TRAFFIC

TERMS OF REFERENCE

TITLE: CONSULTANT: CASE STUDY RESEARCH TO ANALYSE WILDLIFE COURT CASES BETWEEN 1 JANUARY 2017 AND 31 JULY 2022 IN CAMEROON

LOCATION: YAOUNDÉ - CAMEROON

ANTICIPATED ENGAGEMENT: 30 WORKING DAYS BEGINNING 1 AUGUST 2022

REPORTS TO: SLECC PROJECT MANAGER IN CAMEROON

BACKGROUND

TRAFFIC, the wildlife trade specialist, works to ensure that trade in wild animals and plants is not a threat to the conservation of nature. It actively monitors and investigates the wildlife trade and provides information to diverse audiences worldwide as a basis for effective conservation policies and programmes. TRAFFIC is an international network organised into regional hubs and thematic approaches.

One of these regional hubs is TRAFFIC Central Africa Programme Office (CAF), which has different programmes and projects, including the Strengthening Law Enforcement Capacity and Collaboration to Combat the Illegal Wildlife Trade in Cameroon (SLECC) Project. Funded by the United States Department of State Bureau of International Narcotics and Law Enforcement Affairs (INL), the SLECC project seeks to support Cameroon’s efforts to reduce the ability of criminal groups to carry out and profit from poaching and trafficking of protected animals and their body parts originating from or transiting Africa. One of the major areas of intervention of the project is to support the monitoring and analysis of wildlife cases in courts for enhanced prosecutorial and judicial actions.

With a total area of 475,442 km², Cameroon has a diverse mosaic of habitats, ecosystems and climate, including forests, mangroves, savannahs and even deserts. This has resulted in a high concentration and variety of species, many of which are endemic. With well over 9,000 plant species, 910 bird species, 409 mammal species, 250 reptile species, and 200 amphibian species¹. Cameroon ranks fifth in Africa in biodiversity richness but is witnessing species decline due to drivers such as loss of habitat, poaching and illegal wildlife trade (IWT).

The impact of the IWT, especially on endangered and protected species, cannot be overemphasized. The most well-known example is the devastating decline of Forest Elephants *Loxodonta africana cyclotis* in the Congo Basin, with research indicating a 62% loss over the period 2002–2011². Many other species are facing a rapid decline in their population.

In 2021, the International Union for Conservation of Nature (IUCN) Red List assessment changed the listing of the African elephants from ‘Vulnerable’ to Endangered and Critically Endangered, respectively (IUCN 2021). This is reflected in Cameroon’s Ministerial order N° 0053/MINFOF of 1 April 2020, which places the Forest and Savannah Elephant as Class A protected species, corresponding to Appendix 1 of CITES designation.

IWT has truly become a global industry. A report published by the non-governmental organization (NGO) International Fund for Animal Welfare (IFAW) in 2013 estimated that this activity was worth at least US$19 billion per year. The report ranks the illegal wildlife trade, including timber and fisheries, as the fourth largest illicit global activity after narcotics, counterfeiting, and human trafficking and ahead of oil, art, gold, human organs, arms, and diamonds.³

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In her efforts to combat IWT and related crimes, Cameroon has signed and is Party to international conventions, one of such is the CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora). CITES is an international agreement between governments which aims to ensure that international trade in specimens of wild animals and plants does not threaten their survival. Cameroon is also a member of COMIFAC (Commission of Central African Forests), which aims to strengthen the actions taken by the member states and other development actors. At the national level, the main piece of legislation governing wildlife is Law N° 94/01 of the 20 January 1994 to lay down Forestry, Wildlife and Fisheries regulations and its subsequent act, which is Order N° 0648/MINFOF of 18 December 2006 to set the list of animals of classes A, B and C, according to the degree of protection, reviewed through Ministerial order N° 0053/MINFOF of 1 April 2020.

Law enforcement efforts and increasing interventions from the authorities have been highlighted as having a detrimental impact on the ivory business and other IWT activities. Enforcement actions are being carried out by state agencies and in collaboration with partners, as viewed in the number of seizures. An analysis of seizures on TRAFFIC's database - Wildlife Trade Information System (WiTIS), between 2009 and 2019, ranks Cameroon seventh out of 29 countries in Africa that are involved either as origin or transit locations.

