



Collecting Evidence of FLEGT-VPA Impacts for Improved FLEGT Communication

Desk Review-Cameroon

Note: A preliminary version of this desk review version has been sent mid-April 2019 to FAO/EFI technical committee. Content has been revised in June 2019 with the integration of comments received and suggested further readings. This desk review is a living document which can be regularly updated with new references and information.



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Introduction

We structured the desk review around the following four selected thematic areas: (1) sustainable forest management and forest conditions; (2) relation and development of the formal and informal forest sector; (3) jobs and employment; and (4) governance, law enforcement and compliance. The first three themes were pre-selected during discussions with FLEGT FAO-EFI, and the last theme was selected after having received the highest level of interest from sector experts during the “Thematic Area Survey” (conducted through SurveyMonkey between February 17th and March 1st). This survey also informed the creation of sub-themes within each theme.

The online survey was also an opportunity to receive further recommended reading **related to the VPA process in Cameroon**, which, along with those received from FLEGT FAO-EFI and found through research, were read and then analyzed using **NVivo** software. This software enables the extraction of the most relevant information (related to VPA impact within the 4 themes and sub-themes) from each document so as to group it per theme or sub-theme. We then used this extracted information to write the main findings for this desk report.

This desk review was used to understand the local context and situation within the four thematic areas at the time of VPA signature/ratification and today (when available). It was also used to design a questionnaire to be implemented within a group of forest sector experts in Cameroon having institutional knowledge of the VPA process.

The **bibliography** is provided at the end of this document.

Cameroon’s **VPA was signed on the 6th of October 2010 and ratified in 2011.**

THEME 1: (Sustainable) forest management and forest conditions

1.1 Traceability

The VPA provides for the establishment of a timber traceability system, which is the cornerstone of the **TLAS (Timber Legality Assurance System)**. Most information about this topic was found in the EFI annual and mid-term reports and is related to the implementation process of the traceability system. Other documents such as the EU FLEGT Evaluation Annexes (2016); European Community Forest Platform comments on VPA (2008); Étude bilan du processus APV/FLEGT (2014); and FODER's Note de commentaires (2017), provided us with information related to some challenges faced by the traceability system.

1.1.1 Implementation of the traceability system

According to EFI (2018), **the traceability system (SIGIF) seems to have reached a deadlock and is still not operational. The lack of significant progress in the process of developing a timber traceability system is considered one of the major issues in FLEGT VPA (TEREA, 2016) and it is cited as an indicator of the ineffectiveness of the FLEGT Action Plan (FODER, 2017).**

In 2010-2012 there was a project to develop a traceability system carried out by the SGS-Helveta Ltd consortium financed by the EU and Cameroon through the European Development Fund. The execution of the project ran into difficulties and the traceability system was not operational when the **project came to an end in 2012**. Both signatories to the VPA assessed the experience and knowledge gained during the project, considered the **lessons learnt, and identified the stages necessary to improve the SIGIF (Système Informatique de Gestion des Informations Forestières)** to ensure that the system integrates both traceability and legality verification (EFI, 2012: 3-4). Following the unsatisfactory results, an improved software project, **SIGIF II**, was developed in 2015 by the Consortium IAS-BUREDIP. However, although significant progress has been made, the development of the new application proved to be more difficult than expected, primarily due to licensing costs (EFI, 2015). **In 2016, SIGIF was still under development (TEREA, 2016) and lagging behind.** The finalization of the development of SIGIF II, which started in 2015, and on which depends the mobilization of technical assistance for its deployment, was expected in 2017 (EFI, 2016).

1.1.2 Enabling implementation factors

In the EU FLEGT Evaluation (2016), it is argued that “independent NGO observation has developed into a strong and indispensable tool for verifying legality and identifying irregularities and is being carried out more and more by representatives of civil society and local communities in the field.”

Indeed, several projects were put in place in order to enable the implementation of the traceability system, such as the Community Verification System of timber legality from Community Forests in Cameroon (SVCL) developed in 2016 (SAILD, 2018; EU-Cameroon, 2016) or the GFBC's (Groupement de la Filière Bois du Cameroun) pilot project on forest traceability with mobile technologies (ATIBT, 2018).

This could be a factor contributing to effective implementation of the traceability system and will be explored in the questionnaire to understand whether it is still the case in 2019.

1.1.3 Inhibiting implementation factors

The implementation of the LAS was delayed due to the development of the SIGIF II software application, which could only be ready by the end of 2016. In 2015, several steps were yet to be completed before the issuance of the first FLEGT licences:

- The application had to be tested.
- The users from MINFOF (the Ministry of Forests and Wildlife) and forestry companies had yet to be trained.
- The system had not been deployed nationwide (*ibid.*).

ECFP comments on VPA (2008):

- The traceability system must take into account the requirements of sustainable management.
- Access to all information must be available for all actors.
- The rights of loggers to land and resources coexist with those of other actors, it is imperative that these actors ensure, from the data of SIGIF, how these rights are respected.
- The consequences of the blocking of SIGIF II must be clearly identified and specified.
- The different blocking factors of SIGIF II must be discussed in a collegiate way by all stakeholders; e.g.: - unauthorized species; - cup out of limits; - cut under diameter; - exceeding volumes; - and unrealistic volumes.
- The security of the software (SIGIF II) in terms of location and access rights remains a major concern for civil society.

Étude bilan APV Flegt (2014):

- Three kinds of technical difficulties:
 - The failure of the development and implementation of reliable and adapted national traceability systems.
 - The inadequacies and limitations of tests of legality grids.
 - The absence of compilation systems, centralization and archiving of data and information.
- Traceability of transboundary timber: Cameroon and Congo do not have functional national traceability systems that are compatible with that of the Central African Republic. This poses a problem for the traceability of transboundary timber (especially those bound for the Port of Douala through which timber from North Congo and the Central African Republic is often exported).

EU FLEGT Evaluation Annexes (2016): The Wood Traceability System in Cameroon is too complex and does not take into account the reality on the ground (the capacity of SMEs, existence of internal systems of forest companies, and others).

EFI annual reports (2017 & 2018):

- Licensing costs: Concern about the sustainability of financing the annual costs of the Oracle licenses, and about MINFOF's capacity to ensure payment of these recurrent costs, which cannot be supported by donors over the long term.
- Remaining bugs: In 2017, bugs in the SIGIF were identified but not yet resolved (EFI 2017).
- Fund-dependent process:
 - The EU suspended support to the Cameroon forest sector in early 2017, pending evolution of the SIGIF2 software (EFI 2017).
 - The EU noted that the absence of a functional IT system is jeopardizing the use of funds allocated for the roll-out of the system. Such funds can only be used once there is a system with minimum functionalities to be rolled-out and tested (EFI 2018).
 - The service provider, IAS-Buredip, has done little work in 2018 to fix the remaining problems and finalize the IT system. The service provider claims that fixing problems is an additional requirement and that new funds should be made available to continue the work. The MINFOF

blocked further payments to the service provider in attendance of in-depth tests of the system (*ibid.*).

FODER, Note de commentaire (2017):

- The “inoperative” nature of some verifiers of the legality grids: a revision of the grids of legality is needed but it is important not to reduce the standards of the legality grids or to “empty them of their quintessence”.
- “It is also necessary to establish and promote links between FLEGT Certificates of Legality and the implementation of the EUTR as envisaged with private certification schemes. This could encourage the fight against illegality in the forestry sector and the establishment of wood traceability systems.”

1.1.4 Environmental impacts

No information

1.1.5 Economic impacts

No information

1.2 Forest conversion and deforestation

Most information was found in the Fern VPA Updates and was related to the issue of forest conversion. Little or no data was found about deforestation rates, forest restoration, conversion rates, and environmental and economic impacts of deforestation/conversion (biodiversity changes).

1.2.1 Deforestation

Covering 20 million hectares, dense forest is estimated to represent 40% of Cameroon’s total land cover. The densest and most expansive continuous rainforest zones are located in the sparsely populated lowland east and south regions, where the majority of timber exploitation takes place (Carodenuto & Cerutti, 2014).

The main causes of deforestation in Cameroon are conversion to agriculture, fuel-wood harvesting, mining and infrastructure development. Unsustainable and illegal logging has been identified as one of the main drivers of forest degradation (Hoare, 2015).

There are, however, **divergent opinions about illegal logging rates.** On the one hand, Carodenuto and Cerutti (2014) suggest that the perceived rates of illegal logging have fallen considerably in the past decade due in part to the international response to illegal logging. Civil society has estimated that the contribution of independent observation has reduced illegal logging by 37% in the permanent forest domain (DFP), by 8% in non-certified timber titles (UFA), 16% in cut timber sales (VC), 21% in communal forests, 10% in community forests, 5% in salvage licenses (ARB) and 3% in harvest timber removal licenses (EFI, 2017).

