



**global witness**

# Making the Forest Sector Transparent

## Annual Transparency Report

**Country: Cameroon**

**Partner: Centre pour l'Environnement et le Développement (CED)**

**Year: 2009**

**Language: English**

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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	
<b>Yes</b> – specific provision in current laws and norms that have been passed by state and applies to the forest sector	<b>Yes</b> – available to public from official sources (websites, publications, media)	Yes	
	<b>Partial</b> – some information provided but not complete (e.g. only parts of manuals)	Partial	
	<b>No</b> – although evidence that exists, it is not available (includes when only unofficial sources)	No	
<b>Partial</b> – process underway to develop it, but not yet established in law; or limited provision or relevance to forest sector	<b>Partial</b> – some information provided but not complete (e.g. only parts of manuals)	Yes	
	<b>Partial</b> – some information provided but not complete (e.g. only parts of manuals)	Partial	
	<b>No</b> – although evidence that exists, it is not available (includes when only unofficial sources)	No	
<b>No</b> – no current provision or plans to establish (even though needed)		No	
<b>Not applicable</b> - 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](http://www.foresttransparency.info).

## Is there a Freedom of Information Act?

There is no formal Freedom of Information Act, but there are more and more NGOs advocating for free access to information on specific issues (projects implemented by the Government, deliveries funded by the State budget, contract transparency in the extractive sector, etc.). There is however no coordination among those groups, while a joint campaign for a Freedom of Information Act would have provided a solution to all their requests.

**Title:** Law on Social Communication in Cameroon

**Date:** December 19, 1990

**Source:** Website of the Prime Minister's Office [www.spm.gov.cm](http://www.spm.gov.cm)

**Language:** French

**Completeness:** Confirms the existence of a right to know, but does not organize its implementation.

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## What other rules provide for transparency?

In addition to any specific freedom of information laws, are there references to transparency in the Constitution, general laws, regulations, decrees etc. that all public institutions must adhere to (the next indicator is specifically about the forest sector)

There are very few laws providing for transparency. The most elaborated norms are the 1996 Framework Law Governing Environmental Management, and one of its implementation Decree of 2005 organizing Environmental Impact Assessment. They both provide for obligations to the project sponsors to inform neighbouring communities and the wide public on their projects' impacts and mitigation measures.

**Title:** a. The Constitution, 1996;  
b. The Framework Law governing Environmental Management 1996;  
c. The Mining code 2001;  
d. The regulation on Environmental Impact Assessment 2005

**Date:** 1996  
2001  
2005

**Source:** a. National Assembly;  
b & c. MINEP (cellule juridique)  
d. MINMIDT  
[www.spm.gov.cm](http://www.spm.gov.cm); [www.minfof-cm.org](http://www.minfof-cm.org); [www.cameroun-foret.com](http://www.cameroun-foret.com)  
Very poor dissemination at local level

**Language:** In English and French, but difficult to understand by uneducated community members.

**Accuracy:** N/A

**Timeliness:** The law needs revision. A revision process was launched in 2008, but no information is available on the process so far

**Completeness:** The law contains obvious gaps with regards access to information and transparency: says what's needed, but doesn't clarify how it should happen.

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**Are there any forest sector specific laws / rules / statements that provide for transparency?**

Are there any forest-specific written laws and regulations, key announcements or speeches that develop the right to access public information on the sector, for example a Service Charter.

The Forest Policy provides that public participation is one of the pillars in forest management. Access to information therefore appears as a pre requisite for communities and the wide public. These rules provides for transparency in rights for commercial use granted to companies, to transparency in the control of activities, and in the benefit sharing.

**Title:** The Cameroon forest policy document 1993  
Central Africa Head of States' Declaration on sustainable management of forest ecosystems in Central Africa 1999  
Head of States' Declaration at the second summit of Head of States on the conservation and sustainable management of forest ecosystems in Central Africa 1999  
Brazzaville Treaty relating to the conservation and sustainable management of forest ecosystems in Central Africa 2005

**Date:** 1993  
1999  
2005

**Source:** [www.riddac.org](http://www.riddac.org)

**Language:** French

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**Is there any settlement process for disputes regarding access to information?**

Are there clear, documented, and understood steps for resolving conflicts between transparency and confidentiality norms, or where / when authorities fail or refuse to provide information?  
If so, is this dispute-settlement process well-advertised, not prohibitively costly and therefore realistically accessible to most people?

No, apart a formal complaint to the court. The success of such a court will have to overcome the weaknesses of the law, which lack a clear description of formal obligations lying on the Government officials in terms of implementing the right to know.

Access to courts is in principle open to all citizens. In practice, costs are a major obstacle. Furthermore, the court dealing with administrative issues is located in the Capital city, and accessing it physically could be difficult to communities.

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### Do communities have legal standing?

Does any part of the codified law recognise 'a community' as 'a legal person', for example able to hold property titles or sue and be sued?

YES, but the community can sue a company for illegal exploitation only in their community forest.

Forestry law compels communities to acquire some sort of formal legal status (association, cooperative, common interest group). But we should also note that solely as a community, and without any requirement to acquire legal status, some communities have managed to register their land in their name and are entitled to go to court as an organisation.

The community does not own forests and is therefore unable to sue offenders to forestry law in the permanent estate (UFA) or in the non permanent estate ("ventes de coupe", and small titles).

Title:	Manual of procedures for the attribution and management of community forests Law N°94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations Decree N°95/531/PM of 23 August 1995 to lay down the conditions for the implementation of the forestry scheme.
Date:	2005 1995 1994
Source:	Ministry of Forestry and Wildlife (MINFOF), department of community forest, on request. <a href="http://www.glin.gov">www.glin.gov</a>
Language:	French only
Accuracy:	No participatory validation process.
Timeliness:	The manual has just recently been amended, in a process involving communities' representatives and civil society representatives.
Completeness:	a. Does not cover the savannah zone b. Local communities have the right only on the resources and not on the land.

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### Do NGOs have legal standing?

Does any part of the codified law recognise NGOs as 'a legal person', for example able to hold property titles or sue and be sued?

