area of the national territory.

16. The services in charge of forests and wildlife shall draw up a management plan for each State forest and each national park, under the conditions fixed by decree.

17. The protection of the forest estate shall be governed by the provisions of Law No. 80-22 of 4 July 1980 to repress infringements on landed property and State lands.

CHAPTER II

Forests belonging to local councils and private persons.

18. A forest shall belong to a local council if it was constituted by decree for the benefit of the local council or was planted by the council.

19. Private forests shall be forests planted by individual persons on lands owned in compliance with the regulations in force.

20. Local council and private forests shall remain the property of their owners : Provided that the utilization and enjoyment of ownership rights attached to such forests shall comply with the rules laid down by regulations.

CHAPTER III

Communal forests.

21. (1) Communal forests shall be such forests as are not referred to in Sections 13, 18 and 19 above.

(2) Forest produce of all kinds found in them, with the exception of produce from trees planted by private individuals or local councils, shall be the property of the State.

(3) However, citizens shall be allowed exploitation rights under conditions laid down by decree.

22. When necessary, restrictions concerning communal forests, especially the regulating of bush fires, and clearing, grazing, pasturing, felling, lopping and mutilation of protected species as well as the list of the said species may be enacted by order of the Minister in charge of forests.

CHAPTER IV

Forest inventory, Forest survey and exploitation.

23. (1) The exploitation of any forest zone shall be subject to a prior inventory of the zone.

(2) Where any one other than the Administration wishes to carry out a forest survey, he shall first seek a permit from the Administration in charge of forests. The survey permit shall be subject to the payment of a fee fixed by the Finance Law.

(3) If the results of the survey are communicated to any natural person or corporate body, the latter shall pay the fee provided for in sub-section (2) above.

(4) The conditions of application of this section shall be determined by decree.

24. (1) The total forest area that may be granted to any one exploiter shall depend on the existing or planned industrial installations. It shall not exceed 200,000 ha.

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

25. Forests shall be exploited either under State management, or under licence, or by the sale of standing volume or under a felling permit or authorization granted to companies or individuals, under conditions to be determined by decree.

26. (1) State forests shall be exploited under State management, under the supervision of the Administration in charge of forests or by the sale of standing volume : Provided that a State forest may be granted for exploitation to a Governmental corporation, or to a company in which Government has at least 51 % of the capital.

(2) In any case, the exploitation shall be carried out in conformity with the management plan drawn up for the forest in question.

27. (1) Communal forests shall be exploited either by the sale of standing volume or by the grant of licences to Government corporations, semi-governmental corporations or approved private forest exploiters or, exceptionally, under State management.

(2) The grant of forest exploitation rights shall be subject to the procedure laid down by decree.

28. Licences shall be granted for a renewable period of five years. They shall be renewed according to a simplified procedure laid down by decree.

29. Any licence covering a surface area which does not exceed 25,000 hectares shall be granted only to nationals acting individually or grouped into a company.

(2) However, foreign exploiters may be authorized to apply for adjacent areas less than or equal to 25,000 hectares for the purpose of extending their existing concessions.

30. (1) Any exploitation by a private individual or a company shall be regulated by contract specifications comprising general and specific clauses. If the exploitation is carried out under licence, the contract specifications shall include a clause relating to contributions to the execution of socio-economic infrastructures.

(2) The general clauses shall deal with all the technical conditions governing the exploitation of the forest produce in question.

(3) The specific clauses shall deal with the finance charges as well as the obligations of the holder of the exploitation rights in respect of industrial installations.

31. (1) The finance charges referred to in Section 30 shall comprise :

- the regeneration fees;
- the territorial tax;
- a contribution to forestry development;
- the selling price (received by the State) of the forest produce;

- the contribution to the execution of socio-economic infrastructures.

(2) The rates of the above-mentioned taxes and fees shall be fixed by the Finance Law.

32. (1) The territorial tax shall accrue entirely to the Special Council Support Fund (FEICOM).

(2) The regeneration fee shall accrue to the State body responsible for forest regeneration.

(3) The selling price of forest produce shall be apportioned in the following manner :

- 20 % to the State budget;
- 25 % to the State body in charge of forest inventory;
- 55 % to the State body in charge of forest regeneration.

(4) The contribution to forestry development whose rate is fixed by Finance Law shall be apportioned in the following manner :

- 40 % for forest equipment and control;
- 35 % for the management of forests;
- 25 % for the promotion of wood.

