

Independent Monitoring



Progress in tackling
illegal logging in Cameroon
2006 - 2007



Financed by the European
Development Fund
of the European Union



A project implemented by Resource
Extraction Monitoring (REM)

Annual Report March 2006 – February 2007

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

Acknowledgements

This report was produced thanks to financing from the European Union European Development Fund (EDF) for EDF's National Contractor, the Ministry of Economy and Finance (MINEFI), and under the supervision of the Ministry of Forests and Fauna (MINFOF)



Design: David Watson, Creative Consultant Tel: +44 (0) 79416 79 531 © photos REM
Translation: Trevor Holloway, Tradwises Plus Tel: +44 (0) 1228 808 182
Printed on 100% non-treated recycled paper



Resource Extraction Monitoring, UK

69a Lensfield Road, Cambridge
CB2 1EN, UK
Tel: +44 (0) 1223 314 589
Fax: +44 (0) 1223 359 048
mail@rem.org.uk
www.rem.org.uk

Resource Extraction Monitoring, Cameroon office

B.P. 11317,
Yaoundé, Cameroun
Tel/Fax : +44 (0) 237 22 20 10 92
OI.Cameroun@rem.org.uk
www.observation-cameroun.info

Independent Monitoring technical team:

REM Cameroon office
Albert Barume, Team Leader, Lawyer
Guy Huot, Co-Team Leader, Forestry engineer
Jean-Cyrille Owada and Serge-Christian Moukouri, Forest and Water engineers
Celestine Tangyie, Driver
Achille Toukam and Nancy Mboule, Administrative support
REM UK Headquarter
Valérie Vauthier and Stuart Wilson, Directors



During its foundation, REM also received financial support from the Netherlands Committee of the International Union for the Conservation of Nature (NC-IUCN) and the DOEN Foundation, which enabled its participation in this project.



TABLE OF CONTENTS

Table of contents	3
Executive Summary.....	4
Background	5
IM-FLEG Objectives.....	5
INTRODUCTION	6
IM-FLEG RESULTS	7
Compliance with procedures, laws and regulations in force by forest law enforcement officers	7
Degree of improvement of forest law enforcement operations by MINFOF services	10
Degree of improvement in forest law enforcement reports and pursuit of litigation	14
Level of improvement in transparency and objectivity of information on forest exploitation	23
Trends of detected infractions	27
INDEPENDENT MONITOR MECHANISMS	32
Monitoring forest law enforcement activities	32
Monitoring the follow-up of forest infractions and litigation.....	34
CONCLUSIONS AND RECOMMENDATIONS	37

INTRODUCTION

Executive Summary

The Independent Monitor of Forest Law Enforcement and Governance (IM-FLEG) was set up in Cameroon in 2001 as part of the efforts to improve governance in Cameroon's forestry industry. Over the past five years, there have been some relative improvements illustrated by progress in forest law enforcement, specifically through significant changes in the types of infractions committed, through the use of appropriate tools by various sector players, and through their increased awareness of the negative impact illegal operations have on the country's forestry operations revenue stream and on the development of its formal timber market. Furthermore, various equipment, legal and institutional tools have been put in place to increase the effectiveness of law enforcement as a way of ensuring that forest laws and norms are observed. This trend continued through REM's first year as Independent Monitor (IM), from March 2005 to February 2006. A considerable amount of experience in forest law enforcement has now been amassed in Cameroon, especially compared to other countries in the region, and several necessary instruments have been set up to improve the quality and quantity of the work being done.

Much to the satisfaction of various project stakeholders, at the end of the previous year, the Independent Monitor (IM) found various signs that improvements in forest law enforcement mechanisms, procedures and monitoring were taking place. The number of staff making up the Ministry of Forestry and Fauna's Central Law Enforcement Team had been doubled and the National Forest and Fauna Law Enforcement Strategy (SNCF) had been adopted. A net increase in the number of law enforcement missions was noted, with visits to sixty or so exploitation permit areas, a number of valuable thematic mission trials were conducted, a 70% increase in the number of Official Statements of Offence produced, and finally virtually 100% of the Independent Monitor reports being published.

This Annual Report covers the period from 7 March 2006 to 6 March 2007. Generally speaking, it highlights a number of improvements made in forest law enforcement. These include in particular the diffusion of the SNCF among the Provincial Forest Law Enforcement Brigades, the provision of military training to MINFOF law enforcement officers, a growth in the number of pre-court settlement of fines, the continuation of the thematic law enforcement missions and the establishment of a commission to investigate the traceability of community forests transport documents.

The quality of the forest law enforcement work, however, seems to have dropped during 2006. Several factors appear to be responsible for this including law enforcement officers not systematically following SNCF procedures, a lack of resources available to them, the unequal way similar infractions are handled in terms of whether or not Official Statements of Offence and mission reports are issued, the lack of follow-up of forest related legal cases, the 'law of least effort' applying to investigations, and finally the under-utilisation of information management tools on forest law infractions and legal cases¹. The legal process is slow and the

sanctions and penalties imposed on parties guilty of breaking forest law are not sufficiently dissuasive, while at the same time MINFOF is publishing lists of cases which appear to be both incomplete and incoherent. Equally, there has been a reduction in transparency, and more especially obstructions to the publication of the Independent Monitor's mission reports.

Thus from the IM's perspective this year, Cameroon's forest law enforcement and the follow-up of infractions have lost momentum and no longer appear to be a priority. All that has been achieved and was discernable right up until last year, is now being undone, undermining all the improvements made to date. This major step backward for forest law enforcement is all the more damaging because it could threaten the Voluntary Partnership Agreement negotiations between Cameroon and the European Union, which are expected to formally start soon. The rate of decline in forest law enforcement and transparency has been accelerating over the past six months, and virtually all field missions have stopped² as have Reading Committee meetings.

Taken as a whole, this situation could explain why there has been a resurgence in some types of serious infractions such as forest logging operations outside the limits set by the FMU category permits, as well as the persistence of widespread illegal acts pertaining to Timber Recovery Permits (TRPs) and Community Forests. Several months have passed without law enforcement missions taking place, the fraudulent use of logging documents worsens.

The part played by the private sector, which formally requested that MINFOF adopts a softer attitude during its forest law enforcement activities³, may also be contributing to the slowdown in law enforcement activities.

While somewhat disconcerting, such a situation could still be reversed given the assets and advantages that Cameroon's forest law enforcement officers have at their disposal. An active civil society, a good investigative coverage of forest permits (although still far less than recommended by the SNCF), the technical approach taken to prepare the missions, the detailed understanding of the various forms of illegal forestry activities and the frequent publication of forest law infractions are assets upon which the hopes for improving forest law enforcement activities in this country can be built. To this can be added the implementation of the Forest Environment Sector Programme (FESP), together with the financial resources that accompany it, and the Voluntary Partnership Agreement negotiations likely to start soon between Cameroon and the European Union. These factors, however, will only strengthen or change the current direction of forest law enforcement in the medium and long term if a number of urgent measures are taken first.

Later in this report is a list of 66 concrete, achievable recommendations drawn up by the Independent Monitor. Some can be implemented immediately and all are intended to promote the institutionalisation of progress beyond the IM's mandate with MINFOF, thus bringing about sustainable improvements in forest law enforcement in Cameroon. These measures include improving

¹ In particular the Computerised Forest Infractions and Information Management System (SIGICOF) and the Computerised Forest Information Management System (SIGIF)

² Refer to the section in this report entitled the *Degree of improvement of forest law enforcement operations by MINFOF services, Variable number of field missions* ³ A meeting was organised by MINFOF on 7 June 2006 at the request of the *Fillière Bois* association of logging companies, to discuss the aims of forest law enforcement. The association proposed that the law enforcement officers focus more on educative aspects and reduce the amount of policing they do



the operations of the Provincial Forest Law Enforcement Brigades, increasing the deterrence value of the sanctions provided under the 1994 Forest Law, combating all forms of corruption within the law enforcement units – including tackling the taboo of opening up administrative inquiries – and the putting in place of a more reliable system for issuing logging documents, and finally the implementation of new investigative techniques and instituting mechanisms for monitoring the quality of services provided by MINFOF law enforcement officers themselves. Most of the recommendations that specifically target improving forest law enforcement have already been made several times, but unfortunately not implemented⁴.

It seems fundamental that the efforts of government departments, donors, national and international civil society and members of the private sector focus on supporting the implementation of the recommendations made by the IM over the coming years. This is especially important given the still uncertain future of the Independent Monitor: the current round of Project funding ends in March 2008. After more than 5 years of Independent Monitoring, many recommendations – some of which are critical – have still to be implemented, and as a result illegality in the forest sector continues. To the 66 recommendations in this report should be added most of the 78 observations made over the past year that have still not been followed, as well as a very large number of recommendations specific to each infraction recorded in the forest and included in the 49 field mission reports published by REM. Although clearly all reform processes are complex and sometimes take years to implement, what seems critical now is that the positive dynamic within MINFOF and other bodies concerned with forest law enforcement – in particular the PSRF and MINEFI – continues, and indeed accelerates, so that the implementation of the recommendations to improve forest law enforcement can continue in the IM's absence.

Background

The previous annual report already described the social, political, economic, institutional and legal context in which the Independent Monitor project operates⁵. In general, Cameroon has a vast amount of forest covering more than 28 million hectares (69 million acres or just over a million square miles) which it can exploit. This is the second largest standing mass of forest in the Congo basin, which currently produces around 3 million cubic metres of timber. Cameroon's forest sector is the country's third biggest source of foreign currency after agriculture and oil, and provides more than 8% of the country's gross domestic product (GDP)⁶. These features and assets are why the country needs to strengthen the good governance of its forests, a sector with the potential of being the mainstay in Cameroon's fight against poverty.

Last year, 2006, was marked by events that had an unprecedented impact on Cameroon's forest sector. For example, the start of the FESP⁷, the point when the Heavily Indebted Poor Countries Initiative was completed and when the government expressed an

interest in participating in the Voluntary Partnership Agreements under the European Union's Forest Law Enforcement, Government and Trade (FLEGT) initiative against the trade in illegal timber.

Common to all these programmes is the clearly stated willingness to provide crucial support to the national development of the forest sector through a series of reforms including the strengthening of forest law enforcement and the fight against illegal forest logging operations.

IM-FLEG Objectives

The IM-FLEG Project 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 the 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.

The IM has various material and legal means and tools it can use to enable it to complete its mission successfully. For instance, it has a right to take part in law enforcement missions, it is free to take part in official hearings and settlement negotiations, and it has the prerogative to publish its mission reports, quarterly reports and annual reports as per the required procedures. It is also able to produce thematic analyses for the Ministry of Forestry and Fauna (MINFOF), aimed at improving forest law enforcement activities by the government and their follow-up.

⁴ Refer in particular to the Independent Monitor Quarterly Report No. 7, September 2006 to November 2006, REM, www.observation-cameroun.info, which summarises most of these recommendations ⁵ Independent Monitor Annual Report: *Progress in tackling illegal logging in Cameroon*, March 2005 to February 2006, REM, www.observation-cameroun.info ⁶ The Food and Agriculture Organisation of the United Nations, www.fao.org/forestry/site/countryinfo/en ⁷ The Forest Environment Sector Programme was adopted in 2004. It provides a coherent framework for all interventions that work towards the implementation of Cameroon's Forest and Fauna policy objectives. It was started at the beginning of 2006 with the support of various donors including the World Bank and the UK's Department for International Development (DFID)

INTRODUCTION

Report Structure

This report covers the period from March 2006 to March 2007. Although its structure follows that of the previous Annual Report⁸ to enable a comparison with how law enforcement and forest infractions have changed, the report does not repeat explanations of the Independent Monitor's operating mechanisms and rules. The report is divided into two main chapters.

The first chapter presents the results observed and achieved and is split into five sections. Section one examines the effectiveness of the law enforcement regulations and norms as provided by the National Forest and Fauna Law Enforcement Strategy as well as various other legal, statutory and legislative texts. This analysis shows that while the National Forest and Fauna Law Enforcement Strategy may have been diffused, several of its provisions still have not been applied for various reasons, including the lack of a mechanism to evaluate or appraise the work carried out by the law enforcement officers.

Section two covers the degree of improvement of the law enforcement operations as carried out by MINFOF and shows that despite an increase in the number of missions, there has been a significant fall in their quality. This is due to the subjective nature of certain observations and to adopting an approach that is ill-adapted to certain types of exploitation rights such as FMUs under management.

The third section covers the level of improvement in the follow through of litigation and highlights a downward trend in the detection of infractions. Mechanisms put in place such as the Community Forests Transport Permits Inquiry Commission are not being used, and pre-court settlement amounts for detected infractions are reduced significantly.

Section four shows results achieved in transparency – through the publication of IM-FLEG reports and forest information made available by MINFOF. Forest related legal cases are published regularly but there are delays affecting the IM-FLEG report publication process and some of MINFOF's publications seem incomplete. These areas need to be improved.

Finally, the fifth section presents the overall trends in forest infractions, revealing that the biggest issues concern documentary fraud, followed by logging outside of permit limits and the non-observance of social clauses in the contracts awarded to the permit holders.

The second and final chapter of this report covers how Independent Monitoring is currently operating, how law enforcement is applied in the field and the difficulties faced by the IM in following up the progress of forest-related legal cases.



Saw maintenance, CIBC, Lokomo, REM mission report No. 053

⁸ Independent Monitor Annual Report: *Progress in tackling illegal logging in Cameroon*, March 2005 to February 2006, REM, www.observation-cameroun.info

IM-FLEG RESULTS

This section highlights the amount of progress made in the application of Forest Law in Cameroon. The analyses published here should be read in conjunction with the quarterly reports and the mission reports produced by REM over the past year. These reports can be downloaded from either www.rem.org.uk or www.observation-cameroun.info and contain details on the results.

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

Military training of law enforcement officers

Cameroon Law recognises MINFOF's forestry officials as having a paramilitary status. As such, they have the opportunity to follow a short military training course. During the third quarter of 2006, most of MINFOF's law enforcement officers completed 45 days of training in a military training camp in Douala, Littoral Province. At the end of the course, trainees were awarded grades according to their seniority, i.e. either Water & Forests Engineer or Technician.

This training is especially useful for law enforcement officers who, apart from being foresters, are also invested with the powers necessary to ensure observance of the law and public order. These criminal investigation functions are exercised under the regulatory authority of the Courts to which the officers have sworn an oath; only as sworn officers can they carry out certain judicial procedures such as holding official hearings on reported infractions. Forest law enforcement officers can thus order the police to make arrests, seize goods and take certain restrictive measures where serious or clear criminal offences are committed. Whatever the circumstances, the law can be enforced much more effectively when one can call on both practical and administrative deterrents. MINFOF's initiative in this regard represents a



MINFOF officers undergoing military training (Source PGDRN-GTZ Cameroon)

significant step forward in strengthening the capacities of its law enforcement officers, though it does not resolve certain existing lax practices that continue to undermine law enforcement⁹.

Implementation and diffusion of the National Forest and Fauna Law Enforcement Strategy (SNCFE)

Ratified in March 2005, the National Forest and Fauna Law Enforcement Strategy (SNCFE) is an indispensable teaching tool for strengthening and standardising law enforcement actions. In 2006, it was taken one step further: as part of its implementation, SNCFE training and diffusion seminars were held by members of the National Forest Law Enforcement Brigade who themselves benefited from the same training the previous year. The aim was to harmonise the understanding and interpretation of the SNCFE among all those involved in law enforcement. Almost every member of the Provincial Forest Law Enforcement Brigades attended these seminars, as did the various other regional services responsible for forest law enforcement together with a number of local forest officials.

The training is a major turning point, and should bring about a reduction in the likelihood of the decentralised services not applying the principles of the law enforcement strategy through insufficient knowledge. Standardisation of the law enforcement procedures is vital in as much as the inconsistent application of the Law could, for example, favour some companies over others.

Impediments to the better implementation of the SNCFE

As already observed in 2005, the Independent Monitor remains concerned that there is still a lack of effective application of the SNCFE.

Persistent lack of resources

The law enforcement officers' lack of equipment and logistical resources continues to remain a major hindrance to the effective implementation of the SNCFE. Although the Independent Monitor has highlighted this in many previous reports, this worrying situation seems to be going from bad to worse.

The National Forest Law Enforcement Brigade consists of twelve officers and owns just two road vehicles which frequently break down. On several occasions, the four teams have been seen to take turns to use the same vehicle. Other impediments to their efficient operation include the fact that the Brigade does not have its own offices. Provincial Forest Law Enforcement Brigades and local forest officials all face enormous material and financial difficulties. The material and financial dependency of some Provincial Brigades leads them to carry out law enforcement missions at the request and – on some occasions – the cost of the logging companies; this dependency gives the Brigades little room to manoeuvre and clouds

⁹ Refer to the section in this report on the *Degree of improvement of forest law enforcement operations by MINFOF services, Minimalist investigative approach*

IM-FLEG RESULTS

their objectivity in their law enforcement work. Finally, in addition to the lack of financial resources, the Provincial Forest Law Enforcement Brigades do not have enough tools or equipment (such as GPS units or cameras) to do their jobs effectively.

In one of its quarterly reports¹⁰, the Independent Monitor reported that “the provincial law enforcement services together with the other regional services continue to have to cope with a serious lack of logistical resources and equipment that are vital to their work”. For example, the Departmental Delegate of Haut-Nyong at Abong Mbang is responsible for 17 concessions (FMUs) that cover a total of approximately 36,040 square kilometres, and yet has no vehicle at all at his disposal. Similarly, the forest law enforcement officer at Ma’an does not even have a motorbike or scooter, although he has more than 5 FMUs under his jurisdiction, some of which are hundreds of kilometres apart. Other forest law enforcement officers find they are unable to undertake their legal obligation to mark logs in timber yards as they have no means of transport to reach them. Instead, they have to mark – alongside the main roads – the timber preloaded onto timber lorries or alternatively have the timber driven to the officers’ homes for marking. Also, most forest law enforcement officers have no budget for hiring vehicles to remove any timber they seize. As a result, they are rendered virtually impotent in the most crucial aspect of the work they do, namely the seizure of illegal timber. In one of his reports, one Law Enforcement Officer¹¹, who saw more than 100,000 m³ of wood passing by his post during 2006, stated for example that he “did not possess a marking hammer, without which the service simply cannot operate effectively”.



