



**global witness**

# Making the Forest Sector Transparent

## Annual Transparency Report

**Country: Cameroon**

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

**Year: 2010**

**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?

Cameroon does not have a Freedom of Information Act. However, three separate initiatives by civil society organisations have been launched and they all call upon Government to endow the country with such legislation: (1) 'Citizen's Governance Initiatives' carried out a study in 2010 on the 'Right to know in Cameroon' and expressed the necessity for the elaboration of Freedom of Information Act in the country (2) 'Publish What You Pay Coalition' advocated for greater transparency and accountability in management of revenues from the oil, gas and mining industries, and (3) CED carried out a transparency study of the forest sector and provided recommendations for robust transparency for next forest law.

Title:	Law on Social Communication in Cameroon
Date:	December 19, 1990
Source:	Website of the Prime Minister's Office <a href="http://www.spm.gov.cm">www.spm.gov.cm</a>
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)

The Constitution of the country and some sector-specific national laws contain provisions on transparency and access to information. These sectors are: media; archives; public service and governmental communication; decentralization; environment and natural resources management; Human Rights, governance and transparency in the management of public affairs... The most elaborated norms are the 1996 Framework Law Governing Environmental Management (sections 72 and 74), 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. Generally, the laws say that information dissemination has to be done, but doesn't say how it should be done.

Title:	a. Fundamental Law of 1996 b. Article 13 of Law n°2004/017 of 22 July 2004 on the orientation of decentralization, c. Article 7 of Law n°96/12 of 5 August 1996 Framework Law on Environmental Management d. Article 34 of Law n°98/004 of 14 April 1998 governing school orientation in Cameroon e. Law no 90/062 of 19 December 1990 on Social Communication in Cameroon f. Mining code no 001/2001 of 16 April 2001 g. Decree no 0577/PM of 23 rd February 2005 regulating Environmental Impact Assessment
Date:	1990, 1996, 2004, 1998, 2001, 2005
Source:	

National Assembly (a, b, c, d, e and f), [www.cameroon.be](http://www.cameroon.be) (e), <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwecmr.htm> (f, a), Le contentieux pénal de la presse et de l'audiovisuelle au Cameroun (e), MINEP (g, f), MINMIDT (f)

- Language:** Both in French and English but fraught with technical terms and a vocabulary not familiar to illiterate.
- Timeliness:** Except the 1996 Fundamental Law and the 2001 mining code which were respectively updated in 2008 and 2010, all other texts are outdated (b, c, d and e).
- Completeness:** These provisions are not complete. They do not list types of information that the public has access to and how to have access to them.
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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 1993 forest policy document, sub-regional agreements signed by Cameroon and ongoing VPA-FLEGT process have stressed on local community participation and transparency as prerequisite for implementing sustainable forest management. Within the frame of VPA implementation, Cameroon government will ensure all legislation, forest production, concession contract and allocation information, harvesting, processing and management documents and data including Environmental Impact Assessment (EIA), management plans and concession-community social agreements, financial revenue data, export information, verification and control reports and processes, audits and the institutional framework of the forestry sector is made available to the public.

- Title:**
- a. 1993 Forest policy document
  - b. Central Africa Head of States' Declaration on sustainable management of forest ecosystems in Central Africa 1999
  - c. Final Declaration of the second summit of Heads of States on the conservation and sustainable management of forest ecosystems in Central Africa, February 2005
  - d. Brazzaville Treaty relating to the conservation and sustainable management of forest ecosystems in Central Africa 2005
  - e. Voluntary Partnership Agreement – FLEGT 2010.
- Date:** 1993, 1999, 2005, 2010
- Source:** National Assembly (a), [www.minfof-cm.org](http://www.minfof-cm.org) (b); [www.cameroon-foret.com](http://www.cameroon-foret.com) (b), MINFOF (a, b and e), [www.cbfp.org](http://www.cbfp.org), COMIFAC, [www.riddac.org](http://www.riddac.org)
- Language:** French (a), French and English (b), French, English, Spanish and Portuguese (c, d and e).
- Completeness:** Incomplete as usage and user rights through prior information and consultation are not secured.
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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?

There is no specific settlement process for disputes regarding access to information in Cameroon. Nevertheless, a citizen who deems offended by the State for information refusal can sue Government before the Administrative Court. However, administrative courts created by Law n° 2006/015 of 29 December 2006 are located in the Headquarter of each region of the country and are not yet operational. So far the only administrative court is in Yaoundé, the Capital city. The success of such a court will have to overcome the weaknesses of the law, which lack a clear description of formal obligations by Government officials in terms of implementing the right for citizens to know. Besides, access to administrative courts is expensive and difficult for local communities living in remote areas.

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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?

Communities organised in a legal entity can be entrusted a community forest for management and this forest shall not exceed 5000 ha. Thus, these communities can sue companies for illegal logging in their community forest. Note that a community forest can be withdrawn in case of mismanagement. The forest law precludes communities to acquire legal status such as common initiative groups and cooperatives. Communities, although not organised in a legal body, can hold land titles according to ordinance no 74-1 of 06 July 1974. In this case, they are entitled to go to court as an organisation. Since communities do not own forest according to the forest law, they cannot sue offenders of the forest code in the permanent and non-permanent forest estate (Forest management unit, Sales of standing volume...).

<b>Title:</b>	a. New Manual of procedures for the attribution and management of community forests b. Law N°94/01 of 20 January 1994 on forestry, wildlife and fisheries c. Decree N°95/531/PM of 23 August 1995 on the conditions for the implementation of the forestry regime.
<b>Date:</b>	2009, 1994, 1995
<b>Source:</b>	MINFOF-sub-direction of community forests (a), National Assembly (b and c)
<b>Language:</b>	French (c), French and English (a and b), <a href="http://www.glin.gov">www.glin.gov</a>
<b>Accuracy:</b>	Inaccurate as no validation process took place.
<b>Timeliness:</b>	The manual of procedures for the attribution and management of community forests has been regularly updated with the latest version dating back from February 2009 and official handed over to MINFOF during the National Forum on Forests held in March 2010.
<b>Completeness:</b>	The concept of community as defined in the forest law and the new Manuel is confusing and misleading. For example, the terms "village community", "community", "neighbouring community", "one or many communities" and "members of the said community" are used interchangeably. This has created conflicts amongst populations when it comes to the establishment of a legal entity.

