

CRIMINAL LAW AND ENVIRONMENT, PROSECUTORS, INSPECTORS AND NGOS IN CAMEROON

Sama, Nchunu Justice

Foundation for Environment and Development (FEDEV) P. O Box 593 Bamenda N.W P Cameroon

SUMMARY

The best of environmental standards in the world will be innocuous if they are not complied with or effectively enforced. Compliance and enforcement therefore ensures good environmental governance, and respect for the rule of law. They equally determine the compatibility of environmental standards with practical realities and to a greater extent provide a yardstick for assessing whether the standards should be maintained, amended or repealed. Criminal Law, Civil Law,¹ Administrative law, Civil Society actions are some of the contemporary instruments for environmental compliance and enforcement but our focus in this paper is on criminal environmental law. The bulk of environmental legal framework in Cameroon is an emerging issue as in other developing countries. However, before the recent wake of environmental legislations early statutes like the Cameroon Penal Code² had criminal provisions. The alarming increase in environmental degradation with fatal consequences has created the continuous need for expanding the scope of environmental offences.

Imperially, the criminal laws per se, will remain rhetorical if the required institutions and actors do not exist to activate them. This presupposes that the effectiveness and development of the law in general depends basically on the institutional framework for implementation and enforcement This paper analyses the role of prosecutors, inspectors and Non Governmental Organizations (NGOs) in environmental compliance and enforcement through the instrumentality of criminal law. It starts with the definition of some key words and phrases followed by the sources of environmental criminal law in Cameroon. With practical examples, the next part focuses on the role of Prosecutors, Inspectors and NGOs followed by a brief analysis of the concomitant challenges. The paper ends with conclusion and recommendations. It is argued that because of its punitive character and immediate threat to human liberty, criminal law has a high deterrent effect and thus is evidently a potent instrument for environmental compliance and enforcement in Cameroon.

1 DEFINITION OF TERMS

The word **Environment** has been ascribed a broad but rather sensible meaning by the Cameroon Environmental Code³. It defines the environment as *“All the natural or artificial elements and biogeochemical balances they participate in as well as the economic, social and cultural factors which are conducive to the existence, transformation and development of the environment, living organisms and human activities”*. We will adopt this exhaustive definition by the environmental code, which ostensibly recognises the symbiotic relationship between man and the environment and the interactions between the living and non-living matrixes.

Criminal law will mean the body of rules regulating what amounts to a crime, how suspects are investigated and tried, and what are the attendant penalties for convicts. This perception invariably leads us to another question: what is a crime? A crime refers to an act or omission, which is considered by the law as a wrong against public interest. The perpetrator is therefore punished for the interest of the public at large or in the name of the state. Environmental

offences or eco-offences will impute the body of criminal law aimed at protecting the environment.

Environmental Enforcement will refer to the process of compelling obedience to environmental regulations. For instance, investigating and prosecuting a poacher evidently amounts to compelling obedience to the regulations against poaching.

Prosecutors are those who institute and lead the trial of suspected offenders. They are legal officers who represent the state in criminal proceedings⁴. Environmental prosecutors exist in varying categories depending on the nature of the offences and provisions of the law. For instance the state counsel⁵ the technical staff of the administration in charge of environment, mines, cadastral survey, town planning public works, forestry, wildlife, labour and tourism are all environmental prosecutors⁶

Inspectors will refer to the institutions or persons charge with the monitoring, inspection and/or control of environmental activities. They are those charged with monitoring compliance with environmental standards. For instance, the Cameroon Biosafety framework law succinctly provides: *“The duty of inspectors and controller shall be to check the functioning of establishments responsible for modern biotechnology and to ensure compliance with this law”*⁷

Non Governmental Organisations (NGOs) will be understood as duly legalised civil society bodies that are not runned or managed by the government. These are private organisations set up by individuals to pursue specific objectives. However it is interesting to note that while the phrase “NGOs” literally impute an organization which is independent of government activities of influence, the irony in Cameroon is that NGOs are authorised by the administrative arm of the government, who retain the powers to order suspension or dissolution of the NGOs⁸

2 SOURCES OF ENVIRONMENTAL CRIMINAL LAW IN CAMEROON

One of the fundamental characteristics of modern criminal law is premised on the doctrine of legality of offences expressed in Latin as *“nulum cremen nula sine lege”* This presupposes that for any act to constitute an offence, it must be expressly prescribed by a written law, which is in force before the alleged wrongful act is committed. The 1996 Constitution of Cameroon⁹ and the Penal Code¹⁰ all espouse in very strong terms the principle of legality of offences. Albeit the object of this paper is not to discuss the existing environmental criminal statutes, it will nevertheless be germane to identify some of the main legislations that constitute the body of Environmental Criminal Law in Cameroon.

