



## BRIEFING PAPER

# Forest Legality in Cameroon:

To which extent social obligations have been complied with?

### Forest sector in Cameroon: Some few data



**22 million** ha including 17.5 ha of mature forest  
**4%** of the GDP in 2011  
**22,722** direct permanent jobs  
**FCFA 64.2 billion** of share in government revenues  
**104 FMU** spread over 6.3 million ha in 2013  
**115** sales of standing volume spread over 244,548 ha in 2013  
**34** communal forests allocated including 10 valid ones in 2013  
**20,897,800 m<sup>3</sup>** per year of average production in RWE  
**FCFA 370.5** billion of capital per year for the industrial timber subsector  
**FCFA 18 billion** of RFA collected in 2014



Author: Laurence WETE SOH

Key words :

logging, legality, social obligations, corporate social responsibility, FLEGT VPA, benefit sharing

## Acronyms

<b>EUTR :</b> .....	European Union Timber Regulation
<b>FLEGT :</b> .....	Forest law enforcement governance and trade
<b>FMU :</b> .....	Forest Management Unit.
<b>GDP :</b> .....	Gross Domestic Product
<b>MINATD :</b> .....	Ministry of Territorial Administration and Decentralisation
<b>MINFOF :</b> .....	Ministry of Forestry and Wildlife
<b>REDD+ :</b> .....	Reducing Emissions from Deforestation and Forest Degradation, as well as conservation, sustainable management of forests and enhancement of forest carbon stocks
<b>RWE :</b> .....	Round Wood Equivalent
<b>VPA :</b> .....	Voluntary Partnership Agreement

**Forêts et Développement Rural (FODER)** is a non-profit ecological association established by Declaration No. 76/J10/BAPP of 2 December 2002 due to the pressing need to combine the protection of the environment with development, and to improve life conditions for those populations living on forests and resources from their ancestral lands.

FODER works for a **more fair society, free of marginalisation and discrimination, in which resources are used in a way to promote sustainable development.**

## Introduction

**T**he forest sector plays a key role in the social and economic development of Cameroon. With a share of 4% in the Gross Domestic Product (GDP), the forest sector is the third most important sector after hydrocarbons and Agriculture. In the view of maintaining the economic, social and ecological functions of forests, the Government of Cameroon, in the wake of the 1992 Rio Summit on Environment and Development, has focused on participatory and sustainable management as one of the main objectives of its Forest Policy and Law. The country intends to promote the fight against climate change, and good governance in the forest sector. Therefore, it has engaged internationally in the mechanism of Reducing Emissions from Deforestation and Forest Degradation, as well as conservation, sustainable management of forests and enhancement of forest carbon stocks (REDD+). The same also applies with the FLEGT process, notably through the signature in 2010, with the European Union, of the Voluntary Partnership Agreement on Forest Law Enforcement, Governance, and Trade in timber and timber products. The aim of this agreement is to ensure that all timber and derived products from Cameroon to the EU are legally produced or acquired. It builds timber legality on the operators' compliance with all the requirements in the various texts applicable to the forest sector.

Social obligations are part of the requirements to be met by operators. But, to which extend are these met? Within the current context of forest management marked by the implementation of FLEGT VPA along with the issuance of certificates of legality and FLEGT licenses, no «semi-legality» is to be accepted. As a result, the stakeholders in the sector should ensure the integrity of the Legality Assurance System, including compliance to all the requirements of the legality grids.

## What do social obligations mean within the forest sector?

**G**enerally, an obligation can be defined as what you must do or refrain to do in a given situation in light of the law, reason, moral, conveniences or a personal or professional situation. Legally, an obligation is defined as the legal link through which a person or corporate body, under a contract, a quasi-contract, a law, a regulation, must give, do or refrain to do something to one or many others. Social obligations in the forest sector may therefore refer to those liabilities imposed by relevant laws and regulations to an economic operator, requiring them to give or do a certain number of things on behalf of their employees and the neighbouring environment in which they operate.

