

Operational analysis of the mechanisms to fight against wildlife and forest crimes in Cameroon

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Introduction

Since the Rio de Janeiro summit in 1992, several tropical countries have committed to reducing illegal logging, which seriously hinders sustainable forest management. As a result, some countries have acceded to various instruments and initiatives aimed at fighting biodiversity loss and illegal trafficking of species, such as the Convention on Biological Diversity, CITES and FLEGT, just to name a few. Despite these initiatives, illegal logging and wildlife trade still persist in these countries several years later.

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In Cameroon, illegal logging is estimated at 33% of overall log production, while the annual financial loss is estimated at around 33 billion CFA francs, excluding biodiversity losses⁶.

In this climate, where Cameroon has subscribed to various international and regional instruments and is implementing various public and private initiatives to fight against illegal logging and wildlife trade, namely FLEGT-VPAs, CITES, ECOFAC, Independent Monitoring etc., there are questions on the effectiveness of all these initiatives on the ground.

It is in this context that CIDT has commissioned this study under the FGMC Programme, funded by FCDO. This study is also part of project Strengthening Forest and Wildlife Law Enforcement in Central Africa (RALFF), funded by the European Union and implemented by CIDT, Conservation Justice (CJ) in Gabon and the Aspinall Foundation via partnerships with PALF in Congo. The objective of this study is to assess the operational constraints faced by the mechanisms to fight against illegal logging. This study was specifically aimed at monitoring and identifying illegal forest and wildlife related practices, analysing the extent to which operational monitoring systems address illegal practices and propose solutions to strengthen the systems in place.

The work methodology, focussed on the review of forest and wildlife law enforcement reports as well as independent monitoring, coupled with interviews of the main actors, to enable the collection of a set of data which were analysed to draw 5 main conclusions. The study mainly covers the Lom and Djerem and the Upper-Nyong divisions in the eastern region, as well as the of Dja and Lobo division of the southern region.

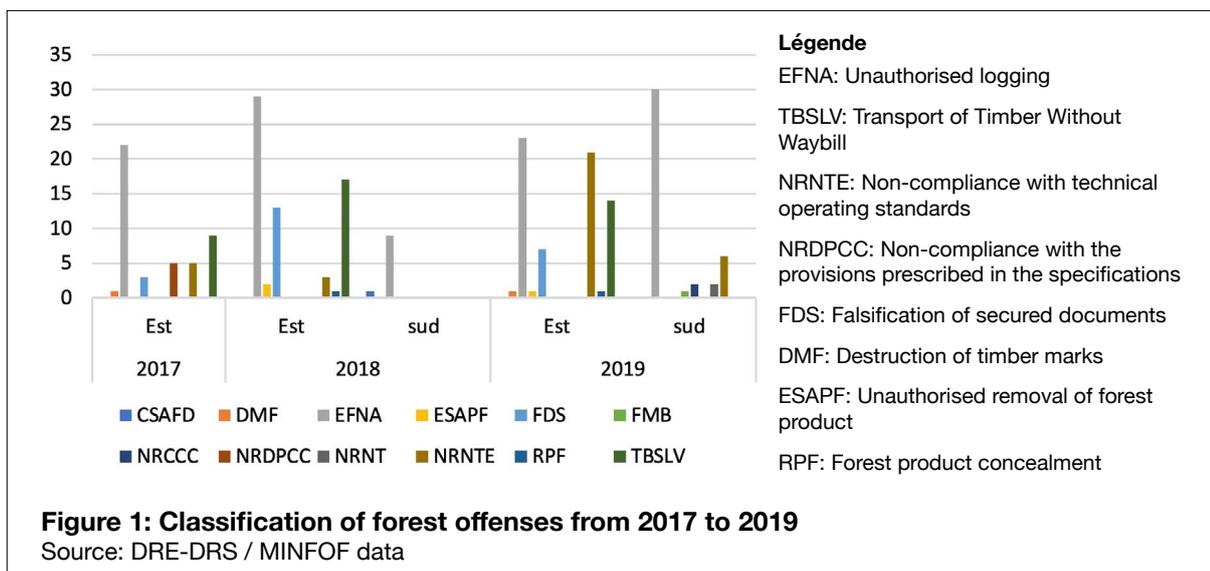
1. The forest and wildlife law enforcement system does not address the main concern related to illegal forest and wildlife trade practices

The existing legal corpus has been put in place to regulate activities and reduce any form of illegal practices in the forest sector. However, as outlined in the introduction, figures show that this phenomenon persists.