NGOs are not entitled to go to court (legal standing). Yet, article 8 of the 1996 Framework Law on environmental management provides that communities and environment protection organisations may prosecute the perpetrators of actions "which are directly or indirectly detrimental to the collective interests they aim to defend". However, associations need to be authorised, according to conditions and methods which have never been defined.

Title: Framework Law on environmental management. No 96-12 of Aug 5th 1996

Date: 1996

Source: [www.ecolex.org](http://www.ecolex.org)

Language: In French

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**Is there a national forest policy document? Is it available?**

Is there an explicit current document described as the national forest policy? If so, has it been used to inform the forest law and other norms (or has it been produced after the forest law)? Is it up-to-date or does it require revisions in the light of REDD, mining, or other threats and opportunities?

New initiatives are underway, including:

A review of the law in order to consider some inadequacies such as issues with the communal management of resources, the decentralised tax system, the issue of indigenous people, climate change, etc.

Title: The forest policy of Cameroon 1993

Date: 1993

Source: Ministry of Forestry and Wildlife (MINFOF), on request  
[www.cameroun-foret.com](http://www.cameroun-foret.com)  
Managed by GTZ.

Language: French only

Accuracy: No participatory validation process of the policy.

Timeliness: Never updated since the publication.

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**Is the forest law available?**

The forest law is available, and there was an effort to ensure a wide dissemination of its content. It was passed in 1994, and does not reflect all the scientific knowledge in terms of forests management (requirement for forest management plans, for community rights, including the right to know, taxation, environmental services, etc.

Title: Law N°94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations

Date: 1994

Source:	Ministry of Forestry and Wildlife (MINFOF) <a href="http://www.minfof-cm.org">www.minfof-cm.org</a> , or on request <a href="http://www.riddac.org/document/pdf/cm-loiforet.pdf">www.riddac.org/document/pdf/cm-loiforet.pdf</a> (run by a network of NGOs) <a href="http://www.glin.gov">www.glin.gov</a> (run by the Law Library of Congress USA)
Language:	English and French
Accuracy:	The process for preparing the 1994 law was driven by the donors, in the sense that it was one of the conditionality of the Structural Adjustment Plan in 1988. The content reflects more the donors' requirement (in terms of privatization of forest management, incentives for industrial logging and improved revenues for the Public Treasure) than communities needs.
Timeliness:	Since two years, the Ministry of Forestry and Wildlife launched a process aiming at revising the forestry law. It's an open process, providing space to all the actors to suggest a new content to the forestry law. The process will probably end in 2010.
Completeness:	<ul style="list-style-type: none"> <li>a. Cover national territory</li> <li>b. The 1994 forestry law seemed to aim at securing logging, by providing large concessions and long term contracts to industrial loggers, as compared to situation in the 1981 forestry law.</li> </ul>

### Are all forest regulations, procedures, decrees, etc. available?

Are all lower level norms (regulations, procedures, decrees, technical directives etc) that make the forest laws operative available? (This indicator refers to rules directly related to forest operations. See next indicator for rules related to other operations affecting forests).

Those signed are available. But not the regulations expected after the entry in force of the 1994 forestry law were signed.

It's important to point out that the number of regulations is so high that it will be necessary for the Ministry to publish a list of those, and to have a single document with the full text of all those regulations.

Title:	<ul style="list-style-type: none"> <li>a. Decree 95/531</li> <li>b. Order 0222/A/MINEF of 25 May 2001 regulating the elaboration, approval, follow-up and control of the implementation of forest management plans in the national domain's production forests</li> <li>c. Ordinance N° 99/001 of 31 August 1999 completing the provisions of law 94/01 (forest law)</li> <li>d. Decree 99/781/PM of 13 October 1999</li> <li>e. Decree 99/370/PM of 13 March 1999</li> <li>f. Order No 2000/09/PM of 27 March 2000</li> <li>g. Order regulating pre-selection criteria and procedures for the selection of bidders for forest exploitation titles</li> <li>h. Circular Letter No 01109/LCMINEF/DF of 09 January 2001</li> </ul>
Date:	1995 Mainly 1999
Source:	Ministry of Forestry and Wildlife (MINFOF), on request. <a href="http://www.riddac.org/document/pdf/cm-loiforet.pdf">www.riddac.org/document/pdf/cm-loiforet.pdf</a> (it is run by a network of NGOs).

Language: Decree 95/531 in English and French, others only in French

Accuracy: Revising process of only arrêté 222.

Timeliness: Many decrees and orders of the law not yet enacted.

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### Are forest-related policies, laws, agreements etc public?

Are all other significant regulations, procedures, decrees, technical directives etc. that affect forests available (for example norms related to carbon and REDD; agriculture and biofuels; conservation and national parks; roads, energy and other infrastructure)?

There are no specific regulation or policy on the REDD or on biofuels. And if there is a position of the government of Cameroon, it's not publicly known.

Policies and laws on Agriculture, land, roads and infrastructure exist, and are available, but with the same technical restrictions than the law applying to the forestry sector.

Conservation and management of national parks are part of the forestry regime.

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### Has the country signed up to international agreements?

Which forest-related international agreements or processes has the country signed up to? (See [www.foresttransparency.info/report-card/downloads/](http://www.foresttransparency.info/report-card/downloads/) for the list of agreements monitored.)

Cameroon has ratified over 20 international texts relating to the environment. Furthermore, Cameroon has committed to new ongoing processes on an international level, including those in the areas of good governance, the protection of climatic balance and cross-border collaboration in the field of protected area management. (VPAs, Kyoto Protocol, REDD, cross-border collaboration agreement).

The decisions to ratify conventions are published in the media (written press, radio, television and official gazette). The text of those conventions is made available in various public services (legal service of the MINFOF) and are not confidential, although they are not public.