Seizure efforts need to result in deterrent court decisions. SLECC project objective 3 aims to enhance prosecutorial and judicial capacity to prosecute traffickers. Activity 3.5 under this objective focuses on live court monitoring in some courts selected for locations within known hotspots for wildlife crime and transit. This mechanism to monitor wildlife cases before and during court procedures contributes to assessing the effectiveness of prosecutorial and adjudication procedures and creates a window of transparency, allowing the verification of appropriate sentencing, and drawing attention to issues of corruption and prosecution outcomes.

The consultancy in question will augment this work by including back research into historical (closed) court cases dating from January 2017 to July 2022. This will build from another study undertaken by CAF in 2017 and financed by the USFWS. Covering the period from 2010 to 2016, it is titled “Evaluating Governments’ Efforts to Combat Illegal Wildlife Trade in Central Africa: Case of Cameroon, Congo, the Democratic Republic of the Congo and Gabon (unpublished report)”. The overall objective of this study was to evaluate government actions and efforts to fight the illegal wildlife trade in Cameroon with a focus on major axes, including policy, legislation, enforcement actions, communication, corruption and governance issues.

The key indicators used were the number of arrests resulting in wildlife cases in courts; at the same time, the legal frameworks were examined and analysed. More information was gathered on the obstacles to effective wildlife law enforcement and recommendations for better results.

It is intended that the present study will contribute to identifying weaknesses and loopholes in the legal framework and judicial process surrounding wildlife crime; and create a window of transparency, drawing attention to corruption or conflict of interest resulting in deterrent outcomes in the fight against wildlife criminal activity.

**OBJECTIVE**

Conduct case study research to improve the information, analytics and understanding of wildlife cases in courts in Cameroon, including identification of weaknesses and loopholes in the legal framework and judicial process surrounding wildlife crime for effective and deterrent court decisions. This is to secure a change in managing wildlife cases by the actors in the Ministry of Forestry and Wildlife (MINFOF) and the Ministry of Justice (MINJUSTICE), leading to an increase in the number of concluded cases, successful prosecutions and appropriate sentencing to deter wildlife crime.

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6TRAFFIC, WiTIS 2019
The consultant is required to develop a comprehensive analytical report on Cameroon’s wildlife cases from 1 January 2017 to 31 July 2022. As part of this assignment, the consultant will:

I. Undertake a comprehensive desk-based research study, and review existing materials on wildlife court cases in Cameroon in line with the 2017 study.

II. Review and incorporate findings, analysis and recommendations from the ongoing SLECC live court case work.

III. Prepare a comprehensive report on findings, activities and recommendations from the above, which will be annexed data sheets of successful investigations and prosecutions of wildlife offences from 2017.

IV. Present the findings during any event dedicated to wildlife LE process, focusing on court procedures and decisions as required by TRAFFIC.

TRAFFIC will supervise the work and review draft reports and any other accompanying documents. TRAFFIC will also support the execution of certain aspects of this work as and when appropriate.

METHODOLOGY

The methodology to be used consists of the following:

▪ Attend a briefing meeting with TRAFFIC on the consultancy’s content, procedure, activities and timeline.

▪ Complete a desk study to review the existing TRAFFIC (global) materials on wildlife cases in courts and other tools developed by CITES, WWF, UNODC and other partners.

▪ Consult with TRAFFIC staff members who were part of the 2017 study and any other specialists on monitoring wildlife cases in courts.

▪ For complementary information, organise one interview of approximately one hour (physical or virtual) with the main stakeholder: Ministry of Justice, MINOF, Police, Gendarmerie and Customs (investigatory departments), WWF and LAGA of the EAGLE Network.

▪ Prepare a draft report for internal review by TRAFFIC and complete changes/edits as requested.

▪ Prepare a PowerPoint presentation and present the final “Analysis of Wildlife Cases in Cameroon from January 2017 – July 2022” to TRAFFIC staff and key Government partners with a law enforcement investigation function (one meeting to be held at the end of consultancy).