On the other hand, **NGOs and monitoring initiatives such as Global Forest Watch claim that illegal logging is not only not decreasing, but increasing rapidly:** “The overall picture is darker than ever: forests are increasingly being converted for agricultural use, mining activities or infrastructure projects. Illegal logging is on the rise and impunity is rife” (Fern, Nov. 2017).

1.2.2 Conversion

The **biggest issue related to forest conversion in Cameroon seems to be the agro-industrial plantations.** In 2018, no dialogue had taken place about the problem of forest conversion for agricultural use, an **increasingly urgent and sensitive issue still not resolved** (FERN, June 2018). Also, there was an issue raised around the legality of timber harvested in a conflict zone in the Southwest (FW 235) (*ibid.*).

In 2013, concerns started to emerge around the fact that the forest reform instigated by the VPA could open the door to forests being converted into large scale plantations and destructive exploitation such

as mining or big infrastructure. For example, Cameroon was said to be prioritizing the agro-industry at the expense of sustainable forest management (Fern, 2013). Specific examples confirm this trend, such as the controversial case of forest land being converted to oil palm by the Herakles Farms palm oil project.

The VPA foresees the reform of the forest code, but after the criticism about the lack of civil society, community and indigenous peoples' participation, the reform process has stalled (FERN, Nov. 2013). **In 2014, local communities, and national and international NGOs continued to express serious concerns about forest destruction caused by a palm oil plantation** established in Cameroon by the US company Herakles Farms. **Illegal conversion timber seriously undermines the Cameroon VPA**, and the Herakles Farms case in particular is impacting VPA implementation (FERN, June 2014).

In 2015, the report of the Cameroon FLEGT Independent Auditor entered the public domain but only through a leak to the media. The report highlighted **numerous problems with the documentation associated with concession titles**, concluding that not a single title could be considered legal according to the VPA legality grid (FERN, Dec. 2015).

In 2016, the conversion of forests into an agro-industrial plantation continued to increase. It is sometimes associated with unethical practices and a corruption phenomenon, undermining existing management plans and the very existence of the forest industry sector. Wood flows from wood recoveries are increasing and comparable to those from the Permanent Forest Estate. The ability of the VPA to respond to this new issue is being tested, and the very credibility of the FLEGT approach as an instrument for sustainable forest management is at stake (TEREA 2016).

Civil society has identified a gap between the allocation of sales of cuts in the areas of development projects by the MINFOF and the legality grid on timber recovery licenses. Following this, the CCS (Joint Implementation Monitoring Committee of the VPA) set up a multi-stakeholder working group in April 2014 whose mandate was to analyze published reports on "the issue of recovery wood from development projects in the context of the VPA" and the proposal of the response elements (TEREA, 2016).

The implementation of the VPA in Cameroon requires strong adaptation and flexibility in terms of the revision of the legislation in order to define the rules for the allocation of areas to be transformed into agricultural plantations (TEREA, 2016).

Note that the FLEGT-VPA seems to have offered a gateway to work on conversion for civil society which seems to have played an active role as a watchdog:

- Reports about the controversial Herakles Farms palm oil project claimed that it violated national and international law and did not conform with the VPA (FERN, Nov. 2013).
- NGOs have requested that the European Commission discusses the problem of illegal timber conversion (FERN, Nov. 2013).
- Identification of a discrepancy between the allocation of cut timber sales ("ventes de coupes") in the areas of development projects by the MINFOF and the legality grid (TEREA 2016).
- Following this, the JIMC (Joint Implementation Monitoring Committee of the VPA) set up a multi-stakeholder working group in 2014 whose mandate was to analyze published reports on "the issue of recovery wood ("bois de récupération") from development projects in the context of the VPA" and to propose response elements (TEREA, 2016).

1.2.3 Environmental impacts

Forest degradation negatively impacts biodiversity and forest communities' livelihoods (AFDB, 2017). Nevertheless, even though the ecological impacts of chainsaw milling are often emphasized, Lescuyer, Cerutti and Tsange (2016) explain that operating sites are in fact often situated within two kilometers of roads or rivers, almost always in the Non-Permanent Forest Domain (NPF), and in 65% of cases in degraded sites, like secondary forests, cocoa plantations, fallows and fields. Moreover, individual

sawyers focus on a few commercial timber species and look especially for large diameter trees that maximize productivity of sawing. This selective harvesting does not seem to generate significant degradation of the forest ecosystem. However, the negative environmental impacts of informal logging are likely to amplify in the future, namely due to the absence of reforestation by local people, which may trigger a slow but constant decline in species' availability.

1.2.4 Economic impacts

Illegal logging implies high social costs due to losses in tax revenues (AFDB, 2017).

1.3 Certification and permits

The information gathered on the topic of certification and permits is essentially based on the EFI annual and mid-term reports (2014-2018); the EU FLEGT Evaluation (2016); and three academic papers – Carodenuto and Cerutti (2014), Atyi *et al.* (2013) and Hoare (2015). Information related to VPA implementation comes essentially from the EFI annual and mid-term reports. Note that even though the first two academic papers rely on outdated sources (data collected between 2009–2012), they remain very helpful to understand the challenges faced by the creation and implementation of a certification system as well as the situation before the VPA.

In Cameroon, **most forest resources are the State's legal property**. Before 1994, logging of commercial timber was based on a licensing system, in which **logging licenses were granted to commercial logging companies**. In the 1990s, **forestry policies were adopted to stimulate the participation of rural communities in forest management and enable local people to formally access local forest resources for their own needs**. This approach was then phased out and replaced with several logging titles and authorizations to harvest, each one with different attribution and management mechanisms (Atyi *et al.*, 2013).

It is argued that **Cameroon committed to sustainable forest management long before the signing of the VPA** (TEREA, 2016) and that considerable progress had already been made towards SFM in Cameroon's forest concessions (Atyi *et al.*, 2013). For example, the number of concessions with approved management plans increased from zero in 2003 to 65, covering 4.2 million ha in 2008; the number of logging companies that have voluntarily applied for FSC (Forest Stewardship Council) forest certification or legality verification increased from zero in 2004 to more than 700,000 ha in 2011; and in the 2000s, there had reportedly been a sharp fall in the number of registered forest offences in large-scale logging concessions (*ibid.*).

According to Hoare (2015), the area of forests with voluntary legality verification and certification has increased in Cameroon and serves as a useful indicator of attitudes towards illegal logging and the sustainable management of forests. In 2012, the proportion of forest concessions verified legal or certified sustainable accounted for about half of total production forest, compared with less than one-fifth in 2006. The largest area, 45% of the total, was verified against verified legal origin (VLO) standards, which is the lowest existing standard, whereas the area with sustainability certification accounted for only 20% of the total. According to the author, these figures justify concerns that EUTR, US Lacey Act and VPA, would lead businesses to choose legality verification over certification, since the latter is both more difficult and more expensive to comply with.

1.3.1 Types of certification (voluntary or compulsory) and criteria to get certification

The timber sector in Cameroon operates at the national level both in the **Permanent Forest Domain (PFD)** and the **Non-Permanent Forest Domain (NPF)**. The PFD is composed of forest management units (FMU), council forests, protected areas and forest reserves.¹ FMUs are the property of the state and

¹http://www.fao.org/fileadmin/user_upload/FLEGT/docs/State_timber_sector_2015_CIFOR_MINFOF_FAOFLEGT.pdf

represent 46% of the PFD. Once an FMU has been granted to a logging company, a non-renewable temporary contract for a maximum duration of three years is signed between the Minister of Forests and the company. During these three years, the company needs to satisfy several requirements. Once they are completed and verified, the company becomes eligible for a permanent contract for the FMU concerned. The permanent contract lasts for 15 years and is renewable once (Cerutti *et al.*, 2016). On the other hand, the DFNP includes community forests, sales of standing volume (*ventes de coupe* - SSV) and several other types of timber exploitation authorizations, e.g. timber recovery permits (TRP), timber removal authorizations and lumber permits (PEBO).²

The volumes of timber sold in the country for export and supply of the domestic market come from only four types of titles (FAO, 2017):

- FMUs: 200 000 ha max., 15 years renewable
- Communal forests: undetermined, undetermined
- Sales of standing volume: information not found
- Community forests: 5000 ha max., undetermined (AFDB, 2017)

The VPA only provides a definition of legality grids for these four types of title (FAO, 2017). The forestry policy states that the right to log timber can legally be given to either commercial firms or (groups of) private people. The three main certification bodies active in Central Africa were: Bureau veritas, SGS and Smartwood (Atyi *et al.*, 2013).

The **certificate of legality** is a compulsory requirement for forest operators in Cameroon. It is a document issued by the MINFOF attesting that the operator has conducted its activities in accordance with the law (EU FLEGT FACILITY, 2017). The delivery of certificates of compliance by the Ministries of Labour and Environment is required to obtain a certificate of legality by the operators.

