

FLEGT-VPA Cameroon-European Union :  
Overview of 6 Years of Implementation

Photo SAILD



**Green Development Advocates**  
*For a Green Congo Basin*



Abandonment of timber in forest is illegal

Photo SAIFU

In response to international concerns about the impacts of illegal logging and associated trade in tropical countries, the EU Commission adopted in 2003 the FLEGT Action Plan (Forest Law Enforcement, Governance and Trade). Among other measures adopted in the FLEGT Action Plan, there is in highlight the signature of bilateral trade agreements called Voluntary Partnership Agreements (VPAs). The VPAs are concluded between the European Union (EU) and a timber producing and exporting country. Their objective is to contribute to improving forest governance in the signatory country and to ensure that timber and derived products imported into the EU meet all the regulatory requirements of their country of origin. The VPAs set out commitments and actions for both sides to curb illegal logging and implement an approach to identifying legally produced timber through licenses/authorizations issued by the signatory countries and exported to the EU. The agreement, once concluded, legally obliges both parties to trade only timber and timber pro-

***The FLEGT licensing scheme is based on the establishment of the legality verification system.***

ducts whose legality is verified. Cameroon, in its drive to combat illegal logging in 2007<sup>1</sup>, entered into formal negotiations with the EU to sign a VPA. The latter resulted in the signing in October 2010 of a FLEGT-VPA which entered into force in December 2011, following ratification and notification by both parties<sup>2</sup>. This VPA will ultimately provide a legal framework to ensure that all timber and timber products from Cameroon to the EU are produced or acquired legally<sup>3</sup>. It focuses on the establishment of a FLEGT licensing regime between the two parties which corresponds to the introduction of a set of requirements and procedures to verify and certify, by means of FLEGT authorization, that timber and products shipped to the European Union are produced and

acquired legally<sup>4</sup>. The FLEGT licensing scheme is based on the establishment of the Legality Assurance System (LAS), which includes compliance checks to provide assurance that timber and timber products for export to the EU are legally produced or acquired and that FLEGT licenses have not been issued for shipments of timber that is not produced or acquired legally or is of unknown origin. This system also includes procedures to ensure that timber of illegal or unknown origin does not enter the supply chain<sup>5</sup>.

<sup>1</sup> This period was preceded by a pre-negotiation phase (2005-2006) which was carried out informally.

<sup>2</sup> Cameroon, by a presidential decree signed on 9 august 2011, ratified the FLEGT-VPA

<sup>3</sup> See article 2 Cameroon-EU VPA

<sup>4</sup> Article 4, paragraph 1 of Cameroon-EU VPA

<sup>5</sup> Article 9, paragraph 1 of Cameroon-EU VPA

Annex IX<sup>6</sup> of the Agreement lists a number of activities and sub-activities, as well as timelines, to facilitate the implementation of the VPA. The three-year preparatory phase (2010-2013) was to lead to the issuance of the first FLEGT Licenses/Authorizations<sup>7</sup>. Six years later, no authorization has been issued!

Pressing questions come to the minds of those involved in this sector: Why are the first FLEGT licenses not yet issued? What can be done to remedy this situation?

These topical issues deserve answers. According to Article 27 of the VPA, "the agreement shall remain in force for a period of seven years, renewable by tacit agreement of the parties for periods of the

***Since 2013, the first FLEGT licenses still expected in Cameroon.***

same duration, except a party waives it by notifying the other party, at least twelve months before the end of the current period". Article 28 states that: "Notwithstanding Article 27, either Party may denounce this Agreement by notifying the other Party. The Agreement shall then cease to apply twelve months after the date of such notification".

Faced with the difficulties encountered in the implementation and at the end of the "first life" of the agreement, there is a risk, if no provision is made, of non-renewal or denunciation of Cameroon-EU VPA by one of the parties.

<sup>6</sup>This concerns: 1. Sensitization and information of stakeholders and public; 2. Promotion of "FLEGT-Cameroon" products on the Union market; 3. Institutional arrangements; 4. Capacity building; 5. Legal framework reform; 6. Improvement of the national control system; 7. Implementation of the traceability system; 8. Implementation of the legality verification system; 9. Establishment of the FLEGT licensing system; 10. System independent audits 11. Follow-up on the wood internal market (WIM); 12. Industrialization and commercialization 13. Follow-up of the impacts of the VPA; 14. Search for additional funding

<sup>7</sup>The parties to the agreement agreed that the first FLEGT authorizations would be issued as from March 2013



Timber is still exported to EU without FLEGT licenses

Photo SAILD

In this particular context, two Cameroon civil society organizations, Green Development Advocates (GDA) and the Service d'Appui aux Initiatives Locales de Développement (SAILD), have developed this note with a view to sound the alarm bell, to maintain and enrich discussions on the future of the Cameroon-EU VPA. This paper analyzes the constraints related to the implementation of the VPA while proposing possible solutions.