Forest law enforcement can face obstacles requiring different equipment, in this case a vehicle to reach the exploitation area and a motorcycle to go over the log used by the company to block the road, or a chainsaw to clear the path.

Illustration of lack of resources at provincial level

Under its mandate, the Independent Monitor has carried out several field missions with Provincial Law Enforcement Brigades. During one of these, and following discussions with the Provincial Delegate on the aim of the mission, an officer of the Provincial Law Enforcement Brigade duly bearing a mission order signed by his superiors was appointed to join the Monitor in the field. After the mission, the Provincial Brigade officer insisted that the Independent Monitor paid his mission expenses. The officer concerned explained that despite mission orders, the provincial law enforcement officers are given no financial means or equipment to carry out their missions. The provincial officials confirmed this was the case, explaining this was due to the provinces not being provided with any means or resources to carry out their law enforcement work.

Unlike the National Forest Law Enforcement Brigade whose mission expenditures are financed by the Special Forestry Development Fund (more commonly referred to as the ‘Forest Fund’¹²), the work of the Provincial Law Enforcement Brigades is funded by the operating budget of the Provincial Delegations, estimated at around FCFA 5 million per annum for some of them, or 7,620 Euros. This budget would appear to be not only highly insufficient but also inequitable when compared to that of the National Forest Law Enforcement Brigade which may spend in excess of FCFA 1 million or 1,520 Euros on a single law enforcement mission.

Yet, MINFOF does not lack financial means to strengthen the operational capabilities of its provincial forest law enforcement officers. For example, during 2005, the Forest Fund, which financed the National Forest Law Enforcement Brigades’ missions among others, collected 3.5 billion FCFA (more than 5 million Euros)¹³. In addition, the IM-FLEG Project comes with a matching budget of FCFA 160 million (or approximately 250,000 Euros) intended specifically to enable MINFOF to equip law enforcement teams. To date, this budget has still not been used. The same applies to several bilateral and multilateral aid payments made to Cameroon by British and Canadian aid agencies along with the World Bank – all in support of forest law enforcement and governance.

Although means to conduct law enforcement work are made available, it should be stressed that they are not always used. Such is the case with SIGICOF¹⁴, the ‘forest law enforcement procedures’ document¹⁵ and SIGIF¹⁶, both of which remain under-utilised to this day.

¹⁰ Independent Monitor Quarterly Report No. 5, March to May 2006, REM, www.observation.cameroun.info ¹¹ Nkometou Forest & Hunting Law Enforcement Annual Activity Report 2006, Ministry of Forestry and Fauna ¹² The Special Forestry Development Fund was set up under the Forest Law, 1994. A proportion of certain Forestry taxes and duties finance the Fund which is used, among others, to finance Forest law enforcement activities ¹³ Economic and Financial Audit of the Forest Sector, Cameroon. First Draft. Ministry of Economy and Finance, Yaoundé, Cameroon. Unpublished, 222 p., Karsenty, A.; Roda, J.-M.; Fochivé, E.; Milol, A.; Kuetche, M. 2006 ¹⁴ Refer to the section in this report on the *Degree of improvement in forest law enforcement reports and pursuit of litigation, SIGICOF's inactivity* ¹⁵ Refer to the section of this report on the *Compliance with procedures by forest law enforcement officers, Impediments to the better implementation of the SNCFF, Problems inherent to the SNCFF* ¹⁶ Refer to the section in this report on the *Degree of improvement in forest law enforcement reports and pursuit of litigation, The forest tax system*



Also, in some cases, National Forest Law Enforcement Brigade officers can claim fuel allowances – though apparently not for the intended purpose as officers often request free fuel from the logging companies they investigate. This practice of embezzlement threatens the objectivity of the law enforcement work and prevents missions from being carried out effectively; clearly the problem is far more than just a question of logistics. More diligent checks – possibly combined with penalties – are therefore needed on the use of resources made available to the Brigades, to prevent bad practices or corruption among forestry officials.

Impunity of forest law enforcement officers and corruption allegations

The partial or infrequent use of the SNCFF by some law enforcement officers has been observed both centrally and regionally. For example, the execution of certain clauses in forest exploitation contracts go unverified, particularly where the clauses relate to the operators' commitments towards local communities, the marking of timber according to law, observance of inventory standards, tax obligations and other norms and standards which apply to the forestry sector.

The lack of any thorough administrative monitoring of the work done by law enforcement officers combined with the complete absence of a system of sanctions against those who do not follow required procedures, most certainly contribute towards SNCFF's ineffectiveness in the field. To correct this, the IM recommended that MINFOF, and more especially its General Inspectorate, put in place objectively verifiable indicators that allow the performance, precision and quality of the work carried out by the forest law enforcement officers in the field to be assessed¹⁷. Inquiries should be able to be opened and administrative measures taken against identified officers who are repeatedly found not to apply the SNCFF.

In several of its mission reports¹⁸, the IM has made recommendations to start administrative inquiries into certain law enforcement officers' activities. The recommendations were made in order to establish whether there had been collusion between companies that had flagrantly broken the law over long periods of time without any local forest officers routinely reporting this, and where irregularities were committed in the allocation of documents (permits, etc.) or in the law enforcement procedures applied. However, the Reading Committee of 31 October 2006, under the chairmanship of MINFOF, ruled that "it was practically impossible to open an administrative inquiry in relation to a document issued by a government official"¹⁹. This position, as currently adopted by MINFOF, leaves no room to investigate any irregular actions by certain officials, and runs the risk of undermining the credibility of forest law enforcement as a whole.

It should also be noted that some private sector representatives complain about the behaviour of some officials who threaten them regularly with abusive repressive measures if they do not pay them small amounts of money, which are nevertheless important once

summed. In this regard, the IM recommends that companies victim of these practices stand firm and denounce such practices to MINFOF. This option is not an easy one but would however enable companies wrongly accused of carrying out illegalities to clear their name and protect themselves against similar incidents in the future. Continuing to pay over such undue sums, however, only encourages further the perpetuation of this system. Cases where infractions are real do not in any way justify such practices by forest law enforcement officers, they do however explain why some companies accept to pay small sums directly to these officers rather than run the risk of facing official sanctions and having to pay much larger sums in formal compensation.

To help reduce such irregular practices and as countermeasure to an increase of checks of the performance of forest law enforcement officers and how they use the resources made available to them, it is crucial that forest law enforcement officers are given the means to work more effectively and that they are paid an adequate, regular wage.

Problems inherent to the SNCFF

Several law enforcement officers consider the SNCFF as too general a document and believe that it should come with its own "Guide for Law Enforcement Officers" which would include lists of elements to investigate and a framework setting out the items that need verification according to which type of forest permit is being scrutinised. Similar training tools had been used in the "forest logging law enforcement procedures" document produced in 1999 by Cameroon's Forestry Ministry in association with the Canadian International Development Agency (CIDA), although it has never been used either formally or systematically. Other officials deplore, with reason, the fact that some of the Strategy provisions are not adapted to the realities of law enforcement in the field. For example, most of the field based forest law enforcement officers are alone in their area, yet the SNCFF requires that a law enforcement team is made up of at least three officers. In addition, other players are still largely unaware of SNCFF's existence, in particular the police, the army and the magistrates, thus reducing the level of coordination and *a fortiori* the performance of law enforcement and the suppression of illegal activities.

These problems need to be addressed by using tools that complement the SNCFF, such as an accurate, up-to-date procedures manual possibly based on the quite comprehensive "forest logging law enforcement procedures" document mentioned above. Taking into account the realities on the ground is also important for implementing law enforcement procedures and capacity building, where required, as well as taking into account peripheral players.

¹⁷ See the section in this report on the *Degree of improvement of forest law enforcement operations by MINFOF services, Subjective nature of law enforcement and Official Statements of Offence* ¹⁸ See, for example, REM mission report No. 055, 031 and 050, www.observation-cameroun.info ¹⁹ Field mission report No. 050, REM, www.observation-cameroun.info

IM-FLEG RESULTS

Degree of improvement of forest law enforcement operations by MINFOF services

The Independent Monitor's Terms of Reference (ToR) anticipate three types of field mission in the forest sector, namely joint missions, extraordinary missions and independent missions. Joint missions are those where the Independent Monitor accompanies MINFOF forest law enforcement officers. Other missions carried out by the National Law Enforcement Brigade and the Independent Monitor follow on from investigations conducted by the latter; these are referred to as 'extraordinary missions' although they are conducted in the same way as joint missions. They were designed to enable a forest law enforcement team to return to a site, following receipt of additional information after a routine joint mission. Independent missions are also provided for in the ToR, during which the Independent Monitor can request to be accompanied by a sworn officer responsible for the area concerned once in the field. This enables the Independent Monitor to increase the rapid documentation of information on alleged infractions received from Civil Society, and thus prevents the disappearance of evidence – a characteristic of many joint law enforcement missions that are planned in advance²⁰.

This section covers the Independent Monitor's conclusions on how the law enforcement services activities for these three types of mission have improved.

Reduction in the preparation of missions and non-production of mission reports by MINFOF

Unlike the previous year, the preparation for field missions by MINFOF officials in accordance with the SNCFF has not been implemented systematically. Since the second quarter of 2006, preparations have virtually ceased and a number of mission reports have not been produced by law enforcement officers. For example, from 24 - 29 July 2006, a team from the National Forest Law Enforcement Brigade carried out a mission in the Kadey District in the East Province²¹. In total, 9 exploitation permits were investigated and serious illegalities noted. One year on and the mission report has still not been produced, blocking any opportunity to take legal action against certain parties that have contravened forest legislation.

Number of field missions remain below the standards stipulated by the SNCFF

National Forest Law Enforcement Brigade field missions

The first half of the second year of the project saw an increase in the number of IM-accompanied forest law enforcement missions, whereas during the second half they came to a virtual stand-still. A total of 14 missions were carried out covering 100 permits, representing a 67% increase over the number of permits investigated the previous year. In the majority of cases, these missions were carried out jointly between the National Forest Law Enforcement Brigade and the Independent Monitor. They covered virtually all of Cameroon's forests and were spread more or less equally over all the provinces. However, some types of permits such as TRPs were noted as being almost completely excluded from the law enforcement operations, as shown in the table and graphs below:

Level of law enforcement cover of the TRPs per permit and per province

Permits	Centre			East			South			Other*			TOTAL		
	Total	Visited	%	Total	Visited	%	Total	Visited	%	Total	Visited	%	Total	Visited	%
Permanent FMUs	2	0	0%	31	15	48%	7	4	57%	1	0	0%	41	19	46%
Provisional FMUs	5	0	0%	16	10	63%	14	8	57%	5	2	40%	40	20	50%
TRPs	38	0	0%	4	1	25%	8	0	0%	5	0	0%	55	1	2%
Sales of standing volume	10	5	50%	11	7	64%	3	3	100%	1	1	100%	25	16	64%
CFs	47	29	62%	31	2	6%	16	7	44%	18	5	28%	112	43	38%
Council Forests				2	1	50%							2	1	50%
TOTAL	102	34	33%	95	36	38%	48	22	46%	30	8	27%	275	100	36%

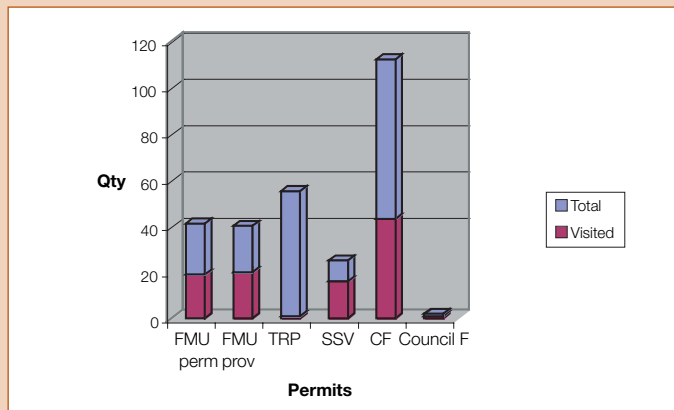
* Littoral, South-West, West, North-West Sources: SIGIF, National Forest Law Enforcement Brigade

²⁰ Paragraph taken from pages 24 to 26 of the Independent Monitor Annual Report: *Progress in Tackling Illegal Logging in Cameroon*, March 2005 to February 2006, REM, www.observation-cameroun.info ²¹ Field mission report No. 052, REM, www.observation-cameroun.info



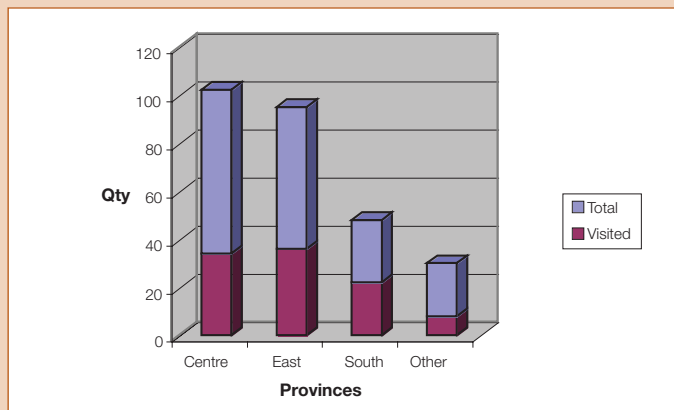
The data presented in the graph should be considered against the National Forest and Fauna Law Enforcement Strategy (SNCF) indicators according to which the National Forest Law Enforcement Brigades should cover half the logging permits in their investigations while the Provincial Forest Law Enforcement Brigades are required to carry out two checks per permit per annum.

Permits covered by the National Forest Law Enforcement Brigade



While more missions have been carried out than in the previous year, the National Forest Law Enforcement Brigade still only covered 35% of the logging permits during 2006, a third less than the required minimum standard.

Permits covered per province



The rate at which the missions were being conducted declined at the time when seven new law enforcement officers were nominated including a new brigade leader and six other officials called away to undertake other duties. This also coincided with two military training sessions, each lasting 45 days. The majority of the National Forest Law Enforcement Brigade officers took turns in attending these. Finally, the officers also blamed the Forest Fund manager in charge of paying the amounts to cover mission costs, for various delays in the deployment of law enforcement missions.

The National Law Enforcement Brigade has also carried out several law enforcement missions without the participation of the Independent Monitor. 19 permits have been inspected in this way. Reports for these missions are only supplied to the Independent Monitor at the discretion of the authors of these reports.

Provincial Law Enforcement Brigade field missions

The missions carried out by the Provincial Law Enforcement Brigades also remain below the SNCF recommendations. Thus for example, during 2005 the East Province Law Enforcement Brigade had inspected just ten or so permits of the 38 in its territory. This equates to just 13% of what should be investigated in principle. In 2006, the South Province Law Enforcement Brigade inspected all 48 of the permits in its province at least once, and drafted 5 Official Statements of Offence²². In the Centre Province, the number of permits inspected out of this region's total of 102 is not given in the Brigade's annual report; however, the report does note that twenty contravening parties are currently subject to litigation²³. Data for the East Province Law Enforcement Brigade, which has by far the greatest area of forest to cover, was not available.

At the root of the Provincial Law Enforcement Brigades' increasing level of inactivity are several factors such as their lack of equipment and the lack of thorough follow-up of their work by the Central Administration.

Recurring changes in law enforcement personnel

The Ministry of Forests and Fauna frequently changes law enforcement staff. Since the start of the current phase of the IM-FLEG Project in March 2005, the central law enforcement team has been changed completely after three successive sets of nominations. Over the past twelve months, for example, more than 50% of the National Law Enforcement Brigade personnel have been replaced including the Brigade leader. As the Independent Monitor has already highlighted, staff changes reduce the frequency of law enforcement assignments and cause discontinuity in the follow-up of legal cases, with newcomers complaining about the absence of archives while the former staff insist that all files were handed over to the new team. Poor filing only exacerbates these issues.

The current team making up the National Law Enforcement Brigade was nominated on 15 September 2006, although it only carried out its first law enforcement mission in December, which left the forests without any central law enforcement provision during a period of intensive logging activities. Several of its members were only sworn in during January of 2007, and a number of files managed by their predecessors – including mission reports – have gone missing.

The handover period is often poorly organised, leading to a seriously negative impact on the law enforcement work and the pursuit of forest-related litigation. For example, the National Law Enforcement Brigade put in place a new team just days before it was due to publish the official communiqué on forest related infractions and legal cases; as a result, the communiqué contained serious errors,

²² South Province Delegation, Annual Activity Report 2006 ²³ Centre Province Delegation, Annual Activity Report 2006

IM-FLEG RESULTS

the new team having received no input from the previous team.

In addition, the experience of officers and officials is not always taken into account when selecting personnel. On various occasions, officers with no forest law enforcement experience or officers who had spent all their working life in Central Administration, were appointed to the National Law Enforcement Brigade and then sent out on assignment without any training or refresher courses.

The Independent Monitor recommends that staff changes are given careful consideration according to need and the experience of the nominees. There should also be a formal handover procedure that is coordinated by an individual appointed by MINFOF. Document archiving needs to be improved by using a systematic electronic filing system, and SIGICOF²⁴ should be implemented to ensure cases can be pursued while at the same time improving the quality of the work done by government officials. In this regard, a qualitative assessment of MINFOF official's work would also prove useful.

Subjective nature of law enforcement and Official Statements of Offence

The Independent Monitor has noted that law enforcement operations have become increasingly subjective during the project's second year, resulting from the conjunction of several factors which have already been covered in this report, including government officials not adhering to²⁵ or not mastering²⁶ law enforcement procedures, a lack of clarity in the procedures being followed²⁷ and dependency upon the logging companies²⁸. In fact, whether identical infractions committed under similar conditions result in official reports or legal notifications can depend on the whim of certain law enforcement officers. Put another way, where two logging operators commit similar infractions, one may find itself being reported while the other may not²⁹. In an attempt to standardise law enforcement activities and make them more objective, the National Forest and Fauna Law Enforcement Strategy states that any "infraction duly recorded must be subject to an Official Statement of Offence".