In order to avoid duplication of effort, **certificates of legality can be issued to operators holding private certificates** attesting to sustainable forest management or legal compliance certified by a recognized private certification scheme without any additional verification (EU FLEGT FACILITY, 2017). Private certification is voluntary.

Legality certificates

2013: Delivery of the first certificates of compliance by the Ministries of Labour and Environment (EFI, 2014).

2015: Eleven Legality Certificates pending approval. The MINFOF expected to issue these legality certificates in late 2015 or early 2016 (EFI, 2015).

2016:

- **No legality certificates delivered. All the timber cut in Cameroon and sold on the international market should be considered illegal if one applies the Legality Assurance System (LAS) as defined in the VPA** (TEREA, 2016).
- The verification of the legality of forest titles is still facing challenges highlighted by the 2014 report of the independent auditor (EFI, 2016).

2017:

- **The MINFOF delivered the first certificates of legality.** 15 certificates of legality awarded to 13 operators for their wood processing units.
- Difficulties in locating certain verifiers meant that at the time of writing the EFI annual report it was not possible to award legality certificates to forest operators.
- Increased capacity of MINFOF to deliver legality certificates and to verify forest inventories (EFI, 2017).

²http://www.fao.org/fileadmin/user_upload/FLEGT/docs/State_timber_sector_2015_CIFOR_MINFOF_FAOFLEGT.pdf

2018:

- MINFOF had not awarded any legality certificate in the first six months of 2018.
- Legality verification: Further actions pending advances on the SIGIF2 and/or new roadmap agreed between the Parties (EFI, 2018).

Recognition of private certificates:

2014: Private certificates are currently applying for recognition (EFI, 2014).

2015:

- Approval of BUREAU VERITAS as an accredited certification body in Cameroon within the framework of the implementation of the VPA.
- Approval of private certificates of FSC and OLB, but Chain of Custody rejected.
- Approval of private certificates of legality and/or sustainable forest management used by BUREAU VERITAS (Forest Stewardship Council, FSC, and Origine Legale du Bois, OLB) (EFI, 2015).

In 2017, 940,945 ha were FSC certified (AFDB, 2017).

1.3.2 Verification criteria fulfilment after obtaining certificates

The legality verification seems not to be fully operational (difficulties in locating certain verifiers) (EFI, 2017). Further actions pending advances on the SIGIF2 (EFI, 2018). The verification criteria are said to be too subjective, which can lead to unfair decisions for some operators or even corruption (AFDB, 2017).

1.3.3 Enabling implementation factors

Capacity building as an enabling factor. E.g. creation of manuals of procedures for issuing certificates of compliance with labour and environmental requirements (EFI, 2016); increased capacity of the different actors to follow up forest related issues (EFI, 2016); and publication of the 'Notice du vérificateur pour la délivrance du certificat de légalité' (EFI, 2017).

1.3.4 Inhibiting implementation factors

The lack of progress related to the verification process seems to be due to the SIGIF being blocked.

Atyi *et al.*, 2013

- Prohibitive management costs of various types of forest titles.
- Community forests: challenge to keep them in business because weak financial capacities and poverty level of local communities.
- Large number and wide variety of timber harvesting title types: major challenge for enforcing the forest law and for monitoring forest operations.
- Of the nine existing types of legal timber harvesting titles, only the forest concessions, the community forests and the council forests are considered as suitable for *sustainable* timber production.

Carodenuto and Cerutti, 2014

- Inequitable distribution of timber harvesting titles between international and domestic companies.
- VPA implementation could undermine the advancement of voluntary certification schemes, such as the one promoted by the FSC, in the Congo Basin.

Cerutti *et al.*, 2016

- The normal sequence of events suggested in the legislation is: 1) the gazetting of an FMU; 2) attribution to a logging company; and 3) the start of harvesting operations. However, while the

process of gazetting should include consultations with the local populations about the planned FMU boundaries, the MINFOF in fact allows gazetting and attribution to be run as parallel processes, which means logging companies are granted FMUs or even start operations without negotiations or compensation with communities.

- Too many short-term unsustainable permits are granted (e.g. SSV, TRP), which may send a signal to logging companies that they may divest from long-term commitments, such as FMUs and SFM, and move towards short-term, unsustainable ones.
- Uncertainties and contradictions in the timber sector have negative impacts on the private sector's engagement with the international timber market. Incentives are needed to encourage companies to engage in SFM.

TEREA (EU FLEGT Evaluation), 2016

- The issuance of certificates of legality could be considered a major element enabling exporters to respond to the EUTR, which could then slow down the process of issuing FLEGT licenses.
- Archiving problems: MINFOF has not been able to archive documents, and no company is able to provide all the required documentation.
- Implementation delays of the EUTR have discouraged the private sector which was committed to legality and is not expecting much from FLEGT anymore.
- The certified companies expected from the FLEGT process widespread legalization of the sector that would have facilitated their supply, but they do not feel that things have evolved, and they still cannot source from local operators at the risk of losing their certification (uncontrolled wood). This reduces the opportunities for these companies who then move to less demanding markets.
- Some private companies tend to wait for FLEGT licenses to be put in place before renewing the FSC certification.
- The certification process has lost its impetus.
- Doubts about the real (political) willingness to regulate the forestry sector.
- Community forests reportedly struggle to meet the conditions of the legality grids (confirming the concerns explained in Atyi *et al.*, 2013).

Fern, 2015

- Transparency: Crucial information on the allocation of concessions, in particular on small permits and financial revenues is not yet published.

FODER, 2017

- The "inoperative" character of some verifiers of the legality grids.³
- Links between FLEGT Certificates of Legality and the implementation of the EUTR should be promoted as envisaged with private certification schemes in order to encourage the fight against illegality in the forestry sector and the establishment of wood traceability systems.

EFI

- Some weaknesses remain in the process of delivering legality certificates⁴ (EFI, 2018).
- Private certificates: It was expected that after their recognition, companies with private certificates would apply for certificates of legality. However, it was then highlighted that

³ It is argued however in EFI (2017) that a project with WCS (financed by FAO-EU FLEGT Programme) enabled the legality grids to be operationalized in 2017.

⁴ Closure of the FAO-EU FLEGT funded project to improve supported the development of an application to facilitate the delivery of certificates while waiting for SIGIF2. The final version of this software does not allow the printing of the checklist of verifiers for archiving and auditing. This means that today only a physical verification will allow assessing the state of play.

obtaining a private certificate does not guarantee the issuance of a certificate of legality (EFI 2016).

1.3.5 Environmental impacts

Doubts about the impact of FLEGT VPA on sustainable management: There is no indication that the FLEGT VPA processes have contributed to strengthening the sustainable management framework that was developed long before the FLEGT process started (TEREA, 2016).

1.3.6 Economic impacts of certification

Timber companies engaged in certification have improved the efficiency of their field operations and have established internal auditing systems that monitor the whole production process. This **improvement is partly attributed to public procurement policies in some EU member countries** (Atyi *et al.*, 2013). Other advantages of forest certification for companies in the private sector include access to markets and improved brand image (AFBD, 2017).

However, prohibitive management costs for some types of forest titles add concerns about the impact on local communities' livelihood (Atyi *et al.*, 2013).

1.4 Social conflicts and forest communities' livelihoods

From the reviewed documents, 16 documents concern the subsection "Social conflicts and forest communities' livelihoods". There are several concerns expressed: inexistence of incentives structures; an ineffective land use rights allocation scheme; benefit sharing mechanisms and community safeguards, as well as lack of transparency. The inclusion of indigenous people also remains weak and there is a debate whether the VPA implementation can or cannot contribute to the reduction of poverty.

Overall, the support and benefits to forest communities remain weak and severely constrained. There is consensus on the need to address these issues with effective and inclusive dialogue and new reforms.

1.4.1 Livelihood conditions of forest communities

There is overall agreement that the forest sector contributes to the livelihood of many of the country's most disadvantaged demographic groups and hence that procurement policies can have an adverse impact on the livelihoods of certain population groups such as small-scale loggers which tend to operate in informal markets (Atyi *et al.*, 2013). Indeed, **the VPA could lead to the exclusion of smallholders from the legal forest sector on the pretext that they do not respect the law**. By failing to promote legal timber production, **the VPA could trigger increased illegal logging** (Larrubia *et al.*, 2013).

As the implementation of the VPA raises several concerns about adverse effects on the local peoples' livelihoods and communities' safeguards, the recognition of safeguards is often mentioned as an important mechanism to prevent such effects. Yet safeguard mechanisms are based on outdated national laws that do not recognize customary rights and limit the active engagement of forest-dependent communities (Tegegne *et al.*, 2016).

The literature presents several hypotheses on the objective of reducing poverty (Carodenuto and Cerutti, 2014):

Increase in **tax collection** due to VPA implementation will raise the amount of money redistributed among rural communities. This view is criticized: the increase in tax collection will not necessarily lead to more redistribution. 2 arguments:

1. Tax collection is already effective: "the implementation of the VPA could only marginally impact the amount collected".
2. Existent redistribution mechanism has not been effective in reducing poverty: more linked with bad governance; "difficult to argue that VPA implementation would have positive

impacts on poverty as a result of more forest area taxes being redistributed through this forest benefits-sharing mechanism.” (*ibid.*; Cerutti *et al.*, 2016).

