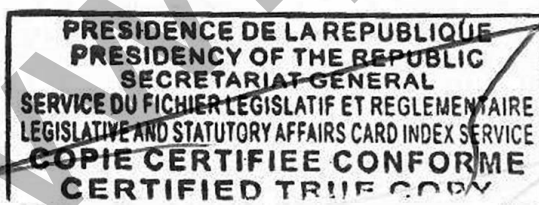


LAW N<sup>o</sup> 2024/008 OF 24 JUL 2024

TO LAY DOWN FORESTRY AND WILDLIFE REGULATIONS



*The Parliament deliberated and adopted,  
the President of the Republic hereby  
enacts the law set out below:*

## CHAPTER I GENERAL PROVISIONS

### I. PURPOSE AND SCOPE

**SECTION 1:** (1) This law lays down forestry and wildlife regulations with a view to achieving forestry and wildlife policy objectives.

(2) Forestry and wildlife regulations shall cover all the rules governing the conservation, protection, exploitation and surveillance of forest cover, restoration of forest landscapes, development and renewal of forest and wildlife resources of forest areas, the fight against deforestation and forest degradation, forest security areas and the legality and traceability of forest/wildlife products. They shall incorporate the customary rights and rights of use of local communities.

**SECTION 2:** Forest tenure regulations shall be laid down by the land tenure and State property laws, as well as the provisions of this law.

### II. DEFINITIONS

**SECTION 3:** For the purposes of this law and its implementing instruments, the following definitions shall apply:

**Hunting lease:** renting of a hunting territory;

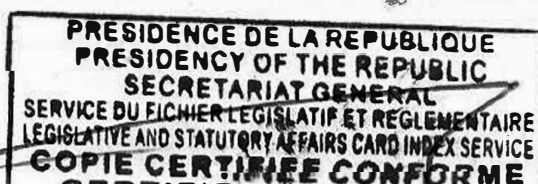
**Agroforestry:** agricultural practice combining trees and crops;

**Marine protected area:** marine and coastal space located within the national jurisdiction, specifically dedicated to the protection of ecosystems, processes, habitats, and marine species likely to contribute towards restoring and rebuilding resources required for economic, social and cultural enrichment;

**Protected area:** a clearly defined and demarcated geographical space, recognized, dedicated and sustainably managed to achieve long-term conservation of one or more biological resources, with associated ecosystem services and cultural values;

**Community protected area:** a protected area forming part of the national land of a local community, set aside for forestry and managed in accordance with local customs;

**Permanent forest management:** management, based on objectives and a pre-adopted plan following consultation with the other stakeholders, of a number of activities and investments for the conservation and/or sustained supply of a number of forest products and services, without undermining the intrinsic value, or jeopardizing the future productivity of a permanent forest and without causing side effects on the physical, social and cultural environment;



**Lessee:** natural or legal person having concluded a lease with the State to manage a protected area, a hunting area or a community-managed hunting area;

**Wild animal:** animal whose phenotype has not been modified through any genetic selection and which lives free of any direct human surveillance or control;

**Aquacultural:** relating to organisms living in aquatic biotopes;

**Aquatic:** refers to all that relates to continental or marine waters;

**Battue hunting:** controlled hunting of an identified wild animal species ordered by the administration in charge of wildlife, to manage or protect persons and property;

**Biodiversity/biological diversity:** various kinds of living organisms of any origin, including land, marine and aquatic ecosystems, and the ecological complexes that they constitute, as well as diversity within and between species;

**Biosphere:** part of the earth and atmosphere in which ecosystems and living organisms exist and can survive;

**Council forest:** tree plantation in one or several holdings created by a council on its land;

**Poaching:** hunting in one of the following cases: lack of permit or authorization, outside authorized periods, in forbidden areas, with forbidden arms, devices or products;

**Hunting:** action aimed at pursuing, killing, capturing a wild animal, or guiding expeditions for that purpose, photographing and filming wild animals whether for commercial purposes or not;

**Sport hunting:** hunting on foot, using a modern weapon authorized in accordance with the instruments in force, and practised according to the standards laid down by the authority in charge of wildlife;

**Photographic hunting:** activity consisting in filming one or several wild animal species in their national environment, in a zoo or in any other environment, using a camera or a video camera;

**Local community:** local and/or indigenous populations living or resident within or near any ecosystem for which a forest or wildlife exploitation licence has been issued;

**CITES Convention:** Convention on International Trade in Endangered Species of Wild Fauna and Flora, designed to ensure that international trade in animals and plants does not threaten their survival in the wild;

**Concession or management agreement:** contract with, as appropriate, a development plan or a management plan and specifications, whereby the State entrusts the management, conservation and sustainable use of the wildlife resources of a protected area or a hunting territory of national land to a community or legal person;

**Clearing:** removal of trees or vegetation cover of forest land for non-forest use, irrespective of the means used for such removal;

**Customary law:** all the traditional rules and practices of local communities for developing and using forest and wildlife resources;

**Right of use:** the right of local communities to sustainably exploit all forest and wildlife resources, with the exception of protected species, for personal use, or to sell such products in nearby markets, in accordance with the regulations in force;

**Right of forest use:** right to exploit forest resources found on lands or spaces that have been classified or acquired in accordance with the land tenure law in force;

**Forest economics:** science of allocating limited resources to many competing uses to meet human desires and needs in terms of forest products;

**Ecosystem:** a complex community of plants, animals and micro-organisms, and their non-living environment forming a functional unit through their interactions;

**Ecotourism:** a form of tourism consisting in visiting relatively intact or undisturbed natural areas with the aim of studying and admiring the landscape, plants and wild animals found therein, as well as any cultural event aimed at ensuring the permanent conservation of ecosystem balance, biodiversity development and the sociocultural and economic enhancement of local communities;

**Forest or wildlife exploitation:** production process applied to a set of resources for their transportation to a development site;

**Migratory species:** species a significant population of which cyclically and predictably crosses a limit of the national territory;

**Wildlife:** all the wild animal species that make up any ecosystem, as well as all the animal species that have been taken from the natural environment for domestication, including those born in captivity;

**Early fire:** fire lit very early in the dry season to prepare grazing areas;

**Late fire:** fire lit in the middle of the dry season;

**Flora:** all plants found in a given area;

**Forest:** land comprising plant cover in which trees, shrubs and other species that can provide social and environmental products and services other than agricultural are predominant. Forest also means land that has lost its forest cover and whose forest resources have been renewed;

**Teaching and research forest:** forest whose objective is to enable the conduct of forest science practical work for scientific research purposes;

**Conservation forest:** forest dedicated to nature conservation and development of ecosystem services and related cultural values;

**Production forest:** area intended for sustained and sustainable production of lumber, general-purpose wood, energy wood or any other forest product;

**Protection forest:** perimeter intended for the protection of fragile ecosystems or ecosystems with scientific value;



**Recreation forest:** forest for the purpose of creating or maintaining a leisure environment on account of its aesthetic, artistic, sports or health values;

**Managed forest:** permanent forest managed in compliance with specific objectives based on a management plan;

**Game-farming:** domestication and commercial marketing in a controlled and prepared space, alive or as venison, of native and non-native wildlife;

**Game-ranch:** enclosed environment for wildlife recreation and its future exploitation for meat production and the development of hunting, ecotourism and scientific research;

**Sustainable forest and wildlife resource management:** process that seeks to ensure that forest goods and services meet current needs while preserving their biodiversity and productivity, protecting their viability and contributing to long-term development;

**Participatory forest and wildlife resource management:** establishment by the resource manager of a framework or partnership with local entities and communities with respect to decision-making and sharing of the costs of operations carried out and of the benefits obtained;

**Simplified management:** less complex method of managing more or less small-size or small-scale activities based on a technical document outlining, as appropriate, the conditions laid down by regulation, the objectives and rules of managing forest/wildlife resources or space, the resources to be used to achieve such objectives, as well as the conditions for exercising right of use by local communities;

**Hunting guide:** professional hunter approved by the ministry in charge of wildlife, whose main activities are the organization and conduct of hunting expeditions;

**Forest/wildlife inventory:** field data collection operation consisting in quantifying and describing the physical characteristics of resources in a forest area;

**Botanical garden:** site intended to conserve and associate spontaneous or introduced plants that have been granted full protection for scientific, aesthetic, educational or cultural purposes;

**Zoological garden:** protected enclosed area in or near an urban centre intended to protect wild animal species taken from their original natural environment to ensure their perpetuation or rehabilitation, or for public education, recreation and awareness-raising;

**National park:** protected area dedicated to the conservation of wildlife, flora and biological diversity, the protection of sites, landscapes and geological formations of special aesthetic value, as well as scientific research and public education and recreation;

**Forest landscape:** spatial expanse harbouring forest and non-forest ecosystems, with an overall appearance of being intact and not having been disturbed by man or by natural factors at various levels, as well as a certain visual or functional identity;

**Reforestation perimeter:** reforested land or land intended to be reforested aimed at producing forest products and/or protecting a fragile ecosystem. Hunting, fishing,

grazing and harvesting rights therein are regulated in accordance with the objectives of such reforestation area;

**Hunting plan/development plan/simple management plan/management plan:** technical document outlining, as appropriate, the conditions laid down by regulation, the objectives and rules of managing forest/wildlife resources or space, the resources to be used to achieve such objectives, as well as the conditions for exercising right of use by local communities;

**Forest or wildlife products:** all plant or animal products derived from the development, exploitation or processing of forest or wildlife species;

**Legal forest or wildlife products:** plant or animal product derived from one or several production or acquisition processes, in accordance with all the instruments in force;

**Non-timber forest product:** plant forest product other than wood;

**Special product:** wood or non-wood forest product of special value;

**Reforestation:** operation consisting in restoring or creating wooded areas or forests, especially following clear-cutting or a storm;

**Regeneration:** natural or artificially stimulated growth of young trees. Natural regeneration occurs where trees scatter their grains or through coppicing, while human intervention through tree planting enables artificial generation;

**Wildlife reserve:** area protected for the conservation, development and natural propagation of wild animal life, as well as the protection and development of its habitat;

**Integral ecological reserve:** protected area all of whose resources are fully protected for the integral conservation of its climax condition;

**Forest or wildlife resources:** all goods or raw materials and services that may be obtained from a forest or a forest ecosystem, and that help to directly or indirectly meet a human need;

**Landscape restoration:** long-term process that consists in restarting or recovering ecological functionalities and improving human wellbeing with respect to degraded ecosystems;

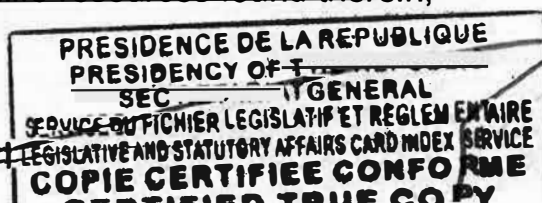
**Wildlife sanctuary:** protected area intended to prioritize the full protection of one or several wild animal species mentioned by name;

**Plant life sanctuary:** perimeter intended for the full protection of some endemic plant species;

**Services:** material or non-material benefits other than forest and wildlife products derived from the conservation or use of forest and the other ecosystems;

**Sylviculture:** scientific, technical and commercial treatment of forests, from regeneration to its exploitation;

**Land undergoing degradation:** perimeter undergoing unsustainable exploitation that may threaten the survival of forest and wildlife resources found therein;



**Deferred forest land:** degraded area closed to all human activities for a specified period to foster forest regeneration on such land, and to restore its reproductive capacity;

**Forest or wildlife exploitation permit:** statutory document laying down the rights of access to forest or wildlife resources;

**Artisanal wood processing:** all activities carried out by independent small-scale forest exploiters/operators with or without permit/authorization, with the main aim of selling sawn timber on the domestic market;

**Forest management unit (FMU):** one or several forest holdings falling under the permanent forest estate, and subject to sustainable management for the production of forest goods and/or services, in accordance with a management plan;

**Sale of standing volume:** one or more forest holdings covering 2 500 (two thousand five hundred) hectares and containing timber intended to be harvested after sale, or having an after-sale harvest permit;

**Ecologically fragile area:** land one of whose resources, notably water, soil, wildlife or flora is undergoing degradation or may be degraded in the short term by human action or natural phenomena;

**Restricted area:** territory of the national forest estate where hunting is regulated;

**Hunting area (ZIC):** space intended for sport hunting of wild animal species found therein;

**Community-managed hunting area (ZICGC):** space in a permanent and/or non-permanent forest granted on concession to one or more local communities that express interest therein, and for which a management agreement has been signed between such communities and the wildlife administration.

