

# A Critical Examination of the Legal Standards for the Exploitation of Timber Resources: Encumbrances and Prospects for Forest Sustainability in Cameroon

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## Abstract

The forest of Cameroon which is located in western equatorial Africa is central to economic growth and development and livelihood sustainability. Forests play three important functions: They provide habitat for the preservation of biodiversity; act as carbon sinks; and contribute to maintaining and enhancing the quality of the soil. Furthermore, forest is a source for nutrition and generates income for the state. Recently the demand for forest products by loggers and other forest users for the production of timber, fuel wood, and charcoal have been on the rise. Illegalities in the forest sector is fast becoming worrisome with incidents of illegal logging at the forefront and visible on every angle, beginning with illegal loggers to the corrupt government officials. Illegal logging is a chain of activities, beginning with the unclear allocation of concession rights, inappropriate felling of wood, transportation and marketing of the illegally exploited wood. The major cause of this has led to over exploitation of the forest in order to meet local and international demands. This further has an adverse effect on the forest as species are gradually disappearing, a change of climate, pollution, soil depletion, and a breach of local community's right to forest. To this respect, our objective is to analyze the legislative instruments and their consistency or efficacy in regulating logging activities, and the encumbrances faced. To achieve these objectives we made use of both doctrinal and analytical research methodology with primary and secondary sources of information as the main tools. We observed that, the forest is under serious threat from adverse human activities, especially illegal logging encourage by factors such as corruption, ineffective forest legislations, and lack of consistency amongst others. In the light of the above mentioned huddles we proffered some recommendations such as beefing up enforcement procedure, minimizing corruption, an increase in the sanction against defaulters, reducing the procedure to obtain exploitation permit, reforming, harmonization and codification of the forest law which will serve as a way forward.

**Keywords:** Critical, Examination, Legal, Standards, Exploitation, Timber Resources, Encumbrances, Prospects, Forest, Sustainability, Cameroon.

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## INTRODUCTION

Illegal logging is one of the main subjects in discussions on the forestry sector. The practice of logging ranges from large-scale commercial timber plantations to individuals harvesting fuel-wood. By 1980 about 106 logging companies were registered in Cameroon, up from 177 in 1990 and 1998.<sup>1</sup> However, only a portion of these registered logging companies hold current concessions. In 1999, 84 individuals and companies had valid documented logging rights, that is;

licenses, concessions, or ventes de coupe within Cameroon's forests.<sup>2</sup> The total number of valid titles varies substantially during the last few years, from 226 titles in early 2012 to 386 titles at the end of 2015 to 295 titles in the beginning of 2016 (Paolo Omar Cerutti, *et al.*, 2015). Illegal logging is the most profitable natural resource crime around the world. It generates an estimate of US\$ 51-152 billion annually.<sup>3</sup> The ecological impact of logging will depend on the type of logging or harvesting involved, and what purpose the logging is for.

<sup>1</sup> Henriette Bikié, *et al.*, (2000). «An overview of logging in Cameroon». A Global Forest Watch Cameroon Report.

<sup>2</sup> Ibid.

<sup>3</sup> <https://www.whistleblowers.org/money-laundering-and-illegal-logging>. Accessed 28/07/2022 at 8:05PM.

For instance, deforestation from clear-cut logging<sup>4</sup> is highly disruptive to biodiversity, whereas the effect of selective logging<sup>5</sup> is less definitive. Deforestation from logging and timber exploitation accounts for approximately 15% of global greenhouse gas emissions annually. Furthermore, logging roads have provided access to speculators, colonists, and small-holders that clear land for agriculture. Some environmentalist fear that the forest could be on the verge of a massive increase in deforestation for palm oil, rubber, and sugar production as some entities operate without permits. The causes of illegal logging in Cameroon are many ranging from lapses of the law to those induced by the administration itself, of which the consequences are far reaching. Illegal logging is the most profitable natural resource crime around the world. It has been noted that, the efforts to minimize illegal logging have centred on the possession of illegal timber, but illegal logging is facilitated by complex and powerful global networks. The concept of legality with regards illegal exploitation entered inter-governmental discussion in the early 1990s (David B, *et al.*, 2008), with pressure to address the problem of illegal logging coming almost exclusively from the rich post-industrial north, with major international policy initiatives.<sup>6</sup> Cameroon has instituted several national legislative, institutional as well as signed several international instruments to minimize illegal logging and illegalities in this sector. However, despite all the international and national instruments, the practice still prevails and it increasing on a daily bases in Cameroon.

