

Independent Monitoring



Progress in tackling
illegal logging in Cameroon



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Project of Independent
Monitoring of Forest Law
Enforcement and Governance

Annual report, March 2005-February 2006

REM is a not-for-profit international organisation founded in 2003 that specialises in Independent Monitoring of Law Enforcement and Governance. REM promotes a constructive approach to establish a link between governments, environment and human rights NGOs, local communities, international donors and the private sector by providing timely and objective information on the exploitation of natural resources and the host governments' own monitoring efforts. REM's aim is to reinforce the implementation of legislation in the forest and other sectors and promote the follow-up of legal cases.

REM is not a campaigning organisation and has no political affiliation. Our approach and analysis of governance problems and forest law enforcement during project implementation, however, remains proactive.

REM's team of experts is mainly composed of lawyers, forest technicians, economists, environmental scientists and specialists in forest legislation, law enforcement systems, documentation, data management and forest sectors in many African and Asian countries.

Detailed information on REM's approach and our activities are available on our Internet site www.rem.org.uk

The content of this publication is the sole responsibility of REM and can in no way be taken to reflect the views of the European Union

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INTRODUCTION

Executive Summary

The Monitor's role is to make an independent assessment of how forest law enforcement is carried out and legal cases followed-through by concerned governmental services, and to provide recommendations for improvements. Data used by the Independent Monitor for analysis is collected during meetings on the multiple aspects of law enforcement and legal processes, and during investigative missions on the ground relating to forest exploitation activities. These missions can be carried out jointly with sworn officials or independently by the Monitor, which compares its own observations with those made by government services. The level of the latter's respect for law enforcement procedures is observed and any dysfunction recorded, enabling the Monitor to suggest improvements in order to increase the efficiency of governmental law enforcement. Analysis reports and mission reports compiled by the Monitor are regularly published following Reading Committee sessions, which are participative and consultative fora where reports are reviewed. This mechanism promotes exchanges and comments between the Monitor, the services in charge of forest law enforcement at MINFOF and international donors.

This first annual IM-FLEG report in Cameroon covers the period from 7 March 2005 to 6 March 2006 and highlights the quantitative and qualitative improvements made in different aspects of forest law enforcement in Cameroon. It covers, for example, field missions whose quality has been improved by using adapted technology and planning sessions undertaken jointly by government services and the Independent Monitor. The missions' quantitative improvements mainly result from their regularity and the increase in manpower and skills within the National Forest Law Enforcement Brigade.

With the support of the Independent Monitor, improvements have been made in transparency in some areas and publications. A significant quantity of information related to forests has been made accessible to the public due to regular

Reading Committee sessions, resulting in the publication of the Independent Monitor's mission reports on its Internet site. MINFOF also publishes press releases listing cases of forest infractions and their follow-up.

Fewer improvements have been noted in the follow-up of forest infractions and the collection of fines and damages. This report underlines major causes of this lack of progress, which include: the lack of respect of procedures, persistent controversy surrounding calculation methods of volumes illegally exploited, the lack of transparency and use of management and follow-up tools such as the Computerised Forest Information Management System (SIGIF) and the Computerised Forest Infractions and Information Management System (SIGICOF), the slowness and heaviness of procedures and the lack of coordination between different officials responsible for the follow-up of legal cases.

The Monitor's access to some data is restricted, despite the project's Terms of Reference stipulating that it would benefit from the full collaboration of MINFOF services, and should obtain all information necessary as requested.

This annual report covers the project objectives, results obtained to date, the progress of activities undertaken, difficulties encountered, and provides conclusions and recommendations.



Background

In the past decade, the Republic of Cameroon has undertaken to reorganise its forest administration as part of its national policy on fighting poverty and promoting good governance.

These political changes have led to concrete measures such as; the creation of the Ministry of the Environment and Forest in 1992, and which became the Ministry of Forests and Fauna (MINFOF) in 2005, the adoption of a new law governing the forest sector in January 1994, the setting-up of the Forestry Revenue Securement Programme (PSRF) in 1999 and of the Forest and Environment Sector Programme, and the appointment of an Independent Monitor of Forest Law Enforcement, Governance and Forest Infractions in 2000. More recently the National Forest and Fauna Law Enforcement Strategy (SNCFE) was validated in March 2005 and the National Forest Law Enforcement Brigade officers nominated on 29 August 2005.

These efforts should be put in a regional and international context. Cameroon is a signatory to important international conventions and agreements related to the protection of forest resources, such as the Convention on the International Trade in Endangered Species¹ (CITES), the International Tropical Timber Agreement², the African Convention for the conservation of fauna and natural resources, known as the Algiers' Convention of 1968 and the Convention on Biological Diversity. The Republic of Cameroon is also at the centre of important initiatives concerning the long-term management of forests and ecosystems within the Congo basin. Namely, the Yaoundé Declaration³, the COMIFAC Plan of Convergence as well as the Ministerial Conference on 'Africa Forest Law Enforcement and Governance' (AFLEG) of October 2003. Cameroon is also one of the first countries to engage in the European initiative on 'Forest Law Enforcement, Governance and Trade' (FLEGT), through which Voluntary Partnership Agreements devote an important place to mechanisms for fighting illegal forest exploitation, including Independent Monitoring.



Log pond verification in SEFAC sawmill, district of Boumba and Ngoko

The current project of **Independent Monitoring of Forest Law Enforcement, Governance and Forest Infractions** (IM-FLEG) in Cameroon is the first of its kind in sub-Saharan Africa. It started in Cameroon in 2000, as a result of a conclusive feasibility study, which was followed by several follow-up phases. Since its inception, the project has benefited from the financial support of several international donors such as the European Union, the World Bank, the British, French and Canadian Cooperation (DfID, SCAC, CIDA). The current phase is financed by the European Union and started in March 2005 for a duration of 3 years. It is implemented by the British organisation Resource Extraction Monitoring (REM), through a service contract with the National Contractor of the European Development Fund in Cameroon, namely Cameroon's Ministry of Economy and Finance. REM and the Ministry of Forests and Fauna (MINFOF) are bound by Terms of Reference⁴, which define the Independent Monitor's mandate, activities as well as MINFOF's responsibilities within this project.

¹ Adopted in Washington in March 1973 ² Adopted in Vienna in 1983 ³ Declaration of Yaoundé in 1999 ⁴ The Terms of Reference are available on the Internet site www.observation-cameroun.info



INTRODUCTION

IM-FLEG Objectives

IM-FLEG in Cameroon has as its main objective to contribute to the application of the principles of good governance in the forest sector in order to improve law enforcement. To contribute to a long-term management of forest resources, it aims to:

- Observe the application of procedures and forest law enforcement activities in Cameroon;
- Observe the progress of forest infractions follow-up and legal cases in Cameroon;
- Ensure an increase in transparency relating to forest exploitation.

Clarification of the term ‘Independent Monitoring’

The term ‘Independent Monitoring’ often leads to confusion as it is used in different fields. There can be, for example, Independent Monitoring:

- Of the state of the forest, through surveys of biodiversity changes;
- Remotely, using remote sensing, which provide data on forest cover at national or regional levels;
- Of trade in forest products;
- Of systems of forest law enforcement;
- Of the allocation of exploitation permits;
- Of forest activities carried out the Private Sector.

It is important to note that this project mainly consists of **Independent Monitoring in support of Forest Law Enforcement and Governance (or IM-FLEG)**, which contributes to systems improvement in support of the

government's efforts. This approach includes two elements:

- Independent Monitoring of forest sector activities, which relates to the detection of infractions, and;
- Independent Monitoring of forest law enforcement systems, which goes beyond the documentation of infractions. The monitor observes how forest law enforcement works within government field missions, administrative processes, the follow-up of cases of infractions, the application of laws and procedures as well as the publication of forest sector related information. This type of monitoring enables the verification of the exploitation's legality as well as the legality of the logging permits themselves.

Analyses are carried out in order to offer concrete proposals which do not aim to stigmatise the state, but rather to promote good governance in the forest sector. The IM-FLEG approach is therefore not confrontational but closer to an audit system. It proposes constructive solutions in order to institutionalise the progress realised in forest law enforcement at the level of governments and ministries in charge of forests. IM-FLEG published results can be interpreted and used by governments, international donors, timber buyers, local and international Non-Governmental Organisations (NGOs) and forest exploitation companies which are concerned with improving governance and practices related to forest exploitation and law enforcement.

IM-FLEG RESULTS

This section describes improvements made in forest law enforcement. The main axis of intervention were:

- **Field missions to document forest infractions;**
- **The follow-up of legal processes concerning infractions detected, and;**
- **The publication of analysis and mission reports.**

The content of this annual report should be read in conjunction with four quarterly reports compiled by the Independent Monitor during this first year of project implementation, and its field mission reports. These reports are available on REM's Internet sites www.rem.org.uk and www.observation-cameroun.info. They contain the background details of results obtained.

Compliance of procedures applied by forest law enforcement officers with laws and regulations in force

At the central level, the governmental structure for forest law enforcement is the National Forest Law Enforcement Brigade, which is attached to the Ministerial Cabinet. Composed of twelve sworn forest officers, the Brigade has the mandate to apply the Government law enforcement strategy for forests and fauna. At provincial level, Provincial Forest Law Enforcement Brigades and local forest officials carry out forest law enforcement. MINFOF's Legal Unit and other services within the Ministries for Finance, Justice, Administration of the Territorial Affairs and Defence also contribute to forest law enforcement activities. During forest law enforcement missions in the field, logistics include 4x4 pick-up trucks as well as other essential tools, such as GPS, computers and maps.

In terms of procedures, a mission order must be issued by

MINFOF or by a provincial delegate before each forest law enforcement mission, depending on the case. According to the National Forest and Fauna Law Enforcement Strategy (SNCFE), MINFOF officials carry out four types of forest law enforcement missions, namely scheduled missions, routine missions, special missions and routine surveillance missions of forest areas. A mission is usually carried out in two parts: the preparation and the execution. The preparatory phase consists of setting-up a team, collecting all relevant documents and contacting the administrative authority. The execution includes checks of logging sites, log ponds, skid tracks, processing units and border checkpoints. Reference documents used by forest law enforcement officials are the forest law, the SNCFE, forest norms of intervention, forest law enforcement procedures and sanctions stipulated in the forest law, the Legal Guide on forest law enforcement in Cameroon as well as texts bearing MINFOF's structure.



Transport document verification, district of Boumba and Ngoko. Timber originating from the Republic of Congo

IM-FLEG RESULTS

National Forest and Fauna Law Enforcement Strategy

The adoption of the National Forest and Fauna Law Enforcement Strategy in Cameroon is a step forward for the improvement of forest law enforcement operations. It gives details relating to forest law enforcement actors, stages, material and technical elements as well as sanction procedures for efficient and productive forest law enforcement.

Technical Planning and Preparation of forest law enforcement missions

Since June 2005, the SNCFF manual has been used frequently by the National Forest Law Enforcement Brigade as well as by the Independent Monitor. The majority of missions jointly undertaken by the National Forest Law Enforcement Brigade and the Independent Monitor this year have been achieved on the basis of monthly or quarterly planning, as recommended by the SNCFF.



Law enforcement mission targeting 'small permits', Central province. Logs marked Timber Recovery Permit (TRP) No.0289, a title that does not comply with regulations

This preparatory stage enables the two teams to target the permits and areas to be investigated in consideration of the SNCFF objectives, but also of the denunciations or allegations of illegal exploitation brought to the Independent

Monitor's attention and through findings from previous missions. In total, five mission planning sessions have taken place this year. The attendance of a Provincial Delegate during one of these sessions demonstrated the added value that could be brought to the quality of missions through a synergy between central and decentralised services responsible for forest law enforcement. The data on forest legal cases originating from forest law enforcement officials at different levels can thereby be centralised, techniques and field investigation resources shared and forest law enforcement procedures and mechanisms standardised. Planning sessions have been used by the Independent Monitor to highlight the key stages of scheduled forest law enforcement operations. This constitutes a positive step towards efficient forest law enforcement.

In addition to the planning, the National Forest Law Enforcement Brigade and the Independent Monitor now give an increasing importance to the technical preparation of missions. This consists of a preliminary work such as the collection and analysis of data and documents relating to exploitation permits to be inspected. Joint preparatory meetings follow this task, where both teams agree on details concerning the mission itinerary and logistics. In the field, MINFOF officials are also increasingly systematic about carrying out verifications of field documents, measuring timber and volumes, analysing documents relating to timber transport as well as issuing Official Statements of Offences, in accordance with the SNCFF.

In its various reports⁵, the Independent Monitor has nevertheless noted that some important aspects of the SNCFF are not yet sufficiently taken into account by MINFOF officials responsible for forest law enforcement. During mission preparation, some documents crucial to a good orientation of the investigation on the ground are lacking, notably the data on production and previous official law enforcement reports. Furthermore, forest law enforcement officials are rarely in possession of the original maps including the limits of exploitation permits to be investigated.

⁵ Mission reports and quarterly analysis reports, www.rem.org.uk and www.observation-cameroun.info



Need for involvement of decentralised forest law enforcement services

On the ground, MINFOF forest law enforcement teams spend insufficient time verifying clauses of the forest exploitation companies' contractual obligations⁶, or the respect for inventory norms, that tax obligations have been met and forest exploitation norms are respected. These deficiencies highlight the need for the involvement of provincial forest law enforcement services in the implementation of some activities planned in the national strategy. This is especially due to time constraints which characterise all of the missions carried out by the National Forest Law Enforcement Brigade in the field. The lack of synergy between the National Forest Law Enforcement Brigade and the Provincial Forest Law Enforcement Brigades hinders the harmonisation of the central and provincial forest law enforcement structures, which is necessary for a better implementation of the SNCFF.