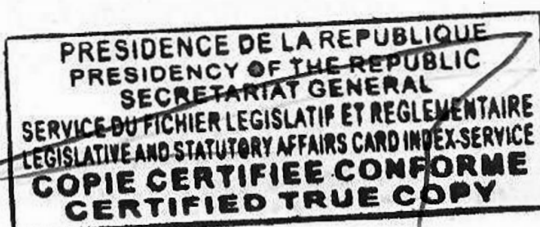
### **III. PARTICIPATORY FOREST AND WILDLIFE RESOURCE MANAGEMENT**

**SECTION 4:** (1) The State shall guarantee the participation of all stakeholders in the management of forest and wildlife resources.

(2) The conditions for the participation of the various stakeholders in the management of forest and wildlife resources shall be laid down by regulation.

**SECTION 5:** The State, regional and local authorities, local communities and individuals shall exercise all their ownership rights on their forests and in agroforestry zones, subject to the restrictions provided for by the legislations in force and by this law.

**SECTION 6:** (1) Local populations shall enjoy rights of use on the forestry and wildlife products harvested on the national land located in their environment for their personal use.



(2) Notwithstanding the provisions of Section 6 (1) above, the State may, for public interest reasons, and after consultation with the populations concerned through their representative institutions, suspend or restrict the exercise of the rights of use referred to above when necessary.

(3) The populations concerned shall be entitled to redress and compensation under the conditions laid down by regulation.

**SECTION 7:** (1) Local communities shall enjoy a pre-emptive right in the event of disposal of natural products found in the forests on which they exercise their right of usage.

(2) The conditions for exercising the right of use referred to in Section 6 above shall be laid down by regulation.

#### **IV. CLASSIFICATION OF FOREST AND WILDLIFE RESOURCES**

**SECTION 8:** (1) Plant products shall comprise timber and non-timber products.

(2) Timber products shall comprise lumber, general-purpose wood, logging and wood processing wastes, and energy wood, in particular fuel wood and charcoal.

(3) Non-timber products shall comprise plant products other than wood. Their classification and harvesting method shall be laid down by separate instruments.

**SECTION 9:** Animal products shall comprise live animals taken from the wild or reproduced in captivity and used as pets for scientific and cultural research or other purposes, trophies as well as any venison or game intended for human or animal consumption.

**SECTION 10:** (1) Depending on their ecological vulnerability, forest and wildlife products shall be classified into endangered and non-endangered products, in accordance with the procedures laid down by regulation.

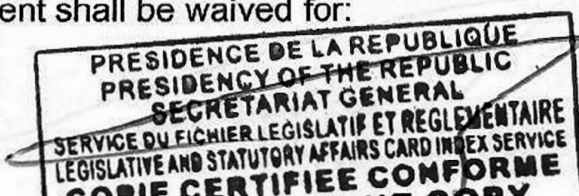
(2) Special products shall comprise endangered forest products or forest products with a particular value.

(3) The list of and conditions for exploiting special products shall be laid down by separate instruments.

#### **V. EXPLOITATION OF FOREST AND WILDLIFE RESOURCES**

**SECTION 11:** (1) Engaging in a gainful forestry or wildlife activity shall be subject to obtaining approval under the conditions laid down by regulation.

(2) The approval requirement shall be waived for:





- competent public bodies under the technical supervisory authority of the ministry in charge of forestry or wildlife, as appropriate;
- local communities exercising their rights of use;
- owners of private forests and woodlands;
- holders of forest exploitations permits;
- regional and local authorities and communities holding forestry or wildlife exploitation permits under contract;
- public training institutions specialized in forestry or wildlife;
- applicants for timber logging permits (PEBO) of less than 1000m<sup>3</sup> ;
- operators engaged in wood trade, forest product transportation or artisanal wood processing.

(3) The approval referred to in (1) above shall be personal and non-transferable.

**SECTION 12:** Forest exploitation permits shall be issued in an administrative form. They shall bear, as appropriate, the prior endorsement of the President of the Republic and shall be subject to stamp and registration duty at the current rate.

**SECTION 13:** (1) Certificates and authorizations shall be issued to attest to the legality of the activities carried out under a forestry or wildlife exploitation permit by a forest product processing unit for sale of products on the domestic market and/or for export.

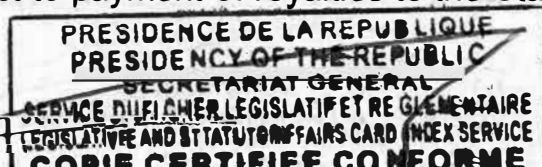
(2) The procedures for granting the certificates and authorizations referred to in (1) above shall be laid down by regulation.

## **CHAPTER II** **PROTECTION OF THE FORESTRY AND WILDLIFE HERITAGE**

**SECTION 14:** The protection and management of the forestry and wildlife heritage shall be a general interest or public service duty that contributes towards environmental protection. It shall be responsibility of the State and regional and local authorities, in collaboration with local communities.

**SECTION 15:** (1) The genetic resources of the forestry and wildlife heritage shall belong to the State. No one shall exploit them for scientific, commercial or cultural purposes without obtaining prior authorization under the terms and conditions laid down by regulation.

(2) The economic or financial benefits derived from the use of the resources referred to in (1) above shall be subject to payment of royalties to the State,





the rate and collection conditions of which shall be laid down proportionately to their value, in accordance with the laws and regulations in force.

(3) The conditions for protecting forest and wildlife resources shall be laid down by separate instruments.

**SECTION 16:** (1) It shall be forbidden to light, without prior authorization, a fire that may cause damage to the vegetation of the national forest estate.

(2) The conditions for preventing and controlling forest and bush fire shall be laid down by regulation.

**SECTION 17:** (1) The clearing of all or part of a classified forest shall be subject to the total or partial declassification of such forest.

(2) The implementation of any development project that may cause disruptions in the forest or aquatic environment shall be subject to the conduct of prior environmental and social impact assessments.

(3) Forest and wildlife resources shall be allocated in accordance with the Indicative Zoning Plan, the Regional Development Master Plan or the National Land Use Plan prepared in a participatory manner, in conjunction with the government services concerned.

(4) The procedure for obtaining the classified forest clearing authorization shall be laid down by regulation.

**SECTION 18:** The State shall ensure the stability of springs, banks, watersheds and water flow regimes.

**SECTION 19:** Where the creation or maintenance of forest cover is considered necessary for the conservation of soil, the protection of the banks of a stream and/or a catchment area, the preservation of mangroves, the regulation of water regimes, the regulation of climate regimes, or the conservation of biodiversity, the surrounding land may be declared either out of bounds or as an ecologically fragile area, or classified as permanent forest estate, under the conditions laid down by decree.

**SECTION 20:** (1) It shall be forbidden for anyone to dump, in the national forest estate, toxic products or industrial waste likely to destroy or modify animal and plant life.

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



(3) The dumping of treated waste in the natural environment shall be subject to prior administrative authorization.

(4) It shall be forbidden for industrial operators to burn forest resources that can be used for other purposes.

(5) The conditions for implementing the provision of this section shall be laid down by regulation.

### **CHAPTER III** **FOREST REGIME**

**SECTION 21:** (1) The national forest estate shall comprise permanent and non-permanent forest estates.

(2) Permanent forest estates shall comprise forest lands used exclusively for the protection and sustainable management of forests and wildlife.

(3) Non-permanent forest estates shall comprise portions of national land likely to be used for purposes other than forestry.

(4) The areas covered by the national forest estate shall be indicated in a national land use plan prepared in a participatory manner.

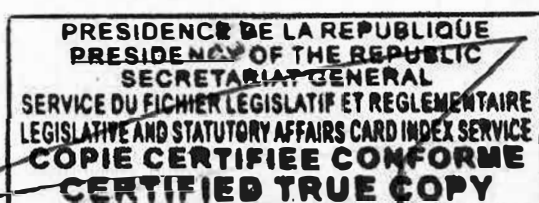
#### **I. PERMANENT FORESTS**

**SECTION 22:** (1) Permanent or classified forests shall be corporeal lands assigned by decree for public service purposes to protect and ensure the sustainable management of the national forest and wildlife heritage, and may not be disposed of or transferred in any way whatsoever.

(2) They shall, where applicable, be the subject of a title deed drawn up in the name of the beneficiary legal entity, indicating the transfer measure referred to in (i) above, including the specific restrictions to which the title to the use of the buildings is subject.

(3) The following shall be considered as permanent forests:

- State forests;
- regional forests;
- council forests;
- community protected areas;
- marine protected areas.



**SECTION 23:** Permanent forests shall cover at least 30% (thirty percent) of the total area of the national territory and reflect the country's ecological diversity.

**SECTION 24:** (1) Permanent forests shall be classified by a decree that defines their objectives and cadastral coordinates and is duly linked to the national geodetic network.

(2) Permanent forests shall be classified according to the procedure of expropriation in the public interest. This shall be confirmed by a classification decree which transfers ownership to the legal person under public law, giving entitlement to the automatic issuance of a land title indicating the assignment decision.

**SECTION 25:** (1) The permanent forest classification instrument shall take into account the social and economic environment of local communities, which may retain their user rights.

(2) Notwithstanding the provisions of (1) above, such user rights may be restricted where they are contrary to the purposes of the classified forest. In the latter case, the local communities shall be compensated under the conditions laid down by regulation.

**SECTION 26:** (1) A permanent forest that is no longer fit for its original purpose may be declassified under the conditions laid down by regulation.

(2) All or part of a forest may be declassified only after the classification of a forest of the same category and of at least the same area, except in the case of expropriation for public purposes.

**SECTION 27:** (1) Access to a permanent forest shall be regulated.

(2) Each permanent forest shall have a management plan or, where applicable, a simplified management plan.

(3) Any activity carried out in a permanent forest shall be in accordance with its management plan or simplified management plan, as appropriate.

(4) The procedures for drawing up, implementing, monitoring and revising the management plan or simplified management plan shall be laid down by regulation.

## **I – STATE FORESTS**

**SECTION 28:** (1) State forests shall be those designated as part of the private property of the State by decree.



(2) The following shall be considered State forests:

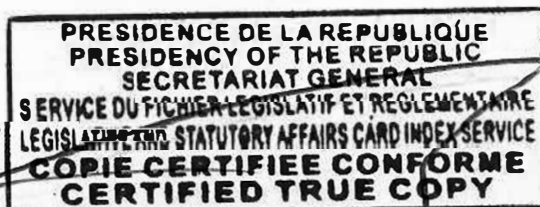
- a) production forests such as forest management units (FMUs);
- b) the following protected areas:
  - national parks;
  - integral ecological reserves;
  - wildlife reserves;
  - wildlife sanctuaries;
  - hunting areas;
  - game ranches belonging to the State;
  - zoological gardens belonging to the State;
  - plant sanctuaries;
  - botanical gardens belonging to the State;
  - marine protected areas.
- c) the following forest reserves:
  - conservation forests;
  - protection forests;
  - recreation forests;
  - teaching and research forests;
  - reforestation areas.

## **II – REGIONAL FORESTS**

**SECTION 29:** (1) Regional forests are either those designated by decree as part of the private property of a Region, or those ceded to a Region by the State through the transfer of a portion of the permanent forest estate of the State.

(2) It shall be forbidden for a Region that is the cessionary of part of a State forest to change its original purpose without the express authorization of the President of the Republic.

**SECTION 30:** Regional forests shall have the following objectives: production, conservation, protection, recreation, wildlife management, teaching and research, and resource renewal, as appropriate.



### **III – COUNCIL FORESTS**

**SECTION 31:** (1) Council forests shall be those classified by decree as part of the private property of a council or those ceded by the State to a council through the transfer of a portion of the permanent forest estate of the State.

(2) It shall be forbidden for a council that is the cessionary of part of a national forest to change its original purpose without the express authorization of the President of the Republic.

**SECTION 32:** Council forests shall have the following objectives: production, conservation, protection, recreation, wildlife management, teaching and research, and resource renewal, as appropriate.

