

Wildlife Justice

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Bilingual wildlife law enforcement journal



PROTECTED SPECIES AND THE RACE TOWARDS EXTINCTION

“We wouldn’t allow our lion population to be in a state of depletion”, His Excellency, Elvis Ngolle Ngolle, Minister of Forestry and Wildlife.

“We need to turn the tide of extinction that threatens our nearest living relatives”, Kofi Annan, Former Secretary General of the United Nations



Endangered Wildlife Species Extinction is Real

In the process of protecting endangered wildlife species, many people have difficulties understanding the meaning and implications of extinction. Many other countries that have lost already their wildlife through uncontrolled hunting and illegal trade have a real image of what extinction means.

Amongst these countries is Israel – my country- whose history is written in the Holy Book – the Bible in which any person can read about lions, crocodiles, leopards and bears that have existed there. In fact, all of them have been heavily hunted and during the time of British colonial rule in Israel many of them went extinct. This is a very real image of what extinction means – losing the country's heritage potential for tourism and many other moral and physical losses incurred for ever.

It is for this reason that the World Conservation Union (IUCN) has come up with a widely accepted system for identifying wildlife species at a high risk of global extinction known as the Red List Categories. This system provides an explicit, objective framework for the classification of the broadest range of wildlife species according to their risk of extinction. In 2004, the IUCN Red List Classified 352 mammals as endangered and 162 as critically endangered – a reminder that this is a common tale of threatened extinction. This can be seen as an early warning of the loss of many wildlife species that are less well known.

Since the mid 1970s, endangered wildlife species have attracted increasing interest and concern in the international community following early warning of their extinction. Efforts to conserve these endangered species have taken many forms and have involved many actors including governments, the United Nations agencies, non-governmental organizations and civil society.

In this issue of Wildlife Justice, we are trying to bring national and international experts together to debate different aspects of extinction. Traditional rulers are going to discuss traditional values of wildlife species and how tradition relates to extinction. We will bring different opinions referring to the first wildlife species to have been declared extinct in Cameroon - the West African black rhino. Legal experts are going to debate on how various stakeholders including governments can claim damage for the extinction of their wildlife species. One of the articles claims that unless illegal trade is closely controlled and illegal hunting stopped, hippos which help sustain the livelihood of rural people will soon be threatened with extinction. African elephants continue to be killed in large numbers for their highly prized tusks. We will examine how international forensic evidence presented in this edition sheds new light on the subject. The wildlife meat trade continues to fuel the hunt to extinction of great apes, especially gorillas and chimpanzees, as will be discussed focusing on cross river gorillas. Other international experts will discuss whether lions may soon become extinct in many parts of Africa.

The idea behind this particular publication is to enrich the minds of professionals so they can understand how real wildlife extinction is and why, until further notice, effective enforcement of existing wildlife laws is the only means to protect a loss that could be for ever.

Ofir Drori
Director, LAGA Cameroon

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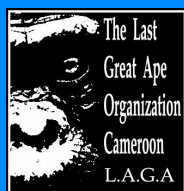
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Inner Picture: Leopard skins operation in the North province. Dealers were prosecuted according to the 1994 wildlife law

“Those who want to deplete our wildlife species cannot succeed”, His Excellency, Elvis Ngolle Ngolle, Minister of Forestry and Wildlife.

By *Vincent Gudmia Mfonfu

The Central African Regional Programme for the Environment – (CARPE), a conservation initiative of the United States Agency for International Development (USAID), posits that helping countries in the sub-region to make wildlife laws more locally appropriate and to enforce these laws is central to effective wildlife conservation.

In an interview with Wildlife Justice Editor-in-Chief, Vincent Gudmia Mfonfu, His Excellency, Elvis Ngolle Ngolle, Minister of Forestry and Wildlife underscored Government’s determination to fight illegal hunting through effective wildlife law enforcement.

Excerpts

What is the rationale for protecting these animals?

These animals demand the sympathy and care of humanity. We all enjoy them and for us to continue to enjoy them you must compare yourself to them and at all times you must approach and treat them with a lot of care.

Even though they are animals they are in many ways a reflection of you and you cannot afford not to take care of them, be they apes, lions, elephants or leopards.

My staff in the field can be assured of our support and our encouragement to protect these animals.

Are the animals threatened?

We wouldn’t allow our wildlife, especially our lion population to be in a state of depletion. That is why we have all the control mechanisms in place to regulate the exploitation of wildlife, so people do not just kill the animals in an uncontrolled manner.

We think that the control mechanisms are so

well structured that those who want to deplete our wildlife species cannot succeed in doing so because our controllers are quite active these days.

We hope everyone understands that anyone caught violating the 1994 wildlife law will be dealt with accordingly because we love our animals to be there for our leisure and livelihood, be they in the sanctuary, in the parks or wherever they are found.

The world enjoys them, we Cameroonians enjoy them through ecotourism

and I think we have a moral duty, to protect them and make sure that we control the exploitation of that sector, so that we don’t have a world without animals that not only make us happy but provide for our livelihood.

We hope everyone understands that anyone caught violating the 1994 wildlife law will be dealt with accordingly because we love our animals to be there for our leisure and livelihood, be they in the sanctuary, in the parks or wherever they are found.

What are the structural reforms made to ensure sustainable and effective wildlife law enforcement by your Ministry?

