



Pulled from oblivion: Toward transparent enforcement of the Central African Republic's forest law framework

By rehabilitating forest monitoring and judicial transparency, the *Centre pour l'Information environnementale et le développement durable* has created the tools that CAR's forest administration needs to succeed. It's up to authorities, now, to use them.

When the *Centre pour l'Information environnementale et le développement durable* (CIEDD) team began looking into the issue of forest legality in 2016¹, almost no administrative effort was being expended in the Central African Republic (CAR) to impose liability on logging companies and to punish violations. For want of financial resources, more than a decade passed during which the forest administration had not exercised its enforcement role regarding the exploitation of its natural resources. Hardly astonishing then, that an atmosphere of virtual impunity had settled in the timber sector.

The depth of the judicial disarray, however, caught the CIEDD team off guard.

"As independent observers mandated by the government, we wanted to rehabilitate a system of enforcement that had lapsed into oblivion," explains Laurent Yangueta, programme officer at CIEDD, member of the NGO environmental platform *Gestion Durable des Ressources Naturelles et de l'Environnement* (GDRNE).



CIEDD forest monitors take measurements during a mission.

It was therefore with great enthusiasm that, within the framework of the CV4C project financed by the EU and FCDO, CIEDD organised and carried out in 2017 joint independent monitoring (IM) missions with the forest authorities – the first missions since ... no one could even remember when the last ones had taken place.

Only later, when trying to trace the infractions that should have been officially recorded during these missions (*procès-verbaux*, PVs), did the CIEDD team realise how completely the forest authorities had given up.

"We carried out a first mission, a second, even a third ... but when we wanted to check records of previous missions, it was impossible to trace anything," says Yangueta.

The administration had neither followed up nor kept track. The Register of Forest Infractions² (*Sommier des infractions forestières*) – the administrative record of infractions and the companies involved, penalties and fines issued, payments made or formal notices for non-payment, and criminal convictions – had not been updated; not with regard to the missions that the agents had just completed with CIEDD, nor for a good fifteen years.

As a result, the forest administration did not know which companies had paid their fines, or which infringement situations had been remedied. The situation seemed ideal to reward the biggest villains and, like rings from a stone thrown in a pond, the repercussions of this lack of transparency extended outward to even the local communities and Indigenous Peoples who should have received their share of the benefits.

CIEDD realised that, in order to better leap forward, it was necessary to take a step back and tackle the fundamental problem: **restoration of the judicial transparency necessary for the application of the law.**

1. Through the project "Support for the implementation of the strategy of independent observation of forestry activities by civil society" (OI-RCA2), financed by the FAO-EU FLEGT programme.

2. As provided by article 204 (2) of Law 08.022 of 17 October 2008 on the Central African Forest Code.

With the financial and technical support of CV4C, CIEDD recruited a forestry consultant and set up a project to shed light on forest legality. Based on the old Register, he thoroughly researched all the legal situations for which he had information, updating accounts, signalling when payments had not been recorded – a painstaking job that took two months.

There was never any question of going rogue, however; work was undertaken in cooperation with the Ministry of Water, Forests, Hunting and Fishing (MEFCP), which provided content, as did other stakeholders, including the FLEGT-VPA's permanent secretariat, civil society representatives and the private sector during a two-day workshop organised for this purpose.

Brand new and up to date, the **Register of Infractions was validated** in a very formal, participatory procedure before the members of parliament on the Production, Natural Resources and Environment Commission; the forest administration MEFCP issued decree n° 19 of April 22, 2020 defining the operation of the CAR's Register of Forest Infractions.



Turning over a new record-keeping leaf also required the creation of new MEFCP administrative forms to support the system: tracking forms; transaction notices, establishing the case number and listing pertinent information; information sheets, to keep track of commercial and community permits.

"We carried out a first mission, a second, even a third ... but when we wanted to check records of previous missions, it was impossible to trace anything."

On a practical level, however, CIEDD soon noticed that something else required clarification, in order to properly resume monitoring missions that had been forgotten for 15 years. Yangueta, a diplomat at heart says, "We quickly realised that the forest agents were a little out of touch. Technical difficulties were noted in collecting data and qualifying the facts."

Such difficulties were completely understandable, given the complexity of situations that must be managed. Independent monitoring differs depending on whether it concerns a logging operation, or a warehouse, or timber that has simply been dumped in the forest. At what point should a wood shipment be inspected; what documentation should accompany it; how does one compare its compliance with the waybill? Not to mention inspection of finished products and the headache of authorisations for export by airport as opposed to road, railway or port – so many small mysteries that could give rise to subjective interpretations, and later be contested.