### **IV – COMMUNITY PROTECTED AREAS**

**SECTION 33:** (1) A community protected area shall be classified for the benefit, and at the request of, local communities for cultural and/or socio-economic purposes.

(2) Community protected areas shall form part of the private property of the State.

(3) It shall be forbidden for communities to change the original purpose of a community protected area assigned to them by the State.

(4) The conditions for managing and controlling community protected areas shall be laid down by regulation.

### **V - MARINE PROTECTED AREAS**

**SECTION 34:** (1) Marine protected areas shall be marine and coastal areas within the national territory specifically dedicated to the protection of marine ecosystems, processes, habitats and species likely to contribute to the restoration and recovery of resources necessary for economic, social and cultural enrichment.

(2) They shall form part of the natural public property managed by the State and that may be managed under State control by other legal persons under public law or by service concessionaires.

(3) The conditions for managing and controlling marine protected areas shall be laid down by regulation.





## **II- NON-PERMANENT FORESTS**

**SECTION 35:** (1) Non-permanent forests shall belong to national land or private individuals, as the case may be.

(2) The following shall be considered as non-permanent forests:

a) the following types:

- regional or council woodlands;
- community forests;
- private forests;
- private woodlands;
- national forest estate;
- community hunting areas.

b) the following private forest and wildlife conservation areas that do not belong to the State:

- game-ranches;
- botanical gardens;
- zoos;
- recreation forests.

### **I - REGIONAL OR COUNCIL WOODLANDS**

**SECTION 36:** (1) Regional or council woodlands, as appropriate, shall be tree plantations, in one or more holding, planted by a region or council on its private land.

(2) The conditions for creating and managing regional or council woodlands shall be laid down by regulation.

## **II - COMMUNITY FORESTS**

**SECTION 37:** (1) A community forest shall be a natural forest in the non-permanent forest estate allocated for use by the State to a local community that expresses an interest therein.

(2) The allocation of a community forest shall be subject to a management agreement and a simplified management plan.

(3) Forest resources of all kinds derived from the exploitation of community forests shall belong to the community concerned, which shall use same in accordance with the law in force.

**SECTION 38:** (1) A community forest management agreement shall initially be issued on a provisional basis for a maximum period of 2 (two) years.

(2) A community forest shall be allocated on a permanent basis only for a renewable period of 25 (twenty-five) years, once all the clauses and conditions set out in the specifications have been met. Failure to comply with these conditions within the specified timeframe may result in the total or partial revocation of the right of use granted to the beneficiary community.

**SECTION 39:** (1) The implementation of community forest management agreements shall be incumbent on the communities concerned, under the mandatory assistance and technical supervision of the forestry administration.

(2) In case of violation of this law or of the special clauses of the management agreement, the State may, where appropriate, carry out the required works as of right and at the expense of the community concerned, or annul the agreement, without prejudice to the rights of use of the beneficiary community.

(3) The conditions for allocating community forests and preparing and implementing simplified management plans shall be laid down by regulation.

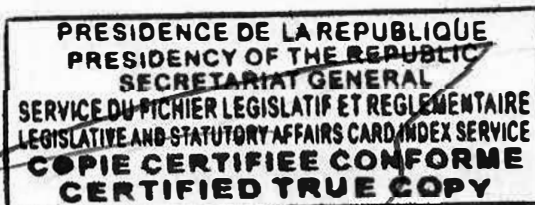
### **III - PRIVATE FORESTS, WOODLANDS AND FOREST AND WILDLIFE CONSERVATION AREAS**

**SECTION 40:** (1) Private forests shall be forests planted and managed by natural or legal persons under private law on land they acquired, with the technical assistance of the forestry administration, in accordance with the land laws and regulations in force.

(2) Private woodlands shall be forests, lines of trees and scattered afforestation associated with crops planted by natural or legal persons under private law on land they manage. As such, the persons concerned shall be required to have a silvicultural booklet or a document in lieu thereof for the control of their activities.

(3) Owners of private forests and woodlands of an area of more than 10 (ten) hectares shall be required to prepare a simplified management plan.

(4) Owners of private forests and woodlands may receive support from the forestry administration, under the conditions laid down by regulation.



**SECTION 41:** (1) Private forest and wildlife resource conservation areas shall be areas belonging to natural or legal persons under private law and established to ensure the sustainable use and management of such resources.

(2) The conditions for establishing private forest and wildlife resource conservation areas shall be laid down by regulation.

### **III - NATIONAL FOREST ESTATES**

**SECTION 42:** (1) National forest estates shall be those that do not fall into any of the categories specified in Sections 29 and 31 of this law. They shall not include orchards and agricultural plantations, fallow land, woodlands ancillary to farms, and pastoral or agro-silvicultural facilities.

(2) Notwithstanding the provisions of (1) above, former fallow land and arable or grazing land without a land certificate shall be considered as national forest estate after natural regeneration of the forest cover.

(3) All resources found in national forest estates shall belong to the State and managed on a sustainable manner.

**SECTION 43:** (1) Natural trees not planted by man found in the areas mentioned in Section 41(1) above shall be considered as non-forest trees.

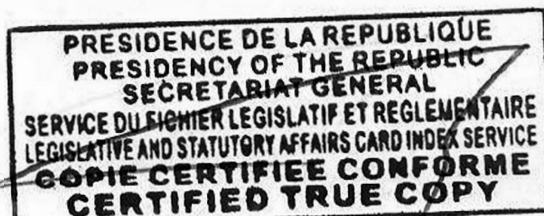
(2) The communities or persons whose use of the above-mentioned areas is customary shall be required to report the presence of the trees found therein to the forestry administration so that they can be entered in the foresters' record book opened in their name. Their use for commercial purposes shall be subject to authorization by the forestry administration.

(3) The conditions for issuing the foresters' booklet as well as the authorization referred to in (2) above shall be laid down by regulation.

**SECTION 44:** Rights of use in national forest estates shall be granted to local communities in accordance with the conditions laid down by regulation, subject to restrictions on grazing, folding, felling, limbing and mutilation of protected species.

### **IV - COMMUNITY HUNTING AREAS**

**SECTION 45:** (1) A community hunting area shall be an area within the national land covered by a management agreement concluded between a local community that expresses an interest therein and the ministry in charge of wildlife. Such area, which may be natural or artificial, shall be dedicated to hunting for subsistence or commercial purposes.



(2) Local communities shall have a right of first refusal in case of disposal of natural products found in their communal hunting area.

**SECTION 46:** (1) The management agreements referred to in Section 45 above shall specify the beneficiaries and boundaries of the hunting area, the list of species to be hunted and other wildlife management requirements.

(2) The beneficiary community shall enter into a provisional management agreement with the forestry administration for a maximum period of 2 (two) years prior to the signing of the final agreement.

**SECTION 47:** (1) The implementation of management agreements for community hunting areas shall be the responsibility of the communities concerned, under the technical supervision of the wildlife administration.

(2) In the event of violation of the provisions of this law or of special clauses in the management agreement, the wildlife administration may carry out the required works at the expense of the community concerned or cancel the agreement, without prejudice to the recognized rights of use.

(3) In order to improve the management of wildlife resources by the community, the ministry in charge of wildlife shall provide technical assistance free of charge to the community concerned.

**SECTION 48:** The conditions for allocating community hunting zones and preparing and implementing management plans shall be laid down by regulation.

## **II - SPECIAL FOREST AREAS**

### **I-COMMUNITY-MANAGED HUNTING AREAS**

**SECTION 49:** Any community-managed hunting area shall be subject to a management agreement signed between a local community expressing interest therein and the ministry in charge of wildlife. It shall have a management plan.

**SECTION 50:** (1) The revenue derived from hunting activities in community-managed hunting areas shall belong to the local community concerned.

(2) Local communities shall have a right of first refusal in the event of disposal of natural products found in community-managed hunting areas.

**SECTION 51:** (1) The implementation of management agreements in community-managed hunting areas shall be the responsibility of the communities concerned, under the technical supervision of the ministry in charge of wildlife.

(2) In the event of violation of the provisions of this law or of the specific clauses of the management agreement, the ministry in charge of wildlife may carry out the required works at the expense of the community concerned or annul the agreement, without prejudice to the recognized rights of use.

**SECTION 52:** The conditions for allocating community-managed hunting areas and preparing and implementing management plans shall be laid down by regulation.

## **II - SPECIAL PRODUCT OR ENERGY WOOD ALLOCATION UNIT**

**SECTION 53:** (1) A special product or energy wood allocation unit shall be a parcel of permanent or non-permanent forest land covered by a management agreement signed between an economic operator and the forestry administration in order to ensure the sustainable management of the said products or firewood.

(2) The management agreement shall give the beneficiary the right to harvest a volume or tonnage of the product concerned from an allocation unit. It shall be preceded by the validation of a simplified management plan including specifications.

(3) The volume or tonnage allocated may not exceed the annual collection capacity of each allocation unit concerned.

(4) In the event of violation of the provisions of this law or the specific clauses of the management agreement, the forestry administration may, as of right, carry out the required works at the expense of the economic operator concerned or annul the agreement, without prejudice to the recognized rights of use.

**SECTION 54:** The conditions for allocating special product or energy wood allocation units, preparing and implementing simplified management plans shall be laid down by regulation.

## **FOREST MANAGEMENT**

**SECTION 55:** Forest management shall comprise the following operations:

- socio-economic surveys;
- inventories;
- sustained forest exploitation;
- natural or artificial regeneration;
- reforestation;
- participatory and integrated management;





- infrastructure development;
- implementation of the environmental management plan.

**SECTION 56:** (1) Forest management shall be the responsibility of the owner of the forest. It shall take the form of the preparation, approval, implementation and periodic review of the management plan or simplified management plan, as appropriate.

(2) However, the management of national forest estates shall be the responsibility of the State or, under its control, of other natural or legal persons under a management agreement.

(3) The forests and woodlands covered by the forestry regime shall be managed in accordance with a management document approved:

- for national forests and woodlands and national forest estates, by order of the Minister in charge of forests;
- for regional and council forests, by order of the representative of the State in the region or council concerned, with the approval of its deliberative body.

## **I - FOREST SURVEY**

**SECTION 57:** (1) The survey of forest resources shall be the prerogative of the forest owner. However, in the case of national forests, such inventory shall be entrusted to the State or, under its control, to other natural or legal persons under a management agreement.

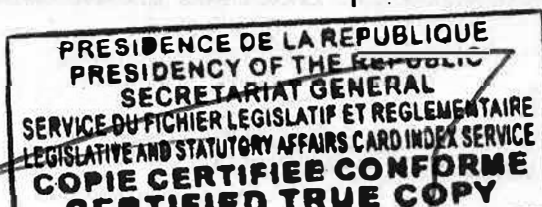
(2) The results of such survey shall be used in planning, managing and estimating revenue. In that respect, the exploitation of any forest shall require that a survey be conducted on such forest, in accordance with the norms laid down by regulation.

## **II - FOREST EXPLOITATION**

**SECTION 58:** Forest exploitation shall be any activity consisting in extracting or harvesting forest products from a forest using any appropriate process, technology or equipment.

**SECTION 59:** (1) A forest exploitation permit shall be an authorization to harvest quantities of forest products, in accordance with the management plan or simplified management plan, as appropriate, and the procedures laid down by regulation.

(2) The volumes, quantities and technical requirements to be complied with in undeveloped national forest estates shall be set out in the specifications for the permit issued.



(3) Forest exploitation permits can be issued only to natural persons who live in Cameroon or to companies with a registered office in Cameroon and whose share capital is known to the forestry administration.

**SECTION 60:** (1) Beneficiaries of registered forest exploitation permits may subcontract some of their activities, subject to prior approval by the forestry administration. In any case, they shall remain accountable to the latter for the proper fulfilment of their obligations.

(2) The permits provided for in (1) above shall be individual and non-transferable.

(3) Notwithstanding the provisions of (1) and (2) above, in the event of the death of a natural person who holds a forest exploitation permit, the rightful claimant may be authorized to continue the activities under the permit only if he meets the conditions laid down by this law and its implementing instruments.

(4) Otherwise, the ministry responsible for forests shall appoint a liquidator before the permit is revoked.