#### **National legislative measures to prevent illegal logging in Cameroon**

These are local or national preventive measures taken by the legislator to prevent, sanction and eradicate illegal logging in Cameroon. These instruments are subject to international conventions which by virtue of article 45<sup>7</sup> of law N<sup>o</sup>.2008/001 of April 2008 to amend and supplement some provisions of law N<sup>o</sup>.96/6 of 18 January 1996 to amend the constitution of 2 June 1972 are applicable in the country.

<sup>4</sup>Clearcut logging of natural forest in the tropics also occurs when farmers and ranchers are expanding cropland and pastures, and is not used as a means for sustained timber harvesting.

<sup>5</sup>With selective logging, only high value species of trees are felled for timber, but many smaller trees are damaged in the process.

<sup>6</sup>Such as the G8 Action Program on forest 1998.

<sup>7</sup>Section 45 of the Cameroon Constitution of 1996 states that “duly approved or ratified treaties and international agreements shall, following their publication, override national laws, provided the other party implements the said treaty or agreement”. This implies that, whenever there exist a conflict between domestic norms and international legislations the later takes precedence.

#### **The 1994 forestry law and its decrees of implementation to mitigate illegal logging**

Since Cameroon gained independence, three forestry, wildlife and fisheries laws have been enacted. The first was Ordinance No. 73/18 of 22 May 1973 and its decree of implementation, Decree No. 74/357 of 17 April 1974. This Ordinance was abrogated and replaced by Ordinance No. 81/13 of 27 November 1981 and its Decree of implementation, Decree No. 83/969 of 12 April 1983. The third, Law N0.94/01 of 20<sup>th</sup> January 1994 and its implementation Decrees, Decree No. 95/466/PM of 20<sup>th</sup> July 1995 to lay down the condition for the implementation of wildlife regulations, Decree No. 95/531/PM of 23<sup>th</sup> August 1995 establishing the implementation details for the 1994 forestry code and Decree No. 95/678/PM of 18<sup>th</sup> December 1995 defining the zoning plan of the Cameroon forest into permanent and non-permanent forest estates are essential for this study because it is the main specific piece of legislation for the protection of the forest.

#### **The bases to carryout log exploitation in Cameroon (A Valid Logging License and Marketing of Logs)**

Within the context of this law, logging means the right which is recognized as being that of the local population to harvest all forest, wildlife and fisheries products freely for their personal use, except the protected species.<sup>8</sup> To be eligible to exploit forest products in Cameroon, the law provides that the potential exploiter apply and be granted an exploitation permit<sup>9</sup> under conditions fixed by decrees.<sup>10</sup> A permit is an official document that gives somebody the right to do something especially for a limited period of time. The exploitation can be either for trade or for subsistence. When the exploitation is for trade, the 1994 forest law states; an exploitation permit within the context of this law shall mean authorization to exploit or harvest specific quantities of forest products in a given zone.<sup>11</sup> The product concern may be a special forest product as defined in section 9(2) of this law,<sup>12</sup> or timber whose volume does not exceed 500 gross cubic meters, firewood or poles for commercial purposes.

Furthermore an exploitation permit for timber and some special forest products listed by the forestry

<sup>8</sup>See section 8(1).

<sup>9</sup>Section 4(5) of the decree No. 95/466/PM of 20<sup>th</sup> July 1995 to lay down the conditions for the implementation of wildlife regulation defines an exploitation licence as “an authorization granting access to the resource in state-owned protected areas”.

<sup>10</sup>See section 49 of the 1994 forest law.