2.1 THE PENAL CODE (Law No 65-LF-24 of 12-11-1965 and Law No 67-LF-1 of 12-06-1967)

This is one of the earliest laws criminalizing environmentally wrongful activities. It punishes air and water pollution¹¹, adulteration, of food stuffs¹² trespass to land,¹³ cruelty to animals,¹⁴ arson,¹⁵ obstruction of the use of public highways or waterways¹⁶ etc

2.2 Law No 94/01 of 20th January 1994 to lay down Forestry wildlife and Fishery Regulations. This is the first legislation in the wake of environmental awareness in the 1990s that provides for integrated approach to natural resource management and decentralization of environmental resource governance. The law introduces many offences related to forestry, wildlife and fishery activities. That aside, it confers special status to staff of the forestry, fishery and wildlife services to identify, investigate and prosecute those offences. Complemented by its implementation Decrees¹⁷ the law spells out procedure for investigation and prosecution of offences up to appeals as well as the procedure for amicable settlement of such criminal matters.

- 2.3 Law No 96/12 of 5th August 1996 relating to Environmental Management in Cameroon (the Environmental Code). This is the first comprehensive law on environmental management in Cameroon and addresses diverse aspects of the environment. It has created a wide range of environmental offences and some with very severe penalties ranging up to felonies punishable with life imprisonment and fine of up to half a billion francs CFA¹⁸. The law has further accorded special status to the staff of Environment, mines and other services to identify, investigate and prosecute those offences¹⁹. It equally provides guidelines for investigation and prosecution of offences, including procedure for amicable settlement.
- 2.4 Law No 1 of 16th April 2001 (the Mining Code). The law regulating mining activities in Cameroon has established several offences related to mining. Some of the offences attract severe punishments ranging up to 5 years imprisonment or 50 million francs CFA fines. Aside from the competence of general prosecutors, equally empowers the staff of the services in charge of mines and geology to investigate, and prosecute offences under it.²⁰ This law is complemented by the enabling Decree No 2002/648PM of 26th March 2002.
- 2.5 Law No 2003/006 of 21st April 2003 to Law down regulations governing modern biotechnology in Cameroon (the Biosafety Law). This recent law was enacted to give effect to the Cartagena Protocol on Biosafety²¹. It has created many offences related to biosafety with penalties ranging up to 7 years imprisonment or 100 million francs CFA. It has equally provided for procedure for investigating those offences and possible amicable settlement. It empowers the staff of the services in charge of Biotechnology (sworn inspectors) to identify, investigate and prosecute biosafety offences²²

3 PROSECUTORS, INSPECTORS AND NGOs

3.1 PROSECUTORS.

As hereinbefore indicated, prosecutors are legal officers who represent the state in criminal proceedings. Within the context of Cameroon Environmental law, there are two categories: Prosecutors with general jurisdiction and special prosecutors.

General prosecutors (Legal Department) have traditional supervening competence in all criminal matters irrespective of their nature, to conduct judicial inquiries, investigations, institute and prosecute all offences²³. The practice is that the police or gendarmes who work under the legal department carry out investigations and forward file to the state counsel for possible court action. For purposes of clarity some examples are worth mentioning.