Questions on the legality of permits

It should also be noted that, as a general rule, forest law enforcement officials do not question actions taken or documents signed and/or issued by the central Administration in charge. The Independent Monitor notes that this approach has led on several occasions to superficial analyses and recommendations, without tackling issues at the core, an approach susceptible to hiding cases of abuse or excessive use of power or even of corruption at several levels. This stance is different concerning actions or decisions taken by an administrative officer who is no longer in charge. It is indeed frequent that the same forest law enforcement officials mention illegalities or irregularities concerning the actions of officials no longer in place.

It should, however, be stressed that the central Administration in charge is dependent on information provided by individuals or services at several levels within the Ministry. It is therefore possible that, on some occasions, authorities make decisions based on wrong or incomplete information. Irregularities noted should thus be

brought to the attention of the authorities to enable them to launch investigations and take disciplinary measures against those responsible for providing incomplete documents and/or wrong information.

Production of mission reports

The production of mission reports by MINFOF officials is an important stage of forest law enforcement. The National Forest Law Enforcement Brigade produces them systematically, which is an important step forward. During this year, the Independent Monitor requested on several occasions, but without any success, access to the National Forest Law Enforcement Brigade mission reports and those produced by Provincial Brigades, in order to analyse their compliance with forest law enforcement procedures and regulations and as stated in the project's Terms of Reference. Following a meeting between the Independent Monitor and the Minister of Forests and Fauna in February 2006, the latter instructed the National Forest Law Enforcement Brigade to comply with the texts in force and to make these reports available to other services authorised to examine them.

Meetings on the follow-up of legal cases

Although planning meetings have taken place on a regular basis since the third quarter, this was not the case concerning meetings supposed to take place monthly between the Independent Monitor and the services responsible for the follow-up of forest infractions. Neither the project's Terms of Reference nor any MINFOF document give any precision as to which service or unit should be in charge of organising these meetings. It was therefore suggested to the Minister that a decision should be taken to appoint members and set-up a working group for the follow-up of legal cases, in addition to the existing Reading Committee.

Logistical difficulties

Beyond the dysfunction noted by the Monitor within services and mechanisms of forest law enforcement, government officials face real logistical problems. For

⁶ The amount of the annual forest tax and participative methods for the creation of socio-economic infrastructures following meetings with local populations are some of the specific clauses included in companies' contractual obligations

IM-FLEG RESULTS

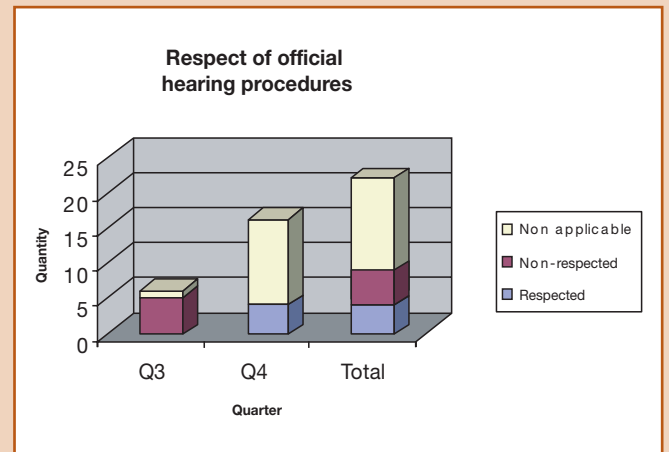
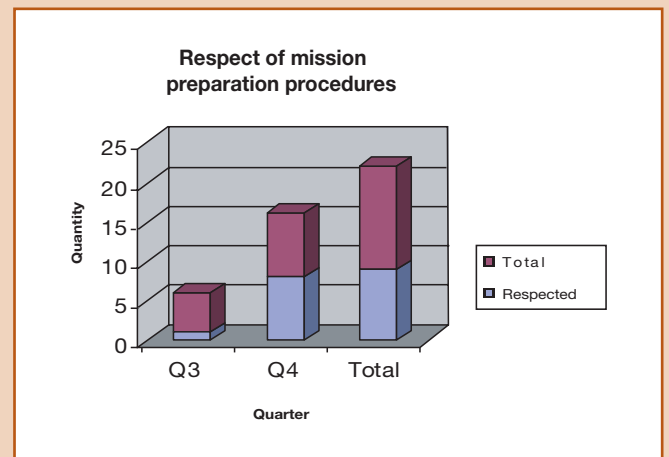
example, the Provincial Forest Law Enforcement Brigade of the Central Province, which covers more than six Forest Management Units each of more than 50,000 hectares, has no vehicle. Elsewhere, the Forest Law Enforcement Official of Ngambe Tikar, in the department of Mbam and Kim, regularly has to mark timber located at more than 70 km from his base but does not have any vehicle at his disposal or motorcycle. Nearly all MINFOF forest law enforcement officials continue to use compasses to get their bearings in the field, when forest exploitation companies use very precise instruments, such as GPS. These are only a few examples of the lack of means and suitable equipment available to MINFOF officials, who can also face security issues during some missions. The slowness and heaviness of the administrative systems also negatively affects their deployment on site.



Discussions during a field mission. Law enforcement officers are often faced with a large number of individuals in the forest, which can rapidly increase when a situation becomes tense.

Every three months, the Independent Monitor produces an analysis report relating to different aspects of forest law enforcement, as illustrated by the extracts from the third and fourth quarterly reports.

Extract from quarterly reports No. 3 and 4



Extract from quarterly report No. 3, respect for forest law enforcement procedures

Ref: IM Report N°	Object	Preparation	Execution	PV	National Forest Law Enforcement Brigade reports
010	Cabannes	✓	✗	✓	Not accessible
011	APS	✓	✗	✓	Not accessible
012	STF	✗	✗	✓	Not accessible
013	Ambassa	✓	✗	✗	Not accessible
014	SFB et TTS	✗	✗	✓	Not accessible
015	Forest monitoring	✓	✗	✓	Not accessible

In order to measure this series of indicators, joint MINFOF-Independent Monitor investigations summarised in the Monitor's mission reports No. 010 to 015 have been used as a basis. As access to the National Forest Law Enforcement Brigade's own mission reports was not granted to the Monitor during this quarter, despite several requests, the related indicators could therefore not be evaluated. An example of the evaluation document is included in the quarterly report appendix. Criteria used in the evaluation are based on the National Forest and Fauna Law Enforcement Strategy in Cameroon.

- 67% of missions respected the procedures relating to their preparation
- None of the missions respected all procedures relating to their execution
- 83% of missions respected the procedures relating to the drafting of Official Statements of Offence
- It was not possible to evaluate the procedures relating to the production of the National Forest Law Enforcement Brigade's reports

Level of improvement of forest law enforcement operations by MINFOF services

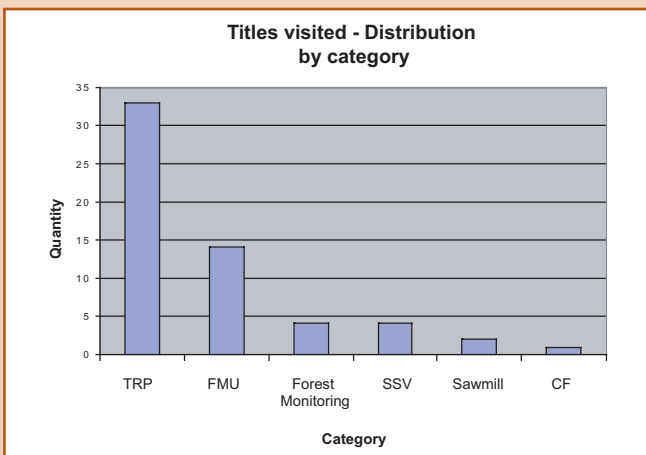
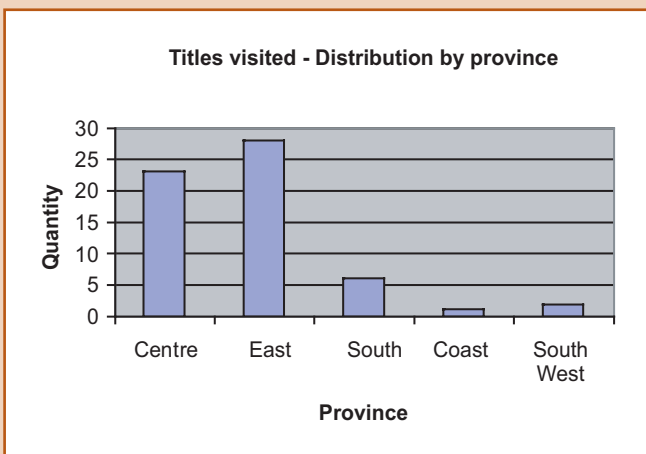
Considerable improvement in forest law enforcement missions carried out by central services of the Ministry of Forests and Fauna

Both a qualitative and quantitative improvement of forest law enforcement missions has been noted in Cameroon since this year's third quarter. The National Forest Law Enforcement Brigade was set-up during this period and its members were sworn in on 23 September 2005. The increase of six members (only including two foresters) to twelve members (all foresters) of this central forest law enforcement structure previously known as Central Law Enforcement Unit has considerably increased the frequency of missions in the forest.

IM-FLEG RESULTS

Distribution of permits inspected

MINFOF services carried out 73 days of forest law enforcement missions with the Independent Monitor, covering over 60 forest exploitation permits. Out of the permits visited, 28 are located in the East, 23 in the Centre province, 6 in the South, 1 in Coastal areas and 2 in the South West. It should be underlined that all the missions carried out by the Independent Monitor during the first year of this project phase have been undertaken jointly with the National Forest Law Enforcement Brigade.



Usefulness of thematic forest law enforcement missions

At the Monitor's suggestion, a thematic approach was adopted in the implementation of field missions and deserves to be acknowledged as a positive experience. The principle is to devote one or several forest law enforcement missions to a category of forest exploitation permits for a precise period of time. One advantage of this methodology is the resulting in-depth analyses and recommendations. Thematic missions also enable forest law enforcement services to have a general idea of the type and forms of illegalities which affect a given category of exploitation permits.

One mission of this type was undertaken in relation to the exploitation permits commonly called 'Small permits', comprising different timber recovery permits such as including salvage permits, timber recovery and road opening authorisations. Among other general conclusions emerging from this thematic mission, it was established that the majority of the development projects supposed to underlie the allocation of these permits were not compliant with norms in force.



Clearing the road during a joint field mission of the National Law Enforcement Brigade and the Independent Monitor, Central province



Lack of improvements of forest law enforcement at the decentralised level

The momentum noted at the National Forest Law Enforcement Brigade level does not seem to be reflected at the level of the Provincial Forest Law Enforcement Brigades, which do not operate in an optimal manner due to the lack of synergy with the National Forest Law Enforcement Brigade and the lack of necessary logistical means. This conclusion follows the Independent Monitor's reading of several periodical reports produced by the Provincial Forest Law Enforcement Brigades and sent to the Ministry. An increased amount of the Independent Monitor's time will be devoted to Provincial Forest Law Enforcement Brigades in 2006-2007. This request, submitted to the Ministry of Forests and Fauna, aims to lead to more operational provincial forest law enforcement structures and to channel their findings towards central forest law enforcement services. Missions carried out independently⁷ will also give the Independent Monitor opportunities to work with Provincial Forest Law Enforcement Brigades.

Need for inspection of all permits, whether operational or not

The National Forest Law Enforcement Brigade has made a choice to only inspect operational permits, that is, permits where exploitation operations are taking place at the time of the mission. This means that permits that are valid but where exploitation operations are not taking place at the time of the mission are not inspected. The Independent Monitor has stressed on various occasions the potential negative impact of this approach. The importance of checking all valid permits, whether operational or not, is crucial because a company can hold several valid permits which are exploited one after the other during one single year. As inspections are often carried out in the concerned company at the same time of the year, some permits exploited by this company during other periods of the year are never checked. The possibility of inspecting non-operational valid permits would enable a more effective coverage. This is in accordance with the National Forest Law Enforcement Brigade's mandate to visit at least 50% of valid permits during each tax year.

Trends of detected infractions



Transport document delivered to the Oué Community Forest and used fraudulently, district of Mbam and Kim. See REM mission report No.002

The Independent Monitor has noted recurrent infractions within different types of permits. Infractions within Sales of Standing Volume and Timber Recovery Permits, such as forest exploitation beyond the authorised limits of permits or a road's width are ongoing. In Forest Management Units and Community Forests on the other hand, infractions related to document fraud are becoming frequent. This includes cases of exceeding authorised volumes, not recording timber felled in field documents in order to evade payment of various taxes, fraudulent use of transport documents to transport timber illegally exploited, fraudulent use of log marks for exporting timber of illegal origin. The fraudulent use of community forests transport documents is particularly worrying as a laundering mechanism and mechanism for transporting large quantities of timber.

⁷ The Independent Monitor is mandated to carry out independent field missions to observe forest activities. In this case, the Monitor will inform the Ministry beforehand and report back on detailed findings from its missions. The Monitor is able to link-up with decentralised forest law enforcement services during these missions

IM-FLEG RESULTS

This phenomenon also raises the question of how trucks transporting illegal timber can cross, without being apprehended, several checkpoints distributed along roads. Unscheduled visits⁸ at checkpoints by the National Forest Law Enforcement Brigade and the Independent Monitor are part of the measures suggested to address this situation.

Following forest law enforcement missions observed during this year, the following has been established:

- Illegal exploitation remains almost permanent within certain categories of permits, namely Sale of Standing Volume and Timber Recovery Permits also known as 'Small permits'.
- Infractions were found in all of the four Sale of Standing Volume permits visited during this year by the National Forest Law Enforcement Brigade and the Independent Monitor. They included a large-scale exploitation beyond authorised limits. Damages were evaluated by the National Forest Law Enforcement Brigade at more than 5 million FCFA, approximately 750,000 Euros.
- The rate of the infractions' frequency within the so-called 'small permits' is similar.

Need for increased inspections of Sale of Standing Volume permits

Too few investigations of Sale of Standing Volume permits have been undertaken. This will constitute an important aspect of the Monitor's work in 2006-2007.