<sup>11</sup>56(1) of the 1994 forest law

<sup>12</sup>See section 9(2) of law no. 94/1 of 20<sup>th</sup> January 1994 states that certain forest products such as ebony, ivory, wild animals horns, plants and medicinal species or those which are of particular interest shall be classified as special this list of special forest shall be fixed as and when necessary by the competent ministry.

service shall be granted upon the recommendation of a competent commission for a maximum non-renewable period of one year, for other special forest products, firewood and pools, exploitation permit shall be granted by mutual agreement by the ministry in charge of forestry.<sup>13</sup> Furthermore, Section 86(2) of the 1995 decree on its path states that, exploitation permit for certain special forest product shall be granted by the minister in charge of forest after consultation with the inter-ministerial commission. An applicant for a permit must submit a file to the regional representative of the forest administration of the areas concern, for an onward transmission to the minister with a cover letter stating his opinion on the application.<sup>14</sup> The file has to be submitted in ten (10) copies and must be accompanied by a total of nine documents as provided in section 87 (1) of the 1995 Decree.<sup>15</sup> The permit itself when eventually granted must specify the species to be exploited, their volume, the exploitation and whether they are for export or local use.<sup>16</sup> Also the permit must be attached a statement of the condition of the product as well as the procedure for paying financial charges.<sup>17</sup> The cost of obtaining a permit for a special product is 150000FCFA as per section 4 of decree NO. 96/238 of 10<sup>th</sup> April 1996 (Ngwasiri CN *et al.*, 2002).

The exploitation of forest products for subsistence necessitate the application and obtaining of either an individual felling authorization<sup>18</sup> or a special permit depending on whether the product concern is a timber or non-timber forest product. An individual felling authorization in this law shall mean an authorization issued to a natural person to cut wood not exceeding 30 gross cubic meters for personal, non-commercial use.<sup>19</sup> Moreover the individual feeling authorization shall be granted by mutual agreement for a non-renewable period of 3 months. Whereas, for the non-timber forest product, exploitation for subsistence is allowed only after applying and obtaining a special permit as stipulated in section 9(2) of the 1994 forest law. To obtain either an individual felling authorization or special permit, section 87 and 88 of the 1995 decree in conformity with the 1994 forest law enumerate the content of an application file. As per the 1995 decree, a special permit or an individual felling authorization for special forest products shall be granted upon presentation of a file in 10 copies.<sup>20</sup>

#### **Transportation of timber Products**

This is a document also known as the WAY BILL (WB) provided for by law to be acquired by

exploiters of logs (timber) and non-timber forest products. The WB is used only once and it is strictly recommended for forestry control officials to ensure that all information necessary in the WB must be filled. A WB consists of a form in triplicate which include; the name of the company, the species of product, the quantity, the vehicle matriculation number, the name of the driver(s) and place of origin of the resource signed by MINFOF delegate and the chief of post, the driver and later by chief of post of destination after which specification reforms, are attached to the WB. The 1995 implementation decree provides as follows; transporters of forest products must have a WB from the counterfoil book of a prescribed model, initiated by a divisional forest official indicating in particular the quantity of the produce being transported as well as its origin.<sup>21</sup> Forest department officials may at any time carry out checks be it in the forest, at the different forest check points, custom check points, sea port airports etc to ensure that the forest produce being transported confirms to the details entered on the WB. The quantity of forest product transported by a given vehicle must be stated in the WB. At every forest control brigade, the WB must be presented to the control team for checks and controls and for data to be recorded as provided in the WB. At every forest control brigade found at the border, the WB in the keeping of the transporter must be deposited for an eventual forwarding to regional delegation of forestry with a report from the control brigade.

#### **The 1998 and the 2009 Manual of the Procedure for the Attribution and Norms for the Management of Community Forests**

This manual contains some ministerial orders, for example, Ministerial order No. 0518/MINEF/CAB of December 2001 giving priority to neighboring village communities for attribution of national estates that could be developed into a community forest. This order supplements the 1994 Law by introducing pre-emptive rights giving communities priority to establish community forest over the sale of standing volume in the same area. The Ministerial Order No. 0518/MINEF/CAB of December 2001 provides additional rights to communities to acquire community forests and demonstrate the government's goodwill towards the community forest program. There are some national regulations, the Circular No. 0677/LC/MINEF/DF/CFC of 23 February 2001. This regulation restricts any form of industrial logging in community forests, and Ministerial Order No. 1985/D/MINEF/SG/CFC OF 26 June 2002 providing new modalities for controlled, selective felling based on the establishment of Simple Management Plans (SMP) for community forests.

