

# Making the Forest Sector Transparent Cameroon VPA Transparency Gap Assessment 2012



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Prepared by the Centre pour l'Environnement et le Développement (CED) and Global Witness, October 2012

## Introduction

As part of the Forest Law Enforcement Governance and Trade (FLEGT) process, Cameroon signed the Voluntary Partnership Agreement (VPA) with the European Union in October 2010, and the agreement was ratified by the Government of Cameroon in August 2011.

The VPA provides a means for ensuring the legality of timber produced in Cameroon for the local market or for export through a tracking system. It supports improved transparency and governance of the forest sector, notably Annex VII commits the parties to publish a specific set of documents and data on forest sector rules and activities, and make all information accessible in the event of a specific request by another stakeholder. It also specifies the methods and channels for publishing information, including official reports, websites, multi-stakeholder forums, public meetings and local media.

This assessment by CED supports implementation of the VPA by measuring what information is currently available to the public and identifying gaps in relation to the items listed in Annex VII. It recommends actions to prioritise so that Cameroon can meet its obligations to improve transparency in the forest sector.

By ratifying the VPA, the Cameroonian authorities have made a commitment to strengthening the participation of all stakeholders, especially civil society and forest-dependent communities, in forest management. Although the Constitution of Cameroon places the duty on the Government to manage natural resources in the public interest, there is no specific freedom of information legislation to obligate authorities to provide information to citizens. The VPA Annex VII therefore places a new, binding obligation on the authorities. This is a welcome advance, but whether the benefits of transparency are realised will depend on the implementation of the agreement.

## Summary Findings

Annex VII specifies 75 documents and data under 10 categories. Each one was assessed using yes/partial/no 'traffic light' for whether the information currently exists (i.e. it is collected by the relevant authorities) and whether this information is publicly available (i.e. it is published in line with the Annex VII requirements). Some indicators were not applicable because the relevant process had not yet been implemented.

The pie charts below show the results for Framework indicators, which relate to legal documents, procedures or institutional set-ups that should be published once they are agreed; and Data indicators, which relate to reports, plans, maps and other information on forest activities that need to be regularly published over time (such as allocation, production, trade and monitoring).

Framework (19 Indicators)			Data (56 Indicators)		
Yes	6	32%	Yes	8	14%
Partial	5	26%	Partial	15	27%
No	1	5%	No	20	36%
N/A	7	37%	N/A	13	23%
<b>Total</b>	<b>19</b>		<b>Total</b>	<b>56</b>	

In summary, the assessment found that there are major gaps in current information publication, which undermines the transparency and accountability of many forestry activities. The following table presents each of the 75 indicators together with notes and details of where relevant information can be accessed. Analysis and recommendations then highlight what work needs to be prioritised to improve information collection, publication and dissemination.

The *Making the Forest Sector Transparent* programme is coordinated by Global Witness and works with a coalition of leading local NGOs in Cameroon, the Democratic Republic of Congo, Ecuador, Ghana, Liberia and Peru to engage policymakers and advocate for capable, responsive and accountable forest sector governance. Each partner has administered a mini-grants fund to support grassroots advocacy in their country.



## Cameroon VPA Transparency Gap Assessment 2012 Indicators

- Key:**
- Yes - information exists and is published
  - Partial - the information is incomplete, drafted and/or only available on request
  - No - the information does not exist or is not published
  - Not Applicable - the information in question is not applicable because the process or system has not yet been implemented

**F/D:** Framework (F) – legislation, procedure, structure or other norm applied to the forest sector to be published once agreed  
Data (D) – plan, report, map, statistic or other information on forest sector to be published regularly over time