In the case of *THE PEOPLE OF CAMEROON V. BISSONG DANIEL NKWO alias BUKANDE*²⁴ the defendant stood trial before the Court of First Instance of Nguti on a four count under the 1994 wildlife laws for poaching²⁵ He was charged inter alia for killing 19 elephants (class "A" protected animal) and illegally hunting within Bayang-Mbo wild life sanctuary, a protected zone. Investigations were conducted by the Gendarmerie Brigade for Nguti while the prosecution was led by Mr. Batuo Paul who is the Senior State Counsel for Bangem. During the trial the investigating Gendarme Officer testified as the 6th prosecution witness. In its reasoned judgment delivered on the 11-03-04 the court found the accused guilty and sentenced him to a two years imprisonment plus fine of 1.000.000FCFA or two other years of imprisonment in default of payment of the fine. The court further ordered that Exhibit "A" (the elephant teeth) should be handed to the World Conservation Society (WCS) for preservation.

In *THE PEOPLE V. NGAM SAMPSON AND 21 OTHERS*²⁶ before the Court of First Instance Fundong, the defendants were charged for illegally exploiting the Laikom Community Forest

contrary to the 1994 Forestry Law²⁷. Investigations were done by the Gendarmerie Brigade for Santa while the State Counsel for Fundong preferred the charge and led the prosecution.

The case of *THE PEOPLE (MINISTRY OF ENVIRONMENT AND FORESTRY) V. SADOU MANA AND 3 OTHERS*²⁸ before the Court of First Instance of Garoua is another example of the invaluable role of general prosecutors. Defendants were tried for poaching of, receiving and trafficking with black rhinoceros (class "A" protected specie) from the Benue National Park, all contrary to the 1994 wildlife laws. The State Counsel for Garoua prosecuted the matter and the 1st Defendant was sentenced for two year imprisonment and 300.000FCFA fine for poaching while the other defendants were found guilty for receiving and each sentenced to 6 months imprisonment suspended for 3 years and with fine of 200.000 FCFA.

Special prosecutors as earlier mentioned are not trained legal officers. They are technical staff of various services but by virtue of their responsibilities, they are imbued with status of special prosecutors once they take oath. For instance sworn officials of forestry, wildlife, fishery and merchant shipping services have the status of judicial police officers with special jurisdiction over forestry, wildlife and fisheries²⁹. They are empowered to identify, investigate, institute and prosecute those offences. It is worthy to note that their special competence is without prejudice to the duties of the general prosecutors i.e. the Legal Department and Judicial Police Officer. In this vein their activities are complementary and not exclusive. Examples of cases pursued by these special prosecutors are many.

The case *THE PEOPLE V. BERTRAND BRINK AND GROUPEMENT COOP BUNS BS/78^C/03-04* before the Bamenda Court of First Instance³⁰ was investigated by the North West Provincial Chief of Brigade Control for the then Ministry of Environment and Forestry (MINEF). After the full investigation the Provincial delegate for MINEF forwarded the case file to the Bamenda Legal Department. The state counsel then preferred an eight count charge against the Director of the company; Bertrand Van Den Brink for pollution of natural waters, air pollution, harvesting Communal Forest without prior assessment and failure to rehabilitate degraded sites caused by exploitation of laterite contrary to the 1994 forestry laws and 1996 environmental code. In this charge, all the prosecution witnesses were the staff of the MINEF who investigated the matter. Regrettably, the case was never heard because the Defendant (a European) after being served went out of Cameroon and has failed to turn up.

Another example is *THE PEOPLE (MINEF) V. TAME SOUMEDJONG AND SOTRAMILK (LTD) CFIBA/857^C/02-03*³¹ before the court of First Instance Bamenda. The Provincial Chief of Brigade Control for MINEF for North West Province diligently investigated the case. Thereafter it was forwarded to the Legal Department Bamenda on the premise of which a three-count charge was preferred against the Defendant (Director of the milk processing Company) for polluting natural waters, air pollution and treatment of waste in an ecologically irrational manner all contrary to the 1996 environmental Code supra. The case is still pending while Defendant is on bail.

3.2 INSPECTORS

The role of inspectors in environmental compliance and enforcement via criminal law is very instrumental. They make constant controls to ensure compliance and as well identify crimes before commencing investigations. For instance the investigations report in *The People V. Tame Soumedjong Henry (CFIBA/857^C/02-03) supra*. Revealed that MINEF control team visited the SOTRAMILK Company for inspection on the 18-02-03 and 17-07-2002. They sent warning letters to the company Director before commencing the investigation on the 05-03-2003. Similar procedure was done in *THE PEOPLE .V. BERTRAND BRINKS (supra)*.