Companies operating in the forest sector in Cameroon are subject to obligations deriving from the Labour Law, and obligations resulting from the 1994 Forest Law and its implementing provisions. The first obligations, also called internal social obligations, organize relationship between the company and its employees, whereas the second ones, also referred to as external social obligations refer to the relationship the company must have with the neighbouring local populations pursuant to its logging permit.

## Compliance with social obligations, a requirement of the forest legality in Cameroon

The 1994 Forest Law stipulates that the exploitation of forest products is done based on specifications with specific clauses focusing, among others, on the various social works to be made by the operator for the benefit of local populations living near their operation area. These achievements include roads, bridges, health centres, schools and any work of community interest identified by the populations and agreed with the company during the development of the management plan or the start of logging activities. Indeed, even before starting its activities, the company must work with communities to define a number of commitments it will fulfil for their benefit. Contained in the approved management plan and/or in the minutes of the information meeting that are prior to the start of logging operations, these commitments are part of the specifications the company has to comply with.

The FLEGT VPA that was signed between Cameroon and the European Union establishes a legality assurance system and legality grids that are specific to every source of timber supply and which help

verify timber and timber products legality in both the European Union and the national market. Thus, the legality of logging operations is based on some criteria which the company must fully comply with. Complying with social obligations is one of the criteria that the forest sector operator must fulfil for their timber to be declared legal. This means that to obtain a certificate of legality, a precondition for the issuing of a FLEGT licence, the operator must have followed all the criteria and indicators of legality grids.

*« Even when an operator would meet all the other criteria of legality, his timber will still be considered illegal if he does not comply with those social obligations ».*

## Categories of social obligations in the forest sector

The duty of the forest company towards its employees is to guarantee their occupational health and safety pursuant to the Labour Law and the ongoing collective agreements applicable to the sector. It must also ensure to the workers the respect of their fundamental rights, including exercising the right to organize, social security and retirement, holidays and rest, occupational health and safety. As part of the working relationship, the company must also ensure to the worker an employment contract, actual occupation, regular wages, decent accommodation when they have to move from their usual place of residence to their job, professional training and promotion at work. The company must also ensure that the physical and moral integrity of its employees is respected.

According to the Forest Law, logging companies have some obligations regarding procedural rights as well as substantial rights of local and indigenous communities living near the place of their activities. Procedural obligations are related among others to prior information and consultation of communities. Therefore, before the launching of its operations, the company must inform the communities as well as consult them during social and economic studies for the design of a management plan, and during the drafting of the management plan itself.

As concerns substantial obligations, they refer to the contribution to social achievements, and the respect of community rights on forest lands and resources. Terms and conditions pertaining to the commitments of the company are agreed with communities during consultation meetings prior to the management of the area allocated for logging or the start of logging activities related to the sales of standing volume, forest concessions or communal forests. Agreements between the company and the affected neighbouring communities are found in the approved management plan, the specifications in the annex to the logging permit or the minutes of the information meeting (PVRI). These documents contain obligations which the company must meet.

Furthermore, the EU Timber Regulation (EUTR), considered as the second component of the FLEGT Action Plan, aims at banning illegal logging and timber products on the EU market. For the EUTR, timber legality depends on all the laws in force in the country of harvest. This legislation covers five categories of laws including third parties' legal rights concerning use and tenure that are affected by timber harvesting. This concerns the obligations of the logging company to the communities in accordance with the Forest Law and its subsequent texts. Therefore, far from being a mere administrative formality, fulfilling social obligations is a criterion for forest legality. Yet, there cannot be partial or approximate compliance with the law, because even when an operator would meet all the other criteria of legality, his timber will still be considered illegal if they do not comply with those social obligations.