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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 enjoy legal recognition by Laws no 90/053 of 16 December 1990 and n° 99/014 of 22nd December 1999. They set guidelines of NGOs activities and intervention. NGOs also have legal standing before courts as stipulated in Article 17 of the Law on NGOs. Likewise, Article 8 of the 1996 Framework Law on environmental management provides that communities and organizations active in environmental protection 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. Again, there is the recognition of a right, but no provision for its implementation.

**Title:** a. Law n° 99/014 of 22nd December 1999 on NGOs  
b. Law n°96/12 of 5 August 1996 Framework Law on Environmental Management

**Date:** 1996, 1999

**Source:** National Assembly (a and b), MINEP – Department of EIA (b), [www.ecolex.org](http://www.ecolex.org) (b)

**Language:** French and English

**Completeness:** The Law on NGOs is not complete as its decree of application has never been issued.

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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?

First ideas of elaborating both Cameroon's forest policy and forest law emerged during the drafting of the Tropical Forest Action Plan of FAO (1985-1989). This document was published in 1993, revised in 1995 and was used as baseline text to inform the forest law promulgated one year later. Since its publication, this forest policy document has never been overhauled and does not embed current developments such as REDD, PES... This document is complex, voluminous and it is therefore not easily comprehensible by the public.

**Title:** The forest policy of Cameroon

**Date:** 1993 and revised in 1995

**Source:** On request at the Ministry of Forestry and Wildlife (MINFOF)  
[www.cameroun-foret.com](http://www.cameroun-foret.com)

**Language:** French and English

**Timeliness:** The document was produced in due time and served as baseline for forest law. However, it was not revised since 1995 and does not address current forest environmental challenges.

**Completeness:** It is a complete document as it lays down a general policy for all forest types and forest resources of the national territory.

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### Is the forest law available?

Cameroon has one of the best forest laws of Congo basin countries. It was formulated between 1989 and 1993 under the aegis of FAO and the Breton Woods institutions, and was voted by the first ever pluralist National Assembly of Cameroon. This forest law is available, and there was an effort to ensure a wide dissemination of its content. This forest law is severely criticised as it contains more than 75 references to implementation decrees which are not totally available up to date.

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

**Date:** 1994

**Source:** On request at the Ministry of Forestry and Wildlife (MINFOF) [www.minfof-cm.org](http://www.minfof-cm.org), [www.riddac.org/document/pdf/cm-loiforet.pdf](http://www.riddac.org/document/pdf/cm-loiforet.pdf) (run by a network of NGOs), [www.glin.gov](http://www.glin.gov) (run by the Law Library of Congress USA).

**Language:** French and English

**Accuracy:** The forest laws process followed a top-down approach and lack consent of local population.

**Timeliness:** This law has now been fully amended. However, a controversial article of the Law (71) was revised in 1999 to allow further export of logs. Currently, this law is under reform. It's an open process, providing space to all the actors to suggest a new content to the forestry law.

**Completeness:** This law covers the whole country. However, it seems to focus only of forest exploitation with little emphasis on wildlife, local populations, indigenous peoples and vulnerable forest types such as mangroves, gallery forests, and mountain forests. It also lacks strong provisions for forest protection and conservation, and the use of forests for recreation and research purposes.

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### 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).

All forest regulations, procedures, and decrees that have been signed are available though it is sometimes difficult to have access to them. These regulatory documents are not always signed within the expected timeframe. This is the case of the implementation decrees of the 1994 forest law which were elaborated one year after the law had been promulgated. Current diffusion and dissemination mechanisms of these regulatory instruments are not adapted to local realities (public and private media, national newspaper, radio, public notice boards). Due to their high number, it is not possible to make an exhaustive list of these decrees. Thus, only key ones will be mentioned here.

**Title:**

- a. Decree No. 86-230 of 13 March 1986 laying down rules for wearing uniforms, weapons and ammunition, badges and ranks of government officials forests, wildlife, fisheries and livestock
- b. Decree No. 95-535-PM of 23 August 1995 fixing the Terms of Application of the Forest regime
- c. Decree No. 95-466-PM-20 July 1995 setting out the modalities of application of wildlife regime
- d. Decree No. 96/238/PM of 10 April 1996 fixing the remuneration of certain services provided under the forest law
- e. Decree No. 96/642/PM of 17 September 1996 fixing the base and methods of collection of royalty and taxes on forestry activities.
- f. Decree No. 96/237/PM of 10 April 1996 fixing the modus operandi of the special fund provided by Law No. 94/01 of 20 January 1994
- g. Decree No. 99/370/PM of 19 March 1999 on the program of securing forest revenues
- h. Decree No. 99/711 PM of 11 August 1999 amending some provisions of Decree No. 96/237/PM of 10 April 1996 laying down the modalities of Special Funds provided by Law No. 94/01 of 20 January 1994
- i. Joint Decree No 0520/MINADT/MINFI/MINFOF of 03 June 2010 on forest tax distribution.
- j. Order No. 02653 of 01 October 1979 setting out the terms of access, access and circulation in the National Parks.
- k. Order No. 082/PM of 21 October 1999 establishes a National Committee to Fight against poaching
- l. Order No. 0567/A/MINEF/DFAP/SDFSRC of 14 August 1998 setting out the terms of bow hunting
- m. Joint order No. 0122/MINEF/MINAT of 29 April 1998 fixing the terms of employment income from logging activities by village communities.
- n. 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
- o. Ordinance N° 99/001 of 31 August 1999 completing the provisions of law 94/01 (forest law)
- p. Order regulating pre-selection criteria and procedures for the selection of bidders for forest exploitation titles

**Date:** 1979, 1986, 1995, 1996, 1994, 1998, 1999, 2001 and 2010

**Source:** MINFOF, [www.minfof-cm.org](http://www.minfof-cm.org), [www.cameroun-foret.com](http://www.cameroun-foret.com), [www.riddac.org](http://www.riddac.org),

**Language:** English and French for a and b, and mainly French for the rest.

**Accuracy:** All these texts do not pass through a participatory validation process.

**Timeliness:** Many decrees and orders are not yet enacted and some are not updated despite the fact that they have become obsolete. One of these texts has been revised in 2010 (Joint order No. 0122/MINEF/MINAT of 29 April 1998 fixing the terms of employment income from logging activities by village communities).

**Completeness:**

The new Joint Decree No 0520/MINADT/MINFI/MINFOF of 03 June 2010 on forest tax distribution is exhaustive as it takes to account all tax generated by all types of forests defined in the law.