Data: contribution of the forest sector to tax revenues improved since verification of legality began; 2007: the government transferred approximately 50% of the area-based forest tax collected that year (6.7 billion CFA) to local councils of Cameroon's forested regions (Cerutti *et al.*, 2010). These resources were to be used directly for local development and poverty alleviation. Once all the currently identified production forests are allocated, the amount of area-based tax revenues transferred to local councils will amount to 7 billion CFA, although there is a need for recent data (Atyi *et al.*, 2013).

- 2016 VPA update: FODER's campaigning brought back benefit sharing provisions – communes are now granted 27% of the original RFA. Still, communities have limited control over how the funds are used.
- EFI 2017: NGOs succeeded to earmark 6.75% of the AFR to communities into the 2017 Finance Law (after 10% rights having disappeared in 2015); CSO campaigns to reintroduce a minimum of 10% of the RFA continue.

There is an argument that **FSC certification** performs better than VPA since its initiatives go beyond legal requirements (although non-FSC certified companies highlight the positive impacts that the implementation of the VPA will have on poverty through the redistribution mechanism of the forest area fee).

Some link the **full implementation of the log export ban** with the reduction of poverty by arguing that the ban could contribute to the more equitable distribution of forest resources between national and international companies which would foster development (long-term perspective).

The **lack of transparency is however mentioned as a constraint when it comes to communities' capacity to claim revenues they are due**. 73% of the information that ought to be made public is available (FERN, June 2018). “Lack of information can exacerbate the unsustainable use of forest resources and fuel conflicts between logging companies and communities” (FERN, 2015).

1.4.2 Land use rights allocation

Participation in the decision-making processes is often mentioned as essential in order to address the issue of land use rights allocation. Tenure rights also have a great impact on affecting the ability and motivation (incentive structures) of indigenous peoples and local communities to manage natural resources sustainably.

It is important not only to provide access and use rights but also to address ownership rights, but such recognition is not included in the Cameroon VPA (conformity with existing national legislation, which at the time did not provide for ownership rights) which weakens the capacity of non-state actors to advocate for and have full ownership in the VPA text.

There is also reference to the conflict between customary and formal law: “laws take precedence over customary right” (Tegegne *et al.*, 2016).

1.4.3 Balanced distribution of benefits for forest communities

The inequitable distribution of the country's forest resources is often highlighted in the literature (Carodenuto and Cerutti, 2014). There are also opposing views on whether the increase in tax collection could contribute to more redistribution among poorer populations (see *Livelihood conditions of forest communities* below) and how this would impact the effectiveness of the FLEGT.

The Cameroonian VPA refers to benefit-sharing mechanisms as a part of social obligations; however, the support on **the development of a benefit-sharing mechanism under the VPA is quite weak and is**

not further elaborated. Also, the VPA is primarily targeting the vertical distribution of benefits⁵ which could reinforce the effectiveness, efficiency and equity problems inherent to the previous scheme (Annual Forest Royalties) which also suffered from high transaction costs. This could reinforce the injustices inherited in the AFR and existing legal systems and lead indigenous peoples and local communities to have no motivation to actively engage in the processes (Tegegne *et al.*, 2016).

The inclusion and participation of all relevant stakeholders is also often mentioned in the literature regarding forest communities' livelihoods, namely, the importance of the **inclusion of indigenous people and local communities** which is considered as essential for achieving effective and sustainable VPA implementation (Tegegne *et al.*, 2016).

Critics:

- "Even though the VPA text states that Indigenous Peoples and communities will be regularly consulted on the implementation process, it fails to specify the roles and powers of Indigenous Peoples and communities in decision making and the implementation process."
- "Elites in Cameroon have a strong interest in maintaining an incoherent and uncoordinated status quo," any changes and reforms will not secure the rights of Indigenous Peoples and local communities without addressing how the system favours favors the vested interests (Tegegne *et al.*, 2017).

EFI 2014: "Communities did not have direct representation in the VPA"

EFI 2016: "Effective representation indigenous peoples remain a concern"

EFI mid-2018: "Effective representation indigenous peoples in VPA structures remains a concern."

Monitoring at the community level

The literature mentions the importance of monitoring the impacts at the community level although these remain unknown (TEREA, 2016).

⁵ Vertical distribution: benefits shared between national and local stakeholders; Horizontal distribution: benefits shared between and within a community.

THEME 2: Relation and development of the formal and informal forest sector

2.1 Impact on small producers

As one of the main stated objectives of the VPA is to create and strengthen economic opportunities for local communities and enterprises, the question whether it benefits small national producers is fundamental.

In order to assess the impact of VPA implementation on small producers, we mostly rely on three relatively outdated documents examining the potential theoretical impacts and expectations of the VPA on small producers. The Forest Trend report was published in 2008 and the academic papers published in 2013 and 2014 used data collected in 2009-2010 and 2011-2012 respectively. It is thus **essential to ask questions related to potential effects of VPA in order to measure its actual impact on small operators and to know whether their expectations have been reached or not**. It would also be interesting to obtain more recent data relative to the share of the formal/informal forest sector.

2.1.1 Proportion of formal and informal small producers/enabling or inhibiting factors to become formal

The private forestry sector in Cameroon includes diverse types of timber companies ranging from small chainsaw loggers to large industrial timber producers. These companies, either nationally or internationally owned, and either serving the domestic or the export market, will be directly and probably diversely affected by the VPA implementation. According to Lescuyer, Cerutti and Tsanga (2016), small-scale enterprises have become common in Cameroon over the last 15 years. They are either managed by **forest communities or by individual chainsaw millers, which are almost always informal** (Lescuyer, Cerutti and Tsanga, 2016; FAO, 2017). Most small-scale timber producers operate on the domestic market and are informal and function outside the law (Carodenuto and Cerutti, 2014).

In Cameroon, it is estimated that the amount of timber traded on the domestic market roughly equals in volume exported and that the production of the informal sector approximately equals that of the industrial sector's annual production volume (Carodenuto and Cerutti, 2014). This is consistent with Hoare's (2015) estimates based on data collected in 2013 that half of all timber production originates from the informal artisanal sector, which is mainly supplying the domestic market. In other words, the annual official production is estimated at 2 million m³, while informal chainsaw milling is thought to produce a similar volume of timber. She claims that progress in tackling the issue of illegal logging has stalled since 2010. There has been no improvement in informal artisanal production for the domestic market as production continues on a massive scale. On the export market, illegal logging has been reduced partly due to better law enforcement and the introduction of independent monitoring in the timber sector but remains an issue due to illegal allocation of small permits and sales of standing volume permits (Hoare, 2015).⁶

While the formal sector employs 13,000 workers, **informal timber production provides jobs for more than 150,000 people and contributes significantly to Cameroon's informal economy, directly impacting the livelihood of many of the country's most disadvantaged inhabitants** (Carodenuto and Cerutti, 2014). According to Larrubia *et al.* (2013), small producers keep their operations illegal and informal because of the **complex procedures and the substantial costs associated with formalization and law compliance**.

⁶ Levels of illegal production and trade are estimated based on three indicators, namely expert perceptions survey, wood-balance analysis and analysis of trade date discrepancies.

The authors claim that without modification of the most stringent regulations, the VPA could lead to the exclusion of smallholders from the forest sector. The perverse effect would be that, failing to promote legal timber production, the VPA would only trigger the intensification of illegal production, the main beneficiaries of which are very rarely local populations (Larrubia *et al.*, 2013).

2.1.2 Business environment

One potential major improvement of a VPA on the SME business environment is that the fiscal and institutional reforms may reduce administrative corruption. In Cameroon, bribes/“informal taxes” levied by corrupt law enforcement officials are estimated to represent 30 – 50% of total expenses for the sellers (Forest Trends, 2008). Moreover, according to the small producers interviewed by Carodenuto and Cerutti (2014), **the VPA implementation will lead to a better organization of the domestic timber market, strengthen local-level actor networks and their political power, and engender a more equitable distribution of forest resources and timber harvesting titles.**

2.1.3 Exportation opportunities

Cameroon is one of the main African exporters to Europe and Asia (AFDB, 2017). In theory, the VPA could increase exportation opportunities for small producers: **if legality assurance systems are applied to the whole timber production of the country, importers will see the country’s timber production as always legal, which should improve exports to many markets** (Forest Trends, 2008). This overall improvement in exports would lead to an increase in sales and boost the growth of the forest sector in Cameroon, encouraging SMEs to invest in their own labor and capital, and attracting foreign investments. The nationally owned, domestic market serving companies interviewed by Carodenuto and Cerutti (2014) indeed expect that VPA implementation will facilitate their access to the European timber market.