### Abbreviations and Glossary:

<b>ARB</b>	Autorisation de Récupération du Bois – timber recovery authorisation or ‘salvage’ license for logging in the context of a development project (e.g. road construction) for up to one year in an area not exceeding 1,000 hectares in the Non-Permanent Forest Domain
<b>DF10</b>	Documentation detailing specification of wood extracted from the forest in a valid title
<b>FMU</b>	Forest Management Unit – timber extraction concession for long-term exploitation up to 30 years in an area of not more than 200,000 hectares in the Permanent Forest Domain
<b>MINFOF</b>	Ministère des Forêts et de la Faune – Ministry of Forests and Wildlife
<b>MINEPDD</b>	Ministère de l'Environnement, de la Protection de la Nature et du Développement Durable - Ministry of Environment, Nature Conservation and Sustainable Development
<b>PSRF</b>	Programme de Sécurisation des Recettes Forestières - Forestry Revenue Securement Programme
<b>RFA</b>	Redevance Forestière Annuelle – Annual Forestry Fee
<b>SIGIF</b>	Système Informatique de Gestion de l'Information Forestière – Information System for Management of Forestry
<b>VC</b>	Ventes de Coupe – sales of standing volumes of timber, mostly located in the Non-Permanent Forest Domain

*'Small title' logging permits* – logging rights allocated to companies for recovering timber in the Non-Permanent Forest Domain before a development project is implemented in the area (including ARBs as described above). Some permits have been associated with illegal operations, since 'small titles' were granted without a valid development project.

Information Specified in Annex VII	F/D	Exists?	Public?	Notes on Information	Sources of Information
<b>1. LEGAL INFORMATION</b>					
Legality matrices	F	●	●	The legality matrix was modified in 2011. The draft is under revision, but it has been widely circulated to stakeholders.	The draft is not yet on a website. MINFOF is responsible for sharing it.
All the existing legislative and regulatory references and rules set out in Annex II	F	●	●	Not all of the existing regulations are made available to the wider public.	MINFOF is responsible for producing and publishing the texts
Texts of all laws and amendments applicable to the forestry sector	F	●	●	Several implementation guidelines for the 1994 Forest Law still need to be produced.	MINFOF is responsible for producing and publishing the texts
Forest Code (laws and regulatory texts)	F	●	●	The Forest Code and regulatory decrees are publicly available on-line (but other lower level norms are not). Some NGO projects have produced leaflets, posters and radio programmes for communities to increase understanding of the law.	<a href="http://www.minfof-psfe.com">www.minfof-psfe.com</a> ; <a href="http://www.droit-afrique.com/images/textes/Cameroun/Cameroun%20-%20Loi%20foret.pdf">www.droit-afrique.com/images/textes/Cameroun/Cameroun%20-%20Loi%20foret.pdf</a>
Implementing texts	F	●	●	Several implementing texts have still not been signed. Of those that have, some have been widely distributed (for example, on community forestry, the local use of logging taxes, etc.)	<a href="http://www.minfof-psfe.com">www.minfof-psfe.com</a>
List of signed/ratified international conventions and agreements	F	●	●	The list is not widely distributed, but those who could need the information can easily access it	<a href="http://www.minfof.cm">www.minfof.cm</a> ; <a href="http://faolex.fao.org">faolex.fao.org</a> ; <a href="http://www.minep.gov.cm/index.php/fr/textes-juridiques/textes-internationaux">www.minep.gov.cm/index.php/fr/textes-juridiques/textes-internationaux</a>
Text of the Agreement, its Annexes and subsequent amendments	F	●	●	The agreement has been published on official websites	<a href="http://www.euflegt.efi.int/portal/home/vpa_countries/in_africa/cameroon/cameroon_material/?did=253">www.euflegt.efi.int/portal/home/vpa_countries/in_africa/cameroon/cameroon_material/?did=253</a>
Labour Code and principal regulatory texts applicable to the forestry sector on this subject	F	●	●	The Labour Code is publicly available, but not the implementation guidelines or the ILO conventions applicable to the sector	<a href="http://www.droit-afrique.com/images/textes/Cameroun/Cameroun%20-%20Code%20du%20travail.pdf">www.droit-afrique.com/images/textes/Cameroun/Cameroun%20-%20Code%20du%20travail.pdf</a>
General Tax Code and finance laws	F	●	●	The Finance Law is published every year. The PSRF organises information meetings on the issue every year	<a href="http://www.impots.cm/index.php?page=code-general-des-impots-et-autres-tectes-fiscaux">www.impots.cm/index.php?page=code-general-des-impots-et-autres-tectes-fiscaux</a> ; <a href="http://www.psrfercameroun.com">www.psrfercameroun.com</a>
List of private legality/durability certification schemes recognised by the Ministry responsible for forests	F	●	●	MINFOF acknowledges private certification schemes, but does not have a list of “recognised” ones. A draft regulation provides a mechanism for approving private schemes as equivalent to the legality matrix.	Draft regulation produced by MINFOF is under discussion

