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Making the Forest Sector Transparent

Annual Transparency Report

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Making the Forest Sector Transparent

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

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

Indicator assessment

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

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

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

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

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

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

Freedom of Information Law



Is there a Freedom of Information Act, which has been passed by the government and established in law?
Is the Act publically available in full from official sources (websites and/or offices)?

There is no specific freedom of information act but the law on social communication confirms the “right to know”. The right to information is explicitly recognised in other legal texts such as the constitution and the 1996 framework law on the environment. The challenge remains the drafting of a law specifically for freedom of information; civil society initiatives have been organised in order to press the government to legislate on this matter.

The current texts have not been translated into community languages and are also not summarised for a wider audience. Increasingly, community telecommunications centres with Internet access are being set up in some forest area districts (Abong-Mbang, Mindourou, Lomié, Batouri, Yokadouma, Ambang) but it should be noted that very few people who live in these areas are computer literate. The clause on the right to know, applies generally to public authorities. In Cameroon, texts do not have to be translated into local languages by law.

In terms of access to information, the current legal system has been consolidated by the ratification of the Voluntary Partnership Agreement (VPA) on 9 August 2011, which includes an annex on forestry information to be made public. This adds to the current legal framework considerably in terms of access to information.

Title:

- a. Constitution of Cameroon
- b. Law on Social Communication of Cameroon no. 90/062 (article 49(1))
- c. Framework Law 1996 related to environmental management (art. 17, 72, 74)

Organisation:

- a. National Assembly
- b. Ministry of Communication
- c. Ministry of Environment

Date:

- a. 18 January 1996
- b. 19 December 1990
- c. 5 August 1996

Source:

- a. http://www.minep.gov.cm/index.php/fr/inspections-environnementales/textes-reglementaires/cat_view/77-cadre-juridique (a)
- b. <http://zone843.files.wordpress.com/2008/04/la-loi-de-1990-sur-la-communication-sociale-au-cameroun.doc>
- b. <http://ebookbrowse.com/la-loi-de-1990-sur-la-communication-sociale-au-cameroun-doc-d24884614>
- c. www.minep.gov.cm

National Forest Policy



Is there an explicit current document described as the national forest policy? Is the policy document available in full to the public from official sources (websites and/or offices)?

The forest policy was published in 1993 and revised in 1995, and it has served as a foundation for the drafting of the forest law which was promulgated a year later. Both of these documents do not consider current developments such as Forest Law Enforcement Governance and Trade or Reducing Emission from Deforestation and Forest Degradation, and are therefore being reviewed, which represents an opportunity to adapt them to the current environmental and forest challenges.

The forest policy document is complex and bulky and, consequently, although it is available, the public struggles to understand it. The policy has not been translated into community languages but a summarised version for a wider audience is available online.

Title: The Forest Policy of Cameroon (general policy document)

Organisation: Ministry of Forests and Wildlife (MINFOF - Forests Department)

Date: 1993 and 1995 revision

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

Codified Forest Laws and Norms



Is there a codified forest law and lower level norms (regulations, procedures, decrees, technical directives etc) that make the forest laws operative? Are the law and supporting norms available in full to the public from official sources (websites and/or offices)?

The forest law and its implementing decrees and order are available separately or as part of compilations of legal texts produced by the Ministry of Forests and Wildlife, as well as from civil society organisations (CSOs). However, this forest law remains heavily criticised since it includes more than 75 references to implementation orders which are not fully up to date. The law seems to target exclusively forestry without much consideration for wildlife, local populations, indigenous populations and vulnerable forest types such as mangroves, gallery forests and mountain forests. Furthermore, it seems to focus mainly on the southern part of Cameroon, thereby ignoring the reality of forests in northern Cameroon's dry areas. A review of the forest law is underway and CSOs have made proposals which take on board the REDD initiative as well as development initiatives.

The current dissemination and distribution methods for the current regulations are not very well suited to local realities (public and private media, national newspapers, radio stations, public notice boards). Locally, many CSOs have organised campaigns to raise awareness and explain the law and some implementing texts. Local communities can obtain copies from the local forest authorities and local NGOs which have them.