## Compliance with social obligations, a catalyst for socio-economic development

It is commonly acknowledged that communities living near forests highly depend on these for their livelihoods and welfare. This is true if we consider the various goods and services that they directly have from the forest. And, this is especially true in the Cameroonian context with respect to benefit sharing mechanisms resulting from logging, which was established by the Forest Law in order to implement the participatory and sustainable management option referred to in the current forestry policy. Indeed, the development of forest communities largely depends on benefit (in cash and in kind) made from logging and on the quality of their management. The 1994 Forest Law assigns to the companies' contributions to social achievements, a local development goal. The company commitments

to communities are therefore a form of benefit sharing mechanism and social safeguards that aims at mitigating the impacts of industrial logging on communities.

Through the respect of local communities' rights, the fight against poverty and the strengthening of their livelihoods, compliance with social obligations is an important lever for sustainable development; that means the one that is economically, socially and environmentally equitable. The tense relations between forest communities and logging companies in their areas of intervention are persisting because of the poverty and precariousness in which forest communities are maintained despite their proximity to resources exploitation of which benefits others. In fact, far from remaining the helpless victims whose



passivity has long been exploited by unscrupulous actors, communities are developing more and more strategies to claim their rights and make their voice heard.

### Compliance with social obligations, an indicator for the level of responsibility of the logging company

Beyond the legality of the timber production and marketing process, compliance with social obligations engages the responsibility of the logging company. Derived from the Latin word «responder», which means to be responsible for something, the word responsibility is a cognate to the word sponsio, which refers to a solemn commitment, promise or assurance. The word responsibility can thus be defined as the duty to be accountable of one's actions, to be responsible for something, to keep one's promises. It entails being held liable for damages to someone by one's act or by the fact of those we are responsible for. It also refers to the ability or power of one individual to make personal decisions. With regard to this definition, it could be said that a company that honours its commitments to the State, its employees and the communities close to its operation area is first and foremost considered as a responsible company.

*« A socially responsible forestry company should go beyond mere legal requirements to make additional commitments to neighbouring communities »*

*« The company commitments towards communities are therefore a form of benefit sharing mechanism and social safeguards that aims at mitigating the impacts of industrial logging on communities on communities »*

The exacerbation of these often violent protests may unleash social tensions that may escalate to threaten social peace and the serenity of business activities. Therefore, far from being considered as a waste of resources by the logging company, fulfilling its social obligations to communities is a necessary investment, firstly to maintain social peace which is a catalyst for economic progress, and secondly to improve its image and thus increase its profits. Fulfilling social obligations is mutually beneficial to communities and to the operator.

A socially responsible logging company is therefore one which, beyond the desire to appear as an observer of the law, voluntarily integrates social and environmental concerns into its activities and interactions with neighbouring communities affected by these activities. Compliance with social obligations would enable a forest operator to achieve his own interests. Not only it would help build a good corporate image, make its consumers

loyal and stabilize working relationships, but this would also promote its company growth through partnership and investment opportunities. A socially responsible logging company should go beyond mere legal requirements to make additional commitments to neighbouring communities. The measure is not only the quality of the commitments undertaken but most importantly the implementation of those commitments.

## How to address the problem ?

### The problem situation

Compliance with social obligations in general, and specifically with those obligations regarding relationships between logging companies and communities, is the neglected aspect of forest legality in Cameroon. Several factors justify this situation:

The legal framework focussing on external social obligations in Cameroon issues a sort of cheque without cover for the benefit of logging companies. In fact, the law requires companies to make achievements for the benefit of communities while allowing them freedom to choose their commitments and specifications. There are no standard or typical "social clauses" for specifications. This creates situations that may vary from a company or a community to the other added to those commitments formulated in very evasive terms, which makes it difficult or impossible to monitor.

Moreover, the Administration seems not to have clarified the modalities for setting and achieving social obligations and is experiencing difficulty in ensuring that logging companies effectively take into account communities in the management of areas they are allocated for their operations. Thus the litigation on non-compliance with social obligations remains the poor relation of forestry disputes as evidenced by their absence in the registers of offences issued by MINFOF. Yet, many companies

are reluctant to take on serious and measurable commitments to communities, but also to meet the minimum commitments; and there are many communities who assert that logging companies do not meet even the commitments they made.