Analysis of the summary of forest-related offenses in the two study regions, namely the eastern region and the southern region of the country, between 2017 and 2019 reveals three recurring offenses, including Unauthorised Logging (EFNA), Transport of Timber Without Waybill (TBSLV) and Falsification of Secured Documents (FDS). These offenses relate particularly to logging and transportation of timber, which however only occurs after obtaining forest titles and cutting permits, of which the acquisition processes are not adequately controlled. While these offenses seem different, all are linked because they result from a chain of illegality that transcends over the entire timber supply chain and has its source in the allocation of forest titles and obtaining cutting permits. Data collected points towards the following offenses by region from 2017 to 2019.

6. Hoare A., Illegal Logging and related Trade - the Response in Cameroon: An Assessment of Chatham House, Chatham House, January 2015.

7. <https://www.afrik21.africa/cameroun-guerre-ouverte-contre-lexploitation-illegale-des-forets-et-de-la-faune/>, Visited on 6th February



Analysis of the process of obtaining logging permits show that a significant part of illegal logging stems from poor inventories, which results to overestimated logging quotas as well as placing more importance on timber transportation permits rather than the quantities of wood actually available in the plots.

In the wildlife sector, LAGA activity reports from 2017 to 2019 shows significant seizures of all or part of protected animals and the flourishing rise of bushmeat markets. Data between 2017 and 2019 in the two regions of interest, showed that more than 180 elephant tusks and tails, and approximately 2594 kg of pangolin scales, chimpanzee skulls, python skin, teeth and leopard skin etc⁸ were seized.

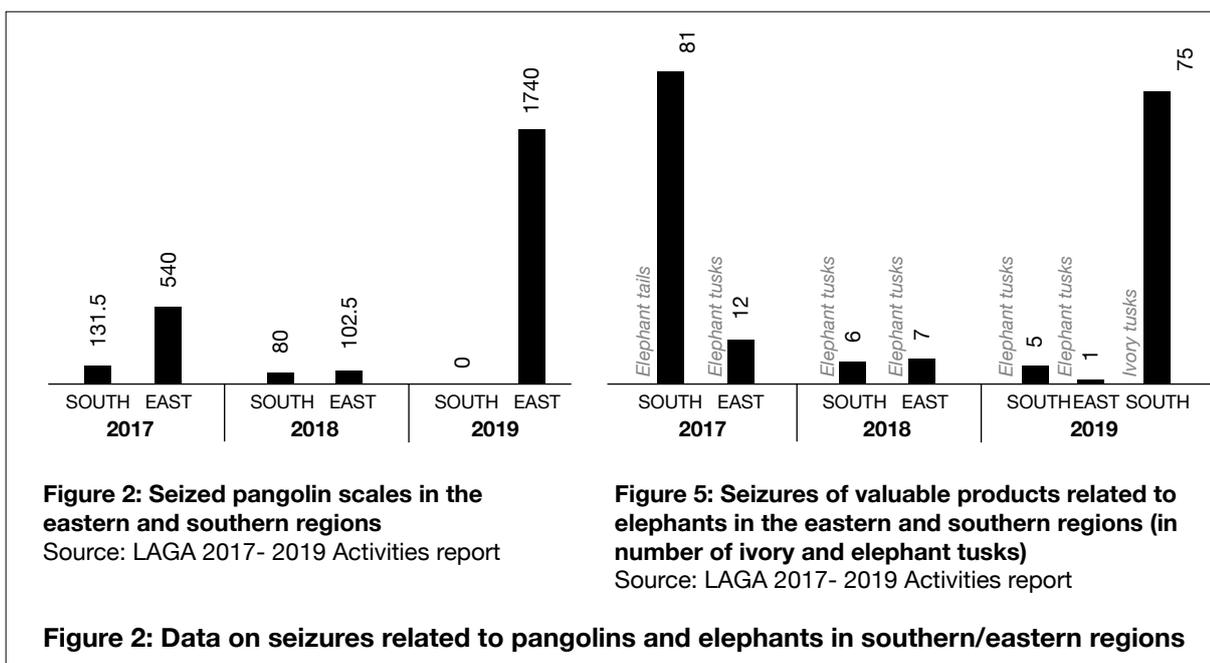


Figure 2: Data on seizures related to pangolins and elephants in southern/eastern regions

8. These data are based on the Activity Report of LAGA organisation between 2017-2019

The register of wildlife related offenses in the study regions highlights 3 types of recurrent offenses, namely the possession and circulation of wildlife species, the capture of wildlife species, as well as hunting without a license. These Infringements are mainly noticed between the transportation and marketing links of the supply chain, but the actions to monitor hunting are hardly ever noticed as it is easier to carry out controls at the level of transport and marketing than monitoring in the forest. With regards to the supply chain for poaching products, while the control system seems to focus mainly on the transport link, there is very little action upstream of the sector, particularly on hunting itself.