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

Below is a selected list of the implementing regulations:

- a. Decree No. 95-535-PM of 23 August 1995 covering the Terms of Application of the Forest regime
- b. Decree No. 95-466-PM of 20 July 1995 covering the modalities of application of wildlife regime
- c. Decree No. 96/642/PM of 17 September 1996 covering the basis and methods of collection of royalty and taxes on forestry activities
- d. Decree No. 96/238/PM of 10 April 1996 covering the remuneration of certain services provided under the forest law
- e. Joint Decree No 0520/MINADT/MINFI/MINFOF of 03 June 2010 on forest tax distribution.
- f. Joint order No. 0122/MINEF/MINAT of 29 April 1998 covering the terms of use of revenues from logging activities by local communities.
- g. Order 0222/A/MINEF of 25 May 2001 regulating the elaboration, approval, follow-up and monitoring of the implementation of forest management plans in the national domain's production forests
- h. Ordinance N° 99/001 of 31 August 1999 completing certain provisions of law 94/01 (forest law)

Organisation: Ministry of Forests and Wildlife (Ministère des Forêts et de la Faune - MINFOF) - Forests Department

Source: On request from MINFOF www.minfof-cm.org,
www.riddac.org/document/pdf/cm-loiforet.pdf (run by a network of NGOs)
www.glin.gov (run by the Law Library of Congress, United States).

Signed International Trade Agreements on Forests



Has the country signed an international trade agreement that relates to forest products (logging and other products)? Are the agreements, including official discussions on their content, available in full to the public from official sources (websites and/or offices)?

The Voluntary Partnership Agreement (VPA) has been signed between Cameroon and the European Union, but it has not been translated into community languages. However, two information guides were produced by Cameroon and the European Union and are available online. The agreement is not yet effectively implemented.

Following a long negotiation process, the VPA was initialled on 6 May 2010 in Brussels, and was then signed in October 2010. The VPA was ratified on 9 August 2011 by the President of the Republic of Cameroon, marking a turning point in the effectiveness of the agreement and continuing the implementation process.

The implementation of the VPA should improve transparency in the forest sector, given that the agreement includes a section dedicated to it specifically (Annex VII on information to be made public). However, the way that the agreement is distributed is still limited (Internet), meaning that populations living in remote areas struggle to access it. Therefore the main challenge remains a strong dissemination of the agreement locally as well as to the wider public.

Title: Voluntary Partnership Agreement between the European Union and the Republic of Cameroon for the implementation of Forest Law Enforcement Governance and Trade (FLEGT)

Organisation: European Union

Date: 6 October 2010

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

Provisions for Transparency in Forest Laws



Are there any forest-specific written laws and regulations that develop the right to access public information on the sector? Are the provisions in laws and regulations available to the public through official websites and other sources?

Provisions for transparency are present in forest-related laws, notably in the 1993 forest policy document. Such commitments and/or provisions towards transparency and involvement have led the government (on its own initiative or as a result of advocacy work) to involve civil society increasingly in government processes affecting forests.

The Voluntary Partnership Agreement with the European Union is one major step forward; it means that the Cameroonian government has to ensure that the public has access to all documents and data related to forest law; contracts for production, concessions and forestry allocations; logging, processing and forest management; environmental impact assessments; management plans and social agreements made between the concessionaires and communities; data related to financial income and exports; reports and processes of verification and monitoring; audits; and the institutional framework of the forest sector.

Forest-related provisions which allow for transparency have not been translated into community languages and have not been summarised for a wider audience. This information is available on request.