(5) The conditions for appointing the liquidator shall be laid down by regulation.

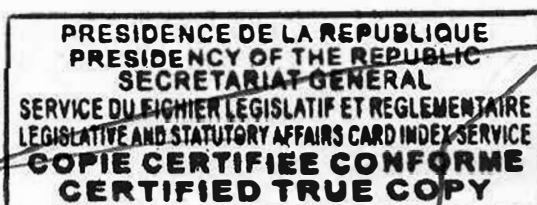
(6) The acquisition or transfer of shares in a company that holds a forest exploitation permit shall be subject to prior approval by a ministry in charge of managing forests.

**SECTION 61:** (1) The exploitation of a national production forest shall be carried out through an exploitation permit, sale of standing volume or exploitation contract as applicable.

(2) However, the forest may be exploited under State management where there is a need to recover the forest products concerned or in the case of an experimental project, in accordance with the conditions laid down by decree. It may be carried out under a subcontracting agreement in accordance with the management plan of the said forest.

(3) At the beginning of each year, the ministry in charge of forests shall determine and publish the annual standing volume and species that can be logged from all national production forests open to exploitation.

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



(5) The forestry administration may mark as reserved any tree within an area being exploited under license, which is considered useful for conservation and regeneration purposes.

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

(7) Waste from forest exploitation must be valorized. This may be carried out under State management or made available to artisanal processors under the conditions laid down by regulation.

**SECTION 62:** (1) A logging permit in a State production forest shall be an authorization to exploit, for a limited period, a well-defined quantity of some non-timber forest products, special products or energy wood, under conditions laid down by regulation.

(2) The conditions of exploitation between holders of two or more licenses in a forest allocated under an exploitation agreement, shall be laid down by regulation.

**SECTION 63:** (1) A sale of standing volume in a State production forest shall be an authorization to exploit, for a fixed period, a precise volume of standing timber which may not exceed the annual logging potential.

(2) Standing volume in State production forests may be sold only to persons of Cameroonian nationality.

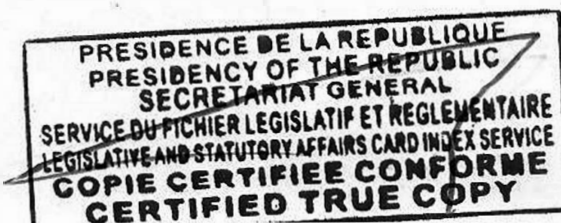
(3) Standing volume shall be attributed by the forestry administration upon the recommendation of a competent commission for a non-renewable maximum period of one year.

**SECTION 64:** (1) The exploitation agreement shall give the licence-holder the right to obtain a given volume of wood from a State production forest.

(2) The exploitation agreement shall include specifications, and shall define the rights and obligations of the State and the licence-holder.

(3) The volume granted may not exceed the annual felling potential for each of the forest management units concerned.

(4) Exploitation agreements shall be concluded for a maximum renewable duration of fifteen (15) years. They shall be assessed periodically.



**SECTION 65:** (1) A forest concession shall be the area on which an exploitation agreement is executed. It may comprise one or more forest exploitation units.

(2) A forest concession shall be granted on competitive basis upon recommendation by a competent commission.

(3) The forest concession provided for under subsection (1) above may be transferred.

(4) The grant and transfer conditions shall be laid down by regulation.

**SECTION 66:** Some concessions shall be set aside for nationals acting individually or grouped into companies.

**SECTION 67:** (1) The total forest area that may be granted to any one licence-holder may not exceed two hundred thousand (200,000) hectares.

However, concession holders may form a partnership approved by the forestry administration:

- either to optimize the efficiency of a processing unit;
- or as part of a conservatory management with low intensity sampling.

(2) The total area granted under the partnership referred to in paragraph 1 above may not exceed six hundred thousand (600,000) hectares.

(3) The acquisition of majority shares or the creation of a forest exploitation company by a forest exploiter with the intention of exploiting a total area held under a partnership exceeding six hundred thousand (600,000) hectares shall be forbidden.

(4) Any grouping of concessions in a partnership shall require a review of the development plans.

**SECTION 68:** (1) Licence-holders for a forest concession shall conclude with the Forestry administration a provisional exploitation agreement prior to the signing of the final agreement.

(2) The provisional agreement shall have a maximum duration of three (3) years during which the licence-holder shall be required to carry out all the work provided for in the specifications.

(3) Where the wood processing industry is owned by a company or industrial partner, it must be located in the area of exploitation.

(4) The conditions for drawing up provisional agreements as well as the specifications related thereto shall be laid down by regulation.

(5) In the event of non-compliance with the specifications of the provisional agreement within the period of three (3) years, the concession shall be withdrawn within the next six (6) months. The person concerned may not request a new grant of forest permit for a period of three (3) years.

**SECTION 69:** The specific obligations of persons who exploit forests in border areas or who use aircraft in forest exploitation shall be laid down by the relevant ministries.

**SECTION 70:** (1) A subcontract shall be an agreement that defines the forest exploitation management activities which a promoter is required to carry out in the management or exploitation of a forest. It does not confer the subcontractor any right of ownership over the forest products exploited.

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

(3) The conditions for establishing subcontracting shall be laid down by regulation.

**SECTION 71:** (1) Regional or communal forests shall be exploited on behalf of the region or council and for all forest products, under State management, by subcontracting, sale of standing volume, exploitation permit or individual felling authorization in accordance with the management prescriptions approved by the forestry administration.

(2) The conditions for granting permits in regional and communal forests shall be laid down by regulation.

**SECTION 72:** (1) Community forests shall be exploited on behalf of the community, under State management or by subcontracting, sale of standing volume, exploitation permit or individual felling authorization in accordance with the simple management plan approved by the Forestry administration.

(2) The conditions for preparing, approving and executing contracts and subcontracts in community forests shall be laid down by regulation.

**SECTION 73:** A private forest or a private wood shall be exploited in a sustainable manner.





**SECTION 74:** The exploitation of national forest estates shall be by sale of standing volume, exploitation permit or individual felling authorization.

**SECTION 75:** (1) Sales of standing volume in a national forest estate shall be an authorization to exploit in an area not exceeding 2,500 (two thousand five hundred) hectares a specific volume of standing timber.

(2) In national forest estates, sales of standing volume shall be granted upon the recommendation of the relevant commission for a non-renewable period of three (3) years.

**SECTION 76:** (1) An exploitation permit shall be an authorization to exploit or harvest specific quantities of forest products in a given zone. Such products may be special products, timber whose volume may not exceed 1 000 (one thousand) gross cubic metres, energy wood or poles for commercial purposes.

(2) Exploitation permits for timber and some special forest products listed by the Forestry administration shall be granted upon the recommendation of a relevant commission for a maximum non-renewable period of 1 (one) year.

(3) For other non-timber forest products, exploitation permits shall be granted by mutual agreement by the Forestry administration.

(4) The conditions for granting the various permits shall be laid down by regulation.

**SECTION 77:** (1) An individual felling authorization shall be an authorization issued to a natural person, in a reserved national forest estate, to harvest specific quantities of wood for personal or non-commercial use. This provision shall not apply to the local population who shall maintain their rights of usage.

(2) Individual felling authorizations shall be granted by mutual agreement by the Forestry administration for a non-renewable period of 6 (six) months.

**SECTION 78:** Exploitation permits and individual felling authorizations may be granted only to persons of Cameroonian nationality.

**SECTION 79:** In national forest estates, some sales of standing volume may be reserved for persons of Cameroonian nationality taken individually or grouped into a company, following a quota fixed annually by the Forestry administration and in accordance with the conditions laid down by regulation.

**SECTION 80:** Transfer of sales of standing volume, exploitation permits and individual felling authorizations shall be forbidden.



**SECTION 81:** At the beginning of each year, the Forestry administration shall determine and publish the annual felling potential in volume and species of all the forests of the national forest estate open to exploitation.

**SECTION 82:** Exploitation for profit of timber and non-timber forest products, except for those relating to the exercise of rights of use and collection authorization shall be accompanied by specifications.

**SECTION 83:** (1) All forest exploitation agreements, sales of standing volume, exploitation permits or individual felling authorizations shall confer on their holders, over the surface area conceded, the exclusive right to collect the products described in the exploitation document for a specific period, but shall confer no right of ownership over the corresponding land.

(2) As such, the holder may not prevent the exploration or exploitation of products not mentioned in his exploitation document, in accordance with conditions laid down by the Forestry administration.

**SECTION 84:** In the event of a development project likely to cause destruction of part of the forest estate, or in the event of a natural disaster with similar consequences, the Forestry administration shall fell the wood concerned under conditions laid down by regulation.

**SECTION 85:** Logs without an apparent local mark beached on the Atlantic coast or abandoned on the roadside, shall be State property and may be transferred to any natural or legal person under conditions laid down by regulation.

### **III - REGENERATION AND REFORESTATION**

**SECTION 86:** The renewal and/or extension of forests to provide some economic, social and environmental services shall be done through forest regeneration or reforestation, in accordance with the regulations in force.

**SECTION 87:** Forest regeneration shall be a natural or human-assisted process, allowing the reproduction and growth of young trees to replace trees exploited or eliminated by natural factors in a forest ecosystem.

**SECTION 88:** Reforestation shall be a process of creating forest vegetation on a non-forested area. It shall require human intervention by seeding or planting young trees.

**SECTION 89:** (1) The Forestry administration shall ensure the renewal of the forest resource through reforestation, regeneration and development of forest plantations, at the expense of the forest product exploiter.

(2) To this end, the exploiter shall be required to pay a regeneration fee, the rate of which shall be fixed by the Finance Law.

(3) Regeneration commitments in forests under development shall be included in the management plan or simple management plan, and their implementation duly established by the relevant authority.

(4) Conditions for carrying out reforestation, regeneration and development of forest plantations shall be laid down by regulation.

**SECTION 90:** Statistical data on resource renewal, including the monitoring over time of regenerated, planted or managed trees, shall be collected and used annually by the forestry administration.

**SECTION 91:** Incentives may, as and when necessary, be taken to encourage the renewal of the forest resource by regional and local authorities, communities or individuals in conjunction with the relevant ministries.

#### **IV- FOREST LANDSCAPE RESTORATION**

**SECTION 92:** (1) The revival and recovery of ecological functionality and integrity shall be part of a long-term restoration process, which consists in strengthening resilience and improving human well-being in the forest landscapes of all national agro-ecological zones.

(2) Rebuilding ecosystem functionalities shall take into account land degradation neutrality and prevention of the causes of forest landscape degradation and deforestation, with a view to sustainable land management.

(3) Forest landscape restoration shall be a participatory process, based on adaptive management that responds to social, economic and environmental changes.

**SECTION 93:** Forest landscape restoration shall be implemented in accordance with the defined national strategy for forest landscape restoration.

**SECTION 94:** The Forestry administration shall ensure the restoration of forest landscapes, through public and private financing mechanisms.

**SECTION 95:** Information on landscape restoration shall be collected and used annually by the Forestry administration, in conjunction with the relevant sector services.

**SECTION 96:** Incentives may, as and when necessary, be taken to promote restoration of forest landscapes by regional and local authorities, communities or individuals, in conjunction with the competent government services.

## **V- VALORIZATION OF FOREST PRODUCTS**

### **I- PROCESSING AND PROMOTION OF FOREST PRODUCTS**

**SECTION 97:** (1) Logs shall be completely processed by the local industry.

(2) The exportation of timber in the form of logs shall be prohibited.

**SECTION 98:** (1) Forest products shall be processed through a procedure or technology consisting in temporarily or permanently modifying an extracted or harvested forest product, for consumption purposes.

(2) To promote processing, a digressive taxation provided for by the Finance Law shall be applied to processed products depending on the degree of processing.

(3) A separate instrument by the Minister in charge of forests shall lay down the various degrees of processing of forest products.

(4) The Forestry administration shall ensure promotion of forest products, in conjunction with the relevant ministries, under conditions laid down by regulation.

(5) A separate instrument by the Ministers in charge of forestry, public works and public contracts shall lay down the standards and the minimum rate of use of wood in the construction and equipment of public buildings.