Substantial illegalities in Timber Recovery Permits and conditions of allocation

Timber Recovery Permits are described in the 1994 forest law: "In the case of the implementation of a development project susceptible to cause the destruction of part of the national forests estate or in the case of a natural disaster of similar consequence, the Administration in charge of forests can proceed to timber felling..."⁹. The second paragraph of the same article mentions that "unmarked logs" that are abandoned along roads or at precise locations, can also be the subject of recovery. Another legal text adds that "logs

abandoned in logponds¹⁰ as well as timber originating from a road or skid track opening¹¹, can be recovered. Timber officially seized within the framework of forest-related legal cases can, under certain conditions, also be considered under this category.

In all cases and according to legal texts¹², however, the files pertaining to Timber Recovery Permits should include, depending on the type of project, prior technical data on the road's location, the road's width, its length and the amount of space required, an Environmental Impact Assessment, an inventory of timber to be recovered¹³ as well as various other technical elements¹⁴.

When the timber to be recovered is still standing, the law uses the term 'Timber Recovery' for the purpose of a

Letter from MINFOF to the company GAU Services about non-conformity of activities concerning the Timber Recovery Permit (TRP) No.1842



⁸ The checkpoints are barriers manned by MINFOF officials on stretches of roads ⁹ Article 73 of the Forest Law, 1994 ¹⁰ Article 112 of the ministerial order of 23 August 1995 ¹¹ Article 111 of the ministerial order of 23 August 1995 ¹² Article 110 of the ministerial order No. 95-531 of 23 August 1995 ¹³ Article 110 to 113 of the ministerial order of 23 August 1995 ¹⁴ Article 11 of the ministerial order No. 95-531 of 23 August 1995



development project or road opening. When the timber to be removed has been felled, the law refers to 'Timber Removal'. Whatever the origin of the concerned timber, access to or use of the timber is subject to an authorisation issued by the Forests Administration.

Practice within MINFOF is to use different terms, namely Timber Recovery Permits, Timber Removal Authorisations, Timber Salvage Permits, Sale by Public Auction and Road Opening Authorisations. The conditions and procedures vary according to the reason for each Recovery, nevertheless the common use of various terms which are not stipulated in the law creates a certain confusion.

In 1999¹⁵, a ministerial decision had suspended all 'Recovery Authorisations', but from 2003, MINFOF reactivated the allocation of these permits without formerly cancelling the decision of their suspension. It is important to note that as an administrative act, the 1999 decision was not taken in abrogation of legal dispositions on the Authorisations, but rather within the framework of the Minister of Forests' function to ensure a good implementation of the forest law. An administrative authority can also temporarily suspend a legal act in order to improve its implementation. In legal terms, however, it may have been preferable to lift the suspension measure before any new allocation of Recovery Permits.

To this date, over 40 'Timber Recovery Permits' have been issued, but only 15 were recorded in the Computerised Forest Information Management System (SIGIF) at the time of the writing of this report. A mission to assess the situation of these titles was carried out in January and February 2006 by the National Forest Law Enforcement Brigade and the Independent Monitor. This mission established that more than 90% of permits were allocated in violation of several essential rules and procedures. Contrary to the law and in the majority of cases, it is this need for timber exploitation that justified the creation of development projects and not the other way around. Infractions and irregularities, which characterise the majority of the permits inspected during this assessment,

include cases of development projects that were dubious or not compliant with regulations, lack of Environmental Impact Assessments and inventories of the timber to be recovered, non-respect of procedures for Sale by Public Auction as well as exploitation outside authorised limits of permits, a road's permitted width and range.

Laundering illegal timber through transport document fraud

Document fraud is a persistent aspect of illegality in the forest sector in Cameroon. One of recurrent practices involves the fraudulent use of transport permits for transporting timber that has been exploited illegally. Community Forests' documents are often used in these types of operations. Another current form of document fraud is the use of marks from a forest exploitation company for timber of a different origin, including for their export. A recent mission carried out by the National Forest Law Enforcement Brigade at Douala's shipping port revealed the extent of this phenomenon, used to launder illegal timber.

Fraud of field documents (DF10)

Delays in filling field documents by some companies can facilitate fraud. In many cases, field documents from several logging sites were not kept up to date at the time of the inspections and data was recorded on drafts. Some companies declared that they did not transfer their draft data on DF10 forms daily due to field conditions, rain, etc. The Monitor nevertheless managed to obtain drafts and DF10 forms from the same logging site, which revealed a reduction of volumes declared in the DF10 compared to those recorded in the drafts. This leads to a reduction in payable taxes and constitutes document fraud.

¹⁵ Decision No. 094/D/MINFOF/DF of 30 July 1999

IM-FLEG RESULTS



Draft and field document extracts (DF10) illustrating a fraud linked to reduction of declared volumes

N°	Essence	Longueur (m)	Largeur (cm)	Epaisseur (cm)	Volume (m³)	Statut	Observations
1	Podocarpus	2,30	25	10	0,58	OK	
2	Podocarpus	2,30	25	10	0,58	OK	
3	Podocarpus	2,30	25	10	0,58	OK	
4	Podocarpus	2,30	25	10	0,58	OK	
5	Podocarpus	2,30	25	10	0,58	OK	
6	Podocarpus	2,30	25	10	0,58	OK	
7	Podocarpus	2,30	25	10	0,58	OK	
8	Podocarpus	2,30	25	10	0,58	OK	
9	Podocarpus	2,30	25	10	0,58	OK	
10	Podocarpus	2,30	25	10	0,58	OK	
11	Podocarpus	2,30	25	10	0,58	OK	
12	Podocarpus	2,30	25	10	0,58	OK	
13	Podocarpus	2,30	25	10	0,58	OK	
14	Podocarpus	2,30	25	10	0,58	OK	
15	Podocarpus	2,30	25	10	0,58	OK	
16	Podocarpus	2,30	25	10	0,58	OK	
17	Podocarpus	2,30	25	10	0,58	OK	
18	Podocarpus	2,30	25	10	0,58	OK	
19	Podocarpus	2,30	25	10	0,58	OK	
20	Podocarpus	2,30	25	10	0,58	OK	
21	Podocarpus	2,30	25	10	0,58	OK	
22	Podocarpus	2,30	25	10	0,58	OK	
23	Podocarpus	2,30	25	10	0,58	OK	
24	Podocarpus	2,30	25	10	0,58	OK	
25	Podocarpus	2,30	25	10	0,58	OK	
26	Podocarpus	2,30	25	10	0,58	OK	
27	Podocarpus	2,30	25	10	0,58	OK	
28	Podocarpus	2,30	25	10	0,58	OK	
29	Podocarpus	2,30	25	10	0,58	OK	
30	Podocarpus	2,30	25	10	0,58	OK	
31	Podocarpus	2,30	25	10	0,58	OK	
32	Podocarpus	2,30	25	10	0,58	OK	
33	Podocarpus	2,30	25	10	0,58	OK	
34	Podocarpus	2,30	25	10	0,58	OK	
35	Podocarpus	2,30	25	10	0,58	OK	
36	Podocarpus	2,30	25	10	0,58	OK	
37	Podocarpus	2,30	25	10	0,58	OK	
38	Podocarpus	2,30	25	10	0,58	OK	
39	Podocarpus	2,30	25	10	0,58	OK	
40	Podocarpus	2,30	25	10	0,58	OK	
41	Podocarpus	2,30	25	10	0,58	OK	
42	Podocarpus	2,30	25	10	0,58	OK	
43	Podocarpus	2,30	25	10	0,58	OK	
44	Podocarpus	2,30	25	10	0,58	OK	
45	Podocarpus	2,30	25	10	0,58	OK	
46	Podocarpus	2,30	25	10	0,58	OK	
47	Podocarpus	2,30	25	10	0,58	OK	
48	Podocarpus	2,30	25	10	0,58	OK	
49	Podocarpus	2,30	25	10	0,58	OK	
50	Podocarpus	2,30	25	10	0,58	OK	

Date	Essence	Longueur (m)	Largeur (cm)	Epaisseur (cm)	Volume (m³)	Statut	Observations
10/01	Podocarpus	2,30	25	10	0,58	OK	
11/01	Podocarpus	2,30	25	10	0,58	OK	
12/01	Podocarpus	2,30	25	10	0,58	OK	
13/01	Podocarpus	2,30	25	10	0,58	OK	
14/01	Podocarpus	2,30	25	10	0,58	OK	
15/01	Podocarpus	2,30	25	10	0,58	OK	
16/01	Podocarpus	2,30	25	10	0,58	OK	
17/01	Podocarpus	2,30	25	10	0,58	OK	
18/01	Podocarpus	2,30	25	10	0,58	OK	
19/01	Podocarpus	2,30	25	10	0,58	OK	
20/01	Podocarpus	2,30	25	10	0,58	OK	
21/01	Podocarpus	2,30	25	10	0,58	OK	
22/01	Podocarpus	2,30	25	10	0,58	OK	
23/01	Podocarpus	2,30	25	10	0,58	OK	
24/01	Podocarpus	2,30	25	10	0,58	OK	
25/01	Podocarpus	2,30	25	10	0,58	OK	
26/01	Podocarpus	2,30	25	10	0,58	OK	
27/01	Podocarpus	2,30	25	10	0,58	OK	
28/01	Podocarpus	2,30	25	10	0,58	OK	
29/01	Podocarpus	2,30	25	10	0,58	OK	
30/01	Podocarpus	2,30	25	10	0,58	OK	

Level of improvement in forest law enforcement reports and follow-up of legal cases

The legal process concerning forest infractions begins with a sworn MINFOF official drafting an Official Statement of the offence detected. Once established, the Statement and an evaluation of the total sum of fines and damages owed to the State are notified to the offender. At this stage, the incriminated company can choose not to comply, in which case the Forests Administration can, after formal notice, start legal procedures against it. Alternatively, the concerned company may request a transaction, in view of stopping the legal action, and often negotiates a decrease of the amount of money due. Legal minima should, however, not be ignored. If after a certain time, the company benefiting from this transaction persists in not complying, the Forests Administration, with the collaboration of other governmental services such as the Forestry Revenue Securement Programme, can either force the company to comply or start a legal process.

Cameroon has an important tool to support the follow-up of mission reports and forest-related legal cases: the Computerised Forest Infractions and Information Management System (SIGICOF). This system's set-up was supported by the British cooperation (DfID) in February 2005.

This system consists of a bank of data relating to forest law enforcement missions undertaken. This instrument is essential to the daily management of forest-related legal cases or missions findings. It can produce analyses on request on the evolution of cases, for example flag-up the expiry of deadlines for legal procedures, highlight when an offence has reoccurred, and other similar analyses. However, nearly a year after SIGICOF's launch, this important tool has still not been put into use by forest law enforcement services. Consequently, there is currently no systematic means of following the evolution of legal cases concerning the numerous infractions detected. Information available on the evolution of legal cases are archived in different offices, so that their consolidation and a manual follow-up remains an extremely laborious procedure.



Increase in number of Official Statements of Offence

If one only considers cases of infractions documented during forest law enforcement missions which have been carried out jointly with the Monitor, a tendency towards an increased number of Official Statements of Offence issued by the National Forest Law Enforcement Brigade can be observed. During the third quarter of this year, five Official Statements of Offence were issued during investigations in six exploitation permits where infractions were found, whilst only one was issued during the first quarter during investigations in five cases where infractions were found. This improvement resulted from the Independent Monitor's observations that the non-establishment of Official Statements of Offence by sworn MINFOF officials was a major obstacle to the follow-up of forest infractions found.

Increase in the number of transactions, but reduction of payable amounts

The number of transactions carried out has also increased. During the fourth quarter and according to the data available to the Independent Monitor, 15 forest-related legal cases resulted in transactions, compared to only one case of transaction during the previous quarter. This is a significant increase.

Significant reduction in the amount of damages to be paid by offenders

The evaluation of damages and amounts to be paid by an offending logging company is one of the major problems related to the follow-up of legal cases. This evaluation usually takes place during and following a forest law enforcement mission carried out by a sworn MINFOF official. Three elements are taken into consideration during the evaluation of the amount due by an offender to forest legislation: the fines stipulated by law, the market value of the timber illegally exploited, and finally damages sustained by the State.

Once the amount due to the State has been evaluated, a process of transaction can be initiated upon the offender's request. It consists of a negotiation between MINFOF and the offender in order to fix the final amount of fines and damages due to the

State. Although the final decision is usually the responsibility of the Minister of MINFOF or Provincial Delegates depending on the gravity of the infraction, the law stipulates certain safeguards in order to ensure that no decision taken can be detrimental to the public purse. It states that:

“In terms of forest transactions or damages, the minimum price has to take into consideration the following elements: the FOB value of the species concerned, the surface area concerned where applicable and the damage sustained by the State¹⁶”,

and that:

“The amount of the transaction cannot, in any case, be lower than the minimum amount set by the corresponding fine stipulated in the law, which may be increased by amounts due as damages¹⁷”.

The Independent Monitor noted and brought to MINFOF's attention a slippage in the implementation and respect of the legal principles mentioned above. During certain transactions, MINFOF indeed reduced the amounts of fines and damages due below the legal minima, namely the minimum fine increased by the market and/or FOB value of the timber illegally harvested.

The following table summarises transactions made and highlights substantial reductions in the fines and damages due after a transaction negotiation, compared to the amounts recommended by the National Forest Law Enforcement Brigade.

