



global witness

Making the Forest Sector Transparent

Annual Transparency Report

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Making the Forest Sector Transparent

Making the Forest Sector Transparent is a four-year programme supporting civil society groups in forest-rich countries to advocate for greater transparency and good governance. An important part of the programme is the production of annual report cards by independent NGO partners to monitor the forest sector in their countries. The number of NGO partners has increased year-on-year, starting in Cameroon, Ghana, Liberia and Peru in 2009, to including Ecuador in 2010 and Guatemala and the Democratic Republic of Congo (DRC) in 2011.






The 2011 Report Card consists of 20 key indicators on important provisions of the legal and regulatory framework that applies to the forest sector governance. The partners collected data between July 2011 and August 2011. Each indicator includes an 'objective' assessment of whether clear provisions exist and information on them is publicly available, resulting in a 'yes', 'partial', or 'no' overall. This is combined with a more 'subjective' assessment of whether there is evidence of change in the last year (where a report card was produced in 2010) and analysis of whether the provision enables transparent access to information and/or decision-making. Data collection was largely carried out through office-based research, for example by searching the websites of government institutions and other official sources of information, supplemented where appropriate by contacting key informants and requesting specific information. The data presented on each indicator is organised as shown in the Table below.

Indicator assessment

Does it exist?	Is it available?	Indicator	
Yes – specific provision in current laws and norms that have been passed by state and applies to the forest sector	Yes – available to public from official sources (websites, publications, media)	Yes	
	Partial – some information provided but not complete (e.g. only parts of manuals)	Partial	
	No – although evidence that exists, it is not available (includes when only unofficial sources)	No	
Partial – process underway to develop it, but not yet established in law; or limited provision or relevance to forest sector	Partial – some information provided but not complete (e.g. only parts of manuals)	Yes	
	Partial – some information provided but not complete (e.g. only parts of manuals)	Partial	
	No – although evidence that exists, it is not available (includes when only unofficial sources)	No	
No – no current provision or plans to establish (even though needed)		No	
Not applicable - not relevant to the country-specific context		N/A	

Specific questions guided the determination of the existence and availability of the provisions for each indicator. In order to receive a 'yes', the provision needed to both exist in the legal and regulatory framework and information needs to be publicly available on it, whereas a 'partial' or 'no' indicator reflected that either one or the other criteria (or both) was partially or not met.


The change in the last year was assessed against the following scale:

-  Significantly Improved - major development such as new law or information system
-  Improved - steps forward such as initiatives with potential to improve transparency
-  No Change - no evidence of major change in the conditions for transparency
-  Worsened - steps backward such as activities taking place without transparent processes
-  Significantly Worsened - major deterioration such as termination of laws or systems

Specific information was provided on the full titles of the applicable laws or other norms, the names of the authorities or institutions responsible for them, the dates when they were passed, and the website or other official sources where they can be accessed.

For further information please go to www.foresttransparency.info.

Freedom of Information Legislation

 Is there Freedom of Information legislation in the public domain?

There is no specific law on the freedom of information that obliges public bodies to disseminate information or reply to requests for information. Some civil society initiatives have pressed the government to legislate on this issue, but very little progress was made in 2012.

The Constitution of Cameroon and specific laws for some sectors, such as the framework law on the environment, include provisions on the right to information, although a study carried out in 2010 by the Citizens Governance Initiative (Initiatives de Gouvernance Citoyenne) revealed that these provisions are not fulfilled in practice and many civil servants and the public are not well informed (1). A culture of secrecy and confidentiality at the level of State structures has prevented the dissemination of public information. However, there has been some improvement following the opening by the government of community telecommunication centres in some rural areas, although access to information is still restricted for many citizens, and certain telecom centres recently set up are not functional yet.

Regarding the forestry sector, the Voluntary Partnership Agreement between Cameroon and the European Union ratified in 2011 includes an Appendix specifying the information that should be published, together with the channels and methods to be used for dissemination. It also requires the authorities to make all the information available in the event of a request by another stakeholder. This provides a sector specific framework to improve transparency and the access to public information, but the agreement still has to be effectively implemented.

(1) Initiatives of Governance Citoyenne (2010) Right of access to information and administrative transparency in Cameroon: Scope and limits of the legislative and institutional framework. Yaoundé: Cameroon. Available at http://www.citizens-governance.org/IMG/pdf/Droit_acces_info_transparence_administrative_CMCR.pdf

Title:

- a. Constitution of 18 January 1996
- b. Law no. 90/062 of 19 December 1990 on communication to society in Cameroon (article 49(1))
- c. Law of 05 August 1996 on a framework law related to environmental management (art. 17, 72, 74)
- d. Voluntary Partnership Agreement (VPA) between the European Union and the Republic of Cameroon on forest law enforcement, governance and commercial exchanges of timber and by-products with the European Union (FLEGT)


Organisation:

- a. Ministry of the Environment, Protection of Nature and Sustainable Development
- b. Ministry of Communication,
- c. Ministry of the Environment, Protection of Nature and Sustainable Development
- d. European Union, 10 October 2010 (signature) and July 2011 (ratification by Cameroon)

Source:

- a. <http://www.minep.gov.cm/index.php/fr/textes-juridiques>
- b. <http://zone843.files.wordpress.com/2008/04/la-loi-de-1990-sur-la-communication-sociale-au-Cameroon.doc>
- c. http://www.cndhl.cm/index.php?option=com_remository&Itemid=89&func=finishdown&id=226&lang=fr
- d. <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:092:0004:0125:FR:PDF>

National Forest Policy

 Is there a current national forest policy in the public domain?