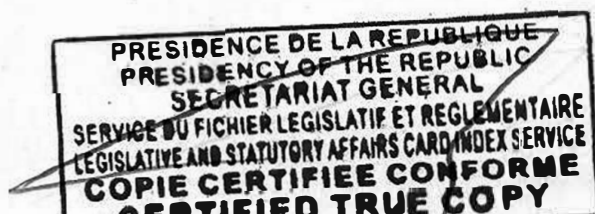
**SECTION 99:** Forest products processing plants may benefit from the private investment incentives regime under conditions laid down by the regulations in force.

**SECTION 100:** (1) Wood processing plants shall be required to valorize their waste.

(2) Conditions for the processing, valorization and marketing of scrap and wood waste from wood processing plants shall be laid down by regulation.

**SECTION 101:** Exercise of the activity of forest product processor shall be subject to obtaining a certificate of registration as a processor, issued by the Forestry administration under conditions laid down by regulation.

**SECTION 102:** Forest product processing plants established nationwide shall be categorized by the State.





**SECTION 103:** Non-timber forest products intended for export shall be processed by the local industry at a minimum rate set annually for each product, by regulation.

## **II- MARKETING OF FOREST PRODUCTS AND USE OF PROCESSED WOOD PRODUCTS**

**SECTION 104:** (1) The State shall fix the value of export forest products on the basis of remunerative prices on the various international markets.

(2) The Finance Law shall fix a preferential price each year for species that are hardly marketed, or unmarketed.

**SECTION 105:** (1) Any company owning a forest exploitation certificate and/or a forest products processing plant shall be authorized to market the product of its exploitation or processing activity, and to buy and resell any type of forest products.

(2) Trading in forest products, with a view to marketing such products by entities not owning a forest exploitation certificate and a wood processing plant, shall be open to any natural or legal person under Cameroonian law, after authorization of the Minister in charge of forests, under conditions laid down by regulation.

(3) The authorization to register as a forest products trader shall be issued on the basis of a file and subject to payment of review fees, under penalty of inadmissibility. The authorization shall entitle the holder thereof to services aimed at marketing forest products, in particular, bulk-breaking, export authorizations and CITES permits.

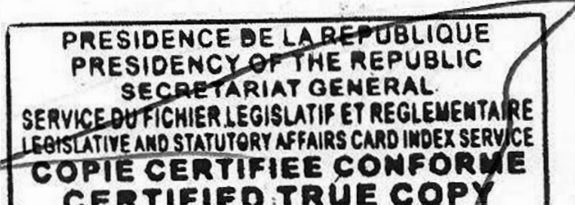
(4) In addition to the ordinary taxes and duties provided for by the General Tax Code, the forest products trader shall be liable, as the case may be, to payment of forestry taxes.

(5) Forest products traders must keep a record of their suppliers, the species and nature of the products duly purchased, their customers and the destinations of the products sold.

(6) The constitution of the file, the amount of the file costs and conditions for breakdown of the costs referred to in paragraph 2 above shall be fixed by regulation.

(7) The exportation of forest products shall be subject to obtaining a certificate of registration as an exporter issued by the Forestry administration.

(8) The exportation of unprocessed non-timber forest products shall be subject to an annual authorization issued by the Forestry administration and the payment of subsequent tax levies.





## CHAPTER IV WILDLIFE REGIME

### I - MANAGEMENT OF PROTECTED AREAS

**SECTION 106:** (1) The management of protected areas shall include the following operations:

- animal population inventories;
- environmental mapping and zoning;
- surveillance and protection;
- planning and construction of infrastructures;
- ecological research and monitoring;
- valorization and ecotourism;
- eco-development.

(2) Other specific operations may be carried out as part of development of protected areas. These include:

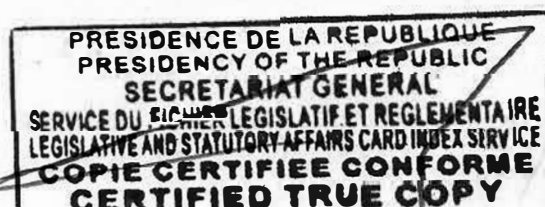
- anti-poaching activities;
- taking account of cross-border aspects;
- research in ethology and the habituation of great apes;
- epidemiological surveillance of wildlife;
- recreation and reintroduction;
- implementation of the environmental management plan.

**SECTION 107:** (1) The State shall draw up a protected areas management plan, which shall be reviewed periodically.

(2) The State may transfer the management of a protected area to a third party under a public-private partnership and conditions laid down by regulation.

**SECTION 108:** Hunting areas may be created in councils and regions. In such case, their management shall be the responsibility of the region or the council.

**SECTION 109:** (1) Valorization of wildlife shall not exclude the exercise of forest production activities in areas covered by permanent or non-permanent forests, as provided for by the present law.



(2) Protected area development activities shall be financed by government resources and any other eligible form of financing.

(3) The protected areas management plan shall be a mandatory element of the farm out specifications.

(4) The conditions and procedures for developing protected areas shall be laid down by regulation.

## **II - WILDLIFE PROTECTION**

**SECTION 110:** (1) Wild animal species living on the national territory shall be classified into three protection classes A, B and C, according to conditions laid down by regulation.

(2) Subject to the provisions of Sections 111 and 112 below, Class A species shall be nationally endangered species. They shall be fully protected and may not, under any circumstances, be slaughtered. However, their capture or keeping in captivity shall be subject to obtaining an authorization issued by the wildlife authority.

(3) Class B species shall be vulnerable species, which enjoy partial protection. They may be hunted, captured or slaughtered subject to the issuance of a hunting permit.

(4) Class C species shall be the common species that do not fall into the preceding two classes. However, their capture and slaughter shall be regulated.

(5) Immature young, pregnant females and eggs shall enjoy the same protection status as Class A species.

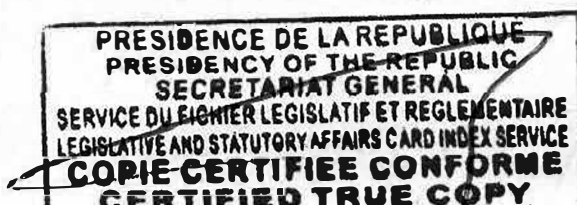
**SECTION 111:** Migratory species shall enjoy the same protection status as Class A species.

**SECTION 112:** (1) The ecological connectivity zone shall be a space located between two (2) or more protected areas serving as a wildlife migration corridor.

(2) Areas of ecological connectivity between protected areas shall enjoy the protection measures laid down by regulation.

**SECTION 113:** (1) The wildlife authority shall ensure the ecological monitoring of animal populations and communities.

(2) Ecological monitoring shall consist of collecting and producing data on the status and spatial and temporal trends in the structure and functioning of animal populations and communities with their habitat, in order to guide management decisions.



### **III - PROTECTION OF PEOPLE AND PROPERTY AGAINST WILD ANIMALS**

**SECTION 114:** Where some animals constitute a danger to people and/or their property, or are likely to cause damage to them, the wildlife authority may expel them and exceptionally slaughter them in a controlled manner, under conditions laid down by regulation.

**SECTION 115:** (1) No person may be punished for the act of hunting a protected animal, where committed due to urgent need of self or property defence.

(2) Proof of self-defence must be provided within seventy-two (72) hours to the head of the closest wildlife authority.

**SECTION 116:** (1) The trophies obtained from the activities provided for in Section 114 above shall be handed over to the wildlife authority, which shall conserve them for Class A species, sell them by public auction or by mutual agreement in the absence of a successful bidder for Classes B and C species.

(2) Proceeds from the public auction sale shall be remitted to the Treasury.

**SECTION 117:** Victims of damage caused by some Classes A and B wild animals may claim compensation under the conditions laid down by a separate instrument.

### **IV - VALORIZATION OF WILDLIFE RESOURCES**

**SECTION 118:** A wildlife exploitation certificate shall be an authorization to hunt or collect research data or quantities of animal products, in accordance with the development plan or the management plan, as the case may be, and under conditions laid down by regulation.

#### **I- HUNTING**

**SECTION 119:** (1) Any action aimed at:

- chasing, killing, capturing a wild animal or guiding expeditions for that purpose;
- photographing and filming wildlife for commercial or research purposes shall be considered as an act of hunting.

(2) The standards governing hunting activities shall be laid down by regulation.



**SECTION 120:** (1) Subsistence hunting shall be that based on right of use by the local communities. The products of such hunting may be marketed in strict compliance with the provisions laid down by regulation.

(2) Subsistence hunting shall be authorized nationwide, except in wildlife conservation protected areas and on private property.

(3) Ritual hunting shall be that practised as part of the custom of the local communities, for the celebration of rites.

(4) Conditions for exercising subsistence hunting and ritual hunting shall be laid down by regulation.

**SECTION 121:** (1) Any act of hunting other than the cases provided for in Section 114 of this law shall be subject to the issuance of a hunting permit or licence.

(2) Hunting permits and licences shall be personal and non-transferable.

**SECTION 122:** (1) The issuance of a hunting permit or licence shall entail payment of a fee, the amounts of which shall be fixed by the Finance Law.

(2) The rights and obligations arising from issuance of hunting permits and licences, as well as the conditions for such issuance, shall be laid down by regulation.

**SECTION 123:** Hunting permits and licences may be issued only to persons who have complied with the regulations in force concerning the possession of hunting weapons.

**SECTION 124:** (1) The hunting of some animals may be suspended on all or part of the national territory by the wildlife authority.

(2) Any hunting process likely to compromise the conservation of some animals shall be prohibited.

**SECTION 125:** The following activities shall be prohibited, unless specifically authorized by the wildlife authority:

- chasing, approaching and shooting animals from a motor vehicle;
- hunting at night, in particular with search lamps, head lamps and, in general, with any lighting equipment designed or not for hunting purposes;
- hunting with drugs, poisoned bait, tranquilizer guns and explosives;
- hunting with unconventional gear;
- hunting with fire;



- trench trapping;
- trapping with wire snares;
- hunting with modern nets.

**SECTION 126:** (1) The capture and killing of some wild animals shall be subject to the payment of taxes, the rates of which shall be fixed in the Finance Law. The list of such animals shall be drawn up by order of the minister in charge of wildlife.

(2) The meat of animals killed for human consumption shall be subject to prior veterinary health inspection, in accordance with the regulations in force.

**SECTION 127:** (1) Hunting areas shall be managed either by the government or under lease by any natural or legal person. In the latter case, the management of hunting areas shall be subject to specifications.

(2) Some areas of the national forest reserve may be declared hunting grounds and managed as such.

(3) The conditions for classifying some forests as hunting grounds and for the management thereof shall be laid down by regulation.

**SECTION 128:** (1) The exercise of the profession of hunter guide shall be subject to payment of a fee, the amount of which shall be fixed by the Finance Law.

(2) Licensed hunter guides shall be subject to a sworn statement prior to the commencement of their activity.

**SECTION 129:** Hunting within a hunting area not under lease and leading hunting expeditions by a hunter guide into any other area of the national forest reserve shall be subject to the payment of a daily tax, the rate of which shall be fixed by the Finance Law.

**SECTION 130:** The exploitation of wildlife within a State forest, council forest, community forest, private forest and within a hunting ground shall be subject to a management plan.





## **II- HUNTING ARMS**

**SECTION 131:** The ministry in charge of wildlife shall regulate the calibre and type of arms for hunting some animals.

**SECTION 132:** Hunting carried out using the following weapons shall be forbidden:

- war arms or ammunition that were or are part of the standard weapons of defence or security forces;
- firearms capable of firing more than one round at each pull of the trigger;
- projectiles containing explosives;
- fixed rifles and percussion firearms;
- chemical weapons.

**SECTION 133:** (1) Hunting tourism companies may issue to their clients hunting weapons of the types authorized by their hunting permits.

(2) Every company shall be liable for any damage caused or offence committed by its client, without prejudice to the legal proceedings which may be instituted against such client.

## **III- WILD ANIMAL BREEDING**

**SECTION 134:** State game ranches shall be managed either by the government or under lease by specialized bodies. Their management may be entrusted to private individuals under the conditions laid down by regulation.

**SECTION 135:** (1) Natural or legal persons shall be encouraged to breed high-valued species of wild animals in ranches, on farms or in zoos, in order to simultaneously contribute towards boosting the economic value of wildlife, ensuring the genetic conservation of species, and fighting against poaching.