¹⁶ Article 22(3) of the ministerial order No. 20011034/PM of 27 November 2001 fixing regulations and modalities of recovery for forests taxes ¹⁷ Article 136.3 of the ministerial order No. 95-531-PM of 23 August 1995 fixing the regulations for the implementation of the forest law

IM-FLEG RESULTS

Summary of transactions made on 27 February 2006

Defendant	Infraction	Amount specified in original notification (FCFA)	Amount of negotiated transaction %	Reduction of the notified amount
AAPS	Non demarcation of permit limits on the ground	139,670,945	12,000,000	91%
	Exploitation outside of permit limits			
	Exploitation outside of authorised itinerary			
APRODE	Unauthorised exploitation in the non-permanent national forest estate	651,338,360	20,000,000	97%
SEBAC	False declarations in field documents (DF10)	17,039,058	5,000,000	71%
	Exploitation below the authorised diameter			
	Non-marking of stumps			
	Abandoning logs in the forest			
Ets Nicole	Fraudulent exploitation in the national forest estate	10,000,000	1,000,000	90%
EEFF	Fraudulent use of log marks	10,000,000	3,000,000	70%
FOTRAB	Fraudulent use of log marks	10,000,000	3,000,000	70%
SEFICAM	Complicity with unauthorised exploitation in the national forest estate	5,000,000	500,000	90%
Sali Ndjidda	Unauthorised exploitation in the non-permanent national forest estate	52,729,401	1,000,000	98%
AOB	Fraudulent use of log marks	1,000,000	500,000	50%
JTW	Fraudulent use of log marks	10,000,000	3,000,000	70%
KT Bois	Fraudulent use of log marks	10,000,000	3,000,000	70%
Ertco	Fraudulent use of log marks	10,000,000	3,000,000	70%
BMC	Fraudulent use of log marks	10,000,000	3,000,000	70%
FONOMA	Fraudulent use of log marks	10,000,000	3,000,000	70%
Frises du Littoral	Fraudulent use of log marks	10,000,000	3,000,000	70%



Example of a transaction

This case relates to a forest exploitation company, beneficiary of a Sale of Standing Volume permit. The company, alleging that the area concerned was not rich in timber, exploited timber outside of the limits of its Sale of Standing Volume permit. This was documented by MINFOF officials following a forest law enforcement mission, during which an Official Statement of Offence was established and the amount to be paid evaluated and included in their report. Once notified, the offender solicited a transaction and acknowledged the facts.

After negotiations lasting less than 10 minutes and made in the absence of the officials who had undertaken the concerned forest law enforcement mission, MINFOF reduced the total amount of fines and damages to be paid by the offender from 261,780,920 FCFA (390,082 €) to 10,000,000 FCFA (15,245 €), a reduction of 96% compared to the initial amount. Such reductions not only cause important loss of earnings to the Treasury, but also decrease the dissuasive character of law enforcement actions.

Need for a specific formula to estimate timber volumes illegally exploited

The non-existence of a unique formula to estimate timber illegally exploited may be one of the causes for these substantial reductions. Transaction amounts are linked to the calculation of the amount of damages, which according to the law is at minimum equal to the market value and/or FOB of the volume of timber illegally exploited. The law however fails to specify how volumes of timber illegally exploited should be determined. Ideally, a systematic inventory should be carried out. Frequently this is not done in practice due to time and resources constraints faced by MINFOF forest law enforcement officials. Instead, law enforcement teams either take into consideration the felling declarations provided by the companies concerned or base their estimate on samples of timber found in order to determine the volumes of timber illegally exploited.

Whichever calculation method is chosen by forest law enforcement officials, offenders usually, and very often successfully, try to discredit the method of estimation of timber illegally exploited in order to obtain substantial reductions in the amounts of fines and damages to be paid. For example, an amount of fine and damages of 261,780,920 FCFA¹⁸ (399,064 €) was reduced to 10,000,000 FCFA (15,245 €), following a controversy

created around the method used to estimate the timber illegally exploited.

Suggestion to establish a working group to harmonise the methods of evaluation

A discussion on the harmonisation of the different methods applied may be an appropriate solution to take better consideration of the interest all parties involved. The Independent Monitor suggested to MINFOF the creation of a working group, which would include the private sector, the Independent Monitor and the concerned ministry services. The group's mandate would be to define a method of evaluating volumes of timber illegally exploited.

To deal with all legal cases not resolved within an allotted time, it would nevertheless be more desirable to systematically resort to the judicial process rather than negotiating a transaction based on incomplete information.

Coordination problems between MINFOF and the Forestry Revenue Securement Programme

The Forestry Revenue Securement Programme (PSRF) originated from a partnership between the Ministry of Finance and MINFOF. It was set-up to increase the recovery rate of tax income generated by the forest sector.

¹⁸ APRODE company, transaction held on 27 February 2006

IM-FLEG RESULTS

The forest tax system is currently heavily penalised by the lack of a clear separation between tasks carried out by MINFOF and the PSRF. Created in 1999, the PSRF was created as a structure connecting the Ministry of Finances and MINFOF. It is mandated to centralise tax income generated by forest exploitation, including the fines and damages owed to the State in case of forest infractions. This Programme thus constitutes an essential part of the legal process.

The Monitor noted dysfunction in the communication channels between these two administrations. The PSRF, for example, is supposed to receive production data from each forest exploitation company at the latest on the 15th of each month, in order to establish the payable amount of forest tax. The PSRF declared that it was unable to recover the fines owed by certain companies due to insufficient information provided by MINFOF. The Programme also deplored that some legal cases had been settled at the level of MINFOF without its knowledge, and that some files originating from MINFOF had not been properly managed. MINFOF, on the other hand, pleaded that it was not kept informed of the files' progress once they were transferred to the PSRF. Between September and December 2005, the PSRF only received one legal case file from MINFOF, whilst the PSRF sent no case back to MINFOF. Similar remarks on the lack of coordination between these two structures were also made in a PSRF audit report published in 2005¹⁹.

Problems in summoning offenders of forest legislation

The lack of respect for administrative summons is another example of the negative impact of the multitude of uncoordinated actors involved in the follow-up of forest-related legal cases. MINFOF forest law enforcement officials do not always issue Official Statements of Offence in the field. Offenders are therefore summoned to the Ministry at a later stage for a hearing in relation to the infractions documented in their logging operations. The Independent Monitor noted that originally, the notification of summons was sent by post, but several are reported never

to have reached their destination, and offenders alleged not to have received them. In answer to this problem, summons are now delivered by a bailiff. This has the advantage of counteracting such allegations. MINFOF, however, declared that it was not kept informed of the progress of notifications



Illegal timber load, district of Haute Sanaga, Central Province

delivered by bailiffs, which was under the responsibility of the Ministry of Justice. Bailiffs, on the other hand, declared not being paid for the services rendered and not being notified of the offenders' physical addresses necessary for the summons to be delivered.

Preference for the negotiated Transaction over the judicial system, with negative consequences on the forest tax income

This lack of coordination between the Ministries for Forests, Finance and Justice negatively affects the legal process. The last forest court cases date from 2003²⁰ and are therefore much beyond the deadlines stipulated by the law. The lack of coordination and good communication channels between the different ministries concerned partly explains the difficulties in resolving legal cases brought to the judicial system. This could also explain apparent reluctance from

¹⁹ Ministry of Economy and Finance (MINEFI), FRSP final audit report June 2005, p.59 ²⁰ MINFOF press release of 25 December 2005 mentions three court cases namely two for the Hazim Group and one for M. Ondoua Akono



MINFOF to use the judicial path in order to solve forest-related legal cases. The transaction system, currently preferred to the judicial path, is nevertheless subject to the risk of significant reductions of recommended fines as mentioned above, with potentially important repercussions on forest tax income.

Improvement in transparency and objectivity of information on forest exploitation

Identification of communication problems between forest law enforcement services

The Independent Monitor has, among others, the mandate to "identify problems in information exchange, communication and coordination between the different services concerned by forest law enforcement activities²¹". The Monitor has brought to MINFOF's attention problems of internal and external communication. Poor internal communication and information exchange has been underlined between the National Forest Law Enforcement Brigade, MINFOF's Forest Directorate and Legal and Communication Units. Externally, the Independent Monitor also noted poor communication at the level of the follow-up of legal cases between MINFOF, the PSFR and some services within the Ministry of Justice (see details in the preceding section). This resulted in various recommendations, one of which was the set-up of a group charged with the follow-up of legal cases and another the implication of Provincial Forest Law Enforcement Brigades in the planning of the National Forest Law Enforcement Brigade's field missions.

Diffusion of information and transparency

MINFOF Publications

MINFOF uses the following tools and mechanisms to diffuse information on the forest sector:

- a) Press releases giving a general overview of the legal process, notably in relation to cases at the stage of

transaction, notification, court and appeal. This year, the Ministry produced four releases.

- b) An occasional magazine called 'The Green Letter'.
- c) Press conferences to focus the public opinion on a particular issue. The last conference held by MINFOF's Secretary General dates from 4 January 2006, in response to some allegations made by Greenpeace. MINFOF officials also frequently give interviews on forest exploitation. The information is broadcasted through national radio and television.
- d) The Ministry has its own communication unit and Internet site www.minef.cm.



Log measuring by the National Law Enforcement Brigade and verification against field documents, STJJY/SMK log pond, district of Mbam and Kim

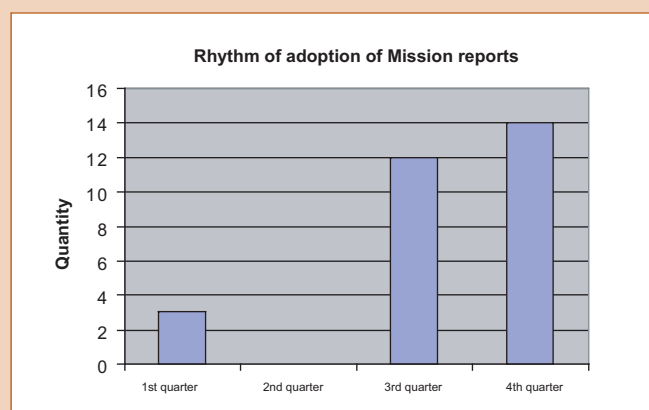
²¹ Stipulations of the Independent Monitor's Terms of Reference

IM-FLEG RESULTS

Publications of the Independent Monitor

In addition to field missions, transparency and objectivity of information on forest is the field where the presence of the Independent Monitor has had the biggest impact during this year. This improvement is perceptible through the regular occurrence of the Reading Committees, which include MINFOF representatives, the Independent Monitor and international donors. These Committees allow a comparison between the Independent Monitor's reports with those of the National Forest Law Enforcement Brigade before their publication.

Out of 30 mission reports produced by the Independent Monitor between March 2005 and February 2006, 29 were validated by the Reading Committee for publication, 97% of all reports. The last two quarters have been the most productive. The Reading Committee sessions enabled dynamic discussions to take place between the stakeholders on different infractions and the application of forest law enforcement procedures. Some suggestions of clarification, made during these meetings were integrated in the reports, and recommendations concerning procedures to follow were made.



Summary table of Reading Committee meetings

Project Quarter	Date	Number of the Monitor's reports validated by the Reading Committee	Validation rate
1st	31 May 2005	2-4	75%
2nd	None		
3rd	27 September 2005	1, 5-7	100%
	8 November 2005	8-15	100%
4th	5 and 17 January 2006	17-30	93%
Total		29	97%



Independent Monitor's Internet site:
www.observation-cameroun.info

The Independent Monitor has created an Internet site reserved for the publication of its reports once they are validated by the Reading Committee. 15 mission reports out of the 30 produced by the Independent Monitor were available on the Internet site on the last day of the fourth quarter, therefore a percentage of 50%. The Reading Committee has validated fourteen out of the fifteen remaining reports. The Independent Monitor received a letter from the Ministry, a few days after the end of the first year of the current project phase, authorising their publication, but minutes from the last Reading Committee were not yet available. The minutes contain the details of minor amendments and clarifications to be made to some reports, as agreed by all stakeholders present during the Committee.

The Independent Monitor also produces quarterly reports that, unlike mission reports, contain analyses on forest law enforcement themes and issues related to the follow-up of legal cases. Three quarterly reports have been published on the Independent Monitor's Internet site. The National Contractor (MINEFI), MINFOF and the European Union have one month's notice to provide comment on these reports before their publication.

A press release has been submitted for comments to MINFOF to inform the public of the new Independent Monitor's Internet site. The diffusion of this link is essential in order to increase the awareness of the project's results.

Communications between the Independent Monitor and concerned stakeholders

The Monitor has maintained an interactive relationship with several international organisations, governmental representatives, international donors, Non-Governmental Organisations, certification agencies, local communities and members of the private sector. It has acted as a source of information on published results, and as a recipient of information and intermediary for stakeholders wishing to report allegations of illegal forest activities, administrative



Discussions between the Independent Monitor and local representatives concerning the Abeng and Endoum Community Forest, respectively in the district of Mbam and Kim and Haute Sanaga

fraud or corruption, as well as others wishing to provide some clarification on different issues. Some local communities have submitted several complaints to the Independent Monitor and some timber buyer groups have regularly been in contact with the Independent Monitor for clarification on points raised in reports published on the Internet. Some of these groups have also been sources of important information for the Independent Monitor.

IM-FLEG MECHANISMS

This part of the report provides details on the operating mechanisms of Independent Monitoring of Forest Law Enforcement and Governance and Forest Infractions (IM-FLEG), its Terms of Reference and highlights major constraints, aiming at the vulgarisation of this approach in the region and elsewhere. It also contains analyses on some thematic questions.

Monitoring forest law enforcement activities

According to the Project Terms of Reference, "The Independent Monitor works in close collaboration with the different services of the MINFOF concerned with forest law enforcement"



Joint field mission of the National Law Enforcement Brigade and the Independent Monitor concerning a Timber Salvage Permit, Yoko, district of Mbam and Kim



Recording of a stump's location by the Independent Monitor using a GPS to verify whether the exploitation took place within the limits of the allocated title

Lack of exploitation permit maps within MINFOF, creating significant opportunities for abuse by permit holders

The lack of original maps including the boundaries of valid forest exploitation permits remains a major impediment to the proper execution of field missions. Firstly, it prevents any preliminary analysis by forest law officers and the Independent Monitor. Secondly, once in a logging site, the forest law enforcement team can only rely on the map provided by the concerned company, when it exists, with the risk of being deceived or working on the basis of a map already modified or falsified. This significantly reduces the possibility that forest law enforcement officers detect cases of unauthorised relocation of officially allocated permits. According to administrative procedures in force, however, the original map of any forest exploitation permit should be part of the file kept by the Central Forest Administration.