The SNCFF is both a legal and educational tool that sets out the work of law enforcement officers and limits their role to the production of a report on facts followed by an Official Statement of Offence. Any subsequent legal action or settlement is the responsibility of the Minister of Forestry and Fauna or the territorially competent Provincial Forests Delegate, as appropriate.

It seems crucial that MINFOF and especially the General Inspectorate takes measures to make forest law enforcement more objective. An evaluation of the performance and behaviour of law enforcement officers is one of the tools that could be put in place³⁰.

An example of subjectivity in law enforcement

Following an investigation in a timber yard in the East Province in July 2006, law enforcement officers, accompanied by the Independent Monitor, noted a number of infractions taking place. In the office of the logging company concerned, the Head of Mission of the National Forest Law Enforcement Brigade listed these infractions to the company manager and began drawing up an Official Statement of Offence. For reasons that were not expressed, the National Forest Law Enforcement Brigade officer decided to finish the Official Statement of Offence the following day. However, the next day, the officer advised the Independent Monitor and the logging company that he would not complete the Statement, having instead unilaterally decided to absolve the accused company of any wrong-doing. The Independent Monitor does not know the reasons for this change, or what events, if any, took place between the evening of the first day and the morning of the second.

Number of missions where law enforcement procedures were followed

	Preparation		Execution		Official Statements of Offence		National Law Enforcement Brigade reports	
	No. of Missions	% Respecting procedures	No. of Missions	% Respecting procedures	No. of Missions	% Respecting procedures	No. of Missions	% Respecting procedures
2005	14	50%	4	14%	22	79%	5	18%
2006	3	9%	4	13%	6	19%	13	41%

²⁴ See *Degree of improvement in forest law enforcement reports and pursuit of litigation, SIGICOF's inactivity* ²⁵ See *Degree of improvement of forest law enforcement operations by MINFOF services, Subjective nature of law enforcement and Official Statements of Offence* ²⁶ See *Compliance with procedures by forest law enforcement officers, Implementation and diffusion of the of the SNCFF* ²⁷ See *Compliance with procedures by forest law enforcement officers, Impediments to the better implementation of the SNCFF* ²⁸ See *Compliance with procedures by forest law enforcement officers, Impediments to the better implementation of the SNCFF*. Subjectivity in law enforcement may be aggravated by the increasing practice of law enforcement officers of the National Law Enforcement Brigade asking for fuel from the very logging companies which are being targeted by their investigations ²⁹ The joint missions that led to REM Report No. 031 and 052 (www.observation-cameroun.info) highlight the case of abandoned timber which have led or not led to Official Statements of Offence according to the will of the law enforcement teams concerned ³⁰ Refer to the section of this report on the *Compliance with procedures by forest law enforcement officers, Impediments to the better implementation of the SNCFF*

Minimalist investigative approach

The minimalist approach taken by some MINFOF's law enforcement officers is also at the root of a fall in the quality of missions. This takes various forms. For example, within felling areas of more than 2,000 hectares (5,000 acres), law enforcement teams investigated less than 3% of the hundreds of existing access roads, assessing that this was sufficient to make extrapolations and draw general, credible conclusions. Similarly, sometimes less than an hour was spent investigating a forest concession, which should have required more than four hours work as a minimum. On other occasions, law enforcement officers did not get out of their vehicles or turned to the Independent Monitor to ask how much time the latter would like to spend in the field, despite being the ones in charge of the law enforcement operation. The Independent Monitor has already brought these practices to the attention of MINFOF representatives, and has suggested setting up effectiveness indicators or law enforcement tables which officers are required to complete and which the Ministry's General Inspectorate could use to verify the quality of its officers' work in the field. Such assessment methods could be combined with correctional and performance based incentives.

The table below shows the result of a collection of forms completed by the Independent Monitor during each mission. Their purpose was to observe the level of respect of procedures listed within the National Forest and Fauna Law Enforcement Strategy. The items listed in the left-hand column correspond to the SNCFF recommendations.

Level of application of law enforcement procedures when preparing forest law enforcement missions, Independent Monitor Mission Reports 046 to 063 covering missions conducted between 27 May and 20 December 2006

Law enforcement team	
Minimum 3 individuals	96%
Documents required	
Mission Order signed by a competent authority	100%
Technical Specification	96%
Permit map	81%
Notes regarding previous law enforcement checks and reports	4%
MED/MCD and prohibited species list	50%
List of DF10 numbers	0%
Basic equipment	
Marking hammer	0%
Compass	0%
Chain	0%
GPS	37%
Ruler or measuring tape	0%
Contacts with administrative authority	
Contact made	71%

Level of application of law enforcement procedures when preparing forest law enforcement missions, Independent Monitor Mission Reports 046 to 063 covering missions conducted between 27 May and 20 December 2006

Law enforcement in timber yards	
Legality of the permit	96%
Identification of the logging company or its sub-contractor	96%
Observance of limits	93%
Execution of the contract clauses	33%
Observance of forest inventory standards	4%
Observance of management provisions	19%
Observance of technical operating standards	
Marking of stumps and logs	96%
Observance of minimum exploitable diameters	89%
Delimitation and demarcation of limits	93%
Upkeep of site documents	85%
Observance of tax obligations	0%
Volume of species felled and their specifications	65%
Documents required for appropriate law enforcement	
Five-year management plan	19%
Annual felling permit	85%
Permit maps	74%
Forest exploitation standards	0%
Law enforcement in log ponds	
Permit number	92%
Tree number and order number	92%
Logging company's identification marks	92%
Hammer marks	58%
Bar code, where appropriate	47%
MED observance	88%
Species' identification	96%
Product origin and destination	73%
Statutory markings	92%
Conformity of logging documents	77%
Observance of the provisions pertaining to local timber processing	5%

"Least effort" also applies to certain law enforcement officers who do not follow up the work done in the field with additional investigative work. According to the Independent Monitor's experience, data collected in timber yards subsequently needs to be supplemented by document analysis and research, in particular in relation to permit validity, production, the company's infractions



IM-FLEG RESULTS

records as well as the payment of taxes and other sums due. Almost all of the National Forest Law Enforcement Brigade's mission reports cover only the conclusions from the field data. As a result, the conclusions reached by the Independent Monitor from the joint missions often differ from those of the National Forest Law Enforcement Brigade. This situation is exacerbated by a lack of internal coordination between certain law enforcement services such as the National Forest Law Enforcement Brigade, and other MINFOF services that hold necessary documentation. Sometimes, the Independent Monitor has easier access to MINFOF's internal documents than the National Forest Law Enforcement Brigade itself. Such was the case, for example, during a thematic mission on 'Small Permits' – or Timber Recovery Permits (TRPs) – where the National Forest Law Enforcement Brigade was unable to access original files.

Lack of FMU - specific law enforcement procedures

A Management Plan is a reference document which “defines forest management rules and aims, the means necessary to achieve the objectives, and the conditions under which local populations can exercise their usage rights”³¹. It stipulates the various exploitation activities including the forestry and research work that should be carried out following a precise timetable, all the time safeguarding local community rights and interests as well as conservation imperatives. A Management Plan is accompanied by both Annual and Five Year Operational Plans which give detailed accounts of all the activities to be carried out within the different forest blocks. In this respect, a Management Plan is clearly a crucial reference document for forest resource sustainability.

Following the assignment of a Forest Management Unit (FMU), any permit-holding company in Cameroon is then required, for three years, to conduct its activities in accordance with a so-called Provisional Agreement. During this time, the operator must produce a Management Plan for approval by MINFOF, before it can be awarded a Fixed Agreement valid for 15 years and renewable thereafter.

Law enforcement procedures specific to FMUs under management are vital in order to ensure strict observance of the general standards to which all forest operators are subject, together with the clauses and standards specific to forest management within the framework of sustainable exploitation.

On several occasions, the Independent Monitor has noted the absence of Annual and Five Year Operational Plans in FMU logging sites. Despite these infringements and breaches, Permits continue to be renewed year after year. The trend seen in Cameroon both within the logging companies and within the Forest Directorate, is to treat this document purely as an administrative exercise, which goes against any will to manage forests in a sustainable manner. Some of MINFOF's law enforcement teams continue to monitor forests in the same way regardless of whether or not they are under management.

This results in various aspects not being subject to any law enforcement investigation, in particular the creation or not of social and economic structures as well as the various forestry works provided for in the Management Plans. Cameroon's Forest Law nevertheless stipulates that "Any infraction (...) in particular the violation of the provisions provided under a management plan for a permanent or community forest, (...) or the non-fulfilment of contract clauses, will result in either the suspension, or in the case of subsequent offences, the withdrawal of the exploitation right or the agreement, in strict accordance with conditions set out by decree."³²

Faced with this situation, the Independent Monitor alerted MINFOF so that measures could be taken to ensure the Management Plans are recognised for what they are intended, i.e. effective tools for managing Cameroon's forests as opposed to unused documents.

It seems especially necessary that the law enforcement services incorporate the key elements of the Management Plans into their list of items to check.

Positive aspect of thematic law enforcement missions

The aim of thematic law enforcement missions was to provide an overview of the issues and types of illegalities that affect certain categories of forest exploitation permits. They have continued to help improve Cameroon's forest law enforcement procedures during 2006, this time providing an in-depth analysis of community forests and producing specific recommendations on the irregularities and infractions specific to these permits³³.

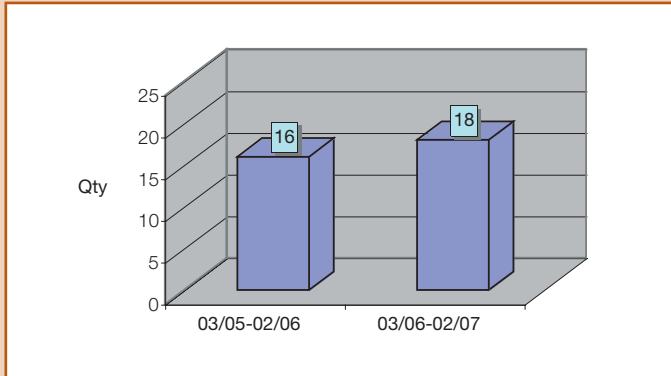
Degree of improvement in forest law enforcement reports and pursuit of litigation

The litigation process relating to Cameroon's forests begins with the drafting of an Official Statement of Offence, followed by potential notices for out of court settlements or trial by the Courts as applicable, and ends with the payment of fines, damages and interest. MINFOF frequently makes the results public, and 2006 showed an increase in the number of both out of court settlements and cases passed on to Court. Difficulties were nevertheless observed in several areas.

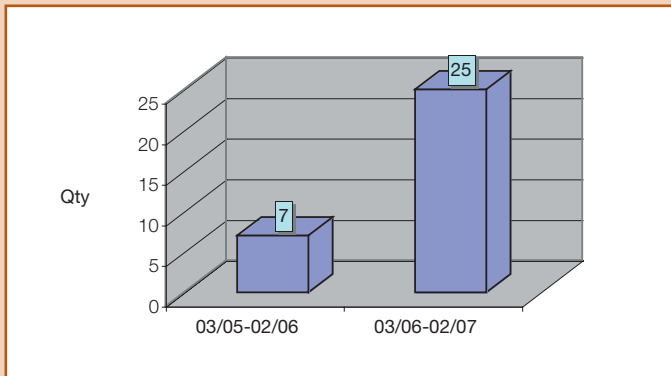
³¹ Article 29 of Cameroon Forest Law, 1994 ³² Article 65 of the Cameroon Forest Law, 1994 ³³ Refer to the section in this report entitled *Trends of detected infractions, Community Forests*



Increase in the number of out of court settlements



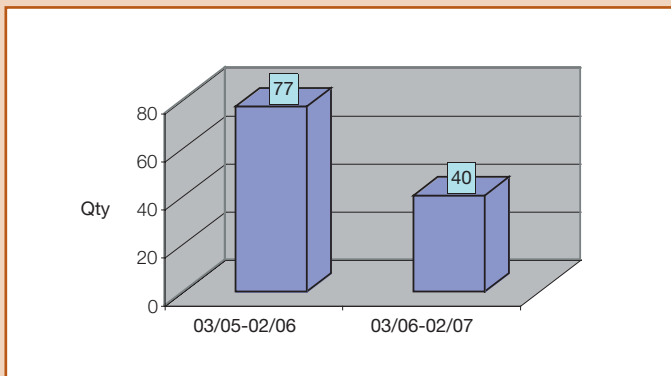
Marked increase in the number of cases passed on to court



Reduction in the drafting of Official Statements of Offence

2006 saw a drop in the number of Official Statements of Offence issued, partly due to the minimalist approach adopted together with the subjectivity of some law enforcement officers as mentioned earlier.

Marked reduction in the drafting of Official Statements of Offence



Inquiry Commission on the traceability of the Centre province's community forests' exploitation documents

Ministerial notice creating the Inquiry Commission

REPUBLIQUE DU CAMEROUN
 Paix – Travail – Patrie
 MINISTRE DES FORETS
 ET DE LA FAUNE
 CABINET
 BRIGADE NATIONALE DE
 CONTROLE

REPUBLIC OF CAMEROON
 Peace – Work – Fatherland
 MINISTRY OF FORESTRY AND
 WILDLIFE
 CABINET
 NATIONAL CONTROL BRIGADE

02 300 300

DECISION N° 0149 /MININFO/BNC
 Autorisation la création d'une commission d'enquête sur la traçabilité
 des documents d'exploitation des forêts communautaires dans la
 province du Centre.

Il est autorisé pour compter de la date de signature de la présente décision
 la création d'une commission d'enquête sur la traçabilité des documents
 d'exploitation des forêts communautaires dans la province du Centre.

Cette commission placée sous la haute supervision de l'Inspection
 Générale est composée de :

- Inspection Générale	Président
- Brigade Nationale de Contrôle	Membre
- Sous – Direction de la foresterie communautaire	Membre
- Observateur indépendant	Membre

Elle sera chargée de :

- Etablir la traçabilité des documents d'exploitation des forêts communautaires ;
- Démanteler les réseaux de trafic des lettres de voiture des forêts communautaires ;
- Proposer des sanctions aux auteurs et responsables de ces actes ignobles ;
- Réviser le fichier des forêts communautaires autorisées à exercer pour l'année 2006.

Les services techniques impliqués dans la facturation et la délivrance des
 documents d'exploitation mettront à la disposition de la commission toutes
 les données utiles et nécessaires pour la réussite de cette opération. Le
 rapport sera tenu à la hiérarchie dans un délai de sept(07) jours après la fin
 des travaux.



IM-FLEG RESULTS

A significant measure was taken in the fight against the laundering and transportation of timber through the fraudulent use of community forest logging and transport documents. This consisted in the creation in August 2006 of an Inquiry Commission on the traceability of community forests' exploitation documents. This initiative follows the recommendations made by the Independent Monitor after its thematic mission in May 2006 on this type of exploitation permit³⁴. The Commission is valuable not only because its aim is appropriate and timely, but also because it is composed of multiple stakeholders, namely MINFOF's senior representatives, law enforcement officers and the Independent Monitor.

Unfortunately, since it was formed, the Commission has never been convened and this despite multiple calls made by the Independent Monitor to the General Inspectorate which chairs the Commission. In the meantime, both the Independent Monitor and the law enforcement Brigades continue to receive numerous complaints regarding the use of community forest logging documents to launder illegal timber.

SIGICOF's inactivity

In September 2005, the Computerised Forest Infractions and Information Management System (SIGICOF) was officially handed over to MINFOF in a ceremony attended by the British High Commissioner to Cameroon, the United Kingdom having fully financed the design of this programme. This computerised tool was designed to enable efficient, transparent and standardised pursuit of forest-related litigation cases, now too numerous and complex to be managed manually.

Following several criticisms concerning SIGICOF's non-use which MINFOF argued was due to a lack of end-user training, in July 2006 the Ministry organised a training session for National Forest Law Enforcement Brigade officers and for some officials of the Ministries of Justice and of Economy and Finance³⁵. Although the system was scheduled to be put in use immediately training was completed, at the time of writing the use of SIGICOF has still not begun. As a result, forest-related litigation continues to be a mosaic of multiple procedures and actions each taken by individuals from different services, with no attempt whatsoever to coordinate information. The National Forest Law Enforcement Brigade is therefore still unable to advise the PSRF with any certainty of how many case files are being handled at any given moment, and vice versa. Similarly, the Ministry of Justice is unable at any given time to determine how far advanced any of the various central or provincial forestry-related litigation processes are. Several services involved in law enforcement thus continue to operate virtually independently of each other. This partly explains why almost all registers of litigation or infractions published by MINFOF are incomplete and contain errors.

It is regrettable that SIGICOF continues not to be used, given the major consequences that this can have on recovering taxes and fines due, as well as on the adequate management of information on illegal forest activities and litigation. Given that making use of this

tool requires very little additional resources, if MINFOF prioritised the immediate start of use of this user-friendly instrument, several key forest law enforcement problems could be solved and at the same time the credibility of its publications improved.

Non-dissuasive nature of forest law enforcement

The dissuasive power of a law lies in the sanctions previewed if it is breached. Through the Forest Law of 1994, Cameroon Law has taken the option of providing a range of sanctions to cover virtually all unauthorised or prohibited forest activities. These sanctions are simultaneously penal, civil and administrative, which is to say they range from heavy fines through to prison sentences, and include administrative sanctions such as the suspension or withdrawal of an exploitation permit.

During this year and on several occasions, the Independent Monitor brought to MINFOF's attention the fact that the deterrent value of Cameroon's Forest Law was being eroded. The current degree of inefficiency in law enforcement practices together with the derisory penalties being applied to forest law infractions and violation of forest standards do not compel observance of the Law. On the contrary, it can be more profitable to illegally log timber, even if the infraction is detected. Several factors contribute to this situation:

Under-evaluation of damages sustained by the State

The damages sustained by the Cameroon Government following a forest-related infraction or irregularity are often under-estimated, mainly because forest law enforcement officers and those reporting the offences tend only to take account of the facts observed in the field without any subsequent post-analysis. These facts nevertheless need to be compared and completed with data such as the offender's past infraction records and from the services responsible for collecting taxes and monies due in payment of fines for previous infractions. An Official Statement of Offence against an individual or legal entity having illegally felled timber is usually drawn up without checking if the person or entity has paid tax and duty on the timber in question.