The first structural reform is that there is a Ministry – a State structure whose mission is to protect wildlife and forest resources. This Ministry is organized in such a way that there is a whole Department of Wildlife and Protected Areas whose responsibility is to ensure the effective enforcement of the 1994 wildlife law by bringing defaulters to justice. Within the framework of this structure, we have a whole Brigade whose job is to control the



*Minister of Forestry and Wildlife,
His Excellency, Elvis Ngolle Ngolle*

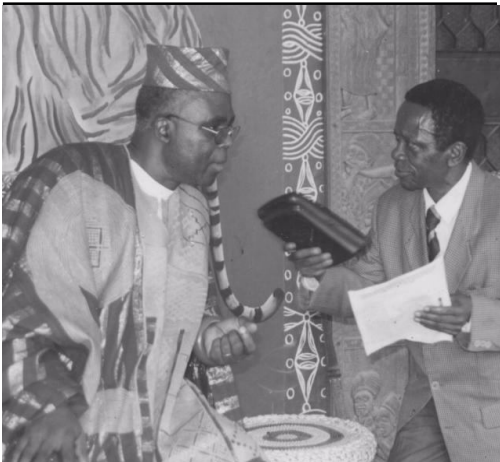
exploitation, trafficking and commercialization of wildlife and wildlife products. The Brigade is like a policing machine. It goes around identifying those who are engaged in exploitation of wildlife, making sure that those who engage in it do it within the limit of the law and those who do not do it within the limit of the law are brought to book, ensuring that the force and weight of the law is felt by them.

We also have cooperation agreements with our main partners such as the Last Great Ape Organisation (LAGA). This organization is so effective and efficient that we are so comfortable with them. They do the operational side of the enforcement while we make sure that we give them all the support – technical, logistical, legal, political and otherwise in order to ensure that they do their work perfectly well.

** Head of Media & External Relations
Department - LAGA*

LOCAL EXTINCTION OF WILDLIFE SPECIES

By * Vincent Gudmia Mfonfu



His Royal Highness, Fon Ganyonga III of Bali faces the press on wildlife management issues

Several years ago, some wildlife species were commonly found in their numbers in parts of the North West and West Provinces. Today, they have gotten extinct in these parts of the country. This is referred to as local extinction. Vincent Gudmia Mfonfu met with his Royal Highness, Dr Ganyonga III, Fon of Bali Nyonga in the North West Province and Mrs. Mbah Grace, the former West Provincial Delegate and presently Provincial Delegate of Forestry and Wildlife for the South West Province who gave testimonies to the extinction of some wildlife species in their localities

Excerpts

His Royal Highness, Dr. Ganyonga since coming to throne as the Paramount Fon of the Bali Nyonga Fandom have you noticed changes in hunting patterns in your area?

Since I took over this throne in September 1985, I noticed even from then that certain animal species have either been already extinct or are on the verge of extinction. A good example is the bird with the red feather called Bannerman's Turaco. These birds are quite endangered because here in the North West Province we give honour by putting the red feather on somebody's cap as a status symbol for his nobility. So at the end of 1985, I started telling my population that these birds are getting less and they can easily get extinct. I said if those birds are not there we will have to use other common birds that are around and if those birds are not there we may come to use grasshoppers and so on. People laughed over

it, but I think I tried to make a point and I think I succeeded in trying to make people to conserve these animals. But I am not satisfied that the message has been digested by every one.

How sustainable is your sensitization on wildlife conservation?

I think there is still quite a lot of education that has to be done. It will interest you to know that when I was growing up, there were lots of antelopes here. In fact, one part of Bali was known as, "Ngenyap", which literary speaking means the "bush of antelopes" and I saw lots of antelopes there, like a herd of sheep. Practically today you can't see even one; they are practically extinct! This is a pity indeed! There are lots of other species on their way to extinction for people who are watchful. They can see that leopards which were also found here have gone extinct.

We had the traditional attitude of rewarding anyone who killed any such rare animals. But it will interest you to note that when people did that and came to the palace, rather than praise them, I did not quite rebuke them, but I told them things have changed and these animals are fast getting extinct. We can no longer do it the way we used to do. People got a bit disappointed but we sort of consoled them like giving drinks and food and we try to sensitize them. I think many have understood it, but I am not sure everybody has. I think we need to intensify education for awareness to conserve these endangered species. Even those that are not endangered, there will be before long, because people have an uncritical attitude towards these animals. There is an instinctive

attitude of just killing any wild animal that comes before anyone because people think it is not like goats, sheep and pigs that belong to X, Y or Z. So they see the animals and just want to kill them. This attitude must be changed and we need careful planning and re-education of the Masses.

Is this why the government enacted the 1994 wildlife law?

We have to make people understand that illegal hunting is forbidden. Let us try to make them understand which species are the forbidden ones.

First of all, I will like to inform myself more adequately as to what species are really forbidden and we go into getting the people to understand what we now better understand. The initiative that the government took in enacting the law of 1994 is very laudable. It is now left to us to disseminate the information. Let the information go to the grassroots. We are the people to take the message down to the grassroots.

I am ready to work with the administration to fight this continuous violation of the law, especially by urban-based dealers who generate illegal trade in protected wildlife species. The message I have for my people is simple; that people need to inform themselves as to what the law says, and this is the only protection against ignorance which does not excuse people before the law.

*** Head of Media and External Relations Department**



Mrs. Mbah Grace - Former West Provincial Delegate of Forestry and Wildlife, and presently Provincial Delegate for the South West Province in the same Ministry.

Are there some wildlife species that existed in the West Province some years ago and today are extinct in the area?

We have a classical case of an animal that has totally disappeared in the West Province. Many years back, the Santchou Wildlife Reserve here in the West Province was very rich in elephants and that was the more reason why that reserve was classified. Today, we have lost more than 50% of that reserve. And if it continues that way, we are going to lose other species and it will be a shame if in future our children and the future generations cannot see all these animals. They are riches that we cannot place a value on them and it is our duty to protect these animals, and it will be a great loss if we hunt them to extinction. The only short term and urgent measure to protect them from extinction is the effective enforcement of the 1994 wildlife law which is the pre-occupation of my delegation.

*** Head of Media and External Relations Department**

Extinction: A Great Loss for the State

By * Horline Njike

Life is everywhere and all living things depend on each other. We depend on nature for our food and medication, for the oxygen that we breathe and for the various inventions that make us proud. The human population uses more than 40,000 living species in one day. Unfortunately, as some scientists like Paul Ehrlich, Professor of Demographic Studies in Stanford University say, man must have wiped out 1/4 of species on earth by the middle of the 21st century. This wastage of wildlife heritage leads to great losses for the State, ecologically, economically and socially. It is for this reason that the Ministry of Forestry and Wildlife was created in order to keep watch over our wildlife.



the cost of replacing natural animal protein with domestic animal husbandry, the cost of re-introducing extinct species and the cost of human investment to re-establish ruptured equilibrium.