The national Biosafety law requires regular inspection and control to ensure compliance with the regulations³². In specifying the duties of an inspector the biosafety regulation succinctly provides “He shall, in addition, be responsible for identifying offenders, formulating and/or proposing appropriate sanctions”³³.

Considering that the police and gendarmes have the general obligations to identify and control crimes, the duties of the environmental inspector are not exclusive but rather complementary. For instance, the law is to the effect that “Without Prejudice to the prerogatives granted to the prosecution and judicial police officers of general competence, sworn inspectors and controllers of the authority in charge of biotechnology or other services concerned shall be responsible for the investigation, establishment and repression of offences against the provisions of this law”³⁴. The mining code³⁵, 1994 Forestry and Wildlife Laws³⁶ and the 1996 Environmental code³⁷ all have similar provisions.

Another peculiar duty of inspectors is that they are empowered to settle criminal cases amicably. In that respect suspects confess and must pay a fine not less than the minimum sanction provided by the law for the alleged offence.³⁸ For instance, in May 2004, customs officials in Bamenda North West Province of Cameroon arrested one Meimuna Amed (a Nigerian Lady) with about 266 dead parrots (a totally protected bird specie) and 4000 feathers of another protected specie of parrot.³⁹ The culprit together with the exhibits was handed to staff of the provincial delegation of MINEF for prosecution. This matter was settled amicably and the suspect paid the required fine.

3.3 NON GOVERNMENTAL ORGANISATIONS (NGOs)

NGOs contribution in Environmental Criminal Law enforcement is highly complementary and practically invaluable. They assist in the identification of offenders, investigation of cases, prosecution and execution. Empirically, they give enormous technical support to the entire legal process. For instance the judicial machinery in the case of *THE PEOPLE OF CAMEROON V. BISSONG DANIEL NKWO ALIAS BUKANDE* (*supra*) was triggered by the World Conservation society (WCS)⁴⁰. David Hoyle, the director of WCS made the complaint against the accused to the state Counsel. An arrest warrant was issued and WCS assisted the Gendarmes to locate the Defendant for arrest. Before making the complaint WCS had monitored the criminal activities of the Defendant for about two years and had adequate evidence against him. While in court the Director of WCS testified as 1st prosecution witness and three other staff of WCS gave evidence for the prosecution. After conviction of the accused, WCS took Exhibit “A” (jawbones of a baby elephant) for preservation as handed by the court.

Investigation in the case of *THE PEOPLE (MINEF) V. BERTRAND V.D BRINK* (*supra*) was conducted with the assistance of the staff of FOUNDATION FOR ENVIRONMENT AND DEVELOPMENT (FEDEV)⁴¹. FEDEV was part of the Environmental control team that visited the locus on the 10-07-2003 and recorded the polluting activities of the Defendants.⁴² FEDEV played a similar role in the case of *THE PEOPLE V. TAME SOUDMEJONG* (*supra*). There are several environmental criminal cases in which FEDEV has been pivotal in the legal process so as to ensure the enforcement of the laws⁴³, *FEDEV V. BAMENDA URBAN COUNCIL (HCB/117M/04-05)* is a recent case which the organisation has filed praying the court to order the council to effect environmental clean up of the towns as required by the law. The matter is still pending before the Mezam High court.

4 CONSTRAINTS

4.1 Human Incapacity.

As seen above, staff of various environment related services are required to identify investigate, appear in court and prosecute environmental offences. Ironically, these are staff trained in their specific disciplines and not as judicial officers. For instance, the 2003 biosafety law define an inspector in the following words *“an accredited and sworn officials of the competent service, who is well specialized in disciplines relating to biotechnology/biosafety -----”* These inspectors are those empowered by the law to do inspection, identify, investigate and prosecute eco-offences. It is glaring from the definition above that these officers who are specialize in their respective domains lack the requisite capacity to execute the judicial duties conferred on them. Not only that most of them lack basic knowledge of substantive criminal law and investigation skills, they know little or nothing about court procedure, the rules of evidence etc. This vacuous has posed considerable challenge to the enforcement process and accounts partly for the escalating environmental crime wave in Cameroon and renders enforcement ineffective.

4.2 . Lack of Awareness.