The Manual of Procedures brought tremendous clarity. It can be said that it was a huge innovation not only for community forestry, but also for forestry in Cameroon, given that it remains the most detailed document

<sup>13</sup>section 56(3)

<sup>14</sup>See Section 82 (2) of the 1995 decree.

<sup>15</sup>See Section 87 (1) Ibid.

<sup>16</sup>See section 88 (1) Ibid.

<sup>17</sup>See section 88 (2) Ibid.

<sup>18</sup>See Section 57 (1) of the 1994 forest law.

<sup>19</sup>Ibid.

<sup>20</sup>See Section 87 (1) of the 1995 decree.

<sup>21</sup>See section 127(2) Ibid.

guiding the management of any forest unit in the country.

It is also fair to mention that it has been criticized for being onerous, complex, and resource demanding. The Manual was given legal recognition by the Minister of Environment and Forestry on April 1998 and was sponsored by bilateral donors, precisely the British Council and the Canadian Fund for Support of Grassroots Initiatives. The manual recaps the legal and regulatory framework for the creation and management of community forest. It guides the community in the preparation of the application file, Simple Management Plan (SMP), and the Management Agreement (MA). It equally enhances the process involved in the acquisition and management of community forest by providing the legal procedure in channelling community forest management agreements from the local community through the local forestry officials to Ministry of Forestry, wildlife and fisheries. The manual equally provides some annexes starting from the model of community forest management agreement to minutes of consultative meetings with the objective of assisting local communities in the preparation, submission and implementation of their management plan and agreements. It also states the relationship between the local communities and logging companies and what is to be allocated to local communities by logging companies.

#### ***Ministry of Forestry and Wildlife***

As known before now, MINEF was divided into two. That is, MINFOF and MINEP, MINFOF was then given the responsibility to be in charge of affairs relating to the management of the forest. As such MINFOF has been decentralized at the Regional, Divisional and Sub-divisional levels to resolve the problems faced by local communities in forest management. The ministry has its competence defined by Decree NO. 92/245 of 26 November 1992. MINFOF is in charge of overseeing the development, evaluation of Government's policy, as well as implementation and enforcement of regulations in the management and conservation of the forest. Equally, it is responsible for keeping track of logging operations' compliance with standards and the state of resources. The ministry was reorganized by Decree NO.2005/099 of 6<sup>th</sup> April 2005 and modified by Decree NO. 2005/495 of 31<sup>st</sup> December, 2005. It has three principal technical departments; the department of forests, the department of wildlife and the department of protected areas. This ministry in order to effectively carry out its functions has been decentralized with the regional delegate of forestry and wildlife, in charge of coordinating all the ministerial activities at the regional level.

The divisional delegate ensures the participation of rural population in forest management. This ministry also has a powerful National Brigade of Forestry Control and Poaching, charged with

investigations, prosecution and follow up of litigation in collaboration with the legal department of MINFOF. MINFOF has taken a number of measures to improve governance and transparency within the national forestry sector, which include amongst others transparency and planning in the issuance of forestry licenses, assistance provided by an independent forest observer for the monitoring and control of forest offences, increase in staff through the recruitment of rangers and contractual forestry workers with military training, publication of offence. This ministry equally plays a role in law enforcement as it is charged with applying administrative sanctions such as suspension of approved documents or license.<sup>22</sup> MINFOF works in collaboration with other organizations in the forestry sector and maintain the observance of national conventions ratified by Cameroon relating logging such as International Tropical Timber Organization (ITTO) 1983 and FLEGT 2003.

Furthermore, this ministry is concerned with the formulation, implementation and evaluating government forestry and wildlife policies. This ministry is responsible for fixing the list of special forest products by Decision N<sup>o</sup>.336/D/MINFOF of 6 July 2006. The Ministry coordinates and carries inventory, and issuing of permits for sustainable exploitation, transportation and trade in timber exploitation. The considerable reduction of cases of encroachment by permits holders into surrounding forest areas and legal proceedings are positive impacts of transparent and improved monitoring and control. In sum, setting aside logging data produced by MINFOF and WRI, there is no coordinated monitoring system that could be used to create a complete database of the key factors of deforestation and assess the importance of each. However despite the fundamental role of this ministry in regulating the forest and forest resources particularly logging activities it is not without shortcomings as will be seen under the encumbrances to the prevention of illegal logging in Cameroon forestry sector.