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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 is not yet a national policy document on REDD in Cameroon. However, it is already known that the country will combine both project and programme approaches to the implementation of REDD. A REDD pilot project for estimating carbon stock with technical support of GTZ is being implemented by the government which also intends to set up a REDD national steering committee soon. Regulations on agricultural, road and infrastructures, and energy sector are available, but with the same technical restrictions as the law applying to the forestry sector. While conservation and management of national parks are part of the forestry regime, there exist no specific laws on bio-fuel in Cameroon. However, there are already trials of small scale cultivation of biofuel plants such as Jatropha and Sunflower.

**Title:**

- a. Law No 98/005 of 14 April 1998 on water regime and its implementation decrees
- b. Law No 99/013 of 22nd December 1999 on oil and gas exploitation and its implementation decrees
- c. Law No 98/022 of 24 December 1998 regulating the power sector.

**Date:** 1998 and 1999

**Source:** National Assembly, [www.minee.cm](http://www.minee.cm)

**Language:** French and English

**Completeness:** They cover the whole country.

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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 more than 23 forest and environment-related international agreements. Furthermore, Cameroon has committed to new ongoing policy processes at the 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). Texts of those conventions are made available in various public services (legal service of the MINFOF). The list below provides some of them with their ratification or acceptance date.

**Title:**

- a. Convention on the Conservation of Migratory Species of Wild Animals (1983)
- b. African Convention on the Conservation of Nature and Natural Resources (1977)

- c. Convention on the Protection of World Cultural and Natural Heritage (1982)
- d. Washington Convention on International Trade in Endangered Species of Wild Flora and Fauna (1981)
- e. Agreement on joint regulations of the fauna and flora in the basin of Lake Chad (1977)
- f. Agreement on cooperation and consultation between the Central African States on the Conservation of Wildlife (1983)
- g. International Agreement on Tropical Timber (1985)
- h. Convention on Biological Diversity (1994)
- i. Framework Convention of UN on Climate Change (1994)
- j. United Nations Convention on the Fight against Desertification (1997)
- k. Kyoto Protocol to the Convention United Nations Framework on Climate Change (2002)
- l. Ramsar Convention on the Wetlands (2006)
- m. Brazzaville Treaty relating to the conservation and sustainable management of forest ecosystems in Central Africa (2005)
- n. Voluntary Partnership Agreement with EU (signed on 06 th May 2010)
- o. UN Convention Against Corruption (UNCAC)
- p. International Labour Organisation

**Date:** 1983, 1981, 1977, 1982, 1985, 1994, 1997, 2002, 2006, 1999, 2005 and 2010

**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.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.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)  
[http://www.ramsar.org/cda/en/ramsar-home/main/ramsar/1\\_4000\\_0\\_\\_](http://www.ramsar.org/cda/en/ramsar-home/main/ramsar/1_4000_0__)

**Language:** Most of them in both official languages of Cameroon (French and English).

**Completeness:** VPA are not yet ratified by both EU Parliament and Cameroon national assembly. Some of these agreements are not reflected into national laws coupled with low ownership.

### Does customary / traditional forest law exist in this country?

Are there any customary and traditional forest rules in the country? If both customary and codified forest law exist, which one has predominated in the country and have there been efforts from the forestry administration to match both?

In Cameroon, there is a well-rooted unofficial customary forest law which gives ownership of forest and land to local communities. This contrasts with existing codified statutory law which grants land and forests to the State except those owned by private persons. The statutory law only gives usage rights to local communities; it overrules customary law and traditional rights creating therefore conflicts between the State and forest dwellers.

### 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)?

There is a national forest forum in Cameroon held every two years. However, diverging views are expressed with regards to the number of forums already held. According to the MINFOF, the national forum on forests held from 29 to 30 March 2010 (<http://www.minfof-cm.org/art135-fr.php>) was the third of its kind, while civil society consider it as the first national forum on forests. That is because the two first were held within the frame of PSFE national meeting while the third one can be considered as the first real forum ever held in Cameroon. It is worth to note that the forum has been institutionalised in December 2010, but the meetings still depend on the availability of funds.

**Title:** National forest forum

**Date:** 29 to 30 March 2010

**Source:** <http://www.minfof-cm.org/art135-fr.php>

**Language:** French and English

**Timeliness:** The first real forum was held in due time prior to ongoing forest policy reform.

**Completeness:** All forest stakeholders from all over the country took part in the forum. One of the major issues is the representation of stakeholders, in the absence of a clear process for selection of representatives.

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### **Are there local forest forums?**

Are there any government-recognised local roundtable dialogue forums which meet 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 are no government-recognised local forest forums in Cameroon. However, there are informal fora and platforms existing in the country to discuss forest issues such as the Djoum's Platform and Forest model platforms in Campo and Lomie, set up to bring together local forest stakeholders around forest concerns (FOMOD and CAMAMF).

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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 list of established, government-recognised list of stakeholders in Cameroon with whom government is obliged to consult or share information.

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### **Are reports on consultation processes public?**

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

In case of public consultations, reports are not made public.

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### **Is there any law recognising the right to free prior informed consultation?**

Is there any law to implement the country's commitment to ILO Convention 169 on the right to consultation?

Cameroon has not yet ratified the ILO convention 169.

It is important to note that the Constitution states in its preamble that "State insures the protection of minorities and preserves the rights of indigenous people according to the law". However, the mentioned law is still awaited. The 1994 law on Forestry stresses on the participation of forest stakeholders in resources management.

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### **Is there any law recognising the right to free prior informed consent?**

Is there any law on the right to consultation which gives veto powers to communities and/or indigenous peoples?

There is no law that gives decision or even veto powers to communities and indigenous people. In fact, the Executive Branch of Cameroon has arrogated itself with all powers and dominates the Judiciary, the Legislative and all local communities. Although mechanisms such as REDD+ and others urge for free, prior and informed consent (FPIC) of indigenous peoples, it does not seem that these calls are followed by the Government. An illustration is the Ngoyla-Mintom REDD initiatives to be launched without consent of pygmies. Civil Society Organisations (for example CED and its partners) have organised workshops with indigenous people on "right to free prior informed consent" prior to REDD.

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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?

The forest Law does not foresee any legal procedure for consultation of local populations or CSOs in the elaboration of new norms though consultation still occurs. But, 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. However, details of such consultation are unknown to this day except for public consultations in EIA studies which are regulated by decrees.

Generally, the initiation of debate for new norms emerges within the central administration constrained by external actors such donors or CSO. This core group of government officials is widened with time to include

other stakeholders selected with not clear procedure and criteria. For instance, the 222 order was reviewed by government with consultation of private sector and civil society. The ongoing forest policy reform seems to be more open to consultation to civil society and communities as the network of indigenous communities (RACOPY) has been invited to join the negotiation table and there hopes that more CSO will join negotiations.