Title: UN Declaration on the Rights of Indigenous People (UNDRIP)  
Kyoto Protocol  
WB Forest Carbon Partnership Facility  
UN Convention Against Corruption (UNCAC)  
Convention on Biological Diversity  
Forest Stewardship Council (national initiative in progress)  
International Labour Organisation  
CITES  
Convention to Combat Desertification  
Voluntary Partnership Agreement with EU (under negotiation)  
Millennium Development Goals

Source: [www.un.org/esa/socdev/unpfii/en/declaration.html](http://www.un.org/esa/socdev/unpfii/en/declaration.html)  
<http://maindb.unfccc.int/public/country.pl?group=kyoto>  
[www.forestcarbonpartnership.org/fcp/node/203](http://www.forestcarbonpartnership.org/fcp/node/203)  
[www.unodc.org/unodc/en/treaties/CAC/index.html](http://www.unodc.org/unodc/en/treaties/CAC/index.html)

[www.cbd.int/countries/](http://www.cbd.int/countries/)  
[www.fsc.org/facts-figures.html](http://www.fsc.org/facts-figures.html)  
[www.ilo.org/dyn/natlex/country\\_profiles.home?p\\_lang=en](http://www.ilo.org/dyn/natlex/country_profiles.home?p_lang=en)  
[www.cites.org/eng/disc/parties/alphabet.shtml](http://www.cites.org/eng/disc/parties/alphabet.shtml)  
[www.unccd.int/php/countryinfo.php?country=CMR](http://www.unccd.int/php/countryinfo.php?country=CMR)  
[www.illegal-logging.info/uploads/Falconer0609.pdf](http://www.illegal-logging.info/uploads/Falconer0609.pdf)  
[www.mdgmonitor.org/factsheets.cfm](http://www.mdgmonitor.org/factsheets.cfm)

- Completeness:
- a. VPA in the process of negotiation
  - b. Low ownership and integration in national policies and laws
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### Is there a national forest forum?

Is there any form of government-recognised national level roundtable dialogue which meets regularly (annually or more often) to allow citizens to raise issues of concern with the national forest authorities? If so, what is the status of any discussions or decisions made (are they documented; are they legally binding in any way)?

Although there is no formal and permanent debate framework, the various stakeholders (other than rural populations) meet occasionally and discuss the sector during national seminars and PSFE missions. We should add that the PSFE allows for the setting up of a forum, but it has not truly met.

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### Are there local forest forums?

Are there any government-recognised local roundtable dialogue forums which meets regularly (annually or more often) to allow citizens to raise issues of concern with the forest authorities? If so, what is the status of any discussions or decisions made (are they documented; are they legally binding in any way)?

There is no formal requirement for local forest forums. But in some few locations (the platform in Djoum for example), there are examples of stakeholders meeting at the local level to ensure information sharing and joint planning.

A model forest project also tried to develop a process bringing together actors at the local level (in Campo and Lomie) to address forest related issues.

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### Is there an established, government-recognised list of stakeholders?

Is there an official list of individual stakeholders or stakeholder types whom the government is obliged to consult or to share information with?

There is no established full list of stakeholders. The private sector, public administrations, political instances (The Parliament, the municipalities) are known and listed, but it is difficult to list legitimate representatives of civil society groups and local communities.

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### Are reports on consultation processes public?

Does government publish the results of any forest-related consultation processes?

When public consultations happen, there is no report available.

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### Is there a procedure for consultation on new norms?

Are there any documented procedures (in the form of regulations, official guidance notes etc) that lay out the methodology for consultations that should take place regarding new forest-related policies, laws, regulations etc? If so, is it implemented?

In the forestry sector, there is no procedure at such.

According to article 9(e) of the Framework Law on environmental management, the various stakeholders must be consulted in the decision-making process relating to environmental and general matters. But the details of such consultation are unknown to this day.

There is no formal stakeholder consultation procedure during the drafting of new laws. During the current review of forestry law, an inter-ministerial working group has been commissioned to ensure the current review process. The working group has been extended to the private and civil sectors. However, communities have been effectively excluded from the process.

Private and civil sector consultations are also involved in the current review of order no 222.

Title: Framework Law on environmental management, Article 9(e)

Date: 1996

Source: [www.spm.gov.cm](http://www.spm.gov.cm)

Timeliness: Ongoing consultation for the revision of the forestry law.

Completeness: a. No established procedure  
b. Local communities not involved in the revising process ongoing for the forestry law.

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### Is there a published policy on forest tenure?

Is there an explicit current document which defines or describes land and forest tenure policy? If so, has it been used to inform the forest law and other norms (or has it been produced after the forest law)? Is it up-to-date or does it require revisions in the light of REDD, mining, tenure conflicts, or other threats and opportunities?

No, However the south of the country is covered by a zoning plan (along with a map) which defines precisely the breakdown and the use of forested areas in the permanent and non permanent estate. In the framework of the PSFE implementation, such zoning should be extended to the northern part of the country, which is covered in savannah.

**Title:** Zonage Plan of the southern forested Cameroon 1993.

**Date:** 1993

**Source:** Can be found in the MINFOF department of forestry  
www.cameroun-foret.com

**Language:** English and French

**Accuracy:** Not accurate.

**Timeliness:** Never updated since the publication.

**Completeness:** a. The zoning plan does not cover the entire territory, but only the forestry zone  
b. The zoning plan did not take into account the other activities (eg. Mining)

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**Is there a register of private forestland owners? Is it accessible to the public?**

Where private forestland ownership is possible within the Constitution and legal framework, can the ownership of each area of forest be publically accessed?

Private forestland ownership is concerned only with forest plantation and they exist only in the savannah region.

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**Is there a difference in law between ownership and use?**

Does the law make a clear difference between owners and users of forests / forest products? If so, please explain it.

The law distinguishes between ownership and use. On forest land, ownership lies only with the State and Municipalities. On forest resources, ownership lies with the owner of the forest (State and municipalities), except for community forests, where land ownership belongs to the State, while resources ownership is with the communities. In forest land belonging to the State or to municipalities, communities are recognized the right to collect some resources for personal use, and not for commercial purpose.

**Title:** a. Art8, 25(1), 26(1), 30(2,3) 39(1), of Law N°94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations.  
b. Order N° 0518/MINEF/CAB of 21 December 2001 regulating the allocation modalities prioritising village communities neighbouring all forests likely to be converted into community forests.