Information Specified in Annex VII	F/D	Exists?	Public?	Notes on Information	Sources of Information
<b>2. INFORMATION ON PRODUCTION</b>					
Total annual log production	D	●	●	Data exists only for legally produced timber. Estimates of illegally sourced timber are not available	<a href="http://data.cameroun-foret.com/fr/foret/production-annuelle-de-grumes">http://data.cameroun-foret.com/fr/foret/production-annuelle-de-grumes</a>
Annual authorised logging volumes, by species, title and company	D	●	●	Data exists in the Forest Management Information System (SIGIF), but are not publicly available	MINFOF
Annual volumes processed, by type of product, species and company	D	●	●	Data exists in SIGIF, but are not publicly available	MINFOF
Annual volumes of logs exported, by species (total and to the EU)	D	●	●	Data exists for timber exports by company, species and destination in the Regional Delegation of MINFOF in Douala, but does not indicate the origin of timber. This data base, known as COMCAM, is not public	<a href="http://cameroun-foret.com/fr/foret/production-annuelle-de-grumes">http://cameroun-foret.com/fr/foret/production-annuelle-de-grumes</a> for logs; MINFOF for COMCAM
Annual volumes of timber and derived products imported into Cameroon, and by country	D	●	●	Data on timber products imported in Cameroon exists in the Customs services, but are not made public	Data in the Department of Customs in the Ministry of Finance
Annual volumes of timber sold at public auction	D	●	●	Data exist in regional services of MINFOF, and are send to the Headquarters of MINFOF, but are not made public	MINFOF
<b>3. INFORMATION ON ALLOCATION</b>					
List of valid titles, with names of the companies to whom allocated	D	●	●	Details on valid Forest Management Unit (FMU) titles are available, but information on all types of 'small title' logging permits is not public.	Cameroon Tribune; "La Lettre Verte" (Newsletter of MINFOF) <a href="http://www.minfof-psfe.com">www.minfof-psfe.com</a> for FMU details
List of annual operating permits/annual logging certificates issued	D	●	●	SIGIF holds details of annual logging certificates, but this information is not made publicly available. There is no information on 'small title' logging permits.	MINFOF
Location map of valid logging titles	D	●	●	There is public information on FMUs and sales of standing volumes of timber (ventes de coupes), but location maps of 'small title' logging permits are not made public.	Global Forest Watch publishes annual maps of FMUs <a href="http://www.globalforestwatch.org/english/centralafrica/maps.htm">http://www.globalforestwatch.org/english/centralafrica/maps.htm</a>
Location map for annual areas available for logging	D	●	●	Maps are available of harvestable areas in forest concessions, but there are no existing maps of areas for 'small title' logging permits	Global Forest Watch <a href="http://www.globalforestwatch.org/english/centralafrica/maps.htm">http://www.globalforestwatch.org/english/centralafrica/maps.htm</a>
Official areas of valid logging titles and allocation price (RFA)	D	●	●	Data is published on FMU and sales of standing timber, but not for 'small title' logging permits.	Global Forest Watch <a href="http://www.globalforestwatch.org/english/centralafrica/maps.htm">http://www.globalforestwatch.org/english/centralafrica/maps.htm</a>
Notices of various invitations to tender (cut timber sale, ARB, lumber permit etc.)	D	●	●	Notices are published for some permits, but not for 'small title' logging permits nor for auctions of seized timber	Where produced, invitations for tender are published on a notice board in MINFOF
Information on the pre-emptive right <sup>1</sup>	D	●	●	The information exists but is not widely published. Where a sale is not concluded, a commission has to indicate why it was not allocated because there was no candidate or communities exercised the pre-emptive right	MINFOF
List of annual withdrawals of secure documents (DF 10 worksite books and waybills)	D	●	●	This information exists but is not publicly available	MINFOF
Results of the inter-ministerial title allocation committee	D	●	●	The results in terms of details of companies receiving logging titles for FMUs and sales of standing timber is made public on the notice board of MINFOF, but there is no committee for 'small title' logging permits.	MINFOF

<sup>1</sup> This applies when areas have been designated for sales of standing timber (VC) and communities exercise their pre-emptive right to convert it to a community forest where they can utilise various forest resources in a range of activities (including limited logging activities).