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

**Date:** 1996

**Source:** National Assembly, MINEP

**Language:** French and English

**Timeliness:** Not regularly updated.

**Completeness:** No implementation framework provided; no consultation body or binding procedures on national and local level established to consult all stakeholders.

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

It 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?

The forest zoning plan of Southern Cameroon drawn with the support of the Canadian Cooperation is so far the main document that permits to deduct forest tenure policy. It divides forest into permanent and non-permanent forest estate. This zoning was very criticized as it was based on old aerial photos and satellite images and does not always take account of human settlements, agro-forestry and pasture zones within forests; and did not involve any stakeholder participation and consultation, especially of local communities.

**Title:** Zoning Plan of the southern forested Cameroon 1995

**Date:** 1995

**Source:** MINFOF, Direction of forests (on request)  
[www.cameroun-foret.com](http://www.cameroun-foret.com)

**Language:** French and English

**Accuracy:** Not accurate as it used old photographs not taking into account field realities. As consequences, human settlements were found in forest zones.

**Timeliness:** Has never been updated.

**Completeness:** Only the Southern forested Cameroon cover is covered, except for savannah and sahel areas, and it is limited to forest activities only.

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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?

Though private land ownership of forests is recognized in the forest code, a list of private forestland owners does not exist.

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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.

There is a clear distinction between ownership and use in the Cameroon forest law. Land and resources are owned respectively by Government in State forests and municipalities in council forests. In community forests, land belongs to State and resources to local communities. Note that in forest land belonging to the State or to municipalities, communities are recognized the right to collect some resources for personal use (collection of firewood and NTFP), 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 and 2001
Source:	Law N°94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations
Language:	French and English
Timeliness:	Ongoing reform process
Completeness:	Lack of inclusion of customary land rights and limited to personal use or consumption. Resources not to be sold.

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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).

The ownership of forest products follows nearly the same patterns like those of lands. State has absolute rights on timber, minerals, non-timber forest products, special forest products (Ebony...), wildlife and water and can grants authorisations to any individual or company to exploit these resources. Within the frame of user-rights, forest resources belong to local communities who are not entitled to sell them. The ownership on Carbon is not yet decided, but it seems as it will be similar to the one of resources tenure.

**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 and 2001

**Source:** Law N°94/01 of 20 January 1994 on forestry, wildlife and fisheries regulations.

**Language:** French and English

**Timeliness:** Need to be updated to include ownership on Carbon.

**Completeness:** Lack of recognition of customary rights on NTFPs.

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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?

Although there are several tenure conflicts occurring in Cameroon, there exist no clear, documented, understood and accessible steps for solving them. Customary and statutory law courts do allow local communities to complain but this is rarely successful due to intimidation, high procedural costs, corruption, and domination of government ... As for the drafting of forest management plans, loggers are obliged to set up a conflict management framework which is occasionally done.

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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?

The forest land use maps exist and are drawn by State (National Mapping Institute) and its foreign partner NGOs (WRI...). The maps prepared by the National Mapping are more general maps, serving as background for more forest-specific maps. NGOs preparing land-use maps are more professional than the MINFOF staff as they have

enough resources to hire experts. It is however a concern to leave such a sensitive task under the full control of foreign institutions, and capacity building with a transfer of the task will be more than needed in this area.

Title:	INC maps Interactive forestry atlas of Cameroon version 1.0 (Synthesis Document) 2005 Interactive forestry atlas of Cameroon version 2.0 (summary Document) 2007
Date:	2005, 2007
Source:	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> <a href="http://pdf.wri.org/gfw_cameroun_atlas_v2_francais.pdf">http://pdf.wri.org/gfw_cameroun_atlas_v2_francais.pdf</a>
Language:	French and English
Accuracy:	Information on reference maps (INC maps) are not accurate.
Timeliness:	INC maps not updated. Atlas updated annually.
Completeness:	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?

For now, most permits are for logging activities (logging concessions, sales of standing volumes, council and community forests, Timber Removal Authorisation (AEB) and Timber Recovery Permit (ARB) ), Non-Timber Forest Products (NTFP) and wildlife (special permits for NTFPs, hunting licences, bush meat gathering permits...). There are no permits for conservation areas, environmental services (water conservation and carbon storage...) or eco-tourism.

Title:	Law N°94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations.
Date:	1994
Source:	Art. 45, 46, 53, 56, 57,58 of Law 94/01
Language:	French and English
Timeliness:	Has not been updated since 1994.
Completeness:	Does not cover all forest services. Permits for some eco-tourism, water conservation are missing.

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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?

MINFOF with its partner Global Forest Watch produces mapped information on all forest land status of the southern part of the Country. These maps show already attributed and unallocated areas. These unattributed spots of forests include Forest Management Units (FMU) not yet attributed and intended for conservation, and forests in non permanent forest estates on which local communities exert their usage rights.

Title:	Forest Estate of Cameroon
Date:	2009
Source:	MINFOF and Global Forest Watch (on request).
Language:	English and French
Accuracy:	Accurate for the permanent domain.
Timeliness:	Updated yearly but with delay. The one of 2009 was made available in late 2010.
Completeness:	Incomplete as it does not show areas of small titles.

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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?

Procedures for allocating permits are clear and codified in regulations especially for FMUs which are already delimited in the zoning plan (113 FMUs in Cameroon). Each year, a number of these areas set aside for FMUs in the zoning plan are given out for allocation through a bidding process. 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 after negotiations between the Government and the company.

There are no permits issued for ecotourism or for carbon use of forests.

Title:	a. Law N°94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations. b. Decree N°95/531/PM of 23 August 1995 to lay down the conditions for the implementation of the forestry scheme.
Date:	1994, 1995

Source: National Assembly, MINFOF, [www.minfof-cm.org](http://www.minfof-cm.org)

Language: French and English

Timeliness: The 1994 forest law is under reform.

Completeness: Incomplete as it does not contain information on ecotourism and carbon.

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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?

Prior to permit allocation, there is no stakeholder consultation. The procedure is controlled by the ministry of Forest with an Independent Observer reporting on the process. The Independent Observer does not represent stakeholders and his report has to be validated by MINFOF.

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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?