Environmental legislation in Cameroon within the 20th century green movement is still at its infancy same as the machinery needed to enforce compliance. Most of the general prosecutors and police officers are not aware of the existing environmental criminal legislations. Consequently, a police officer cannot identify when an environmental offence has been committed, before commencing investigation. The truth is that one cannot do what he does not know.

Most of the magistrates and prosecutors are not aware of the existence of recent environmental legislations, despite the fact that they are over 10 years old. The statutes are not made available to the judicial officers. A majority of the lawyers show little interest in environmental issues and actually remain strangers to the laws. This constitutes a major handicap to the enforcement of environmental standard via environmental law. A greater portion of the population is still ignorant of environmental concerns and it is a truism that citizens cannot seek the enforcement of a right, which they are not aware of its existence.

4.3. Independence of the Judiciary.

An independent judiciary is indispensable for effective enforcement of environmental criminal law by prosecutors, inspectors and NGOs. The constitution of Cameroon provides for independence of the Judiciary from the legislative and executive powers. Ironically the same article empowers the President of the Republic to guarantee the independence of the Judiciary. Practically he appoints all magistrates, transfers them, promotes them, determines their wages and disciplines them. Ironically, the President is assisted by an advisory body known as the Higher Judicial Council, which is convened and chaired by him. Empirically, the judiciary is not independent and there is high risk of abuse of the due process of law. The risk is that environmental wrongs committed by the government or other powerful persons or some corporations will go unpunished. For instance, in May 2003 40 cases of illegal forest exploitation were reported by the independent observer to MINEF. Amazingly, they reacted with respect to 17 cases only while nothing was said about the remaining 23.⁴⁴

4.4 Fragmented Legislations.

One of the overreaching obstacles to environmental criminal law enforcement is the prevalence of fragmented laws. Most of the statutes are framework laws and their enforcements are made subject implementation decrees, which are hard to come by. Enabling laws are administrative decrees by the president or the prime minister. However, the very practice of promulgating

incomplete laws or deliberate failure to make available the enabling instruments is a clear manifestation of political ill will on the part of the responsible authorities.

This enigma is practically a recipe for environmental unsustainability. For instance, section 17 of the 1996 environmental code (supra) obligates the promoter or owner of any development, project, labour or equipment, which is likely to endanger the environment, to carry out an environmental impact assessment. S: 79 of the law punishes any defaulter with a fine from 2 million FCFA to 5 million FCFA **and** imprisonment of 6 months to 2 years. Paradoxically S: 17(4) provides that the terms and conditions for implementing the provisions on impact assessment shall be laid down by an enabling decree. Unfortunately, for man and the entire environment that enabling decree is not yet available after nine years. Consequently, the penal provisions cannot be enforced same as most of the provisions of that law.

The provision for inspections and controls under the biosafety law presents another apposite example of this gruesome practice. S: 34(3) of this law is to the effect that "*The modalities for inspection and controls shall laid down by regulations*". This implies that no inspectors or controllers can work under the biosafety law safe the enabling regulations are available. But two years gone by the enabling legislation is yet to be conceived. Yet sections 56, and 60 to 64 provide a range of environmental offences to be investigated and prosecuted by sworn inspectors. The mining code, the water law and 1994 Forestry, Wildlife and Fisheries Regulations have similar characteristics. There are many cases pending in FEDEV office, which cannot be forwarded for prosecution because of the fragmented nature of the law.

5 CONCLUSION AND RECOMMENDATIONS

The direct impact, punitive and deterrent nature of penal sanctions on offenders or prospective offenders, render criminal law a viable instrument for environmental protection. This is rendered more acute if one considers the urgency, dispersed effects and at times the irreversible nature of some environmentally harmful activities of man, it becomes rather obligatory for prosecutors, inspectors and NGOs to accelerate the criminal enforcement process. It is ostensible from the foregoing that these actors play a formidable role in the enforcements of environmental standards via criminal law in Cameroon. But persistent growth of illegal environmental activities constitutes significant challenge to the role of Cameroonian prosecutors, inspectors and NGOs in enhancing the rule of law.