Field missions

The Independent Monitor's Terms of Reference anticipate three types of field mission in the forest, namely joint missions, extraordinary missions and independent missions.



Forest law enforcement missions undertaken jointly by the Monitor with the National Forest Law Enforcement Brigade

Joint missions are those where the Independent Monitor accompanies MINFOF forest law enforcement officials. These missions enable the Monitor to appreciate and analyse the respect of these officials for the law and procedures. This enables the Monitor to make important recommendations. The Independent Monitor participates in the majority of the National Forest Law Enforcement Brigade's missions, which thereby become joint missions. The Independent Monitor observes, but does not undertake any State function in forest law enforcement, namely any drafting of Official Statements of Offence or conservation measures (e.g. seizure of equipment, etc.)



Joint field mission of the National Law Enforcement Brigade and the Independent Monitor. Transport check, Haute Sanaga

The success of a forest law enforcement mission depends on its preparation, which comprises both planning and technical preparation. Joint missions are generally triggered following quarterly or monthly planning sessions between the National Forest Law Enforcement Brigade and the Independent Monitor, by mutual agreement. During these sessions, the two parties each present a list of permits, sites, operations or regions, which could benefit from an investigation. Suggestions are based on information and

allegations of illegality received by the National Forest Law Enforcement Brigade and by the Monitor, which are brought together during the planning. The target selection takes account of the variety of exploitation permits and forest zones in Cameroon, to be representative of the forest estate. MINFOF officially minutes these sessions, which have been held regularly since the nomination of the members of the National Forest Law Enforcement Brigade at the end of August 2005, to the satisfaction of all parties.

The technical preparation of a mission is an investigative work in itself before visiting the site in the field. Following the signature of an Official Notice and of a Mission Order by the Minister of Forests and Fauna; this stage consists of the mission's itinerary, the collection of information related to the exploitation permits to be investigated and a preliminary analysis. This is partly the reason why the Independent Monitor is entitled to "receive, in useful time, copies of all Official Notices and other information relating to the MINFOF forest law enforcement missions²²".



Joint field mission of the National Law Enforcement Brigade and the Independent Monitor. Logpond verification in a Timber Recovery Permit, Haute Sanaga

On site, the Independent Monitor has a proactive role: not only does it gauge the work undertaken by MINFOF forest law enforcement officials with regard to laws and procedures, but it also gathers its own data on the ground, which is the basis for producing mission reports submitted

²² Provision 2.3.1 (1) of the Independent Monitor's Terms of Reference, www.observation-cameroun.info

IM-FLEG MECHANISMS



to the Minister. The reports are subsequently published on the Monitor's Internet site²³. Information exchanges between the law enforcement Brigades and the Monitor takes place constantly whilst in the field.

In some cases, the conclusions of the Independent Monitor's analysis can differ from the ones reached by MINFOF officials. When this situation occurs, the differences are usually resolved during Reading Committee sessions, where clarifications can be brought by MINFOF and the Monitor.

The mission planning process is jointly carried out with the Monitor, this is however not always the case with regards to missions' technical preparation. Certain stages, such as the collection of documents, are often carried out separately. During the exchanges, MINFOF does not systematically inform the Monitor of all the results of their work prior to a forest law enforcement mission. The Monitor noted that during some joint missions, certain members of the National Forest Law Enforcement Brigade were in possession of information crucial to the mission, which had not been shared. This type of information can relate to previous cases of illegality or cancellation of permits and are essential to the analyses and conclusions made by the Independent Monitor during the mission.

Inherent flaws in Joint missions: information leaks and forest exploitation companies systematically informed of missions in advance

Joint missions have an inherent flaw as their destinations are known in advance. On numerous occasions, the Monitor noted that the companies, permit holders or individuals to be investigated, had prior knowledge of the mission's arrival, including the mission's itinerary and the list of permits to be checked. Information leaks seem to be difficult to contain within MINFOF given the administrative procedure followed for the production of Official Notices and Mission Orders. Negative consequences of leaks include the disappearance and destruction of evidence. In some instances, some companies blocked access to logging sites. The last example dates from the joint mission undertaken on "Small permits". Joint missions have

constituted the main activity of the Independent Monitor during this year. Next year, however, independent missions and missions carried out with the Provincial Forest Law Enforcement Brigades should enable spontaneous investigations to be carried and mitigate the risk of information leaks.

Extraordinary missions following requests made by the Monitor

Other missions carried out by the National Forest Law Enforcement Brigade and the Independent Monitor result from requests made by the latter. They are referred to as '**extraordinary missions**', and are joint missions. They were designed to enable a forest law enforcement team to return to a site, following additional information received after a routine joint mission. Extraordinary missions provide a mechanism for the Independent Monitor to follow-up allegations of infractions received from several sources including NGOs and local communities. The Monitor introduced several requests for this type of mission. Some were taken into consideration during routine planning sessions; others remained unanswered by MINFOF.



Joint field mission of the National Law Enforcement Brigade and the Independent Monitor in the logpond of SEBAC sawmill, FMU 10 009. See REM mission report No. 026

²³ www.observation-cameroun.info ²⁴ Mission report No. 010 of 8 November 2005



Requests for extraordinary missions made by the Monitor to MINFOF

Dates	Objective	MINFOF response
12 May	Proposition of extraordinary forest law enforcement mission in Dja and Lobo	Reply obtained on 22 June: proposition accepted
04 July	Request of extraordinary mission relating to two Sale of Standing Volume permits: 07 02 32 and 08 10 86	No reply received. A joint mission was however deployed in the SSV 07 02 32 area in February 2002
06 September	Request for an inventory of "Small permits"	This inventory was jointly carried out during the project's 4th quarter
06 September	Request for an extraordinary missions with Provincial Forest Law Enforcement Brigades to carry out a diagnostic of their operations	No reply received
4 October	Proposition of extraordinary forest law enforcement mission in Haut Nyong	On 14 November, the Monitor received a letter indicating that this proposition would be considered during the next joint mission
5 December	Renewed request of an inventory of "Small permits"	This inventory was carried out during the 4th quarter
19 December	Recommendation of an extraordinary mission concerning the Sale of Standing Volume permit 07 02 32	No reply received. In February, during the mission related to "Small permits", a joint mission team travelled to this area
24 February	Renewed request for an extraordinary mission with Provincial Forest Law Enforcement Brigades	Awaiting reply

Monitor's Independent Missions

Independent missions are stipulated in the Monitor's Terms of Reference. They are intended to enable the Monitor to make a rapid response to allegations received, prevent the dissipation of evidence of forest infractions and work with the Provincial forest law enforcement services.

These missions continue to be the subject of controversy. Some MINFOF representatives are of the opinion that the Independent Monitor should, at all time, be accompanied by a sworn official entitled to take repressive measures in case of infractions. It is understood that the Independent Monitor cannot fulfil any regalian function; its documentation work

can, however, improve the documentation of alleged infractions received by civil society and prevent the dissipation of evidence that is characteristic of many scheduled joint forest law enforcement missions. The Monitor can nevertheless take a member of the Provincial Forest Law Enforcement Brigade during its missions, resolving the issue of the need for the presence of a sworn official.

MINFOF has also raised the question of the Independent Monitor's safety, mentioning that a Mission Order issued by the Ministry should be necessary. In order to resolve this point, a Mission Order renewable every three months and



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signed by the Minister would protect the Independent Monitor. It would also prevent the flaw of Mission Orders specifying geographic areas, which are subject to possible leaks during their circulation and which slow the deployment of missions to verify allegations of infractions.

The issue of the Independent Monitor not having a mandate to carry out this type of mission has also been raised, despite its explicit mention in the project's Terms of Reference:

The Independent Monitor "can also carry out independent monitoring missions on forest exploitation activities. It will inform the Minister in advance and will report back the detailed findings of its observation mission carried out on an ad-hoc basis".

The Independent Monitor has taken part in this debate, underlining during a meeting with the Minister the objective intended by independent missions. The Independent Monitor did not carry out any independent missions between March 2005 and February 2006, mainly due to a higher rate of joint missions since the National Forest Law Enforcement Brigade took-up its duties. Independent missions remain an important mechanism, as they offer the Monitor the opportunity to work with Provincial Forest Law Enforcement Brigades, whose contribution to improving forest law enforcement is clearly specified in the National Forest and Fauna Law Enforcement Strategy.

Drafting of mission reports

Following field missions in the forest, the Monitor carries out an analysis of its observations with the help of photographs taken, documents gathered and the law in force. This phase corresponds to the gathering of additional information and the production of maps using GIS data. Mission reports are submitted to the Minister in charge of forests, before being reviewed by the Reading Committee.

One of the main obstacles to the production of reports is the maximum timeframe of two weeks within which the Independent Monitor is required to deposit its mission

reports to the Minister. This, because gathering additional information can, by itself, exceed this deadline, and because an overlap of several missions can make the logistics of writing reports within this timeframe extremely difficult. It should be noted that the amount of members of the National Forest Law Enforcement Brigade has doubled and the corresponding increase in the number of field missions has had an impact on the recurrence of these situations of overlap.

Non-access to the Computerised Forest Information Management System (SIGIF) by the Independent Monitor and insufficient use of this tool by MINFOF

The Computerised Forest Information Management System (SIGIF), is an important forest law enforcement tool, whose data enable the Independent Monitor to complete its analysis following field observations. Built with the technical support of the Canadian cooperation, this tool consists of a data bank relating to companies and individuals authorised to work in the forest sector, the number of existing concessions or permits, the annual production data for each forest exploitation company, the list of active permits during a tax year as well as miscellaneous technical information. SIGIF is also supposed to help the Forestry Revenue Securement Programme determine the amount of forest tax to be paid by each company²⁵. Several requests for accessing this system made by the Independent Monitor remained without adequate answer from the Ministry. There is an increased tendency of non-utilisation of the SIGIF data by forest law enforcement services, as noted by the Monitor in several mission reports, namely No. 022, 024 and 025. The system also requires updating as well as staff supervision.

²⁵ FRSP audit, June 2005, p. 28

GIC JAN

Détenteur de la forêt :

Nom de la Forêt : FORÊT COMMUNAUTAIRE DE OUE

N° certificat d'inscription : CE/GP/02/5827 N° convention de gestion : 005/2005

Nom du transporteur : SOKAMTE Adouis Son N° contribuable (NIU)

Immatriculation du camion : CE 0607 A TR
Douala

Monitoring the follow-up of forest infractions and legal cases

Follow-up of Legal cases

In relation to the follow-up of missions and legal cases, the Independent Monitor's task mainly consists of formulating observations and recommendations, given the legal nature of the process. These activities include:

- Monthly meetings with the government services in charge of following up legal cases;
- Regular working sessions with the PSRF;
- Keeping a table of infractions and penalties up to date;
- Analyse legal case data published by MINFOF;
- Formulate observations and analyses in its reports and notes for the attention of MINFOF.

In order to enable the Monitor to fulfil its mandate, according to the Project's Terms of Reference, "MINFOF services inform the Monitor of all the stages of the administrative and judicial procedure related to the follow-up of infractions".

Access to this information and documents by the Independent Monitor enables it to enquire about the progress of open legal cases. They include MINFOF forest law enforcement services' mission reports, the register of official statements of offence, the list of notifications of infraction, transactions, payments made and ongoing legal cases.

The Monitor, within the limits of the information it can access, ensures a follow-up of Cameroonian forest-related legal cases through monitoring tables of forest law enforcement missions and their results; sanctions and penalties given; and the evolution of legal cases. These tables are regularly updated to provide a good overview of

the legal process and to be able to compare the information published by MINFOF on legal cases. During a comparison exercise, the Monitor, for example, noted cases where the allotted time for final notifications of infractions had been exceeded²⁶.

The inaccessibility of certain documents has been the biggest obstacle to the Monitor's follow-up of legal cases. The National Forest Law Enforcement Brigade's mission reports were not made available for consultation and analysis during the year, despite multiple requests. It should be underlined that each forest-related legal case originates from a mission report produced by forest law enforcement officials, in which the sworn official records the infractions, evidence gathered, conservation measures taken as well as the proposed sanctions. The quality of each legal case largely depends on the quality of the official mission report it originates from.

Within its daily activities, it is specified that "the Independent Monitor shares its observations, notes and recommendations with the representatives in charge of the follow-up of legal cases, with whom it meets at least once a month²⁷".

The Independent Monitor has brought to MINFOF's attention elements and situations which can improve or impede the follow-up of legal cases. These observations are included in the Monitor's mission reports and/or analyses, produced as notes to the attention of the Minister or they are shared with services the Monitor usually interacts with, namely the PSRF, MINFOF's Legal Unit and the National Forest Law Enforcement Brigade. Some ad-hoc analyses on the follow-up of legal cases carried out by the Independent Monitor, are included in its quarterly reports.

Key thematic analyses concerning the follow-up of legal cases

The Monitor is not informed of every official hearing

According to its Terms of Reference, the Independent Monitor is mandated to observe, without intervening, the official hearings of forest legislation offenders. During the

²⁶ Independent Monitor quarterly report No. 3, www.observation-cameroun.info

²⁷ Monitor's Terms of Reference, www.observation-cameroun.info

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first quarter, between March and June 2005, the Independent Monitor was not invited to any official hearings although several took place. Out of seven official hearings that took place in October, the Independent Monitor was only informed of four. The official notifications of fines and official reports following transactions made are some of the documents that the Independent Monitor was not given automatic access to.

In addition, the Monitor has in some cases been informed of transactions only a few minutes before they took place. In the absence of preparation and without any prior knowledge of the cases concerned, the Monitor was not able to effectively contribute to this important stage of the legal process.

Non-utilisation of SIGICOF by MINFOF

The Computerised Forest Infractions and Information Management System, a data processing tool intended to centralise this type of information, could in part have mitigated the quasi-systematic inaccessibility to legal case related documents by the Independent Monitor. This system is however not yet functional.