In its previous Annual Report, the Independent Monitor stressed the need for *"a specific formula to estimate the volume and value of timber volumes illegally exploited"*³⁶, in order to contribute towards indemnifying the Cameroonian State, in a just and undisputable manner, for the illegal logging activities perpetrated. It recommended *"the creation of a workgroup, which would include the private sector; the Independent Monitor and the concerned ministry service whose mandate would be to define a methodology for evaluating volumes of timber illegally exploited"*.

This recommendation has not been followed. In its second year of operation, the Independent Monitor added the necessity to take account in the calculation of damages suffered by the State, the management plan clauses as well as potential losses within the framework of sustainability. This included in particular the costs necessary to replant trees and maintenance costs of the equivalent of

³⁴ Refer to the section in this report entitled *Trends of detected infractions, Community Forests* ³⁵ Independent Monitor Quarterly Report No. 5, March 2006 to May 2006, REM, www.observation-cameroun.info ³⁶ Refer to the section entitled *Need for a specific formula to estimate timber volumes illegally exploited*, page 19, IM-FLEG Annual Report: *Progress in Tackling Illegal Logging in Cameroon*, March 2005 to February 2006, REM, www.observation-cameroun.info



commercial timber illegally extracted until unaided growth becomes possible. For example, one recent case involved 700 hectares of forest logged illegally outside the authorised permit limits and in an area of forest reserved as a Council Forest. Only the market value of the timber was taken into account when estimating the damages suffered by the Cameroon State³⁷.



Non authorised exploitation site, Beih Deuk Mbam and Inoubou, REM Mission report No. 050

Significant reductions in out of court settlement amounts

Cameroon's Forest Law provides for out of court settlements. This opens up the possibility for an offender breaching the Forest Law to avoid legal action by agreeing with the Ministry of Forests and Fauna or its provincial representatives an amount to pay as reparation of damages suffered by the State. The settlement is sought by the offender but is reached under MINFOF's supervision. In accordance with its Terms of Reference, the Independent Monitor is invited to attend these settlement negotiations, though it has no influence on the actual proceedings. Where the settlement relates to a case arising from a law enforcement mission that involved the Independent Monitor, the latter is able to contribute by presenting the facts observed in the field, and provide input on the fundamental legal provisions that apply. On other occasions, the Independent Monitor presents the impact of a given out of court settlement on forest law enforcement and the forest sector as a whole.

Last year, for instance, the Independent Monitor deplored the practice of collective out of court settlements whereby several logging companies attend the hearings of their respective cases and collectively placed MINFOF under a great deal of pressure to reduce the settlement amounts³⁸. This year, MINFOF took this observation into account and held individual settlement hearings.

However, the settlement amounts continue to be reduced dramatically due to the Law being interpreted broadly and a reluctance to give out sanctions to logging companies which are viewed as partners of the Government.

Although the Minister, or the Provincial Delegate depending on the seriousness of the infraction, is empowered to reduce the amount payable, the Law stipulates that *"the amount of the settlement cannot under any circumstances be less than the minimum amount of the fine provided under Law, which may be increased by amounts due as damages"*. In addition the Law states that *"in terms of settlements or damages, the minimum price must take into consideration the following elements: the FOB value of the species concerned, the surface area affected and the damage sustained by the State where applicable"*.



Investigations in SEFAC log pond, FMU 10 010, REM mission report No. 053. Forest law enforcement officers can be demotivated when fines to be paid following an infraction noted in the field are later reduced significantly

³⁷ Field Mission Report No. 055, REM, www.observation-cameroun.info ³⁸ Refer to the section entitled *Reduction in the out of court settlement amounts paid*, page 17, IM-FLEG Annual Report: *Progress in Tackling Illegal Logging in Cameroon*, March 2005 to February 2006, REM, www.observation-cameroun.info

IM-FLEG RESULTS

Summary of Settlements during 2006-2007

Date	Offender	Infraction	Notification amount FCFA	Out of court settlement amount FCFA	% reduction
29 April 2006	Ets. Mgbatou	Unauthorised logging operations in a Communal Forest	21,155,308	5,000,000	76%
29 April 2006	SFW	Unmarked stumps, timber not declared on DF10 Under-declaration of volumes	11,176,280	4,500,000	60%
30 June 2006	Ets. Martial & Cie	Logging operations outside authorised area Logging operations beyond time limits Non-presentation of transport permits	36,485,359	10,000,000	73%
30 June 2006	Ets. DIC	Fraudulent use of documents issued by Services in charge of Forestry, through inability to justify provenance of exported timber	unknown	3,000,000	unknown
30 June 2006	SFCS/TTS	(FMU 10 023) False declaration on DF10 Timber not declared Felling of trees below minimum exploitable diameter	18,466,010	4,000,000	78%
8 August 2006	Hevecam	(TRP) Unauthorised logging, document fraud	unknown	10,000,000	unknown
8 August 2006	WIJMA	(FMU 09 021 and 09 024) Under-declaration of volumes produced or document fraud	9,925,573	4,425,573	55%
8 August 2006	Ets. Flamboyant	(TRP) Unauthorised logging	unknown	14,000,000	unknown
7 December 2006	CUF FMU 09 020	Non delimitation of Annual Cutting Permit Fraud on exploitation documents	5,254,925	3,200,000	39%
7 December 2006	SCTB FMU 10 046	Non-observance of felling standards Fraud on exploitation documents through abandonment of part of the logs at felling location	18,846,564	9,500,000	50%
7 December 2006	COFA FMU 09 016	Fraud on exploitation document False declaration of volumes recorded on DF10	14,750,805	5,000,000	66%
7 December 2006	COFA FMU 09 004b	Non presentation of sub-contracting agreement Fraud on exploitation documents (DF10) Abandonment of timber volumes in the forest	13,252,211	5,000,000	62%
7 December 2006	SFFMU 09 006	Non presentation of sub-contracting agreement Fraud on exploitation documents (DF10) Abandonment of timber volumes in the forest	12,678,125	5,000,000	61%
7 December 2006	GAU Services FMU 09 022	Non presentation of sub-contracting agreement Fraud on exploitation documents (DF10) Felling of under-sized Iroko	10,512,787	5,000,000	52%
7 December 2006	EFMK	Violation of standards for timber processing	1,000,000	300,000	70%
7 December 2006	IFTCA	Unauthorised felling in Communal Forest	34,131,823	5,200,000	85%
8 January 2007	WAFTEX	Possession of forest products originating from illegal logging activities	4,843,564	1,800,000	63%
18 January 2007	FIPCAM	Logging beyond the limits of forest concession 1057 Fraud on documentation issued by the Services in charge of Forestry Fraudulent use of log marks Felling of species with diameters below the accepted minima	302,182,137	134,072,854	56%

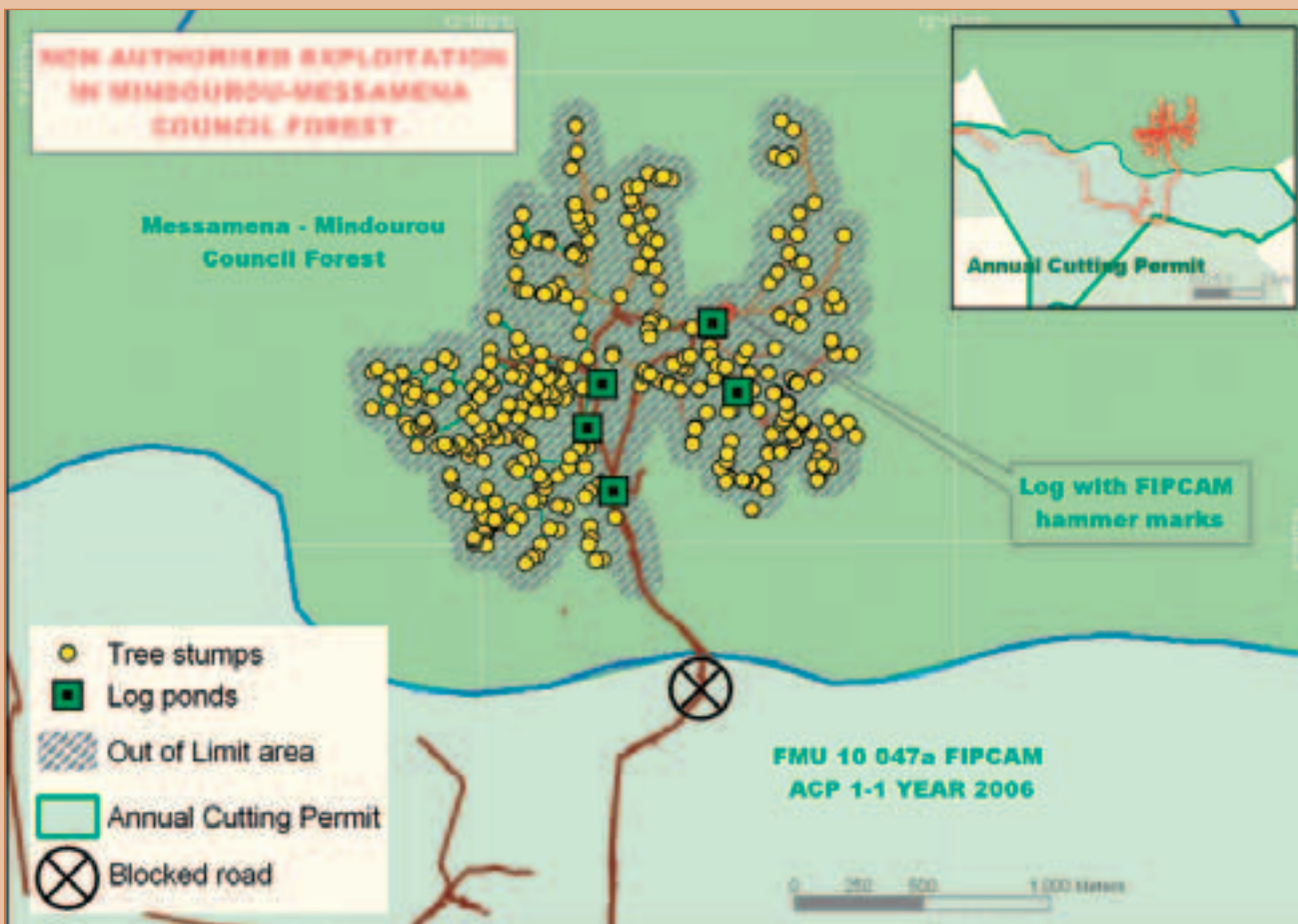
The settlement amounts and fines payable over the year were reduced by an average of 61% in 2006 as opposed to 94% in 2005. Although it is an improvement, such marked reductions could lead to a worrying setback in the forest sector.



Reductions of out of court settlement amounts: The FIPCAM case

The company FIPCAM is a legal entity which has been operating in Cameroon's forestry sector since 2000. In 2001 the company began logging FMU 10 047 which covers more than 47,000 hectares and is located in the East Province. This company also owns two timber processing plants in Cameroon, the first in Mfou, not far from Yaoundé, and the second at Eboumetoum in the East Province. FMU 10 047 borders a forest area set aside as Council Forest for the use of, and for development by, the Messamena and Mindourou communes.

Between October and December 2006, FIPCAM crossed the limits of its concession and penetrated several kilometres inside the forest reserved for the two communes. Around 700 hectares of forest were affected by its logging operations, at the end of which more than 3,000 m³ of timber had been exploited outside the limits of FIPCAM permit. The total value of this illegally logged timber was estimated at more than FCFA 300,000,000 and including fines of more than 457,000 Euros. The company also destroyed bridges and blocked roads in order to stop any subsequent law enforcement missions. These facts and estimates were recorded and confirmed by a joint mission comprising the National Forest Law Enforcement Brigade and the Independent Monitor, and were recorded in the Official Statement of Offence N°078 dated 22 December 2006. FIPCAM sought to reach an out of court settlement. During the hearing, FIPCAM admitted having logged timber outside of the geographical limits of its permit. It tried to justify its actions by saying it was trying to tackle poverty, pleading that if it had not carried out the illegal logging, it would have had to close its timber processing plant and as a result lay off its Cameroonian employees. Following FIPCAM's appeal, the Ministry of Forests and Fauna reduced the settlement amount to FCFA 134,072,854 (around 204,000 Euros), or 56% less than the initial amount.



IM-FLEG RESULTS

If an individual or a company can illegally extract timber with a value far in excess of the fine levied against them, illegal operations can be profitable. Such is the case in the example cited above as well as in the case of Aprobe³⁹ (mentioned in the previous Annual Report) whose illegal logging operations are worth an estimated FCFA 650 million and which has paid over just FCFA 20 million in damages, equating to just 3% of its gross profit. This gives those companies that fell timber illegally a competitive advantage over – as well as undermining the efforts of – other forest sector players trying to achieve certification and improve their cutting practices.

It seems equally important that the settlement amounts take better account of the true cost of the losses that occur as a result of infractions and that an additional reparation amount is added to the amount in order to dissuade perpetrators from committing further infractions.

Delay in the forest litigation process and scant application of administrative sanctions

From the moment an infraction is committed, considerable time elapses until the fines are eventually paid. Similar delays are observed regarding the payment of settlements, despite the fact that the amounts involved are considerably reduced. Finally, the rare use of sanctions such as the suspension of logging activities or impounding of timber from illegal logging operations, mean that forest law enforcement has very little dissuasive impact⁴⁰. In its comments on MINFOF's communiqué on infractions⁴¹, the Monitor highlighted that in some cases the litigation procedure has come to a complete standstill lasting more than 24 months. Suitable measures should ensure that all settlements are paid within the statutory 90 day period.

Sometimes, logging companies or individuals do not respond to summons from law enforcement officers or other formal procedures. Despite this, exploitation documents have been issued to them, thus implying that a contact with the Administration has taken place. The Independent Monitor recommends that these companies are subject to a number of repressive measures such as the issuing of exploitation documents being conditional in some cases on the observance measures taken within the framework of forest law enforcement work.

Forest litigation cases closed outside of legal procedures

In certain cases, litigation cases are declared solved outside of legal procedures, although the Law does not provide for the closure by the Minister of any forest litigation case at the request of a logging company or individual. Instead, the law previews for plea of forgery and sets out a procedure which is very specific in this regard. The Law stipulates that once a forest infraction has been legally recorded, the resulting litigation procedure may only be annulled or cancelled if a plea for forgery is made, if an out of court settlement is reached, or if a court ruling is made. MINFOF has mentioned in its communiqué certain litigation cases that have been cleared outside of these three legal channels. The Monitor

recommends that all requests to cancel a forest litigation case are refused and that all requests to annul a forest litigation case or to challenge an Official Statement of Offence (plea of forgery) are referred to a judge in accordance with the Law.



Measuring abandoned timber; Boumba and Ngoko, REM mission report No. 053

The Forest Tax System

Structures involved in the Forest Tax System

At the government level, the structures directly involved in collecting forest taxes are the Forestry Revenue Securement Programme (or PSRF) and the Division of Major Enterprises (or DGE). Within MINFOF, the Forest Taxation and Agreements Sub-Division (SDAFF), which comes under the authority of the Forests Directorate, is responsible for monitoring forest taxation.

The Forestry Revenue Securement Programme (PSRF)

The PSRF was formed on 19 March 1999 under Decree N° 99/370/PM and was subsequently reorganised by Decree N° 20011033/PM dated 27 November 2001. It comes under the authority of the Tax Directorate of the Ministry of Economy and Finance. Its purpose is to monitor taxation of the timber industry, including the pursuit and recovery of forestry-related fines, penalties and settlements, as well as monitor the auction or mutually agreed sale prices of seized or impounded products.

The PSRF collects felling (or cutting) taxes and sawmill entry taxes together with forest taxes from all companies with an annual turnover of less than one billion CFA francs (equal to approximately 1.5 million Euros). The PSRF also collects miscellaneous other payments due from logging companies (cf. Box). To enable it to better do its work, the PSRF should use the Computerised Forest Information Management System (SIGIF) as a collaborative framework enabling it to better channel information flow between the Forest Administration and the Tax Administration. A special version, 'TRINITE II Forêts', has been set up at the PSRF for the processing of forest sector specific taxes.

³⁹ Field Mission Report No. 029, REM, www.observation-cameroun.info ⁴⁰ Refer to the section on the *Degree of improvement in forest law enforcement reports and pursuit of litigation, Non-dissuasive nature of forest law enforcement* ⁴¹ Quarterly Report No. 1 to 8, March 2005 through February 2007, REM, www.observation-cameroun.info



Taxes and monies collected by the PSRF

- Annual forest tax (RFA)
- Felling tax (TA)
- Tax due on timber or timber purchases (PABGD)
- Sawmill entry tax (TEU)
- Transfer tax (TT)
- Forest products sale price (PVPF)
- Guarantee
- Export quota selling price
- Stamp duty on timber transport permits
- Forestry profession joining fee
- Forest exploitation permit allocation, renewal and transfer fees
- Fines, penalties and settlements relating to forest activities
- Sale price of seized or impounded products sold by public auction or by mutual agreement
- Export surcharge tax

Division of Major Enterprises (DGE)

Created in 2003 under the Tax Directorate of the Ministry of Economy and Finance, the DGE is responsible for collecting felling taxes and sawmill entry taxes as well as forest taxes from all companies with an annual turnover greater than one billion CFA francs (approx. 1.5 million Euros). This Directorate currently manages 44 logging companies under a tax self-declaration system.

The Forest Taxation and Agreements Sub-Division (SDAFF)

The Forest Directorate's SDAFF is responsible for monitoring forest taxation using SIGIF and the PSRF. It receives information from the PSRF regarding payments of various taxes.

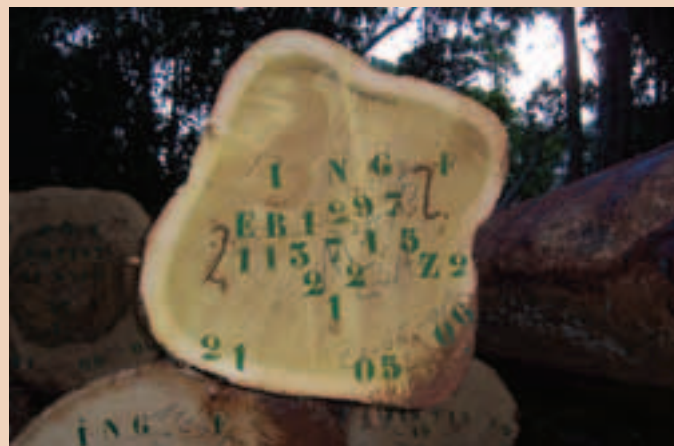
Interrelations between the three structures:

An officer from the SDAFF is responsible for day-to-day relations between MINFOF and the PSRF. Provision has also been made for monthly meetings chaired by the Forests Directorate, to coordinate the work done by the two services, though virtually none have taken place so far.