(5) The contribution to the execution of socio-economic infrastructures whose rate is fixed by the Finance Law shall accrue entirely to the local councils concerned for the same purpose in the area of exploitation. It shall not be used for any other purpose.

33. Irrespective of the fiscal provisions applicable to him, no forest exploiter, exporter of forest produce or industrialist may be exempted from the payment of the selling price of forest produce and the regeneration fee or tax.

34. Every natural person or corporate body wishing to exploit a forest under licence or by sale of standing volume shall seek approval according to the procedure laid down by Decree.

35. (1) Forest exploitation licences may only be granted to natural persons resident in Cameroon or to companies whose registered offices are in Cameroon and their composition is known to the Administration in charge of forests.

(2) The granting of each licence or authorization to sell standing volume shall entail the payment of an approval fee, the rate of which shall be fixed by the Finance Law.

36. (1) The grant, renewal or transfer of a forest exploitation right shall be subject to the deposition of a security deposit of an amount to be fixed by the Finance Law.

(2) In the case of nationals or companies in which the State or nationals hold at least 51 % of the capital, the security deposit could be a bank guarantee.

(3) In other cases, the security deposit shall be furnished by a payment to the Treasury.

(4) The conditions governing the application of this section shall be determined by decree.

37. (1) The sale as well as the leasing of forest exploitation rights shall be forbidden.

(2) The transfer of forest exploitation rights as well as any acquisitions or transfer of shares in a forest exploitation company shall be subject to the prior authorization of the Administration in charge of forests.

(3) The conditions of application of this section shall be determined by decree.

38. The transfer of a licence shall be subject to the payment of a fee, the rate of which shall be fixed by the Finance Law.

39. (1) All forest exploitation licences, sales of standing volume, permits or authorizations to cut poles, firewood and wood for charcoal shall confer on their holders over the area conceded the exclusive right to collect the produce described in the exploitation right for a specific period, but confer no right of ownership over the corresponding land.

Furthermore, the holder may not prevent the exploitation of produce that is collected in the traditional manner.

(2) The collecting of seeds, roots, leaves, exudate, barks and any other parts of plants shall be governed by regulations.

40. (1) The Administration in charge of forests may mark as reserved any tree which it considers necessary in an area granted under licence for exploitation.

(2) Similarly, it may mark trees necessary for the execution of works in the public interest.

41. The exploitation rights issued up till the entry into force of the present law shall remain valid, subject to the provisions of Section 28 above.

CHAPTER V

Use of drift timber washed ashore on the Atlantic coast.

42. Drift timber without apparent local marks, found along the Atlantic Coast, may be recovered by any natural person or corporate body, according to the procedure determined by decree and subject to the payment of a fee, the amount of which shall be fixed by the Finance Law.

CHAPTER VI

Promotion and marketing of timber and forest produce.

43. The export of logs shall, in accordance with the conditions laid down by decree, be reserved to nationals acting individually or grouped into companies who hold a forest exploitation right or to any other exploiter who holds a forest exploitation right and has a local wood processing industry.

44. The export quotas for the various types of forest produce whether processed or not shall be fixed by the Administration in charge of forests.

45. Other measures to promote the use of unknown and lesser known species of timber and other forest produce shall be determined by decree.

PART III

Wildlife.

CHAPTER I

Exercise of hunting rights.

46. (1) Any attempt to pursue, kill or capture a wild animal or to guide expeditions for that purpose shall constitute acts of hunting.

(2) The same shall apply to commercial photography and filming.

47.- Traditional hunting is authorized throughout the national territory, except in areas protected for wildlife conservation. The conditions under which it may be carried out shall be fixed by decree.

48. All acts of hunting other than the case provided for in Section 47 above shall be subject to the grant of a permit or licence.

49. Fees shall be payable for permits or licences granted; the rates of such fees shall be fixed by the Finance Law.

50. The rights and obligations resulting from the grant of permits or licences as well as the conditions for their grant shall be determined by decree.

51. Permits and licences shall be personal and non-transferable, only one hunting permit may be issued to the same person in the course of one hunting season.

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

53. (1) The killing, capture or keeping in captivity of certain animals shall be subject to the payment of fees, the amount of which shall be fixed by the Finance Law.

(2) The list of such animals shall be fixed by the Administration in charge of wildlife.