Due to the non-utilisation of SIGICOF by MINFOF, very little information is available and accessible concerning the findings of missions carried out by the forest law enforcement services in the absence of the Monitor. This information is nevertheless crucial to enable the Monitor to analyse the level of improvements achieved in the forest law enforcement by the concerned services.

The Monitor cannot provide information during transactions

The Independent Monitor's contribution during transaction sessions has decreased during the first year of the project. Currently, the Monitor attends the transaction meetings without the right to intervene, even when its team was present during the forest law enforcement missions related to the legal case concerned by the transaction negotiation. The Monitor had previously been given the opportunity to provide some clarifications, if necessary, by the Minister of forests about the facts and applicable legal dispositions,

Extract from the SIGICOF User Guide

SIGICOF 1.0 **MINISTRE DES FORETS ET DE LA FAUNE DU CAMEROUN**

7. LES ETATS

Les états permettent de rassembler un groupe de dossiers correspondant à un ensemble de critères appelé « filtre ».

Ces critères peuvent porter sur :

- la période à considérer
- le contrevenant à observer
- l'infraction constatée
- des attributs du PV
- des attributs de la transaction
- les dossiers se trouvant à une étape donnée.

Pour accéder aux états, cliquer sur le menu **Etats**, puis sur l'option voulue.

Structure des états :

Etat	Description	Montant	Date	Statut	Type
01	01	01	01	01	01
02	02	02	02	02	02
03	03	03	03	03	03
04	04	04	04	04	04
05	05	05	05	05	05
06	06	06	06	06	06
07	07	07	07	07	07

Les états présentent en sortie la grille ci-dessus, caractérisée par :

- Colonne 1 : le numéro d'ordre du dossier
- Colonne 2 : le nom de l'opérateur économique ou du contrevenant
- Colonne 3 : le numéro du procès-verbal
- Colonne 4 : les infractions constatées
- Colonne 5 : le montant des pénalités
- Colonne 6 : le montant de la transaction si accordée
- Colonne 7 : le montant du recouvrement

Le titre de l'état indique :

- le nombre de dossiers correspondant aux critères de l'état
- le montant total des pénalités
- le montant total des transactions
- le montant total des recouvrements.

before a final decision was made. This had allowed the Monitor to mitigate the absence of the forest law enforcement officials who had carried out the mission related to the legal case, when the latter were not invited to the transaction sessions. The presence of the forest law enforcement officials and the Monitor is desirable to strengthen the process.

The implementation of the Monitor's recommendations concerning the follow-up of forestry cases is very weak compared to other forest law enforcement areas

Some recommendations made by the Independent Monitor have led to follow-up actions by MINFOF. For example, its recommendation for an inventory of timber recovery

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Extract from a table on the follow-up of legal cases, Quarterly Report No. 3

Mission Report Permit – Localisation - Dates	Situation Observed	Independent Monitor's Recommendations	Result Obtained
No.11 Timber Recovery Permit No 0886 Production and Services Agency Ltd (PSA) Haute Sanaga 6-7 October 2005	Request of notification to start works two weeks prior to the Sale by Public Auction (Indicating non-respect of competition rule for the Sale by public Auction) Non-demarcation of 100m road width limit on the ground Non-respect of width limit Administrative summons addressed to the company PSA Ltd by MINFOF	Request for Clarification to MINFOF Provincial Delegate, Central Province concerning the allocation of the Timber Recovery Permit to the company PSA Ltd Opening of a legal case against the company PSA Ltd for non-authorized exploitation in the national forest estate	To the Monitor's knowledge, the provincial Delegate has not provided any clarification on the allocation of this permit allocated to PSA An Official Statement of Offence was established on 10/10/05 An initial notification of fine of 139,670,945 FCFA was sent by MINFOF to PSA on 14 November 05

Monitoring transparency and access to information related to forest exploitation

Activities related to the dissemination of information and transparency in the forest sector

The Monitor has a double mandate in relation to transparency and access to forest information. Firstly, it brings to MINFOF's attention problems of exchange of information, communication and coordination between the different services in charge of forest law enforcement. Expected results include recommendations on corrective measures. Secondly, the Independent Monitor is mandated to contribute to the dissemination of forest information. This consists of an analysis of the means, tools and strategy for

the publication of forest information by MINFOF, with the view to make recommendations. Several observations have been made and summarised in earlier parts of this report. The Monitor can also take an active part in the dissemination of forest information through: the publication of its quarterly reports and mission reports after their validation by a Reading Committee; its Internet site; and an interactive relationship with NGOs, local communities, the private sector and other organisations concerned with forest issues.

The publication of mission reports and information relating to forest exploitation in Cameroon is one of the pivotal functions of Independent Monitoring. A well-elaborated procedure and a precise mechanism have been set-up for this purpose: the Reading Committee's mandate is to meet regularly in order to "examine the conformity and relevance of the observations brought by the Independent Monitor and those of Ministry services²⁸". The Committee includes the members of the National Forest Law Enforcement Brigade

²⁸ Independent Monitor's terms of reference



who took part in the concerned missions and whose reports are presented, senior Ministry officials and representatives of concerned donor, MINFOF's Legal Unit and the Independent Monitor. It is supposed to meet once a month, following a notice from the Minister of MINFOF²⁹.

In practice, this Committee carries out a comparative reading of the Independent Monitor's reports with those produced by forest law enforcement officials in view of harmonising their conclusions. This process is particularly beneficial when the two teams have reached different conclusions. In such case, the Reading Committee listens, in turn, to the teams' explanations on facts and analyses, before formulating directives or recommendations. Recommendations may include, requests for additional field missions when necessary, an increase in the detail of the conclusions, or the insertion of new recommendations. In other cases, the Independent Monitor may be requested to add to its report a table including the Reading Committee's resolutions. Each Reading Committee session is endorsed by minutes which include all the discussions and decisions taken. Once the Monitor's mission reports are approved, they are handed over to the Minister, in view of a final approval notice before publication.

Key thematic analyses relating to the dissemination of information and transparency

Slippage in the functioning of Reading Committee meetings

During the year, a slippage in the functioning of the Reading Committee has been observed. Contrary to the texts which organise it, the Committee has stopped examining mission reports produced by the National Forest Law Enforcement Brigade. These were not available to the members of the Reading Committee, under the motive that they are exclusively reserved for the Minister. Instead of comparing these reports to the Monitor's to improve the application of forest law enforcement procedures, a critical study of the Monitor's reports has been carried out. Only some elements of the National Forest Law Enforcement

Brigade's mission reports were made public before the examination of the Monitor's reports by the Reading Committee. This issue was referred to the Minister in February 2006, who requested that the National Forest Law Enforcement Brigade comply, from this point onwards, with the decision relating to the creation and organisation of the Reading Committee, which authorises the examination of their mission reports.

Reduced participation in the Reading Committee meetings by international donors has been noted. Although it is not the donors' responsibility to undertake a reading of MINFOF's officials forest law enforcement missions, their presence during the Reading Committee sessions is useful and increases the moral authority of decisions made.

Delay in the receipt of approval notice for publication following Committee sessions

There have been relatively long delays between the adoption of reports by the Reading Committee and the receipt of the Minister's letter approving the publication of the Monitor's reports. For example, the approval letter concerning the publication of reports endorsed by the Committee on 5 and 17 January was only received by the Monitor on 9 March 2006, more than eight weeks later. Should these delays persist, efforts at increasing transparency made by the State in the forest sector through the publication of the Independent Monitor's mission reports would be undermined.

Denial of access to documents

The inaccessibility of key documents by the Monitor constitutes an important constraint to transparency. MINFOF officials also face the same problem internally. This is occasionally due to archiving problems, but it should be noted that in some cases, access to some documents has been denied to the forest law enforcement officials by their colleagues. This was the case during the mission for the inventory of Timber Recovery Permits and "Small-permits". In preparation, the concerned forest law enforcement officials had tried, without success, to access original documents related to the concerned permits, although these

²⁹ The Ministerial decision No .434/D/MINFOF/CAB of 23 September 2005 details the composition of the Reading Committee members

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documents were kept by other officials from the same Ministry. One solution to this problem would be to make available the maps of valid exploitation permits to forest law enforcement officials and the Monitor at the beginning of each tax year. The Monitor could publish these maps on its Internet site, as well as the name of concession and other permit holders, the public notices for Sales of Standing Volume, Sales by Public Auctions etc, in view of increasing transparency in the sector.

Difficulties encountered during IM-FLEG

Certain difficulties have affected the proper functioning of the Independent Monitoring project and follow-up of forest infractions during the first year. During the first six months, the project team leader had to be replaced and two administrative and financial officers succeeded each other. A delay of many months in receiving an agreement on the nomination of the new team leader caused significant financial penalties on the Monitor and significantly reduced its capacity for action.

In addition, other delays occurred before the new National Forest Law Enforcement Brigade was made operational. The preceding Central Law Enforcement Unit was disbanded on 16 May 2005, the nomination of the National Forest Law Enforcement Brigade members, however, was not made until 29 August 2005, two and a half months later. The ceremony for swearing in the members of this Brigade only took place on 21 September and their first field mission was undertaken on 5 October 2005.

Finally, the project had a much lower budget than during previous phases of IM-FLEG in Cameroon, despite additional activities and reports to be produced. The doubling of the number of National Forest Law Enforcement Brigade members after signature of the project contract was not translated in any increase of logistical means or budget available to the Independent Monitor.



Logging trucks crossing the Sanaga river



CONCLUSIONS AND RECOMMENDATIONS

Forest law enforcement systems

► Conclusions

► Recommendations for improvements

Planning of forest law enforcement field missions	
There have been notable improvements in the planning of forest law enforcement missions, which led to the implementation of a satisfactory number of field missions during the third quarter	Maintain the frequency of monthly planning meetings and field missions. Documents required for planning missions, especially valid permits and maps, should nevertheless be made available in advance in order to achieve a higher level of transparency within MINFOF
Preparation of forest law enforcement field missions	
Improvements have been noted in mission preparation. The mission calendar presented during planning meetings has generally been respected	Improvements in mission preparation should be maintained
The repeated absence within MINFOF of exploitation permit maps, previous law enforcement reports and contractual obligations linked to permits, highlight possible problems of archiving and/or access to documents. Some documents necessary for the preparation of missions are not available to MINFOF officials	Better communication should be established between the different MINFOF services including those concerned with the follow-up of legal cases. All services should be instructed to make the information in their possession accessible
Field missions and transparency of information	
There was a limited increase in transparency relating to private sector activities, corresponding to the resumption of field missions with the appointment of the National Forest Law Enforcement Brigade	Maintain the frequency of forest law enforcement missions of the National Forest Law Enforcement Brigade and reinforce those undertaken by the Provincial Forest Law Enforcement Brigades. The quality of mission findings should be verified by the hierarchy. Any internal problems noted within the Ministry, whichever the level at which they occur, should be reported to MINFOF's General Inspectorate
The implementation of missions does not take into consideration all the elements of the National Forest and Fauna Law Enforcement Strategy. Shortages included a lack of verification of the implementation of contract clauses by forest exploitation companies, the respect of inventory norms and operational norms in the forest	Schedule missions to carry out certain tasks specific to forest law enforcement (for example checking the respect of inventory norms); or delegate the implementation of these tasks to decentralised services with oversight from the National Forest Law Enforcement Brigade; or that the Forest Law Enforcement Brigades systematically verify, during each mission, inventory norms and the respect of social and tax obligations by forest exploitation companies
Official Statements of Offence are not always drafted by MINFOF when an infraction is observed, although an improvement had been noted during the year. Long delays are observed before they are established and then without any precautionary measure stipulated in the law being applied in the meantime, for example the suspension of the offender's activities	Official Statements of Offence should be filled in as soon as an infraction is found by forest law enforcement services, whether in the presence or absence of the offender. Precautionary measures should be applied, as stipulated by the law.
In its deployment strategy during the implementation of missions, the National Forest Law Enforcement Brigade devotes a particular interest to permits where exploitation operations are taking place, rather than all valid permits. This results in a situation where some permits are never monitored, although exploited the year of validity but not active during the scheduled missions. Infractions can be detected within these permits, whether the exploitation is in progress or not	During field missions, the National Forest Law Enforcement Brigade should focus on valid permits, whether active or not.
Administrative time constraints have been observed	Missions should have the possibility to pursue an investigation already started when necessary, without being limited by the need to wait for a new Mission Order
Forest exploitation companies have systematically been informed of forest law enforcement missions before their execution, indicating existing leaks within MINFOF. Leaks may originate from several levels given the systems of circulation of Official notices and Mission Orders. This removes any effect of surprise from scheduled missions and leads to a dissipation of evidence of infractions	Investigations should be carried out within MINFOF to establish the responsibility of confidential information leaks. The culprits should be subject to administrative sanctions. Scheduled missions with short notice should be envisaged, and their destination known only to a few officials. The reinforcement of missions undertaken by Provincial Forest Law Enforcement Brigades should enable a continuous monitoring of forested areas to mitigate this problem
Security problems can be encountered during the apprehension of offenders	Join police forces to sworn MINFOF officials during field missions in forest areas in case of difficulties encountered

Forest law enforcement systems

► Conclusions

► Recommendations for improvements

Forest Law Enforcement Brigades

National Forest Law Enforcement Brigade

The setting-up of the National Forest Law Enforcement Brigade more than three months after the previous Central Law Enforcement Unit was dismantled, has been an important stage in the constitution of a forest law enforcement structure within MINFOF. Following the installation period, a significant increase of forest law enforcement missions has been observed

Maintain the frequency of missions carried out by the National Forest Law Enforcement Brigade

Dynamism, will and good technical capacity have been observed in some members, but certain practices from others should be improved. It would, for example, be beneficial to address the reluctance noted to leave vehicles in order to carry out investigative activities crucial to forest law enforcement, and not to exclusively rely on declarations made by logging companies. The Monitor observed that the performance of some officials varied according to the designated Mission Leader

Carry out on a regular basis an internal assessment of capacities and findings obtained within the National Forest Law Enforcement Brigade, so that competent individuals and those respecting procedures and legislation are encouraged, and those needing additional experience or knowledge are accompanied by trained colleagues. Those, however, who do not respect the deontological norms of their profession and who are therefore liable to damage the reputation of the new Brigade, should be sanctioned

Provincial Forest Law Enforcement Brigades, reporting to Provincial Delegations

Biannual reports produced by Provincial Delegations dedicated to forest law enforcement activities are heterogeneous. Their format could benefit from modifications to improve the recording of data on forest infractions and to facilitate their follow-up by central services and the ministerial hierarchy

That MINFOF establish a standard format for reports produced by Provincial Delegations concerning forest law enforcement activities in order to harmonise the information they contain. The format of the provincial delegation reports should be reviewed through a workshop organised by MINFOF to facilitate harnessing of information at central level and ensure that information on illegality is recorded in a way that contributes to forest law enforcement objectives

The Provincial Forest Law Enforcement Brigades do not have at their disposal the minimum means necessary to investigate forest permits (including transport, GPS tools, fuel, etc.)