Yet, many small producers lack the skills or/and access to information in order to understand the agenda of FLEGT, how to engage in the required legality assurance systems, and how fast the international market is changing. Moreover, even if the hope to access the international markets for timber products seems legitimate, the current forest policy states that domestic operators using small-scale logging permits are prohibited to export their production (Carodenuto and Cerutti, 2014).

In order to better understand the characteristics of the EU market requirements, the **NEPCon project (2014)** has been working with SMEs to increase their understanding of VPA commitments. As part of the project, a group of SME representatives travelled to Brussels in 2014 (EFI, 2015). Moreover, within the VPA framework, several tools (internet website, magazines, radio programs) have been used in order to improve communication strategy and public access to information (EFI, 2016). **Yet, the challenge to make information accessible for population in the field and local communities is still important and a lot of information on the website is missing or not updated** (EFI, 2018).

2.1.4 Market competition

According to Forest Trends (2008), **as legal companies currently face higher costs than illegal firms in order to comply with the law, the implementation of the VPA will reduce unfair competition and market distortions.** Curbing illegal logging through the implementation of the legality assurance system will increase prices and level the playing field which will benefit communities and smallholders who are selling legal timber.

Yet, according to Carodenuto and Cerutti (2014), **certain international forest policies, including FLEGT, may cause further expansion and power concentration of the already dominant large industrial companies** (fewer than 20 companies generate more than 80% of national timber production) **while marginalizing and fragmenting smallholder producers.** Indeed, the latter face more challenges (lack of

expertise, little political power) compared to their large competitors in order to meet legal requirements. More importantly, small producers often do not have the financial capacity to comply with the legal framework. The community forest managing stakeholder group interviewed by Atyi *et al.* (2013) have expressed their worries that the VPA will put community forests out of business, given the high and even prohibitive costs of verifying legality and certifying sustainability.

The small producers interviewed by Carodenuto and Cerutti (2014) generally believe that the VPA will increase their operating costs, given the large investments needed to meet legality requirements and the lack of access to credit. Large firms with more business and assets have better access to capital and can better absorb fixed administrative costs such as permits, licenses, and costs associated with the assurance systems. The cost estimates of managing a community forest are considerably higher per hectare or cubic meter than those of a forest concession. For example, according to Atyi *et al.* (2013), a certification pre-audit for a community forest costs 0.96 US\$/ha, i.e. 12 times higher than the pre-audit of a forest concession (0.08 US\$/ha). Moreover, **a large share of forest operations operate in the informal economy and many of them cannot cope with the complexity or legal requirements to become formal even if their actual forest operations are sustainably managed.**

2.2. Value chain improvement

There is little information regarding the forest sector's value chain in the reviewed literature. As large industrial timber companies are often vertically integrated, the improvements along the value chain of technology, transparency, traceability and tax collection/redistribution mostly affect the small producers.

In this section we principally rely on FAO (2017) and on recent EFI progress reports, which essentially refer to outputs or outcomes of the VPA but not to impacts.

2.2.1 Traceability along the value chain

The traceability system (SIGIF) is still not operational today and there is little information in the reviewed literature relative to traceability along the value chain. **In 2016, an IT application for the Marché Intérieur du Bois (MIB) was developed in order to follow up the domestic timber market (EFI, 2016).** Work is still ongoing to operationalize the physical and virtual MIB which is **still not operational** (EFI, 2018; FAO, 2017). One small national timber producer interviewed by Carodenuto and Cerutti (2014) stated that the timber market currently works “without any formula; nobody can tell you exactly where their wood comes from; it's from wherever you can find it”. However, it would be interesting to ask whether the attempts in traceability changed the behavior of the timber producers along the value chain. Another challenge in the timber traceability is the mixed timber issue. Indeed, in some sawmills, illegal timber is being mixed and processed with legal timber, the final product being then considered as legal. It is thus **important to track all wood along the whole value chain (from harvesting to commercialization) in order to avoid timber laundering.**

2.2.2 Transparency, access to information and communication

Since the beginning of the VPA process, a lot of effort has been made to improve transparency and access to forest-related information (FAO, 2017). In 2013, MINFOF set up a website dedicated to the VPA. In 2014, a lot of information was already made available on the website. By the end of 2016, 80% of the information listed in the VPA Annex 7 was available (EFI, 2016).

Yet some challenges remain in order to reach transparency. Between December 2016 and June 2017, the website was offline and some information available on the website prior to the website going offline is not available anymore (EFI, 2017). **In 2018, the information made available via the website is either incomplete, outdated or missing, and due to the lack of consistency and up-dated public information,**

many actors continue to rely on informal channels to get access to information (EFI 2018). According to Fern (2018), there has been little progress regarding transparency and access to information in the last six months of 2018. Moreover, according to TERE (2016), 5,000 people visit the website every month, but we do not have any information regarding who is visiting the website.

Since April 2019 however, a new step towards more transparency has been made as the Cameroon Open Timber Portal is now online, a platform launched by the World Resources Institute aimed at promoting legal wood thanks to a better access to information (Cameroon Actual, 2019; OTP/WRI, 2019). Moreover, an online platform has been launched in 2018 by the Center for Environment and Development (CED) in order to provide information on the various land uses and forest conversions in Central African countries and in order to allow denunciations of illegalities (CED, 2018; BD-OBSTER, 2015).

Nevertheless, most local communities and small producers along the value chain do not have access to new information and communication technologies. Even if there are other tools used by the government to improve transparency, it seems that **small producers along the value chain are still excluded from access to information**. Furthermore, it is **difficult to assess the completeness and usefulness for the producers along the value chain of the published information** (TERE, 2016). According to Larrubia *et al.* (2013), communities cannot comply with the law for various reasons, and lack of access to information is one of them.

2.2.3 Technology improvement (equipment, production mechanisms)

There is almost no information in the reviewed literature regarding technological improvements along the value chain. Investment in improved material, technology and capacity development have been inadequate in the timber sector, which leaves the industry in a “primitive state” (Cerutti *et al.*, 2016). According to the small producers interviewed by Carodenuto and Cerutti (2014), the **VPA implementation might improve the domestic timber sector’s professionalism and technology**, increasing both the quality and the prices on the market.

2.2.4 Benefit sharing along the value chain

There is little information in the literature we reviewed about tax collection and redistribution along the value chain. According to Lescuyer, Cerutti and Tsanga (2016), rural and urban populations benefit from chainsaw milling. Yet, the “illegal context of individual chainsaw milling restricts its contribution to increasing the human and social capitals of communities” (Lescuyer, Cerutti and Tsanga, 2016).

2.2.5 Effective tax collection

According to Cerutti *et al.* (2016), “one major innovation of the new regulations was to mandate the distribution of 50% of the area fee to rural councils and the villages where logging titles were located. The aim was to ensure that exploitation of the forest contributed to improving rural livelihoods. However, even in the case of the taxation system, there are disconnections between theory and practice and between adoption of rules and regulations and their actual implementation”.

2.3 Domestic market

In Cameroon, a large number of people are involved in domestically-oriented timber harvesting. **Most of the timber production aimed at serving the domestic market is produced in individual or small forest enterprises, largely working informally**. This informal timber production has been growing rapidly since the 2000s’, in line with population growth and rising demand on the domestic market (Carodenuto and Cerutti, 2014). Increasing the supply of legal timber on the domestic market is an important challenge.

Again, in this section, we principally rely on recent EFI progress reports, which essentially refer to outputs or outcomes of the VPA but not to impacts.

2.3.1 Promotion of legal wood on the domestic market (e.g. subsidies)

As the demand for legal timber is almost non-existent in the local market today, an important challenge is to encourage administrative authorities and large private companies to implement policies that promote the procurement of legal wood products for public and private markets (EFI, 2018). Financed by the FAO-EU FLEGT Programme, CIFOR and CERAD are currently working on the development of public and private policies for legal wood supply. A virtual market of declared and legal timber products for the domestic market (MIB) was launched beginning 2016. A study is being conducted to propose fiscal adjustments in favor of the operators engaged in the supply of the MIB (EFI, 2017). However the largest share of timber supply still consist of informal products not registered in the MIB (EFI, 2018). **According to CIFOR (2011, in Kamkuimo *et al.*, 2018), 75% of the traded timber on the domestic market is produced illegally.** Community Forests (FCs) have been created in order to increase the proportion of legal wood on the domestic market. However, FCs face unfair competition with illegal wood because of ineffective law enforcement, and FC wood represents only 2% to 4% of the wood on the domestic market (Larrubia *et al.*, 2013).

2.3.2 Domestic procurement policy

According to some newspaper articles ("*Investir au Cameroun*", December 2014), the Prime Minister of Cameroon announced to MPs that at least 40% of Cameroonian public administration would be equipped with locally manufactured furniture. This has not been confirmed by other sources, but the implementation of a responsible public procurement policy would advertise and promote local timber and may have a strong impact on the dynamics of wood production. Moreover, **CIFOR and MINFOF are currently developing a strategy for the expansion of public and private legal timber production in Cameroon, including the inclusion of a clause for legal timber in public procurement contracts** (EFI, 2017).