The current forest policy was issued in 1993 and reviewed in 1995 following the adoption of the Forest Law in 1994, but it has not been updated since then. In recent years, Cameroon has made some efforts to guarantee sustainable use of its forests in order to preserve its biodiversity and ensure that the forest heritage is protected. These efforts may be in vain if the country's forest policy is not reviewed. Parts of the permanent forest domain on land assigned to forestry activities and conservation has been affected by overlaps between logging, mining and agro-industrial permits. It is also essential to review the forest policy in collaboration with all stakeholders to reflect emerging initiatives such as the Voluntary Partnership Agreement, the REDD+ initiative and large infrastructure projects.

At the time of this assessment, the forest policy was being reviewed under the terms of reference of a consultant charged with re-reading the forest law. Among other things, the consultant has been mandated to:

- analyse the implementation of the forest policy and present the report to the Monitoring and Technical Review Commission responsible for the review of the law;
- review and amend the forest policy

According to the terms of reference, an initial report was due to be presented to a task force by the end of 2012, before being presented for review and amendment by the different stakeholders in each of the three regional forums. The amended and consolidated report will later be validated in a workshop that includes all the stakeholders in the forest sector.

Title: Forest Policy of Cameroon

Organisation: MINFOF

Date: June 1993, reviewed in June 1995

Source: <http://data.Cameroon-foret.com/bibliotheque/9615>



Codified Forest Law and Supporting Norms



Is there a codified forest law with supporting norms to fully implement it?

The reform of the legal framework for the forest sector was one of the commitments made by Cameroon on signing the Voluntary Partnership Agreement (VPA). The forest law and associated norms are being reviewed to fulfil this commitment. To this end, thematic group leaders have been appointed to make proposals on the specific issues for review. At the time of this assessment, most of these groups had already presented their proposals to the MINFOF. The Centre for the Environment and Development (CED), together with its partners from the forest platform, and the European Union, prepared a document with the civil society's inputs to the reform and presented it to MINFOF. In addition to proposing a schema for comprehensive reforms, which is the direction desired by civil society stakeholders, the document also presents – following the framework required by the Ministry – proposals for a 'light' review of the Act, among other things including proposals to improve the rights and interests of local and indigenous communities, improve transparency and governance; and take into account other sectors and recent initiatives such as REDD+. MINFOF presented the first draft Bill in October 2012 for consultation on further amendments. On-line consultation has been set up with a view to increasing the participation of stakeholders.

To further develop the legal framework, draft legislation was prepared by MINFOF prior to the planned joint committee meeting in July 2012. These texts specified certain aspects of the VPA, notably: a Ministerial Order establishing the criteria and the modalities for the issue of legality certificates within the framework of the Forest Law Enforcement Governance and Trade (FLEGT) system; a Ministerial Order establishing the procedure for the issue of FLEGT authorisations under this system; and a Ministerial Order on the implementation of the second version of the information system for the management of forest data (SIGIF 2).

Pending the wider reform process, implementing texts for certain articles of the current forest law in force from 1994 were in the process of being adopted: a Ministerial Order establishing procedures for managing forestry disputes; a Ministerial Order establishing the modalities of levying, settlement, collection, supervision and monitoring of forestry rights, fees and taxes; a Ministerial Order modifying certain provisions of Decree N° 95/531/PM of 23 August 1995 establishing the modalities for applying the forestry regime, completing (in particular) article 79 on the modalities of management of community and communal forests. The adoption of these texts will strengthen the legal framework and by extension the implementation of the VPA.

Title:

- a. Law no. 94/01 of 20 January 1994 on the regime of forests, fauna and fisheries
Below is an incomplete list of this implementing legislation:
- b. Decree n° 95-535-PM of 23 August 1995 establishing the modalities of application of the forestry regime
- c. Decree n° 95-466-PM of 20 July 1995 establishing the modalities of application of the regime governing fauna
- d. Decree n° 96/642/PM of 17 September 1996 establishing the levy and the collection modalities of fees and taxes related to forestry activities.
- e. Decree n° 99/370/PM of 19 March 1999 on the securitisation programme for forestry revenues

Organisation: Ministry of Forestry and Wildlife (MINFOF)

Source: http://www.anafor.cm/Documentation/Recueil_textes/Recueil_of_the_Textes_Forets_Faune_Peche_Environneme_tOKOK.pdf

Signed VPAs and Other Agreements on Forest Products



Has the country signed an international agreement(s) that relates to forest products?

The Voluntary Partnership Agreement (VPA) between Cameroon and the European Union has been ratified by the two parties. The first session of the joint implementation committee of the VPA took place on 6 March 2012 and the second session was held on 17 and 19 July 2012. The key next stages for Cameroon are the updating and the implementation of a priority action plan and the completion of the texts that enforce the Agreement. The first Forest Law Enforcement Governance and Trade (FLEGT) licences are expected to be issued in early 2013. Given the delays in implementation of the VPA, a priority action plan has been adopted by the Cameroonian and European parties as the result of an evaluation mission by the European Forest Institute.