That MINFOF and its partners study the allocation of means to provincial brigades. All means necessary to the application of conservation measures (marking hammers, vehicles, etc.) should be made available to sworn officials

Transparency and publications

Regular publications have been made by MINFOF concerning the follow-up of legal cases. These publications have led to analyses which raised questions on the progress of some legal cases

Maintain publications, and record their content in the SIGICOF to identify the points of dysfunctionality in the follow-up of forest-related legal cases

The Monitor's reports and analyses on forest activities and law enforcement have been published, nevertheless, complete analyses could not be undertaken by the Monitor due to the lack of access to some information, including the National Forest Law Enforcement Brigade mission reports and due to the lack of use of SIGICOF by MINFOF

Access to information should be improved to increase the publication of forest-related information

Follow-up of forest-related legal cases

Management of follow-up information

The archival of documents relating to legal cases requires improvement in order to allow their management. The risk of losing files is real when MINFOF's employees are moved to different services or retire, without any structured process of handover

MINFOF's archival of documents relating to permits and legal cases should be improved and responsibilities defined according to function. Each time any MINFOF employee is moved to another service or retires, a handover should be organised by Ministry officials. The recording of information resulting from MINFOF forest law enforcing missions in SIGICOF is also crucial, once it is operational, to enable an analysis of the follow-up of forest infractions

SIGIF contains data on valid permits and exploitation volumes. This data remains vulnerable to modification

It would be prudent that MINFOF and its partners consider a reinforcement of the SIGIF system to secure it and reduce the possibility of errors or administrative fraud, which could compromise efforts made by some forest exploitation companies to operate legally

► Conclusions

► Recommendations for improvements

Follow-up of infractions	
Management of follow-up information	
In general, the Independent Monitor noted that legal cases are not systematically followed-up with an equal rigour or vigilance. SIGICOF is not yet operational despite the fact that it is a modern management tool, although training has been provided to MINFOF and despite the fact that the system is user-friendly	A certain number of individuals responsible for using the software should be designated. The responsibility of progress of cases and to maintain SIGICOF should be defined by function and individual within MINFOF. In the interest of transparency, the Monitor also recommends that those individuals come from different Ministry services, for example from the National Forest Law Enforcement Brigade and MINFOF's Legal Unit
Legal notifications	
The operations of an increasing number of companies are suspended because no official hearing has taken place, and no Official Statement of Offence has been issued	Reduce delays in drafting Official Statements of Offence through the application of existing procedures by the MINFOF's Legal Unit. Precautionary measures, such as the suspension of the offending company's activities, should continue to be applied by MINFOF so that the legal process can rapidly follow its course
An infraction recorded by a sworn official triggers the start of a legal case, whether the corresponding Official Statement of Offence is signed or not by the offender. Several legal cases stop at the level of the Official Statement of Offence, which highlights the inefficiency of the legal process	Sworn officials and relevant police officers should carry out the legal procedure until the execution of the sentence. As many infractions remain unpunished, the nature and reasons of legal case blockages should be recorded by MINFOF in order to address them more efficiently
Summons	
In case of a forest infraction, an Official Statement of Offence should be followed by an administrative summons except in case of force majeure. Weaknesses have been noted at the level of summons which either are not received by the offender, or have been received but without any evidence of receipt	Ensure bailiffs fulfil their duty by sending to the Administration requesting the delivery of a summons a copy of the receipt proving its delivery
The mechanism of administrative summons only works when the offender possesses a real and known address	That MINFOF draft an Official Notice requesting all forest exploitation companies to provide the details of a legal residence in Cameroon (the law currently requires the registration of companies' head office). MINFOF should also hold a bailiff register recording receipts and summons dispatches. The presence of the receipt in the legal case file would enable the procedure to be pursued and inform the Court in case the offender refuses to answer a summons
Initial Notifications	
Some companies having received an initial notification of infraction do not reappear in the list of final notifications, without any information being available to the public on the resolution of the case	The use of SIGICOF would enable the tracking of the resolution of each legal case
Transactions	
There had been significant decreases in the amount of damages finalised in transactions process compared to evaluations made by the National Forest Law Enforcement Brigade. The transaction amounts have been as low as 90% less than the original estimated value	MINFOF, with the support of its partners, should establish a rigorous methodology for the evaluation of damages leading to the final amount of transactions. Use could be made of MINFOF services, evaluation methods, texts in force and felled timber volumes, species and FOB values. This in order to prevent any loss to the State and to have objective criteria on the basis of which legal cases can be dealt with
Some transaction requests are processed whilst others are not, indicating a non-systematic application of the law in force, with a risk that the private sector and international stakeholders perceive the application of the forest legislation as biased	Transaction requests should be processed in accordance with their chronological order

► Conclusions

► Recommendations for improvements

Transactions	
<p>Several transactions have been negotiated during the same session, in the presence of the various offenders concerned. This situation puts the Ministry in a position of vulnerability and creates an opportunity for collective pressure from the private sector in order to reduce transaction amounts. This set-up also leads to the replication of similar amounts of fine despite the individual merits of the different cases concerned. In addition, the MINFOF officials who had undertaken the forest law enforcement missions where the concerned infractions had been identified were not invited to the transaction process. They were therefore unable to bring any information or analyses to counteract the offenders' declarations</p>	<p>Each transaction should be carried out in the presence of the offender(s) related to a unique case. All transactions would benefit from the presence of the forest law enforcement officials who detected the infractions, when logistics allow it</p>
Final Notifications	
<p>MINFOF does not apply the stipulated timeframes for the final notifications to the offenders</p>	<p>The timeframe stipulated by the law (30 days) to deliver a final notification for a legal case should be respected. A study to improve MINFOF's current internal systems of communication could be useful, as they are part of the reasons for delays</p>
Transmission of legal cases to Court	
<p>No legal case has been transmitted to Court within legal timeframes. MINFOF declared not being responsible. According to the Ministry, delays should be imparted to the Ministry of Justice, which does not send back the citations needed to start a lawsuit</p>	<p>The legal timeframe of 72 hours to transmit legal cases in Court after initial formal notice should be strictly respected in order to ensure increased transparency in the follow-up of sanctions applicable to offenders</p>
Recovery of fines	
<p>The exchange of files between MINFOF and the PSRF is neither fluid, rapid nor systematic</p>	<p>A direct dialogue should be established between MINFOF and the PSRF in order to satisfy their respective demands. The SIGICOF should be used and its content accessible to the PSRF in order to facilitate the archival of legal cases and communications between MINFOF and the PSRF. The law should fix timeframes for the PSRF to ensure the enforcement of sanctions and to their transmission to MINFOF, whether the recovery is successful or not</p>
<p>The sanctions transmitted to the PSRF are not enforced, and rarely sent back to MINFOF, in contravention of the legislation in force</p>	<p>Joint missions to recover fines should be carried out by MINFOF and the PSRF in order to enable the latter to carry out its duty</p>
Administrative errors and fraud	
<p>Certain cases of administrative fraud have been documented during field missions</p>	<p>A process of disciplinary action should be initiated against officials guilty of non-respect of procedures</p>

Key types of forest infractions identified in the operations of the private sector

► Conclusions

► Recommendations for improvements

"Small permits" or Timber Salvage Permits (TSP), Timber Recovery Permits (TRP), Timber Removal Authorisation (TRA), Road Opening Permits (ROP)

"Small permits" are necessary in the context of development projects, but are especially susceptible to abuse and illegalities

The need to access timber is used to justify the establishment of small permits associated with development projects, rather than the opposite as intended by the law. Some projects are dubious. None of the Timber Recovery Permits inspected had been the subject of a preliminary Environmental Impact Assessment or an inventory, contrary to legal requirements. The competition rules intrinsic to Sales by Public Auction have not been respected

The law enforcement field missions carried out during the year have uncovered the existence of a multitude of "Small permits" registered at MINFOF under diverse names (TSP, TRP, TRA, ROP). The use of names for certain permits brings some confusion as to requirements linked to each permit

Some "Small permits" are directly allocated in compensation of other permits which were not exploited or in compensation for undue payments made to the Treasury

In several cases, work in the concerned permits had started before the notification of a Sale by Public Auction, indicating fraud in the process

The main infractions which characterise "Small permits" are the non-authorized exploitation in forests of the national estate, the non-demarcation and the non-respect of road width limits on the ground

Forest Management Units

Forest Management Units

Only valid permits which were active were investigated by forest law enforcement officers during this year, which does not constitute a sufficiently representative sample of these permits to analyse the infractions detected

False declarations in field documents are the most recurrent infractions detected in Forest Management Units visited in 2005-2006. Few official investigations and the lack of penal sanctions have led to a widespread violation of the law by some permit holders who do not regularly fill their field documents. This can create opportunities for tax evasion, as documented by the Monitor

Poor marking of timber and exploitation below the minimum authorised exploitation diameter is often recorded

Following the inventory of "Small permits" carried out and the recommendations made by the Monitor, measures need to be taken to cancel non-valid permits, sanction infractions and irregularities detected and take preventative measures to avoid their reoccurrence

MINFOF should set-up a committee or a commission responsible for ensuring that all requests for Timber Recovery or Removal Permits are supported by a technical file including, according to the case, an Environmental Impact Assessment, an inventory, the rules of the Sale by Public Auction and the existence of the development project or timber to be removed

The use for each permit of the name stipulated by the law would facilitate the identification of the related legal requirements by administrative officials, forest law enforcement officials and permit beneficiaries

The practice of compensating an exploitation permit with a recuperation permit should be banned as it is outside of established procedure. The same applies to compensation for any undue payment to the Treasury. In such cases, reimbursing the payment unduly received would disadvantage the state less

An administrative investigation should be launched in the allocation of the "Small permits" with a view to establish the causes and responsibilities of the non-respect of related legal conditions, particularly concerning the allocation of recovery permits within the same area as exploitation permits or classified forests

The sanctions stipulated by the law for these infractions should be applied to offenders

A thematic forest law enforcement mission, such as the one carried out for "Small permits", should be carried out for Forest Management Units and all valid permits checked, whether active or not. Investigations of Forest Management Units should be planned according to a geographical selection representative of the forest estate in Cameroon

Sanctions and document checks against logs in the field should be increased in order to detect any fraud. Reforms should be proposed to establish penal sanctions for this type of infraction, but in the meantime, article 65 of the law sanctioning any offenders to article 125 of the ministerial order no 95-531 of 23 August 95, should be applied. Investigations should be launched and information contained in transport permits should be recorded in SIGIF. A comparison should then be made with data recorded in field documents. Transport permits should be issued on the basis of authorised felling volumes

Sanctions corresponding to these infractions should be applied

Key types of forest infractions identified in the operations of the private sector

► Conclusions

There are questions over the legality of some subcontracts concerning the exploitation of Forest Management Units

Sales of Standing Volume

Only three Sale of Standing Volume permits were investigated by the National Forest Law Enforcement Brigade during the year. This low number prevents the identification of recurrent specific problems susceptible to lead to analyses on this type of permit

False declarations in field documents constitute the most recurrent infraction in Sale of Standing Volume operations inspected in 2005-2006, as in the case of Forest Management Units

Non-availability of field documents, poor log marking has often been noted

Re-localisation of Sale of Standing Volume permits, under the pretence of lack of timber available in allocated permits

Questions on the legality of some partnerships between logging companies

Transport, check points and community forests

There is a frequent fraudulent use of transport documents belonging to Community Forests. The fraudulent use of transport permits can mask the illegal exploitation and transport of timber originating from forests of the national estate

The system for granting transport permits to Community Forests may be a factor leading to illegal exploitation and enabling the legalisation of this timber's transport

► Recommendations for improvements

Investigations should be launched into the legality of subcontracts, and sanctions given where applicable. Administrative investigations should be launched on Ministry officials responsible for authorisations which do not comply with regulations, and administrative sanctions applied where necessary

A thematic forest law enforcement mission, such as the one carried out for "Small permits", should be carried out for the Sales of Standing Volume. The investigation should be scheduled in accordance with a geographical selection representative of the Cameroon forest estate

See relevant Forest Management Units recommendations above

Sanctions corresponding to these infractions should be applied

This practice can be used for deception, as a forest poor in timber does not lead to significant bidding competition, especially as tendering companies have the possibility to prospect the area before the Sale by Public Auction, which enables them to evaluate the wealth of the concerned forest. Once a permit is allocated, a request for re-localisation is made under the pretence of lack of timber and an area rich in timber requested, without competition rules being respected. The practice of compensation is not authorised by the law in force. In the case of a justified need for compensating for an area of forest, reimbursement of fees paid would less penalise the State

Investigations should be launched into the legality of partnerships, and sanctions applied if it cannot be established that they are legal. Administrative investigations should be launched on the responsibility of Ministry officials in the case of authorisations which do not conform with the law, and administrative sanctions given where applicable

A comparative study of statistics contained in transport permits and annual exploitation permits should be carried out for active Community Forests, in order to identify indicators of illegalities which can subsequently be verified during field missions. A thematic forest law enforcement mission should be organised in order to document the infractions