The fragile state of the global environment, the rapid extinction of species, threatening rate of environmental decimation, warrant that these actors should effectively enforce environmental criminal regulations in order to meet the exigencies of sustainable development. This is rendered more acute in developing countries like Cameroon given her vulnerability to environmental harm and peculiar incapacities.⁴⁵ The task through criminal environmental law is for the present Cameroonian generation to enjoy and improve the quality of life of peoples, while ensuring that the inherent rights and interest of succeeding generations are not compromised. Against this backdrop, the following proposals are important;

- 5.1 Capacity building training for the judiciary on environmental law. There is need to build a critical mass of an environmentally informed judiciary which is equally fully exposed to comparative environmental jurisprudence.
- 5.2 Capacity building training for the special prosecutors and inspectors on substantive and procedural law.
- 5.3 Introduction of environmental law in the universities and the National School of magistracy ENAM.
- 5.4 Creation of specialized investigators and prosecutors for environmental crimes.

- 5.5 Training of civil society organizations including professional bodies, businessmen (private sector) women groups, and faith based organisations and trade unions on compliance and enforcement of environmental regulations.
- 5.6 Proper dissemination of environmental laws and other material to all stakeholders in the criminal justice process.
- 5.7 Raise public awareness on environmental issues especially via rural radio stations.
- 5.8 Draft complete environmental laws and make enabling decrees available for existing laws.
- 5.9 Enhance access to environmental information and access to justice.
- 5.10 Produce an environmental penal code that will constitute all eco-offences or make a compendium of all environmental regulations in Cameroon.
- 5.11 Practically guarantee judicial independence.

6 REFERENCES

1. NCHUNU Justice Sama. *Sustainable use of Forest and Wildlife Resources in Central Africa: Key policy challenges* (2003) 2nd PAS IUCN at 217 or www.iucn.org/bookstore
2. Global witness. *Forest Law Enforcement in Cameroon*.
3. Simpson and Fagbohun. *Environmental Law and Policy* (1998) Lagos Nigeria.
4. Peter Calow. *Blackwells' Concise Encyclopedia of Environmental Management* (1999) Blackwell Science Ltd. Oxford UK
5. Bryan A Garner. *Black Law Dictionary* (1999) West Group USA.
6. National Printing Press. *Penal Code of the Republic of Cameroon* (2001) Yaounde.
7. National Printing Press. *Constitution of the Republic of Cameroon* (1996) Yaounde.
8. Ministry of Environment and Forestry. *A Compendium of Official Instruments on Forest and Wildlife Management* (1999) Yaounde.
9. The last Great Ape Organization (LAGA) <http://www.lastgreatape.org>
10. The Biodiversity Secretariat <http://www.biodiv.org>

7 ENDNOTES

- ¹ By this we mean civil actions and not civil law as a source of law
- ² Law No 65-LF-24 of 12th November 1965 and Law No 67-LF-1 of 12th June 1967
- ³ Law No 96/12 of 5th August 1996 relating to Environmental Management in Cameroon
- ⁴ See Bryan A Garner 'Blacks Law Dictionary' 7th edition at P. 1237.
- ⁵ Per S: 23 of Law No 89/019 of 29th December 1989 on Judicial Organisations in Cameroon
- ⁶ See S: 88 of Law No 96/12 of 5th August 1996 relating to Environmental Management in Cameroon.

⁷ S: 34(2) of Law No 2003/006 of 21st April 2003 on Regulations governing modern Biotechnology in Cameroon. (The Biosafety)

⁸ See Law No 90/053 of 19th December 1990 on the freedom of Associations in Cameroon.

⁹ The Preamble to the constitution of January 1996, which is rendered enforceable by Article 65 of same law, prohibits any trial or punishment except provided by a law, enacted and published before the commission of the alleged offence.

¹⁰ See S: 17 of the Penal Code, which prohibits any penalty or measure except provided by the law.

¹¹ See S: 261

¹² See Article 258

¹³ S: 239 punishes disturbance of quiet enjoyment

¹⁴ S: 268

¹⁵ S: 227

¹⁶ S: 230

¹⁷ Decree No 95-531-PM of 23rd August 1995 on the implementation of Forestry Regulations, and Decree No 95-466-PM of 20th July 1995 on the implementation of Wildlife Regulations.

