

POSITION NOTE ON IMPROVING MONITORING OF LOGGING THROUGH OBSERVATION BY FOREST COMMUNITIES AND CSO

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[English translation by David Young, June 2014]

INTRODUCTION

Since 2000, the Cameroonian government has formally established the practice of independent forest monitoring in the forest sector, materialised through successive Independent Observer recruitments (Global Witness 2000-2005, REM 2005-2009, AGRECO - CEW 2010-2013) whose general mission is to support the Ministry in charge of forests in forest control missions. The practice of independent observation has improved forest monitoring capabilities. Over the years, the offenses are better documented, and the government has a better basis for applying sanctions. Moreover, for decades a type of independent observation made every day by communities and Civil Society Organizations (CSOs) has existed: this is called external independent monitoring. Although this type of observation has not yet earned official recognition, it also contributes significantly to good forest management.

In practice, trained communities provide evidence and proof of illegality, to present to CSOs, and after verification, this evidence and proof is transmitted to the authorities which consequently facilitates administrative control missions by the competent authorities. Whilst it is true that the work of external observers (local communities and CSOs) is essential for proper forest monitoring and therefore the fight against illegal logging, it is clear that the lack of recognition of their status is a major obstacle to efficiency. And therefore the external forests observation remains a marginal activity from a legal point of view, that does not promote the fight against illegal logging activities.

To meet this challenge, forty representatives of civil society and of indigenous and local communities involved in the external forest monitoring gathered to share experiences and knowledge gained over the past decades. After intense reflection and evaluation of the practice of external forest monitoring, these actors have identified lessons, and made proposals to make more efficient the practice of external forest observation in particular and monitoring / control of logging in general. These lessons were initially submitted to other stakeholders for their appreciation at a press conference, and relevant reactions and comments were taken into account.

11 LESSONS LEARNED FROM THE EXPERIENCE OF EXTERNAL FOREST OBSERVATION

1. External forest monitoring is an activity that contributes to the reduction of illegality in the forest sector and to this end, communities that are the basis of this activity must be informed and equipped for this activity.

Messamena District can be illustrative of the impact of the practice of external observation for changing practices and the reduction of cases of illegality. Between 2000 and 2010, cases of illegal logging of community forests were common. But the external forest observation actions made by local CSO PAPEL and communities, and subsequently by units of the National Control Brigade and the official Independent Observer, cases of illegal decreased significantly from four cases identified in 2011, to one case in 2012 and no cases of illegal exploitation of forest community identified in 2013 (see PAPEL report, 2013). Unfortunately, it appears that most external forest observation projects cover far more limited areas, and do not address all the district known to have illegal logging.

Suggestions:

Have maximum geographic coverage in external forest monitoring by expanding the training to other communities that have not yet learned about external compliance issues.

Have a consultation framework for actors implementing external forest observation projects for definition and harmonisation of operational areas of such projects to avoid duplication and to cover the largest possible area.

2. Communities are the first point for denunciations of illegality but when the monitoring teams arrive, whistle-blowers are rarely respected, and when they are, they do not participate in the organisation of missions and decision-making processes. They merely serve as a guide and cannot give an opinion.

The involvement of forest communities remains very uncertain and varies between Control Teams. But in all cases, the status of "guide" is the most common.

Suggestions:

The status of communities must be clarified and validated by these communities with CSO support. This should provide that communities participate in decision-making related to forest control (organisation, direction and conduct of missions, sanctions, reporting, etc.).

3. The forest administration and the official independent observer react very slowly to check after illegal logging reported.

The fastest missions are sometimes held two weeks after a denunciation, while others take place more than a month after referral to the competent authorities. Some reported cases moreover do not lead to any intervention by the Administration or the official independent observer. Therefore, between the information and intervention and punishment, there is a delay that allows the continued plundering of resources. Slowness by the Administration and the official independent observer is a lessening factor, or discouragement, for the different actors involved in external observation.

4. Mission reports of the official independent observer are not routinely published

A number of official independent observer missions do not result in public reports accessible by all stakeholders. When reports are published, the relationship between the original information and the results of the mission is not clear. Finally, these reports are sometimes released several weeks or months after the mission, yet no one can accurately determine the motives for this late publication.