Title:

- a. Forest Policy 1993
- b. Declaration of Heads of Central African States on the sustainable management of forest ecosystems in Central Africa in 1999
- c. Final Declaration of the Second Summit of Heads of Central African States on the conservation and sustainable management of forest ecosystems, February 2005
- d. Treaty of Brazzaville on the conservation and sustainable management of forest ecosystems in Central Africa in 2005
- e. Voluntary Partnership Agreement with the European Union on Forest Law Enforcement Governance and Trade in 2010

Organisation:

- a. MINFOF
- b. COMIFAC
- c. Information Network for Sustainable Development in Central Africa
- d. European Union

Source: <http://data.cameroun-foret.com/bibliotheque/9615>, www.minfof-cm.org; www.cameroun-foret.com (a, b et e), www.cbfp.org, www.comifac.org (b, c et d), www.riddac.org (b, c et d), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2011:092:0004:0125:FR:PDF> (e)

Legal Recognition of Customary and Traditional Rights

 Are customary and traditional rights recognised in codified forest law and norms? Are the provisions in the law and norms available in full to the public from official sources (websites and/or offices)?

Statutory law only grants user rights to local communities; it invalidates customary law and traditional rights. Cameroon has a deeply-rooted unofficial customary forest law which confers ownership of forests and lands to local communities. This is in contrast with the existing codified statutory law which grants lands and forests to the State, with the exception of those held by private entities.

Forest law recognises community user rights. There is no specific summary of the law, but based on the key messages to convey, various NGOs have designed guides, brochures and posters for communities and disseminated them locally. User rights do not grant ownership of the resource; they only allow for removals of non-protected resources for personal use and can be suspended in the public interest, temporarily or indefinitely, by the Minister of Forests and Wildlife.

The prospect of a revision of the forest law should mean that the current situation will improve thanks to an enhanced recognition of customary and traditional rights.

Title: Law N°94/01 of 20 January 1994 to set out forestry, wildlife and fishery regulations (Articles 8, 26, 29, 30, 36 et 38)

Organisation: MINFOF (Forests Department and Legal Unit)

Source: www.cameroun-foret.com, www.minfof-cm.org, www.riddac.org/document/pdf/cm-loiforet.pdf

Legally Recognised Procedure for Consultation on New Forest-Related Norms

 Are there any documented procedures (in the form of regulations, official guidance etc) that lay out the methodology for consultations that should take place regarding new forest-related policies, laws, regulations etc (for example on REDD)? Are the reports from consultation processes available?

There are still no formal, documented and detailed consultation procedures. According to article 9 (e) of the framework law on the environment, stakeholders have to be consulted during decision-making processes related to environmental and general matters. However, the details of such consultation are still unknown, except with regard to public consultations during Environmental Impact Assessments that are regulated by decrees.

The forest law provides no legal procedure for consulting local populations or civil society organisations (CSOs) whilst new policies and laws are being developed, but there is indeed a consultation process for the classification of forests.

In general, the central government instigates debates on new norms limited to external actors such as donors and CSOs. This group of government officials has expanded over time and now includes other stakeholders selected on the basis of procedures and criteria which lack clarity. The on-going reform of forest policy seems to be more open to the consultation of civil society and communities, and CSOs such as the network of indigenous communities (RACOPY) and the Rights and Resources Initiative (RRI) coalition have been invited to join the negotiations table; it is hoped that other CSOs will join in these negotiations.

Title: a. Decision No 135/d/MINEF/cab of 26 November 1999 - establishing procedures for the classification of forests of the permanent estate of the Republic of Cameroon
b. Framework law on the management of the environment (Article 9 (e))

Organisation: a. MINFOF
b. MINEP

Date: a.1999
b.1996

Source: National Assembly, www.minep.gov.cm (b), www.cameroun-foret.com (b), www.riddac.org (a et b)

Law Recognising Right to Free Prior Informed Consent

 Is there any law that recognises the right to consent of indigenous peoples and communities on forest uses? Is the law available in full to the public from official sources (websites and/or offices)?

There is no law which gives communities and indigenous populations any decision-making rights or veto rights. According to the current law, forests belong to the State, and although some efforts have been made (for example,

communal and community forestry), the concept of ownership of resources and land remains deeply rooted with the authorities and it is difficult for the right to consent to be recognised and applied.

Although mechanisms such as REDD+, among others, demand free, prior and informed consent for indigenous populations, these calls have not yet been heard by the government. Reviews of the forest laws are in progress and could provide an opportunity to recognise consent. However, the State might perceive the right to consent as a significant transfer of its power over land and resources to communities.