2.3.3 Level the playing field (fair competition, transparent regulation)

Many international, large-scale operators expect the informal sector to be negatively affected by VPA implementation and hope to soon be better placed to sell their legal timber on the domestic market. As this group currently has voluntary legality verification systems in place, their wood will be among the limited supply allowed on the domestic market, once the VPA has been fully implemented. One actor even pointed out the growing potential of local market demand: "before, in the previous forester's mentality who only exported, local markets were not interesting. Today local markets are becoming interesting" (Carodenuto and Cerutti, 2014). **This may cause further expansion and power concentration of the already dominant large industrial companies while marginalizing and excluding smallholder producers.**

The domestic sector actors explain that there is currently an inequitable distribution of timber harvesting titles between international and domestic companies: the first-choice wood leaves the country and those working on the domestic market are often left with the scraps from sawmills (Carodenuto and Cerutti, 2014). According to EFI (2017), there is a project supporting the development of procedures for the provision of abandoned and waste wood to artisanal processors from forest concessions, community forests and cut timber sales (VC). The rejects represent very large volumes and are made up of abandoned timber alongside promotional species not currently destined for export, which could be exploited on the local market.

2.3.4 Economic impact of domestic market development

There is little information in the literature we reviewed about the environmental impact of the domestic market development. If the VPA implementation indeed leads to the marginalization of the small producers, it may increase poverty of forest communities and smallholders. It would be interesting to know whether the development of the domestic market has a positive or negative impact not only on the national GDP, but also on the most disadvantaged people. Moreover, if the VPA implementation increases the share of legal timber on the domestic market, it may also boost the import of foreign (cheaper) timber products of other countries.

2.3.5 Environmental impact of domestic market development

There is no information in the literature we reviewed about the environmental impact of the domestic market development.

THEME 3: Jobs and employment

3.1 Job creation

In the reviewed documents, two concern the subsection “Job creation”. These are research papers published in 2013 and 2014 which use data from 2008-2012 and refer to this period (beginning of the VPA process).

The analyzed documents provide information that is mostly theoretical and often limited to the formulation of hypotheses regarding the future implementation (or not) of the VPA agreement in Cameroon. They also provide some data regarding jobs in the forest sector for the period 2008-2011. Overall, the desk review provided no information regarding the current state of job creation which is necessary in order to assess the evolution and therefore the impact of the VPA on jobs creation.

3.1.1 Job creation related to legal timber development

Data on the number of workers in the forest sector (Atyi *et al.*, 2013):

- Formal sector (2009): 13,000 people
- Informal sector (2011): 150,000 people

Data on the source of production of timber in the informal sector in 2011 (Atyi *et al.*, 2013):

- 20%: community forests (which can potentially be monitored)
- 80%: either from other forest titles which the administration is unable to monitor, or from unregulated/illegal sources such as trees felled on individual farms.

There is no further data. In order to address the actual impact on job creation and its evolution we would need more recent figures.

VPA implementation is described as necessary in order to avoid job losses:

Large forest companies greatly contribute to the maintenance and opening of public roads which are a key factor since most of the jobs in the forest sector are located in remote areas. The non-implementation of the VPA would reduce exportations and lead to the exit of such companies, which would be a step back in the economy and local development (Atyi *et al.*, 2013).

But, VPA is also seen as a threat to smallholders:

“If the VPA is implemented to the inclusion of all categories of actors and all markets, (as intended) and small-scale operators are required to bear the cost of implementation, the domestic market and the housing and furniture industries in Cameroon will face an important crisis with the self-employed people in the informal sector running the risk of losing their means of livelihood. As such, the VPA may have a perverse impact of increasing poverty instead of reducing it” (*ibid.*).

3.1.2 Public procurement policies including local workforce utilization as criteria

No information found in the desk review.

3.1.3 Environmental impacts of job creation

No information found in the desk review.

3.1.4 Economic impact of job creation

Hypothesis on the economic impact: jobs are seen as an important source of finance for local economies (out of 13,000 jobs, 8,000 are located in the remotest parts of the country). Hence, further job creation will lead to improvements and development in such regions.

Rather than the creation of new jobs, the above literature approaches this topic more in the sense of the **possibility of job losses** (and its economic consequences) mainly due to:

- Difficulties in meeting the costs of verifying legality (for small producers)

“If community forest are abandoned because it is too expensive for communities to meet up with the costs of verifying legality, more than 25,000 jobs held by rural poor people would be threatened” (Atyi *et al.*, 2013).

- Non-implementation of the VPA

“Reduction of exports to the EU will lead to a major setback to the economy and local development of these landlocked regions” (Atyi *et al.*, 2013).

3.2 Professionalization of employment and improved qualifications in the forest sector

From the reviewed literature, five documents concern the subsection “Professionalization of employment and improved qualifications in the forest sector”: two research papers published in 2013 and 2014 which use data from, and refer to the period 2008-2012, a preliminary report published by CERAD in 2014, and two EFI reports concerning the years 2017 and mid-2018.

The most recent documents (the two EFI annual reports) present some concrete information in terms of capacity building and improved skills. They assess whether the projects lead to successful achievements, deterioration of previous achievements or are work in progress. However, they essentially refer to outputs or outcomes and not to impacts of the VPA. The other analyzed documents are rather based on hypotheses concerning the VPA implementation from which we cannot extract any evolution across time.

3.2.1 Capacity building - skills, qualifications, diplomas

The legality requirements and the engagement in certification established by **the VPA implementation are expected to lead to improvements in technologies and competences** and therefore contribute to the professionalization of employment and increase the productivity and efficiency of timber companies (Carodenuto and Cerutti, 2014).

The impact of professionalization on the **domestic market**: It is expected that the VPA implementation should increase the domestic timber sector's professionalism, which would raise the quality of local timber products, allowing these products to be sold at a higher price, both locally and internationally (Carodenuto and Cerutti, 2014).

Improvements in capacity building of SMEs (EFI, 2017 and EFI, 2018):

- Support of the **self-organization of SMEs**: in order to ensure a good representation in the implementation of the TLAS – has not continued in a formal way (step back); “renewed actions on VPA implementation could have a positive effect in re-starting this dynamic”.
- Support to **meet TLAS requirement**: has increased their compliance with the legal framework and intends to support the integration of these operators into the FLEGT process. Ongoing projects to support operators with TLAs requirements: Big operators - Support to improving traceability systems of operators members of the Groupement de la Filière Bois du Cameroun (GFBC) via IT technology (GFBC, FAO-EU FLEGT) SMEs - Support to the capacity of SMEs to meet legal requirements and document their challenges (GTF, DfID) - Support to the private sector to meet legal requirements (FODER, ENRTP) Community forests - Support to the setting up of a system to verify legality of timber coming from community forests (SAILD, FAO-EU FLEGT) - Support to community forests in the Kadey to obtain legality certificates (CARFAD, ENRTP) Wood processing.

3.2.2 Capacity building - specific equipment and technologies

Investment in improved processing materials, wood technology and capacity development has been inadequate in both the public and private sector, which leaves the industry in a primitive state, where exporting sawn-wood remains the main activity of most logging companies (Cerutti *et al.*, 2016).

As forest governance currently plays no part in the training of future forest managers in Cameroon, there is nevertheless an intention to “introduce FLEGT modules in the forestry engineering and technical curriculum, but also in other more generalist training courses through a FAO-EU FLEGT funded project. The latter aims to ensure that the principles of good governance are communicated to future forest workers, whether engineers or technicians” (EFI, 2017).

3.3 Working conditions and rights

From the reviewed documents, seven documents are related to the subsection “Working conditions and rights”: two research papers published in 2013 and 2014 which overall utilize data and refer to the period 2008-2012, four EFI reports concerning the years 2014, 2016, 2017 and mid-2018 and the European Community Forest Platform comments on APV published by ECFP in 2008.

Overall, the reviewed documents do not provide enough information to evaluate the impact on working conditions and rights over time. The EFI reports essentially refer to outputs or outcomes of the VPA but not to impacts, and the other documents are relatively outdated and refer to the period of the beginning of the VPA process.

3.3.1 Securing employment through contracts

Issues regarding employment contracts: “Regarding compliance with social obligations, even if we agree that certain irregularities, in particular those relating to the absence of a contract of employment and non-compliance with collective agreements, may be given time to remedy, the same cannot be said of the customary rights of local and indigenous communities, which are sufficiently valued in the international legal instruments duly ratified by Cameroon” (ECFP, 2008).

3.3.2 Affiliation to social security, health and accident insurance, etc.

No information found in the desk review.

3.3.3 System of staff career and promotion tracking

No information found in the desk review.