54. (1) Certain specially defined zones may be declared as zones of cynegetic interest by the Administration in charge of wildlife after consulting the Administration in charge of forests. Such zones may be exploited either by the Administration or by any other natural person or corporate body in accordance with the conditions fixed by decree, for a renewable period of five years. The exploitation of such a zone shall be subject to specifications, the clauses of which shall be defined by the Administration in charge of wildlife.

(2) The Administration in charge of wildlife may authorize the practice of the hunting guide profession in unclassified areas in accordance with the conditions determined by decree.

55. Hunting within a zone of cynegetic interest shall be subject to the payment of a daily fee, the amount of which shall be fixed by the Finance Law.

56. Persons who hold hunting permits and who have paid the prescribed taxes may freely dispose of the meat and trophies of animals lawfully killed by them : Provided that they shall take all necessary measures to ensure that no meat is abandoned in the bush.

57. (1) Trophies shall mean tusks, carcasses, skulls or teeth of animals or of carnivorae, tails of elephants or giraffes, skins, hoofs or paws, horns and feathers.

(2) The keeping of and traffic in trophies of protected animals shall be subject to their prior formal registration and marking by the Administration in charge of wildlife.

(3) Holders of trophies acquired prior to the date of enactment of this law shall be allowed one year within which to have their trophies registered and marked by the Administration in charge of wildlife. Beyond this time-limit, any trophies that do not comply with the provisions of this subsection shall be confiscated and shall thereafter become State property.

58. (1) Any person keeping the meat of a protected animal or its unmarked hides and skins or trophies shall present his hunting or capture permit on demand.

(2) The keeping in captivity of and traffic in live or dead protected animals, their hides and skins or trophies within the national territory shall be subject to the obtention of a certificate of origin issued by the Administration in charge of wildlife.

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

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

59. The capture of wild animals shall be subject to the obtention of a permit in accordance with the conditions fixed by decree and subject to the payment of fees, the rates of which shall be fixed by the Finance Law.

60. The management of game ranches shall be carried out by the State ; Provided that they may be entrusted to specialized bodies or private persons under conditions determined by decree.

61. Buffer zones shall be created around all protected areas in accordance with the conditions determined by decree. Hunting shall be prohibited in such zones as in the protected areas.

62. The practice of the hunter guide profession in the zones of cynogetic interest or in the open areas shall be subject to the obtention of a permit in accordance with conditions determined by decree and subject to the payment of fees, the rates of which shall be fixed by the Finance Law.

CHAPTER II

Protection of persons and property against animals.

63. In cases where certain animals constitute a danger or cause damage, the Administration in charge of wildlife may undertake game control under the conditions determined by decree.

64. (1) No person may be charged with any breach of hunting regulations as concerns protected animals if he was compelled to act in his immediate self-defence or in the defence of another person, his own livestock or his own crops.

(2) Proof of legitimate defence shall be supplied within 72 hours to the person in charge of the nearest wildlife service.

65. The trophies resulting from activities referred to in Section 64 hereabove shall be deposited with the Administration in charge of wildlife. The said Administration shall sell them by public auction or by agreement in the absence of a bidder and the revenue shall be paid into the Treasury

CHAPTER III

Hunting arms.

66. Hunting carried out using the following weapons shall be prohibited :

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

67. The Administration in charge of wildlife may regulate the calibre or type of arms for hunting certain animals. It may also prohibit the use of certain types of arms or ammunition if the need to protect wildlife so requires.

68. Duly licensed and registered cynegetic tourist enterprises may, under conditions determined by decree, issue their clients hunting arms of the type authorized by their hunting permits. In this case, the enterprise shall be civilly liable for any damage caused or offences committed by its clients, without prejudice to legal proceedings which may be taken against the client himself.

CHAPTER IV

Protection of wildlife and the environment.

69. (1) All species of animals living in the national territory shall, for the purpose of their protection, be classified into three classes : A, B and C.

(2) The species of class A shall be totally protected and may on no occasion be killed except as provided for in section 64 (1) . Provided that their exploitation shall be subject to the obtention of a capture permit issued by the Administration in charge of forests and wildlife.

The species of class B shall be partially protected. They may be hunted, captured or killed subject to the obtention of the appropriate permit.

The species of class C may not be accorded any protection. However, their hunting shall be regulated.

(3) The species of animals found in national parks, game reserves and sanctuaries shall be protected as class A animals except the needs of management dictate otherwise.