#### **INTERNATIONAL LEGISLATIVE AND INSTITUTIONAL MECHANISMS REGULATING LOGGING IN CAMEROON**

This section deals with the international instruments for forest and illegal logging minimization. As illustrated supra, they are applicable thanks to section 45 of the 1996 constitution of Cameroon

#### ***The International Tropical Timber Agreement (ITTA) 1983***

The ITTA was the first agreement which was adopted recognizing the necessity to preserve and protect tropical rainforest.<sup>23</sup> The agreement was adopted on the 26 of January 1994 at Geneva by the United

<sup>22</sup>See section 130[2] of the 1995 Forestry Decree.

<sup>23</sup>Herein after referred to as the ITTA was adopted in November 18, 1983.

Nations Conference on Tropical Timber 1993. The agreement has 55 countries, 29 of whom are producers, 25 consumers and the European Union.<sup>24</sup>The agreement established the International Tropical Timber Organization (ITTO) to achieve sustainable exploitation as well as the maintenance of ecological equilibrium of forests. A replacement of the International Tropical Timber Agreement was adopted<sup>25</sup> recognizing the necessity to promote and apply comparable and appropriate guidelines and criteria for the management, conservation and sustainable development of all type of timber producing forests such as the Congo Basin Forest to which the forest of Cameroon is inclusive.

By the provision of the ITTO member states are encouraged to develop national policies for sustainable utilization and conservation of timber producing forest and maintaining ecological balance in regions concern. It has equally encouraged state parties to support and develop industrial tropical timber Reforestation and forest management activities and rehabilitation of degraded forest land, with due regard to the interest of local communities in regions concerned. Furthermore, vast majority of ITTO Agreement is devoted to defining its structure and functions aimed at ensuring proper management and conservation of the tropical timber forest against illegal loggers of diver's fields. In as much as the aims of the ITTA are vital, it has been welcomed with several challenges. A clear indication of such shortcoming can be seen from the fact that the mechanism has failed to provide measures for the suppression of illegal timber trading (Crowley R, 2005), criminal offence, and lack of enforcement mechanisms (Birnic P, & Boyle A 2002).

#### ***The European Union/FLEGT***

FLEGT first became an issue in 1998 but its first proposal for a FLEGT Action Plan was made public by the European Union (EU) on May 2003 (Djeukam R.J *et al.*, 2010). In EU, FLEGT first became an issue in April 2002, when the European commission organized and international workshop on how the EU should combat Illegal logging. During the world summit on sustainable Development (WSSD), the EU reaffirmed its determination to fight against illegal logging and its related trade leading to the creation of FLEGT in May 2003 and its operationalization latter as stated supra. Cameroon became part of the VPA in 2009 and began benefiting developing assistance to help establish licensing scheme. FLEGT is based on three main frameworks amongst which is an action plan to curb illegal logging and measures aimed at reducing EUs consumption of illegally harvested timber. As of 2015, FLEGT has been ratified by 6 countries, with Cameroon in 2007 beginning its VPA negotiations with

the EU. Cameroon ratifies the VPA in 2011. And now 9 other countries have joint the VPA scheme.

Cameroon is now at the implementation stage. It has the objective to fight against illegal logging and trade in associated timber products. It is an EU policy to secure imports of natural resources in a manner that causes less conflict since the EU is a very large net importer of Cameroon natural resources. To attain this objective, one of the strategies adopted was to provide support to timber producing countries through the conclusion of Voluntary Partnership Agreement (VPA) with timber producing countries to eliminate illegal timber from their trade with the EU. This agreement involved the establishment of licensing scheme to ensure that only legal timber from producing countries is allowed into the EU. The system includes elements of governance that relates to the development of verification systems, building government capacity, transparency in information system, improving collaboration and encourages incentives for good forest management. On developing a partnership with timber exploiting countries, FLEGT is designed such that the EU can enter into bilateral agreements with the timber producing country on voluntary bases. Considering that illegal logging and its associated trade poses huge challenges to developing countries like extensive damage to the environment and great economic loss to rural communities, the system includes elements of governance that relates to the development of verification systems, building government capacity, transparency in information system, improving collaboration and encourages incentives for good forest management.

