

OPOSITION PAPER OF THE INDEPENDENT FOREST MONITORING COORDINATION NETWORK IN CAMEROON



Coordination OIE Cameroun

*Strengthen Compliance with
the law through rigorous
sanctions implementation in
the forest sector*



Introduction

The law implementation control is a prerogative of the State through its competent institutions. Following this principle, forest control is an integral part of the Ministry of Forestry and Wildlife's (MINFOF) sovereign missions, which is carried out through its competent organs and decentralized services. The objective of Forest Control is thus to ensure the law enforcement through the verification of the compliance of forestry operations with legal and regulatory requirements as well as the repression of infringements of the law through the implementation of appropriate sanctions. The Cameroon National Forest and Wildlife Control Strategy (NSFWC) adopted in 2005 and the Voluntary Partnership Agreement (VPA) signed in 2010 between the European Union (EU) and Cameroon on forest law Enforcement, Governance and Trade of timber and timber products (FLEGT) recognizes the importance of forest control in improving governance, legality assurance system (LAS) and economic growth.

Cameroon is one of the few countries in the Congo Basin having a NSFWC. It is also the only country in the sub region to produce the Record

of offences as a tool for transparency control and monitoring of litigations in the forest and wildlife sector. The country is also a signatory of the Sub regional Forest Control Strategy adopted by COMIFAC on October 26, 2008.

All these elements are catalysts for forest control effectiveness, which depends not only on the quality of the Control but also on the dissuasive nature of sanctions on one hand and the monitoring of the sanctions on the other hand in order to discourages those who break the law. The Coordination of Independent Forest Monitoring (IFM) which is a network of more than 15 Cameroonian Civil Society Organizations (CSOs) involved in the Independent Monitoring (IM) of forestry activities, acknowledges and congratulates the efforts of MINFOF in the monitoring of law enforcement. However, the IFM Coordination identifies some weaknesses in forest control (I) and recommends they should be addressed for a truly effective forest control (II).



I. Weaknesses noticed

Based on the analysis of the summaries of offences published by MINFOF, the following observations are made on the completeness of the forest control (A) and on the monitoring of forest litigations and related sanctions (B).

A. *With regard to forest control*

The IFM Coordination notes a focus of forest control on logging activities. This results in a lack of information on several dimensions of Control. These include the lack of information on the control tax payment/avoidance in forest activities and the monitoring of the respect of the social obligations of logging companies vis-à-vis communities, whereas this control is also

the duty of the National Control Brigade (NCB) and Regional Control Brigades (RCB), in accordance with the National Forest and Wildlife Control Strategy. This results in the presumptive evidence that the control of the effective payment of taxes and forest fees in Cameroon is not effectively regular and even less efficient (FODER, 2016).

B. *Regarding the monitoring of sanctions and litigations*

Although the Record of offences is a tool for transparency and monitoring of forest and wildlife litigations, the IFM Coordination notes and condemns the irregular publication of the said package. As of January 22, 2019, for example, only the Record of the offences of September 2013 and March 2018 were available on the MINFOF website (<http://www.minfof.cm/index.php/sommier-des-infractions>). Some Records of offences of 2015 and 2016 are available on other sites. In addition, only the March 2018 Record of offences was produced and selectively disseminated to stakeholders in the forestry sector in 2018. As of May 15, 2019, no Record of offences for the year 2019 had been published. This goes against the quarterly publication once observed.

The IFM Coordination also notes with regret the presence of inconsistent information in

and between the Records of offences produced as well as cases of litigation dating back more than 5 years whose treatment is at the stage of the final notification of fine. This affects the litigations monitoring and the credibility of the Records of offences which are supposed to serve as a source of information on forest control in Cameroon. This is also the case with uncompleted transactions or others not executed at all when their legal deadlines are largely exceeded. The IFM Coordination also notes that the low recovery of fines, damages and interests is worsened by the lack of implementation of forced collection mechanisms. This causes a significant loss of revenue for the state and makes the sanctions lose their deterrent effect, thus calling to question the authority of the state.

¹ apvcameroun.cm/doc/SOMMIER-DES%20INFRACTIONS%20Sept-2015.pdf.

II. Recommendations of the IFM Coordination for the strengthening of law enforcement in the forestry sector.

On the basis of the above findings, the IFM Coordination makes the following recommendations to MINFOF:

Ensure the control of all forest legality aspects of, including logging operations, taxes payment, compliance with social obligations and environmental protection standards; Ensure better monitoring of litigations and the implementation of sanctions through:

Assurer un meilleur suivi des infractions et de l'application des sanctions par :

- Greater synergy between the NCB and the RCBs and better coordination between the NCB, other decentralized services of MINFOF and other administrations such as taxation, labor and social security, environment and justice;
- The implementation of procedures for forced recovery like calling to financial guarantee for defaulter operators with debts accrued from unpaid fines arising from offences or transactions.

Strengthen the transparency of forest control through:

- The regular publication of Records of offences and making them available to the public through MINFOF website and other channels allowing wide dissemination;
- The publication of the list of fines and, when applicable, withdrawals of logging or processing permits, for the infringements found and repressed, as well as the list of settled litigations



Strengthen the effectiveness of forest control through:

- Supplying control organs at the central and decentralized services with suitable equipment for regular and efficient controls;
- Collaboration with the Ministry of Justice, particularly the territorially competent Attorneys General of the Courts of First Instance for a better prosecution of infringements in the forestry sector and to enforce final judgments.



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