Social Consequences of Wildlife Extinction

Some distinct consequences are observed when the natural equilibrium is perturbed. (the case of the baboon and the leopard). Each species play a vital role in the ecosystem and any proliferation of one species either caused voluntarily or by man's intervention leads to

The link between resource loss and species existence

Wildlife is an integral part of the natural system from which man gets his survival. The role played by wildlife in the propagation of plant species and interactions among animals could be seriously compromised. The extinction of an animal species will invariably link to the corresponding extinction of a good number of plant species.

In the book *l'Homme et la Terre:*

Etat et avenir des ressources de notre planet (Man and Earth: The Future of our Planet's Resources) the Dodo went extinct some 200 years ago and with it at least one tree species that depended on it for its germination disappeared. The elephant that plays an important role in the dissemination of some plants especially the mimosa may face the same fate.

Cameroon that has one of the most remarkable floristic heritages in Africa should take major steps to protect frugivorous animals which take part in the propagation of seeds which are responsible for the germination of many different plant species.

African elephants continue to be killed

Economic Consequences of Extinction

They are two:

The direct economic consequence is loss of fiscal revenues for the State of Cameroon. This is huge because of the fact the actors behind

This wastage of wildlife heritage leads to great losses for the State, ecologically, economically and socially. It is for this reason that the Ministry of Forestry and Wildlife was created in order to keep watch over our wildlife.

this extinction generally do not pay taxes for the firearms they possess, nor do they, for hunting and killing permits, as well as collection and capture taxes. It also entails losses for the State as meat and other derived products (milk, butter, trophies etc) are lost. High levels of poaching equally lead to falls in tourism revenues because animals become rare to come by, wildlife-based tourism falls considerably. A direct consequence of this is the lack of financial means to rehabilitate and equip protected areas, develop transport and hotel infrastructure.

Indirect consequences are difficult to assess. Nevertheless, we can cite among others, the cost of reconstituting a viable environment,

negative social consequences. In areas unsuitable for livestock rearing, wildlife provides the rural population with the major protein intake. Intensive poaching means killing off natural and renewable resources and this would force populations in these areas to migrate to suitable areas. This, among other things, will lead to changes in lifestyles of the neighbouring populations and land conflicts.

The extinction of wildlife species affects peoples' cultures in Cameroon. The lion and the leopard are regarded in the Bamilieke tribe as symbols of power, used as totems; they are designed to protect the community and even its values. When thinking of wildlife exploitation and its derived products, the revenues it generates (through ecotourism and the taxes which accrue from it), the diverse jobs these activities create, we can appraise the importance of wildlife and justify the State's decision to invest hugely for its conservation.

**Head of Legal Department - LAGA*

Dynamic Legal Tools for Wildlife Control in Cameroon

By **Horline Njike*

Wildlife extinction has a negative ecological, economical and social impact. Confronted with these dangers that perturb the various systems, radical policies are needed. These changes according to the Atlas of Endangered Species are so important that they can only be done by the State.

States realised that wildlife species which are protected in one State are hunted in the other, so has very little chance to survive, and this called for the ratification of international agreements by Cameroon. We can cite the Rio Treaty, the COMIFAC Treaty etc. But the most decisive agreement is certainly the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) which is used as a weapon against the trafficking of species threatened with extinction.

At the local level, Cameroon has taken a significant step, with the adoption of a set of laws with the 1994 Law on Forestry, Wildlife and Fisheries; the Enabling Act of 1995 stating the modalities of its implementation and with 2 interesting Orders of 18 December 2006, being the most important. The first of the two Orders is Order No 0648/MINFOF of 18 December 2006 that sets the list of animals in protection classes A, B and C and the second is Order No 0649/MINFOF of 18 December 2006 that distributes wildlife species into various classes of protection and fixes hunting liberties by virtue of hunting permits.

These Orders are key legal conservation instruments and make up the dynamic legal tools for wildlife population control. A good wildlife conservation management depends on frequent and regular wildlife inventories which enable updates on the list of animals and their various protection classes. It is for this reason that Cameroonian authorities in charge of wildlife produce regulations which ensure the strict protection of target species

according to their levels of extinction.

According to the first Order of 18 December 2006, animals do not have the same level of

Any person who infringes this legal disposition shall face Section 158 which states: "A fine of from 3 000 000 to 10 000 000 CFA francs or imprisonment for from one to three years or both such fine and imprisonment"

protection. Animals in class A, according to Article 2 of this Order "are totally protected and it is forbidden to kill or capture them". This total protection is explained by the fact that these animals are rare and are seriously threatened with extinction.

The animals in class B are partially



Magistrat in charge of wildlife law enforcement

protected, (can be killed, captured or hunted after obtaining an exploitation certificate) because according to Article 3, if particular measures are not taken, they too will become rare or seriously endangered. To maintain and increase the populations of endangered species, Article 7 states that the list of protected animals must be updated once every 5 years.

With the policy of wildlife population control, the authorities in charge of wildlife are not only satisfied with the distribution

of animals into various protection classes but also equally regulate their killing.

Order No 0649/MINFOF deals with the issue.

To attain this objective, wildlife authorities, in Articles 5 and 7, regulate many hunting aspects: the number of hunting permits sold, restrictions as regards height, numbers and sexes of the animals which could be killed,

hunting hours and opening and closing dates for hunting seasons.

Long term protection of wildlife population will be incomplete, if it focalises only on class distribution and hunting restrictions.

It necessarily integrates a repressive dimension which has as merits dissuasion. This is handled by Sections 101 and 158 of the Wildlife Law of 20 January 1994 on Forestry, Wildlife and Fisheries.