The PSRF is supposed to transfer data declared by companies to the DGE. However, for some time now the large companies have submitted their declarations directly to the DGE. To know where a company's file is for tax payment purposes, the DGE maintains informal, adhoc contact with the PSRF.

The PSRF is responsible for maintaining dialogue and communications between the DGE and the SDAFF. But here again there is very little information flow between these structures.

To conclude, while the forest law enforcement and taxation structures are in place and are relatively well equipped, the structures do not communicate with each other.



Logs bearing the mark AEB 1297 (Timber Removal Authorisation), felled outside the limits of a 'small permit', REM mission report No. 031

Loss of tax earnings on Timber Recovery Permits and/or 'Small Permits'

Over the past two years Timber Recovery Permits (TRPs) and similar permits (the so-called 'small permits') appear to be among the most affected by illegal logging. In fact, a thematic mission showed that more than 90% of these permits were awarded in violation of several rules concerning content and form as provided under the Law⁴². A significant loss of tax earnings could be a result of these irregularities. In particular, the majority of such permit holders do not pay to the State the cubic metre sale price (on the basis of the statutory minimum price of FCFA 15,000/m³ for whitewoods and FCFA 25,000/m³ for redwoods), but instead the payments are determined and made on the basis of the felling (or cutting) tax which varies between FCFA 1,488 and 4,463 per m³.

The table overleaf shows the actual losses in the precise case of one such 'small permit' exploitation. According to the Law, the amount due is FCFA 732,302,750 (around 1.1 million Euros), whereas the payment made equals just FCFA 82,952,390 (approximately 127,000 Euros) or in other words just 11% of the lawful price.

⁴² Field Mission Report No. 031, REM, www.observation-cameroun.info

IM-FLEG RESULTS

Difference between the felling tax and the sale price for TRP N° 0059

Species	Volume felled (m ³)	FOB Value FCFA/m ³	Felling Tax FCFA/m ³	Total Felling Tax FCFA	Minimum statutory sales price FCFA/m ³	Sale Price FCFA
IROKO	13,196.3	145,000	3,081	40,660,945	25,000	329,906,250
PACHYLOBA	2,318.4	141,100	2,998	6,951,433	15,000	34,776,000
SAPELLI	184.0	135,000	2,869	527,850	25,000	4,600,000
DIBETOU	772.8	90,100	1,915	1,479,622	25,000	19,320,000
ANIEGRE	257.6	196,000	4,165	1,072,904	25,000	6,440,000
LOTOFA	110.4	70,000	1,488	164,220	25,000	2,760,000
KOTO	966.0	94,000	1,998	1,929,585	25,000	24,150,000
BILINGA	92.0	85,000	1,806	166,175	25,000	2,300,000
PADOUK	2,421.9	93,700	1,991	4,822,306	25,000	60,547,500
KOTIBE	404.8	88,000	1,870	756,976	25,000	10,120,000
AZOBE	404.8	80,000	1,700	688,160	25,000	10,120,000
BOSSE	621.0	112,300	2,386	1,481,939	25,000	15,525,000
FRAKE	3,588.0	70,000	1,488	5,337,150	15,000	53,820,000
AYOUS	1,545.6	94,800	2,015	3,113,611	15,000	23,184,000
EYONG	552.0	74,000	1,573	868,020	15,000	8,280,000
KOSSIPO	809.6	100,000	2,125	1,720,400	25,000	20,240,000
SIPO	931.5	156,400	3,324	3,095,840	25,000	23,287,500
BETE	441.6	89,000	1,891	835,176	15,000	6,624,000
DOUSSIE	588.8	210,000	4,463	2,627,520	25,000	14,720,000
TALI	621.0	81,900	1,740	1,080,773	15,000	9,315,000
NGOLLON	724.5	100,000	2,125	1,539,563	25,000	18,112,500
NKANANG	1,366.2	70,000	1,488	2,032,223	25,000	34,155,000
TOTAL	32,918.8			82,952,391		732,302,750

Problems surrounding the self-declaration system

The Cameroon State uses a self-declaration system for taxing timber. Each logging company declares the species, number and volume of timber cut on a field document (DF10) supplied by the State. It is a statutory obligation to complete the field document daily⁴³.

According to Cameroon's Laws on Finance, the logging company must also submit to the Cameroon Tax Services a document showing the felled timber species, felled volumes and amounts payable no later than the 15th day of the month following the

felling. This document is called the "monthly felling tax declaration" or "sawmill entry tax declaration" as appropriate. The Law also requires that the declaration is accompanied by copies of the field document folios used over the same period to enable the tax officers to check the figures declared by the logging company. The tax collectors should also carry out a second check of the logging company's declarations using the Computerised Forest Information Management System (SIGIF) and the monthly production data of each logging company.

⁴³ Article 125 of the Decree dated 23 August 1995: "any holder of a forest logging permit must be in possession of a field document, the form of which is determined by the Services in charge of forestry. (...)Trees felled are recorded on this form on a daily basis (...)"

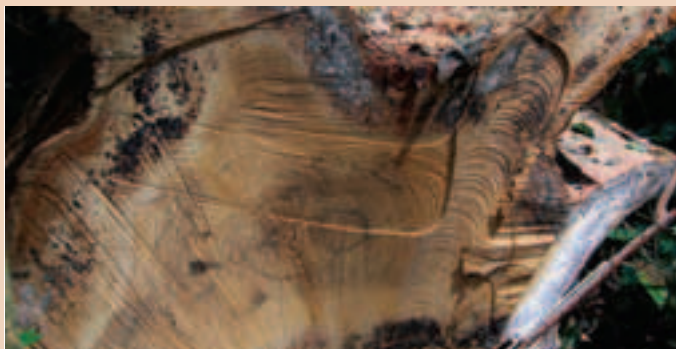


In practice though, less than half of the logging companies file their monthly declarations with their field document folios. Some production data is not recorded in the SIGIF and other data hardly ever arrives on time for it to be useful for the Tax Service's purposes. The Tax Service then finds itself virtually unable to cross-check the timber volumes declared by the logging company, with all the associated risks this implies.

In the case of TRPs, permit holders must pay the auction price for its wood⁴⁴. As the two computerised felling data processing systems (SIGIF and TRINITE II Forêts) are designed around recording felling tax payments and not sales price, the Cameroon forest taxation system therefore has a major flaw.

Level of improvement in transparency and objectivity of information on forest exploitation

This section only covers issues relating to the transparency of information contained in MINFOF's publications. It is important to note that the purpose of the Independent Monitor's publications is to help increase information availability, which should therefore play an important part in evaluating the current level of transparency in Cameroon. This aspect is covered in the section entitled "Independent Monitoring Mechanisms" in this report.



Ayous not bearing any marks and freshly extracted from the Annual Cutting Permit 1-2 of FMU 10 030, REM mission report No. 037

Regular publication of the list of forest litigation progress and valid permits

The regular publication by MINFOF of a list of the forest litigation progress is a significant step in terms of transparency of information on Cameroon's logging operations. The list is a document covering the various stages of forest litigation cases, focussing in particular on administrative summons, the drawing up of legal Official Statements of Offence, and the process of out of court settlements or legal action as applicable. These publications

are mainly prepared by the National Forest Law Enforcement Brigade in association with the Provincial Brigades.

Extract from the communiqué on forest litigation cases published by MINFOF on 3 October 2006

Type de permis	Volume des autorisations	Volume de la coupe	Statut	Date de la coupe	Observations
Autorisation de coupe	2 000 000 m ³	1 000 000 m ³	En cours	03/10/2006	...
Permis de coupe	1 000 000 m ³	500 000 m ³	En cours	03/10/2006	...

Publication by MINFOF of the list of valid permits in the "Cameroon Tribune" daily newspaper and on its website⁴⁵ is also positive advance worthy of mention. This list is in essence a list of FMUs, Sales of Standing Volume and community forests. On the other hand, no details on TRPs or other 'small permits' have ever been published despite the very large volumes concerned⁴⁶.

These publications help law enforcement by providing access to vital information for carrying out field missions effectively. Users are mainly certification agencies, timber buyers and civil society, as well as the logging companies themselves, all of whom consider these documents to provide a unique official reference material on illegal forest exploitation.

The incomplete and sometimes incoherent nature of publications on forest litigation cases

Under its mandate, the Independent Monitor has the right to comment on each MINFOF communiqué on forest litigation cases. Using this publication, the legal register of Official Statements of Offence kept by the National Law Enforcement Brigade and a database, the Independent Monitor compares the evolution of each case against previous MINFOF publications, and check whether procedures, steps and legal time limits for each procedure are observed. This analysis makes it possible to identify gaps in the litigation process, for example the disappearance of some cases, the non-observance of time limits, the slow progress of certain cases or lack of rigour in the drafting of a given communiqué. Once produced, the Independent Monitor's comments and analyses are forwarded to MINFOF and its main partners so that the communiqués can be corrected.

⁴⁴ See previous section ⁴⁵ www.minef.cm. For reasons unknown, this website is no longer functional ⁴⁶ Refer to the section in this report entitled *Trends of detected infractions, Timber Recovery Permits*

IM-FLEG RESULTS

Several of MINFOF's communiqués of this type are incomplete and incoherent with respect to the infractions that have actually been committed and pursued. In particular, a number of omissions concern cases started at the time of the publication, others concern cases that have been closed and some that have never been legally resolved. Some have simply disappeared from the list and from the forestry administration's general follow-up, which raises an important question of governance. For example, between March 2006 and now, all litigation cases which implicate the company *Ingénierie Forestière* have disappeared from the communiqués despite the fact they have not been settled⁴⁷.



Logging truck belonging to *Ingénierie forestière*, AEB N° 1297 (Timber Removal Authorisation), REM mission report No. 031

Extract from an analysis by the Independent Monitor of the MINFOF communiqué published on 3 October 2006

New litigation not taken into account

The following litigation cases were opened between June and October 2006, yet none have been listed in the 3 October 2006 communiqué, despite the fact that in all cases Official Statements of Offence were drawn up and recorded in the litigation register kept by the National Law Enforcement Brigade. The cases are as follows:

- SCTB, FMU 10 046: Official Statement of Offence N° 060/pvci/minfof/cab/BNC/ dated 15 May 2006 for the absence of logging documents on the logging site, for removing timber that was not recorded on the DF10 documents, for not completing the DF10 on a daily basis, for not using the felling date, for not recording timber abandoned in the forest and for under-reporting timber volumes on the DF10;
- GEC/SIM, SSV 10 02 147: Official Statement of Offence N° 067/pvci/minfof/cab/BNC/ dated 27 June 2006 for abandoning unmarked timber in the forest, for not marking stumps, for felling below-diameter trees, for not using the felling date, for under-reporting timber volumes and for not presenting the subcontractor's agreement;
- CUF, FMU 09 020: Official Statement of Offence N° 068/pvci/minfof/cab/BNC/ dated 26 July 2006 for not marking part of the felling area boundary; for abandoning unmarked trees in the forest, for not marking stumps, and for failing to record timber on the DF10;
- GAU Services, FMU 09 022: Official Statement of Offence N° 066/pvci/minfof/ cab/BNC/ dated 25 July 2006 for not marking stumps, for processing trees in the forest before measuring them, for abandoning undeclared timber in the forest and for cutting below-diameter trees;
- BUBINGA, FMU 09 023: Official Statement of Offence N° 065/pvci/minfof/cab/BNC/ dated 24 May 2006 for cutting below-diameter trees and for abandoning undeclared timber in the forest;
- SFF, FMU 09 006: Official Statement of Offence N° 074/pvci/minfof/cab/BNC/ dated 25 July 2006 for abandoning timber in the forest (document issued by the Administration completed fraudulently) and for not presenting the sub-contractor's agreement;
- COFA, FMU 09 004b: Official Statement of Offence N° 070/pvci/minfof/cab/BNC/ dated 25 July 2006 for not presenting the subcontractor's agreement and for fraud on the exploitation documents;

⁴⁷ Quarterly Report No. 8, REM, www.observation-cameroun.info



- COFA, FMU 09 016: Official Statement of Offence N° 069/pvci/minfof/cab/BNC/ dated 25 July 2006 for fraud on the exploitation documents;
- WAFTEX, Official Statement of Offence N° 073/pvci/minfof/cab/BNC/ dated 24 August 2006 for possession of forest products from fraudulent exploitation;
- PALLISCO, FMU 10 041: Official Statement of Offence N° 061/pvci/minfof/cab/BNC/ dated 17 May 2006 and payment of FCFA 5,382,900 for not filling in the DF10 field document folios on a daily basis, for removing timber which was not recorded in full on the DF10; for not using the felling date, for processing trees before measuring them, for not marking stumps and for under-reporting timber volumes;
- PALLISCO, FMU 10 030: Official Statement of Offence N° 062/pvci/minfof/cab/BNC/ dated 17 May 2006 and payment of FCFA 3,500,000 for not using the felling date;
- FIPCAM, FMU 10 047: Official Statement of Offence N° 053/pvci/minfof/cab/BNC/ and payment of FCFA 3,000,000 for not having exploitation documents on the logging site, for removing timber not recorded on the DF10, for not completing the DF10s on a daily basis, and for not using the felling date;
- WIJMA, FMU 09 021: Official Statement of Offence N° 065/pvci/minfof/cab/BNC/ dated 16 June 2006 and out of court settlements reached for under-reporting timber on DF10 and for abandoning undeclared timber in the forest;
- WIJMA, FMU 09 024: Official Statement of Offence N° 063/pvci/minfof/cab/BNC/ dated 16 June 2006 and out of court settlements reached for abandoning undeclared timber in the forest and for using the date of hauling to the log pond instead of the felling date;
- ENGONO MOADAN née EMINI (Ets. EEE): Official Statement of Offence N° 072/pvci/ minfof/cab/BNC dated 31 July 2006 for unauthorised logging in a Communal Forest.

Delays in pursuing specific litigation cases

The Independent Monitor noted that some of the following forest litigation cases have been at the preliminary ‘final notification’ stage for more than 12 months, and in one case for more than 2 years.

- OLOMO NDZIE, Official Statement of Offence N° 005/PVCI/MINFOF/BNC dated 17 October 2005 for unauthorised logging in a Communal Forest;
- Rode EYAMO for unauthorised logging in a Communal Forest;

- Ferdinand NDINDA NDINDA for unauthorised logging in a Communal Forest;
- Josias NOMSI TAGNE (ENF), Official Statement of Offence N° 010/05/PVCI/ MINFOF/DPCE/BPC dated 21 December 2005 for unauthorised logging in a Communal Forest;
- IBC, Official Statement of Offence N° 011/05/PVCI/MINFOF/DPCE/BPC dated 21 December 2005 for complicity in the unauthorised logging of a Communal Forest;
- Alexis TCHINDA FOMATH, Official Statement of Offence N° 08/PVCI/MINFOF/DPS/DDOC dated 13 February 2006 for the unauthorised opening up of a 2 km road in a Communal Forest;
- NGOUNOU born TCHAMO, Official Statement of Offence N° 09/PVCI/MINFOF/DPS/DDOC dated 13 February 2006 for unauthorised logging in a Communal Forest;
- Raphaël NJUAKON, Official Statement N° 10/PVCI/MINFOF/DPLT/BPC dated 24 April 2006 for unauthorised logging in a Communal Forest;
- AVEICO, Official Statement of Offence N° 049/PVCI/MINEF/CAB/UCC dated 30 July 2004 for unauthorised logging in the permanent forest estate and for non-payment of the Annual Forest Tax.

For some months now the cases of GBA MBAKE, GIC MBIELABOT and AMBASSA JP have been ‘under consideration for appeal’. The cases of NSANGOU AROUNA and Ets. NGA DIMA have been listed under the heading of ‘administrative summons’ for more than four months.

Since December 2005, the following litigation cases are frequently placed under the heading “Companies whose activities are suspended until Official Statements of Offence are completed”. Among these are cases of serious infractions in particular the unauthorised logging of more than 4,000 ha (nearly 10,000 acres) in a FMU assigned to others. The cases are as follows:

- NK, pursued for the unauthorised logging of 464.64 m³ of timber in a Communal Forest;
- S.E.T.B.C., pursued for the unauthorised logging of 161.6 m³ of timber in a Communal Forest;

A case against Mr Mbogo Otabela has been under the heading of “Administrative summons” for some months, with a note that “the interested party could not be reached...”. However, Mr Otabela recently requested and obtained a forest-related out of court settlement with MINFOF for other infractions he has committed.

IM-FLEG RESULTS

The Independent Monitor also highlights that none of the litigation cases passed on by MINFOF's regional services have advanced. This situation would suggest there are problems related either to the poor quality of the files being passed over, or to a complete lack of adequate follow-up by central services.