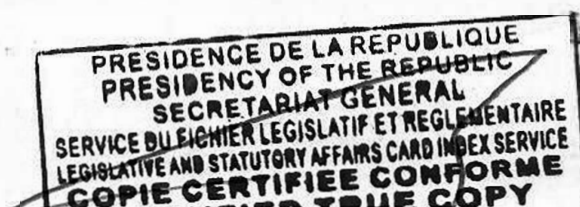
(2) The conditions for creating private game ranches, farms and zoos, as well as those relating to the exploitation of related products, shall be laid down by regulation.

## **IV- HOLDING, PROCESSING AND MARKETING OF WILDLIFE PRODUCTS**

**SECTION 136:** Holders of hunting permits who have paid the prescribed taxes and/or fees shall freely dispose of the carcasses and trophies of animals lawfully killed by them.

**SECTION 137:** Trophies shall comprise the following animal parts:

- ivory tusks;



- carcasses;
- skulls;
- fangs of animals;
- tails of elephants or giraffes;
- skins, hoofs or paws;
- horns and feathers;
- eggs;
- scales of pangolins;
- venoms;
- liquids and secretions of animals;
- any other animal part the permit holder may be interested in.

**SECTION 138:** (1) The keeping and movement of live protected animals, their remains or their trophies, within the national territory, shall be subject to obtaining a certificate of origin issued by the ministry in charge of wildlife and a veterinary health certificate issued by the ministry in charge of animal health, where applicable.

(2) The keeping and adoption of Class A animals as pets shall be strictly prohibited.

(3) The export of wild animals, their remains, or raw or processed trophies, shall be subject to the presentation of a certificate of origin, an export permit and a CITES certificate, as the case may be, issued by the ministry in charge of wildlife and a veterinary health certificate issued by the ministry in charge of animal health.

**SECTION 139:** The possession of ivory, whether processed or not, for cultural purposes, acquired before the date of enactment of this law, shall be subject to the obligation of declaration and of obtaining a possession permit issued by the ministry in charge of wildlife.

**SECTION 140:** (1) Whoever is found, at any time and in any place, in possession of a whole or part of a live or dead Class A or B protected animal, whether whole or partial, alive or dead, shall be considered to have captured or killed the animal.

(2) However, the collection of the skins and meat of some Class B or C wild animals for commercial purposes may, under the conditions laid down by regulation, be subject to the issuance of a permit by the ministry in charge of wildlife, subject to payment of fees, the amount of which shall be fixed by the Finance Law.

(3) Each skin or meat collected shall be subject to payment of a tax, the rate of which shall be fixed by the Finance Law.

## **CHAPTER V** **FINANCIAL AND FISCAL PROVISIONS**

### **I- GENERAL PROVISIONS**

**SECTION 141:** The State shall take the necessary measures to ensure that the financial resources generated by activities relating to the exploitation of the resources of the national forest and wildlife heritage cover the needs inherent in the renewal of such heritage and contribute towards financing the development projects of the State, Regional and Local Authorities, and the populations.

### **II- FINANCIAL AND FISCAL PROVISIONS RELATING TO FORESTS**

**SECTION 142:** (1) Besides the ordinary law taxes and duties provided for by the Finance Law, the financial resources generated by forest exploitation activities shall comprise shares of the proceeds of:

- the annual forest royalty (AFR);
- the forest product regeneration fee (RRPF);
- the transfer tax (TT);
- the special products tax (SPT);
- the non-timber forest products tax (NTFPT);
- the tree felling tax (TFT);
- the selling price (SP);
- exit duty (ED);
- the FLEGT Licence or authorization.

(2) The duties, taxes and fees referred to in (1) above shall be distributed between the Treasury, the municipality concerned, the Special Forestry Development Fund and collection support.

(3) The amounts of the duties, taxes and fees listed in (1) above, as well as their distribution grid, shall be laid down by the Finance Law.

**SECTION 143:** The export of unprocessed special products shall be subject to payment of a surtax fixed by the Finance Law.

**SECTION 144:** Environmental services provided by State forests and referred to in this law shall be subject to payment of the corresponding fees.

**SECTION 145:** (1) No one may be exempted from the payment of taxes and fees relating to forestry activity.

(2) Every year, beneficiaries of sales of standing volumes and forest management units shall be required to deposit a bank guarantee for each logging permit granted to them.

(3) However, some operators may be granted exemption from depositing the bank guarantee based on an assessment of their technical and tax file, under the conditions laid down by regulation.

**SECTION 146:** Products derived from forest plantations and private forests and intended for sale shall be subject only to payment of ordinary law taxes, as provided for by the General Tax Code.

**SECTION 147:** For the exploitation of their forests by sale of standing volumes, subcontracting or under permit, Regions, Councils, local communities and private individuals shall receive the selling price of the forest products and the annual forest royalty excluding taxes, duties and fees for related activities.

**SECTION 148:** (1) The proceeds of public auctions of forest products, fines, compromises and the damages provided for by this law, shall be distributed between the Treasury, the forestry administration, the tax administration, the National Agency for Support to Forestry Development, the Regions, Councils and local communities, as the case may be, and under the conditions laid down by regulation.

(2) To be entitled to a share of the various royalties and taxes provided for by this law, local communities must form a legal entity in accordance with the regulations in force.

**SECTION 149:** A tax shall be paid for the exploitation or collection, for commercial purposes, of non-timber forest products, special products, fuel wood or service wood save where such exploitation or collection is related to the exercise of usufruct rights.

### **III- FINANCIAL AND FISCAL PROVISIONS RELATING TO WILDLIFE**

**SECTION 150:** Besides the ordinary law taxes and fees provided for by the Finance Law, the financial resources generated by activities relating to the exploitation of wildlife or a protected area shall comprise:

- approval fees;
- license and permit fees;
- taxes for the killing of wildlife species;
- commercial and scientific capture taxes;



- taxes derived from other wildlife trades such as taxidermy, the collection of skins and remains for commercial purposes or craft work with wildlife products;
- export taxes on wildlife species and products;
- entry fees into protected areas;
- fees for the issuance of duplicates;
- registration fees as wildlife product processors;
- leasing tax;
- the daily rental fee for protected common areas and hunting areas;
- contribution to social works;
- fee for the operation of protected areas as a tourist and eco-tourism guide;
- pet ownership taxes;
- fee for the exploitation of non-timber forest products for commercial purposes in protected areas;
- fees for access into protected areas to exploit non-timber forest products, in accordance with the provisions laid down by regulation;
- auction selling prices of wildlife products.

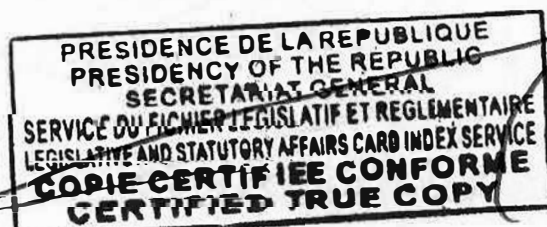
**SECTION 151:** (1) The proceeds of all taxes, fees and charges related to the exploitation of wildlife and protected areas provided for by this law, shall be shared between the Treasury, the ministry in charge of wildlife, the Tax Administration, the Special Fund for the Equipment and Development of Wildlife Conservation and Protection Areas provided for by this law, the Regions, the Councils and the local communities.

(2) With the exception of the duties, contributions and auction prices provided for in Section 150 above, the conditions for sharing the taxes and fees referred to in the said Section shall be laid down by the Finance Law.

(3) The share allocated to local communities shall be transferred to the Council of location of the wildlife product exploitation permit to finance local community development projects.

**SECTION 152:** The financial costs, as well as the floor rates thereof for granting wildlife permits by auction, shall be fixed annually by the Finance Law.

**SECTION 153:** (1) Their tax regimes notwithstanding, beneficiaries of wildlife exploitation agreements shall not be exempted from the royalties, fees and taxes relating to their exploitation permits.





(2) The provisions of (1) above shall not apply to agreements with local communities.

## **CHAPTER VI** **PENAL PROVISIONS AND PUNISHMENT OF OFFENCES**

### **I- SPECIAL JURISDICTION CRIMINAL INVESTIGATION OFFICERS**

**SECTION 154:** (1) The sworn officers of the ministry in charge of forestry or wildlife, as the case may be, shall be special jurisdiction criminal investigation officers.

(2) As such, they shall investigate and establish offences, apprehend offenders and seize illegally sourced products as well as objects used in committing the offence. They shall draw up a report in accordance with the Criminal Procedure Code.

(3) They shall be required to be in possession of their professional card in the discharge of their duties.

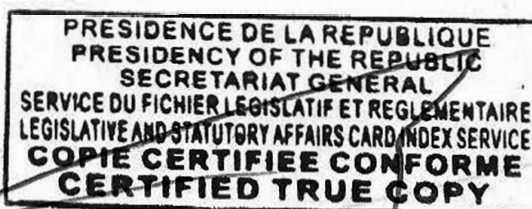
(4) They shall be required to wear a uniform and observe professional secrecy in the discharge of their duties.

(5) They are authorized to bear weapons in the discharge of their duties under the conditions laid down by a separate instrument.

**SECTION 155:** (1) At the request of the relevant ministry, as the case may be, categories A and B officers of the ministry in charge of forestry and wildlife, shall, 60 (sixty) days after their absorption into the forestry and wildlife corps, take a one-off professional oath.

(2) Categories C and D officers of the ministry in charge of forestry and wildlife holding duty posts or having completed a special training programme recognized by the ministry concerned, shall, as the case may be, take an oath of office.

(3) The formula for the oath taking referred to in (1) and (2) above shall be as follows: *"I swear as a special jurisdiction criminal investigation officer of the forestry and wildlife corps, to perform my duties with conscience, dignity and probity, in accordance with the rules governing my profession and in compliance with the laws and regulations of the Republic"*.



## II- ACTIONS OF SPECIAL JURISDICTION CRIMINAL INVESTIGATION OFFICERS

**SECTION 156:** (1) Special jurisdiction criminal investigation officers shall arrest and immediately identify whoever is suspected of having committed an offence. They may, in the exercise of their duties, in accordance with the laws and regulations in force:

- carry out any kind of search and seize items;
- requisition the police to search and seize products fraudulently exploited, sold or circulated, or to secure the identity of an offender;
- search train stations, motor parks, airport terminals, trains, boats, aircraft, vehicles, or any other means likely to be used for the carriage of forest or wildlife products;
- enter houses and enclosures by day, in case of *flagrante delicto*;
- enter warehouses, logging areas or forest company premises, sawmills, woodwork sites and any store to perform their control duties.

(2) They shall draw up reports of their operations.

(3) The report drawn up and signed by the sworn forestry and wildlife officer shall be deemed to be a true record of the facts stated therein until proven false.

(4) The limitation period for criminal proceedings relating to the offences provided for in this law shall be 3 (three) years.

**SECTION 157:** (1) Without prejudice to the Legal Department's right of prosecution, offences against forestry and wildlife regulations, set forth in this law and in other applicable instruments, may be dealt with by way of compromise, under the conditions laid down by regulation.

(2) In forestry or wildlife matters, compromise shall mean the mechanism whereby the ministry in charge of forestry or wildlife, as the case may be, discontinues criminal investigations or prosecution against an offender, in return for the payment of a fine and reparation for the prejudice caused to the State.

(3) It shall be the responsibility of the person against whom a case has been filed to seek compromise with the ministry in charge of forestry or wildlife, as the case may be, which may grant or reject same.

(4) In case of a compromise:

- (a) where the offender had made a deposit, the amount shall automatically be used to cover the fine;

- (b) seized products shall be confiscated and, where necessary, sold at public auction;
- (c) seized material shall be confiscated and restituted upon full execution of the terms of the compromise, in case of a first offender;
- (d) seized material shall be confiscated and sold at public auction, in case of a repeat offender, with the exception of firearms and ammunition which shall be handed over to the relevant authorities;

(5) The report of the compromise shall be registered at the offender's expense.

(6) The full execution of the compromise, established by the ministry or competent judicial authority, shall extinguish the criminal matter.

(7) However, even where already executed, any compromise concluded in violation of the provisions of this law shall be null and void. The nullity of such compromise shall be established by the Minister in charge of forestry or wildlife, as the case may be.