The figure below schematically shows the supply chain circuit for poaching products. Wildlife law enforcement should be able to act on each link in this chain, from sponsors and mediators to responses in the forest, aimed at hunters and trap-setters. It should also serve to monitor legal hunting activities, particularly in terms of compliance with quotas and animals for which hunting is authorised.

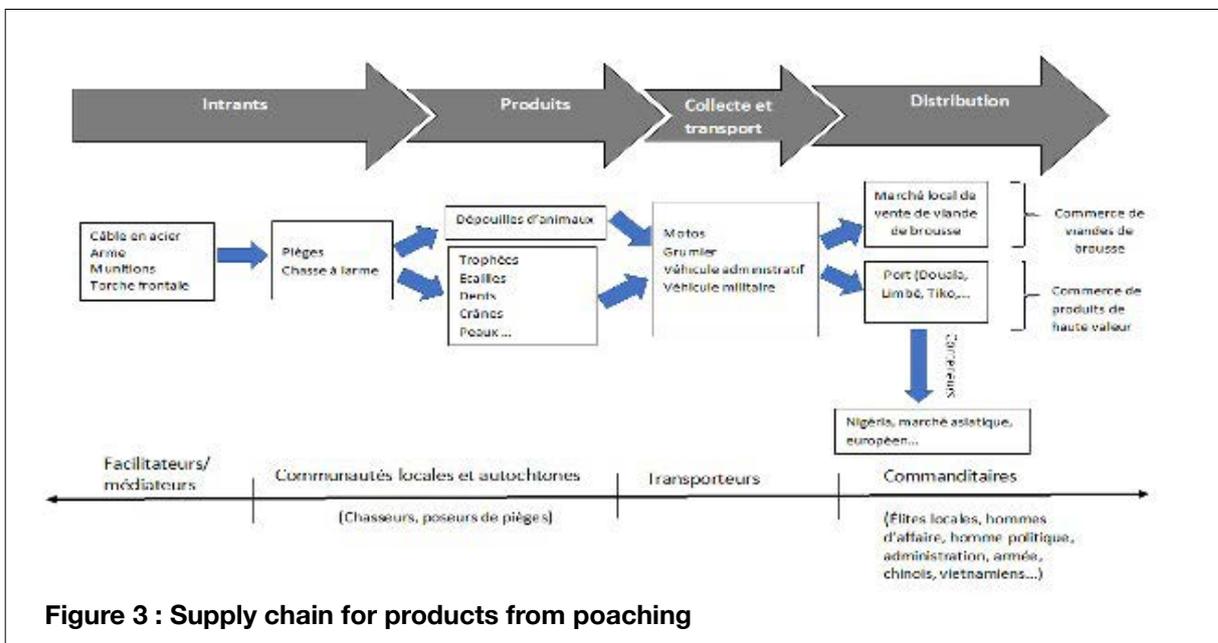


Figure 3 : Supply chain for products from poaching

2. The central and almost exclusive role of MINFOF in the monitoring system does not allow better involvement of other agencies, national and international NGOs in forest and wildlife law enforcement.

In theory, several actors are involved in forest and wildlife law enforcement including, amongst others, the administration in charge of forest and wildlife, law enforcement agencies, the judiciary, other multilateral partners such as INTERPOL, NGOs and forest bordering communities. However, in practice, these actors only intervene for information purposes or act in accordance with the will of the forest administration agents.

MINFOF on its own, carries out research, ascertaining the facts, seizing unduly harvested products and sanctioning offenders. Other administrations are rarely involved. This poses a problem in terms of the effectiveness of the actions of other collaborators. On this subject,

an INTERPOL official commented that "the complicity of MINFOF agents is an element that weakens the collaboration we have with MINFOF. [...] Amongst all these actors, we observed that it is only the forest administration that guarantees the legal and legitimate monitoring of its forest and wildlife heritage. [...] This simply means that if the same MINFOF is still the one who contributes to weaken the collaboration with other actors, repression will be made difficult due to its complicity. There is a strong chance that other actors will not be effective in their intervention. This is therefore the case with timber"⁴.

The same is true for the collaboration with national NGOs and local communities who get involved in the independent monitoring of forest activities because they communicate much information to MINFOF without any processing, and when it is processed, very little results to penalties. Indeed, there is a strong involvement of national and international NGOs in the fight against wildlife crime but almost all are at the same level, generally at the level of transport and marketing, which unfortunately occurs when the animal has already been slaughtered. However, strengthening intervention in hunting monitoring, whose competence is mainly that of MINFOF, would make it possible to tackle the phenomenon upstream.

3. Lack of synergies between the fight against illegal logging and poaching

As it stands, the fight against forest and wildlife crime is being carried out by the same administration i.e., MINFOF and all its branches. The forest activities monitoring brigade is the same body which is responsible for the fight against poaching within the Ministry of forest and wildlife. With regards to the instruments devoted to the fight, it can also be noted in the current context that the FLEGT-VPA focal point also has the responsibility of one of the CITES focal points.