Litigation cases that have disappeared from or have been omitted from the 3 October 2006 communiqué

The following cases did not re-appear either on the July 2006 or on the 3 October 2006 communiqué, despite being mentioned in the March 2006 communiqué and not having been settled. The cases are as follows:

- INGENIERIE FORESTIERE: Official Statement of Offence N° 061/PVCI/MINFOF/CAB/UCC dated 16 August 2005 and listed in the communiqué dated 30 March 2006 under the heading "Companies whose litigation files are being transferred to Court";
- SFIW/SCIFO: Official Statement of Offence N° 060/PVCI/MINFOF/CAB/UCC dated 16 August 2005 and listed in the communiqué dated 30 March 2006 under the heading "Companies whose litigation files are being transferred to Court";
- INGENIERIE FORESTIERE, UFA 10 057: Administrative Summons N° 0197/CA/MINFOF/CAB/BNC dated 21 December 2005 for false declarations on exploitation documents and the felling of trees with a diameter less than the minimum exploitable diameter. The Independent Monitor has already pointed out that this case was omitted from the 30 March 2005 communiqué although it was published in the December 2005 communiqué;
- SAB (Société Africaine de Bois): Official Statement of Offence N° 018/PVCI/MINFOF/BNC dated 17 October 2005 for abandoning and failing to mention Sapelli logs in the Annual Cutting Permit 2-3 of FMU 10 011. This case appeared in the 30 December 2005 communiqué but, as pointed out, was missing from the 30 March communiqué;
- EBOUEME EBAKA (SFEES): Official Statement of Offence N° 026/PVCI/MINFOF/BNC dated 17 October 2005 for not having field documents and for not marking stumps; the Independent Monitor already pointed out that this case was omitted from the 30 March 2005 communiqué although it was published in the December 2005 communiqué;
- ECAM PLACAGES Mbalmayo: Official Statement of Offence N° 015/PVCI/MINFOF/BNC dated 17 October 2005 for complicity in fraudulently exploiting forests (in the ZAMAKOE Forest Reserve). In the 30 March 2006 communiqué, this case was listed under the heading "Companies whose requests to reach an out of court settlement are under consideration".

The fact that SIGICOF is not working⁴⁸ is without doubt one of the reasons why MINFOF's forest litigation publications are typically incomplete and inconsistent. Other factors exist which contribute to this including the fact that other key stakeholders such as the PSRF and the Ministry of Justice are not involved in the drafting of these communiqués. Recently, the Independent Monitor was asked to comment on MINFOF's communiqué prior to its publication, which enabled it to identify more than ten cases that were not listed, in particular ECAM PLACAGES, SAB (Société Africaine de Bois) and SFF (Société Forestière Fanga).



Investigations in Mpacko log pond, FMU 09 007

Non-publication of resolved litigation cases

For some time now MINFOF has opted not to publish litigation cases that have been resolved. One of the reasons put forward for this is that publication of such cases could harm the public image of the companies or individuals concerned. Thus several logging companies that had broken the law hurried to pay the amounts due and therefore did not appear on the litigation lists published quarterly.

The Independent Monitor has brought to the attention of the various parties it liaises with that failing to include the resolved cases in the communiqués brings into question the transparency of the process. The settlement of amounts due as a result of an infraction does not wipe clean the record of the company in legal terms, and should not be an obstacle to the right of the Cameroon State or other partners including certification bodies and potential FLEGT-related auditors, for example, to obtain information on these infractions and irregularities. Not publishing settled infraction cases gives the general public only part of the picture on forest litigation in Cameroon, and may leave several companies which regularly violate forest laws with a clean image. For example, in the list of litigation cases published by MINFOF on July 3 and on October 3, 2006, more than ten cases of infractions recorded during law enforcement missions carried out in May 2006 were missing, including in particular infractions committed by Pallisco, Fipcam, the IBC sawmill and SFCS⁴⁹.

⁴⁸ Refer to the section in this report on the *Degree of improvement in forest law enforcement reports and pursuit of litigation, SIGICOF's inactivity* ⁴⁹ Quarterly Report No. 6, REM, www.observation-cameroun.info

Trends of detected infractions

The Independent Monitor conducted an in-depth study of Timber Recovery Permits last year⁵⁰. This year, a thematic field mission focused on Community Forests and the main conclusions drawn are emphasised in this section⁵¹. The other infraction trends are outlined in this section but should be read in conjunction with the detailed analyses made by REM in its previous annual and quarterly reports⁵².

Infractions and irregularities: the case of Community Forests

According to legislation in force, community forests are part of the non-permanent forest estate which may cover up to 5,000 hectares (or 12,000 acres), and are made available to communities.

Thirty-two community forests were visited during a thematic mission carried out jointly by the National Law Enforcement Brigade and the Independent Monitor in May 2006⁵³. The conclusions highlight illegal activities occurring in each of these forests. Following this mission, more than half the community forests were suspended. According to the deputy director of the Community Forests Unit, at the time of writing all operations have started again, as issues have been put back in order. The Independent Monitor does not currently have sufficient information to confirm or refute whether this is the case.

The Independent Monitor's conclusions following the thematic law enforcement mission on community forests are presented in the box opposite.



Investigations in Ayem-Mendjanvoun I Community Forest, GIC Abeng, REM Mission report No. 050

Extract of REM's Mission Report N° 50: Conclusions from the thematic law enforcement mission on community forests, 16 May to 2 June 2006

Investigations carried out in the field coupled with desk reviews of various documents yielded the following general conclusions:

- Frequent abuse in various forms was noted regarding the use of community forest transport documentation for removing and/or laundering illegally felled timber, as well as the non-return of unused transport permits to the Ministry of Forests and Fauna. In several other cases, transport permits were issued to community forests which were not operational. In more than 60% of cases it is virtually impossible to determine how all the transport permits assigned to these forests are used;
- The absence of any *community* aspect in the management of several community forests, most of which are under the control of the personal interests of a few villagers. It would appear that more than 80% of the managers of these forests do not live in the villages concerned, and that most of the members of the communities concerned have no involvement whatsoever in the management of their community forests. More than 60% of these forests are the subject of internal conflicts and dissent;
- The majority of community forests have no associated reliable management tools such as standard accountancy procedures. Of all the community forests visited, just 4 had opened savings accounts with micro-finance institutions. In the majority of cases, monies generated from forest exploitation activities went directly into the private bank accounts of the local elites;
- Only one of the community forests visited is run and exploited directly by the beneficiary community. The rest were run by private sub-contractors. This undoubtedly results in a loss of earnings for the communities themselves;
- The procedure for the allocation, development and exploitation of several community forests has driven some communities into serious debt. The mission learnt of communities with debts between 7 and 14 million CFA francs (between 10,600 and 21,300 Euros). This makes these communities vulnerable to one-sided partnership agreements, where all the costs are borne by one of the parties while the other party reaps all the benefits, especially as in the majority of cases, the beneficiaries named in such agreements are the creditors themselves. Thus for example, some partnership agreements between several communities and logging companies stipulate that payments to the communities concerned are made only once the delivered product is sold. In other words, if a partner does not manage to sell the timber, the communities do not get paid even

⁵⁰ Refer to the description of the illegalities regarding timber recovery permits on page 14 of the IM-FLEG Annual Report: *Progress in Tackling Illegal Logging in Cameroon*, March 2005 to February 2006, REM, www.observation-cameroun.info ⁵¹ Field Mission Report No. 050, REM, www.observation-cameroun.info ⁵² Quarterly Reports 1 to 8, March 2005 to February 2007 and the March 2005 to February 2006 Annual Report, www.observation-cameroun.info ⁵³ Quarterly Report No. 8, REM, www.observation-cameroun.info

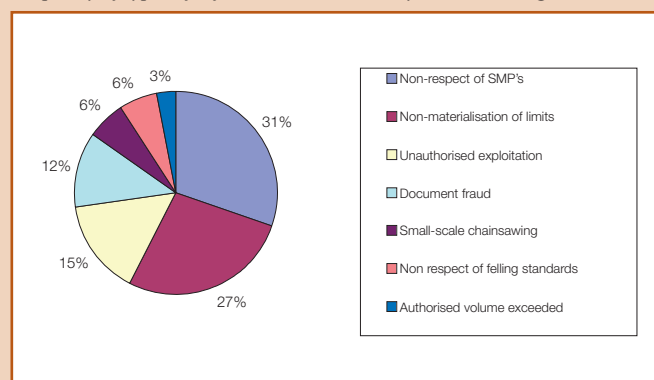
IM-FLEG RESULTS

though the forest has been exploited. In addition, several communities have no means of monitoring the commercialisation activities of their partners, and as a result all or almost all put in claims to their partners for arrears;

- In most of the community forests visited by the mission, just two species are subject to exploitation, namely the Iroko and the Pachyloba (or Doussié). Such selective exploitation means that the Community Forest Simple Management Plans (SMPs) simply cannot be followed, thus seriously threatening the forest's sustainability;
- The Forest Administration does not follow-up adequately the process of allocation and exploitation of community forests, despite being required to give communities free support and assistance. On the contrary, Ministry officials created consultancy firms which ask payment for providing their services to the communities. Thus, more than two thirds of the SMPs visited in the Centre province have been produced by just two consultancy firms. This raises important questions regarding conflicts of interest in the procedure for allocating some community forests;
- Several SMPs were developed without taking any account of the realities or aspirations of the communities concerned. The mission has, for example, found several SMPs which are identical, whereas the realities and aspirations of the communities concerned differ greatly;
- Local (meaning provincial and departmental) administrations do not provide effective law enforcement of community forest activities. For example, the mission found one forest in which operations had been suspended, in the middle of industrial scale logging operations. It also found community forests being managed in flagrant violation of current legislation, in particular logging operations without an annual cutting permit;
- The mechanism for issuing community forest transport documents (transport permits) has shortcomings which contribute to the abuses highlighted. In several cases, the administration had issued transport permits directly to the community partners instead of their representatives. Many communities admitted to the mission that they had very little information on the number of permits received or what use they were being put to;
- Several community forests are not marked out in the field, opening up the possibility of exploitation occurring outside the authorised permit limits.

As well as the irregularities and illegalities pertaining to the community forests that have been observed, the illegal trafficking of transport permits and logging documents for these forests persists. According to the Cameroon Forest Law, the transportation of all timber requires a transport permit. Timber from community forests is exempt from the felling tax, which arouses the interest of certain logging companies in the exploitation documents and more especially the transport permits for these forests. Inexperience and the lack of transport permit checks of several communities who hold these forest permits by their partners, all contribute to this trafficking. The Independent Monitor's investigations show that other internal administrative factors contribute to this situation, in particular the issuing of more transport documents than is warranted by the volume of timber to be exploited plus the absence of any post-exploitation check of the unused transport permits by MINFOF, which are nevertheless provided for under the procedures laid down by MINFOF. There are several different ways of using these transport permits fraudulently, including for transporting timber cut illegally and without a permit, as well as for laundering excess volumes of felled timber or timber cut outside the authorized areas. These documents are easily bought and sold. A representative of a community which had been assigned a forest told the Independent Monitor that it had received an offer of more than 4 million CFA francs (or 6,000 Euros) for "a few transport permits" which it had only just obtained from MINFOF.

Frequency of types of infractions in Community Forests during 2006-2007



Cases of conflicts of interest have also been noted. In particular, a consultancy firm that belonged to a MINFOF official responsible for the community forests unit allegedly obtained several sub-contracting agreements to draft Simple Management Plans, documents that are necessary to obtain a community forest. These Plans have subsequently been submitted to this same official for approval – resulting in a foregone conclusion. As far as the Independent Monitor is aware, no action has been taken to date to address such conflicts of interest.

These observations bring to light serious issues which characterise this type of forest permit, inasmuch as they tend to produce the exact opposite effect on the communities than what was expected. It is therefore important that MINFOF and its partners give some serious thought to these issues and reconsider the future of these permits, the implementation of which was influenced by international politics and in particular the Rio Earth Summit held in Rio de Janeiro in 1992. Cameroon's new forest management law of 1994, which for Central Africa was pioneering, stood out by decentralising the forest management system and by implicating various stakeholders and parties.

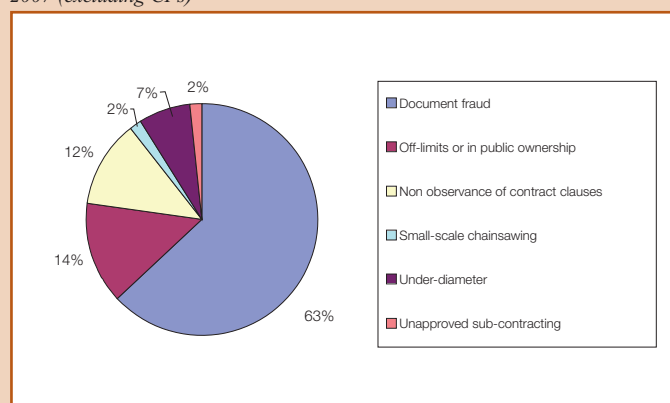
If community forests represent a concept which legally gives local communities an opportunity to benefit from financial gains and to play a part in their own development, the reasons for their failure include a lack of appropriation by the communities combined with manipulation by the elite (both local and external), the grey areas – in the opinion of most community members – of the technical management of these forests and the timber trade, and finally the lack of related law enforcement by the designated administration. It is important for the Independent Monitor to reiterate here that the governance of natural resources is partly realised through civil society taking on more responsibility, which implies capacity building to enable their voluntary, participatory interaction (as opposed to passive consultation alone) with both the State and the private sector. In this sense, the Independent Monitor has drawn up a list of recommendations⁵⁴, a selection of which are provided below:

- Establish community awareness-building and training workshops on community forest management and exploitation standards;
- The Forest Administration inspect and follow-up partnership agreements drawn up between the communities and logging companies, in order to safeguard and uphold the rights of the former when they enter into such agreements;
- Improve the availability of information on markets and organisation of community forests networks to facilitate and encourage product sales and production diversification;
- Put in place a fixed and thorough procedure for issuing transport permits to community forests;
- Increase the responsibility of MINFOF's regional officials, especially local forest officials, to carry out law enforcement and verify that community forest exploitation complies with their Simple Management Plans.

Infraction trends in the forestry sector

The Independent Monitor's field mission summary reports allow the infraction trends, which characterised Cameroon's forestry sector over the past year, to be identified.

Frequency of infractions observed by the Independent Monitor during 2006-2007 (excluding CFs)



Disturbing extent of document fraud relating to all types of forest permits

Infractions appear to be following the same trend in the project's second year than in the first one. Document fraud remains the most common infraction as it seems to be the most profitable for the perpetrators.

In some cases, this illegal practice consists of systematically under-recording timber volumes on the DF10 field document in order to avoid paying taxes. Comparing the volumes entered on the DF10 against those recorded on the transport permits helps identify this type of fraud: for example, a tree measuring 12.40 m may be recorded on the DF10 as having a length of 12 m.

Other forms of document fraud consist of not including the specifications of timber fragments that have no commercial value on the DF10 field documents, in violation of the Law which requires that the length of each tree – from the felling section or above the buttress, up to the first major branch – be entered on the field document. This document fraud takes place through unusable timber fragments being abandoned at the felling location or log ponds without being accounted for. Often the 'unusable wood' consists of logs measuring several metres in length which the logging company cannot sell because they are malformed.

Out of the 47 permits investigated during the project's second year – and not including the community forests (CF) – more than 38 permits (or 63%) show cases of document fraud. This type of infraction affects virtually all permits including FMUs, Sales of Standing Volume and 'small permits'. During one three-month period, document fraud was recorded on 12 of the 15 sites inspected.

⁵⁴ Field Mission Report No. 050, REM, www.observation-cameroun.info

IM-FLEG RESULTS

Logging outside permit limits and logging below-diameter trees in Sales of Standing Volume and Timber Recovery Permits

Sales of Standing Volume (more than 60%) and Timber Recovery Permits (cf. box) continue to be affected considerably by logging activities outside or beyond their authorised or marked limits as well as by the cutting of trees whose diameters are below the MED.

Problems within Timber Recovery Permits (TRPs) and ‘Small Permits’

The situation surrounding ‘small permits’ has not improved since last year⁵⁵ despite the adoption of a procedures manual for their allocation and monitoring. Their exact number remains unknown to SIGIF. In addition, several of these permits were renewed and continue to remain in use despite the results of last year’s thematic mission which highlighted serious illegalities surrounding them. Unfortunately, hardly any law enforcement missions targeting these permits have taken place during this year (1 instead of 33 the previous year).

Case of the TRPs: Need for action following numerous infractions within these ‘small permit’ areas which represent timber volumes equivalent to those produced by Sales of Standing Volume

One of the recommendations made by the National Law Enforcement Brigade and the Independent Monitor regarding Timber Recovery Permits (TRPs) was the need to keep and publish an up-to-date directory of these permits. This recommendation was made after a thematic mission highlighted various types of serious infractions, in particular logging occurring outside the authorised permit limits, authorised volumes being exceeded, significant levels of tax fraud, logging documentation forgery and use of forgeries, and even the allocation of this type of timber permits in the middle of existing forest concessions. This mission also highlighted a high level of confusion regarding the procedures followed by the authorities for issuing these permits^{56,57}.

In March 2006, MINFOF took a decision concerning the ‘Procedural terms and conditions for issuing and monitoring small forest exploitation permits’ that clarifies the procedure to follow when allocating and monitoring these permits. This was a step forward, since providing SIGIF with a comprehensive list would allow officials to know which permits were valid and which were not. TRPs are commonly referred to as ‘small permits’ although in reality they are far from ‘small’ if one compares their annual production rates against those for FMUs or Sales of Standing Volume (refer to the table summarising the production data for 2005). The so-called ‘small permits’

produce virtually the same amount of timber as Sales of Standing Volume, implying that a large percentage of timber produced in Cameroon could in all likelihood be considered to be of illegal origin, should no measures be taken.

Volume of declared timber per permit in 2005

Permit type	No. of logs	Total volume in m ³
TRP	16,259	135,415
Permanent concession	86,257	1,077,711
Provisional concession	48,632	512,768
Sales of Standing Volume	17,688	150,386
TOTAL 2005	168,836	1,876,280

Source : SIGIF

Non-application of certain clauses in the Management Plan contracts

This is also an increasing irregularity which seems to be linked to certain law enforcement officers’ lack of interest in this aspect of the obligations linked to logging operations. It concerns mainly the socio-economic activities and other actions related to the regeneration of forest resources, which the logging companies commit to as part of the concessions’ management. This situation is also a result of some logging companies considering the Management Plans as a simple formality that needs to be completed, rather than Plans that by law, must be systematically followed every day.

Practice of small-scale chainsaw operations

Growth in small-scale – or artisanal – chainsawing using semi-industrial mobile saws has been documented⁵⁸. In several cases, the individuals or companies concerned do not have logging permits and saw wherever they can find space in the forest, including in FMUs and other permit areas assigned to others. In general, timber from this illegal activity is loaded onto lorries at night, using false transport permits and crossing various check-points before arriving either at the local market or in a wood processing yard in preparation for export. In practice, the National Law Enforcement Brigades seize tools and timber from such activities and entrust them to MINFOF’s departmental services for pursuit. The Independent Monitor has no knowledge of what measures are taken subsequently.