According to the priority action plan, implementation of the VPA has continued in the following:

- traceability system: tests were carried out in the field but concerns remained regarding the adaptation of the systems to problems of difficult internet access;
- review of the law: this was under way, with the first draft Bill prepared by MINFOF for consultation on possible amendments;
- a system auditor, Egis Bdpa, has been recruited with a mandate of two years;
- legality grids: during the joint committee meeting in July 2012 the review process of the legality grids was reoriented towards the addition of non-existent grids, a prerequisite being the development of legislation on the sale of timber and on community and communal forests; changes to the grids will now take place after the adoption of the new Forest Law;
- access to information and the fight against corruption: the Ministry envisaged organising two workshops to bring together all of the stakeholders to determine the best means and channels for the dissemination of public information. Strengthening transparency and access to public information remains a challenge.


Title: Agreement between the European Union and the Republic of Cameroon on forestry law enforcement, governance and commercial exchanges of timber and by-products with the European Union (FLEGT)

Organisation: European Union

Date: 10 October 2010 (signature) and July 2011 (ratification by Cameroon)

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:092:0004:0125:FR:PDF>

Provisions for Transparency in Forest Laws and Norms

 Are there any provisions in forest-specific laws and/or supporting norms that develop the right to access public information on the forest sector?

Although the forest policy from 1993 stipulates in its main guidelines and objectives that: "the allocation of resources is subject to the rules of transparency and competitiveness..." the 1994 Forest Law did not contain provisions related to access to public information. Therefore, there has been no specific requirement on the forest authorities to publish information.

The ratification of the Voluntary Partnership Agreement (VPA) with the European Union is a major step forward because it introduces a new and binding obligation on the authorities in terms of transparency and the publication of information. Appendix VII commits the parties to publish a specific set of documents and data on the forest sector and also make information available in the event of a specific request by any other stakeholder. It also establishes the methods and channels for publishing information, including official reports, multi-stakeholder platforms, websites, meetings, forums and the media. Overall, 75 types of documents and data are listed under 10 categories including information on the legal system, production, allocation, management, processing, exports, legality assurance, audits, financial transactions, and the institutional set-up. An analysis of the gaps in information by CED and Global Witness in 2012 revealed that most of these documents and data were not published on a regular basis (1). Some of the documents on the legal framework and the management of forest concessions were in the public domain, but there were major shortcomings in publication of information on other activities. This indicated that illegal operations can be carried out with a certain degree of impunity, and that State officials can exercise discretionary powers in the dissemination of information. Local populations often have little (or no) access to the Internet, and they have difficulties in obtaining key information on forestry activities in their regions.

Nevertheless, the authorities have made some improvements in recent years, and the implementation of the VPA and the review of the Forest Act will strengthen the collection and dissemination of information. There are, however, a number of challenges to be faced in order to fulfil the commitments stated in Appendix VII. Progress in this area will depend on the implementation of key measures, such as a centralised information management system and a strategy for the publication of information through different channels so that all stakeholders, in particular the communities that depend on the forests for their livelihoods, can access and understand information on the sector.

(1) CED and Global Witness (2012) Cameroon VPA Transparency Gap Assessment 2012. Available at <http://www.transparenceforestiere.info/cms/file/278>


Title: Voluntary Partnership Agreement–FLEGT of 2010.

Organisation: European Union

Date: October 2010

Source: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:092:0004:0125:FR:PDF>

Recognition of Customary Rights in Forest Laws and Norms

 Are customary and traditional rights recognised in codified forest law and supporting norms?

The 1994 Forest Law only grants some usage rights to local communities and stipulates that: "usufruct rights (or customary rights) are those recognised to local populations to exploit all forest, wildlife and fish products, with the exception of protected species, for their personal use. They may be temporarily or permanently suspended when the need arises for reasons of public interest". The terms for exercise of these rights should have been established by decree, but unfortunately it has never been developed. Therefore, there are no coherent standards or procedures to institute customary law in practice. The interpretation of the right to use therefore differs from one forest stakeholder to another, and this often leads to disputes between communities and titleholders of logging activities, because the communities consider themselves the customary owners of the land and its resources.

Given that according to law forest resources and land belong to the State, and it wants to maximise profits and revenues, the State has not risked granting extensive recognition of customary rights in forest sector activities because this could prevent it from achieving its objectives. Nonetheless, within the framework of the review of the forest law, civil society organised around the forest platform and the European Union have made proposals for better recognition and protection of the customary rights of local and indigenous communities (1).


(1) CED (2012) What law for the forest? Proposals by civil society organisations for the reform of the Forest Law in Cameroon. Available at <http://www.transparenceforestiere.info/report-card/updates/600/Cameroon-proposition-de-la-soci-t-civile-sur-la-r-forme-de-la-loi-foresti-re/>

Title: Law no.94/01 of 20 January 1994 on the regime for forests, wildlife and fisheries (Articles 8, 26, 29, 30, 36 and 38)

Organisation: MINFOF

Source: <http://www.riddac.org/document/pdf/cm-loiforet.pdf>

Formal Procedures for Consultation on New Forest Norms

 Is there a legally recognised procedure that specifies the methodology for consultation on the development of new forest-related norms?