A reinforcement of procedures should be made through the use of signatures on field documents. A system to manage Community Forests' transport permits should be set-up, through which individuals responsible for Groups of Common Initiative would handover the transport permits, as soon as received, to the local forest law enforcement official. The latter would release each folio as the need arises, after the usual checks (origin of logging site, stock, volumes, species etc.) Cases of infractions in relation to the misuse of permits should be passed on to the relevant authorities in view of applying sanctions

Key types of forest infractions identified in the operations of the private sector

► Conclusions

Forest law enforcement check-points are inefficient in relation to the illegal transport of timber

► Recommendations for improvements

The strategy of forest law enforcement check-points should be reinforced through the recording of transporters crossing each check-point on a register indicating the origin, the volumes and species of timber, the permit registration number, the destination of the transporter and the references of the transport documents. Weekly checks of this register should be made by the National or Provincial Forest Law Enforcement Brigades

Forest law enforcement check-points should be networked in order to have an overview of transport in a given region

The capacity of forest law enforcers to take actions in relation to the various situations they face, should be reinforced

An information campaign should be undertaken so that timber transporters are made aware of regulations in terms of transport of forest products, including the application of sanctions for those caught transporting timber illegally

The relevant sanctions stipulated by articles 130-133, 142,156 or 158 should be applied according to the seriousness of the infraction (falsification of documents, fraudulent use or destruction of log marks or insufficient information recorded in transport permits)

Non-authorized exploitation and chainsaw operations

Cases of non-authorized exploitation and small-scale chainsaw operations have been observed outside permits' limits or inside permits' limits in non-agreed areas

Official investigations should be carried out outside of valid permits, through general forest monitoring. Provincial Forest Law Enforcement Brigades should be reinforced so that investigations can be carried out on a regular basis

Sawmills

Few sawmills have been inspected by forest law enforcement officials in 2005-2006

A thematic forest law enforcement mission, such as the one carried out for "Small permits", should be carried out in relation to sawmills. The inspection of sawmills should be planned according to a geographic selection representative of the forest estate in Cameroon

Sawnwood without any indication of origin has been detected, as well as possible fraud at the level of sawmill entry tax data collection. The origin of some of this timber is suspected to be Community Forests

An information campaign should be undertaken so that timber transporters are made aware of regulations in terms of the transport of forest products, including the application of sanctions against those caught transporting timber illegally

During the inspection of sawmills, many marks from official hammers could not be identified

MINFOF should issue a directive on the official marking of timber making clear the information that should appear on the mark left by the hammer. At the level of the National Forest Law Enforcement Brigade, a register of official hammers should be kept, and include the identification number of each hammer and the area it is allocated to

► Conclusions

► Recommendations for improvements

Partnership with the forest law enforcement structures

The monitoring of missions in 2005-2006 mainly concerned the National Forest Law Enforcement Brigade, due to its recent creation. The number of members constituting the National Forest Law Enforcement Brigade doubled compared to the previous corresponding unit

Monitoring missions should continue to be associated with the National Forest Law Enforcement Brigade, however, they should also focus on working with the decentralised services in 2006-2007

The increase in the National Forest Law Enforcement Brigade's personnel had a major impact on the potential deployment of this structure in the field. The Monitor neither had the function nor the logistical capacity to be associated with all field missions undertaken by this Brigade. An audit of the Brigade's operations and the possibility of impromptu verifications by the Monitor in areas where missions have been carried out, enables a general analysis of its dysfunction and improvements in forest law enforcement, and in the formulation of ad-hoc recommendations

The Monitor should have sufficient mobility in order to be associated with different missions without specifying to the concerned forest law enforcement services which missions will be the object of its observations. To this effect, a renewable Mission Order valid for a period of three months could enable the Monitor to join the National Forest Law Enforcement Brigade or the decentralised services missions during that period

Respect of IM-FLEG Terms of Reference

The project's Terms of Reference have not been entirely respected, which prevents the thorough implementation of all monitoring activities. The Terms of Reference were conceived to ensure the efficiency of the project. Their respect is crucial in order for the project objectives to be achieved

The level of respect for the project's Terms of Reference by MINFOF should be increased. The National Forest Law Enforcement Brigade and decentralised services should be informed of these Terms of Reference, planned activities and objectives to be achieved. The respective responsibilities concerning activities planned in the project should be clearly defined by individual and function within MINFOF in order to ensure their implementation

Access to information

Information access detailed in the project's Terms of Reference is essential in order to enable an independent monitoring and analysis as envisaged by the project partners

The Monitor's access to information should be improved in order to enable a representative analysis of constraints or dysfunction in forest law enforcement operations

The Monitor's access to information, including to Official Statements of Offence and subsequent legal documents, has not been respected. It is possible that some individuals within MINFOF have not been informed of the details of the project's Terms of Reference and ignore their stipulations

The instruction to supply information requested by the Monitor within a useful timeframe, which was given by the Minister in February 2006, should be communicated and applied by information holders within MINFOF

Information contained in SIGIF has not been accessible to the Monitor during most of 2005-2006, preventing the collection of important information concerning the validity of permits and the authorised and declared volumes of timber

The instruction given by the Minister in February 2006, which enables the Independent Monitor to request information from SIGIF, should be applied in a systematic manner

Reports from the National and Provincial Forest Law Enforcement Brigades are not accessible to the Monitor, which prevents the evaluation of the respect of procedures concerning this stage of forest law enforcement

Copies of these reports should be made available to the Monitor in order to enable their analysis to be carried out. The instruction given by Minister in February 2006 to that effect should be respected

Some legal cases resulting from missions carried out by the National Forest Law Enforcement Brigade, as well as the follow-up of some legal cases resulting from joint missions, are not made available to the Monitor despite repeated requests

MINFOF should make available to the Monitor the follow-up of legal cases resulting from missions undertaken by National Forest Law Enforcement Brigade on its own and in the presence of the Monitor

Insufficient consideration of the Monitor's recommendations

The IM-FLEG project has the aim of improving forest law enforcement and for this reason, the Monitor has the mandate to provide recommendations. The lack of consideration by MINFOF of these recommendations risks compromising the achievement of the identified objectives

Individuals in charge of the follow-up of the project's recommendations should be identified within MINFOF. MINFOF should systematically consider each recommendation made by the Independent Monitor in order to evaluate the feasibility of its application and to achieve the objective of improving forest law enforcement. It is also fundamental that difficulties in the application of the recommendations are communicated to the Monitor so that it can take them into account in its evaluation and bring its support or additional suggestions

Delays in publication

Delays of several months have been noted between the validation of the Monitor's reports by the Reading Committee and the reception of the Minister's formal approval for their publication. These delays are due to the slowness of communication systems within MINFOF and the circulation of documents within the hierarchy

The Minister's approval should be communicated rapidly after the validation of the Monitor's reports by the Reading Committee

► Conclusions

► Recommendations for improvements

Reponses to the Monitor's requests

The Monitor's requests enable it to gather the information necessary to undertake objective analyses and formulate recommendations

Responses to the Monitor's requests should be provided within useful timeframes

When the Monitor physically goes to MINFOF's building to gather additional information following field missions, the availability of MINFOF services is usually good. Nevertheless, requests of information made by letter generally lead to no response. It should be noted that the restructuring of MINFOF forest law enforcement services have had a significant effect on its functioning. The low rate of formal response should be considered in this context and re-evaluated during 2006-2007. Despite an increase in responses perceptible during the last quarter, some requests still do not receive any answer, which can lead to major blockages in implementation

MINFOF should respond to the Monitor's formal requests within useful timeframes. The respect of the project's Terms of Reference should be encouraged by MINFOF and any difficulty in application communicated by MINFOF to all partners

Computerised Forest Infractions and Information Management System (SIGICOF)

The analysis of trends in the legal process remains difficult, due to the non-utilisation of the SIGICOF by MINFOF and the dispersal of documents relating legal cases between different services

The use of the SIGICOF has become a priority. Open legal cases should be recorded in the SIGICOF as a matter of urgency in order to ensure their follow-up. Monthly meetings concerning the follow-up of legal cases should be organised by MINFOF in accordance with the project's Terms of Reference

Follow-up of legal cases

The follow-up of legal cases remains the weakest stage of the forest law enforcement process in 2005-2006

A particular attention should be given by MINFOF to the improvement of the follow-up of legal cases in 2006-2007

Initiatives taken by MINFOF officials to facilitate the follow-up of the evolution of cases through informal working sessions with the Monitor have, to a certain extent, enabled an analysis of progress made in 2005-2006. Formal meetings, stipulated in the Terms of Reference, would nevertheless provide a more structured framework enabling a systematic analysis of actions taken or to be taken. 2005-2006 has been characterised by the total lack of formal meetings on the follow-up of legal cases. In 2006, some sessions were scheduled but repeatedly postponed. None had been held at the end of the year

Technical exchanges between MINFOF officials and the Monitor should be pursued in addition to the scheduled monthly meetings. MINFOF's cooperation concerning the organisation of monthly meetings on the follow-up of legal cases should be improved

Reading Committee sessions

The regular holding of Reading Committee sessions is essential to the publication of the Monitor's reports and the project objective of increased transparency. Sessions have regularly taken place in 2005-2006, which is a positive step

Reading Committees sessions should continue to be held regularly

Certain stakeholders have noted that the duration of the Reading Committee sessions was too long and that the late notification of their dates by MINFOF did not enable sufficient time for preparation by the participants

The dates of the Reading Committees sessions should be notified sufficiently in advance to enable an adequate preparation by the participants. A preparatory work to these sessions would be desirable to reduce its duration and enable a focus on the points raised. The relevant documents should be submitted to participants in good time before sessions. The comparative study of government reports and the Monitor's report should scrupulously include observations and recommendations made in the mission reports. Discussions held during sessions should be focused on the study of field mission reports. Directives concerning the functioning of missions should, on the other hand, be transmitted via another channel, for example monthly planning meetings or MINFOF internal meetings

Official hearings of suspected offenders

The Monitor has not been informed of the majority of the dates of official hearings, in contravention to the project's Terms of Reference. The possibility of the Monitor's participation to these hearings is essential to support transparency in the handling of legal cases. Efforts have been made by the National Forest Law Enforcement Brigade, but delays remain in informing the Monitor of official hearings. The Terms of Reference specify that the Monitor should be informed of all official hearings, and not in a selective manner.

MINFOF should systematically inform the Independent Monitor, in good time, of the date and time of all offenders' official hearings in order to make its participation possible

LIST OF REM REPORTS ON INDEPENDENT MONITORING AVAILABLE ON WWW.REM.ORG.UK

Cameroon

Quarterly reports analysing forest law enforcement and the follow-up of infractions

Quarterly report n°1, March-June 2005

Quarterly report n°2, June-September 2005

Quarterly report n°3, September-December 2005

Quarterly report n°4, December 2005-March 2006

Field mission reports including the results of investigations made on forest infractions

31 field mission reports have been published since mars 2005

Tanzania

REM Scoping mission report to establish Independent Monitoring of Forest Law Enforcement and Governance, July 2006

Republic of Congo (Brazzaville)

REM Scoping mission report to establish Independent Monitoring of Forest Law Enforcement and Governance, October 2005

Democratic Republic of Congo (Kinshasa)

Recommendations from REM to the Independent Monitor of the conversion of old forest licences into forest concessions, October 2004



Charcoal transport. REM mission in Tanzania to study the feasibility of long-term IM-FLEG, May 2006

ACRONYMS AND DEFINITIONS

CF	Community Forests
DF10	Field documents which include data on volumes of timber exploited by species for valid permits
GCI	Group of Common Initiative
GIS	Geographic Information System
GPS	Global Positioning System. A satellite-based navigation system which records the location of points on the surface of the earth with a high degree of precision
FESP	Forest Environment Sector Programme
FMU	Forest Management Unit, usually known as a concession
IM-FLEG	Independent Monitoring of Forest Law Enforcement and Governance
MINFOF	Ministry of Forests and Fauna
NGO	Non-Governmental Organisation
PSRF	Forestry Revenue Securement Programme
REM	Resource Extraction Monitoring, Independent Monitor
SIGIF	Computerised Forest Information Management System
SIGICOF	Computerised Forest Infractions and Information Management System
SNCFE	National Forest and Fauna Law Enforcement Strategy
Central Law Enforcement Unit: previous forest law enforcement structure replaced by the National Forest Law Enforcement Brigade (25 August 2005).	
National Forest Law Enforcement Brigade: MINFOF's National Forest Law Enforcement Brigade, replacing the Central Law Enforcement Unit	
Official Statement of Offence: report produced by sworn forest law enforcement officials following investigations. This includes forest infractions found, legal texts applicable and the identity of the offender(s)	
Provincial Forest Law Enforcement Brigade: decentralised MINFOF services charged with forest law enforcement	
Reading Committee: participative and consultative mechanism set-up to review the Independent Monitor's reports, enabling exchanges to take place between the Monitor, MINFOF and international donors	
Sale of Standing Volume: a Sale of a Standing Volume allows the exploitation for a given period of time of a precise volume of timber in a limited zone (2,500 ha) which should not exceed the annual exploitation potential	
Small permits: Timber Recovery Permits, Road Opening Permits, Timber Removal Permits, and similar permits commonly called 'Small permits'	
Terms of References: binding terms describing the Monitor's mandate (REM), and MINFOF's related responsibilities. Details available on www.observation-cameroun.info	
Timber Recovery Permit: authorisation suspended by the ministerial decision No 0944 of 30 July 1999	
Transport Permit: official document which should be held by each transporter of forest products, indicating their origin, quantity and characteristics	





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Front cover picture: Afene Obam James, Chief Officer from MINFOF's National Forest Law Enforcement Brigade, and Owada Jean-Cyrille, Forest and Water engineer, Independent Monitor REM. Working together during a joint field mission. The passing of M. Afene Obam James, on 12 February 2006, is sincerely regretted.