National Land Tenure Policy

 Is there an explicit current document that sets out the national policy on land tenure, including forest tenure? Is the policy document available in full to the public from official sources (websites and/or offices)?

Cameroon's forests are the subject of clear title. The current zoning map is fairly inaccurate because it is based exclusively on photographs, without consideration for the reality on the ground. The zoning has been criticised because it relies on old aerial and satellite photos and it still does not take into account areas of human settlement, agro-forestry and grazing within forests; furthermore, it has absolutely not been based on the involvement or the consultation of stakeholders, particularly local communities. Some areas of human settlement were discovered within forest areas afterwards. This plan was drafted a year after the 1994 law had been promulgated and needs to be updated.

The forest zoning map of southern Cameroon has split the forests into various types and forest law has distributed the forest among the State, communities, municipalities and private individuals. This goes against customary laws which grant all forested lands to local communities. The map only covers forest areas of Southern Cameroon, excluding savannah and Sahelian areas, and is limited to forest-related activities.

The definition of a clear national land tenure policy remains a major challenge. It is therefore hoped that the current forest and land reform initiatives will lead to the drafting of a national land tenure policy.

Title: Zoning plan of Southern Cameroon forests

Organisation: MINFOF (Forest Department)

Date: 1995

Source: www.cameroun-foret.com

Land Ownership and Forest Use Maps

 Are there official maps showing current forest ownership by title and/or forest areas where concessions, permits and other authorisations have been granted? Are the maps available in full to the public from official sources (websites and/or offices)?

The generic maps produced by the National Institute of Cartography serve as a base for more specific maps on forests. These maps are not up to date, whereas the Forest Atlas is updated yearly. Systematic mapping of small titles remains non-existent.

Some forest use maps are made by the State (the National Institute of Cartography) and international partner NGOs (for example, World Resources Institute). The NGOs which produce forest use maps are more professional than the Ministry of Forests and Wildlife staff. However, it is worrying that such a sensitive task is totally controlled by foreign institutions, and capacity building is urgently required in this area so that the task can be transferred.

Maps are often distributed to local NGOs. However, small operation titles, such as Timber Recovery Authorisations (TRAs) and Timber Recovery Permits (TRPs), are still excluded from the mapping system.

Title: Maps of the National Institute of Cartography
Interactive Forest Atlas of Cameroon version 1.0 (Executive Summary) 2005
Interactive Forest Atlas of Cameroon version 1.0 (Executive Summary) 2007
Interactive Forest Atlas of Cameroon version 1.0 (Executive Summary) 2008
Interactive Forest Atlas of Cameroon version 1.0 (Executive Summary) 2009

Organisation: National Institute of Cartography
Global Forest Watch

Source: http://arcgisserver.missouri.edu/webapps/wri/cameroon_v2/
http://www.globalforestwatch.org/french/pdf/Document_synthese_francais.pdf
<http://cameroun-foret.com/fr/bibliotheque/10191>
http://pdf.wri.org/gfw_cameroun_atlas_v2_francais.pdf

Regulated Permit System for Commercial Logging Operations

 Is there a formally regulated system of permits for commercial logging operations? Are the contracts/permits granted under the system publically available from official sources (websites and/or offices)?

There are two categories of titles in Cameroon: those that are allocated through an auction process (logging concessions and stumpage sales) and those that are granted by way of a mutual agreement.

Regarding the former title category, areas to be opened to logging operations are demarcated, a call for tender is published, technical and financial tenders are reviewed, and forests are granted to the highest bidder. A follow-up is also carried out by the independent monitor who reports on the allocation process.

Regarding the latter title category, Timber Recovery Authorisations linked to development projects (road building, plantations) are granted either by the Minister of Forestry or by a regional commission. However, this category is strongly associated with illegal felling and on-going advocacy activities are being organised to ban such titles. The pressure exercised by the independent monitor has led the Ministry of Forests and Wildlife (MINFOF) to write a letter to the Prime Minister's office in which it pledges that from now on the allocation of small titles will be subjected to a tender process and carried out by an inter-ministerial commission.