There is no legally recognised procedure that specifies the methods of consultation for the development of new norms. A Ministerial decree from 1999 requires that local communities and residents are closely involved in the classification of forests with a view to ensuring that their rights are respected and their interests are safeguarded, but the terms and procedures of consultation have not been defined.

The forest reform process over recent years has supported greater participation by stakeholders. In general, the central government has organised debates on the new norms with key stakeholders such as donors and civil society organisations (CSOs). This initially limited group of partners has grown over time, and now includes other stakeholders, but they have been selected on the basis of criteria that are not always very clear. The current forest policy and law reform seems to have been more open to consultation with civil society, communities, and the CSOs under the "Pygmies" Research Action Network (RACOPY) and the Rights and Resources Initiative (RRI) coalition appointed as thematic leaders by the Ministry of Forestry and Wildlife (MINFOF). For the review of the forest law, MINFOF defined specific areas and charged the thematic leaders with collecting proposals on each of them. Most


of these leaders have organised workshops with stakeholders to collect their proposals before formulating final proposals to MINFOF.

Implementation of the Voluntary Partnership Agreement (VPA) has included the establishment of a consultative structure called the Joint Monitoring Committee, whose role is to facilitate dialogue and the exchange of information between the parties (see Appendix XI of the Agreement). The work of this committee should be transparent and the information and results made available to the public. The Government of Cameroon has set up a National Monitoring Committee consisting of all the stakeholders in the forest sector, which is supposed to be consulted on all issues prior to the Joint Monitoring Committee taking forward implementation of the VPA. The decree creating the National Monitoring Committee was signed by the Prime Minister on 10 September 2012; it sets out that the committee of 14 members includes a civil society representative and an indigenous peoples' representative. Although the decision-making process should preferably be by consensus, there is an option that decisions will be made by a simple majority of the members; this represents a real risk in terms of the effective consultation of civil society and indigenous communities, which, apart from being under-represented, do not have real powers to guarantee that their concerns or points of view will be taken into account. Internal documents seen by civil society also suggest that the multi-stakeholder process that was set up during the negotiation of the VPA has not only stalled but is in danger of not continuing, which is a risk in terms of good governance.

Title: Decision n°135/d/MINEF/cab of 26 November 1999 - establishing the procedures for the classification of forests in the permanent forest areas of the Republic of Cameroon

Organisation: MINEF


Legal Right to Free Prior and Informed Consent

 Is the right to free prior informed consent of indigenous peoples and forest-dependent communities recognised in forest law and supporting norms?

The right to free, prior and informed consent of indigenous populations and communities that depend on the forests for their living is not recognised in the forest law and its associated regulations. There is no law that gives decision-making or veto powers to indigenous communities and populations. According to the present law, the forests belong to the State, and despite some concerted efforts to establish communal and community forests, the notion of ownership of the land and its resources is still strongly entrenched in the administration, and it will be difficult for the right to consent to be recognised and applied in practice.

Mechanisms such as REDD+, amongst others, require free, prior and informed consent of indigenous populations in the consultation process to design policies and regulations, and also in the implementation of projects or initiatives. Nevertheless, these calls have not held much sway with the Government. Reviews of forest and land tenure laws are underway, and could provide an opportunity to recognise the right of the communities to informed consent. Even so, this right would be seen by the State as a major handover of its power over the land and its resources.

National Land Tenure Policy

 Is the national policy on land tenure, including forest tenure, set out in a current document?

There is no national policy on land tenure, just a series of texts for organising land tenure and use. With regard to forests, a zoning or land use plan organises the sector in southern Cameroon.

The zoning plan is a cartographic document that defines on a map the two main categories of forest estate in Cameroon, i.e.:

- The permanent forest estate (or permanent forests), consisting of land assigned to forestry operations or protected as wildlife habitats;
- The non-permanent forest estate (or non-permanent forests), consisting of forest land that could be subject to other uses.

It should be noted that this zoning plan only covers the forested areas. Forest classification therefore assigns an area of forest to a clear purpose, and it cannot be changed thereafter unless the forest is later declassified. The classification document gives rise to a land title on the forest in question in the name of the State or a given commune (communal forest).

The current zoning plan is fairly inaccurate and has been criticised because it is based solely on old aerial and satellite photographs, which do not always take account of human settlements, agro-forestry and grazing within the forests; furthermore, it is not based on consultation or participation with stakeholders, especially local communities. Areas of human settlement have been discovered later in forest areas. This plan was prepared one year after the enactment of the 1994 law and it needs to be updated.

Legal texts on land tenure in Cameroon explicitly refer to the issue of customary interests but these references are subject to strict limitations and as a consequence they do not secure the land rights of local and indigenous populations. Based on the forest domain approach referred to above, the forest sector could support local and indigenous communities to identify all the forested area around them, and then adopt a simple zoning plan by indicating the zones for agro-forestry expansion where they can exercise their customary rights and define the basic rules for regulating each of these zones.