Section 101 leaves no escape corridor for offenders responsible for the dilapidation of our rich wildlife. It clearly states: "Any person found at any time or any place, in possession of a whole or part of a live or dead class A or B protected animal, as defined in Section 76 of the present law, shall be considered to have captured or killed the animal."

Any person who infringes this legal disposition shall face Section 158 which states: "A fine of from 3 000 000 to 10 000 000 CFA francs or imprisonment for from one to three years or both such fine and imprisonment shall be imposed on whoever commits any of the following offences:

- killing or capture of protected animals either during periods when hunting is closed or in areas where hunting is forbidden or closed."

***Head of Legal Department - LAGA**

PENALTY AND PUNITIVE OR COMPENSATORY DAMAGES FOR EXTINCTION OF PROTECTED WILDLIFE SPECIES

By *CHI Augustine MUAM (Ph.D)

Extinction refers to the complete disappearance of a species of plant or animal from the planet. It is a natural ecological phenomenon and part of the process of evolution. Mass extinctions have happened in the past, but the rising pace of extinction in this era is due solely to human activities such as increasing levels of illegal hunting, trading and habitat destruction. For example, Chimpanzees were wiped out in Kilum-Ijim forest in Northwest of Cameroon in 1987-1998. Gorillas are thought to be possibly extinct in the Douala-Edea Wildlife Reserve. Unbelievable that wildlife species are currently being lost at an alarming rate – 400 times faster than at any other time in history. This raises concerns not only because these particular species may not survive, but because of the economic and socio-cultural importance biodiversity has for the State and livelihood. Indeed, wildlife protection is seen as part of biodiversity protection and this is governed by law that need to be enforced.

By penalty I mean punishment prescribed by law to sanction criminals. The 2005 Cameroon Criminal Procedure Code (CCPC) recommends the institution of criminal proceedings to procure a sentence against an offender. The punishment of a criminal offence ought to be distinguished from compensatory damages designed to punish a wrongdoer to compensate for injury or loss of tangible property (e.g. wildlife species). The loss sustained is usually a source of income to the State (e.g. wildlife taxes and eco-tourism) and livelihood to local communities (e.g. Cultural and religious use). Can the two sanctions (punishment and compensatory damages) be simultaneously enforced? If so, who has *locus standi* (standing) or the right to bring an action and on what basis? Which law governs or will support such actions or claims?

I Government prerogative to prosecute 'Criminal Offences'

Wildlife just like all other environmental resources is property of the State. The 1994 law says that it is the state that ensures the protection of wildlife and that no person uses it without prior authorisation. To kill animal species of class 'A' classified as endangered (protected species) unauthorised, that is without a licence or permit, constitutes a criminal offence. Criminal because it is the society rather than the individual victim that is the primary victim of the wrong. A criminal case therefore is to determine whether the defendant committed a criminal act to permit a trial court to impose some punishment. Who has the legal right (*locus standi*) to initiate such an action is crucial in the determination of the

offence. The CCPC says that criminal proceedings be instituted and prosecuted by the legal department or by any government department, which in the case under review, is the Ministry of Forestry and Wildlife



Wildlife trafficker arrested

(A) Prosecution based on consolidation of punishment and damages

As prescribed by law, a person convicted of a wildlife offence faces a fine or is sent to jail or prison. For example, killing or capturing a protected animal is punishable with a fine of from 3.000.000 to 10.000.000 CFA francs or imprisonment for from one to three years or both such fine and imprisonment. This does not preclude the legal department/MINFOF or invariably this shall be without prejudice to any compensatory damages awarded. The CCPC accepts that Civil action to provide compensation for damages resulting from an offence can be made along side a Criminal action before the same court so long as they arise from the same offence, hence the notion of consolidating proceedings.

Conversely, it can be brought separately from a criminal action, in which a Civil Action is possible as will be discussed later. Damages according to the 1994 law can be calculated on the basis of the total current market value of the species concern. For example, in Central Africa a single chimpanzee or gorilla carcass (protected species) can fetch the equivalent of US\$20-25. Though our law does not specify, it would be expected that the cost of a live animal would undoubtedly double or triple, taking into account its inherent potentials to reproduce or used for biomedical research.

(B) Judgements considered *ultra vires*

Unfortunately, we find the contrary on the ground or in practice in the enforcement of the law. More often than not Magistrates in their subjective judgements jump to compensatory damages (cost of animal lost) without penalising the wrongdoer for the criminal act (killing a protected animal without authorisation). An example, among many others, was noticed in a judgement of 21/1/04 where a Magistrate fined one Mr. Moussa Amadou for illegally being in possession of two (2) elephant tusks and trading in trophies (unspecified) to pay an insignificant sum of 400.000 francs 'as damages'. Whereas to the law, any person found at any time or any place, in possession of a whole or part of a live or dead class A or B protected animal, is considered to have captured or killed the animal, and ought to be penalised as such.

Certainly if the Magistrate's judgement was based on this legal prescription, Mr. Moussa's first punishment ought to have been to pay for committing a criminal offence of being in possession and trading in specimens of protected species without authorisation (3.000.000 to 10.000.000 CFA francs or 1-3 years imprisonment) before compensatory damages for the loss sustained (elephants).