The consultant may propose additional methodological components to be agreed upon and approved by CAF. However, physical meetings may be restricted due to potential restrictions linked to the COVID-19 pandemic.

It is anticipated that any face-to-face interviews or live court case monitoring will be conducted in Yaounde or any other city, depending on the profile of the stakeholder.

OUTPUTS

1) End of consultancy report (in English) with a summary of activities and work carried out.

2) Analysis of Wildlife Cases in Cameroon from January 2017 – July 2022 (in English) structured as follows:

   a. Executive Summary: This should briefly highlight the major findings and recommendations of the study, provided in both French and English.

   b. Introduction: A brief introduction of the subject matter with international, regional and national connotations; policy and regulatory mechanisms in force.

   c. Methodology: A brief description of the literature and studies reviewed and the methods used during the study.

   d. Results: A detailed analysis of findings on wildlife cases in Cameroon, including a comparative analysis of successful prosecutions of wildlife offenders, number of arrests and percentage resulting in court cases, seizures and types of products and species, other connex offences such as detention and circulation of arms and
ammunition, illicit financial flow; IWT hotspots; profile of suspects and role in the IWT chain; corruption and other unprocedural practices; and court decisions.

e. Recommendations and conclusions.
f. References: Cite references used in the report. Follow the citation guidelines in the TRAFFIC Style manual (to be provided).
g. Acknowledgements: List all who assisted with the study, its review and the inventory.

Using graphics such as photos, maps, charts etc., is recommended to make the document as visually interesting as possible.

The TRAFFIC style manual (to be provided) should be followed as much as possible when writing the end-of-contract deliverable (Manual). In case of any questions or issues concerning presentation and style, the Project Manager should be contacted.

TRAFFIC will supervise the work and review draft reports and any other accompanying documents. TRAFFIC may also support the execution of certain aspects of this study as and when appropriate.

QUALIFICATIONS AND REQUIRED PROFILE

The consultant required for this work should have the following qualifications:

- At least a Master's Degree in law, criminology, wildlife conservation or professional qualifications in related areas such as anti-corruption.
- Proven work experience in wildlife case monitoring, data collection and analysis
- Exposure to programmes combating wildlife and related crime would be an asset.
- Have a good knowledge of CITES, regional and national policy and legislative frameworks in Cameroon and other Central African countries, and relevant institutions responsible for implementing and enforcing the same.
- Good command of computers, excellent writing skills and a good capacity for synthesis and presentation of results useable by practitioners and policymakers.
- Fluency in French and English.

TIMELINE

The Consultancy will be carried out for 30 working days. Schedule as follows:

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<thead>
<tr>
<th>Dates</th>
<th>Description</th>
<th>Number of workdays</th>
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<tbody>
<tr>
<td>01 – 25 August</td>
<td>Desk study, meetings and interviews with stakeholders</td>
<td>19</td>
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<tr>
<td>26 August – 01 September</td>
<td>Preparation of draft report</td>
<td>5</td>
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<td>02 September – 06 October</td>
<td>Internal review of draft report by TRAFFIC</td>
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<td>07 October</td>
<td>Feedback meeting &amp; questions</td>
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<td>10 – 14 October</td>
<td>Finalise report &amp; preparation of presentation</td>
<td>4</td>
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<td>17 October</td>
<td>Presentation to TRAFFIC staff and key LE partners (including donor INL if available)</td>
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BUDGET

The total budget to cover this consultancy fee (including travel, communication costs, research, preparation and finalisation of the report) is up to and not exceeding USD6,000.

The payment shall be made in the following percentage instalments:
- 30% upon signature of the contract.
- 40% upon submission of the draft report.
- 20% upon submission and acceptance of the final report by TRAFFIC.
- 10% upon completion of the presentation of findings.
EXPRESSION OF INTEREST

All candidates interested in conducting this consultancy should submit, no later than 22 July 2022, a detailed technical proposal including:

- A curriculum vitae detailing their experience in relation to the topic of the consultancy;
- A technical offer including a description of the approach, comments on the Terms of Reference, including a proposed chronogram of activities;
- A detailed budget proposal which takes into account the financial conditions specified in this ToR and sets the honorarium (daily rate) as well as any other costs.

Please send your Technical and Financial Proposal to

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