(4) The conditions of application of this Section shall be determined by decree.

70. The hunting of certain animals may be temporarily closed in all or part of the national territory by the Administration in charge of wildlife

71. Any person found at any time or anywhere in possession of a live or dead class A or B animal or part thereof shall be presumed to have captured or killed it.

72. Unless specially authorized by the Administration in charge of wildlife, the following shall be prohibited :

1. the pursuit, approach to or shooting of game in motor vehicles or machines;

2. hunting at night, especially with search lamps, head-lamps or in general with any lighting equipment whether designed for cynegetic purposes or not;

3. hunting with drugs, poisoned bait, tranquilizer guns or explosives;

4. hunting with non-traditional equipment;

5. hunting with the use of fire;

6. the importation, sale and circulation of hunting lamps;

7. hunting with fixed guns and dane guns.

73. Any hunting practice, whether traditional or not, which endangers the conservation of certain rare or useful animals may be prohibited or regulated by the Administration in charge of wildlife.

74. (1) The introduction into the national territory of *any plant or live or dead wild animal* shall be subject to an authorization issued by the Administration in charge of forests or wildlife depending on the case, on the presentation of a certificate of origin, an authorization to export, and a phytosanitary or veterinary certificate issued by a competent body of the country of origin.

(2) The exportation from the national territory of all plants or of live or dead wild animals shall be subject to the presentation of the certificates mentioned above, issued by the competent authority.

75. It shall be forbidden to light a fire voluntarily or involuntarily that could destroy the environment. Any such fire shall be controlled to avoid the destruction of the environment. The conditions of application of the present Section shall be determined by regulations.

76. (1) All human activities tending to deg... the environment such as the unauthorized felling of trees in zones likely to be invaded by the desert or subject to flooding shall be forbidden.

(2) The movement or straying of domestic animals or cattle in protected areas or in buffer zones shall be forbidden.

77. (1) The destruction of the environment within a distance of 50 metres on either side of a water course or within a radius of 100 metres around a water source shall be forbidden.

(2) Exploitation rights along water courses shall be governed by regulations.

PART IV

Fisheries.

CHAPTER I

Definitions.

78. Fishery resources shall mean all piscine forms in the marine, estuarine and fresh water environments, including sedentary animals in these environments which at the time of their capture or harvest are either fixed to the substrate in a public waterway or coastland or are incapable of moving around without coming in contact with the bottom of the aquatic environment in marine, estuarine, fresh water or any aquacultural establishment.

79. (1) Fishing shall be the act of capturing or of harvesting any fishery resource, or any activity that may reasonably

be supposed to lead to the harvest, picking or capturing of fishery resources, including all activities connected with the proper management and use of the aquatic environment with a view to protecting the animal species therein by the total or partial control of their life cycle.

(2) There are the following types of fishing operations, depending on the means used to obtain fishery resources :

- traditional or small-scale fishing;
- sport fishing;
- fishing for scientific purposes;
- semi-industrial fishing;
- industrial fishing;
- sea farming;
- fish farming.

(3) These different types of fishing shall be defined and regulated by decree.

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

81. Fishing gear shall refer to tools, implements or appliances used in fishing operations.

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

83. Within the meaning of the present law :

(a) Fish processing establishments...

shall comprise :

(1) *Fishmongering installations* which prepare fishery products (sorting, washing, weighing, icing);

(2) *Freezing establishments* which preserve fish by means of freezing or simply store frozen products;

(3) *Smoking houses or workshops* which smoke fish and fishery products using wood or by-products of wood;

(4) *Drying workshops* which dehydrate fishery products through the direct action of heat produced by solar energy or some other source;

(5) *Salting workshops* which process fishery products by using exclusively sea salt or its substitutes.

(b) Storage and sales establishments

shall comprise :

(1) *Cold stores* or premises equipped for the storing of products at a temperature of at least minus 20° C (- 20° C).

(2) *Fish shops* where fishery products are stored for sale by retail to the public.

(c) Means of transportation

shall comprise :

(1) *Isothermic vehicles* which include cars, wagons or containers, etc. whose walls are made air tight to prevent any exchange of temperature between the interior of the vehicle and the outside.

(2) *Refrigerated vehicles* which mean vehicles equipped with an autonomous compressor to maintain a cold environment within the said vehicle.

84. The technical norms of and the conditions of hygiene in the installations listed in Section 83 shall be determined by decree.