The CIEDD team therefore tackled another project: that of giving field agents a detailed plan to cope with different situations. With the support of CV4C and assisted by a consultant, they produced a draft of a forest control procedures manual, on which various national and international experts have commented.

The resulting **Manual of Forest Inspection Procedures** brings together more than 130 pages detailing the ethical and practical concepts of each stage of an inspection operation – and the documentation that must accompany each – from the point of preparing a mission through to a possible sale of seized products, and of course updating the Register of Infractions.

Validated at a meeting on July 13, 2020, between the MEFCP administration and CIEDD, a MEFCP decree on its release and use is currently being adopted.

This decree is merely a formality; the agents are already using it. Yangueta smiles, "On our latest monitoring mission, an agent showed us his copy of the manual – he had it with him. It made us really happy to see we hadn't wasted our energy."

Progress is being made. The administration is now more willing to send a sworn official with civil society actors on missions to record and fine violations on the spot. "The eagerness of the forest administration is noticeable, thanks to the actions we have undertaken with them and the means we've provided to effectively resume forest inspections."

With the private sector also, significant improvement is noted. “There is now an atmosphere of trust, and based on that trust, they make the data available to us. Normally there is no obstruction. The general managers of the two companies that recently refused to cooperate have been summoned to Bangui with regard to the matter.” And with that, the authorities send an unmistakable signal.

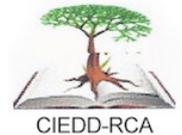
“On our latest monitoring mission, an agent showed us his copy of the manual – he had it with him. It made us really happy to see we hadn’t wasted our energy.”

Between the Register of Infractions and the Manual, transparency has advanced. “As clarified, the situation now allows everyone to recognise what independent forest monitoring and enforcement can contribute. Parliamentarians will be able to follow up or even question the Minister of Forests on specific issues relating to the violations noted in the Register, or on questions surrounding benefit-sharing – so can the communities check whether benefit-sharing has been carried out correctly. International development partners can also hold them to account,” Yangueta says.

“Now it is up to forest authorities to continue regularly updating the Register, and for civil society to continue going to the authorities to check on the infringement cases duly recorded, and to ask ‘Where are we with this?’”

One downside must be noted: Since the Register of Infractions was updated, new violations have occurred that have not yet been entered in it – and one catches a glimpse of the top of a slippery slope. Yangueta tries to reserve judgment. “It is not clear why this is taking so long; perhaps they are not fully expert, or have not yet appointed a person for this task, or they lack political will to continue. But it’s off to a good start; they have the tools now.”

Interview with Laurent Yangueta, September 11, 2020; Nicole Gérard



AT A GLANCE

1 Updated Register of Infractions

130+ Gripping pages of a new Manual of Forest Inspection Procedures in the Central African Republic!

1 [CIEDD video on the progress of mandated Independent Forest Monitoring in CAR](#)

1 Explanatory note making the Manual of Forest Inspection Procedures in the Central African Republic official

4 Joint missions carried out with nine forest companies within the framework of the CV4C project ([IM reports here](#))

28 Violations recorded during these missions

4 *Procès-verbaux* (PVs, recorded infractions) issued during these missions

1 Ceremony to hand over the Register of Infractions (*Sommier des infractions*), in the hopes of encouraging a more assiduous effort by the Administration to keep it up to date afterwards.

1 MEFCP Decree No. 19 of 22 April 2020 defining the operation of the CAR’s Register of Forest Infractions

1 Proposed MEFCP decree fixing the methods of application for the Manual of Forest Inspection Procedures in the Central African Republic

2 Overworked consultants to be thanked for their efforts: M. Joseph Désiré MBANGOLO, former Permanent Technical Secretary of the FLEGT-VPA, now retired, who resuscitated the Register of Infractions; and the Colonel of Water and Forests, M. Edouard ZAMA, who produced remarkable work on forest inspection procedures.



Led by the University of Wolverhampton’s Centre for International Development and Training (CIDT), the ‘Citizen Voices for Change (CV4C)’ project was designed to establish a strong, sustainable partnership of forest monitoring non-state actors (NSAs) or Civil Society actors in Cameroon, Central African Republic, Democratic Republic of Congo, Gabon and Republic of Congo. The project sought to address this challenge by strengthening the capacity, influence and long-term viability of IM organisations to perform essential watchdog functions. Find out more at <https://cidt.org.uk/cv4c>.