**Date:** 1994

**Language:** French and English

Accuracy: Accurate

Completeness: Lack of recognition of customary land rights.

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### Is the ownership of different forest products clear?

Is it codified and understood who has rights to timber, minerals, non-timber forest products, wildlife, water, carbon etc? Are all these types of product available to all, or is there some form of differentiation (for example, private forest owners can issue the right to log, but only the state can issue the right to mine; or only the state can issue the right to log, but local communities who own the land can issue the right to collect non-timber forest products).

Ownership of forest products is clear: the principle is that the ownership of resources follows the ownership of forest land (except for some special products and for the wildlife, which always belong to the State); concerning mineral resources, including water, they all belong to the State. The legal status of carbon is unclear, given the fact that there is no provision in the laws and regulations on this issue.

Title: Art 12(1), 25(1), 30(3), 35(2), 37(3), 39(1), 46 of Law N°94/01  
b. Order N° 0518/MINEF/CAB of 21 December 2001 regulating the allocation modalities prioritising village communities neighbouring all forests likely to be converted into community forests.

Date: 1994

Source: Law N°94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations.

Language: French and English

Accuracy: Accurate

Completeness: Lack of recognition of customary rights on non timber forest products.

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### Can you provide examples of forest tenure disputes?

What information can you provide on the extent of disputes over either (i) the right to land, (ii) the right to forest use or products, or (iii) the ways in which these rights are administered?

Forest areas were allocated without considering their other uses. There are many conflicts opposing external actors to local communities over land or resources. One example often happening is the conflict between communities and logging companies over access to tree species with high commercial and cultural value; On the issue of land, there are conflicts opposing communities to beneficiaries of land concessions for industrial farming: the presence of these new actors have created or exacerbated the land scarcity, leading to conflicts (some of which were violent). Examples exist around the sugar cane plantations in the center region, the rubber trees plantations in the South, and the banana plantations in the coastal area.

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### Is there a dispute-settlement process for tenure conflicts?

Are there clear, documented, understood and accessible steps for resolving tenure conflicts?

No, apart of the courts. Sometimes, the local government authorities will be involved in the management of such disputes. Both the courts and the local government authorities will use the written land law, which is very detrimental to the communities, in the sense that it only recognize to them a use right over the land, and the can hardly be successful in opposing a Government decision to grant commercial rights to a company.

As regards the drafting of forest management plans, loggers are expected to set up a conflict management framework.

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### Are ownership and forest land use maps available?

It is possible, at national or sub-national level, to view or obtain maps indicating forest ownership and current permit-holders for different forest use? So, for example, it is possible to calculate what proportion of forest land has documented title, or what proportion is under logging concessions? Are such maps digitised?

Yes, maps are made available both by State institutions (National Mapping Institute, Institut National de Cartographie), and by NGOs operating with contracts from MINFOF. The maps prepared by the National Mapping are more general maps, serving as background for more forest-specific maps. NGOS preparing those maps are obviously more professional than the MINFOF staff. It is however a concern to leave such a sensitive task under the full control of foreign institutions, and capacity building with a transfert of the task will be more than needed in this area.

<b>Title:</b>	INC maps Interactive forestry atlas of Cameroon version 1.0 (Synthesis Document) 2005 Interactive forestry atlas of Cameroon version 2.0 (summary Document) 2007
<b>Date:</b>	2005 2007
<b>Source:</b>	Institut National de Cartographie Global forest watch, <a href="http://www.globalforestwatch.org/french/pdf/Document_synthese_francais.pdf">http://www.globalforestwatch.org/french/pdf/Document_synthese_francais.pdf</a> <a href="http://cameroun-foret.com/fr/bibliotheque/10191">http://cameroun-foret.com/fr/bibliotheque/10191</a>
<b>Language:</b>	English and French
<b>Accuracy:</b>	Information on reference maps (INC maps) are not accurate.
<b>Timeliness:</b>	a. INC maps not updated b. Atlas updated annually
<b>Completeness:</b>	Ownership maps are available at the level of divisions but there is a lack of information at the national level

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### Do permits exist for all uses / services?

In addition to logging permits, are there any permits for conservation activities, environmental services (e.g. water conservation, or carbon storage), or eco-tourism services provided by forests?

No, but there are permits for NTFP (special permits) and logging (forest concessions, sale of standing volumes, community forest, council forests) individual felling authorisation.

Title:	Decree N°95/531/PM of 23 August 1995 to lay down the conditions for the implementation of the forestry scheme
Date:	1995
Source:	Art45, 46, 53, 56, 57,58 de loi 01/94, Decret 95/531
Language:	English and French
Accuracy:	Lacking of guidelines of implementation (NTFP, special forest products permits)
Timeliness:	a. The permits for NTFP, special forest products and sale of standing volumes are renewed each year b. In the FMU, the temporary convention is awarded for 3 years
Completeness:	Environmental services and cultural services not covered

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### Is information on any forest land unallocated or not under any type of concession published?

Is there a 'pool' of forest, owned by the state or others, for which permits or user-rights are potentially available?

There are forest spaces non allocated. Some of them are designed as logging concessions, and their allocation was suspended by MINFOF, because there was a discussion about erecting them as conservation concessions. Outside of the permanent forest, there are also some unallocated forest spaces, but with less commercial potential. On those spaces, communities continue to enjoy use rights.

Title:	a. Forests of non permanent forest domain b. some forest management units c. FMU for conservation not allocated but there is an ongoing process of allocation
Date:	1993, 2005, 2007
Source:	The unallocated forest land can be seen on the Interactive forest atlas and the zoning plan

Language: English and French

Accuracy: Accurate for the permanent domain but not for non permanent forest domain

Timeliness: Updated annually

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### **Is it clear how the decision to start a round of permit allocation is made?**

The first step in the allocation of permits is to decide where: Are there clear, documented, and understood steps for deciding to allocate permits, for example when to allocate which parts of the state forest to logging, mining, carbon, ecotourism or other concessions?