Title:


- a. Decree no. 95/678 of 18 December 1995 setting up an indicative framework for land use in southern forest areas
- b. Decision no. 135/D/MINEF/CAB of 26 November 1999 establishing the procedures for the classification of the forests in the permanent forest areas of the Republic of Cameroon
- c. Order no 74-1 of 6 July 1974 establishing the land tenure regime
- d. Order no 74-2 of 6 July 1974 establishing the domanial regime

Organisation:

- a. Prime Minister
- b. MINFOF
- c. Presidency of the Republic
- d. Presidency of the Republic

Date: http://www.anafor.cm/Documentation/Recueil_textes/Recueil_des_Textes_Forets_Faune_Peche_Environneme_tOKOK.pdf

Consultation before Commercial Logging Allocation

 Is there a legal requirement for stakeholder consultation to take place prior to the allocation of commercial forestry operations?


To date, no measures have been taken to improve consultation with stakeholders prior to any allocation of titles. The lack of any obligation to consult on the allocation and use of natural resources can lead to conflicts on the ground when the concessionaire arrives to start its activity. It can also lead to overlaps in the use of the allocated area.

Prior to the granting of a permit there is no consultation with stakeholders. The procedure for allocating concessions is controlled by the Ministry of Forests and Wildlife (MINFOF), with an Independent Observer (IO) for the allocation of forest concessions. The IO does not represent the stakeholders and its report must be validated by MINFOF. Moreover, procedures for transparent verification of smaller titles are still not applied to small titles. However, a consultation process is envisaged with the framework of classification of the forests.

Consultation with stakeholders before any commercial forest permits are issued would guarantee the transparency and the reliability of the process. The omission of this principle is an obstacle to efforts made by the Government to improve governance so far. The new Forest Law should therefore establish the legal basis for systematic consultation with stakeholders before any permits are issued. Within the framework of the review process on the Forest Act, civil society organisations (CSOs) that make up the forest platform, and the European Union, have drawn up a proposal on the involvement of stakeholders (communities and CSOs in particular) in the permit issuing process (1). It is hoped that the Forest Law currently under review will include specific provisions.

(1) CED (2012). What law for the forest? Proposals by CSOs for the reform of the Forest Act in Cameroon. Available at <http://www.transparenceforestiere.info/report-card/updates/600/cameroun-proposition-de-la-soci-t-civile-sur-la-r-forme-de-la-loi-foresti-re/>

Regulation of Environmental Services


 Are there national laws and other norms that regulate the use of key environmental services of forests?

There is no national law or regulations that govern the use of environmental services. The objectives of the reform process also do not explicitly refer to the adaptation of the forest sector management to new initiatives such as REDD+ and Payment for Environmental Services (PES), but civil society organisation have formulated proposals to take them into account as part of the forest law review. Mechanisms of PES would help to achieve the following objectives:

- contribute to better quality management of forest areas and resources ;
- help the administration to manage forests in a sustainable manner;
- generate extra income for local populations.

For example, PES pilot projects involving communities are currently under way in Cameroon in the community forests of Nomedjoh and Nkolenyeng in the east and south of the country respectively. These pilot projects are run by CED with technical support from Bioclimate Research and Climate Development and financial support from the UK Department For International Development with the direct involvement of local and indigenous communities in their community forests where they enjoy resource use rights.

Strategic Environmental Assessment

 Is there a formal strategic environmental assessment and planning process to determine the priorities for land use between forests, mining, large-scale agriculture, infrastructure development and other demands?

Environmental impact studies on specific projects are currently practiced in Cameroon; nevertheless they have their limits in terms of the evaluation of cumulative impacts. Cameroon does not have a specific law or regulation on strategic environmental evaluation. The framework law from 1996 on environmental management, like the forest law from 1994, does not deal with questions related to strategic environmental evaluation.

Exploitation of forests for logging, mining, large-scale agriculture or infrastructure projects is carried out without agreement between the different administrations that have responsibilities for the management of natural resources (Forests and Wildlife, Agriculture, Environment and Sustainable Development, Land and Property), and without cumulative impact studies. This means that the forests and the communities that live in them are under considerable threat. It is important to draw the government's attention to the need to implement the study of cumulative impacts in areas where several projects are either being carried out or are about to be granted.

Coordinated planning of land use and resources exploitation, taking into account potential environmental losses, is essential in order to avoid disputes related to land use. These disputes are increasing in Cameroon and are often

the result of overlaps between different permits. For example, there are 30 mining prospecting permits affecting 12 protected areas, and 33 oil and mining prospecting permits have been granted within 16 different protected areas in Cameroon (1).

One of the responses of the Cameroon government to the problems of overlapping and inharmonious management of land and resources was the enactment of Law no. 2011/008 of 06 May 2011 providing guidance on sustainable planning and management of the territory in Cameroon. Nevertheless, the challenge is the effective application of this law in practice so that there is respect for the land rights of traditional communities and the conservation of the environment.

(1) WWF, CED & RELUFA, 2012. Emerging trends in conflicts linked to the use of land in Cameroon. Available at http://www.rightsandresources.org/documents/files/doc_5268.pdf

Forest Ownership and Resource Use Maps



Are there publicly available official maps showing current types of forest ownership and forest resource use?