Information Specified in Annex VII	F/D	Exists?	Public?	Notes on Information	Sources of Information
List of approved forestry companies (logging, processing, inventories, management)	D	●	●	The list exists in SIGIF but is not made public	MINFOF
Notification of start of activities for timber salvage licenses (ARB)	D	●	●	Exists in SIGIF but is not made public	MINFOF
<b>4. INFORMATION ON MANAGEMENT</b>					
Mandate, roles and responsibilities of the ministerial departments responsible for management	F	●	●	Documents for the responsible ministries are published, although their mandates are confusing	Cameroon Tribune, website of the Presidency and of the Prime Ministry <a href="http://www.prc.cm">www.prc.cm</a>
List of concessions under management	D	●	●	Lists of FMUs under management exist and are published	List of companies are published on the website of MINFOF; <a href="http://www.minfof-psfe.com">www.minfof-psfe.com</a>
List of communal forests and their areas	D	●	●	There is a list of communal forests, but gazettment decrees with the exact size of the forest are not public	<a href="http://www.minfof.cm">www.minfof.cm</a> <a href="http://www.globalforestwatch.org/english/centralafrica/maps.htm">http://www.globalforestwatch.org/english/centralafrica/maps.htm</a>
Area of forestry concessions allocated	D	●	●	Information exists and is published by MINFOF	<a href="http://www.minfof.cm">www.minfof.cm</a> ; La Lettre Verte (MINFOF newsletter)
Area of forestry concessions involved in management (including annual operating plans and five year management plans)	D	●	●	Not all the information is made public (annual operating plans and five year management plans are not public)	<a href="http://www.minfof-psfe.com">www.minfof-psfe.com</a>
Area of forestry concessions with approved management plan	D	●	●	Details of these areas is widely published	<a href="http://www.minfof-psfe.com">www.minfof-psfe.com</a> ; Yearly reports on the State of the Forests in the Congo Basin
Area of certified forestry concessions	D	●	●	Information is published on the website of certification initiatives	Available on the website of the FSC <a href="http://www.fsc.org">www.fsc.org</a>
Documents relating to approved management plans	D	●	●	The management plans are available, but not all the related documents (for example, the five year implementation plan).	<a href="http://www.minfof-psfe.com">www.minfof-psfe.com</a>
Social agreement terms and conditions ('cahiers de charges') <sup>2</sup>	D	●	●	The terms and conditions of the agreements are not public.	MINFOF; Each company and community
Environmental impact studies	D	●	●	Data exists but is not publicly available	MINEPDD
<b>5. INFORMATION ON PROCESSING</b>					
List of approved processing companies	D	●	●	Data exists in SIGIF but are not publicly available	MINFOF
Location of processing units (actual addresses and/or geographical coordinates of the processing units)	D	●	●	Data exists, but is out of date (data from early 2000s), and is not public	MINFOF
Processing capacities per processing unit (% of capacity actually used)	D	●	●	Data exists, but is out of date (data from early 2000s) and is not public	MINFOF
Volume of plant entry per company	D	●	●	Data exists in PSRF but is not public	Ministry of Finance
Volume of plant departure per company	D	●	●	Data exists in PSRF but is not public	Ministry of Finance
Stock at year end	D	●	●	For legally declared timber, data exists but is not public	MINFOF

<sup>2</sup> Forest concession contracts are annexed with 'cahiers de charges' which specify the concession holder's obligations to provide social services and build infrastructure for neighbouring communities. Mutual agreements are meant to be reached between logging companies and neighbouring communities.