CHAPTER II

Exercise of fishing rights.

85. The right to fish waterways and coastlands shall belong to the State ; Provided that fishing shall be carried out under conditions to be determined by decree.

86. (1) The right to carry out industrial fishing shall be subject to the obtention of a fishing licence, and for the other forms of fishing, except traditional or small-scale fishing — the participant shall have a fishing permit.

(2) Any person who wishes to fish small shrimps or crayfish (*Palaemon hastatus* and *Pellonula vorax*) shall first obtain a special authorization granted under conditions to be determined by decree.

87. Fishing licences shall be of three (3) types :

- the licence to catch fish ;
- the licence to fish for shrimps and other crustaceans ;
- the licence to fish for tunas.

88. Fishing permits shall be of three (3) types :

Permit A — the permit for semi-industrial fishing ;

Permit B — the permit for sport fishing ;

Permit C — the permit for fisheries research.

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

(2) The said tax shall also be paid on the occasion of the renewal of the said licences or permits.

90. The conditions under which fishing licences and permits are issued shall be determined by decree.

91. Any fishing licence or permit shall be presented at any time to the competent authorities on demand.

93. Fishing licences may only be issued to persons resident in Cameroon or to companies whose head office is located in Cameroon, and whose composition is known by the Administration in charge of fisheries.

92. (1) Any natural person or corporate body wishing to exploit fishery resources for commercial or industrial purposes shall first apply for a licence or permit in accordance with the procedure to be determined by decree.

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

94. (1) The sale or lease of fishery exploitation rights shall be forbidden.

(2) The transfer of a fishing licence or permit shall be subject to the approval of the Administration in charge of fisheries and the payment of a tax the rate of which shall be fixed by the Finance Law.

(3) The conditions of application of this Section shall be determined by decree.

95. Irrespective of the fiscal provisions applicable to him, no exploiter of fishery resources and no exporter or processor of fishery products shall be exempted from the payment of fishing taxes.

96. All fishermen and fishing companies shall declare their catches in accordance with the conditions laid down by the Administration in charge of fisheries.

CHAPTER III

Management and conservation of fishery resources.

97. Prohibitions may be placed on the right to fish in order :

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

98. The following shall be forbidden :

(a) the use of trawlers or fishing vessels equipped with trawling gear within a 2 nautical mile zone ;

(b) the use, for any type of fishing, of any material likely to obstruct the mesh of nets or having the effect of reducing their selective action. Furthermore, no accessory

equipment may be placed at the interior of fishing nets. Protective devices may be permitted if such devices have a dimension of more than two times that of the authorized mesh, and are placed on the upper part of the net and not behind the net ;

(c) the use for fishing of any diving suit equipped with a respirator ;

(d) the presence on board a fishing vessel of respiratory equipment such as a diving suit, of a harpoon or of a dangerous fishing weapon, except as a safety precaution ;

(e) the use for fishing of explosives, chemicals, poisons or other noxious substances; electrical currents or headlamps, fire-arms, light or automatic traps or any other devices likely to destroy aquatic fauna and the aquatic environment ;

(f) the construction of dams, embankments, large channels or port facilities without the prior approval of the Administration in charge of fisheries ;

(g) the pouring or discharging into the aquatic environment of toxic or noxious materials such as industrial, agricultural or domestic wastes and pollutants (pesticides, fertilizers, sediments, detergents, etc) ;

(h) the destruction of the environment within a distance of 50 metres along a water course, or over a radius of 100 metres around its sources ;

(i) the presence on board a fishing vessel of any fishing nets, whose mesh sizes do not conform to prescribed standards ;

(j) the presence on board a fishing vessel of any destructive devices or of substances *that are capable of stunning* or disabling fish, as well as any other materials and devices capable of reducing or obstructing the meshes of fishing nets;

(k) the export of any fishery resource without the prior approval of the Administration in charge of fisheries;

(l) the introduction into *Cameroon* of foreign living fishery resources;

(m) the capture, sale or possession of any fishery resources appearing on a prohibition list established by the Administration in charge of fisheries;

(n) fishing in closed areas forbidden by the Administration in charge of fisheries;

99. Exemptions may be made to the provisions of section 98 by the Administration in charge of fisheries.

100. No fishing vessel whose tonnage exceeds 250 tonnes may fish in *Cameroon* territorial waters. In public waterways, the total weight of fishing vessels may not exceed 10 tonnes.

