

Making the Forest Sector Transparent Annual Transparency Report 2012



global witness

Country Specific Report: **Cameroon**

Prepared by the Centre for Environment and Development (Centre pour l'Environnement et le Développement – CED) and Global Witness, February 2013

Introduction

Since 2009, CED and Global Witness have produced annual report cards on Cameroon for the *Making the Forest Sector Transparent* programme. These have assessed whether citizens, in particular local communities and indigenous peoples that depend on forests for their livelihoods, are able to access the information they need to have a say in decision-making. The report cards have informed advocacy work to promote accountability and good governance. A mini-grants fund has also supported grassroots advocacy and capacity building. This summary presents the key findings from the final report card for the programme in 2012, which consisted of 20 'yes' (green circle), 'partial' (yellow circle) or 'no' (red circle) indicators – 12 of which tested whether key provisions exist in the legal, policy and regulatory framework ('framework indicators') and 8 tested whether key documents and data are regularly published ('data indicators'). It also highlights changes in the forest sector and achievements of the programme. Complete analyses and reports are available at www.foresttransparency.info.

Key Findings in 2012

The indicators reveal many gaps in the framework and data for the forest sector in Cameroon, but also show potential for improvement in particular due to the advent of the Voluntary Partnership Agreement (VPA) with the European Union (EU) on Forest Law Enforcement, Governance and Trade (FLEGT).

Framework			Data		
	Yes	3		Yes	2
	Partial	4		Partial	5
	No	5		No	1
	Improving	5		Improving	2
	No change	7		No change	6
	Worsening	0		Worsening	0

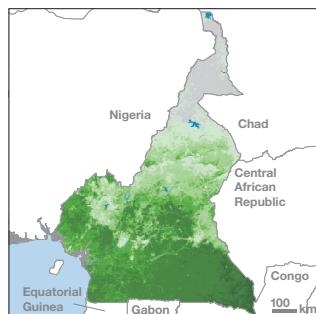
The VPA establishes a new binding obligation on the forest authority to regularly publish specific information and respond to requests, but it needs better information management and dissemination to fulfil it. In the past a culture of discretion has made it difficult to obtain some forest sector information.

In 2012 reforms focused on a new legislative framework for forests. The VPA negotiations and reforms have enabled unprecedented levels of civil society participation, including by indigenous peoples, but there are concerns that impetus could be lost. In addition the state has shown little inclination to recognise customary rights and prioritise community forest management.

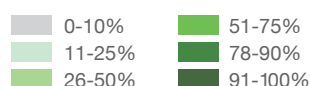
The Ministry of Forests and Wildlife (MINFOP) exercises control over forest resources and has allocated them to logging concessions and permits without consulting local people. There is also little accountability in the distribution and investment of forestry royalties. However, the new Minister finally took concrete actions to suspend small permits linked to illegal logging.

Forests face many pressures from the rapid development of mining and agro-industrial projects. A national land policy is long overdue and laws and planning processes applied to different sectors need to be harmonised so that environmental impacts are strategically assessed.

Cameroon Vital Statistics



Estimated % Forest Cover



Forests

199,160 km²
total forest
area (42%)
-1.1% estimated
deforestation
rate 2005-10



People

101 per km²
of forest



Income



GDP (PPP) per capita \$2,359



Indigenous peoples meeting on national park management plans (Photo © CED)

Cameroon 2012 Framework Indicators: are policies and laws in the public domain?

Indicator:  Yes;  Partial – they have only been drafted, are out of date or lack regulations;  No – they have not been approved

Change since 2011:  Significantly Improved  Improved  No Change  Worsened  Significantly Worsened