The inter-ministerial commission's final decision is posted on the notice board of the MINFOF's central office. However, the contracts, concession agreements or permits signed between MINFOF and beneficiaries are not published.

Permits are not systematically made available upon request to official sources and, consequently, the details of these permits are not accessible. Pressure from the independent monitor has also led to a process aimed at improving permit accessibility. The implementation of the Voluntary Partnership Agreement with the European Union for Forest Law Enforcement Governance and Trade will allow for commercial logging operations to be regulated.

Title: Law N° 94/01 of 20 January 1994 covering forestry, wildlife and fisheries regulations (Art. 45, 46, 53, 56, 57, 58)

Organisation: MINFOF (Forest Department and Legal Unit)

Source: www.cameroun-foret.com, www.minfof-cm.org, www.riddac.org/document/pdf/cm-loiforet.pdf

Legal Requirement for Stakeholder Consultation before Allocation of Commercial Logging Permits

 Is there a requirement in the forest law and norms for stakeholder consultation prior to the allocation of commercial logging permits? Are the reports from consultation processes available?

There is no stakeholder consultation prior to permit allocations. The concession allocation process is controlled by the Ministry of Forests, whilst an Independent Monitor (IM) is in charge of reporting on the process related to logging concessions. The IM does not represent stakeholders and its report must be validated by the Ministry of Forests and Wildlife. Furthermore, transparent verification does not yet apply to small titles. However, a consultation process is required in the context of forest classification.

Stakeholder consultation prior to a commercial logging permit being allocated guarantees the transparency and reliability of the process. Failure to follow this principle goes against the governance efforts made so far by the government. The new forest law under review should therefore lay the legal foundations required for a systematic consultation of stakeholders prior to any permit allocation.

Verification Process (Due Diligence) of the Eligibility of Permit Applicants

 Prior to the allocation of permits for logging or other extractive use (e.g. mining) of forest land, is there a formal process in the regulations for independent “due diligence” checks to verify the eligibility, suitability and capability (technical and financial) of applicants? Are the findings and conclusions of the verification process made available to the public?

There is a transparent and independent verification process of the eligibility of logging permit applicants. Once applicants have made their request, an inter-ministerial commission including, among others, the Independent Monitor (IM), reviews and checks the eligibility of applications. It is noteworthy that, although most applications are complete, these documents are not always genuine. A check-list indicating those applicants who do not meet all criteria as well as defective or missing documents is published and announced.

This process has its limits however, including the very weak power of the IM over the dissemination of the results and the control of the process. The IM does not have enough powers to influence or stop the allocation process in case of fraud. The final decision is not based on the recommendations the IM has made to the concession granting commission, but on the commission members' vested interests.

The IM prepares a report on the allocation of titles but this report is only sent to the minister and not meant for the public. Also, the transparent and independent verification of the eligibility of logging permit applicants is still limited to logging concessions whilst “small” logging titles, namely Timber Recovery Authorisations (TRAs) and Timber Recovery Permits (TRPs), are not included in this process.

Nevertheless, in a note dated 19 August 2011 sent by the Ministry of Forests and Wildlife to the Prime Minister regarding the “Report on the progress of TRAs/TRPs”, some measures were taken for the allocation of small titles. The current process should also be improved with the review of the law and the implementation of the Voluntary Partnership Agreement with the European Union.

Title: a. Law N° 94/01 of 20 January 1994 covering forestry, wildlife and fisheries regulations (Articles 45 (3) and 46 (2))
b. Decree N° 95/531/PM of 23 August 1995 covering the procedures for the forestry system (Articles 51 (1 and 2), 58 (1,2 and 3), 64 and 82)
c. Order No. 0315 / MINEF of 09 April 2001 covering the screening criteria and procedures for selection of bidders for logging titles

Organisation: MINFOF (Forests Department), RIDDAC

Source: www.cameroun-foret.com (a et b)
www.minfof-cm.org (a, b et c)
www.riddac.org (a, b et c)

Forest Management Plans



Once a permit or concession has been issued, is there a formal requirement for the completion of forest management plans on the operations? Are the forest management plans available to the public from official sources (websites and/or offices)?