With regards to logging concessions and sales of standing volumes, areas opened to logging are advertised on the notice board in the central MINFOF administration and in the website of MINFOF. This year (2010), MINFOF has opened 47 sales of standing volumes for logging and the auction process is going on. However, areas for small titles are not advertised.

Title: Public Tender

Date: Yearly

Source: Notice board of MINFOF and on the website: [www.minfof-cm.org](http://www.minfof-cm.org)

Language: English and French

Accuracy: Not accurate as there is not participatory process in defining the area. Areas advertised are based on outdated maps with consequences that advertised areas sometimes coincide with settlements of agro-forestry zones on the field. Besides there is a practice of location shifts after granting a specific area to a bidder, in that the latter illegally moves to another spot for logging without informing the forest administration. We should however highlight that boundaries are very accurate on the final UFA classification maps.

Timeliness: Advertised yearly

**Completeness:** There is no official production potential estimate attached to the advertising documents. Areas for small titles are not advertised.

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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?

Once bidders have applied for forest permits, an inter-ministerial commission including the Independent Observer scrutinizes and check applications on eligibility (financial and technical capacity, prior payment of taxes, etc.). Thereafter, a checklist is issued and advertised of bidders who do not fulfil all requirements together with the failing or missing documents. It is worth to note that although most applicants have complete application packages, these documents are not all genuine.

**Title:** The inter-ministerial commission with the involvement of Independent Observer to the concession allocation commission

**Date:** Yearly

**Source:** Publication of examination on Notice board of MINFOF

**Language:** French

**Accuracy:** Independent Observer does lack leverage to influence or stop the attribution process in case of fraud; Documents provided by the companies are not accurate, and some are even false.

**Timeliness:** The commission holds meetings when the need arises but depends mainly on bidders who provide funds for the commission to be held.

**Completeness:** Those transparent and independent mechanisms for verifying the eligibility of applicants are not applied to small titles. Final decision not based on the recommendations of the Independent Observer to the concessions allocation commission but on vested interests of commission members.

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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?

Citizens cannot know if the permit allocation procedure was followed. Although MINFOF advertises information on applicant files, reports of the Independent Observer who took part in the process are not published and are sometimes validated months after the attribution process has been concluded.

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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?

Last year, the circular note No 0924/MINFOF/SG/DF was issued on 23 September 2009. This circular aims at improving the attribution system of small titles. The innovation is that the attribution of small titles is done by auction through an inter-ministerial committee. However, there are considerations for banning or suspending these small titles to avoid current situation of illegal logging. The forest policy is under reform and there are expectations that they will include permits such as conservation, carbon deal and storage, ecotourism.

**Title:** Circular note No 0924/LC/MINFOF/SG/DF of 23rd September 2009 laying out procedures for issuing and monitoring Timber Recuperation Permits

**Date:** 2009

**Source:** MINFOF upon request

**Language:** Only in English

**Timeliness:** Signed in 2009

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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 final decision of the inter-ministerial commission is pasted on the board in the MINFOF central office. However, contracts/concessions agreements/permits signed between MINFOF and the beneficiary are not published. 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 all forest operations required to carry out an EIA?

Some types of permit, for example small-scale or Community Forest logging activities might be exempted from submitting an EIA.

In Cameroon, all forest operations are required to carry out EIA but at different degrees. FMUs and Sales of Standing Volumes are required to carry out detailed EAI while in Community and Communal Forests, only summary EIA are asked. Explicitly, it is not required for ARB and AEB to carry out EIA, but is implicitly done within the frame of the development project to which these titles are linked to. The harvesting of special products or NTFPs

is not associated with EIA. Thus goes from the fact that only parts of trees are collected with little impact on the environment. The issue now is whether environmental management plans emerging from these studies are implemented.

**Title:** a. Decree No 0577/PM of 23rd February 2005 laying out modalities of carrying out EIA.  
b. Articles 3 and 4 of order No 0070/MINEP of 22nd April 2005 listing categories of operations to be submitted to EIA.

**Date:** 2005

**Source:** Upon request at the Ministry of Environment and Nature Protection – Department of EIA.

**Language:** French and English

**Timeliness:** Published in due time.

**Completeness:** Do not cover AEBs/ARBs and harvesting activities of NTFPs or special products.

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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?

EIA reports are not made public. Yet they are not confidential and can be obtained upon request at the Ministry of Environment. EIA studies have two main steps in which local populations are involved: public consultation and public hearings. During public hearings, summaries of EIA reports are distributed to participants including local populations and they also have the opportunity to consult the whole report printed only in 20 copies. So, the public does not have copies of the report simply because of duplication costs which are very high. Thus, it is difficult for local populations to verify if their recommendations and amendments made during public hearings are taken into consideration in the final version of the EIA reports which are criticised to be written in style and languages not familiar to local populations.

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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?

Locations of logging activities pertaining to FMUs and Sales of Standing Volumes are advertised in MINFOP-Yaoundé but not at the local level. However during information meetings some logging concessionaires (about 50%) present maps to local populations. For small titles like AEB, ARB and personal cutting permits, logging locations are not published although specified in the permits. The consequence is that most small titles shift their locations without being intimidated by anyone.

**Title:** Public notice on logging locations

Date:	At any time
Source:	MINFOF board of information
Language:	French and English
Accuracy:	The boundaries provided on these maps are not always found on the field as most operators fail to demark them.
Timeliness:	Sometimes published late after logging has started
Completeness:	Small titles are not advertised.

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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?

Generally, local populations are not consulted during the identification of logging locations as this is decided at the Ministry level. However, during the delimitation and gazettelement process of FMUs and the elaboration of forest management plans (forest-farmers committees), opportunities are given to local communities to influence or shift the boundaries to secure their own territory. Nowadays, as EIA are required, chances are also provided to local communities to comment on logging impacts and propose mitigation solutions. However, there is no mechanism to make sure that suggestion and amendments made by local communities are taken into consideration in the final version of the EIA. It is worth to note that this consultation process is only for FMUs and does not concern Sales of Standing Volumes and small titles. Finally, loggers engaged in certification carry out consultation of local populations during identification and mapping of forests of high conservation values.

Title:	a. Decree No 0577/PM of 23rd February 2005 laying out modalities of carrying out EIA b. Decision No135/D/Minef/Cab of 26th November 1999 outlining procedures of gazettelement in permanent forests estate
Date:	1999 and 2005
Source:	MINFOF and MINEP, <a href="http://www.riddac.org">www.riddac.org</a>
Language:	French and English (a and b), and French (b)
Timeliness:	Public consultations and audiences take place in due time prior exploitation activities.
Completeness:	Does not cover Sales of Standing Volumes and other small titles.