Information Specified in Annex VII	F/D	Exists?	Public?	Notes on Information	Sources of Information
<b>6. INFORMATION ON EXPORTS</b>					
Data on timber in transit	D			Data exists but is not public	Ministry of Transport
Data on exports, by species, country and company	D			Data exists but is not public	Ministry of Transport
<b>7. INFORMATION ON THE LEGALITY ASSURANCE SYSTEM AND MONITORING</b>					
Final description of the Legality Assurance System	F			The system is currently being designed and could be ready by December 2012.	
Procedures for granting certificates of legality and FLEGT licenses	F			The system is currently being developed	
National strategy and control rules	F			There is a national strategy, but it only provides for control of logging operations, not non-timber operations. It is currently under revision	<a href="http://data.cameroun-foret.com/system/files/18_90_19.pdf">http://data.cameroun-foret.com/system/files/18_90_19.pdf</a>
Reports from the independent title allocation observer	D			The reports exist, but are not made public. A new independent observer is currently being hired by public tender.	MINFOF
Report from the independent forestry control observer	D			Reports are published on the website of the independent observer	<a href="http://www.oicameroun.org">www.oicameroun.org</a>
Reports from the control teams	D			None of the reports are public	
List of certificates of legality issued	D			Not yet applicable because system not established	
List of FLEGT licenses issued	D			Not yet applicable because system not established	
Rejected certificate applications	D			Not yet applicable because system not established	
Rejected FLEGT license applications	D			Not yet applicable because system not established	
<b>8. INFORMATION ON AUDITS<sup>3</sup></b>					
Terms of Reference for the audits	F			Not yet applicable because system not established	
Auditor recruitment procedures	F			Not yet applicable because audit process not established	
Results of the audit	D			Not yet applicable because audit process not established	
Complaints about audits and their handling	D			Not yet applicable because audit process not established	
Introduction of corrective measures	D			Not yet applicable because audit process not established	
<b>9. INFORMATION ON FINANCIAL TRANSACTIONS</b>					
List of forestry disputes (record of offences)	D			A list exists and is published by MINFOF	Cameroon Tribune; <a href="http://www.minfof.cm">www.minfof.cm</a>
Annual report on forestry revenue	D			Gross data are published, but not details on all the forestry revenues	Cameroon Tribune, La Lettre Verte (MINFOF newsletter)
Annual payments of the annual forestry fee by title	D			List of payments are published by the PSRF, and by MINFOF	Ministry of Finance and MINFOF, ( <a href="http://www.minfof.cm">www.minfof.cm</a> ), Cameroon Tribune
List of payments of local and national taxes	D			General figures are made public, but not by company for each of the taxes	MINFOF - <a href="http://www.minfof.cm">www.minfof.cm</a> , La lettre Verte, Cameroon Tribune
List of fines for offences	D			A list of infractions with details of fines imposed is occasionally published by MINFOF, but this is not routine.	<a href="http://www.minfof.cm">www.minfof.cm</a> ; Cameroon Tribune
List of disputes settled	D			Lists are published from time to time, but not the content of the settlement	Cameroon Tribune; <a href="http://www.minfof.cm">www.minfof.cm</a>

<sup>3</sup> This relates to the Independent Auditor set out in the VPA

Information Specified in Annex VII	F/D	Exists?	Public?	Notes on Information	Sources of Information
<b>10. INFORMATION ON THE INSTITUTIONAL SET-UP</b>					
Structure and functioning of the Joint Monitoring Committee	F			A Joint Monitoring Committee meeting was held in March 2012, but the work of the Committee is still being discussed.	
Report of the Joint Monitoring Committee	D			Not yet applicable	
Structure and functioning of the National Monitoring Committee	F			The VPA identifies this committee as a forum for regularly consulting stakeholders on its implementation. A draft decree was circulated for comments, but has not yet been signed by the Government.	
Report of the National Monitoring Committee	D			The committee has not yet been set up	
Structure and functioning of the Inter-ministerial Links Monitoring Committee	F			Annex III-B of the VPA refers to this committee to monitor links between ministries responsible for documents in the legality matrix. It has not yet been set up.	
Report of the Inter-ministerial Links Monitoring Committee	D			Not yet applicable	
List of issuing authorities	D			Not yet applicable	
List of competent authorities	D			Not yet applicable	
Reports of competent authorities	D			Not yet applicable	

## Methodology

The investigators gathered information by searching the websites of relevant authorities and other stakeholders working in the forest sector in Cameroon. The sites of the MINFOF and MINEPDD were the ones most frequently consulted during this exercise. Where particular information could not be found, the investigators contacted key informants to query its availability. Officials from MINFOF, the Ministry of Public Works and Transport, and the Ministry of Finance were contacted as part of this analysis. Data were collected in May 2012 and reviewed over June and July 2012.