II Public's right to institute 'Civil Action' or claim for damages

As stated earlier, the CCPC provides that through a Civil Action compensation for damages resulting from an offence can be obtained. That it can be instituted by plaintiff along side a criminal action before the same court so long as they arise from the same offence or brought separately from a criminal action. Either way, a plaintiff is synonymous to who has *locus standi* or right to bring the action?. According to CCPC a civil claim based on an offence can be made by any natural or legal person who has suffered injury, loss or damage on condition that it is based on direct, certain and actual damage. The spirit of the law here is to ensure that the legal department (*Procureur de la Republique*) and any other government department (MINFOF) are not arrogated the monopoly of *locus standi* in demanding for compensatory damages, which in most cases is limited to the property lost (plant or animal). The rationale is to widen the scope for other stakeholders to adduce evidence to justify or substantiate prejudice suffered as a result of wildlife extinction, thus aggravating government's claim for

Legislation

compensatory damages. That being the case, three stakeholders, in my view, have *locus standi* to bring action for compensatory damages resulting from wildlife extinction. These include Non Governmental Organisations (NGOs), Local Communities and Individuals;

(A) Local communities

Concerning *locus standi* by local communities, it should be recalled that biodiversity underlies the provision of a large variety of benefits that people obtain from ecosystems. These include environmental goods such as food for energy, and ecosystem functions that depend on particular organisms, such as the regeneration role (dispersal of seeds) played by elephants. This brings us to the question of the right to food which literally means that nobody's action, let alone that of the State, in anyway jeopardizes an individual's ability to feed himself or herself. The right to food is embedded in the right to life guaranteed by the constitution. The standard of living contemplated must incorporate the quantity and quality of food which in turn must contemplate environmental conditions that will facilitate sustainable sources of supply. Therefore an organised local community (moral person) has *locus standi* to claim for

damages for the loss of the sources of their food supply (animals or plants) resulting from poaching or illegal hunting.

That notwithstanding, biodiversity has intrinsic value for many people, valued as an end in itself, apart from any use value that it provides. In a dissenting opinion a Supreme Court Judge was right to claim that:

"Those who like it, fish it, hunt it, camp in it or frequent it merely to sit in solitude and wonderment are legitimate spokesmen for it, whether they may be a few or many. Those who have that intimate relation with the inanimate object about to be injured, polluted or otherwise despoiled are its legitimate spokesmen"

This is enough to give guardianship status to either forest dweller or indigenous local communities to have *locus standi* to sue on behalf of natural objects/resources (wildlife). This can really be an extension of citizen rights, which if fully developed, could incorporate a private litigable interest to preserve wildlife existence in their own right (egocentrism theory).

(B) The rule of 'Standing' by individuals

This refers to litigable rights that apply to an individual who has a proprietary interest and

who can prove that damage to wildlife is peculiar to himself and unreasonable. This means (a) if the individual has no particular ownership rights over the animal, and (b) if he cannot prove special injury which is worse for him than for others, then he may not be heard. For judicial reviews, it is said, *must be confided to those who can demonstrate a 'direct stake' in the outcome, otherwise the judiciary would merely be the servants of those 'who seek to do no more than vindicate their own value preferences through the judicial process'* i.e. those who seek to 'politicise' the courts.

Given that it is difficult to establish private ownership over wildlife which belongs to the State, the rigour in the 'rule of standing' is mitigated, thanks to the concept of 'values'. Suffice it for a person to prove that his or her aesthetic and psychic values are at risk or impaired through extinction, to have *locus standi* to claim for damages. The financial implications was manifested in 2004, where both Uganda and Rwanda increased the price on an individual gorilla-tracking permit from US\$ 250 to US\$350 for one hour spent with a family of mountain gorillas, making it the most expensive wildlife-viewing experience in the world.

**Senior Lecturer, International Environment Law, University of Douala*

Illegal international trade leading the way to hippo extinction

By **Akwen Cynthia*

"Unless Illegal trade is closely controlled and illegal hunting stopped, hippos will soon be threatened with extinction" Susan Lieberman, World Wide Fund for Nature (WWF).

The Congolese Institute for Conservation of Nature (ICCN) has disclosed, that the Virunga National Park which once held the world's largest hippo population of about 30 000 today stands at 1 300 only. This comes as a stunning blow to the local population who feel the decline in the hippo numbers expressed in the shortage of fish to support their livelihood. Walter Azeidzic entertains the fear hippo could soon be extinct in the region.



Hippos may soon be threatened with extinction?

The Virunga National Park, designated by the United Nations Educational, Scientific and Cultural Organisation (UNESCO) in 1979 as a World Heritage Site, covers an area of about 790 000 hectares. It is said to hold important wildlife habitats, ranging from volcanoes through swamps to snow fields.

Cameroon, Central African Republic, Equatorial Guinea, Gabon and Congo Brazzaville altogether are unlikely to contain more than 500 hippos. "We have the moral

duty to ensure that our hippo population and that of other endangered wildlife do not disappear through uncontrolled exploitation", states Cameroon Minister of Forestry and Wildlife, Professor Elvis Ngolle Ngolle.

Livelihood

Scientists have proven that the dung from hippopotamus or hippo helps in sustaining the health of the fishes on which local communities depend for their livelihood. This implies that if the hippo population were to get extinct, people residing around lakes and river banks which are the natural habitats for this animal species will suffer. The case of people residing around the Virunga National

Park in the Democratic Republic of Congo (DRC) lends support to this claim.

The Virunga National Park on the Eastern border of the Democratic Republic of Congo (DRC), according to the World Wide Fund for Nature (WWF) sources, was once upon a time, "home to the world's largest hippo population". Marc Languy of the South African Regional Programme of WWF holds that, "hippos are extremely important in maintaining the ecological balance in rivers and lakes and nearby grasslands, adding that, the hippo dung provides essential basic elements for the food chain, particularly for the fish".

Unfortunately, the hippo population in Africa is on the race to extinction, orchestrated by illegal hunting for their meat and teeth discovered to be a substitute for ivory. A current census by WWF has recorded a 95% decline in the hippo population during the last 30 years in the Virunga area.

Feature

Causes of decline

Studies attribute much of the loss in the hippo population to illegal hunting and trade in the animals for their canine teeth as a substitute to elephant tusks and for their meat in the locality. Hippo teeth may grow as long as 80 cm, reason why it is seen as a good substitute for ivory.

Killing of Hippos with Rockets

Early in 2003, hundreds of hippos were

reportedly poisoned in the Rutsuru River which provides fresh water to Virunga's Lake Edward. The poisoning was suspected to have been carried out by illegal hunters. Lake Edward once supported the largest concentration of hippos in Central Africa.

As if that was not enough, a one-time illegal hunter by name Guillaume Kaseraka is reported to have once used a rusty Russian-made rocket launcher to kill hippos for meat in DRC.