¹⁸ For instance, S: 80 of this law punishes any person who dumps dangerous waste on Cameroonian Territory with life imprisonment and fine of from 50 million to 500 million FCFA.

¹⁹ See S: 88 of the 1996 Environmental Code

²⁰ See S: 105 of the Mining Code.

²¹ Cartagena Protocol on Biosafety. Biodiversity Secretariat. <http://www.biodiv.org>

²² S: 57 of the 2003 Biosafety law.

²³ This is provided by S: 23 and 24 of Law No 89/019 of 29th December 1989 on Judicial Organisation in Cameroon

²⁴ The People of Cameroon V. Bissong Daniel Nkwo alias Bucande (2004) unreported CFING/107c/03-04

²⁵ S: 18(2) of Law No 94/01 of 20-1-1994 on forestry, Wild Life and Fisheries (supra) as punishable by S: 158 of the same law.

²⁶ The People of Cameroon V. Ngam Sampson and 21 others FM/474c/00-01 (unreported)

²⁷ The offence is punishable under S: 156 of Law No 94/01 of 20th January 1994 (supra)

²⁸ AFFAIRE MINISTERE PUBLIC ET MINSTERE ENVIRONMENT ET DE FORETS C/ SADOU MANA, BOWANA ROUL, NANA AUGUSTIN, HAOUA BOLADE, (unreported) Jugement No 568/COR du 06 Janvier 1998.

²⁹ This is provided by S: 142 (1) of the 1994 Law on Forestry, Fisheries and Wildlife (supra)

³⁰ The People of Cameroon and Ministry of Environment and Forestry (MINEF) V. Bertrand V. D. Brink and Groupement Coop Buns. CFIB/87^C/03-04. I appeared as counsel for the MINEF and we filed a claim of 30.000.000FCFA against the Defendant.

³¹ The People of Cameroon and MINEF V. Tame Soumedjong and SOTRAMILK LTD CFIBA/857c/02-03 is still pending before the Court of First Instance Bamenda. NB I appear as counsel for MINEF and have equally filed a Claim of 20.000.000FCFA against the Defendant

³² See S: 34 (2) of Law No 2003/006 of 21-4-2003 Governing Modern Biotechnology in Cameroon.

³³ See S: 28 of the 2003 Biosafety Law (Supra)

³⁴ See S: 57 (1) of the 2003 Biosafety law (supra).

³⁵ See S: 101 and S: 105 of Law No 1 of 16-04-2001 (the mining code)

³⁶ See S: 141 and 142 of the 1994 law on Forestry, Wildlife and Fisheries (supra)

³⁷ See S: 88 and 89 of Law No 96/12 of 5-08-1996 on Environmental Management (supra)

³⁸ See S: 91 of the 1996 Environmental Management Law (Environmental Code) supra and S: 65 of the 2003 Biosafety Law supra,

³⁹ See website of the Last Great Ape Organisation (LAGA) www.lastgreatape.org

⁴⁰ World Conservation Society (WCS) is an International Conservation Organisation that works in several countries including Cameroon. In Cameroon, it is working inter alia in the conservation of the Bayan-Mbo wild Life sSanctuary in Nguti, South West Province.

⁴¹ Foundation for Environment and Development (FEDEV) is a national NGO, which focuses inter alia on the promotion of Sustainable development, Environmental protection, and Respect for Human Rights via the instrumentality of laws and policies.

⁴² The control team was made up of three MINEF staff and a staff FEDEV. See report of the Provincial Chief of Brigade Control for MINEF dated 22-07-2003 in Ref No MINEF/PDEF/NWP/PSCB/C1/C3/06/43 titled “Report of pollution of Natural Waterways Chum, Bafut-Wum Road”

⁴³ Some include: THE PEOPLE V. NGAM SAMPSON AND 21 OTHERS (FM) 474^C/00-01) supra. THE PEOPLE V. MICHAEL NJIAH AND 118 OTHERS (2001) unreported. CFIK/358C/99

⁴⁴ See Global Witness. “Forest Law Enforcement in Cameroon” Report of the independent observer October 2003.

⁴⁵ Poverty, lack of technology to ensure immediate remediation of harm, poor governance, macro economic shocks, human incapacities etc