## Analysis

Regarding the 'Framework' indicators, parts of the forest sector legislation and related norms are in the public domain, but some implementing texts have not been signed and the indicator was consequently assessed as 'partial'. Some structures and procedures for the VPA legality assurance system are also not applicable since they have not been developed yet.

For the 'Data' indicators, virtually all of the information does exist, for example it is known to be collected by authorities in SIGIF or other systems. However, only eight of the 43 applicable indicators are currently published. Major findings on the 'Data' indicators include:

- Some of the required information on management is available for FMU concessions, but key documents such as annual operating plans, social agreement terms and conditions and environmental impact assessments are not regularly published.
- The required information on allocation is not available for all types of 'small permits'.
- Little or none of the required information is publicly available on timber production, processing and exports. In some cases, the current public data needs to be updated (for example on industrial processing capacity).
- Reports by the National Control Team and the Independent Observer of concession allocations are not publicly available.

Overall, there are currently major gaps in information disclosure, which make it difficult for ordinary people to know what forestry activities are happening and report suspicions of illegal logging. Illegal operations can operate with a degree of impunity, resulting in loss of income for the state and neighbouring municipalities and communities. For example, the volume of timber sold at auction is typically kept confidential, making it

possible to launder timber from illegal sources without public scrutiny.

Moreover, local forest rights-holders are currently restricted by their inability to appropriately monitor operations that could harm their rights. Independent verification of activities is difficult or impossible because there is no data published or the available information is incomplete or out of date. Information accurately describing the rights of logging operators is generally difficult to obtain, including permitted volumes (quotas) by permit and company, and location maps of annual cutting areas (especially for small permits). Overall, statistics on the forest sector are poor quality.

Information is often not being published using the channels and methods specified in Annex VII. The lack of proactive dissemination may be due to a prevailing culture of secrecy, or simply due to inefficiency. Many civil servants still claim that most information they produce or receive is confidential, even if it is about public goods. Major obstacles include the lack of any centralised information management system, and the inadequacy of tools and mechanisms for disseminating information so that they reach the greatest number of citizens. There is clearly a role for NGOs in the synthesis, analysis and dissemination of information, provided that complete and timely data is made available by the authorities. There have been some improvements in recent years, and the ongoing revision of the forestry code could present the opportunity to strengthen the obligation on authorities and other stakeholders to publish information as required by Annex VII of the VPA.

## Recommendations

In order to meet the commitments to published information made in Annex VII of the VPA, improve forest governance, and combat illegal activities in the sector, five priority steps are recommended:

1. MINFOF nominates a unit responsible for collecting and disseminating information, and responding to requests for information. Its work should be based on the transparency commitments in the VPA (and other legal texts in Cameroon).
2. All existing information held by ministries and relevant local and regional bodies is centralised and stored in an information management system, which supports routine publication on the MINFOF website of all of the required data in Annex VII.
3. MINFOF makes improvements to the reliability of data collected so that it provides accurate and up to date statistics on forest sector activities.
4. In collaboration with NGOs and the private sector, MINFOF sets out a strategy for information publication through different channels and methods so that all stakeholders, in particular forest-dependent communities can access and understand it. Regular public information days should be organised by MINFOF and relevant regional and local bodies, taking into consideration the annual cycle of forest operations.
5. Civil society organisations work further with communities to demand information from authorities on all forest activities across the country. Similar transparency assessments to this one should be conducted in coming years to highlight progress and identify gaps.

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## Contacts

**Centre pour l'Environnement et le Développement:** [www.cedcameroun.org](http://www.cedcameroun.org)  
BP 3430, Yaoundé, Cameroon  
Director: Samuel Nguiffo



The Centre pour l'Environnement et le Développement (CED) advocates for a non-violent transformation to conflicts relating to access and usage of resources. The organisation's mission is to contribute to the protection of the rights, interests, culture and aspirations of local communities and indigenous peoples of the forests of Central Africa, through the promotion of environmental justice and the sustainable management of natural resources in the region. CED was established in 1994 in reaction to a significant increase in industrial logging and the expansion of illegal forestry activity.

**Global Witness:** [www.globalwitness.org/gtf](http://www.globalwitness.org/gtf); [www.foresttransparency.info](http://www.foresttransparency.info)  
Team Leader: David Young



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