

# Cameroon's wildlife legislation: local custom versus legal conception

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*To be effective, wildlife law needs to recognize local uses of wildlife; to take into account the contribution of traditional customs and practices to sustainable wildlife resource management; and to harmonize conservation and social goals.*



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*Lions drinking in Cameroon*

**W**ildlife is important in all the countries of the Congo Basin, although local communities and the State may view it in different ways. At the local level it is used for food and for medicinal and cultural purposes (especially in rituals and as emblems of traditional dignitaries), and it is traded through barter or commerce. The State adopts legislation intended to protect wildlife and makes all decisions related to its management, protection and use. The same legislation, however, excludes communities from wildlife management and this could paradoxically have negative effects for wildlife conservation.

The legal framework for wildlife in the Congo Basin countries had its origin in the colonial era. A decree of 18 November 1947 regulated hunting in the African territories coming under the French Ministry of Overseas Territories. This legislation was inspired by the London Convention (19 May 1900) on the protection of animals in Africa and by the Convention Relative to the Preservation of Fauna and Flora in Their Natural State (8 November 1933), also adopted in London (see FAO, 2006). These documents were intended to ensure recognition of then-new uses of

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wildlife (especially scientific, touristic and decorative) that were introduced into the region with colonization, and to reconcile the many uses of wildlife resources.

Since independence, the law of Cameroon has continued along the same lines, resulting in a situation that is sometimes schizophrenic: senior officials accustomed to consuming bushmeat are in the position of passing and supervising the application of laws that are contrary to their culture.

In these circumstances, the system tends to be ineffective. Infringements of wildlife legislation are numerous, both through an increase in the bushmeat trade in large cities and through international trade in live protected species or trophies. Examples include the illegal export of four gorillas to a Malaysian zoo, which were sent back to South Africa and finally returned to Cameroon (IFAW, 2006); the export of 1 200 parrots with false CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora) certificates (*Le Jour*, 2010); and the seizure in Hong Kong of 3.9 tonnes of ivory originating in Cameroon (Afrique en ligne, 2010). Moreover, restaurants in Yaoundé and Douala – and indeed Cameroonian restaurants in European cities – are still serving dishes based on bushmeat, which often comes from illegal trade. Global Forest Watch (2000) showed that most infringements of forest law in Cameroon's Eastern Province concerned wildlife, often involving farmers. Such activities persist despite political statements advocating increased severity in dealing with poachers.

This article analyses why the written law is inappropriate for ensuring optimal protection for wildlife in Cameroon. Some of the conclusions may be extrapolated to other countries in the Congo Basin, where authoritarian management of wildlife is the norm (e.g. Mukerjee, 2009).

Effective wildlife management is ham-

pered by a combination of three main factors: the law's failure to recognize adequately the contribution of local customs to sustainable wildlife resource management; the outlawing of many traditional and local practices; and the lack of clarity in the messages conveyed by the law.

#### **RESTRICTED CONTRIBUTION OF LOCAL COMMUNITIES**

In Cameroon, wildlife is governed by Law 94-01 of 19 January 1994, which lays down a legal code for forests, wildlife and fisheries. Supplementing this law, Decree 95-466-PM of 20 July 1995 specifies how the code is to be applied.

Traditional methods of wildlife management were based on subsistence

aims and cultural values and were not necessarily destructive of wildlife. The current law, however, privileges non-traditional practices: wildlife safaris, scientific research, sport or trophy hunting and wildlife as a source of income for the State. The objective of species conservation is clearly stated, and the law aims to achieve this by limiting, or indeed forbidding, extraction of the most threatened species, banning hunting in certain zones and prohibiting certain hunting methods.

This legislation was formulated without the people's participation and without taking the rights and interests of local communities into sufficient account. The legislation was thus deprived of

*Cameroon's wildlife law fails to recognize adequately the contribution of local customs to sustainable wildlife resource management (a Cameroonian villager hangs an antelope)*



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traditional knowledge regarding the management of wild animals that could have increased its effectiveness. The new law fails to take advantage of the traditional legal system, including local taboos on certain species and places. In some regions sacred forests and the animal species in which they abound have been better protected than government protected areas (Luketa Shimbi, 2003). Spiritual penalties for a failure to respect rules of protection are often more feared than legal penalties (Panafrican News Agency, 2001).

Forest inhabitants have few rights or responsibilities under the present legislation. The law sees them merely as users of wildlife and allocates them no responsibility in the management of wildlife resources or the areas designated as habitat for these resources – apart from hunting zones under community management, which are very few in the Congo Basin. Traditional hunting is subject to restrictions regarding area (forbidden in protected areas and sports hunting areas), hunting seasons and method. The code prohibits all non-traditional instruments, but provides neither a list of these nor criteria for determining them – a silence that leaves the door open to various interpretations, which can be unfavourable to local communities.

#### **A missed opportunity to involve communities in wildlife management**

The wildlife code obliges the government to classify animal species in three classes according to their level of protection, and to update the list every five years. Frequent updating is intended to ensure that conservation efforts and measures reflect the actual wildlife situation. However, the government has never adhered to the revision requirement, doubtless because of the lack of resources, and as a result the appropriate services are unable to compile regular reliable inventories of animal biodiversity. The classification currently in force is based on obsolete scientific data.

*By outlawing many traditional hunting practices, the wildlife code has paradoxically encouraged the expansion of illegal activities (an arrested poacher in Southeast Cameroon)*



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However, if local communities were more closely involved in wildlife management, they could help the wildlife service to update its classification by collecting data on the presence of animal species in forests in the immediate vicinity of their villages. Setting up local communities as service providers would make them partners rather than opponents of the government, and would benefit both groups:

- by reducing the wildlife service's operating costs;
- by providing a source of income for local communities based on their traditional knowledge;
- by raising the awareness of communities regarding changes in stocks of game in their areas.

