

Ebo Forest under attack once again, 1 December 2023

Introduction:

Ebo Forest, covering some 200,000 hectares astride the Littoral and Centre regions of Cameroon, is an inestimable jewel of the Congo Basin: a forest of high conservation value, it is home to a considerable number of threatened species of flora and fauna. Some forty communities live in, and depend on the forest. But the forest is also under great pressure, subject to various clashing visions and ambitions, with far-reaching implications both at home and abroad.

Until now, Ebo Forest has managed to fend off the many threats confronting it, thanks to its humidity and rugged, inaccessible terrain. Ebo hosts one of Cameroon's few remaining 'intact forest landscapes'. The April 2023 decree providing for a very large part of this forest to be used "for timber production" has shaken up this situation. Private interests are taking precedence over broader public interests, undermining other considerations, including more respectful uses of the forest. Once the forest is destroyed, these possibilities disappear.

As with the road linked to this project, the 2023 decree does not comply with the legislation in force in Cameroon.

Cameroon's ability to respect its international commitments in the fight against climate change and deforestation, to support good forest governance, and to act in accordance with the EUTR and EUDR is cast in doubt. Tainted by the illegality of its award process, timber from Ebo Forest cannot be placed on the European market¹ – even its placement on other international markets will damage Cameroon's reputation.

Yet alternatives to industrial logging exist that could better meet the array of demands placed on the forest, at a lower social, ecological and financial cost. Less destructive in nature and respecting the rights of the peoples concerned, these options would enhance Cameroon's credibility in terms of its national and international commitments. But it is imperative to take immediate action to preserve community livelihoods, the carbon sink, biodiversity and the possibility of exploring local economic options that are more sustainable and more likely to ensure a better distribution of the revenues generated by this community forest heritage.

Given the current situation, the international community cannot direct funds earmarked for protection of climate and biodiversity to a country that, precisely, ignores all legislative guardrails without being complicit in the ensuing catastrophe.

Crucial ecosystem at risk:

More than forty communities, principally Banen, live on the outskirts of Ebo Forest²; all of these depend on the forest for their livelihoods, their medicines and their trade in non-timber products, as well as to maintain their rich culture.

In terms of biodiversity, Ebo Forest is a critical ecosystem. It is home to a number of threatened species (IUCN Red List, and Class A of Cameroon's wildlife regime³), among which: a new subspecies of gorilla (*Gorilla gorilla*); the largest population of chimpanzees in Nigeria-Cameroon (*Pan troglodytes ellioti*), known worldwide for their use of tools to extract termites and crack nuts; forest elephants (*Loxodonta africana cyclotis*); the largest population of drills (*Mandrillus leucophaeus*); one of the last two populations of the critically

¹ By virtue of the EUTR and the EUDR, timber exported towards the EU must not be illegally produced, or come from conversion that took place after 2020.

² Only a handful of Indigenous individuals, and poachers come from elsewhere, live in the interior of Ebo Forest.

³ La Loi n° 94/01 du 20 janvier 1994 and the Arrêté n°0648/MINFOF du 18 décembre 2006 ; Morgan et al., 2013 ; Morgan et al., 2003 ; Whytock et Morgan 2010

endangered Preuss' red colobus (*Piliocolobus preussi*); a variety of birds, including the Grey Parrot (*Psittacus erithacus*). At least 12 new species of flora listed in scientific journals as endemic to Ebo Forest are also in danger of extinction.

This forest is also vital in terms of Cameroon's climate commitments; its considerable carbon stock is estimated at 35 million tonnes.

Despite its paramount importance, Ebo Forest does not enjoy any form of legal protection, which leaves it at the mercy of various pressures and of exploitation.

Current situation:

The current situation highlights a government presumption in favour of logging. The attempt to create a national park (2006-2020), made at the request of many communities, failed largely because the communities feared that the change to private State ownership would result in the loss of the right to return to their ancestral lands; indeed, several communities had been evacuated during the Independence conflicts in 1963, with the promise of being allowed to return once the situation had calmed down.

During a consultation organised by MINFOF⁴ concerning the creation of the park, the government introduced the possibility of industrial logging, and clearly promoted this option, telling the communities that commercial logging would create more jobs than conservation, and would bring in income and lessen their isolation. The government took advantage of the lack of community consensus simply to opt for industrial logging.

2020 decrees: A decree dated 4 February 2020 attempted to open Ebo Forest to logging by proposing the creation of two Forest Management Units (FMUs), one of which, FMU 07-005, was finally approved and led to the classification of the land as the private domain of the State, by a decree of the Prime Minister dated 14 July 2020. This classification as a FMU was supported by a few elites in the villages bordering the area, but strongly opposed by the majority of the zone's inhabitants and the Banen diaspora. As a result, a few weeks later and at the request of the President of the Republic, the decree classifying FMU 07-005 was withdrawn.

The road: Despite the withdrawal of the decree, construction of a road began without consultation with all the neighbouring communities, and without their free, prior and informed consent (FPIC does not feature in the national legislative framework).

An independent forest monitoring mission carried out by FODER noted a number of infringements associated with the road, then 26 km long, that started from the FMU 07-002 in the south of Ebo forest and enters the coveted forest area. This included the absence of an environmental and social impact study; the lack of involvement of ministerial technical services and local authorities in the construction of this road (and the 24 forest bridges the mission discovered); the absence of a management plan for the FMU, from which the road construction work started; and a lumberyard of 500 pieces of Azobé (a species frequently traded for construction in the Netherlands and Belgium) with a volume of 96m³ in FMU 07-002. This FMU is allocated to the private company behind the construction of this road.