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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)?

Populations and public do not have information on permitted logging volumes or quotas as they do not have access to forest management plans and annual cutting permits. Most of the time, this information is confidentially kept by MINFOF, the Ministry of Finance and forest companies who always overestimate these volumes to allow some manoeuvres. Note that each year the Ministry issues the list of all forest species to be exploited with their exploitable volumes. However, these figures are based on unrealistic calculations and extrapolations, and are not public.

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### Are the forest management plans (for logging) public?

Full forest management plan documents for logging are not public. These forest management plans are sometimes available on websites of logging companies. Since local communities do not have access to internet, they remain uninformed. Most of these forest management plans can be found on the following website: [www.data.cameroun-foret.com](http://www.data.cameroun-foret.com).

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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?

Locations for collecting NTFPs and hunting are clearly specified in permit documents but they are not made public. For wildlife, the attribution of professional hunting areas is advertised at the notice board of the Ministry and locations are clearly defined.

Title:	Areas opened to professional hunting.
Date:	Prior to hunting period
Source:	MINFOF, notice board
Language:	Generally in French
Timeliness:	In due time before hunting period.
Completeness:	Does not concern individual hunting permits.

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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?

No consultations are carried out with regards to NTFPs locations. As soon as an individual is granted an authorisation or a permit, the next step is harvesting. But most exploiters do not hold these legal documents and NTFPs harvesting is mainly illegal except for some products like Eru (Gnetum Africanum, barks of Prunus africana).

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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)?

Quotas of NTFPs to be extracted are not made public. There are no inventories carried out to estimate the available potential of NTFPs. Although, quotas of NTFPs to be harvested are specified in the permit or authorisation, these are not advertised. However, there are isolated cases where communities were informed on quotas to be harvested and this was provided by operators themselves. With regards to wildlife, quotas are clearly defined, advertised and it is on this basis that auctions are made.

Title:	Areas opened to professional hunting.
Date:	Prior to hunting period
Source:	MINFOF, notice board
Language:	Generally in French
Timeliness:	In due time before hunting period.
Completeness:	Does not concern individual hunting permits.

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### Are the forest management plans (for other forest products) public?

There are not specific forest management plans for other forest products other than wood. However, in forest management plans of FMUs and simple management plans of community forests, guidelines are given on management of NTFPs. With the ongoing forest policy reform, there are expectations that such plans will be required especially if specific provisions of NTFPs are included in the law as requested by FAO and CSOs. For wildlife, there exists management plans ("plans de tir") which are based on carrying capacity of each animal and reproduction cycle.

Title: "Plan de tir" of ZIC Coast Safari in Mellen and ZIC Sitatounga

Date: Yearly

Source: MINFOF upon request

Accuracy: Based on unrealistic extrapolations.

Timeliness: Updated yearly.

Completeness: Not all animals are included.

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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?

The law does not foresee permits for environmental services. There is information about some sites with interest for environmental services, including sites for proposed conservation concessions, Mbamboutos mountains for water protection, Ngoyla-Mintom....

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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?

So far, initiatives for environmental services are nascent and it is believed that consultations and participations will be sought especially in REDD projects where the concept of free and prior consent is gaining momentum.

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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?

None of the environmental services has been recognised by the national juridical instruments. However, initiatives aiming at putting in place payment mechanisms for environmental services are taken by national and international private entities within the framework of international agreements.

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### **Are the management plans for environmental services public?**

No provisions so far on management plans for environmental services.

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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?

Locations of ecotourism or other cultural services permits are not given to local populations. In fact, permits are issued by the Tourism ministry and beneficiaries carry out activities without notifying local populations. Thus, the latter are only informed when activities are already going on. However, when these activities are promoted by NGOs or communities themselves, it is obvious that they are informed.

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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, there is no stakeholder consultation process on (eco) tourism locations. During the attribution of agreements, the committee holds at the ministerial level to decide on applications. Tourism and ecotourism activities do not require management plans but before authorizations of exploitation are granted, applicants have to submit "cahiers de charges" proving that their activities are not harmful to the environment. However, there are no consultations during the elaboration of these "cahiers de charges".

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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?

Once activities start, the quality and quantity of services is only provided to clients or customers who can therefore find the limits of these services when using them. But, there is nothing like information meetings or campaigns of the public and neighbouring communities on the quality/quantity of (eco) tourism services. However, local populations do have this information when ecotourism sites are under their management and control.

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### **Are the management plans for (eco)toursim services public?**

For (eco) tourism activities, there are “cahiers de charges” which are closer to management plans and which take into consideration environmental aspects. In fact, the aim of such a “cahiers de charges” is to show that (eco)-tourism activities to be carried out are not harmful to the environment and that palliative solutions for pollution are provided. The law says they are public, yet none of these documents seems to have been published.

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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?

The Government has failed to elaborate Strategic Environmental Assessment of development options. Since this issue has reached its critical level, solutions are being sought by different stakeholders. REPAR (Network of Members of Parliament) is addressing concerns of overlapping logging and mining activities in forest concessions of the East region.

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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?

In Cameroon, mining, land and forests are dealt with by three different ministries and institutions (presidency of the republic); each one making his own decision on resources without consulting each other. As a consequence, agricultural land, mining zones and forests overlap creating conflicts amongst stakeholders. There is a need to bring decision makers around the same table to harmonize policies. This is far to happen as each ministry wants to dominate, especially the ministry of mines which is gaining importance with the ongoing exploitation of mining resources (iron of Mbalam and Mamelles, exploitation of cobalt and diamond by Korea Inc...).

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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?

Each ministerial 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 only 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 documented and published process for dedicating forests for non-forest use or converting forests to other uses, so the process is insufficiently transparent. Some information is available on large infrastructure projects' locations, even if consultation is not optimal. Concessions for creating agricultural lands are granted without any consultation. Likewise, there is no documented procedure for converting forests for mining.

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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?

Generally, populations are not officially informed on permits, plans and locations but through report in TV, newspapers and radios. But when activities are already taking place, they have no opportunity to exert any control as they have no access to exploitation sites (Chad Cameroon pipeline, various mining sites).

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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.