Suggestions:

The mandate of the official Independent Observer should clearly set deadlines between proven reporting and audit, between the mission and the report of the mission. These periods should be based on logging permit durations and fast enough to not leave unpunished any act of illegal logging.

5. Communities participating in the observation of forestry activities are often double losers. They lose the resource when it is illegally exploited, and the benefit from auctions of timber which they helped seize: the felled timber is a de facto loss for riverside communities. In addition, their dedication to the seizure of illegal timber is not rewarded. Indeed, forest fringe communities facilitate the gathering of evidence, and therefore control missions. However, revenue from the auction of confiscated timber, fines imposed on offenders, pass directly and exclusively to the administration.

For example, in 2012, as a result of denunciations made by many communities, company X operating in the Central Region was punished by fines of 7,247,598 CFA francs, 5,000,000 CFA francs, and 15,325,346 CFA francs. The irregularities included: abandoned logs across tracks, chainsaw milling, cutting of trees less than 1.3m in diameter, and the presence of several stockpiles of abandoned logs. However, not one CFA franc of the penalty is denunciatory income for communities.

Suggestions:

Find a mechanism to reward communities for their participation in the fight against illegal logging. Also include communities as beneficiaries in the distribution of revenues from fines, auctions, special funds, 'Lab' and other funds.

6. Evaluation by Control agents (Control Brigade and others) of damage to the community caused by a logger is often disproportionate, not sufficiently taking into account all the damage.

The conduct of Forest Control is not going fully determining the extent of damage and so the sanctions imposed to date do not reflect the extent of the harm done.

Suggestions:

The terms of reference of the official independent observer and judicial police officers should be clarified to include the obligation to assess the damage exhaustively, using a defined method.

7. After denunciations by communities of cases of illegality, there is no immediate reaction or sanction by the national control brigade and / or other structures / control agents.

The relationship between reported cases of illegality by communities and CSOs is not always clear. For communities and CSOs, it is not certain that all the accusations that led to official missions will actually lead to penalties where the offense is proven. When sanctions are applied, they may occur several months after the denunciation and official mission.

8. Sanctions are not proportional to the harm caused to communities

The ministry responsible for forests should establish effective mechanisms to act more quickly and impose dissuasive sanctions.

Alternative legal opportunities (EUTR, national anti-corruption commission, etc..) should be explored by stakeholders.

9. Sources of information are not sufficiently protected.

There are instances of the identity of whistle-blowers becomes known to the timber operators guilty of illegal activities, which then led to intimidation of whistle-blowers.

Suggestions:

Establish strict procedures to ensure the safety and protection of whistle-blowers from communities and civil society.

Provide communities affected by intense illegal exploitation the information and training that could improve the reliability of their

denunciations.

Include in the mandate of the official Independent Observer and in the mission orders of the National Control Brigade an obligation of systematic protection of sources of information: the obligation to protect sources should also apply to decentralised authorities in charge of forest control.

10. External forestry observation activities are so far limited in time and space.

External forest monitoring activities supported by CSOs and communities are mostly implemented in the framework of projects. Unfortunately these projects are limited in time, which presents a problem of sustainability and effectiveness over the long term.

Suggestions:

Promoters of sustainable management, including the State and aid agencies must recognise the effectiveness of external observation – that infers a lower cost and can easily cover the entire nation. They should ensure the financing of external observation and facilitate its functioning.

11. The activities of forest control and independent forest monitoring implemented so far only slightly take into account the illegal aspects related to non-compliance with social obligations.

Suggestions:

Expand the scope of forest control, official Independent Observer to other social aspects (non-compliance of the forest management plan, social obligations, etc.).

Make public the companies' social obligations so that communities are able to contribute to the enforcement of their implementation.

List of signatory 41 organizations:

AAFEBEN, ABAWOMI, ADD, ADEBAKA, AJDUR, AJESH, APED, APRIAATE, ASBAK, ASTRADHE, BACUDA, CADER, CAFER, CAFT, CAJAD, Cameroun Ecologie, CARFAD, CED, CeDLA, CEFAID, CEREP, CERUT, CEW, COMINSUD, CRADIF, Earth Cameroon, FCTV, FODER, GDA, Greener Pastures, Nature Cameroon, OCBB, ONED, OKANI, PAPEL-Cameroun, PERAD, Planet Survey, ROCAME, ROSE, SAILD, SEFE.