For industrial logging, the process is clear. The zoning plan has established the boundaries of logging concessions. MINFOF decides on the final location and boundaries of the sale of standing volume, which are part of the non permanent forest.

Concerning mining, the ministry in charge of Mining has data concerning existing reserves of mineral resources. Companies apply for research permits, and the location is decided jointly by the company and the ministry. Concerning land, the requester applies for a specific location, and the final decision is made between the Government and the company.

There is no permit for ecotourism or for carbon.

Title: Decree N°95/531/PM of 23 August 1995 to lay down the conditions for the implementation of the forestry scheme

Date: 1994, 1995, 2007

Source: Law N°94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations; and decree 95/531  
[www.minfof-cm.org](http://www.minfof-cm.org)

Language: Decree and law in English and French and lettre circulaire only in French

Accuracy: Accurate

Timeliness: Revision process ongoing

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### **Is there a stakeholder consultation process prior to permit allocation?**

At the time an area of forest is identified for allocation to any sort of concessionaire, are stakeholders (other than the forest owner) consulted, for example on any conditions to be attached to the permit?

The granting process is not based on consultation, but Cameroon has introduced the notion of an independent monitor before the title allocation commission. However, the monitor does not represent stakeholders and, furthermore, s/he works under contract with the ministry.

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### Are the areas assigned for each round of permit allocation advertised?

When an area of forest is identified for allocation to any sort of concessionaire, is this publicly advertised so that the opportunity for new permits / user rights is open to anyone?

There is a public advert for concessions and sales of standing. It is expected that for the small titles such advert will be done as from 2010.

Title:	The public tender
Date:	Every year
Source:	a. Notice board of MINFOF b. Newspaper
Language:	English or French according to the dominant language in the area concerned
Accuracy:	Location shifts have been noticed between the allocation and operation stages, including for "ventes de coupe", to which the authorities have turned a blind eye. Maps are inaccurate because they are too old. Thus, some sites that appear on maps cannot always be found on the ground. We should however highlight that boundaries are very accurate on the final UFA classification maps.
Timeliness:	Advertised annually
Completeness:	Inventory of forest product not done before advertising the area, but the tenders have the right to survey the area to know the products before their participation to the competition process

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### Is there transparent independent verification (due diligence) of the eligibility of any applicants for forest permits?

Prior to the final allocation of any area of state forest to logging, mining, carbon, ecotourism or other concessions are there "due diligence" checks on the eligibility, suitability, or (technical and/or financial) capability of applicants, and is this analysis made public?

An inter-ministerial granting commission has been extended to donors and the Independent Monitor, however information is only displayed publicly at the ministry. The commission does due diligence on each of the companies applying, as part of the allocation process. It's however worth noting that some companies not meeting the criteria were finally granted the concessions or the sales of standing.

Title:	The interministerial commission with the involvement of Observateur Independent to the concession allocation commission (OI)
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Source:	Can be verified in the MINFOF
Accuracy:	The OI to the concession allocation commission make only suggestions and can not block the procedure in case of fraud
Timeliness:	Every time required
Completeness:	Final decision not based on the recommendations of the OI to the concessions allocation commission

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### Is the final permit allocation decision-making process transparent?

Is the final decision to allocate any permit made in way which allows citizens to assure themselves that the correct process has been followed? – is the process documented and published?

The Independent Monitor's reports to the title granting commission are not made public. They are sent to the Ministry of Forests.

Source:	OI reports
Language:	French only
Completeness:	Final decision not based on the recommendations of the OI

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### Has the permit allocation system improved?

Have there been recent attempts to make improvements to the permit allocation system? Have there been recent changes to the system to accommodate 'newer' forms of permits such as conservation, carbon storage, or ecotourism? If so please give details. Were these successful?

Donors and OI as members of the commission is a new improvement, not yet in the law  
There have been some changes in the process, especially for the small titles. They were granted by the Ministry of forest, through and unclear process. There will be an interministerial commission dealing with the allocation process for these titles.

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### Are the final permit / contract documents made public?

Are all contracts / concession agreements / permits in the public domain? If so, which law or regulation specifies that they should be? Are they entirely in the public domain or are certain 'commercially confidential' clauses hidden?

The granting commission's final decision is posted at the Forest Department ("direction des forêts"), however granting orders are not made public. There are cases where due to conflict between the logging companies and the local populations, or for companies on the process of forest certification, the signed documents were made public

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### **Are any environmental / social impact assessments for forest operations available to the public?**

Where an EIA or similar is a requirement for any concession, is it published? Is there any public consultation during the EIA, or any public presentation of the conclusions and recommendations?

Impact assessment reports are not officially confidential but they are not public either. They are supposed to be presented and discussed in public meetings in the project location, and to be made accessible in reading rooms. The conclusions and recommendations are also made available in reading rooms. In practice, it's difficult to get a copy of the documents, because their reproduction seems to be costly.

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### **Is information on logging locations given to the public?**

Are local people informed of where permits holders will be / are operating, so that they are aware operations should be happening in their area, and to give them the opportunity to know if loggers are legally in that location?

The location of FMU and sale of standing volumes (vente de coupe), but not "petit titre", are published in a public notice. But public notices are published in the ministry (Yaoundé) and not always at the local level.

**Date:** When ever concessions or sales of standing are to be granted.

**Source:** Ministry Notice Board

**Language:** English or French according to the language in the area concerned

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### **Is there a stakeholder consultation process on individual logging locations?**

In addition to any consultation on the general location, timing and allocations of logging concessions (these were covered in the previous 'permits' Theme), are stakeholders subsequently given a chance to comment on the location / impact / mitigation of logging at the local level, for example as part of developing a forest management plan?

Resident populations are not consulted as regards the location of the logging title. However, they may have an influence on its boundaries, including during the classification process, and, to a lesser extent, while the management plan is being drawn up. During the preparation of environmental impact assessments, those populations are able to influence the impacts and mitigation measures.