## WHERE IS THE BLOCKAGE ?

### Misapplication of the Purpose of the Agreement

The EU's FLEGT action plan aims to improve forest governance and one of the instruments, the VPA, aims specifically to design systems to verify whether timber is harvested legally. Thus, the implementation of the VPA would give priority to the tools used to certify the legal origin of timber. However, the efforts made, promoted and celebrated by the parties during the six years of implementation focused on transparency and participation, which are naturally the secondary objectives of the VPA, a guarantee for the credibility of the legality Assurance system put in place.

### Legality Verification Stalls

The issuance of certificates of legality stalls due to the inadequacy of certain verifiers of the legality grid to forestry titles and the application of the non-existent Computerized Forest Information Management System (SIGIF 2).

The conclusions of the evaluation of the conformity of logging titles allocation process carried out in 2013 by the "independent auditor of the system recommended the revision of legality grids<sup>8</sup>. It was only two years later, at the 8th Joint Implementation Council of the Agreement held on 27 September 2016, that "the parties confirmed the need to revise the VPA legality grids for better applicability"<sup>9</sup>. Consequently, no certificate of legality

has been issued to date for logging. SIGIF 2 is still not available. Following the failure of the first provider (the SGS-HELVETA consortium) to implement a forest products traceability system in Cameroon in 2010, the development of the SIGIF 2 application by the AIS-BUREDIP, responsible for developing SIGIF 2, is inexorably heading to a failure. In fact, after two years of work and near the end of the contract, no module of the application has been delivered and tested.

Following these two unsuccessful attempts, it must be noted that serenity no longer exists among the parties to the agreement. Are there conflicts of interest between and within the parties? Are conflicts of interest the cause of these failures? For what reasons and purposes?

SIGIF 2 is the backbone of the VPA. It is the unavoidable element of the issuance of FLEGT licenses. As such, only a consensual SIGIF 2 would guarantee the credibility of FLEGT licenses and further, the credibility of Cameroonian timber.

An Incoherent and Poorly-Adapted Legal Framework

### An incoherent and poorly-adapted legal framework

One of the accompanying measures<sup>10</sup> of the agreement was the reform of the legal framework applicable to the forest sector, with the aim of improving its consistency and complementing existing and insufficiently structured or regulated aspects.

<sup>8</sup>See point 4.3 of the auditor's Report p.45.

<sup>9</sup>Final declaration of the 8th FLEG-VPA Joint Implementation Board / <sup>10</sup>See Annex X of Cameroon-EU VPA



Geolocalisation of trees is important for timber traceability

Photo: SAILD



Photo SAHLD

*The transport of timber from community forests is difficult and expensive*

The revision of the forestry law and its implementing texts was initiated in 2008 and is still to be completed. This is a drawback to the implementation of the agreement.

The existing legal framework includes major inconsistencies in its aspects relating to certain forest titles, including community forests. By way of illustration, the legal and regulatory provisions relating to community forests conflict with certain contents of the Community Forest<sup>11</sup> Allocation Procedure and Management Standards Manual, the reference text that governs the management of this category of forests. . This situation makes it difficult to translate texts in the development of SI-GIF 2.

### **Poorly Operational Implementation Bodies**

In Cameroon, the VPA is managed by three bodies: the National Monitoring Committee (CNS), which includes all Cameroonian stakeholders, the Joint Monitoring Committee (CCS) and the Joint Implementation Board (Council) which bring together the representatives of both parties. Despite the considerable delay in the implementation of the FLEGT-VPA, these bodies meet regularly; nine (09) and eight (8) meetings have been held by the CCS and the Council, respectively. What is the relevance of such meetings? What is the relevance of their agenda? What are the outcomes?

On reading the minutes of the CCS and the Council, it appears that the same topics are on the agenda and debated at meetings. However, there is no substantive resolution to move the process forward. Meanwhile, the Council has power to amend and adopt the provisions of the Annexes<sup>12</sup>. . Indeed, since the VPA legality grids were found to be non-operational, the Council is still expected to take a resolution to revise legality grids. Finally, on what basis does the agreement implementation follow up and evaluation by the CCS take place? No work plan is developed by the Council to better plan the implementation of the agreement. Each year, the Cameroonian side develops a priority plan for the implementation of the VPA. Unfortunately, this plan is neither followed up nor evaluated by the Cameroonian party nor by the CCS. This is situation is the root of the confusion that reigns in the implementation of FLEGT-VPA.

<sup>11</sup> Article 29, for instance, which describes the documents contained in the file for the allocation of a community forest, is an example of contradiction whereby no provision is made for the management convention form, though it is cited in the community forest allocation procedure and management standard manual

<sup>12</sup> See articles 19 paragraph 2 (f) 29 paragraph 3 of Cameroon-EU VPA

## WHAT FUTURE FOR THE FLEGT-VPA ?

### The VPA, an Ideal Framework for Better Governance

Although the issuance of FLEGT licenses, the main expected VPA output, is not yet effective, the results obtained in terms of transparency and participation are significant. The VPA creates an enabling environment that helps civil society and indigenous and local forest communities to make their voice heard in forest management and decision-making bodies in Cameroon. A continuation of the VPA with interventions centered on the issuance of FLEGT authorizations would constitute the guarantee for an effective, functional VPA that preserves achievements.