101. The Administration in charge of fisheries shall establish for both *marine and inland waters* the characteristics of permissible fishing nets.

102. The permissible mesh size for the different types of nets shall be established by the Administration in charge of fisheries.

CHAPTER IV

Sea farming and fish farming.

103. No aquacultural establishment may be constructed without the issue of a permit by the Administration in charge of fisheries. The conditions for issuing any such permit shall be determined by decree. The issue of the permit shall be subject to the payment of a tax, the rate of which shall be fixed by the Finance Law.

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

- the layout and the characteristics of construction ;
management ;

- the control of the quality of the products and health conditions.

105. The Administration in charge of fisheries shall be responsible for the running of fish stations and fish breeding centres in the public waterways and coastlands.

CHAPTER V

Installation of fish Processing establishments.

106. The creation of a fishmonger's store, a frozen products plant, a processing workshop (for smoking, drying or salting) a canning factory or a fish shop shall be subject to the obtention of a certificate issued in accordance with conditions to be determined by decree, without prejudice to other conditions concerning the control of classified establishments. The issue of the said certificate shall be subject to the payment of a tax the rate of which shall be fixed by the Finance Law.

107. Establishments for the exploitation of fishery products shall be classified according to their size and type by the Administration in charge of fisheries and the tax referred to in section 106 above shall be calculated accordingly.

108. The opening to the public of any establishment of the type referred to in Section 106 above shall be subject to the obtention of a certificate of conformity issued in accordance with the conditions to be determined by decree.

CHAPTER VI

Sanitary inspection and control of fishery products.

109. It shall be forbidden to expose, prepare, distribute, store or transport for sale any fishery products that have not been subject to sanitary inspection.

This inspection which may be carried out anywhere and at any time shall be subject to the payment of a tax, the rate of which shall be fixed by the Finance Law.

110. Fishery products shall be subjected to sanitary inspection :

- to ensure that the official nomenclature set out for commercial species is respected;

- to ensure that the minimum marketable size of edible species is respected;

- ensure that the products are not from prohibited fishing zones;

- to ensure that the products landed are proper for consumption.

Quality norms shall be determined by decree.

CHAPTER VII

Packaging and transportation of fishery products.

111. Fishery products shall be packed in prescribed containers.

112. The transport by road or by railway of fishery products shall be in vehicles built to conform to norms laid down by decree.

113. Vehicles for use in transporting fishery products shall be certificated before they are used for such purposes. The certification shall comply with conditions laid down by decree and shall be subject to the payment of a tax, the rate of which shall be fixed by the Finance Law.

PART V

Prosecution of offences.

CHAPTER I

Prosecution procedure.

114. (1) Without prejudice to the prerogatives of the Public Prosecutor, sworn officials of the Administration in charge of forests, wildlife and fisheries shall be responsible, in the interest of the State, local councils or private individuals for the recording and prosecution of offences relating to forests, wildlife and fisheries.

(2) The officials referred to in Subsection 1 above shall take oath before the competent court at the request of the services concerned.

115. (1) The sworn officials referred to in Section 114 above and sworn officials of the Merchant Marine shall be judicial police officers with special jurisdiction.

(2) Notwithstanding the action of employees referred to in Section 114 above, judicial police officers with general jurisdiction shall remain competent to record breaches of forestry, wildlife and fisheries legislation.

116. (1) Sworn officials of the Administration in charge of forests, wildlife and fisheries and of the Merchant Marine and judicial police officers with general jurisdiction shall seize products collected without authorization and the objects that were used for the commission of the offence and write a report thereon.

(2) They shall question and immediately identify any offender in flagrante delicto.

(3) They may, in the exercise of their duties :

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

- search trains, vessels, vehicles, aircraft or any other means capable of transporting the said produce;

- enter into houses by day, in case of flagrante delicto, in order to carry out their duties;

- exercise the right to pursue offenders;

(4) In the exercise of their duties, they shall be in possession of their professional card.

117 (1) The officials referred to in Section 116 above shall immediately forward their reports to the appropriate person in charge of their respective services.

(2) The person to whom the report is sent may require the offender to pay a security deposit against a receipt. The security deposit shall be fixed taking into consideration the gravity of the offence recorded and according to a scale determined by the competent service.

The security deposit received shall be paid into the nearest Treasury within 48 hours. The amount received as security shall, as of right, be used in covering any fines and the charges of the court; but in case of acquittal the court shall order its refund.