(8) No compromise shall be allowed in the following cases:

- repeat offence;
- an offence committed within a protected area;
- killing a fully protected or marked wild animal, which is under ecological monitoring;
- exploitation of prohibited forest species;
- water pollution by poisoning;
- an offence committed by any person not licensed as a forestry or wildlife professional and/or without authorization;
- operating outside the limits of exploitation permits.

**SECTION 158:** (1) Where the compromise remains unexecuted, the criminal matter shall be set in motion, upon a formal notice previously served on the respondent, within 72 (seventy-two) hours, at the behest of the ministry in charge of forestry or wildlife, as the case may be.

(2) For offenders who do not seek compromise, the criminal matter shall be set in motion without preconditions.

(3) To this end, the ministry in charge of forestry or wildlife, as the case may be, may:

- (a) without prejudice to the prerogatives of the Legal Department, set the criminal matter in motion;
- (b) file pleadings or submissions and make any observations it deems useful to protect its interests;
- (c) use the legal remedies available.

**SECTION 159:** (1) The special jurisdiction criminal investigation officers shall forward their reports to their supervisors in the ministry in charge of forestry or wildlife, within 72 (seventy-two) hours of the close of investigations.

(2) The supervisors to whom the reports are sent shall have no more than 3 (three) months to conclude a compromise, if necessary, and, failing that, to set the criminal matter in motion.

(3) The special jurisdiction criminal investigation officers who drew up the report or, if need be, the supervisor to whom the report is sent, may order the offender to make a deposit against a receipt. The amount of the deposit shall be fixed by the ministry in charge of forestry or wildlife, as the case may be.

(4) The deposit received shall be paid within 48 (forty-eight) hours to the special funds provided for in this law. The amount received as deposit shall, as of right, be used to cover the fines. In case of dismissal or acquittal, the court shall order its refund.

**SECTION 160:** (1) Perishable products seized, with the exception of those that are dangerous or damaged products, shall, in the absence of a successful bidder, be sold forthwith by public auction or by mutual agreement.

(2) For any sale by public auction or mutual agreement of seized products, an additional 12 (twelve) percent of the selling price shall be collected, and used to remunerate the staff of the ministry in charge of forestry or wildlife under the conditions laid down by regulation.

(3) The proceeds from such sale shall be paid into the Treasury within 48 (forty-eight) hours.

(4) In the event of unlawful sale of seized fishery and aquaculture products, the ministry concerned may declare the deed of sale null and void, without prejudice to the penalties against the officials or staff concerned.

(5) The terms of the sale referred to in the paragraphs above shall be laid down by a separate instrument.

**SECTION 161:** (1) The custody of non-perishable products and equipment seized shall be entrusted to the relevant technical service, or, failing this, to the nearest council pound.

(2) No legal action may be brought against the sworn officer who or service which carried out the seizure where the equipment or gear seized deteriorates or where the animal seized dies.

(3) The misappropriation and disappearance of products seized shall be governed by the relevant provisions of the Penal Code.

**Section 162:** For the marking and seizure of forest products, the Ministry of Forestry shall have a forest hammer whose imprint shall be deposited at the registry of the Supreme Court.

### **III- ADMINISTRATIVE PENALTIES**

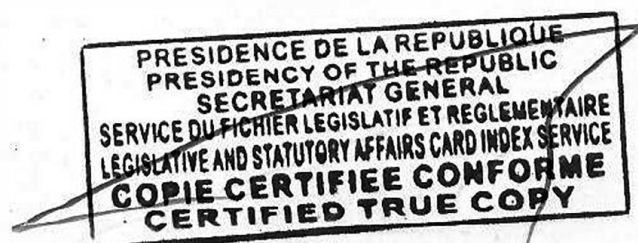
**SECTION 163:** (1) Without prejudice to legal proceedings, any breach of the provisions of this law and of the implementation instruments thereof, or any infringement of the obligations relating to forestry or wildlife exploitation or the execution of the terms and specifications agree to, shall, as the case may be, lead to the:

- suspension of activities;
- withdrawal of the logging permit;
- removal of the lease; and
- withdrawal of the license.

(2) The administrative penalties referred to in (1) above shall be imposed by the authority that granted the permit or license, as the case may be.

(3) Without prejudice to the penalties provided for in this law, suspension or withdrawal shall be pronounced in the event of repeat of an offence punishable by a fine of at least 3,000,000 (three million francs) CFA francs.

(4) The instrument to pronounce the suspension shall specify the duration, which may not exceed 6 (six) months.





#### **IV- CRIMINAL PENALTIES**

**SECTION 164:** (1) Any natural person who wilfully commits any of the offences referred to in this law shall be criminally liable and punishable in accordance with the penalties laid down in this law.

(2) Legal persons shall be criminally liable for offences committed by their bodies or representatives on their behalf.

(3) The criminal liability of natural persons who commit the offences may be concurrent with that of legal persons.

(4) The provisions of (2) above shall not apply to the State and its agencies.

**SECTION 165:** Whoever commits any of the following offences shall be punished with imprisonment of from 10 (ten) days to 3 (three) months or a fine of from CFAF 25 000 to CFAF 200 000, or with both such imprisonment and fine:

- (a) carrying out activities that do not comply with the provisions relating to forest ownership;
- (b) violating the provisions relating to the rights of use granted to local communities;
- (c) setting fire to a national forest estate as provided for in Section 16 above;
- (d) trespassing within a permanent forest, as provided for in Section 27 of this law;
- (e) exploitation under personal authorization in a reserved national forest estate for gainful purposes, or beyond the period or quantity granted, in violation of Section 81 above, without prejudice to damages on the harvested timber as provided for in Section 184 below;
- (f) transferring or selling a personal exploitation permit in violation of Section 80 of this law;
- (g) provoking animals during a visit to a national park, wildlife reserve or zoo;
- (h) slaughtering, capturing or marketing class C animals in violation of the regulations in force.

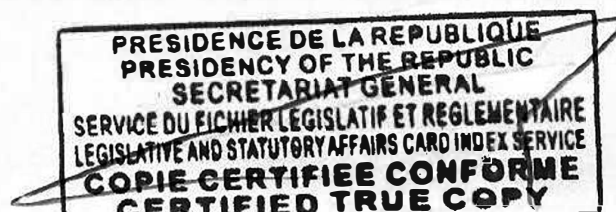
**SECTION 166:** Whoever commits any of the following offences shall be punished with imprisonment of from 2 (two) months to 4 (four) months or a fine of from CFAF 200 000 to CFAF 500 000, or with both such imprisonment and fine:

- (a) subcontracting a community forest exploitation permit without the prior approval of the forestry administration, and without prejudice to damages assessed at 100% of the market value of the fraudulently harvested timber;

- (b) obstructing the activities of the persons referred to in Section 154 of this law, without prejudice to the penalties laid down for rebellion;
- (c) violation of the rules governing the exploitation of special forest products;
- (d) exploitation under permit, in a reserved national forest estate, of unauthorized forest products, or beyond the limits of the volume allocated and/or the period granted, in violation of Section 76 above, without prejudice to damages on the harvested timber as provided for in Section 184 below;
- (e) transferring or selling an exploitation permit in violation of Section 80 above;
- (f) violating Section 59 above by a holder of an exploitation permit who obstructs the exploitation of products not mentioned in his exploitation permit;
- (g) breaching the provisions on hunting provided for in sections 45, 46, 47, 48, 110, 115, 118, 119, 120, 121, 122, 123, 124, 125, 126 and 127 above;
- (h) failing to submit the annual forestry report to the local forestry official within 2 (two) months of the end of the financial year.

**SECTION 167:** Whoever commits any of the following offences shall be punished with imprisonment of from 3 (three) months to 6 (six) months or a fine of from CFAF 500 000 to CFAF 1 000 000, or with both such imprisonment and fine:

- (a) clearing or setting fire to a State forest, a protected area or an ecologically fragile or no-go area, in contravention of Sections 16 and 17 (1) and (3) above;
- (b) using a privately-owned forest for a purpose other than that for which it was intended, in breach of Section 40 above;
- (c) unauthorized exploitation in a private forest in contravention of Section 73 of this law, without prejudice to damages assessed at 150% of the market value of the fraudulently harvested timber;
- (d) exploitation through sale of standing volume from a reserved national forest estate beyond the limits of the demarcated felling base and/or the period, volume/number of trees, granted, in violation of Sections 75 to 93 above, without prejudice to damages on the timber harvested, as provided for in Section 180 below;
- (e) failure to demarcate forest exploitation permits and current felling areas;
- (f) violation of the provisions on hunting weapons provided for in Sections 123, 131 and 133 above;
- (g) violation of the provisions on wildlife protection and the management of protected areas provided for in Sections 106, 107, 108 and 152 above;
- (h) felling protected trees without authorization, in violation of Section 42 of this law, without prejudice to the damages on the harvested timber, as provided for in Section 180 below;



- (i) felling of non-inventoried species, in violation of Section 57 of this law, without prejudice to damages on the harvested timber, as provided for in Section 180 below;
- (j) abandoning logs on a logging site, along a skidding track, a forest road, on the public highway or along watercourses;
- (k) setting up a camp or industrial unit in a forest area without prior authorization from the ministries in charge of forestry and wildlife;
- (l) processing illegal forest products;
- (m) failing to submit the secure documents used on time;
- (n) opening a timber yard outside the exploitation permit without authorization from the ministry in charge of forestry;
- (o) violating the rules governing forestry operations;
- (p) cutting green wood or felling trees in private natural forests located in ecologically fragile areas;
- (q) violation of forest exploitation standards defined by specific legislation;
- (r) fraudulent identification of forest species;
- (s) opening and operating a bulk-breaking stockyard without authorization from the ministry in charge of forestry;
- (t) transport without a legal consignment note;
- (u) operating a forest product processing unit in partnership without prior approval of the said partnership by the ministry in charge of forestry.

**SECTION 168:** Whoever commits any of the following offences shall be punished with imprisonment of from 6 (six) months to 18 (eighteen) months or a fine of from CFAF 1 000 000 to CFAF 3 000 000, or with both such imprisonment and fine:

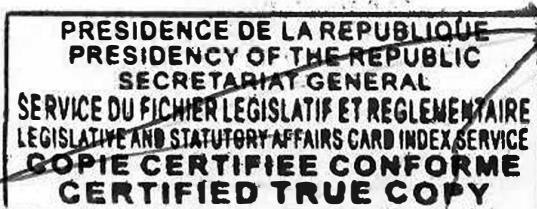
- (a) unauthorized exploitation in a community forest or a reserved national forest estate in contravention of Sections 35 to 38 and 72 of this law, without prejudice to damages assessed at 100% of the market value of the fraudulently harvested timber;
- (b) failure to comply with the specifications;
- (c) logging without specifications;
- (d) failure to issue regulatory specification forms;
- (e) absence or non-compliance of the packing report and/or certificate;
- (f) violation of the inventory norms provided for in Section 61 of this law, without prejudice to damages and interest on the harvested timber, as provided for in Section 180 below.

**SECTION 169:** Whoever commits any of the following offences shall be punished with imprisonment of from 1 (one) year to 3 (three) years or a fine of from CFAF 3 000 000 to CFAF 10 000 000 or with both such imprisonment and fine:

- (a) exploitation through sale of standing volume, in a national forest estate, beyond the limits of the demarcated felling base, the volume/number of trees and the period granted, in violation of Sections 61 and 63 of this law, without prejudice to damages on the harvested timber, as provided for in Section 180 below;
- (b) unauthorized logging in a regional or council forest, in violation of Sections 29 to 32 and 71 of this law, without prejudice to damages on the timber harvested, as provided for in Section 180 below;
- (c) unauthorized logging in a community forest or a reserved national forest estate in violation of Section 72 of this law, without prejudice to damages assessed at 100% of the market value of the fraudulently harvested timber;
- (d) failure to demarcate a forest concession ;
- (e) logging without prior inventory;
- (f) sub-contracting in FMUs and selling timber without the prior agreement of the ministry in charge of forestry, without prejudice to damages assessed at 100% of the market value of the timber fraudulently harvested;
- (g) fraudulent exploitation by a sub-contractor under a sub-contracting agreement in a State forest, in violation of Sections 70, 71 and 72 of this law, without prejudice to damages on the timber harvested as provided for in Section 180 below;
- (h) infringement of the provisions of Section 97 of this law on the processing of all logs by the local industry, without prejudice to damages assessed at 100% of the market value of the products concerned;
- (i) failure to justify the origin or legal provenance of timber;
- (j) failure to comply with contractual clauses in the context of subsidies granted by the State for reforestation.