### Strengthening the involvement of all stakeholders in the development of SIGIF

The development of SIGIF has remained an exclusive affair of MINFOF, which creates some opacity on the results actually obtained to date and makes it difficult to monitor its development by the other stakeholders. SIGIF development monitoring team should be composed of all stakeholders on the Cameroonian side, meet at regular intervals and have a detailed work plan. Only an inclusive approach would make SIGIF credible and facilitate its operationalization by the various actors.

### Promulgating the new forestry code and revising the legal framework for certain forest titles

The delay in the promulgation of the Forest Code greatly affects the pace of implementation of the agreement. In fact, the non-revision of legality grids to date could be justified by this delay. It is therefore important to speed up the adoption of the new forestry code, which would presumably be at the Presidency and would be ready for transmission to Parliament.

The revision of the legal framework for certain forest titles is also a factor limiting the issuance of legality certificates. Inconsistencies are identified



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Baka communities of Mpane Kobera (East region) hope for better living conditions

in the texts governing the management of community forests and other logging titles. To take just the example of community forests, there is no specific text governing the allocation and management of these forests. The rules of allocation and management are laid down in a simple document which has no legal force and is not adapted to the technical and financial capacities of the communities. Improving the legal framework for community forests and other forestry is an important project to finalize.

### Establishing Independent facilitation for the process

The bodies set up to steer the VPA are all operating temporarily and therefore do not have the capacity to effectively monitor activities. Independent facilitation, which would work on a permanent basis, involving all actors is the appropriate proposal to contribute to the accelerated implementation of Cameroon-EU VPA.

## ILLEGAL LOGGING

### In the World

- 15 to 30% of timber marketed worldwide is obtained illegally.
- 50-90% of logging activities in tropical timber producing countries are illegal.
- Illegal timber trade accounts for between 10 and 30% of global wood trade, and represents between 30 and 100 billion USD.

**Source :** Nellemann, C., *Interpol Programme on Environmental Abuse (dir.)*, 2012. *Green Carbon, Underground market: illegal logging, tax fraud and laundering in the world tropical forests. Rapid evaluation of expected responses. United Nations Environmental Program, GRID-Arendal. www.grida.no.*

### In Cameroon

- Illegally produced timber accounts for 33-35% of the national log production.
- Annual production of informal sawn timber corresponds on average to 755,000 m<sup>3</sup> of wood and provides an average of 40,000 direct jobs.
- The timber trade in artisanal timber amounts to about 64.2 billion FCFA per year.

**Source :** Eba'a Atyi et al., 2013. *Final Report: Study on the Economic and Social Importance of the Forest and Wildlife Sector in Cameroon. CIFOR.*



Domestic market full of illegal timber

## WE FOLLOW THE IMPLEMENTATION OF FLEGT-VPA IN CAMEROON

### Green Development Advocates (GDA)

- Green Development Advocates (GDA) is a Civil Society Organization (CSO) of Cameroonian law, established in 2009 and legalized on 30 June 2011. It works for development in line with social and environmental requirements. GDA's mission is to contribute to the sustainable development of African tropical forests while respecting the culture, rights, interests and needs of African peoples.
- GDA is member to various national and international civil society networks: Plateforme Forêts et Communautés (CFP), Réseaux Recherches Actions Pygmées (RACOPY), Coalition Droits et Ressources du Cameroun (RRI), Caucus d'Accra, Réseau Africain des Droits des Communautés (ACRN)...

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- Since legalization, the organization has implemented projects in areas as diverse as assessing international financial flows in the forest sector, social and environmental safeguards in REDD +, monitoring the FLEGT/VPA process, Hosting and technical supervision of the RRI Facilitation for Central Africa, assessing the incorporation of community rights into the forestry draft law, promoting community forestry as a tool for securing the environment, space...

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### Service d'Appui aux Initiatives Locales de Développement (SAILD)

- Established in 1988, SAILD (Support Service for Local Development Initiatives) is an international NGO under Swiss law with headquarters in Yaounde, Cameroon. Its vocation is to work for a just, equitable world with solidarity where people are fulfilled and live decently from the fruit of their work in a healthy and balanced environment.
- SAILD's mission is to accompany peasants and communities living in resource-based areas in their entrepreneurial and agro-pastoral initiatives with a view to their socio-economic and cultural development and to the sustainable management of the resources on which they depend.
- For the next 10 years, our objectives are as follows:
  - To reduce the negative impact of the exploitation of natural resources on communities and

- the environment
  - To improve the food situation of the population
  - To find competitive solutions for family farming in a context of open markets.

Three priority areas of intervention are reinforced and developed :

- Sustainable management of natural resources
- Food security and nutrition
- Information and rural communication.

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