(3) Perishable produce seized shall be immediately sold by public auction or private contract in the absence of a successful bidder and the proceeds of the sale shall be paid into the Treasury within 48 hours in representation of the said produce.

118. For any sale carried out by public auction or private contract, 12 % in addition to the sales price shall be collected. The additional amount collected shall be paid as rebate to the officials of the competent service under the conditions to be determined by decree.

119. (1) The custody of objects seized shall be entrusted to the service that seized them, the head of the Administrative Unit concerned or the nearest pound.

(2) No proceedings may be taken against the sworn official who undertook the seizure or against the Administration if the state of the equipment or the domestic animal seized deteriorates.

120. (1) A breach of forestry and wildlife regulations may be compounded under the conditions laid down by decree.

(2) The compounding of an offence before final judgment is delivered shall put an end to prosecution.

(3) Where the offence is compounded and the offender has paid a security deposit, an adjustment shall be immediately made between the amount of the deposit and that of the compounding fee.

(4) If the process of compounding does not succeed, the official in charge of the service concerned shall forward the report within 48 hours to the Legal Department.

(5) The produce seized shall be confiscated and sold, with the exception of arms and ammunitions, by public auction by the competent service or by private contract in the absence of successful bidders and the proceeds therefrom shall be paid into the Treasury.

(6) In the case of any of the offences mentioned in Section 128 below, in the case of an offence committed with a fire-arm disposed of or in the case of underwater fishing carried out with a fire-arm, the arms and any objects used for the commission of the offences shall be confiscated as of right and treated as indicated in the preceding subsection.

121. Without prejudice to the Public Prosecutor's right of prosecution, court action may be initiated by the service concerned as the civil party to the proceedings.

It shall, in that respect, be empowered :

– at Government expense to bring any offender before the competent court;

– to submit any written statement and submissions and make any observations which it finds necessary to protect its interests; its representatives, in uniform and without caps, shall be associated to the State Counsel; they shall neither be refused the right to speak nor be prevented from so doing;

– to file appeals as provided by law in accordance with ordinary criminal procedure. Such appeals shall have the same effect as those lodged by the Legal Department.

122. The competent court may order the confiscation of forest produce, equipment or domestic animals seized. In such a case, the arms shall be handed to the head of the administrative unit concerned. Forestry produce, vehicles, boats, equipment or domestic animals shall be sold by public auction or private contract in the absence of successful bidders. The proceeds of the sale shall be paid into the Treasury within 48 hours.

123. For cases not provided for in this Chapter, the common rules of criminal procedure shall remain applicable.

CHAPTER II

Offences and penalties.

124. The penalty of a fine of from 4,000 to 25,000 francs or imprisonment for from 5 to 10 days or both such fine and imprisonment shall be imposed on any person who :

- does not comply with the provisions regarding the exercise of the right or ownership over forests or aquacultural establishments belonging to him;

- is in possession of arms within areas where hunting is forbidden;

- trespasses within prohibited areas;

- provokes animals while on a visit to a game reserve or zoo;

- transports forest produce without waybills;

- does not mark boundaries of his forest exploitation licence and the felling plan;
- refuses to comply with the orders of the competent service;
- contravenes Sections 86 (2), 91, 103, 104, 111 and 113 of this law;
- fishes without permission in an aquacultural establishment belonging to the State or to a council.

125. (1) Whoever shall infringe the provisions of Sections 24, 48, 51, 57 and 58 hereinabove shall be punished with an imprisonment for from 10 days to 1 month or a fine of from 25,000 francs to 100,000 francs or with both such imprisonment and fine.

(2) The same penalties shall be imposed on whoever :

- commits a breach of the official work norms regarding the exploitation of secondary forest produce ;
- hunts without a licence or permit or exceeds the killing limit ;
- contravenes the regulations on bush fires and the provisions of Sections 86 (1), 92, 96, 98 (f), (g), (h), (i), (j) and (n), 101, 106 and 109 above.

126. The penalty of an imprisonment for from 1 to 3 months or a fine of from 100,000 francs to 500,000 francs or both such imprisonment and fine shall be imposed on whoever :

- fraudulently uses, or counterfeits or destroys marks, marking hammers, boundary marks or posts utilized by the Services in charge of forest and wildlife;
- clears or provokes fire in protected or afforested areas
- contravenes Sections 43 and 44 above;
- fells protected trees without permission ;

- contravenes Sections 94 and 98 (b), (c), (d), (e) and (k) of this law.
- continues to exploit a forest beyond the authorized period without being able to prove that he has filed a complete prescribed application for renewal with the competent authority.