The joint decree No 0520/MINADT/MINFI/MINFOF of 28th July 2010 provides a system of sharing benefits and taxes generated from all forest activities. This legal instrument replaces the former joint decree No 0122/MINEFI/MINAT of 29th April 1998. This regulation applies to 7 different types of tax or benefits: (1) forest royalties, (2) contribution to the realisation of social and economic amenities, (3) revenues accrued from the exploitation of council forests, (4) tax on products collected with small titles (AEB & ARB), (5) revenues generated by the exploitation of community forests, (6) hunting taxes, and (7) all other revenues generated by forests. For forest royalties, the scheme is as follows: 50% for the State, 20% for local council, 20% for FEICOM and 10% for local communities.

**Title:** Joint decree No 0520/MINADT/MINFI/MINFOF of 28th July 2010 outlining modalities of use and follow-up of incomes accrued from the exploitation of forest and wildlife resources and deserved to communes and neighbouring communities (Articles 1, 2, 3, 4, 5, 6 and 7).

**Date:** 28th July 2010

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

**Language:** French and English

**Accuracy:** Do not provide a clear definition of 'neighbouring communities'.

**Timeliness:** Only updated once since 1998.

**Completeness:** Complete though NTFPs are not explicitly mentioned.

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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?

The joint decree No 0520/MINADT/MINFI/MINFOF of 28th July 2010 provides guidelines for using forest taxes and royalties by councils and local communities'. It sets up management committees which are accountable to council members and local communities. Quotas for expenditures for investments (80 to 90%) and functioning (mainly salaries, 10 to 20%) are also given. In practice, this does not effectively take place as planned. Some difficulties encountered in the management of these funds are: 1- Poor management capacities of council members and local populations, 2- Embezzlements of funds by some powerful elites, and 3- poor information diffusion and dissemination.

**Title:** Joint decree No 0520/MINADT/MINFI/MINFOF of 28th July 2010 outlining modalities of use and follow-up of incomes accrued from the exploitation of forest and wildlife resources and deserved to communes and neighbouring village communities (Articles 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22).

**Date:** 28th July 2010

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

**Language:** French and English

**Timeliness:** Only updated once since 1998.

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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?

Local populations are aware of the tax distribution system and the amount deserved to them but the issue is that they do not have a check and balance system to know if their share was appropriately calculated. In regard to the use of these funds, there is a committee provided for by law that is constituted of representatives of local communities who decide on investment options and alternatives listed in the joint decree – see Article 16 of the joint decree (drugs purchase, roads and bridges rehabilitation, reforestation...). In practice, the decision-making process on the use of the funds does not include communities.

**Title:**

Joint decree No 0520/MINADT/MINFI/MINFOF of 28th July 2010 outlining modalities of use and follow-up of incomes accrued from the exploitation of forest and wildlife resources and deserved to communes and neighbouring village communities (Articles 16 and 17).

Date:	28th July 2010
Source:	MINFOF, <a href="http://www.minfof-cm.org">www.minfof-cm.org</a>
Language:	French and English
Timeliness:	Only updated once since 1998
Completeness:	The list of investment options and alternatives is already established and local populations cannot make priorities out of this list.

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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?

The concerned authorities publish the amount of taxes due to each community or councils. Per regulation, this is to be done three times per year. But in reality, it is infrequently published (sometimes once a year) and mayors complain that the published amount is different from what they perceive leading to conflicts amongst them and local communities.

Title:	Forest royalties for local councils and communities.
Date:	Yearly
Source:	National Radio, Governmental Tabloid (Cameroon Tribune)
Language:	French and English
Accuracy:	No calculation basis is provided. Published amounts different from perceived amounts.
Timeliness:	Not disclosed on time
Completeness:	All information are not given especially the amount of paid taxes.

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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?

Forest concession contracts are annexed with “cahiers de charges” which specify obligations of loggers with regards to contribution for realisation of social and economic amenities. Likewise during the elaboration of forest management plans, mutual agreements are to be reached between logging companies and neighbouring villages for construction of social infrastructures. However, mostly the legal obligations are not met and logging companies fail to provide the services as stated in the agreements. Since local communities do not have access to “cahiers de charges” (which must be negotiated with, and signed by the concerned communities) and other documents, their rights are abused. It is finally reported that local communities receive cash (1000 FCFA/m3) and goods (food, agricultural inputs...) within the frame of Sales of Standing Volumes. Note that for logging companies engaged in certification, they have more social obligations to follow but it is voluntary.

<b>Title:</b>	a. 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, b. Section 61 of Law N°94/01 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations c. Joint decree No 0520/MINADT/MINFI/MINFOF of 28th July 2010 outlining modalities of use and follow-up of incomes accrued from the exploitation of forest and wildlife resources and deserved to communes and neighbouring village communities (Article 3).
<b>Date:</b>	28th July 2010 (c), 1994 (b), 2001 (a)
<b>Source:</b>	MINFOF, <a href="http://www.minfof-cm.org">www.minfof-cm.org</a> , <a href="http://www.glin.gov">www.glin.gov</a>
<b>Language:</b>	French and English
<b>Accuracy:</b>	No participatory process of validation
<b>Completeness:</b>	No details for different categories of titles

### 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?

In some cases, local populations have been consulted by logging companies prior to the elaboration of social obligations. But, in most cases the logging companies realise what is opportune to them without consultation and consent of local populations.

### 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?

Information on social obligations are not public but are not confidential either. They are found in "cahiers de charges" supposed to be found at the annexes of forest management plans and since local populations do not have access to these documents, their rights are often violated by logging companies who simply ignore their legal social duties.

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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?

In Cameroon, there is a national forum on forest which was held for the first time from 27 to 29th March 2010. It was the first real platform where all forest stakeholders met to discuss forest issues and gear or steer forest governance processes. The forum did not include the judiciary or any other institution in charge of law enforcement. There are no other formal mechanisms to discuss law enforcement issues with official from non forest agencies.

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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)?

In Cameroon, forest-farmers committees (CPF) are at the interface between forest users (loggers, hunters...) and government agents. These CPF created by decision No 135/D/MINEF/CAB of 26th November 1999 have several assignments including: animation and sensitization, information, participation to the elaboration of forest management plans, participation in the implementation of forest activities, and monitoring and control. They are not effective, and generally information coming from communities have not lead to decision from the Ministry of Forestry. CED started in October 2010 a project on "Local Independent Monitoring of Logging", with the purpose of providing training and information to 10 communities and 5 local NGOs on the monitoring of illegal logging. The purpose is to build local capacities for exposing suspicions or allegations of illegal logging.

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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 participate in illegal activities?

Yes, Communities criticise some provisions in the forest law. These are mainly related to their usage rights which are only limited to personal use. They believe that they should be allowed to sell or exchange parts of their products to buy essential basic needs, drugs, education services... Even the auction system of ceased wood and bush meats foreseen in the forest law is not appreciated by local populations who find it unfair as they find it just like a simple transfer of property right from one individual to another.