⁵⁵ Refer to the description of the illegalities regarding timber recovery permits on page 14 of the IM-FLEG Annual Report: *Progress in Tackling Illegal Logging in Cameroon*, March 2005 to February 2006, REM, www.observation-cameroun.info ⁵⁶ Refer to the description of the illegalities regarding timber recovery permits on page 14 of the IM-FLEG Annual Report: *Progress in Tackling Illegal Logging in Cameroon*, March 2005 to February 2006, REM, www.observation-cameroun.info ⁵⁷ Field Mission Report No. 031, REM, www.observation-cameroun.info ⁵⁸ Field Mission Report Nos. 050 and 052, REM, www.observation-cameroun.info



Significant step backwards in the fight against illegal logging⁵⁹

More than six years ago, the Cameroon Government firmly declared that it would crack down on all forms of illegal logging practices. Several companies felt the full force of the Law, resulting in a change in behaviour as manifested by the virtual disappearance of certain types of illegal forest-related activities in permit areas such as Forest Management Units (FMUs) and the flagrant felling of trees outside authorised permit limits. During an independent mission carried out on 16 and 17 November 2006⁶⁰, the Independent Monitor nevertheless found one company⁶¹ logging trees far beyond the area limits of its FMU. The company had logged more than 3,000 m³ of timber, though there is no information on the intended destination of the timber. Although this operation had been going on for more than two months, all of MINFOF's regional officials stated they knew nothing about it.

The fact that a major logging company in the forest sector was operating outside of its FMU limits is a major step backwards and marks the reappearance of a type of infraction which was thought to have been completely eradicated. This is symptomatic of weakening law enforcement, the causes of which include the non-dissuasive nature of the sanctions imposed on logging companies that have broken the Law, as described in this Report⁶². MINFOF needs to adopt a strategy of strong deterrence when applying sanctions to forest infractions with a view to curbing the return of certain types of large-scale illegal activities.



Blocked road within FMU 10 047, one of the obstacles to law enforcement in the FIPCAM concession, REM mission report No. 055

⁵⁹ Extract from the Independent Monitor Quarterly Report No. 7, March to May 2006, REM, www.observation-cameroun.info ⁶⁰ Field mission report No. 054 dated 16 to 17 November 2006, REM. Report submitted to the Reading Committee on 27 November 2006. This report, which has yet to be revised by the Reading Committee, has still not been published to this day, more than 3 months following its submission to MINFOF ⁶¹ Company FIPCAM, UFA 10 047a ⁶² Refer to the section on the *Degree of improvement in forest law enforcement reports and pursuit of litigation, Non-dissuasive nature of forest law enforcement*



INDEPENDENT MONITOR MECHANISMS

This part of the report covers how the IM-FLEG Project runs, and complements the first Annual Report which describes the various types of field missions, stages of litigation and the procedures followed by the Independent Monitor so it can contribute to the transparency and the objectivity of forest information⁶³.

Monitoring forest law enforcement activities

Difficulties in accessing information for preparing field missions

The Independent Monitor's Terms of Reference stipulate joint missions, independent missions and verification missions. Joint missions are planned and prepared by the National Law Enforcement Brigade and the Independent Monitor. Because of the lack of a reliable archiving system and operational problems within certain MINFOF services, it is not always possible to obtain all necessary data needed before the fieldwork begins or during the mission. As a result, collecting additional data after a field mission has become a major task for the Independent Monitor. Poor communication between the various departments of the Services in charge of Forestry make automatic cross-checks of some types of data difficult, if not impossible. In an attempt to overcome this lack of available information and in order to provide MINFOF with more comprehensive information, the Independent Monitor is giving an increasing importance to document analyses and research following field missions. This often consists of searching for evidence of sub-contracting agreements, maps of permit areas to visit, production statistics submitted to SIGIF or the amounts of tax paid during a given period. This work is rarely carried out by forest law enforcement officers, who sometimes find it more difficult than the Independent Monitor to obtain information from other MINFOF Services, due to lack of flexibility in the bureaucratic procedures for internal information exchanges.

No solution has been found to the problem linked to the leaking of information on targeted permits prior to the deployment of joint missions, given the long administrative formalities which precede this type of mission and how extremely difficult it is to contain information.

Progression of the field missions

The National Forest Law Enforcement Brigade

The degree of cooperation between the Independent Monitor and the National Forest Law Enforcement Brigade during a field mission varies from one MINFOF team to the next and according to the individuals concerned.

Limited number of missions with the Provincial Forest Law Enforcement Brigades

In consultation with MINFOF, the Independent Monitor has offered to carry out more 'independent'-type missions with the presence of Provincial officers. The Independent Monitor usually requests to be accompanied by one or more sworn officials from a Provincial Brigade during these missions. This has the advantage of encouraging the Government's regional Services to carry out missions, but also enables sanctions to be taken in case of forest infractions – a statutory function outside the scope of the Independent Monitor's remit.

While MINFOF has in principle accepted to address a circular letter to all Provincial Delegates in order to facilitate this type of missions, this letter has not been sent and, as a result, several Provincial Delegates have refused to appoint a law enforcement officer to accompany the Independent Monitor. On rare occasions, the Provincial Delegates concerned have contacted the Ministry of Forests and Fauna before accepting to do so. On other occasions, some Provincial Delegates have required written confirmation from their superiors before accepting to accompany the Monitor. Such was the case, for example, in February 2007, for an independent mission where the Independent Monitor was to be accompanied by a team of journalists commissioned by the European Union as part of its 40th anniversary celebrations of the EU-Cameroon cooperation; because there was no written confirmation and because MINFOF did not issue a circular, this mission could not be carried out.

Independent missions

Independent missions, the main aim of which is to prevent the loss or dispersal of evidence where the Law has been broken, hardly ever took place in 2006 because of the high number of joint missions carried out with the National Forest Law Enforcement Brigade. Just one mission of this type was carried out over the past year.

Interaction between the Independent Monitor, local NGOs and communities

As an institution supporting law enforcement, good governance and transparency in the forest sector, the Independent Monitor maintains close links with local communities and NGOs working in this sector. For the Monitor, they are not just sources of information, but also provide support to field work. Denunciations by local NGOs or communities are analysed and investigated by the Independent Monitor before being forwarded to MINFOF as a law enforcement mission request. The replies received from MINFOF are however often late in coming, putting at risk the working relationship the Monitor has with the people on the ground, as a lack of responsiveness to, or any inaction following, a denunciation could demotivate those on the ground and reduce the credibility of both the Independent Monitor and MINFOF.

⁶³ IM-FLEG Annual Report: *Progress in Tackling Illegal Logging in Cameroon*, March 2005 to February 2006, REM, www.observation-cameroun.info



Compared to other countries in the region, Cameroon has the advantage of having an organised, dynamic civil society network that is concerned about illegal logging activities in its forests. Not using, or under-using, this asset is regrettable as the information that civil society provides is vital for effectively enforcing forest law, allowing officials to be alerted quickly to infractions taking place and significantly increasing the information available to the Government Services and Departments.

Lack of regular sessions held by the Reading Committee on Field Mission and Forests Infractions Reports

A Reading Committee was set up to carry out a monthly comparison of the Independent Monitor's mission reports against those of MINFOF's law enforcement officers. Made up of officials from the Ministry, the Independent Monitor and interested donors, this structure currently suffers from the fact that it meets very infrequently. As an example, during the last quarter, just one Reading Committee meeting took place although more than ten IM FLEG mission reports had been formally submitted to the Ministry. This situation blocks the publication of documented cases of illegalities and projects a distorted image of the forestry sector. The irregular participation of donors, including the European Commission Delegation who is the main project funder, undermines the objective of the Reading Committee which, on some occasions, acts more like a censor of the Independent Monitor's mission reports than a platform for improving the quality of the law enforcement work carried out by MINFOF officers. Donors have however underlined the problem of MINFOF sending out invitations to the Reading Committee at very short notice, making it impossible for them to attend.

The role, composition and working of the IM-FLEG Project's Steering Committee

The IM-FLEG Project has a Steering Committee which is chaired by a representative of the Ministry of Economy and Finance (MINEFI) as the national contractor of the European Development Fund (EDF). This committee meets no more than twice per year and is made up of all parties involved in the execution of the project, in particular MINEFI, MINFOF as supervisor, the Support Unit to the national contract, the European Commission Delegation to Cameroon as the project donor, and the project's technical team. The role of the Steering Committee is to monitor the state of advancement of the project, to analyse its progress, its strong points and any impediments to field work. The Committee also ensures that the aims set within the Project's logical framework are being achieved.

In reality, the role of this Steering Committee is self-limited to assessing the administrative and financial running of the project, without any in-depth analysis of its technical aspects. This may be

due to its the Committee's composition and to being under the leadership of MINEFI whose communication channels with MINFOF do not always work where this project is concerned. As a consequence, when technical recommendations are made by the Steering Committee, they remain without follow-up.

Regular meetings between the Independent Monitor and the Minister of Forests and Fauna

The Independent Monitor holds regular meetings with the Minister of Forests and Fauna. These meetings often serve as forums for discussion and exchanges on various technical and administrative issues surrounding the implementation of the project. The Minister can invite certain MINFOF officials to these meetings, which frequently lead to a series of measures being formulated. These meetings, which often turn into working sessions, are useful as they allow the Independent Monitor to clarify certain situations with the Minister, and to bring matters to its attention which would not otherwise reach him.



Meeting about Endoum Community Forest, GIC Agriculteurs, REM mission report No. 050

INDEPENDENT MONITOR MECHANISMS

Monitoring the follow-up of forest infractions and litigation

Lack of monthly meetings on the follow-up of litigation

MINFOF is supposed to call monthly meetings on the follow-up of forest litigation cases, that the Independent Monitor and various other Services active in forest litigation should attend. This dialogue structure aims to facilitate the systematic monitoring and pursuit of forest litigation cases as well as the sharing of information between the various concerned parties. Meetings have not been held regularly during the second half of 2006. The Inspector General and the Head of the National Forest Law Enforcement Brigade are charged by MINFOF to prepare the meetings, set the agenda and submit the letter of invitation to the Minister for signature. The fact that these meetings are not being held explains in part the lack of cohesion which characterises Cameroon's forest litigation process.

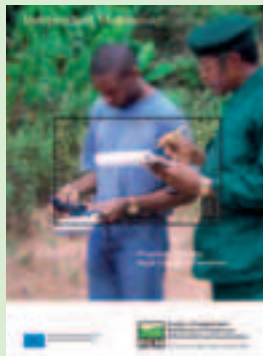
Improved access to PSRF and DGE data

The Independent Monitor's access to data held by the Forestry Revenue Securement Programme (or PSRF) and the Division of Major Enterprises (or DGE) has improved, a point worth underlining as this facilitates the monitoring and pursuit of forestry litigation cases in Cameroon. This progress has been achieved through constructive dialogue between the Ministry of Economy and Finance and the European Union Delegation to Cameroon. For the first time, the Independent Monitor has had access to an important amount of data on the payment of taxes by logging companies which has complemented the information collected in the field during missions.

Independent Monitor Publications

Fluidity of the quarterly and annual report publications

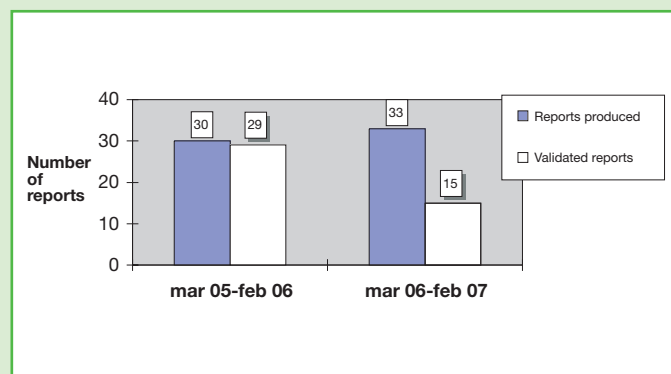
The Independent Monitor has had a 100% success rate in the publication of its quarterly reports, representing another significant advance by the Cameroon Government towards the transparency and objectivity of forest information. This year (2006-07) was also marked by the publication of the Independent Monitor's first annual report in English and in French. Copies of the Report in both languages have been widely distributed. These reports may be downloaded from the Project website at: <http://www.observationcameroun.info>.



Significant decline in transparency with respect to the publication of field mission reports on detected forestry infractions and irregularities

Between 7 March 2006 and 6 March 2007, the Independent Monitor produced and submitted 33 field mission reports (numbers 031 through to 063) to MINFOF for publication. Of these, just 15 reports, or 45%, have been validated by the Reading Committee and published as opposed to 97% for the previous year. Some of these reports included missions conducted around a year ago in May 2006.

Decrease in the validation of mission reports



This situation is a result of a combination of factors such as the Reading Committee meetings being held irregularly instead of monthly, delays in the production of the Minutes of the Reading Committee meetings which the Independent Monitor needs as a source of additional comments it wishes to incorporate before publication, and finally the ever longer delays between the Reading Committee adopting a report and the Minister formally granting its agreement to publish. On some occasions, it may be more than two months before the Independent Monitor receives the Reading Committee Minutes. These time delays are not justified by MINFOF and raise fundamental questions as to their cause.

Over the last few months, the Reading Committee also took the decision not to examine those Independent Monitor reports where the National Forest Law Enforcement Brigade's corresponding or equivalent mission reports had been neither finalised nor submitted to the Reading Committee. This new stance goes against improving transparency and could delay the processing of some infraction cases.

The unequal treatment of infractions in the forestry sector (according to which companies are concerned and/or what type of infractions are detected) places certain private sector players at a disadvantage and impedes free market competition. For this reason, it is important that a smooth process for publishing field mission reports is restored quickly, through the Reading



Committee meeting regularly and a reduction in time delays for the production of the Reading Committee Minutes and the approval to publish sent to the Independent Monitor. Finally, it is essential that all reports produced by the Independent Monitor are examined when the Reading Committee holds its meetings, regardless of whether or not those by the National Law Enforcement Brigade have been produced. Failing this, a

significant reduction in the delays in producing the Brigade's reports following field missions would solve these blockages, as some still have not been produced almost one year on from the missions taking place (cf. table below).

Unpublished reports and reasons for non-publication

Report N°	Mission dates	Forestry Permits concerned	Companies or GCIs concerned	Reading Committee dates	Reasons for non-publication
33	10-05-06	SSV 07 02 32	SFW	31-10-06	Complementary mission required by Reading Committee and conducted on 20 December 2006.
34	11-05-06	SSV 07 03 56	SNF	X	Complementary mission by National Law Enforcement Brigade required by Reading Committee but to date not carried out
45	26-05-06	Timber salvage permit No 1297	ING-F	X	The Reading Committee has still not examined the report for reasons unknown
49	19-05-06	Community Forest project	Pallisco/GIC ECOM	X	Still not examined by Reading Committee due to absence of National Law Enforcement Brigade's corresponding report
52	27-07-06	FMU 10 057	ING. F	X	As above
	25-07-06	FMU 10 052	SFIL	X	As above
	26-07-06	FMU 10 051	GRUMCAM	X	As above
	26-07-06	FMU 10 053	GRUMCAM	X	As above
	27-07-06	SSV 10 053	GRUMEX	X	As above
	28-07-06	FMU 10 038	CAMBOIS	X	As above
	29-07-06	FMU 10 058	SEBC	X	As above
53	29-08-06	FMU 10 001 - 4	CFC	27-12-06	IM still not received Minutes of the Reading Committee meeting
	31-08-06	FMU 10 010	SEFAC	27-12-06	As above
	31-08-06	FMU 10 008	SEFAC	27-12-06	As above
	02-09-06	FMU 10 063	ALPICAM	27-12-06	As above
	04-09-06	FMU 10 064	Filière Bois	27-12-06	As above
	05-09-06	Council Forest	Moloundou/ALPICAM	27-12-06	As above
	05-09-06	FMU 10 015	CIBC	27-12-06	As above
	06-09-06	FMU 10 005	STBK	27-12-06	As above
54	16-11-06	FMU 10 047 and Council Forests	FIPCAM Messamena-Mindourou	27-12-06	As above
55	08-12-06	FMU 10 047 and Council Forests	FIPCAM Messamena-Mindourou	27-12-06	As above

INDEPENDENT MONITOR MECHANISMS

Report N°	Mission dates	Forestry Permits concerned	Companies or GCIs concerned	Reading Committee dates	Reasons for non-publication
55	08-12-06	FMU 10 047 and Council Forests	FIPCAM Messamena-Mindourou	27-12-06	As above
56	13-12-06	FMU 09 015	SN COCAM	X	Reading Committee meeting not held
57	14-12-06	SSV 09 03 179	GAD	X	As above
58	15-12-06	FMU 09 007, 09 008	Ets MPACKO / SFID	X	As above
59	18-12-06	FMU 10 062	Panagiotis Marelis (PM)	X	As above
60	14-12-06	SSV 08 07 103	Eloungou Toua	X	As above
61	15-12-06	SSV 08 01 161	Placam	X	As above
62	18-12-06	Scieries Douala	ALPICAM, SEEF, PLACAM	X	As above
63	20-12-06	SSV 07 02 32	SFW	X	As above

Threats received by the Independent Monitor

The Independent Monitor sometimes works in a hostile environment, sometimes made so by the persons whose illegal activities are brought to light by the investigations it carries out. It frequently encounters indirect intimidation and access to documents is often obstructed. On some occasions the threats and discourteous remarks are explicit, aimed directly at the Independent Monitor, as was the case during the following incident:



Threats to law enforcement officers and members of the Independent Observer team during an investigation into the possible involvement of a local community in artisanal sawing in a communal forest, Mbam and Kim, April 2007

On 27 May 2006, the Independent Monitor team was the victim of an aggression while carrying out a joint mission with the National Forest Law Enforcement Brigade in the Deuk arrondissement in the Mbam and Inoubou département of Centre Province. The incident happened around 7 a.m. where the Independent Monitor team was staying, and lasted more than 30 minutes. It consisted of a serious verbal attack against the Independent Monitor team members, punctuated by abuse and threats. The attack was delivered by Mr Mbogo Otabela, the owner of the 'Ets. Le Flamboyant' logging company in Deuk. These threats followed the seizure by the National Law Enforcement Brigade of timber that had been illegally logged – in all likelihood by Mr Otabela. In front of almost a dozen of his employees accompanied by their families, Mr Mbogo Otabela shouted serious abuse at the IM team members and threatened to damage their vehicle if they tried to leave. The arrival at the scene of the National Law Enforcement Brigade's Head of Mission and the commandant of the local gendarmerie diffused some of the tension, allowing the members of the IM team to leave the scene of the incident. A letter of protest was delivered by the Independent Monitor to MINFOF following this incident, though the IM has so far not been informed of any consequent actions.