3.3.4 Labor unions

It is expected that the VPA implementation would lead to a better market organization and hence reinforce local-level actor networks by creating or reinforcing domestic sector interest groups to make them more powerful politically (Carodenuto and Cerutti, 2014).

Current setting in Cameroon: Support of the **self-organization of SMEs** has not continued in a formal way (step back); “renewed actions on VPA implementation could have a positive effect in re-starting this dynamic” (EFI, 2008).

3.4 Gender and social inclusion

3.4.1 Gender is taken into account in job creation

No information found.

3.4.2 Social inclusion is taken into account in job creation

No information found in the desk review.

THEME 4: Governance, law enforcement and compliance

Cameroon was the first Central African country to adopt a new forestry law in 1994, and also the first Central African country to start discussions with the EU on the FLEGT process in 2004. This historical context of the forest sector makes an interesting case in terms of regulations and their effectiveness.

The desk review of this thematic area is based on several documents: EFI reports, FERN VPA updates, VPA FLEGT review studies and a few papers from academic sources. The academic papers are relatively outdated as they use data collected between 2009 and 2012 (beginning of the VPA process in Cameroon) and the EFI reports essentially refer to the implementation of the VPA and its outputs but not to its impacts.

From the documentation we have reviewed, we learn that the forest sector seems to present a generally low level of law enforcement in Cameroon and many remaining grey areas in the regulation.

4.1 Forest management and governance

A series of reforms started after the VPA ratification. In February 2013, three decrees were signed which are considered an important achievement from the point of view of the forest administration. The FLEGT-VPA process has definitely modernized national forest regulation from economic and environmental points of view. However, since then the pace of the reform process has been slow, and transparency is still limited and only partially available. Civil society stakeholders in particular are concerned about a lack of transparency of some crucial information, such as the production or allocation of logging titles, and an unsuccessful forest law reform process.

4.1.1 Forest governance (status)

Cameroon has historically been characterized by inefficient and weak governance institutions (Mbatu, 2015). **In recent years, considerable progress has been made towards sustainable forest management in Cameroon.** Forest logging concessions managed according to an approved management plan went from none in 2003 to 65 in 2008, covering 4.2 million ha (De Wasseige *et al.*, 2012). Moreover, a number of logging companies selling their products to EU markets have voluntarily applied for FSC forest certification or legality verification (e.g. Vandenhoute and Heuse, 2006). The country has also been experiencing a sharp fall in the number of registered forest offences in large-scale logging concessions during the last decade (Cerutti and Fométe, 2008; REM, 2009).

The Government has been involved in a number of initiatives to improve governance in the forest sector namely the appointment of international NGOs as independent observers to monitor forest law enforcement operations (Global Witness in 2000, replaced by Resource Extraction Monitoring (REM) in 2005), the publication of an atlas on Cameroon's logging concessions (with Global Forest Watch of the World Resources Institute), and, lastly, the **signing of a VPA** (Atyi *et al.*, 2013). Cameroonian civil society is for example now using lessons learnt from FLEGT to push for more transparency in the context of REDD+ (EFI, 2016).

Despite this progress towards SFM, there is, however, still a clear disconnection between what is stipulated in the law and what is actually implemented, which negatively impacts the sustainable development of the industrial forest sector (Cerutti *et al.*, 2016). Moreover, **even though FLEGT-VPA and REDD+ share common social concerns, it is argued that neither of them will effectively address key social concerns** such as inefficient stakeholder engagement, tenure insecurity and inequitable sharing of benefits. One of the weaknesses of the FLEGT-VPA is that it bases its design on existing regulatory frameworks, which is vital for national ownership and legitimacy (Tegegne *et al.*, 2016).

Finally, the VPA implementation costs are substantial for forest managers and national governments and are likely to be more damaging to small forest managers who currently operate as the main suppliers of domestic markets (community forests and actors in the informal sector) than to industrial companies with foreign capital. The former category of producers could be driven out of business if the VPAs are strictly implemented and without any further support from government authorities and/or other partners. In this sense, procurement policies may have perverse effects on poverty reduction and turn up at odd ends with the overall goals of the whole FLEGT Action Plan (Atyi *et al.*, 2013).

4.1.2 Participation

Increasing and growing participation of civil society organizations, private sector and communities on forest governance is seen as the major impact of the Cameroon VPA process (TEREA, 2016). Although today participation is seen as a focal point of good governance, there was very little participatory process in forest governance before the VPA negotiation started in 2007 and it was not common to directly involve stakeholders outside the administration (EFI, 2015). The ECFP, a civil society platform in Cameroon, gathering 28 Cameroonian NGO members, was created in 2003 (with the support of FERN) to participate in FLEGT VPA pre-negotiations with the objective to help improve forest governance in Cameroon. This civil society platform also included indigenous people and local communities and was later appointed as a main interlocutor for the civil society in VPA negotiation which gave more bargaining power to non-State stakeholders than ever before (FAO, 2014 and Wodshow *et al.*, 2015).

In 2007, the Government of Cameroon appointed the General Secretary of the Ministry for Forest and Wildlife (MINFOF) as the main negotiator for Cameroon, and established a multi-stakeholder negotiation board, the Technical Commission, to ensure representation by all relevant stakeholders during the process (public administration, parliament, private sector, donors/partners, and civil society). With this multi-stakeholder process civil society in Cameroon experienced a positive change towards improved participation. This process of dialogue, respect and collaboration was unprecedented given the classic mistrust relationship between public administration and civil society in Central Africa (CERAD, 2014). The relationship between CSOs and the government improved during the process. Although CSOs were seen initially as activists lacking in expertise and were side-lined in meetings, this changed during the process to a friendly relationship where CSO representatives were seen as experts and called on by government (EFI, 2015). This huge improvement in terms of participation and inclusiveness has contaminated other processes which seem to follow the VPA example in emphasizing the importance of participation and representation: fight against forest sector corruption, REDD+, land reform process, (Wodshow *et al.*, 2015). However, local communities, indigenous peoples, individual or small-scale chainsaw operators and traders did not directly participate in the meetings, despite being important in relation to the topic of legality in Cameroon's forestry sector (Cerutti *et al.*, 2013; Foundjem-Tita *et al.*, 2013; House, 2015; LoggingOff, 2010).

The Technical Commission, of which civil society was part, was dissolved after the VPA signature in 2011. This inclusive and participatory process, and the collaborative dynamics seem to have disappeared altogether when VPA implementation started (CERAD, 2014). Moving from negotiation to implementation meant that some momentum was lost in engagement of stakeholders as no formal meeting to discuss VPA implementation took place until 2011 (about 18 months after VPA initialization) (EFI, 2014). As suggested by FODER, the current inefficiency of the VPA implementation might be related to a less inclusive mechanism, which, by not coordinating all relevant sectors, does not allow ownership of the process (FODER, 2017). IN 2015, FERN highlights that five years after Cameroon's VPA signature, civil society is no longer included in the VPA process and critical voices of forest destroying large-scale agro-industrial projects have been silenced with convictions and sentences.

Moreover, the country still lacks the promised reforms and a comprehensive traceability system (EFI 2015), all of which raises serious concerns about the legality of exported timber.

In spite of the civil society's desire to remain included in the VPA implementation and decision-making process, there are many examples showing they are side-lined by authorities (ECFP, 2008). They are excluded of many crucial activities if the Administration decides so (test of legality grids, political missions in neighboring countries), they do not have access to timely information, they are not (or belatedly) invited in bilateral technical meetings with EU delegation authorities (ECFP, 2008). FERN (2018) emphasizes that since 2017, apart from SIGIF II technicalities, essential aspects of the VPA, such as transparency, legality grids and reforms, have disappeared from the agenda. On September 2015, the following actions highlighted how the space is closing civil society: (2) civil society complained that they were informed very late (one day in advance) on the organization of the CNS. CSOs also complained that the CNS was organized with the objective to argue against civil society actions and not as a meeting to exchange on the work of stakeholders in the implementation of the VPA. (1) the MINFOF asked the EU delegation to invite civil society to the CNS (a national structure that does not have EU representation), as they did not want to invite the Community Forest Platform (i.e. the platform that has participated in the process until present and that includes broad CSO representation) over other platforms. The EU delegation decline being 'used' in this way to solve a problem that both stakeholder groups (NGOs and government) should solve. Following exchanges of the September CNS, GIZ hired in November 2015 a consultant to help identify what is behind the worsening of relations between different actors of the VPA process (i.e. MINFOF - CSOs, MINFOF - EU delegation) (EFI, 2014).

A similar problem occurs for Indigenous People (IP) and local communities: their role is limited to consultation, and only when the Administration estimates it is necessary different from REDD+ where they are members of the steering committee). Effective representation of indigenous peoples in VPA structure remain a concern (EFI, 2017).