Title: Law N°94/01 of 20 January 1994 on forestry, wildlife and fisheries regulations (Articles 8 ...)

Date: 1994

Source: www.riddac .org, National Assembly, MINFOF

Language: French and English

Timeliness: Ongoing reform process

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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?

In line with the World Bank requirements, the Cameroon government introduced an Independent observer in the Inter-ministerial Committee which oversaw concessions allocations. Thus, this task was trusted to Cabinet Behle based in Douala who withdrew at the end of the first phase and was replaced by Cabinet Bloch-Kolle in 2003. For the independent monitoring of logging operations, this has been respectively carried out by Global Witness from 2000 to 2005 and by Resource Extraction Monitoring (REM) from 2005 to 2009. Nowadays, these functions are assumed by the consortium Agreco-CEW and funded by EU. However the problem is still the response to the Independent Monitor's recommendations, which are not always followed. Note that there are also civil society initiatives of Independent Observer like those of LAGA in the wildlife sector and CED (support to local Independent Observer of forests).

Title: Independent Observer of concession allocation:  
Cabinet Behle (up to 2003)  
Cabinet Bloch-Kolle (since 2003 till now)  
Independent Forest Monitor (of forest operations):  
Global Witness (2000-2005)  
Resource Extraction Monitoring (2005-2009)  
Agreco-Cew (2009 till now)

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/)

Completeness: Independent Observer does not monitor attribution of small titles.

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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?

Infractions of the forestry sector follow two different channels. For infractions concerning the wildlife sector, court cases are dealt with like any normal court procedure and lists of infractors are published on the notice board of tribunals. A sub-regional NGO (LAGA) helps in reporting infractions and following detainees to make sure they have

a fair judgement. For infractions in the logging sector, cases are handled by the Ministry of Forests who is supposed to publish and update the list of infractions each six months. This list presents the type of infractions, the name of the responsible person/company of the infraction and fines to be paid. This is published in Media, notice board of MINFOF and in ledgers posted on the website of the Ministry. 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 decentralized services (Regional Control Unit)
- Cases closed (National Control Unit and Regional Control Unit)

However, infractions committed by forest officers themselves are not made public.

**Title:** List of offenders in the forest sector

**Date:** Every six months

**Source:** MINFOF (notice board), [www.minfof-cm.org](http://www.minfof-cm.org)

**Language:** French only

**Accuracy:** Failures affecting the concept and the very structure of ledgers have been reported and indicate the inadequacies of the forest offence litigation monitoring system.

**Timeliness:** Not published each six months as foreseen.

**Completeness:** Some infractors are purposely not listed in the ledger.

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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?

The Ministry publishes list of suspended or debarred operators on irregular basis, either in Media or on notice board of the Ministry. In fact, the withdrawal and the suspension of titles or agreements is codified in the sections 65 and 71 of the forestry law.

**Title:** List of suspended forest operators

**Date:** At anytime

**Source:** MINFOF (Notice board)

**Language:** French only

Accuracy: Not suspension criteria provided

Timeliness: Not updated regularly

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### Is there a national or local Anti-Corruption Committee, Bureau or Commission?

Has any sort of special initiative been set up to tackle corruption? If yes, have cases of corruption in the forest sector been reported and were these dealt with according to the law?

Government-led or involved institutions and project in charge on tackling corruption in Cameroon are: (1) National-Anti Corruption Committee (CONAC) created by Presidential Decree No 2006/088 of 11th March 2006, (2) The Supreme State Control, (3) Ministerial Units for fight against corruption, (4) National Governance programme and (5) National Strategy for Fight against Corruption (SNLCC). Other initiatives are the UNDP CHOC programme and the Independent Committee against Corruption and Discrimination of civil society. Over the last few months, CONAC with help if CHOC programme have been very active in designing a national strategy to fight against corruption in Cameroon including the forest and environmental sector. However, all these institutions have not been effective in performing their job. Only one case of arrest related to forest royalties' embezzlement has been reported so far (Former mayor of Yokadouma).

Title: Presidential Decree No 2006/088 of 11th March 2006 creating CONAC

Date: 2006

Source: Cameroon Tribune

Language: French and English

Completeness: These institutions are only found at the central level with no decentralized bodies in local areas.

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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 are no provisions in the forest law or regulations or norms limiting transparency;. Usually, there are practices in the field that particular jeopardize transparency and this is mainly due to legal gaps of access to information. Some documents are not made available on grounds that they are private or commercial (forest inventories, forest management plans...).

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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?

Yes. There is no ranking of laws in Cameroon. However, practices in the field implicitly inform on the consideration and superiority associated with various laws of different sectors. Since recently, it seems as if the forest sector is overruled by others as great extent of forests and cleared off and converted for other uses (Hevea plantation in Nieme, Palm oil plantation in Ndiang division, Mbalam iron mining concession...). Articles 62 and 63 of the 2001 Mining Code provides 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, mining permits cover Forest Management Units under management, and protected areas.

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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.

Yes, it is commonplace for authorities to ignore transparency laws and practices. Though they might be aware of transparency norms, authorities seem to be interested by their own profits.

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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.

There are ongoing initiatives to improve transparency, e.g. through the VPA-FLEGT processes and agreements. These agreements which were initialled on 06th May 2010 are providing a new gateway for enhancing transparency in the forest sector through sound policy reform and information disclosure (forest inventory, forest management plans, forest titles, wood exports, forest audits, sanctions...).

Title:	Voluntary Partnership Agreement
Date:	Signed on 06th October 2010
Source:	www.minfoc-cm.org, European Union
Language:	French and English
Timeliness:	Too long negotiation phase (05 years)
Completeness:	Complete as it covers all logs even those in transit.

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### **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?

Towards the end of the year, each Department of the Forest Ministry produces an annual report which is submitted to the Minister. However, these annual reports are not made public.

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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 ministry has a communication department but this cannot be considered as central point of information. This department mainly communicates on current events carried out by the ministry and also produces the gazette. It does not handle information like forest inventories, forest management plans...

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### **Does the forest authority publish annual audited accounts?**

Are there any published annual audited accounts from any of the last five years? If not, when were the most recent accounts published? Is the forest authority exceptional in this regard or do most government departments show a similar pattern of (not) publishing accounts?

Audits are regularly carried out at the ministry but they are not published. In fact, all government departments are audited but reports are not made public.

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