With this alarming rate of mass slaughter, conservation experts warn that hippos could soon go extinct in Virunga. Susan Lieberman, Director of WWF International Species Programme posits that, "Unless trade is closely controlled and illegal hunting stopped, hippos will soon be threatened with extinction". Illegal hunting and its related trade can only be controlled through effective wildlife law enforcement.

**Assistant Development And Communication department - LAGA*

Exploding demand for ivory paves the way for African elephant's extinction

By **Anna Egbe*

Despite a long-standing international ban on ivory trade, African elephants continue to be killed in large numbers for their highly prized tusks. The number of African elephants is reported to have decreased from 1.3 million in 1979 to 600 000 in 1989 when the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) banned the trade in ivory. About 70 % of the ivory were, and continue to be illegally exported to the Far East where it is used in making name seals, tours trinkets and carving. (Born Free Foundation).

Between 1970 and 1989, Stephen Blake of World Conservation Society (WCS) talks of 700 000 elephants having been killed to supply the international trade. As if that was not enough, Marc Kaufman of the Washington Post came up with the shocking revelation that, an estimate of 23 000 elephants were slaughtered in 2006 on the heels of increased demand for ivory, attributing it to the collapse of international effort to halt the killing of elephants for illegal ivory trade in most Africa. This is tantamount to about 234 of tons of ivory. Kaufman quotes a team of wildlife experts as having lamented over what they term, "the exploding demand for ivory in Japan and newly rich China", despite the 1989 CITES ban on international ivory.

This demand has posed a renewed threat to the survival of elephants in many African countries. And it is estimated that only about 400 000 elephants remain in Africa today.

Collapse of international efforts

There is mounting pressure to lift the 1989 CITES ivory trade ban, but many experts believe any legislation of ivory trade will only increase illegal hunting of elephants for the trade. Once the door is cracked open, they try to force it open all the way, regrets, Samuel Wasser, a renowned conservation biologist at the University of Washington, has noted that a number of African countries have kept ivory stockpiles since the 1989 ban. For example, the small Central African nation of Burundi has a stockpile of 80 tons,

despite the fact that it had only one elephant at the time of the ban.

It seems that, despite the 1989 CITES ivory trade ban, the situation is aggravating. "Right now things are really worse than before the ban", Wasser observes, lamenting that, "almost half of African elephants had been



Ivory Prices have skyrocketed

slaughtered in eight years before the ban, but now the situation is even more extreme because the number of elephants is so much lower". About the generators of the illegal ivory trade chain, Wasser further regrets, "I don't think people in China and Japan fully understand the crisis that their ivory purchases have caused".

The Dealers

Illegal trade in ivory is tracked by the Elephant Trade Information System – a CITES mounting system which in 2002 reported records of about 200 tons of ivory seized worldwide since 1989. According to the United States-based Environmental Investigation Agency (EIA), this criminal activity accounts for only a fraction of ivory smuggling worldwide.

Those involved in the trafficking of ivory range from low volume – low carriers (tourists and souvenirs by holiday makers) to high

value-high volume smuggling carried out by organized crime syndicates and involving large consignments sent by air freight or shipping containers.

In 2002, Cameroon was identified as having the largest domestic ivory market in central Africa and also as an important entrepot in the illicit international ivory trade (World Conservation Union, IUCN African Elephant Status Report 2007). Under the action plan for the control of trade in African ivory adopted at the Conference of Parties (CoP) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Cameroon government embarked on a programme to stem the illegal trade in ivory and other products of endangered wildlife species. A considerable number of arrests and seizures have been made in recent years.

Citing studies carried out up to 2004, the former Sub-Director responsible for Wildlife Exploitation in the Ministry of Forestry and Wildlife, Mr. Abessolo Francois says the current elephant population in Cameroon stands at 13.772 but adds that the elephant inventory is still going on alongside the elaboration of an elephant management plan.

Ivory smuggling has become increasingly the province of organized crime with narcotics and other contraband often being shipped with elephant tusks.

Incentives for killing elephants for their ivory have never been greater, and as Wasser notes, "Ivory prices have skyrocketed".

Urgent action is thus needed to help countries deal with organized crime syndicates in order to save African elephants and other protected wildlife species.

**Media and External Relations Department - LAGA*

Cross River Gorilla - the Most Endangered Ape in the World

By *Eric Kaba Tah

The Cross River Gorilla lives in the mountainous border region of Cameroon and Nigeria which is located within western Cameroon and south eastern Nigeria. This is a forested and generally inaccessible area. There are about 10 subpopulations of cross river gorillas in this area, with an optimistic population estimate of no more than 300, although they may be as few as 150 gorillas left. It is classified as critically endangered and it is the most endangered ape in the world, facing serious threats of extinction. Man is at the centre of this predicament. The causal elements leading to the decline of this subspecies of the western gorilla are clearly man-oriented. Hunting, habitat loss and fragmentation are identified as the main sources of worry for these gorillas.

Man's activities have continuously encroached into the habitat of the cross river gorilla. Farming erodes the borders of the gorilla habitats and cuts inroads into their migratory corridors. Absence of migratory corridors isolates subpopulations from each other. A clear example of such a dire situation is that of the Afi mountain habitat which is found within the limits of the Afi Forest Reserve in Nigeria and surrounded by farmlands and highway. On the borders of the Cross River National Park, cattle rearing is carried out and bushfire is used to create space for farmlands and to provide green pasture. Fires in the dry season threaten the forests which are nearby and in which the gorillas live.

Protection Status and Illegal Trade

Sunderland Groves of the World Conservation Society (WCS) highlights the poor legal protection given to this area and declares, "without increase protection status all of the forested areas could be reassigned in the future for timber exploitation and non-reserve areas will be at a risk of destruction from expanding agriculture". Laws protecting these gorillas are not properly enforced and there are no uniform legal provisions for the various

habitats. Some of the areas are totally protected while others are not. Calls are being made from some conservationists that the area be raised to a World Heritage Site and the cross river gorilla be made one of the first ever World Heritage Species.