127. The penalty of an imprisonment for from 3 months to 6 months or a fine of from 500,000 to 1,000,000 francs or both such imprisonment and fine shall be imposed on whoever contravenes Section 98 (a), (j), and (m) above.

128. The penalty of an imprisonment for from 3 months to 2 years or a fine of from 500,000 francs to 2,000,000 francs or both such imprisonment and fine shall be imposed on whoever :

- contravenes Sections 30 and 37 of this law ;
- falsifies or commits fraud in his field recording book ;
- steals or receives forest produce or money realized from their sale, kept or bought following a fraudulent operation ;
- kills or captures protected animals either during periods when hunting is closed or in areas where hunting is forbidden or closed ;
- fells trees marked in reserve ;
- carries out a fraudulent forest exploitation activity ;
- violates the provisions relating to the protection of classified forests ;
- continues to exploit a forest which has been declared abandoned.

129. (1) For holders of category A and B fishing permits, and certain establishments for the exploitation of fishery products designated by the administration in charge of fisheries, the sanctions provided for in the above sections shall be reduced by half.

(2) However, the sanctions shall be applicable in the case of all contraventions of section 98 (j) and (i) above.

130. Any fishing offence committed by a foreign vessel shall be punished with a fine of from 5,000,000 to 10,000,000 francs.

131. (1) The penalties provided for in Sections 124, 125, 126, 127, 128, 129 and 130 above shall be applicable without prejudice to any confiscations, restitutions, damages awarded and restoration of property.

(2) They shall be doubled :

- in the case of a second offence or where the offence was committed by sworn officials of the competent services or by judicial police officers having jurisdiction or with their complicity, without prejudice to administrative and disciplinary sanctions ;
- for any hunting involving the use of chemicals or toxic products ;
- for any clearing within an integral nature reserve ;
- for any violation of forest control gates ;
- in case of escape or refusal to obey orders from officials in charge of control.

132. Any delay in the payment of the forestry taxes or fees shall, without prejudice to the sanctions stipulated by this law, entail the following penalties :

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

133. Any infringement of the provisions of this law or its instruments of application may lead to the suspension or, in case of a second offence, the withdrawal of the exploitation right, the approval or the authorization to exploit. The conditions of application of this Section shall be determined by decree.

134. Sentences to fines for breaches of this law may not be suspended.

PART VI

Miscellaneous provisions.

135. If, during a prosecution for an offence, the accused pleads a right of ownership or any other right, the court shall decide the matter according to the following rules :

An interlocutory plea shall only be allowed if it is founded either on an apparent title or on equivalent facts of possession, and if these legal grounds are such as to negative the character of the offence attached to the facts which gave rise to the legal proceedings.

If the case is sent to the civil court, the judgment shall fix a period which shall not exceed three months in which the party must bring the case before the competent judges and justify his action, failing which the plea shall be overruled.

136. The issue of the duplicate of an exploitation right, licence, permit or special authorization to exploit forestry, wildlife and fishery resources shall be subject to the payment of a fee, the rate of which shall be fixed by the Finance Law.

137. The proceeds of the exploitation tax and the sanitary inspection tax referred to in Sections 89 and 109 above shall be allotted as follows :

- 50% to the Treasury ;
- 50% to the service or body in charge of fisheries development.

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

1) as regards forests and wildlife :

- 25% to officials of the Services in charge of forests and wildlife ;
- 75% to the Treasury.

2) in case of fisheries :

- 25% to the officials of the administration in charge of fisheries and the sworn officials of the Merchant Marine who helped in the punishment of the offences ;

— 40% to the service or body in charge of fisheries development ;

— 35% to the Treasury.

(2) The conditions of distribution of the rebates to the officials referred to above shall be determined by decree.

139. All provisions previous to this law are hereby repealed, in particular :

— Ordinance No. 73-18 of 22 May 1973 ;

— Law No. 74-12 of 16 July 1974 ;

— Law No. 75-4 of 2 July 1975.

140. This law shall be registered and published in the *Official Gazette* in French and English.

Yaounde, 27 November 1981.

Ahmadou Ahidjo,
President of the Republic.