Since 2002, the World Resources Institute (WRI) and the Ministry of Forestry and Wildlife (MINFOF) have been working together to improve the country's capacity for monitoring and forestry management through the use of remote sensing data and modern information management techniques. The data used to prepare the maps are jointly put together by a team consisting of personnel of MINFOF, WRI and other partners under the Technical Centre of Communal Forests and GIZ-proPSFE. This information is compiled in the Interactive Forest Atlas of Cameroon, which provides a comprehensive database containing information on forestry operations and associated activities throughout the country.

The existing maps cover: Forest Management Units, with the current status of their management plans; Sales of Standing Timber, both active and inactive; communal forests established and/or in the course of classification; protected areas (classified and proposed for classification); forest reserves; community forests; agro-industrial zones. These maps also cover mining permits, protected areas and hunting reserves in separate boxes. Nevertheless, small permits under Timber Salvage Permits and Timber Removal Authorisations remain excluded from the mapping system, which prevents monitoring of exploitation of these titles on the ground.

The maps are often distributed on request among local NGOs and local communities, or can be downloaded from the WRI website. The publication of the maps locating valid logging titles is also one of the requirements stated in Appendix VII of the VPA on public information. It is hoped that small titles will be mapped as part of implementation of this requirement.

Title: Interactive Forest Atlas of Cameroon version 3.0 (summary document)

Organisation: World Resources Institute (WRI) & MINFOF

Date: 2012

Source: http://pdf.wri.org/cameroon_forest_atlas_v3_francais.pdf

Legal Documents for Commercial Logging Operations



Are legal documents for commercial logging operations regularly published?

The types of commercial forest operations that are subject to agreement with the State are forest concessions and logging sales. The operating agreements contain a detailed description of the technical requirements. Regarding social obligations, these are set out by the operator in the specifications signed with the State and negotiated with local residents during an information meeting. The agreements from this meeting are attached as an integral part of the operator's specifications.

In general, there are two main categories of title in Cameroon: those that are systematically allocated by tender (forest concessions and sales of standing timber), and those that can be granted by auction or by mutual agreement (logging permits and other permits for the exploitation of special forest products, personal logging permits, permits for the recovery and withdrawal of timber). In effect, logging permits for timber and certain special forest products in a list drawn up by the administration are agreed after the advice of a competent committee, whereas the permits for the exploitation of other special forest products, firewood and poles, and personal logging permits are allocated by mutual agreement. Timber Removal Authorisations linked to development projects (road building, plantations, etc.) are allocated through a tender procedure on the basis of inventory results, and are issued by the Ministry of Forests and Wildlife (MINFOF) following consultation with an inter-ministerial committee. Timber Salvage Permits are allocated by MINFOF in a process whereby the regional delegate requests permission from the Ministry to auction off abandoned wood.

In the the first category of titles systematically allocated by tender, the process is subject to the rules of transparency: the zones for logging operations are marked out, a tender is called, the technical and financial offers are studied and the forests are allocated to the highest bidder. Moreover, the Independent Observer attached to the inter-ministerial commission monitors the allocation process, although the contracts, agreements and permits are not systematically made available, not even by this observer.

As for the second category of permits, the allocations of Timber Removal Authorisations and Timber Salvage Permits sometimes contravene legal provisions and regulations. Indeed, they are not clearly identified (there are no existing maps) and they are strongly linked to illegal operations in Cameroon. Several calls have been made by the CED to annul them.

Following denunciations by civil society stakeholders and checks by the Independent Observer and the Control Brigade, the MINFOF eliminated around 72 operators and suspended 10 forestry officials in 2011. Furthermore, through a letter addressed to the Prime Minister in August 2011, it has taken a number of decisions, among them stronger supervision and seizures / sanctions, and systematically subjecting the Timber Removal Authorisations to a tender procedure under the auspices of an inter-ministerial committee. Following pressure to bring these permits in line with the requirements of the VPA, since taking office following his appointment in December 2011 the new Minister for Forests has decided not to renew any small title until a process of stabilisation and consolidation has been completed, together with the regulation of the sector that includes - among other things - a coherent, comprehensive and rigorous framework that can be enforced on all stakeholders in the sector.

The Voluntary Partnership Agreement (VPA) with the European Union also represents an opportunity to sort out the issue of access to information on smaller permits (such as automatic integration of maps into the existing mapping system) and ensure the enforcement of the legal framework in their management. Implementation of the VPA requires procedures for ensuring the legality of all commercial forestry operations, which includes smaller permits.


Title: Order no. 0222/A/MINEF/ of 25 May 2001 on Procedures for the elaboration, approval, monitoring and supervision of implementation of the management of productive forests of the permanent forest estate.
List of documents on commercial forest operations

Organisation: MINFOF, MINEP, GiZ ProPSFE
MINFOF

Date: May 2011
Accessed in December 2012

Source: <http://data.cameroun-foret.com/fr/biblio/keyword/381>


Reports on the Verification Process of Eligibility of Commercial Operators

-  Are the reports published from a formal “due diligence” process on the eligibility, suitability and capability of applicants for contracts or licences to conduct commercial forestry operations?