An estimated 579 million mammals are consumed by people in the Congo Basin. Although gorilla hunting is declining, it has not been eradicated. The wildlife meat trade fuels the hunt for gorillas. Previously, in the Takamanda area in Cameroon hunting was permitted on the basis that firearms were not used as weapons against the gorillas.

This decimated the gorilla population to a large measure and a local community ban came into force forbidding the hunting of gorillas in this area. Hunting for other animals is another danger for the gorillas. The use of snares intended for other animals is a threat to the gorillas as they inadvertently fall into these wires and come out, if they do, with serious injuries.

Habitat loss

Few as the numbers are, the obvious problem of inbreeding surfaces. This is particularly grim as this is the main effect from casual habitat fragmentation. Genetic diversity is seriously menaced by habitat fragmentation. When migratory corridors are devastated, gorilla movement is strictly limited. This creates habitat isolation which in turn leads to inbreeding. The lack of genetic vitality is a

serious long-term problem for any conservation initiative. No conservationist will lie tranquil when he knows there is limited genetic variance. If habitat loss and fragmentation continue, then this may sooner or later become the cross river gorilla's undoing.



Cross River Gorilla – most endangered ape in the world.

The 300 or less cross river gorillas that exist today survived thanks to two things: firstly, the choice they made to move into inaccessible and mountainous areas which are very difficult for humans to access and secondly, the existence of forested corridors that enable migration of gorillas from one subpopulation to the other, maintaining possible avenues indispensable for genetic viability. But they may be extinct in a near future if man continues with his current activities; farmlands, roads and hunting remain the danger.

There are two species of gorillas found in the Congo Basin viz: the eastern gorilla divided into the eastern lowland gorilla and the mountain gorillas; and the western gorilla divided into the western lowland gorillas and the cross river gorillas. The eastern lowland gorilla is generally larger and its hair is longer and blacker than that of the western lowland gorilla.

There are two species of gorillas found in the Congo Basin viz: the eastern gorilla divided into the eastern lowland gorilla and the mountain gorillas; and the western gorilla divided into the western lowland gorillas and the cross river gorillas.

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African Black Rhino Extinct?

By *Olive Nahkuna Mfonfu

“The West African Black rhino appears to have become extinct”: World Conservation Union -IUCN

Collins Today’s English Dictionary states, “If a species of animal becomes extinct, the whole species dies out”. In other words, extinction means finality, total absence and death. If we were to go by the above definition, then there are all indications, until further notice, that the West African black rhino has finally succumbed to extinction, having been hunted out of existence by the illegal hunt for rhino horn, widely sought in Asian markets for its medicinal and aphrodisiac properties and values.

According to a British Broadcasting Corporation (BBC) Environment correspondent, Richard Black, illegal hunting has apparently driven black rhinos to extinction in West Africa. The African Rhino Specialist Group of the World Conservation Union (IUCN) Species Survival Commission’s intensive surveys, so far carried out, have failed to locate the continued presence of the black rhino in the last refuges in north Cameroon. Black, testifies that, “a mission to their last known habitat in northern Cameroon failed to find rhinos or signs of their existence”. Intensive search has led conservation experts to come to the conclusion that the western black rhino has apparently met its final end. The surveys, led by IUCN’s Richard Emslie mounted in the area, 48 field missions during which a distance of about 2 500 kilometers, working block after block to trace the black rhinos in their habitat were carried out. According to Emslie, “there was nothing to indicate a continued presence of rhino in the area”.

History

During the last 150 years, numbers of rhino are reported to have plummeted or declined in all regions of Africa. The rhino population in Africa is projected to have stood at 100 000 in 1900 and fell to as low as 2 400 by 1995. IUCN sources hold that, “Now the West African black rhino has apparently vanished entirely”.

Contemplation by conservation experts to introduce other rhino subspecies in West



Has the African black rhino gone extinct?

Africa gives reason to believe that the black rhinos which were the dominant subspecies in the area have gone extinct. “It appears that one of Africa’s great wildlife icons has now lost a valuable branch of its family” IUCN’s, Emslie affirms.

Tentative Declaration of Extinction

While awaiting an official statement by the government of Cameroon on the situation of the black rhino, the international community has expressed impatience by making a

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tentative declaration on the possible extinction of the animal. “This subspecies has been tentatively declared as extinct”, states IUCN’s Martin Brooks. The black rhino is listed as critically endangered under the IUCN Red List of Threatened Species. The same fate that has befallen the black rhino seems to be after the white rhino subspecies. It is reported that earlier this year, illegal hunters shot the last two white rhinos in Zambia, killing one and wounding the other.

The Search Continues to Trace the Last Rhinos

The West African black rhino has been the subject of a convention signed between the government of Cameroon and several research partners. The first partner worked for a period

of time and declared they never found any of this species and that formed the basis to state that the species had got extinct. “It is from this very source that the information is published in the International milieu, up to the level where it has been talked about within the circles of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) that the species is extinct in Cameroon and probably in other countries”, states François Abessolo, former Sub Director of Valorization and Wildlife Exploitation in the Ministry of Forestry and Wildlife (MINFOF). Abessolo says, “at the national level, the structure in question did not follow the necessary scientific procedure to

search for this species and MINFOF has contracted the services of a new association called Kiliforie, which started its search in 2007, and the Ministry has given it all the necessary authorization and papers with which they started work in the months of June to July 2007”.

Credible information on extinction awaited

The new contract with Kiliforie seems to give hope for the non-extinction of the black rhino.

“We think that with the professionalism of this new association, we will get credible information”, maintains Abessolo, adding, “MINFOF we will have a definite position only at the end of the on-going search”. In other words, the search for this species is still on-going

in the North of Cameroon.

Main cause of Extinction

Attempts by IUCN in the 70s to protect the black rhino failed and the numbers continued to decline.

As elephants are being illegally killed for ivory, the black rhino has been seemingly hunted to extinction by the value placed on their horns for international illicit trade.