**SECTION 170:** (1) Whoever forges, falsifies or overwrites any document issued by the ministry in charge of forestry or wildlife, including secure documents, shall be punished with imprisonment of from 3 (three) months to 5 (five) years or a fine of from CFAF 5 000 000 to CFAF 50 000 000, or with both such imprisonment and fine.

(2) Whoever forges or falsifies the State marking hammer shall be punished with imprisonment of from 1 (one) to 5 (five) years and a fine of from CFAF 40 000 to CFAF 4 000 000.





(3) In accordance with Section 205 (2) of the Penal Code, whoever commits any of the following offences shall be punished with imprisonment of from 5 (five) to 10 (ten) years and a fine of from CFAF 400 000 to CFAF 2 000 000:

- (a) use of counterfeit or falsified marks;
- (b) fraudulent use of a regular document issued by the forestry administration;
- (c) use of a forged or falsified document;
- (d) use of a fraudulently obtained forestry mark or secure document;
- (e) fraudulent use of an authentic mark;
- (f) non-compliance of data entered on administrative documents for special forest products held, collected or transported.

**SECTION 171:** Whoever commits any of the following offences shall be punished with imprisonment of from 1 (one) year to 5 (five) years or a fine of from CFAF 10 000 000 to CFAF 15 000 000, or with both such imprisonment and fine:

- (a) unauthorized logging in a State forest, in violation of Sections 61 to 63 of this law, without prejudice to damages assessed at 100% of the administrative value of the fraudulently harvested timber;
- (b) fraudulent manoeuvres aimed at claiming forest products not originating from one's concession, without prejudice to damages assessed at 100% of the administrative value of the illegally held timber;
- (c) hunting without a license or permit, or exceeding the logging latitude;
- (d) failure to justify the legal provenance of timber, without prejudice to damages assessed at 100% of the market value of timber held;
- (e) failure to comply with the provisions of the management plan;
- (f) exploitation without an approved management plan beyond the period of the provisional agreement;
- (g) exploitation without an approved management plan in a council forest ;
- (h) exploitation without a simple management plan in a community forest ;
- (i) exploitation in a community forest without an annual logging certificate issued by the Minister in charge of forestry;
- (j) exploiting in a community forest by an approved logger in the absence of a partnership contract duly approved by the Minister in charge of forestry;
- (k) producing false evidence of technical and financial capacity, place of residence, nationality and the provision of security;
- (l) acquiring a holding or establishing a logging company to increase the total area held beyond 200 000 hectares, in violation of Section 67 of this law;



- (m) transferring a timber sale, forest concession or leased hunting area without authorization, or assigning such permits, in breach of Sections 63 and 80 of this law;
- (n) subcontracting registered exploitation permits or acquiring an interest in a company holding an exploitation permit without the prior agreement of the forestry administration, in violation of Section 60 of this law;
- (o) exploiting beyond the limits of a permit and the volume and period granted, without prejudice to damages representing 100% of the market value of the fraudulently harvested timber;
- (p) exploiting beyond the limits of a permit and the volume and period granted, without prejudice to damages representing 100% of the administrative value of the fraudulently harvested timber;
- (q) holding a hunting weapon in an area prohibited to hunting;
- (r) hunting without a permit and exceeding the hunting limits;
- (s) unauthorized killing, capture, possession or marketing of protected class B animals, either during non-hunting periods, or in areas where hunting is prohibited or closed;
- (t) unauthorized possession and/or movement within the national territory of live partially protected animals, their remains or trophies;
- (u) unauthorized marketing of live partially protected species, their remains or trophies.

**SECTION 172:** Whoever commits any of the following wildlife offences shall be punished with imprisonment of from 5 (five) years to 10 (ten) years or a fine of from CFAF 15 000 000 to CFAF 20 000 000, or with both such imprisonment and fine:

- (a) exploitation beyond the limits of the forest concession and/or the volume and period granted, in violation of Sections 59 and 64 of this law, without prejudice to damages on harvested timber, as provided for in section 180 below;
- (b) hunting with toxic products inside protected areas;
- (c) felling of class B and C species in a protected area.

**SECTION 173:** Whoever commits any of the following offences shall be punished with imprisonment of from 15 (fifteen) to 20 (twenty) years or with a fine of from CFAF 20 000 000 to CFAF 50 000 000 or with both such imprisonment and fine:

- (a) slaughtering, capturing, keeping or marketing fully protected animals on the national territory;



- (b) unauthorized possession and/or movement within the national territory of live fully protected animals, their remains or trophies;
- (c) unauthorized marketing of live protected species, their remains or trophies.

**SECTION 174:** (1) Aggravating circumstances shall include:

- (a) recidivism;
- (b) hunting with chemical or toxic products;
- (c) violation of a forest control barrier;
- (d) escape or refusal to obey the orders of forest control officers;
- (e) offences against this law committed by sworn forestry or wildlife officials or employees, or by special jurisdiction criminal investigation officers, or with their complicity, without prejudice to administrative and disciplinary sanctions.

(2) In the event of aggravating circumstances, the penalties provided for in sections 164 to 173 above shall be doubled.

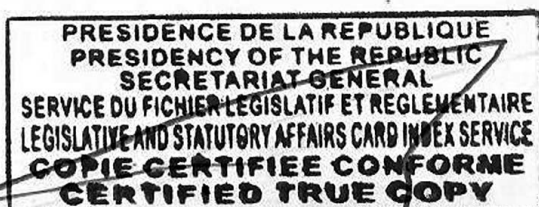
(3) The pecuniary penalties for illegally slaughtered animal species shall be increased in proportion to the number of each species slaughtered.

**SECTION 175:** (1) The competent court may order the confiscation of forest products, machinery, computer equipment, non-perishable wildlife products, live animals, trophies or weapons, as the case may be:

- (a) in the case of war weapons, they shall be handed over to the relevant Government Commissioner, at the behest of the relevant State Counsel;
- (b) in the case of hunting weapons, they shall be entrusted to the relevant ministry at the behest of the relevant State Counsel;
- (c) in the case of live animals and trophies, they shall be confiscated and handed over to the wildlife administration under the conditions specified in a special instrument.

(2) Perishable wildlife products, forest products, vehicles, boats, machinery and computer equipment may be sold by public auction or by mutual agreement under the provisions of this law.

(3) The competent court may also pronounce the disqualifications provided for in the Penal Code.



**SECTION 176:** (1) The Minister in charge of wildlife may request the Minister in charge of territorial administration to withdraw weapons seized in violation of this law, subject to confiscation by the competent court in the event of criminal prosecution.

(2) The duration of the withdrawal shall be determined pursuant to the legislation on weapons.

(3) Notwithstanding the provisions of (2) above, this period may be extended to 10 (ten) years where the offence has been committed in a protected area, or where a class 'A' wild animal has been killed.

**SECTION 177:** The penalties provided for in Sections 165 to 167 above shall apply without prejudice to confiscations, restrictions, damages awarded and restoration of property.

## **V- CIVIL LIABILITY**

**SECTION 178:** The civil liability of the forest or wildlife permit holder, or of any authorized representative of such holder, shall be accepted should this law be infringed.

**SECTION 179:** (1) The concerned ministry in charge of forestry or wildlife, as the case may be, shall be civilly liable for offences committed by its employees in connection with or in the discharge of their duties. In this case, it may, when necessary, take recourse action against them.

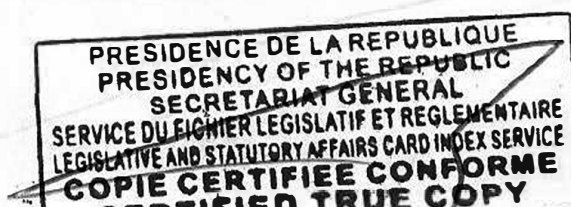
(2) In the discharge of their duties, sworn civil servants or employees of the forestry or wildlife administration, as the case may be, on duty or on mission in protected areas may use their service weapons in the event of an attack by poachers or any other armed person caught in flagrante delicto.

**SECTION 180:** (1) Damages arising from the fraudulent exploitation of forest and wildlife products shall be calculated, unless otherwise stipulated, based on a mark-up of one hundred percent (100%) of the current administrative value of the forest resources concerned.

(2) In all cases, damages shall include all losses, in particular economic, fiscal, ecological, environmental, social and cultural losses suffered by the State, regional and local authorities or communities bordering the forest concerned.

(3) The conditions for calculating the increased portion of damages shall be determined by regulation.

**SECTION 181:** Disputes arising from or in the course of any of the activities provided for by this law shall be settled by the competent courts.



## **CHAPTER VII**

### **TRANSITIONAL, MISCELLANEOUS AND FINAL PROVISIONS**

**SECTION 182:** (1) Valid exploitation permits issued prior to the date of enactment of this law that are active and in good standing regarding the financial obligations associated with said permits, shall remain valid until they expire.

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

(3) The terms and conditions for regularizing permits issued prior to this law shall be laid down by regulation.

**SECTION 183:** Holders of valid exploitation permits must, as part of their activities, comply with the provisions of this regulation within 12 (twelve) months. As such, the exploitation of forests located within the national forest estate and which are covered by exploitation permits may be subject to some management rules in line with the objectives of the national forest concerned, in accordance with the terms and conditions laid down by law.

**SECTION 184:** Forests subject to classification or classified under previous regulations shall so remain, except otherwise provided by the duly approved land use plan for the area concerned.

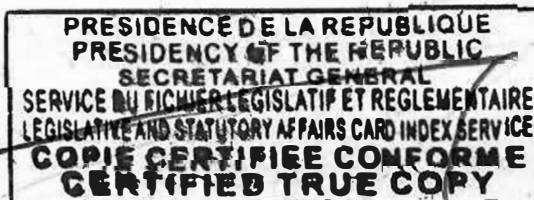
**SECTION 185:** (1) The technical personnel of the forestry or wildlife administration, as the case may be, shall, in the discharge of their duties, wear uniforms, carry arms and ammunition, wear the insignia of their corps and rank and shall be organized and disciplined in a paramilitary manner as provided for by decree.

(2) However, in some specific circumstances, they may carry out their duties in civilian attire; in all cases, they must carry their professional cards.

**SECTION 186:** (1) To implement forestry and wildlife policy, the following shall be provided for by this law and established by the Finance Law:

- a Special Forestry Development Fund;
- a Special Fund for the Equipment and Management of Wildlife Conservation and Protection Areas.

(2) The organization and functioning of the special funds referred to in (1) above shall be laid down by regulation.



**SECTION 187:** (1) The proceeds of fines, transactions, sales by public auction or by mutual agreement of products and miscellaneous objects seized, shall be shared between the Treasury, Regional and Local Authorities, local communities, employees of the ministry in charge of forestry or wildlife, as the case may be, the National Forestry Development Support Agency, and any other ministry involved in law enforcement and recovery activities.

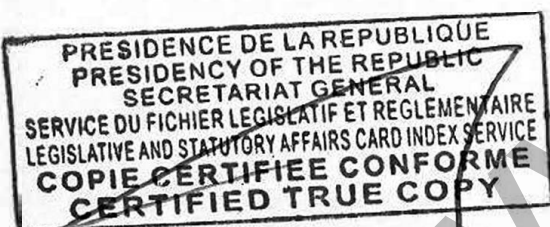
(2) The distribution grid for the proceeds provided for in (1) above shall be laid down by law.

**SECTION 188:** Valid forestry or wildlife exploitation permits must, within 6 (six) months, be covered by an amendment to the specifications to establish new management rules in line with this law.

**SECTION 189:** When necessary, separate instruments shall lay down the terms and conditions for implementing the provisions of this law.

**SECTION 190:** All previous provisions repugnant to this law are hereby repealed, in particular those of Law No. 94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations.

**SECTION 191:** This law shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French./-



YAOUNDE, 24 JUL 2024

PAUL BIYA  
PRESIDENT OF THE REPUBLIC