Once bidders have lodged their application for a forest title, an inter-ministerial committee including an Independent Observer (IO) examines and verifies their eligibility. However, the IO has very little power in the dissemination of the results and the control of the process. For example, the IO does not have sufficient powers to influence or halt the allocation process in the event of fraud. At the end of the process, it draws up a report with recommendations on the allocation of titles, which it directly presents to the Ministry of Forests and Wildlife (MINFOF). This report is not published. On 23 May 2012 the forestry administration launched the process of recruitment of a new Independent Observer. This process is rather perplexing in terms of its transparency: there is a lack of information on the reasons why the previous observer (Cabinet Bloch-Kolle), which had fulfilled the function since 2003, was side-lined. Disagreements between Bloch-Kolle and senior officials of the MINFOF on the way in which the allocation process was being carried out seem to be the reason for the termination of its contract. The reports of the former observer were not to the satisfaction of the MINFOF and not made public, which called into question the *raison d'être* of the observer; its removal evidences the desire for hegemonic control by higher levels in the MINFOF on the processes of allocation of logging permits. The independent verification of the eligibility of logging permit applicants is still limited to forest concessions and sales of standing timber, whereas smaller titles are still excluded from the process.

- Title:**
- a. Results of calls for tenders
 - b. Notice of consultation for a request for quotation No. 0008/DC/MINFOF/CPM of 23 May 2012 on the recruitment of an Independent Observer for inter-ministerial committees for the allocation of forest operations titles.
- Organisation:**
- a. MINFOF
 - b. MINFOF
- Date:**
- a. August 2012
 - b. 23 May 2012
- Source:**
- a. <http://eglisemissionnaire.e-monsite.com/medias/files/attachments-2012-09-27-1.zip>
 - b. <http://www.minfof.cm/doc/Avis%20de%20publication%20%20DF.docx>
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Forest Management Plans

-  Are forest management plans published?

The forest management plan for a concession is a document whose main objective is the establishment of activities on permanent sites through a programme (in space and time) of logging and silvicultural work, with the aim of achieving balanced and sustained harvesting. It includes the following sections:

- a description of the natural environment of a forest concession;
- mapping data;
- a forest inventory;
- land use and rights of use;

- calculation of the potential of the forest.

Forest management plans are drawn up for Forest Management Units (FMUs), communal forests, community forests and protected areas. For the FMUs, they are prepared during the interim convention period that the operator signs with the State for a (non-renewable) period of 3 years: the cost of drawing up the plans is borne by the operator and validated by an inter-ministerial committee. For communal forests, the plans are prepared before logging operations begin. A simple management plan is required for community forests before logging can start. The roles played by the different stakeholders in the preparation of the forest management plans differ from one title to another.

It is often difficult for communities to gain access to forest management plans. However, some certified logging companies produce summaries that they disseminate among the population of the areas where they operate. Full versions of some management plans are available on a website jointly set up by the Ministry of Forests and Wildlife (MINFOF), Ministry for Environment and Protection of Nature (MINEP), and GIZ within the framework of a project to monitor the impacts of the Forest and Environment Sector Programme (PSFE).

Title:

- a. Law no. 94/01 of 20 January 1994 on the regime for forests, wildlife and fisheries (Articles 31, 32, 37, 39)
- b. Order no. 0222/A/MINEF/ of 25 May 2001 on Procedures for the elaboration, approval, monitoring and supervision of the implementation of the management of productive forests of the permanent forest estate.

Organisation:

- a. MINFOF
- b. MINFOF
- c. MINFOF, MINEP, GIZ ProPSFE


Date:

- a. January 1994
- b. May 2001

Source:

- a. http://www.anafor.cm/Documentation/Recueil_textes/Recueil_des_Textes_Forets_Faune_Peche_Environneme_tOKOK.pdf
- b. <http://data.cameroun-foret.com/?q=fr/biblio/keyword/1797c>
- c. <http://data.cameroun-foret.com/fr/biblio/keyword/381>

Reports from Independent Forest Monitoring

 Are reports by an independent forest monitor published?

Independent observation to monitor forest activities and infractions has been in place since June 2000, starting with Global Witness until March 2005, then Resource Extraction Monitoring to December 2009, and the Belgian research institute AGRECO, in partnership with the Cameroonian NGO CEW since 27 January 2010. The Independent Observer (IO) does not enforce the law, but through its work covering all logging titles it promotes law enforcement. Its reports are sent to a reading committee, where the infractions detected are debated. Following this committee's considerations, the IO requests clearance from the Ministry of Forests and Wildlife to publish the reports. Only after authorisation from the Ministry are the reports finally published.

The presence of the IO allows the public to denounce illegal logging; however the current IO has insisted that it is not possible to carry out a field mission without MINFOF having ordered it under the terms of reference of the contract. This restriction means that the Observer cannot carry out on-the-spot missions to verify the situation in logging camps.

The recognition of the role of communities and civil society organisations (CSOs) in the supervision and monitoring of forest management is part of the proposals made by civil society stakeholders for the review of the forest law. If

such a recommendation were adopted it would enable independent observation to be formalised at local level, led by the communities and the CSOs.