Management plans provide information on the valid periods, locations and volumes of forestry operations. In principle, these plans should be made available to communities, but this is rarely the case except for some certified concessions. As far as forests are concerned, community representatives within the legal entity for management generally have access to basic management plans. For most logging operations, there are exhaustive documents related to management plans but they are not made public systematically.

Communities and NGOs are often able to have an input in preliminary socio-economical assessments. These documents have been classified for a long time, which hinders their availability.

The forest authorities and their partner (German technical cooperation: GIZ) have made efforts to make this plans available, a major part of which have been uploaded to a website. Indeed, most of these forest management plans can be viewed on the following website: www.data.cameroun-foret.com but because local communities do not have access to the Internet, they remained uninformed.

Two development plans for two protected areas are in the process of being approved by the forest authorities. Communities were involved in the drafting of these development plans through a consortium of CSOs (FPP, CED, OKANI, CEFAID, PERAD, ASBAK, RACOPY and the association Bumma'a Kpode).

The summary of these forest management plans is sometimes available on the websites of certified logging companies. The implementation of the Voluntary Partnership Agreement should improve this trend because development plans are among those documents that are to be made public in accordance with annex VII.

Title: a. Law N° 94/01 of 20 January 1994 covering forestry, wildlife and fisheries regulations (Articles 31, 32, 37, 39)
b. Order 0222/A/MINEF of 25 May 2001 regulating the elaboration, approval, follow-up and monitoring of the implementation of forest management plans in the national domain's production forests

Organisation: MINFOF

Source: a. www.cameroun-foret.com
b. <http://data.cameroun-foret.com/bibliotheque/9564>

Regulation of Environmental Services

Is there a formally agreed system for the regulation of environmental services, such as water, carbon and biodiversity, as it affects forests? Are the regulations for the system available to the public from official sources (websites and/or offices)?

It is hoped that the on-going review of the forest law will lead to the development of a system for regulating environmental services. Cameroon has not yet drafted its Readiness Preparation Proposal for the World Bank Forest Carbon Partnership Facility for REDD+, and consequently we cannot yet speak about carbon concessions.

Strategic Environmental Assessment of Development Priorities

 Is there a formal strategic process set out in policy to determine the priorities for land use between forests, mining, large-scale agriculture, infrastructure development and other demands? Is the policy available in full to the public from official sources (websites and/or offices)?

The government has not carried out a strategic environmental assessment of development priorities. Furthermore, it should be noted that the 2001 mining law establishes the predominance of mining use of lands.

This issue has become critical and has led the REPAR (a network of members of parliament) to look at the overlaps between logging and mining activities in the Eastern Region's logging concessions. The presidential order of February 2010 has established and mandated, within the REPAR-CEFHDAC in the National Assembly, some members of the Technical Monitoring Committee in charge of the integrated management of forest and mining resources.

Independent Monitoring of Forest Governance and Operations

 Is there an independent monitor, auditor, ombudsman or any other body with an officially recognised role to scrutinise forest governance and operations? Are reports by the independent body available to the public?

Some efforts are being made to implement forest law. Cameroon has a national strategy for forest control which it implements with the support of the Independent Monitor (IM). In accordance with World Bank's requirements, the Cameroonian government has introduced an Independent Monitor within the interministerial committee which was responsible for the supervision of concession allocations and an IM in charge of forest monitoring and follow up of forest offences in Cameroon.

Regarding the independent monitoring of logging operations, it is currently dealt with by the Agreco-CEW consortium and financed by the European Union. However, the question remains of what happens following the IM's recommendations, since they are still not taken into consideration. Also, offences that are detected and reported are not always prosecuted. It should be noted that there are also independent monitoring initiatives which are led by civil society such as by the NGO LAGA in the fauna and flora sector and CED's support for local independent forest monitoring.

Information and reports produced by the IM are made public after they have been validated favourably by the peer review committee, which is mostly represented by forest authorities. The Minister of Forestry officially approves the publication of reports. This is the only way in which those reports can be published by the IM on its website. These reports do not always influence the decision-making process, but gradual improvements can be seen. For example, recent recommendations by the IM have led to successive suspensions of small logging titles and some site managers who were party to illegal logging.