#### ***The United Nation Convention against Trans boundary Organized Crime (UNTOC) and the United Nations Convention against Corruption (UNCAC)***

Serious and organized forms of forest and wildlife offences such as illegal timber of take, trafficking in tiger products, ivory, exotic birds many fall within the scope of the UNTOC<sup>26</sup>. The convention encourages parties to adopt measures against transnational organized crimes including the establishment of domestic criminal offences, as well as framework for extradition, mutual legal assistance, and law enforcement cooperation. The convention applies to specific set of offences specified in the following provisions: participation in an organized criminal group<sup>27</sup>; money laundering<sup>28</sup>; corruption<sup>29</sup> and obstruction of justice.<sup>30</sup> Since both the perpetrators and the effect of forest offences are often transnational in

<sup>24</sup> <https://www.fao.org/3/AC135E/ac135e06.htm>. Accessed 15/05/2023 at 1:44PM.

<sup>25</sup> On January 24 1994 in Geneva.

<sup>26</sup> The 2000 United Nation Convention against Transboundary Organized Crime (UNTOC).

<sup>27</sup> See section 5 Ibid.

<sup>28</sup> See section 6 Ibid.

<sup>29</sup> See section 8 Ibid.

<sup>30</sup> See section 23 Ibid.

nature, and given the frequent involvement of organized criminal groups in these undertakings there is considerable potential for invoking the UNCTOC in legal response to the cross-border aspects of forest offences<sup>31</sup> such as those involving illegal logging. With regards to the UNCAC, in so far as the different forms of forest offences are connected with corruption practices, the UNCAC can provide an important legal basis for combating them. This convention which is the first global legally binding instrument against corruption builds on the precedents of the UNCTOC and incorporates a substantial number of similar provisions.

The convention seeks to promote and strengthen measures to prevent and combat corruption more effectively: to promote, facilitate and support international cooperation and technical assistance in the prevention and fight against corruption including in asset recovery, to promote integrity, accountability and proper management of public affairs and public property.<sup>32</sup> The convention sets out a great range of preventive anti-corruption measures, and measures relating to criminalization and law enforcement, and exchange of information. It also contains a comprehensive set of preventive measures aimed at establishing transparency and that help to curb corruption in the agencies involved in the fight against forest offences such as law enforcement agencies, customs, forest and wildlife departments and also prosecutors and the judiciary<sup>33</sup>

## ENCUMBRANCES TO THE PREVENTION OF ILLEGAL LOGGING

The forest sector in Cameroon suffers from several irregularities as will be analysed below:

### *Legislative Constraints*

As the legal framework remains impaired, it has negative impacts on the effectiveness of management plans to ensure the sustainable harvest of some of the most valuable species (Etuge Moses A. 2023). Forest laws mandate that FMUs be managed according to approved management plans. However the 1994 forest law, just like its implementation decree did not provide sufficient details on the procedure to be followed by logging companies in preparing their management plans. The Decree No.0222 of 2001 demanded that the companies choose the species to be

managed.<sup>34</sup> However the decree does not ask companies to select their key managed species among the species they harvest the most inside their concerned FMU. The decree specifically lists a set of criteria for the ministry to apply before approving plans.<sup>35</sup> In reality, companies do apply stricter management rules to species they do not harvest while living out some of the species making up the bulk of their annual production and profits (Cerutti P & Fomete T, 2008). Again, the fact that the forest law and its implementation decrees permits selective logging, it promotes direct and indirect adverse environmental impact, particularly as the search for the best trees means that exploiters or companies build roads into relatively large areas of forest to extract the few wanted trees, a practice that destroys the peasants' fields and opens up the forest to human activities.