Title: The Independent Observer project for the supervision of forests and monitoring of infringements in the sector in Cameroon (OIF)

Organisation: a. Global Witness (GW)
b. Resource Extraction Monitoring (REM)
c. AGRECO/CEW consortium

Date: a. June 2000 - March 2005
b. March 2005 - December 2009
c. January 2010 to date

Source: a. www.globalwitness.org/pages/en/cameroon.html
b. www.rem.org.uk
c. www.oicameroun.org

Data on the Distribution of Forestry Royalties and Incentives

 Is data regularly published on the distribution of forestry royalties and/or incentives to stakeholders?

Data on the distribution of revenues from forest operations are published on a regular basis by the Forestry Revenue Securement Programme and the national daily newspaper (Cameroon Tribune). However, comprehensive information on the sums collected and distributed from forestry fees are not systematically made available to the public. The State only officially informs the public of the sums they pay into the bank accounts of each municipality. There is no official mechanism to enable local stakeholders to access information on the actual sums distributed to the local level, but some logging companies and local NGOs have provided information to inform communities of the amounts distributed in their operating areas.

Following strong protests by municipal councils after the signature of Ministerial Order 0520/MINADT/MINFI/MINFOF on the management of the income assigned to municipalities and local communities, in which certain provisions reduced their power to prevent poor management (which they have suffered for a long time), the government finally adopted a new Order in June 2012. The distribution formula remains largely the same (50% for the State, 20% for the local municipality, 20% for local authority payments and 10% for local village communities) but the following changes have been made to the people in charge of decision-making bodies and in the distribution of funds for the functioning of management and investment committees:

- At the municipal committee level, the Mayor is henceforth the President of the board. The prior Order assigned chairmanship of this committee to a representative elected by the members of the municipal board, which effectively lessened the power of the Mayors, who have always been the main 'managers' - and even embezzlers - of forestry revenues;

- The operating and investment budgets of the local committees go (respectively) from 10% to 20% and 90% and 80%, whilst at the level of decentralised territorial units a change has been made from a maximum of 20% to 30% to support municipal operating budgets, with a reduction of 10% in investments (80% to 70%)


Title: Joint Order No. 0000076/MINADT/MINFI/MINFOF of 26 June 2012 establishing the modalities of planning, use and monitoring of the management of revenues from the exploitation of forestry and wildlife resources, aimed at municipalities and local village communities.

Organisation: MINFOF, Technical Centre for Communal Forests

Date: 26 June 2012

Source: http://www.foretcommunale-cameroun.org/download/arreteconjoint0076MINFOFMINFI_MINATD.pdf

Information on Forest Law Infractions

 Is information regularly published on infractions of forest law?

Data on infractions of forest law are regularly published. Three summaries have been published in the national daily newspaper (Cameroon Tribune) and on the MINFOF website since the start of 2012 (January, May and July). This is a step forwards in the regular publication of information on infractions in the forestry sector in Cameroon.

The summary of infractions related to forest and wildlife exploitation is divided into three sections:

- cases in the Courts;
- cases dealt with by the forest administration;
- cases that have been settled

The cases in the Courts are subdivided into a further two groups on forest issues and on wildlife issues.

Overall, the summary contains references of the inspection mission; the name of the company; the infraction committed; references to the report establishing the facts around the infraction; the sum and the reference number; the sum and the transaction reference; the sum paid; remarks or the outcome of the case. This is how the status of progress of the cases within the legal system and the number of fines to be paid (or have already been paid) are indicated.

Regarding the cases dealt with by the Forestry Administration, these are subject to an initial notification of fines, with the sum and the reference number of the notification. Cases resolved have references of the settlements to prove that the money has been paid into the Treasury.

While these publications are a step forward, there is no mechanism to disseminate information at local level, which makes it difficult for communities to access information on infractions committed in their region.

Title: a. Summary of infractions related to forest and wildlife exploitation
b. Summary of infractions related to forest and wildlife exploitation
c. Summary of infractions related to forest and wildlife exploitation

Organisation: a. MINFOF
b. MINFOF
c. MINFOF

Date: a. 30 January 2012
b. 31 May 2012
c. July 2012

Source: a. <http://www.minfoc.cm/doc/sommier%20jan%202012.doc>
b. <http://www.minfoc.cm/doc/SOMMIERmai2012.xls>
c. www.minfoc.cm

Annual Forest Authority Report

 Are annual reports published by the forest authority?

Each department of the Ministry of Forests and Wildlife (MINFOF) is charged with producing an annual report at the end of each year for presentation to the Minister, but these annual reports are not made public. The production of annual reports therefore seems to be hidden away within the internal systems of the forestry administration. It is essential that this should be opened up, given that all administrative documents are supposed to be made public except legislative provisions or regulations to the contrary.

According to Appendix VII of the VPA, the information on operations linked to the Forest Law Enforcement Governance and Trade (FLEGT) system will be contained in an annual report published by the Joint Implementation Council. The annual report of the FLEGT system should include information on:

- the quantities of timber and by-products exported to the EU under the FLEGT system;
- the quantities of timber and by-products imported into Cameroon or in transit through the country;
- action taken to prevent illegal imports of timber and by-products;
- cases of non-conformity with the FLEGT system in Cameroon and action taken to solve these cases;

This Appendix also stipulates that "other data and reports will be published so that the agents can have access to information that is useful for the monitoring of the implementation of the agreement." The signature of the Agreement is binding on the forestry authorities to publish these annual reports.