► CONCLUSIONS

► RECOMMENDATIONS

Availability of adequate equipment	
<p>The lack of equipment and logistical means which affects provincial forest law enforcement services as well as regional services is a major obstacle to the implementation of the National Forest and Fauna Law Enforcement Strategy (SNCF) and to the aim of reaching permanent and autonomous monitoring of forest exploitation</p> <p>This situation leads to illegal logging as some logging companies can go several months – or even years – without being inspected</p>	<p>That provincial law enforcement services and other law enforcement services be given the equipment and logistical means in accordance with their responsibilities</p> <p>That priority be given to local forest law enforcement officers, given their work on the front line of forestry law enforcement and the monitoring of logging activities</p>
<p>All law enforcement brigades suffer from a lack of basic monitoring equipment (GPS, cameras, etc.)</p>	<p>That MINFOF provide this equipment using budgets at its disposal specifically to that effect (the Forest Fund and the European Union Budget)</p>
<p>SIGIF and SIGICOF are powerful tools which MINFOF has at its disposal to support its law enforcement work, but which are not used</p> <p>These tools are also important for the Ministry of Justice and MINEFI to monitor procedures</p>	<p>That these tools be used and brought up-to-date.</p> <p>In particular, SIGICOF's central database – located within MINFOF – needs to be updated and both the Ministry of Justice and MINEFI given gateways to access the system</p>
<p>MINFOF has other tools such as the SNCF and a forest logging law enforcement procedures manual dating back to 1999</p>	<p>That MINFOF update the manual using the SNCF, so as to produce a law enforcement procedures' framework for use by its officers</p>
Need for quality control of the National Forest Law Enforcement Brigade's application of the National Forest and Fauna Law Enforcement Strategy	
<p>Although fundamental to any inspection, several elements of the SNCF, such as observing tax obligations and consulting notes on previous Official Statements of Offence, are completely neglected during law enforcement investigations by the National Forest Law Enforcement Brigade</p>	<p>That the National Forest Law Enforcement Brigade apply the SNCF in a more rigorous and systematic manner</p> <p>That the General Inspectorate produce a report on the application of the National Forest and Fauna Law Enforcement Strategy by the National Forest Law Enforcement Brigade</p> <p>That a system for monitoring the quality of the work done by this Unit be put in place by the General Inspectorate using quality control files for each law enforcement officer</p>
<p>The number of law enforcement mission preparation meetings is insufficient, and the preparatory work as such is unsatisfactory in the majority of cases</p> <p>In particular, some important documents (management plan, five year plan, etc.) are usually missing when the National Forest Law Enforcement Brigade's missions are being prepared</p>	<p>That the National Forest Law Enforcement Brigade improve its preparations for its missions, in particular by discussing internally their planning prior to the planning meetings with the Independent Monitor</p> <p>That the National Forest Law Enforcement Brigade obtain from the Forest Directorate all documents vital to the effective implementation of its missions</p>
<p>While more law enforcement missions have been carried out than in the previous year and despite the means being allocated, the National Forest Law Enforcement Brigade managed only to cover 35% of the logging permits during 2006, a third less than the minimum standard stipulated in the SNCF</p> <p>The frequency of missions has fallen further since January 2007</p>	<p>That the frequency of the missions be rapidly re-established in line with the aims of the SNCF and to avoid any resurgence in the number of infractions being committed due to a lack of law enforcement missions in the field</p>
<p>A current practice of government officers is to request fuel from the logging companies they are inspecting, despite the fact that MINFOF provides them with an allowance for this. This practice creates a degree of dependency which is incompatible with forest law enforcement</p>	<p>MINFOF should carry out more stringent checks on the allowances provided to field law enforcement officers</p>
<p>A fall has been noted in the number of official reports being produced compared to 2005</p> <p>Infractions noted in the field do not systematically result in the production of an Official Statement of Offence by MINFOF officers. Often the law is applied subjectively despite the SNCF stating that "any infraction duly recorded must be subject to a statutory Official Statement of Offence"</p> <p>Currently identical infractions may or may not be recorded in an Official Statement of Offence, according to how the law enforcement officers consider it at the time</p>	<p>That an Official Statement of Offence be drawn up in all cases where an infraction is identified during a mission, as Cameroon's SNCF requires law enforcement officers to do</p> <p>That the methods, actions and steps taken by the law enforcement officers in pursuit of forest law litigation be standardised</p> <p>That a system for monitoring the quality of the work done by the law enforcement officers be put in place by the General Inspectorate</p>

► CONCLUSIONS

► RECOMMENDATIONS

<p>Questions have arisen regarding certain MINFOF central office officials having possible conflicts of interest in relation to Community Forests</p>	<p>That MINFOF verify the integrity of these officials</p>
<p>Management Plans are fundamental tools that are under-used by both the authorities and logging companies. A certain number of commitments included in these plans escape inspections as they are done in the same way regardless of whether they concern definitive or provisional forest agreements</p>	<p>That the law enforcement services show more interest in Management Plans and include their key elements in their checklist for inspection</p>
<p>Out of court settlements following an infraction</p>	
<p>The reduction in out of court settlement amounts remains excessive at more than 50% and continues to undermine the dissuasive nature of sanctions</p>	<p>That the settlement amounts take better account of the true cost of the losses that occur as a result of infractions and an additional reparation amount be linked to the settlement value to dissuade perpetrators further</p> <p>That MINFOF set a minimum percentage below which a reduction of a settlement amount cannot go</p>
<p>The payment of agreed settlement amounts are not systematic</p>	<p>That restrictive measures such as the suspension of logging activities be taken with a view to ensuring that all settlements are paid within 90 days, as provided under the Law</p>
<p>The current strategy for applying the Forest Law does not have a strong deterrent value, and does not promote self-discipline by all logging companies or individuals</p>	<p>That MINFOF put into practice a more repressive strategy until the National and Provincial Law Enforcement Brigades are fully operational</p>
<p>The pursuit of forest litigation cases</p>	
<p>The frequent changes by MINFOF of its personnel is not accompanied by any form of structured handover. This frequently results in files being mislaid or lost, and a long period of adaptation for new officers to their functions</p>	<p>That thought be given to making changes in the personnel, taking much more account of the officers' expertise</p> <p>That a handover procedure be put in place and supervised by Ministry officials each time staff are rotated or changed</p> <p>That the law enforcement and monitoring work be carried out according to function and not individual. It should not be affected by the rotation of individuals within MINFOF</p>
<p>Logging companies do not respond to summons from law enforcement officers or other formal or judicial procedures. At the same time, logging documentation are handed to them by MINFOF, thus implying that a contact made with the Administration</p>	<p>That these companies be subject to repressive measures</p> <p>That in certain cases the issuing of logging documents be conditional to the observance or abidance of law enforcement measures</p>
<p>Litigation cases continue to be handled in a disparate and incoherent manner</p> <p>One of the reasons for this continues to be the lack of use of SIGICOF and SIGIF</p>	<p>That the SIGICOF system be installed in the Ministry of Justice and MINEFI</p> <p>That SIGICOF's central database located within MINFOF be updated quickly</p> <p>That officers responsible for its management be appointed</p>
<p>The procedure for pursuing litigation is typically subject to delays that are not always justifiable and which undermine the dissuasive power of forest law enforcement</p>	<p>That the performance of the services responsible for pursuing forest litigation cases be investigated and improvements made</p>
<p>Cases that are subject to final notifications at the same time are not forwarded on to the Courts during the same period</p>	<p>That all cases object of final notifications be forwarded to the Courts immediately</p>
<p>Summary reports published by MINFOF that relate to the pursuit of forest related cases are neither exhaustive nor standardised and do not allow any analysis of how the case has progressed over a given period</p>	<p>That all MINFOF communiqués include all stages of the forest litigation</p>
<p>Litigation cases are dealt with in a selective manner</p>	<p>That litigation cases be processed on a systematic basis</p>
<p>The communication channels between MINFOF and the PRSF remain closed</p> <p>Among other things, the monthly meetings planned to pursue litigation which the PRSF is required to attend, have still not taken place</p>	<p>That the monthly litigation meetings supposed to be organised by MINFOF and attended by the PRSF take place</p>

► CONCLUSIONS

Some litigation cases are declared closed outside of the standard legal procedures. In fact, the Law stipulates that once a forest infraction has been legally notified, the resultant litigation procedure may only be annulled or cancelled if a plea for forgery is made, if an out of court settlement is reached or if a court ruling is made. MINFOF has declared certain litigation cases cleared outside of these three legal channels

The Law does not provide for the closure by the Minister of a forest litigation case at the request of the logging company, though it does cover legal challenges and sets out a procedure which is very specific in this regard. Requests to annul a case of litigation are designed to mislead the Ministry

The decreasingly dissuasive nature of forest litigation and sanctions over recent years may be the cause of the resurgence of infractions which had up until now been on the decline

MINFOF's forest litigation publications

The fact that SIGICOF and SIGIF are not working combined with the poor level of collaboration between MINFOF, MINEFI and the Ministry of Justice, partly explain why the publications are typically incomplete and inconsistent

The lists of forest litigation cases produced for publication by MINFOF do not contain all cases, in particular those where settlements were reached prior to publication. This gives the false impression that the companies concerned have not committed any infractions

Some litigation cases have quite simply disappeared without any proof of any penalties or debts being discharged

Monitoring of recommendations made following the detection of forest infractions and irregularities

There is no reliable data available regarding Timber Recovery Permits

No action has been taken to date to monitor the various recommendations arising from the thematic mission on TRPs and 'small permits'

The creation of the Inquiry Commission on the traceability of Community Forests' exploitation documents in the Centre province is a positive step towards implementing the recommendations made following field missions, though 8 months after its creation this Commission has still to hold its first session

► RECOMMENDATIONS

All forest litigation cases should only be cleared through the normal legal channels

That all litigation cases which are omitted or are not cleared through the normal legal channels be reinserted in the following communiqués on forest litigation cases

That all requests to annul forest litigation cases be refused

That all litigation cases that received past requests for their annulment be pursued in conformity with the Law

That all requests to annul a forest litigation case or to challenge a legally notified forestry-related infraction be referred to a judge in accordance with the Law

That MINFOF adopt a strategy of dissuasion, by applying appropriate sanctions to forest infractions, so as to continue the fight it started in 2001 against illegal logging

That improvements be made in the archiving of data on forest related cases by putting SIGICOF in use and by using SIGIF

That monthly meetings be held between all the bodies concerned so as to improve communications

That the forest litigation publications include those cases where settlements were reached or which are fully paid up, to give a greater degree of transparency with regard to forest infractions

That litigation cases which have disappeared be reinserted in the forest litigations communiqués to ensure their pursuit following standard legal procedures

That MINFOF produce a directory of 'Small Permits'

That forest litigation proceedings begin against the individuals or companies identified by the thematic mission as having violated the Law

That the Inquiry Commission on the traceability of community forests' exploitation documents in the Centre province hold its first meeting as a matter of urgency

► CONCLUSIONS

Document fraud remains the most widespread form of illegal practice in the forest sector, all permits taken into account

The practice of under-recording declared volumes on the DF10 field documents could result in the Cameroon State suffering losses of up to several hundreds of millions of CFA francs every year

Abandoning undeclared timber in the forests and processing timber before it is measured could cause enormous tax losses for the Cameroon Government

Holders of exploitation permits use various methods of subterfuge to avoid paying all the forest taxes and fees due to the State

There is large illegal trafficking of community forest transport documents in Cameroon's forest sector, that could result in a massive loss of income for its tax authorities

Some illegal practices such as logging beyond the boundaries of an FMU, which were thought to have disappeared from this sector, seem to be making a come-back

This new upsurge seems in general to be a result of the non-dissuasive nature of the forest infraction sanctions

► RECOMMENDATIONS

That MINFOF take all necessary measures to put a stop to the growing practice of document fraud

That the law enforcement services step up the number of checks done on the DF10 forms.

That appropriate sanctions be given when a company does not fill in the field documents with the logging data on a daily basis, as required by Law

That more law enforcement checks be carried out in the field in order to ensure that timber that is not recorded on the DF10, is not abandoned in the forest

That law enforcement checks for document fraud be increased and involve all relevant services.

That each permit be investigated strategically in order to identify potential anomalies and fraud, and from there that actions the law enforcement brigades should prioritise be defined

That MINFOF carry out an administrative investigation into the service issuing and collecting community forest transport permits

That MINFOF establish a strategy to fight and prevent the illegal trafficking of transport permits

MINFOF needs to take this resurgence into account in the development of a new, more dissuasive strategy for curbing any return of this type of infraction

Independent Monitor Operations

► CONCLUSIONS

► RECOMMENDATIONS

<p>Access to the National Forest Law Enforcement Brigade's mission reports is a tangible step towards transparency</p>	<p>That this access be maintained</p>
<p>The Independent Monitor has not been informed of official notifications of fines levied on certain offenders. There is very limited availability of information on infraction notifications</p>	<p>That the Independent Monitor be informed of the amounts of the notifications and other information on the litigation and that this information be archived using SIGICOF so as to increase the transparency of the procedure for pursuing litigation</p>
<p>MINFOF's response to law enforcement mission requests made by the Independent Monitor following denunciations by local NGOs or communities, is often late, which can demotivate these players as well as discredit the Independent Monitor or MINFOF or both</p>	<p>That the contribution made by the civil society be given greater consideration, be more interactive and that its full potential be used</p>
<p>Dissemination of Information</p>	
<p>Reading Committee meetings are held irregularly and block the publication of the Independent Monitor's reports. Some of the Independent Monitor's reports have been waiting to go before the Reading Committee for more than 8 months, which is a significant setback for the transparency of the forest information publication process</p>	<p>That MINFOF, and more especially the General Inspectorate, ensure that monthly meetings of the Reading Committee take place and that the time taken for the Reading Committee to examine mission reports does not exceed four weeks following their submission</p>
<p>It can be quite some time before the Independent Monitor receives the Minutes of the Reading Committee meetings, preventing it from incorporating the Committee's comments and from publishing its reports</p>	<p>That the Reading Committee speed up the process of forwarding its Minutes to the Independent Monitor</p>
<p>Some mission reports are not examined by the Reading Committee because they do not have the corresponding reports from the National Forest Law Enforcement Brigade, some of which have still to be submitted almost one year after the corresponding field missions have taken place. This new approach which the Reading Committee has adopted effectively blocks the publication of some of the Independent Monitor's reports</p>	<p>That the Reading Committee examine the reports in the order that they are submitted by the Independent Monitor to MINFOF</p> <p>That the Independent Monitor field reports be examined and published regardless of the presence or absence of the National Forest Law Enforcement Brigade's reports</p> <p>That MINFOF check qualitatively the work made by the National Law Enforcement Brigade in order to address the excessive time taken to submit some of their reports</p> <p>That in the event of staff changes, the handover period be improved to ensure the outgoing teams can complete the reports they started and that files are followed through in an adequate manner</p>
<p>Significant delays occur in the issuing of the Ministerial authorisation to publish reports, further delaying the publication of reports by the Independent Monitor</p>	<p>That the National Forest Law Enforcement Brigade do their utmost to ensure that the Minister sign the authorisation granting authorisation to publish as soon as possible</p>
<p>Use of information produced by the Independent Monitor</p>	
<p>The information published by the Independent Monitor is only partly taken into account by the Project Steering Committee</p> <p>In particular, the recommendations could fuel further thought on the political conditions required for successful implementation of recommendations through higher level discussions</p>	<p>That the Steering Committee members take a more active role in the 'Independent Monitoring' project, analysing the recommendations produced as well as supporting development of and implementation of political solutions</p>

ACRONYMS AND DEFINITIONS

CF	Community Forests
CIDA	Canadian International Development Agency
DFID	UK's Department for International Development
DF10	Field documents which include data on volumes of timber exploited by species for valid permits
DGE	Division of Major Enterprises
EDF	European Development Fund
FLEGT	Forest Law Enforcement, Governance and Trade
FMU	Forest Management Unit, usually known as a concession
GCI	Group of Common Initiative
GDP	Gross Domestic Product
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
IM	Independent Monitor
IM-FLEG	Independent Monitoring of Forest Law Enforcement and Governance
MED	Minimum Exploitable Diameter
MINEFI	Ministry of Economy and Finance
MINFOF	Ministry of Forests and Fauna
NGO	Non-Governmental Organisation
PSRF	Forestry Revenue Securement Programme
REM	Resource Extraction Monitoring, Independent Monitor
SDAFF	Forest Taxation and Agreements Sub-Division
SIGICOF	Computerised Forest Infractions and Information Management System
SIGIF	Computerised Forest Information Management System
SMP	Community Forest Simple Management Plans
SNCFF	National Forest and Fauna Law Enforcement Strategy
SSV	Sale of Standing Volume, see definition below
TRP	Timber Recovery Permit

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

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
Quarterly report n°5, March 2006-May 2006
Quarterly report n°6, June 2006-August 2006
Quarterly report n°7, September 2006-November 2006
Quarterly report n°8, December 2006-February 2007

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

52 field mission reports covering over 130 forest exploitation titles have been published since March 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



Photo: Timber processing plant, Alpicam, Kika region, 2 September 06



Resource Extraction Monitoring, UK
69a Lensfield Road, Cambridge CB2 1EN, UK
Tel: +44 (0) 1223 314 589 Fax: +44 (0) 1223 359 048
mail@rem.org.uk
www.rem.org.uk

Resource Extraction Monitoring, Cameroon office
B.P. 11317, Yaoundé, Cameroun
Tel/Fax : +44 (0) 237 22 20 10 92
Ol.Cameroun@rem.org.uk
www.observation-cameroun.info