Freedom of information legislation			The Constitution recognises the right to information but there is no freedom of information legislation that obliges authorities to publish documents. There has been little progress towards such legislation, despite civil society campaigns revealing that a culture of secrecy prevails within public bodies.
National forest policy			The national forest policy was first issued in 1993 and has not been updated since 1995. As part of the forest sector reform process, it was under review and amendment in 2012 and has the potential to build a common vision for forest management and consolidate actions aimed at promoting sustainability.
Codified forest law and supporting norms			The forest law from 1994 has been reviewed in recent years through a participative process. This was prioritised in 2012, leading to a draft bill in October. It has the potential to establish an improved framework, but it could be hastily approved without addressing key issues. Over 2012, there was also progress in preparation of decrees to implement the VPA and resolve some gaps in implementation of the 1994 law.
Signed VPAs and other agreements on forest products			The VPA with the EU officially came into force in December 2011, and represents a significant opportunity to improve forestry governance. Over 2012, Joint Implementation Committee meetings were held and a priority action plan was developed to push forward key elements such as legality grids, traceability systems and auditing, but there are doubts over operational capacity to start issuing licenses in time for when the EU Timber Regulation comes into force in March 2013.
Provisions for transparency in forest laws and norms			Annex VII of the VPA commits the parties to publish a specific set of documents and data on the forest sector through different methods and channels, and make all information available on request. This places a new, binding obligation on the forest authorities in Cameroon. Analysis by CED and Global Witness in 2012 showed that many of the specified documents and data were not currently available.
Recognition of customary rights in forest laws and norms			Forest resources and land belong to the state; whereas customary rights are restricted to personal consumption and can be suspended. Supporting norms for exercising these rights also have not been developed, and this has contributed to local disputes. Proposals have been made for greater recognition of community rights as part of the reform process, but the state has tended not to prioritise this.
Formal procedures for consultation on new forest norms			There are no formally established procedures for consultation on new forest norms, but a National Monitoring Committee for implementation of the VPA was established by decree in September 2012. There are risks that the recent openings for participation may be closed: acceptance of civil society and indigenous peoples' representation is erratic and marginalises them; furthermore, the National Forest Forum was not held in 2012.
Legal right to free prior and informed consent			The right of indigenous populations to give their free, prior and informed consent to activities that affect them is not recognised in the forest law and its associated regulations. Despite calls for this consent to be recognised in reforms and other initiatives like REDD+, the state has maintained its control over forest uses.
National land tenure policy			There is no clear national policy on land tenure. With regard to forests, a zoning plan from 1995 sets out the permanent and non-permanent forest domain in southern Cameroon, but it is inaccurate and out of date. Guidelines on territorial planning set out in 2011 have not been effectively applied in practice and there are disputes over over-lapping land uses.
Consultation before commercial logging allocation			The law does not oblige the authorities to carry out consultation with stakeholders before granting commercial forest permits. There is an Independent Observer that sits on the commission that allocates titles, but it does not represent other stakeholders. In 2012 MINFOP opened up new forest concession titles in areas previously restricted for conservation without consulting local people.
Regulation of environmental services			There is no national law or regulations that govern the use of environmental services. Civil society organisations have developed proposals linked to initiatives such as REDD+ and payments for environmental services, but it remains to be seen how benefit sharing will be resolved. As with other tenure issues, ownership of 'carbon' – i.e. who is actually providing these services – is unclear.
Strategic environmental assessment			There is no formal process for strategic environmental assessment or planning aimed at identifying the priorities for land use amongst different options such as forestry and mining operations, large-scale agriculture, and infrastructure development. CED has highlighted the problems with over-lapping permits of different extractive uses of forest areas.

Cameroon Data Indicators 2012: are key documents and data regularly published?

Indicator:  Yes;  Partial – they are only published on some relevant activities, or only available on request;  No – they are not published

Change since 2011:  Significantly Improved  Improved  No Change  Worsened  Significantly Worsened

Forest ownership and resource use maps			Since 2002, MINFOF and the World Resources Institute have produced maps showing the areas of the forest domain allocated to Forest Management Units, sales of standing timber, communal forests, community forests and protected areas. Improvements have been made to the most recent ones for 2011. The maps are available online and have been distributed on request to local communities and NGOs. However, some smaller titles are not mapped. Participatory mapping with communities of their rights and uses have also been conducted in some areas but they are not officially recognised.
Legal documents for commercial logging operations			Forest Management Units and sales of standing timber are allocated through an open tendering process. Some legal documents are available, but contracts, social agreements and others are not consistently published. Other smaller logging titles are granted by auction or mutual agreement, but there is little public information on them. The allocation of Timber Salvage Authorisations and Timber Removal Authorisations has contravened due process, and they have been linked with illegal logging. Pressure by civil society led to some holders of these permit-types being suspended and convicted in 2011, and the new Minister of Forests finally halted their allocation in 2012 until there are more rigorous regulations.
Reports on the verification process of eligibility of commercial operators			An inter-ministerial committee verifies the eligibility of bidders for forest concession titles (but there is no verification process for the allocation of smaller permits). MINFOF regularly publishes the results on official notice-boards and its website, but this process has several limitations. Bid documents are often lacking and even though an Independent Observer (IO) sits on the committee, it has had little power to influence decisions or halt them in the event of fraud. The IO's reports have not been published. Furthermore, the observer since 2003 was sidelined in the recruitment process for a new IO that commenced in May 2012, seemingly due to disagreements with MINFOF.
Forest management plans			Forest management plans are mandatory for Forest Management Units, communal forests, community forests and protected areas. For the Forest Management Units, they are drawn up by the operator and validated by an inter-ministerial committee with the aim of balanced and sustainable timber harvesting. In recent years, publication of plans online has improved, but this is still not done systematically. It is often difficult for local communities to access the forest management plans that affect them; however some certified companies produce summaries and disseminate them.
Reports from independent forest monitoring			There has been an Independent Monitor (IM) of forest activities and infractions since June 2000, which carries out field missions and produces reports. Since 2010, the Belgian research institute AGRECO has played this role in partnership with the Cameroonian NGO CEW. Its reports are published once they have been reviewed by a committee and cleared by MINFOF. The IM also does not feel able to conduct missions without MINFOF having ordered it first. Civil society organisations have proposed greater recognition of community monitoring as part of the forest law reform.
Data on the distribution of forest royalties			Data on the revenues from forest operations are published by the Forestry Revenue Securement Programme, but comprehensive information on the amounts distributed locally is not systematically made available. Some companies and NGOs have provided this detail for particular areas. Following protests from municipal councils over a 2010 ministerial order on the management of revenues, a new order was issued in 2012 that returned power to mayors to chair municipal committees.
Information on forest law infractions			Data on forest law infractions was regularly published over 2012 in summaries in the national daily newspaper and on the MINFOF website. The summaries outline cases in the courts, cases dealt with by the forest administration, and cases settled. Details include names of companies involved, references to the inspection report, and the fines imposed and collected. The publication of these summaries is a step forward from recent years, but further work is necessary to disseminate it to local people so that they know about infractions in their region.
Annual forest authority report			Each department of MINFOF is charged with producing an annual report for presentation to the Minister, but these annual reports are not publicly available. Under Annex VII of the VPA, annual reports on timber exports and imports and activities to support the FLEGT system are meant to be published by the Joint Implementation Committee. The publication of these reports and the other data and documents specified in the VPA will allow greater public monitoring of the sector.