**Title:**

There is stakeholder consultation process to determine the final boundaries of FMU, but for the sale of standing volumes (vente de coupe) and other permits, no consultation process

**Source:** Ministerial Decision No 1354/D/MINEF/CAB of 26th November 1999 which outlines the legal procedure for establishing permanent Forests in Cameroon.

**Language:** French only

**Completeness:** The consultation process takes place when the exploitation is already going on. So the influence of the stakeholder is limited.

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### **Is information on permitted logging volumes (quotas) public?**

Once all preparations and forest management plans are completed and logging operations start, can local people find out how much timber is permitted to be extracted (for example on an annual basis from a specific area)?

Management plans are not made available to communities or to the citizens. It's therefore difficult to have clear information about the permitted logging volumes. MINFOF, the Ministry of Finance and the companies have access to it. The ministry also publishes yearly the list of species and the volume of timber authorized for logging in a given year. It's not a publicly available document.

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### **Is information on locations for other forest products given to the public?**

Are local people informed of where permits holders for non-timber forest products, or wildlife hunting, will be / are operating, so that they are aware operations should be happening in their area, and to give them the opportunity to know if permit holders are legally in that location?

No, but for the FMU the management plan gives those details.

For non-timber forest products and other goods, titles are not made public in advance. The operator applies for a part of the forest and obtains an authorisation which is not made public. This is due to the lack of enforcement orders. There are also cases where exploiters change the known location.

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### **Is there a stakeholder consultation process on non-timber permit locations?**

In addition to any consultation on the general location, timing and allocations of permits (these were covered in the previous 'permits' Theme), are stakeholders subsequently given a chance to comment on the location / impact / mitigation of the extraction of non-timber forest products at the local level, for example as part of developing a forest management plan?

Non timber permits locations are not advertised. They are selected by the requester, and there is no prior consultation before the final decision is made by the administration.

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### **Is information on permitted quotas of non-timber products made public?**

Once all preparations and permits are completed and extraction non-timber forest products starts, can local people find out how much of a product (for example wildlife hunting) is permitted to be extracted (for example on an annual basis from a specific area)?

Information on permitted quotas of non timber forest products is not made public. Communities receive such information from the meetings held with the beneficiary companies, after the granting of the permit.

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### **Is information on locations of environmental services permits given to the public?**

Are local people informed of where permits holders for environmental services, will be / are operating, so that they are aware operations should be happening in their area, and to give them the opportunity to know if permit holders are legally in that location?

There is information about some sites with interest for environmental services, including sites for proposed conservation concessions. But plans have not been completed so far.

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### **Is there a stakeholder consultation process on environmental services locations?**

In addition to any consultation on the general location, timing and allocations of permits (these were covered in the previous 'permits' Theme), are stakeholders subsequently given a chance to comment on the location / impact / mitigation of the environmental services permits at the local level, for example as part of developing a forest management plan?

No, at this stage, there has been no consultation.

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### **Is information on the quality / quantity of environmental services made public?**

Once all preparations and permits are completed and a provision of environmental services contract starts, can local people find out about the size / value / or limits on these services?

Not relevant so far.

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### **Is information on locations of (eco)tourism or other cultural services permits given to the public?**

Are local people informed of where permits holders for tourism, ecotourism, or other cultural services, will be / are operating, so that they are aware operations should be happening in their area, and to give them the opportunity to know if permit holders are legally in that location?

Information on the location of ecotourism sites is not given to the public prior to the allocation. Communities however are informed about the presence of the location of such sites. Sometimes, communities are invited to apply for the management of such sites, when they do not necessitate huge amount of money of technical skills out of the reach of communities.

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### **Is there a stakeholder consultation process on (eco)tourism locations?**

In addition to any consultation on the general location, timing and allocations of permits (these were covered in the previous 'permits' Theme), are stakeholders subsequently given a chance to comment on the location / impact / mitigation of the tourism or ecotourism concessions at the local level, for example as part of developing a forest management plan?

Ecotourism locations are often part of a complex comprising a protected area, and therefore appear as a mitigation measure in favour of communities. In such cases, consultation is a part of the design process, and communities are in charge of the management, or play an important role in the process. In the cases where the management is granted to a company, or where ecotourism does not appear as a mitigation measure in favour of communities, permit allocation is often done without consultation with local communities.

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### **Is information on the quality / quantity of (eco)tourism services made public?**

Once all preparations and permits are completed and a provision of tourism or ecotourism services contract starts, can local people find out about the size / value / or limits on these services?

When communities are involved in the management of ecotourism services, they have access to information about the value of the services.

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### **Is there a strategic process to assess priorities between development options?**

Is there a Strategic Environmental Assessment to identify and resolve conflicting land uses between forests, mining, large-scale agriculture and infrastructure development? Does the National Forest Policy document seek to address this? Do any policy documents from the other sectors?

No, those aspects are not covered by any Government policy, though it's a burning issue.

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### **Is it clear who decides if / when to make decisions between development options?**

Are there clear, documented, and understood steps for making decisions over the use or conversion of forest lands for other purposes such as mining, large-scale agriculture or infrastructure development?

No, the allocation of forest and mining concessions are made by two different bodies without consultation. Concerning land concessions, the decisions are made by the Ministry of Land and the Presidency of the Republic. There is a need for more coordination between all the administrations involved in the various development options.

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**Is there a stakeholder consultation process on decisions between different development options?**

At the time an area of forest is identified for allocation to any sort of non-forest purpose, are stakeholders consulted, for example on any conditions or mitigation commitments?

There is no periodical planning of the development in Cameroon. Each administration designs its development options, and organizes (or not) its consultative process. Often there is no consultation for non forest uses of the forest, prior to the decision. Consultation often happens as part of the EIA.

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**Is the final decision-making process on different development options transparent?**

Is the final decision to allocate any forest to non-forest use made in way which allows citizens to assure themselves that the correct process has been followed? – is the process documented and published?

There is no clear process for large infrastructure projects. Concerning mining and land concessions, the allocation process is documented and published in the relevant legislation (The 2001 Mining Code, and the Land Ordinance)

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**Is information on implementation of non-forest use / conversion given to the public?**

Once the final decision has been made, are local people informed of where mining, large-scale agriculture or infrastructure development in forests will be / is occurring, so that they are aware operations should be happening in their area, and to give them the opportunity to know if operations are legally in that location?