The VPA text states that Indigenous Peoples and communities will be regularly consulted on the implementation of the VPA through the NMC (Cameroon VPA, 2010, Annex III (a, b)). Nonetheless, **the VPA fails to specify the roles and powers of Indigenous Peoples and communities in decision making and the implementation of the VPA process**. Indigenous Peoples and communities would like to have a partnership form of participation that enables them to negotiate and engage in trade-offs with project proponents and the government.

Moreover, VPA makes explicit mention of the need to recognize and respect customary rights (see Cameroon VPA, 2010, Annex VIII). However, such recognition is mostly limited to access or use rights, and does not extend to full ownership rights for Indigenous Peoples and communities (Tegegne *et al.*, 2016).

Civil society remains very active, undertaking many activities and receiving funding from different programs. However, they lack central coordination (TEREA, 2016). The private sector seems disappointed by the failure of the traceability system and focuses mostly on enforcing EUTR.

4.1.3 Public awareness on forest protection and “protective functions”

No information was found related to public awareness of the protective functions of the forests nor to public awareness of the need to protect forests.

The only information found refers to the lack of public awareness of FLEGT or VPA among domestic actors (Carodenuto and Cerutti, 2014), the lack of knowledge of the legality requirements (Atyi *et al.*, 2013) and the communication efforts needed to tackle these issues (EFI annual reports; TEREA, 2016; FERN, 2015).

4.1.4 Law enforcement capacity to enforce forestry legislation

The VPA requires the administration to have the capacity to enforce the law and to assess legal compliance of operators. In 2014, guides of forest control were, for example, developed by the MINFOF and propagated within the administration. **Even though the lack of resources, staff and capacities of forest officials and law enforcement staff remains a concern (Cerutti *et al.*, 2016), it seems many initiatives were taken under the VPA to improve the situation:** in 2014, the ratio of government enforcement agents to area of exploitable forest was estimated to be one person for 176,000 ha (EFI, 2014). This situation has improved with the recruitment and training of new staff by the MINFOF, but the numbers remain low. The official in charge of the VPA dedicated website was trained on a variety of issues in order to ensure the good management of the website (EFI, 2016) and the capacity of MINFOF to verify forest inventories was increased (EFI, 2017). Since then, there has been not much improvement in the training of staff in its role to enforce the forestry legislation (EFI, 2018).

Yet technical reasons only partly explain the gaps between legislation and effective implementation. The presence of powerful political interests play an important role (e.g. as it has been the case for area fee redistribution) (Cerutti *et al.*, 2016)

4.2 Effective Law Enforcement

The level of law enforcement on the ground in Cameroon does not seem to be satisfying (FERN, 2017).

In 2011, the VPA initially included strong commitments to make information publicly available and to encourage independent monitoring. **Although external independent forest monitoring does exist, mostly implemented by civil society, it has not been formally recognized by the government since 2014. Moreover, there is poor follow-up from the government in terms of reporting illegalities and enforcing sanctions** (FERN, 2017).

According to a reason initially indicated by Atyi *et al.* (2013) in a study of Cameroon's domestic private market, prior to the VPA implementation, this ineffective level of law enforcement might be due to a lack of (financial) incentives. The VPA FLEGT preliminary study (CERAD, 2014), after three years of implementation, mentions inadequate monitoring due to unavailable documentation and difficulty in the correct application of legal texts.

As a result, **the responsibility of independent forest monitoring has been delegated to NGOs and civil society, and illegal logging is on the rise** (Global Forest Watch, 2017).

4.3 Grey areas in Existing regulation

The major issues in the existing forest regulation in Cameroon seem to be related to the VPA legality grids, the process to safeguard indigenous people and local communities, and availability of public information.

One impact of the VPA negotiations and implementation is that it revealed the various blockages that **would otherwise have remained underestimated or obscured.** The legality grid used for the VPA made it possible to make an exhaustive assessment of the regulatory constraints applying to the different modes of exploitation of wood (Larrubia *et al.*, 2013). A report published by Cameroon's Independent Auditor in 2014 criticized however the **VPA legality grids for being very difficult to implement and for being, to some extent, inadequate to verify timber legality**—in 2014, these grids and their requirements were not mentioned as a reference to certify legal timber (FAO, 2014). One element crucially missing from the grids were the determination of the tax regime applicable to the different modes of timber acquisition. Importantly, to simplify the grids, some relevant indicators were removed because of their complexity (ECFP, 2008). The grids were still unrevised in September 2018 (FERN, 2018).

The FLEGT-VPA combined with REDD+ regulation in Cameroon **do not effectively protect indigenous people and local communities**. On the contrary, **the way the forest regulatory framework is currently organized and external funding devoted in this context actually risk favoring the powerful elites** of the country (Tegegne *et al.*, 2017). To avoid this, Heeswijk and Turnhout (2013), joined by Mbatu (2015) and Tieguhong *et al.* (2015), recommended a participatory process in building reforms on land rights and natural resources (land titles allocation, etc.), instead of a process shaped by state-oriented discourses that promote existing regulatory instruments but that do not promote sustainability and effective participation.

Implementation of transparency provisions included in Cameroon Forest laws (1994, 1996) has been weak and the range of information available in the public domain is limited. In 2015, information provided by MINFOF was largely confined to legal texts and forest permits (FERN, 2015). The creation of a webpage dedicated to VPA/FLEGT, related to the transparency annex of the Cameroon VPA, was submitted in April 2016.

According to EFI reports, although **some progress has been done (manual of procedures to manage and publish public information operational by MINFOF and CIFOR), pending reforms are still attended to operationalize TLAS (SIGIF, Forest Code, Litigation status handling procedure).**

4.4 Sanctions

The **creation of independent observation from civil society, organized under the Cameroonian Standardized External Independent Monitoring System (SNOIE in French)**, has allowed collaboration with the Brigade National de Contrôle (BNC) of the MINFOF. This led the MINFOF to several audits, sanctions, fines, suspended licenses and warnings.

In 2013, proven cases of corruption in the forestry administration were sanctioned, but not advertised. In early 2017, a **list of infractions by forest operators and corresponding issued sanctions was made public**. These sanctions included suspensions, the auctioning of seized products, or transactions with the guilty operator providing for the repayment of several million Francs to the State.

According to EFI reports (2017), **civil society estimates that the contribution of independent observation has reduced illegal logging** by 37% in the permanent forest domain (DFP), by 8% in non-certified timber titles (UFA), 16% in cut timber sales (VC), 21% in communal forests, 10% in community forests, 5% in salvage licenses (ARB) and 3% in harvest timber removal licenses (AEB). In November 2017, Interpol praised the SNOIE for the professionalization of observers, the standardization of information gathering methods and the cross-checking verification system of observation and sources before taking action.

However, **although ongoing collaboration between SNOIE and the MINFOF appears promising in EFI reports, the FERN 2017 VPA update is less positive on the overall legal logging picture**. In spite of the aforementioned progress, they report high levels of illegal logging (GFW) and that impunity is rife.

4.5 Potential causes for ineffectiveness of law enforcement

Several causes of ineffective law enforcement include, on the one hand, **technical issues** such as lack of resources, staff or capacity but also **globalized corrupt practices, poor governance and lack of domestic political will** (TEREA, 2016; Cerutti, 2016).

Compared to the beginning of the VPA (2011), the level of global corruption, measured by Transparency International Corruption Perception Index, had worsened in 2016. The Cameroonian forest sector bribery index, assessed by FODER NGO, although it ranks at a “moderately corrupt” level, deteriorated over the period 2010-2015. Limited efforts to tackle corruption are to blame for this stagnating situation.

Interestingly, Carodenuto and Cerutti (2014) had suggested that although the FLEGT VPA was bringing hope that it would decrease corruption thanks to increased checks and balances, there was also a risk that it might increase bribery. Unfortunately, the **additional controls and papers related to VPA requirements, leading to burdensome procedures, might bring more opportunities to collect bribes in the forest sector**. However, the globalized nature of corrupt practices is highlighted by several sources as a major impediment to improve the situation in the forest sector. The TEREVA evaluation (2016) highlights the weak EUTR enforcement with different requirements from different importers. This, combined with unclear national legislation, allow for illegal activities to still be widespread, in spite of progress in the private sector.

The lack of political will is another major cause of weak/ineffective law enforcement. This is due to the changing context of a less important EU timber market and of growing trade with Asia. It is also due to a new focus on large-scale agro-industrial development and mineral resources extraction → the “conversion vs conservation” debate in terms of land use in the government.

Carodenuto and Cerutti (2014) noted that the status quo situation might be more beneficial for local elites than implementing VPA reforms. The lack of coordination between Ministries but also with civil society and donors allow the extraction of rent more easily so there is little incentive for the needed structural changes (capacity building, staff allocation, controls, communication → EFI reports).

Incomplete legal reforms (in particular on transparency), lack of knowledge and inadequate funding are also mentioned as potential causes for ineffective law enforcement.

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Forests, Trees and
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Center for International Forestry Research (CIFOR)

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