#### **REPRESSION OF LOCAL ACTIVITIES, FOSTERING ILLEGALITY**

By outlawing many hunting practices, the wildlife code has paradoxically encouraged the expansion of illegal activities.

The classification of animal species according to their degree of protection, the cornerstone of the system, sometimes blatantly contradicts local customs. For example, hunting elephants is prohibited by law; the species is in class A, enjoying the highest degree of protection. However, killing an elephant is a rite of passage in traditional Baka society, which accords the elephant hunter the maximum respect (see e.g. Abega, 1997), and elephant meat is especially prized in most indigenous forest communities.

Forced to choose between respect for the law and respect for local custom, communities usually choose the latter. If they pursue their hunting activities in violation of the law, they do so not in deliberate defiance of the legislative authority, but in observation of ancestral practices that written legal measures cannot eradicate, particularly if these practices are essential for subsistence.

In addition, the marginalization of local communities and competition from new users of wildlife can lead local hunters to intensify their own extractive activities; assuming, as they are likely to do, that any animals they spare will be killed in any case by sports hunters, they are liable to disregard conservation considerations.

The law would have been more effective, and would have obtained the adherence of local communities, if the legislators had identified local practices that are compatible with the goals of sustainable wildlife management and incorporated them into the written law. Implementation measures would then have involved supervision rather than an unrealistic formal ban.

#### **AMBIGUOUS MESSAGES FROM THE COMMERCIALIZATION OF WILDLIFE**

The law lacks clarity in its handling of the commercialization of wildlife. It turns wildlife into a commodity, in particular by taxing all activities associated with it (see Roulet, 2004). This approach creates ambiguity about the principles underlying the law: conservation or revenue? The contradiction is seen in connection with the penalties for infringements of the wildlife code, the sale of hunting rights and the handling of confiscated game.

#### **Transactions: the preferred way of managing infringements of the wildlife code**

The transaction mechanism is one of the foundations of the system of control in the wildlife sphere. According to Article

2(17) of the 1995 decree, breakers of the wildlife code have a choice – either to let the legal process follow its course, with all the uncertainties this entails, or to make a settlement payment, for which the amount is set by the government service; in return proceedings are dropped.

Originally established to bypass particularly lengthy legal procedures, the transaction mechanism became the preferred way of managing wildlife-related litigation in the countries of the Congo Basin. This system is often viewed as a source of irregularities and corruption, especially in countries where the process lacks transparency (FAO, 2002; Nguiffo, 2001; Global Witness, 2005). Communities prevented from carrying out their hunting activities may well have difficulty understanding how notorious poachers can escape legal proceedings by making payments to the government.

#### **Taxation of hunting activities**

Wildlife has become a source of income for the State, which collects taxes on hunting rights, through issuance of hunting permits, and on the activities of hunting guides, who must be approved by the ministry responsible for wildlife. These taxes are beyond the means of local communities, and their inability to pay excludes them from the legal hunting of large mammals, for example. The issuing of permits for sports hunting has a disastrous effect on the morale of local communities when they are banned from hunting certain species while the government services provide assistance to well-off Western hunters to pursue the same species.

#### **Institutionalization of the auctioning of confiscated game**

The commodity approach to wildlife is confirmed by the law's stipulation that animal carcasses confiscated by agents of the wildlife service should be auctioned, with the proceeds going to the public treasury. This provision may seem to legalize the fruits of poaching and to suggest that the government's only

argument with local hunting activities is that they do not bring any income to the public coffers. The wrong message is taken, as demonstrated also by reports that government officials serve dishes based on meat from protected animals at their tables. Public destruction of the confiscated carcasses would send a more consistent message.

The commodification of wildlife gives the impression that ultimately the State has no objection *a priori* to the hunting of game, including large mammals, provided that its financial interests are protected. At the same time, the law forbids any commercialization of the fruits of hunting on the part of local inhabitants, insisting that they hunt only for subsistence purposes. It is therefore easy to understand why many communities doubt the real aim of the restrictions on traditional hunting imposed by the State: they may suspect that the sole aim is to eliminate competition in access to the resources, so that the State can reap substantial profits from the sale of rights of use. Evading the law can thus also be a form of political resistance.

#### **CONCLUSION**

Like most other countries, Cameroon has declared the concern for guaranteeing the protection of wildlife in its laws and other regulations. However, the effectiveness of this legislation is severely compromised by its failure to take into adequate account the local uses of wildlife and related customs.

It is imperative to rethink the wildlife code within a realistic, consistent body of norms that is appropriate to the social context, relevant at the local level and clear in purpose. Such a new code should be drafted through a process involving communities' representatives, government officials and other relevant actors in wildlife management such as game hunters and conservation project leaders. The terms of reference of the reform should be to find the best solution to take into account the various needs, giving

priority to community uses. In addition, conservation and game hunting activities should be designed so that communities are involved in their implementation, including the control of compliance with the law. A golden rule should be that subsistence should always have priority over game hunting.

The legitimacy of a revised wildlife code and the guarantee of its effectiveness would depend on its ability to harmonize conservation and social goals at the local level and also on the careful choice of the right protection tools and mechanisms so that its aims are clear and not misunderstood.

The current ineffectiveness of the system for protecting animal biodiversity calls for a radical change to a century of wildlife legislation in Cameroon and the other countries of the Congo Basin. The main obstacle will be in adopting an unfamiliar approach that contradicts convictions inherited from colonial days. ♦



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