The ignorance and vulnerability of communities are two other factors that exacerbate failure to comply with social obligations. Indeed, the State leaves to highly skilled and experienced forest operators the possibility to negotiate with often illiterate and poorly equipped communities. Negotiations are often in the form of a mere information meeting or resulting in the best cases in fraudulent agreements. For, it is not uncommon that the representative of the local administration (forest administration or MINATD), who is supposed to act as an arbitrator and ensure transparency and fairness in negotiations takes the corporate side to the detriment of communities. Thus, communities regularly denounce the fact that they are outvoted at the meetings by local authorities who state that "the operator has already paid all taxes to the State" and also "we are here to inform you that the person who will exploit the forests of the village is this and that other person". Finally, the wait-and-see policy of the civil society in their support to communities, aiming at positively influencing bad practices does not help solve problems.

## Why addressing these problems

The above bleak picture negatively affects the efficiency of forest management in Cameroon as well as the Cameroon timber image on potential virtuous markets. There are some good practices resulting from the yet costly and heavy private certification. In fact, losses due to the anger arising among members of communities, a negative advertising or sanctions resulting from non-compliance with forest legality could be more important than the achievement of a social management plan geared towards pacifying community-company relationships and local development. Furthermore, access to priority social infrastructure and services contributes to improving on the living conditions of populations, opening other windows of economic opportunities for them and motivating them to get involved in the protection of forests and to contribute to the fight against illegal logging. To this end, the State has a comparative advantage in strengthening respect for community rights by the company and ensuring effective monitoring on a regular basis.

The international timber and timber products market is increasingly becoming sensitive to social

and environmental issues. Consumers' choices are now influenced by non-conventional criteria such as social equity and the preservation of the environment. An increasingly growing number of consumers are less and less considering the ratio between quality and price in their choices. Being the first buyer of the Cameroon timber and sensitive to this new trend, the European Union has designed the FLEGT Action Plan which affects both the supply and demand for timber and timber products. Cameroon committed itself by signing FLEGT VPA through which it agrees to allow on its territory and to European Union only the supply of timber that «meet all of the forest sector statutory and regulatory provisions in force in Cameroon and which have been verified/controlled as such».

It is therefore up to the Government to remain consistent with its international commitments and national laws by ensuring their full respect. It should also put in place incentive instruments to encourage logging companies to better engage with local communities and comply with the agreements it has concluded with them.

*With little efforts and means, companies could improve their practices and performance only by respecting the law, since it is more difficult to manage a conflict than to prevent it.*

## Conclusion

Social obligations in the forest sector are binding if considering their very establishing principle. But, they appear to be non-binding in determining their content. The absence of rules and of a sanctions regime following non-compliance weakens their implementation and monitoring. However, there should be concerns that the limitation of the legal framework and the reluctance of most of the logging companies to be socially accountable will further undermine the Cameroon's timber image already tarnished by accusations of cases on illegality. The Government of Cameroon, in particular the forest Administration would thus come out ahead if it gives tangible content to social obligations on the one hand, and

on the other hand, enhances monitoring of logging companies compliance with social commitments as well as the sanctions for their non-compliance. These companies are expected to show voluntarism and demonstrate good citizenship in social matters, as this is in their own economic interests. In fact, the commitments of companies to communities, when applicable, are generally formulated in a very cryptic manner without any temporal, quantitative and even qualitative indications, not allowing to follow-up or to require their fulfilment. Finally, the civil society, acting as a citizen monitoring and advocacy body, should be committed to monitor and influence the respect of social obligations by logging companies both in their content and their enforcement.



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**Forêts et Développement Rural (FODER)**  
P. Box. 11417 Yaoundé - Cameroon,  
Tel : + 237 242 005 248 • Email : forest4dev@gmail.com  
Facebook : Forêts et Développement Rural • Site web: <http://www.forest4dev.org>



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