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AFRICAN LIONS FACE EXTINCTION

By *Vincent Gudmia Mfonfu

“In many parts of Africa, lions may soon become extinct”: World Conservation Union (IUCN)

“The lion is a symbol of Cameroon’s prowess and it’s almost like a national symbol for us”: Forestry and Wildlife Minister, His Excellency, Elvis Ngolle Ngolle

Woodroffe and Frank in 2005 stated that, “the African lion (*Panthera leo*) is disappearing with a population suspected to have declined by 30-50% over the past two decades”. They hold that, West African lion population are particularly vulnerable and due to small population sizes have recently been reclassified from vulnerable to endangered in the World Conservation Union (IUCN) Red List of Threatened Species. In Africa, Lawrence Frank of the University of California quotes, “Only 23 000 lions are left compared to an estimated 200 000 in the early 1980s”.

Quoting IUCN sources, Joanna Marchant of the New Scientist Journal states that, “In many parts of Africa, lions may soon become extinct”. Studies have shown that there is not a single population of lions in West and Central Africa that is large enough to be viable. States Marchant, “little is known about the numbers of lion in countries such as Cameroon, Mali and Senegal”. That is why in June 2001, Hans Bauer of Leiden University in the Netherlands assisted in organizing a Conference in Douala of IUCN members working with lions in Cameroon aimed at gathering information about how many there are. This, because there have been virtually no long-term studies in this region. “The figures are estimates based on being in the field from time to time”, remarks Bauer.

Breeding Problem

For a population of lions to have enough genetic diversity to sustain itself without inbreeding, biologists estimate that it must contain about 100 breeding pairs, which means between 500 and 1000 animals in total.

But none of the populations in the region has anywhere near this number of animals. The two largest population in the Benoue National Park in Cameroon and on the Senegal – Mali - Guinea border, have around 200 lions each only. This situation is a source of worry to some conservation experts; “It’s a serious situation... There’s not one population that we can be sure will continue to be there”, observes Bauer. And to Will Travers of Born Free Foundation, “It might seem like there are a lot of lions, but they have become a

completely fragmented population”.

Part of the problem is that lions are not generally thought as being at risk. “Nothing is being done in West and Central Africa... There is no research and no specific conservation”, says Hans Bauer. On his part, Frank states, “people know about elephants, gorillas and rhinos, but they seem blissfully unaware that these large carnivores are nearing the brink of extinction”.

Lions used to roam freely around much of the world. But Helen Sewell of BBC reports that, “lions died out in Europe about 2 000 years ago and disappeared from northern Africa and most of South-Western Asia 150 years ago”. The report further points out that the largest populations in West and Central Africa have around 200 with most countries having only about 50.

The lions population of Cameroon, according to the former Sub Director in charge of Wildlife Exploitation in the Ministry of Forestry and Wildlife, Mr Abessolo François, stands at the moment at about 300 to 500 and that, unlike other parts of Africa, where the presence of lions is periodical, the lion population in Cameroon is permanently present.

Lions need very large areas to hunt, between 20 and 200 square kilometers for a single male, so even a National Park of several hundred square kilometers cannot support a large population.

That said, Travers is optimistic about lion conservation. He states, “We shouldn’t allow this depressing news to be a signal that is all over for lions of these countries”. On his part, Cameroon’s Minister of Forestry and Wildlife Elvis Ngolle Ngolle says, “The lion is a symbol of Cameroon’s prowess and its almost like a national symbol for us”. In the same school of thought Travers intimates, “The lion is the symbol of Africa, If these countries can no longer say we’ve got lions, that will be a significant disincentive for wildlife tourists”.

The trouble for the lions could serve as a warning that the ecosystem as a whole is under threat. Bauer sees the lion as a keystone species, and says, “It’s a signal – the fact that lions are threatened now could mean that other species might be threatened in 20 to 30 years time”. The impact of international trade in lions and lion parts (trophies) as IUCN sources in 2005 pointed out, “is a potential threat that has so far received little investigation”.

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Fighting lion trafficking against its extinction

In June efforts, mainly sponsored by the Born Free Foundation, concerning illegal trade in lions were concretised in an important operation discovering illegal trade in lion products under the cover of the legal trade of a safari company. A long-time worker in Hunting Safari companies was arrested undertaking trade in lion parts in Garoua, North Province.

The dealer was noted to have been using the legal activities of these companies to cover illegal trade in products of protected wildlife species, notably lions and leopards. This was the second arrest in the North Province involving lion trade, and it came a few months after Cameroon hosted an international conference on African lion conservation strategy initiated by the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in response to the declining population of the world’s lions.

Lion conservation is thus undergoing a political process in reaction to concerns about serious threats to the species. During the lion conservation conference held in Douala, Cameroon identified trade in lion skins as a major cause of the declining of lion population in Central and West Africa, and strongly insisted on the effective enforcement of the existing wildlife laws as the only solution to the crisis.

In July 2006, the efforts resulted in the first prosecution of a lion parts trader (1 year imprisonment). This carries some political importance recognizing that international illegal trade in lion trophies is indeed active.

In November 2006, the fight against illegal international trade in lions continued with 2 lion skins operations in the Far North, in which 4 dealers were arrested. This also provided evidence of cross border trafficking involving Nigeria and Chad. This was the first time The Last Great Ape Organisation (LAGA) extended its operations to the Far North, an important trafficking junction to Nigeria, as it is a remote and isolated province.

Samples have been sent for DNA analysis to try to shed light on possible international illegal trade in lion products.

Source: LAGA Annual Report 2006

Threat Status Classification

The Red List of Threatened Species of the World Conservation Union (IUCN) is a guide to determining which wildlife species are in most urgent need of conservation action. Recent or expected population losses are an important criterion for the Red List. If a species’ population has declined by 80 percent or more over a period of ten years for three generations or is expected to, then it is classified as *critically endangered*, if by 50 – 80 percent, it is classified as *endangered*.

All the great ape species are in the endangered and critically endangered categories of the Red List.

Source: World Atlas of Great Apes and their Conservation.