Information on permits, plans and locations is made public after the decision has been taken. Information is not detailed enough to allow communities to properly monitor the legality of activities.

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**Is there a system of tax / royalties redistribution?**

Does the law provide for a portion of the taxes or royalties collected from permit holders to be redistributed to affected communities? If so, please give details.

Yes. Taxes include the Annual Forest Revenue and a wildlife tax, based on the number of animals killed.

Section 7 (1) of Decree n°97/283/PM to lay down the conditions for the implementation of certain provisions of Law N°97/14 of 18 July 1997 to lay down the Finance Law of the Republic of Cameroon for the fiscal year 1997-1998 states that 10% of the Annual Forest Royalties shall be paid to neighbouring communities

**Title:** Decree n°97/283/PM to lay down the conditions for the implementation of certain provisions of Law N°97/14 of 18 July 1997 to lay down the Finance Law of the Republic of Cameroon for the fiscal year 1997-1998

Section 22 of decree N°95/466/PM of 20 July 1995 to lay down the conditions for the implementation of the wildlife scheme

**Date:** 1995, 1997

**Source:** Ministry of Finance Department of Taxation

**Language:** English and French

**Accuracy:** There are occasional audits by the World Bank and DFID

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### **Is the system of tax / royalties redistribution effective in meeting any legal obligations?**

Does any tax / royalties redistribution system work in practice?

Redistribution is not effective in practice, because :

- Many communities still ignore how much money they are entitled to
  - Communities do not always see projects funded in their villages
  - Communities have no standing to sue those involved in mismanaging the funds
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### **Is there a stakeholder consultation process regarding the use of community funds?**

Are stakeholders aware of the tax redistribution system and are they given a chance to influence the use of any funds dedicated for their use?

MINFI, MINATD, joint order no 122/minat/minefi of April 09 1998 to lay down the enforcement of management committees but as regards RFA funds, it has been noted that management committees have little capacity and are unable to influence social investment decisions in their region.

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### **Are figures for collection and distribution published?**

Does the relevant authority regularly publish the taxes collected from each forest area and the amount redistributed to those communities entitled to receive a share? If so, how often do they publish this information?

Under MINFI, MINATD, joint order no 122/minat/minefi of April 09 1998 there is regular publication. However, the publication is only about taxes due.

**Title:** Press releases from the Ministry of Finances

**Date:** Yearly publication

**Source:** In newspapers

**Language:** French

**Accuracy:** The document contains information about taxes dues, not taxes effectively paid

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**Is there a system of social obligations, where concession holders have to provide benefits directly to affected communities?**

In addition to taxes, are there any obligations for permit holders to provide benefits to affected communities, in cash or in kind? Does the social obligations system work in practice?

Yes. The list of requirements (Cahier des Charges) annexed to the agreement between the authorities and the concession holder indicates the company's social duties. However the communities do not know what those duties are, and there is no control mechanism to verify their implementation.

**Title:** Contract specifications ("Cahier de charge") are described in Arrêté 222 setting the procedures for the elaboration, approval, monitoring and control of the implementation of management plan in production forests of the permanent forest estate, and Section 61 of Law N°94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations

**Date:** 1994

**Source:** [www.glin.gov](http://www.glin.gov)

**Language:** French and English

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**In practice does the social obligations system meet any legal obligations?**

Does the social obligations system work in practice?

The local population is not well armed to negotiate with forest companies, so the negotiations are generally not favourable to communities. Also, contractual clauses included in the contract specifications are not always fulfilled by logging companies.

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### Is there a stakeholder consultation process?

Are stakeholders aware of the social obligation system and are they given a chance to influence the projects or use of any funds provided directly to them by the concessionaire?

Communities are not involved in the drafting of the various clauses to be included in the contract specifications, but they may influence it during the information meeting, when the permit has already been granted. However, such changes are not far-reaching. The mayor is the authority in charge of authorising the disbursement of the fund, and the "comité de gestion" (management body set up to manage the part of forest royalties devolved to neighbouring communities) does not have authority to control the mayor.

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### Is information on social obligations published?

Is the social obligation agreement publicly available? Are there regular reports on its implementation? If so, who is responsible for producing these?

The contract specification (Cahier des Charges) is annexed to the agreement between the authorities and the concession holder.

Date: 1994

Source: Section 46 (1) of Law N°94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations

Language: French and English

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### Are there opportunities for citizens to discuss law enforcement issues as they arise?

Do any forest forums include representatives from the police or judiciary for example? Or are there other formal mechanisms to discuss law enforcement issues with officials from other (non-forest) agencies?

There is no formal instance to discuss law enforcement issues in the forestry sector or in non forest sector. It's not a tradition in the government of Cameroon.

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### Are citizens actively participating in control operations?

Is there any form of joint operations including citizens and forest law enforcement (e.g "vigilancia verde" or forest monitoring)?

Monitoring forest law enforcement is seen by the MINFOF as one of their major tasks. It's shared with the independent observer of law enforcement. Citizens and civil society groups are not involved in control activities.

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### **Do (some) forest communities condone some 'illegal' activities?**

Do any communities regard some laws as inequitable and so argue that they are justified in supporting or participating in illegal activities?

The involvement of populations in illegal logging practices often depends on their interests. Some of them reckon that because the authorities do not respond to their denunciations, they are incentivised to take part in illegal activities.

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### **Is there an Independent Forest Monitor?**

Is there any organisation contracted to conduct Independent Forest Monitoring (IFM) to monitor forest governance and operations? For how long has this existed? What, if any, benefits does this bring?

The proliferation of illegality in the forest sector has led the MINFOF, with donor support, to take a series of measures, including: the setting-up of an Independent Monitor project in charge of controlling and following up logging offences (projet d'Observateur Indépendant au Contrôle et Suivi des Infractions Forestières) (2000), the consolidation of the MINFOF's control capacities through the setting-up of BNC and BRCs (2004), the adoption of the national strategy for forest and wildlife control (Stratégie Nationale des Contrôles Forestiers et Fauniques - SNCFF) in Cameroon (2005).