Achievements

Many documents and map data on logging concessions in Cameroon are published online, but information on other forest activities is not usually available. Local forest communities also rarely access the internet and can have difficulty interpreting technical documents. NGOs have helped to overcome these barriers in some areas, but the forest authorities need to dedicate more resources towards better information management systems and dissemination processes. The VPA annex on public information provides an important framework for pressing forward this work. Following a gap assessment by CED and Global Witness in 2012, further annual monitoring will be important to help ensure that the requirements of the VPA annex are fulfilled.

Historically the government has dictated a top-down approach to decision-making on the forest sector, but the VPA negotiations and forest law reform process have opened up opportunities for participation. In particular, work with marginalised forest peoples has given them have a real say. The RACOPY network has been recognised as the indigenous peoples' representative in the forest law reforms. Over 2012, CED facilitated a unified civil society proposal to the reforms, but there are concerns that the government may neglect it in its haste to approve a new law.

Under the law, the state exercises control of all forest resources, and affords little recognition of customary forest rights and community forest management. This was exemplified in 2012 by MINFOF allocating new logging concessions, including in protected areas, without any local consultation. Nonetheless, some projects have challenged this dynamic. For example, the customary rights of Baka communities were formally recognised for the first time in the management of Mboumba Bek and Nki national parks. In another area, the rights of Baka people to a share of forestry royalties were recognised. Capacity building work has also helped to develop better models of community forest management and infractions reporting. These examples set important precedents that need to be integrated into the national reforms.

There are concerns over the political will and capacity of MINFOF to regulate the forest sector and enforce the law. An on-going campaign over the course of *Making the Forest Sector Transparent* exposed the links between illegal logging and discretionary allocation of

'small permits' by MINFOF officials. As a result, some officials were sanctioned in 2011 and the new Minister of Forests suspended all such permits in 2012. These steps forward need to be consolidated under the VPA through implementation of systems to rigorously verify, manage and enforce all permit allocations. Unlike many countries, Cameroon does at least have an established Independent Monitor; and the EU has supported community-led monitoring.

Besides logging, forests in Cameroon face multiple threats from mining permits, agro-industrial concessions and infrastructure projects. CED has collaborated in investigations to reveal overlapping claims on the land. This work highlights the importance of a major overhaul of strategic planning and laws to ensure that the environmental and social values of forests are protected.

Key Recommendations

To the government of Cameroon:

- Guarantee protection of customary rights and indigenous communities in the forest reforms.
- Adopt the right of indigenous communities to free prior informed consent.
- Complete a mining cadastre to inform a single reference of all natural resources titles.

To MINFOF:

- Develop information management systems to facilitate dissemination of the information specified in Annex VII of the VPA.
- Incorporate civil society proposals in the draft Forest Law and consult them on the final bill.
- Revise the new forest policy and use it to review the forest zoning plan and protect forests against conversion.
- Develop a legal framework for consultation with local communities on allocation of timber rights.
- Revitalise national and local forums to support civil society decision-making.
- Publish maps of all smaller timber permits as part of the existing mapping system.

To civil society:

- Lobby proactively for customary rights and community management in forest reforms.
- Summarise technical information for communities, and support them to participate in forest sector decision-making.

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