### *Institutional and Judicial Constraints*

MINEP has the mandate to articulate, execute and assess the government's policy in relation to the environment.<sup>36</sup> However, the forestry sector and its policy is formulated, evaluated and implemented by a different ministry (MINFOF). Furthermore, MINFOF is faced with several challenges. Firstly decentralized services are usually far away from forest communities. As a result to receive the support and assistance, some villagers are forced to travel for long distances. This situation becomes worst in a community which has poor transport network. In addition, government officials offering decentralized services are often obliged to travel for long distances to monitor illegal forest activities. The lack of transportation and financial support to forest communities that accommodate logging companies is another factor that seems to be sending private individuals to engage in illegal logging operations. The identification of illegal logs in Cameroon is challenging. This alone brings in illegality within the forest sector. This can be because, legality of products depends on the source rather than the type of product harvested. Again, the fact that the custom department is under equipped and cannot monitor trade with a lot of efficacy.

This department is equally facing problems in relation to information production due to poor information's facilities. Furthermore the penalty awarded for illegal forest activities in Cameroon are too low. This gives way for loggers to keep logging illegally due to the fact that the gain they derive from illegal logging surpasses the sanction which awaits them. But has it been the sanctions were high it serve as a deterrent to loggers because they will not be willing to pay more as sanction than what they will receive from the wood harvested illegally.

<sup>31</sup> The General Assembly of the UN confirmed in resolution 55/25 of 2000 that the UNCTOC "constitutes an effective tool and the necessary legal framework for international cooperation in combating such criminal activities as the illegal trafficking of protected species wildlife flora and fauna, in furtherance of the principle of CITES."

<sup>32</sup> See chapter 1, section 1 of the United Nations Convention against Corruption (UNCAC) 2003.

<sup>33</sup> See part II section 9 and III Ibid.

<sup>34</sup> See section 6 of the 2001 decree op.cit.

<sup>35</sup> See section 33 of the 2001 decree op.cit.

<sup>36</sup> Republic of Cameroon. (2005), Official site of the Prime Minister of the Republic of Cameroon. available online at <http://www.spm.gov.com>.

Furthermore, Illegal logging activities manifest when the exploiting companies or individuals who are obliged by law to operate processing units or saw mills go ahead to operate in violation of the law. Some of them go ahead to use illegally obtained wood in industrial processing operations in violation of law. During the last few years, actions organized by the government for the sale of confiscated wood were used as a pretext for illegal logging and for the laundering of illegally harvested wood. Several of such cases have been documented in which auctions have been misused and authorities aligning with loggers to cover-up illegalities. For instance MINEF, today MINFOF issued timber recovery permits without any auction involve as prescribed by law. Though this permits had been abolished by the minister of environment and forest in 1999, the fact remains that this type of illegal activity is due to the corruption of some authorities and the lack of a proper and safe auction system for seized wood<sup>37</sup> as will be seen under the next subheading.

### **Corruption**

Systemic corruption is corruption which is primarily due to the weakness of an organization or process. It can be contrasted with individual officials or agents who act corruptly within the system. Systemic corruption argues that the problem cannot be blamed on the actions of corrupt politicians but is built into the very fabric of our representatives. Transparency International defines corruption in simple terms as the exercise of public power for private gain. Though at first glance, one will think that, corruption is taken into account only by those branches of the law dealing with money, it should be noted that all the sectors of the law or nearly all of them are potentially concerned by the offence of corruption. The Berlin-based Transparency International has consistently rated Cameroon as one of the most corrupt countries in the world. The 2008 Transparency International Corruption Perception Index reports that Cameroon ranked 141<sup>st</sup> out of the 180 countries surveyed. Many have noted that both collusive and non-collusive forms of corruption have the ability to cripple the socio-political, economic and moral integrity of a policy.

While non-collusive corruption refers to a corruption practice in which the government demands a bribe for the provision of a service. collusive corruption is defined as a situation where government officials and the private sector conspire to deprive the government of its revenues. It is reported that, “due to intervention from influential person, one in every five reports of illegal logging in the East and Central region of Cameroon are dismissed”. Another fundamental issue arising from the presence of no collusive corruption is that, the government has lost its credibility as an effective regulator, and has difficulties in holding concessionaires accountable for any illegality.