Unsuitable route: It must be underscored that, although the pretext for the construction was to meet the communities' legitimate desire to lessen their isolation, the current route is unsuitable to achieve this purpose efficiently: it runs to the heart of the Ebo forest in a straight line, while the villages and communities to be connected are located on the edges of the forest, and is therefore clearly aimed at extracting resources. The route is not linked to the road that leads towards the large urban centres (Douala and Yabassi), and so is not useful for

⁴ Cameroon's Ministry of Forests and Fauna (*Ministère des Forêts et de la Faune*)

the sale of non-timber forest products, handicrafts and agricultural produce of the populations of nearby villages.

Moreover, the trees felled inside the FMU exceed the limits of the annual allowable cut without a management plan. Construction of the road was suspended after November 2022, following community protests that drew international attention. The road was some 27 km long when it was suspended.

A route that was proposed by the local communities as part of a consultation process could connect the villages more effectively and at lower cost, by rehabilitating existing tracks and building only a few new sections. The impact on biodiversity and the climate would be more respectful and the administrative burden would be simplified, since impact studies would need to be carried out only for the new sections.

Decree 2023/01630, of 27 avril 2023: The adoption of Decree 2023/01630 on 27 April 2023 resurrects logging in Ebo Forest. This was achieved by classifying 68,385 hectares of land (Art. 1) as the private property of the State, titled as a production forest composed of FMU 07-006, divided into two blocks located in the administrative regions of Nkam and Sanaga Maritime.

Forest legislation allows the company three years to draw up a management plan, during which time logging will continue. Much will depend on this management plan: symbolic access for communities will be restricted to “enclaves created within the forest estate and delimited around the old villages identified there” (Art. 4.1), and their rights of use (gathering, hunting) will be further defined (Art. 3.3).

Under this decree, communities have already lost their land rights to ancestral territories, which are now classified as State property. The FMU is aimed at exploitation, not a right of return for the Banen.

During the course of information meetings held in May and June 2023, it was discovered that the FMU had been awarded to the Sextransbois company, outside of the procedures laid down in forestry legislation (without a public call for tender, inter-ministerial award commission, award to the best financial and technical bidder). However, a certificate of the annual allowable cut designating the volumes and species to be felled in the first part of the FMU (2,500 ha) indicates the detailed results of logging inventories, which could not reasonably have been carried out between the date the FMU was created and the date the certificate of allowable cut was signed. If they were carried out prior to the creation of the FMU and its allocation, this would mean that the assignee was known long before the start of the process.

Tree felling has already begun on 2,500 hectares, and will likely accelerate soon with the end of the rainy season. Under the guise of lessening the isolation (*désenclavement*) desired by the local communities, this industrial logging concession deprives them of their lands and means of subsistence without any compensatory measures.

Local communities and Indigenous Peoples:

The legitimate desire to be less isolated is widespread throughout the local communities, which the current route of the road does not achieve. But industrial logging is a matter of disagreement between communities.

Many communities are simply unaware of recent developments, and some do not share the point of view of their chiefs, who sometimes favour logging.

Those who were evacuated during the Independence conflicts in 1963 are attracted by the government’s promise to allow return to their ancestral lands. What is less well explained is that everything depends on the content of the management plan that has yet to be drawn up;

the time allowed for this, while the destruction of the forest continues, may well render these rights meaningless. Similarly, a significant portion will have been amputated from the surface of the Banen's ancestral lands, rendering the prospect of their return meaningless. And how can one envisage a return to ancestral lands now owned by the State?

Other communities are seduced by the promise of jobs in the logging companies and the financial projections put forward by MINFOF, which seem unrealistic in light of the experience of other logging areas in the country.

Most communities are rightly suspicious of these assurances, given the experiences of other forest communities, and fear that the forest will be exposed to extractive industries and agroindustry, since logging is only the precursor to other extractive activities. The State seizing control of the land would allow such developments to take place, without requiring further involvement of the communities.

The Banen have initiated legal proceedings to request the withdrawal of the 2023 decree. The proceedings are slowly following their course, and it is unlikely that the judge will order interim relief pending a ruling on the merits of the case.

How to move forward?

Compliance with Cameroonian legislation and genuine consultation process: The regulatory procedures that should have protected community interests and the forest itself were not followed. A dialogue including all stakeholders on the issue of the management of Ebo Forest and the entire landscape of which it is a part (together with the urban centres and adjacent forest concessions) is necessary to consider the best future for this area, integrating all options (economic, ecological, social, cultural). This can be carried out only on the basis of a freeze on logging and any other development in the area, and should include a review of the legality of the 2023 decree.

Urgency: The temporary suspension of logging until a court decision can be made is crucial to preserving future options – in the immediate term, so as not to render the concerned local communities' rights of use meaningless, as well as to safeguard rare and threatened biodiversity, and carbon stocks. An immediate halt to destruction would allow genuine exploration of sustainable development projects, such as ecotourism and the promotion of local products, or even logging, but within the framework of a plan that considers all options for land use, and optimises planning. The creation of a FMU sets up one option and blocks an area, which becomes a constraint for any future development.

Interim measures also open significant possibilities for financial and technical assistance, for example from CAFI funds (briefly considered, but finally set aside), and/or possibly partnerships to support the EUDR's 'zero deforestation' ambition by tackling the root causes of deforestation.

Without interim measures imposed by a court of law or by the Government, all these options vanish.

Conclusion: In such a context, Cameroon's credibility as an international partner in the fight against climate change, and in the protection of biodiversity and human rights would appear to be called into question. The lack of transparency, the tolerance of illegality, and the presumption in favour of logging to the detriment of other options are not in keeping with Cameroon's international commitments, and risk posing problems of compliance with the EUDR; notably, Cameroon could be classified as a "high-risk country", which would complicate exports to Europe. We cannot afford to wait until the end of the interminable transition periods provided for in various instruments before reacting, when violations of community rights and forest destruction are already underway.