However the problem is still the response to the Independent Monitor's recommendations, which are not always taken into consideration.

In terms of wildlife, there is one project, led by the NGO LAGA, which helps the government with law enforcement.

**Title:** Global Witness (2000-2005)  
Resource Extraction Monitoring (2005-2009)

**Date:** Since 2000

**Source:** [www.globalwitness.org/pages/en/cameroon.html](http://www.globalwitness.org/pages/en/cameroon.html)  
[www.rem.org.uk](http://www.rem.org.uk);  
[www.observation-cameroun.info/](http://www.observation-cameroun.info/)

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### **Does the government publish lists of infractors?**

Does any authority regularly publish a list of infractors of the forest law? Is it obliged to do so under any law or other norm? Does such a list show the progress of each case through the legal system, and the amount of any fines paid?

Yes, in addition, when an infractor is punished, the punishment is published in the public media.

Failures affecting the concept and the very structure of ledgers have been reported and indicate the inadequacies of the forest offence litigation monitoring system. The ledger structure and the names given to their headings vary from one year to the next, making any comparative study difficult and complex. However, it is possible to identify the key headings corresponding to the various stages of the litigation and involving various MINFOF services:

- Cases being settled (National Control Unit of the Ministry of Forest and Wildlife, Brigade Nationale de Contrôle)
- Cases going through the judicial process (National Control Unit, Cellule Juridique)
- Cases regarding the suspension of titles or agreements (National Control Unit)
- Reconstitution (national Control Unit)
- Cases monitored by deconcentrated services (Regional Control Unit)
- Cases closed (National Control Unit and Regional Control Unit)

Source: [www.minfof-cm.org](http://www.minfof-cm.org)

Language: French only

Timeliness: Not updated regularly

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### **Does the government publish lists of debarred / suspended operators?**

Does any authority regularly publish a list of individuals or companies barred or temporarily suspended from holding forest-related permits (perhaps as a penalty for a previous infraction)? Is it obliged to do so under any law or other norm?

No, but it is published in the public media when an operator is suspended. Company suspensions are effective, but the problem lies with the legality of the process. A large number of suspensions reported in offence ledgers do not comply with the legal procedure applicable to the enforcement of suspensions, and their validity could therefore not be contested in a court of law. Yet, fundamentally, those suspensions are probably justified. Forestry law is unfortunately very restrictive and does not allow for suspensions or withdrawals (of a title or of an agreement) other than in the case of a subsequent offence, which the ministry has never been able to establish in practice. The same goes for the cancellation of a title or agreement.

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### **Do parts of any law affecting forests limit transparency?**

Are there any norms that prohibit or limit transparency in the forest sector? Or are there caveats or exclusions to transparency laws, for example 'commercial confidentialities' or 'national security'? What exactly do they exclude?

There is no specific limit to transparency in the law. In practice, there are some few limits, with no legal grounds, to access to concessions, under the (false) grounds that it's a private property of the company, and that its prior authorization is needed for accessing the concessions. In the same logic, the management plans are often said to be confidential commercial information, and disaggregated statistics of logging operations are also not available. But there are no legal grounds for all those restrictions.

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### **Do any extra-sectoral operations overrule forest laws?**

Do mining, road building, large-scale agriculture, hydropower or other infrastructure development have automatic veto over forest laws, thereby eliminating transparent access to decision-making?

Mining law does not stipulate that it is above forest law. One can however conclude that such superiority exists by reading articles 62 and 63 of the 2001 Mining Code, which provide restrictions (and not a formal ban, unlike forestry law) for prospection, research and mining operation activities within forests, including within national parks subjected to an international convention, other parks, wildlife reserves and classified forests.

In practice, permits cover Forest Management Units under management, and protected areas.

**Title:** Law N°2001/001 of 16 April 2001 to lay down Mining Code

**Date:** 16 April 2001

**Source:** Ministry of Mines (Cellule juridique)  
www.spm.gov.cm  
Unavailable and almost unknown at local level

**Language:** It only exists in English and French  
Difficult to understand by a normal villagers

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### Is it commonplace for authorities to ignore obligations?

Has it become normal operating procedure for any public institution to avoid obligations to transparency? If so, please give examples.

It's common place for authorities to ignore the spirit of their obligations and to tend to stick to the letter, even if the result is far below what was expected. One example is the implementation of the Extractive industries Transparency Initiative (EITI), where the implementation is not leading to full transparency.

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### Are there any reforms to improve transparency or reduce confidentiality?

In particular, are there any 'quick wins' - issues where transparency could be improved, or where caveats and exclusions could be reduced, and no significant vested interests are against this? If so, please list any ongoing reforms.

The current version of the Voluntary Partnership Agreement document negotiated within the framework of the FLEGT process, contained a specific annex on information to be compulsorily disclosed and this include:

- Information on the laws and regulations in force applicable to the forest sector
- Information on production volumes
- Information on the grant of exploitation rights
- Information on forest management
- Information on timber exports
- Information on sanctions
- Information on forest audits
- Information on the Legality Assurance System etc.

### **Does the forest authority publish an Annual Report?**

Is there an annual summary of activity by the forest authority and others they regulate? If so, how long after the year-end is it published? How comprehensive is it? Is it debated, for example by a 'forestry commission board' or by the legislature?

Each Ministry Department draws up a progress report, which is then submitted to the Ministry. However, neither the various departments' reports nor the ministry's are published. The MINFOF gazette ("La feuille verte") does not include all required information, i.e. information needed by citizens to better understand what's happening in the forest sector (disaggregated statistics of production and export, list of social obligations of companies, etc.)

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### **Does the forest authority have a central point of information?**

Is there a person or office advertised and functioning as the source of public information? Is there any written statement (for example a regulation) about its roles and responsibilities? Is it committed to respond to enquiries with a certain amount of time?

The MINFOF's communication department cannot be used as a focal point for information distribution purposes.

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