Furthermore, a 2009 Central African conference on forest tenure, governance and enterprise stated that corruption in forest management and institutions must be overcome according to. This was retaken by the minister of forestry and wildlife Elvis Ngolle Ngolle who stated that: “*there would be zero tolerance de la corruption en 2011 dans le secteur forestier ...aussi il a promis d’aligner sans cesse les actions de son department ministeriel al’operationnalisation de la strategie gouvernementale*”. However, He was allegedly charged for fraud and corruption.<sup>38</sup> However, in an attempt to remedy this situation, the government of Cameroon have since the year 2000 provided for a series of high profile and anti-corruption campaign and bodies, and has ratified conventions, that are out to eliminate corruption. By so doing, the government has put in place the National Anti-corruption Body (CONAC) created in 2006 with the objective to monitor and evaluate the effective implementation of the government’s anti-corruption programme. Given that this body has no legal enforcement powers, it has been criticized as being ineffective and as being a representation of the government’s lukewarm approach in fighting corruption as admitted by the government in 2010 online edition that CONAC has had little or no positive impact in fighting against corruption in the country.

### **Transport and Trade Regulations, Unavailability of Sufficient Statistics**

The transport and trade regulations are complex, unclear and difficult to enforce. Financial and tax laws are unclear and do not provide clear provisions for transparent business practices. In Cameroon the tax rate for timber products are very high and the procedure for eligibility is also difficult. The government has limited capacity to collect taxes from the forestry sector. The critical tax, upon which the government is increasingly reliant as a means of raising revenue from forestry sector investment are the annual royalty for the forest areas, for which the collection is fortunately satisfactory and the felling tax for which the collection rate is poor especially because of the difficulties in the collection of tax and under declaration of harvesting level. Again, the statistics provided for forest product extraction are false. This has resulted in significant proportion of log production that is between 50 and 60% to remain unmonitored. One of the most highly criticized practices is the allocation of logging permits by government forest officials on mutually agreed, hence mutually agreeable terms. This has many implications, such as the creation of false documents that do not appear in the official figures. MINEF, which also seemed to be at a loss as to how to control the problem, however, some claim its move to suspend the

<sup>37</sup>Green peace 2004.

<sup>38</sup>Ngolle Ngolle probed over fraud. The Post 29 August 2011.

URL:<http://www.thepostwebedition.com/content.aspx?ModuleID=1&ItemID=6707>. Accessed 02/09/2011.

*petits titres* was illegal, as it failed to adhere strictly to legal procedures. In addition, the government has only limited capacity and personnel to supervise, monitor and control the implementation of regulations in the forest sector. The allocation of forestry concessions has taken much more time to be implemented than originally estimated.

## CONCLUSION AND RECOMMENDATIONS

Considering the adverse effect of illegal logging and the relevance of the forest worldwide, and in Cameroon in particular several calls as well as initiatives have been made to limit illegality and guarantee the continues protection of the forest. These initiatives range from: international treaties to national laws to ensure sustainable exploitation of the forest. These international instruments have been translated by most countries into their national laws with Cameroon being inclusive as an important member of the Congo Basin and a forest rich country. Nationally, the 1994<sup>39</sup> forest law is the main law governing logging and the forest sector in Cameroon. When this law came into force, it was considered by many as the ideal law especially because of the innovations it brought such as the allocation of concessions through an auction system, provision for community forest, the participation of members of the local community in forest management, the requirement of the management plan by exploiting or logging companies.

not shared by all as several loopholes discovered in this law have been made open. This made several critics to conclude that the 1994 law on forest, wildlife and fisheries is fundamentally flawed and has favoured illegal and unsustainable exploitation of forest products such as logs and in the country. Thus, in other to overcome this challenges, an improvement in the enforcement procedure, an increase in the sanction against illegal loggers, reducing the procedure to obtain exploitation permit by logging companies, individuals and local communities, reducing corruption to the lowest, and give NGOs such as the REDD+ initiative the latitude to enforce the law, are all mechanisms for efficacy.

It equally laid down a framework for forest exploitation in Cameroon. Unfortunately, this view is

<sup>39</sup>Law NO.94/01 of 20<sup>th</sup> January 1994 laying down forestry, wildlife and fisheries regulation in Cameroon.