In order to strengthen its credibility with donors and the whole nation, the government must continue with the efforts made so far and break the regime of impunity.

Title: Independent Observer of the allocation of concessions:
Cabinet Behle (to 2003)
Cabinet Bloch-Kolle (from 2003 up to date)

Independent Observer of Forests:
Global Witness (2000-2005)
Resource Extraction Monitoring (2005-2009)
Agreco-CEW (2009 up to date)

Source: www.globalwitness.org/pages/en/cameroon.html
www.rem.org.uk
www.observation-cameroun.info/
www.oicameroun.org

Forestry Tax Collection and Funding Systems



Is there a regulated fiscal system to collect taxes and redistribute royalties from forest operations, or provide subsidies and funding to support forest operations? Are figures on the amounts collected and distributed available to the public from official sources?

The joint ministerial order 0520/MINADT/MINFI/MINFOF dated 3 June 2010 sets out a distribution system of the benefits and taxes generated by all forest-related activities. As far as forest royalties are concerned, the system is as follows: 50% goes to the State, 20% to the local authorities, 20% to the FEICOM (redistribution of income to all territories in Cameroon) and 10% to local communities. The order includes guidelines related to the use of forest taxes and royalties by municipal councils and local communities. It establishes management committees responsible to the members of the council and local communities.

This order marks a step forward towards sound management of funds, but the problem of effective implementation remains, and in most cases, clever means are found to ensure that communities are excluded from the benefits of the management of funds, with the consequence that local development cannot be perceived. Although local populations are aware of the tax redistribution system and the amount that they should receive, they still do not have a system of checks and balances to enable them to know if their share was calculated correctly.

Regarding the use of funds, the law makes provision for a committee made up of local community representatives to make decisions on investment options and alternatives listed in the joint order. In practice, the decision-making process related to the use of funds does not involve communities.

Some municipalities in the forest area have set up committees of residents, such as MINDOUROU and DIMAKO, but the authorities need to step up control of the use of these public funds, and the prosecution of corrupt officials should be systematic.

Title: Joint Order no 0520/MINADT/MINFI/MINFOF

Organisation: MINFOF
Date: 3 June 2010
Source: www.minfof-cm.org

Forest Infractions

 Is the Forest Authority obliged under the norms to collect information on any infractors of the forest law? Are lists of infractors available to the public from official sources?

Infractions committed in the forest sector fall in two categories. For infractions related to wildlife, prosecutions are dealt with like any other procedure in front of a tribunal and the lists of offenders are posted on the court's notice board.

In the case of logging infractions, cases are dealt with by the Ministry of Forestry and Wildlife (MINFOF) which is supposed to publish and update the list of offences every six months, but this is not the case. This list shows the type of infraction, the name of the individual/company responsible for the infraction, and the fines to be paid. It is published in the media, on the ministry's notice board and in reports posted on the ministry's website. The key categories corresponding to the various stages of the legal process and involving different MINFOF departments can be identified as follows:

- Cases currently being resolved (national monitoring unit of MINFOF, national enforcement brigade)
- Cases going through the legal process
- Cases related to the suspension of titles or agreements
- Reconstitution
- Cases being dealt with by decentralised services
- Closed cases

Forest authorities provide a file of offenders which is not always taken into consideration by the authorities in their overall process, and which does not impact future decision-making processes comprehensively. However, offences committed by forest officials themselves are not made public.

Title: Lists of offenders in the forest sector

Organisation: MINFOF (Bulletin Board)

Date: Every six months

Source: www.minfof-cm.org

Annual Forest Authority Report

 Is there a requirement set out in the norms for the Forest Authority to produce an annual summary of its activities? Is the report available in full to the public from official sources (websites and/or offices)?

Each department of the Ministry of Forests and Wildlife has to produce an annual report at the end of the year, which is then submitted to the minister. However, these annual reports are not made public.

The production of annual reports therefore seems to be closed within the internal operations of the forest authorities. It is essential that this process should be opened up, since every administrative document is supposed to be public except where otherwise required by a legislative or regulatory provision.