Despite these commonalities, it appears that most of the mechanisms for the fight against illegal logging practices are different from those for fighting against wildlife crime. This results in a weak or even absence of synergy between the two mechanisms.

At the institutional and operational levels, there is indeed a strict partitioning of the services dedicated to forest monitoring and the fight against poaching, which leads to a weak monitoring of hunting activities in forest concessions. Likewise, the analysis shows that the organisations involved in illegal logging activities are to a large extent distinct from those enforcing wildlife law. This lack of synergy is also noticeable in the implementation of the FLEGT VPA on the one hand and CITES on the other hand.

At the practical level, data collected leads to the conclusion that there is a difference in the treatment of forest and wildlife offenses. It appears that at the operational level, very few forest offenders are the subject of legal proceedings. This is probably because of the clause that was introduced in the forest law and which in turn favours offenders and the administration to settle cases of forest crimes. In contrast, wildlife offenders are in most cases brought to justice. However, it should be noted that the trial time is relatively long, including cases of obvious offences. This can be explained, amongst others, by the judicial delays and the legal loopholes which hinder the procedure for finding the offense, the relative lack of knowledge by the judiciary and legal expert on issues related to protection of biodiversity, as well as the difficulties faced by the administration to prove in front of a judge that an offence has been committed.

9. Telephone interview as part of this study with an Interpol manager in Yaound e

4. Unlike forest monitoring, national NGOs and communities are less active in the fight against poaching

National NGOs and communities are key actors in the fight against illegal logging and wildlife trade. Because of their knowledge of the forest and of the situation on the ground, the role of these two actors is essential to improve the effectiveness of the fight. A look at the control mechanisms reveals that national NGOs and communities are more involved in the fight and monitoring of illegal forest activities than in the monitoring and control of illegal wildlife trade.

In Cameroon, independent forest monitoring is mainly carried out by national NGOs with the support of other actors. The results of their work have sometimes allowed to report and stop illegal activities despite the various delays and cumbersome nature of the forest administration. Local and indigenous communities are those closest to the forest and their biodiversity. They have an exceptional knowledge of the forest to which they are bordering. Therefore, represent an invaluable source of information to increase the effectiveness of the fight against any illegal activity associated with wildlife crime. This knowledge is in some cases poorly utilised in the context of poaching.

There is no wildlife tracking and independent monitoring system that fully involves national NGOs and communities. Most of the non-state actors involved in this struggle are international NGOs who support the state in managing various protected areas or track down any law breakers. The latter however, does not collaborate very much with local NGOs on the fight against poaching. In the same light, the difficulties experienced by communities and CSOs to protected areas in both geographic and management terms does not help in the implementation of effective independent wildlife monitoring system. There is an urgent need to formally and legally involve communities and CSOs in all efforts made in the fight against illegal wildlife trade in a similar manner to that of forest monitoring.

5. The resurgence and increase in cases of illegal activities due to the prevailing climate of impunity by perpetrators of wildlife and forest offenses

The lack of a rigorous application of penalties in cases of forest and wildlife offences is a contributing factor to maintaining or even increasing such acts. Besides the transaction that appears to be a windfall for forest offenders, corruption influences peddling and the involvement of political elites in dealing with forest and wildlife offenses are all flaws that reduce the effectiveness of the fight against illegal logging and wildlife trade. Impunity for prosecution, especially at the highest levels of administration sets the standard for all others and results to contempt towards the legal process, leading to the feeling that "everything is possible." Prosecutions for crimes against nature are rare, and the penalties imposed are not always dissuasive enough¹⁰.

In legal cases, judicial delays and the poor execution of court decisions contribute to increasing the feeling of impunity as previously noted. To illustrate this, the Ministry of forest and wildlife is represented in some cases by people who know little about legal matters, if at all any. As a consequence, this results to the discharge of cases against people involved in illegal wildlife trade. In cases where offenders are tried, implementing court decisions remain problematic. This

10. Pironio E. and Mayaux P. (Eds), Larger than Elephants: Elements of an EU Strategic Approach to Nature Conservation in Africa - Regional Analysis - Central Africa, European Union, 2016, p.223

leads to a significant loss of earnings for the State, especially in cases where solvent defendants have been ordered to pay substantial damages and interests. This recovery could constitute a financial resource necessary for the replenishment of funds allocated to conservation.

Conclusion

From the results presented above, it can be noted that several operational constraints contribute to the persistence or even exacerbation of forest and wildlife offences. These constraints are of three types: technical constraints and approaches to the fight; balance of roles and responsibilities of actors; and constraints related to the overall governance environment.

From all these constraints, some improvement solutions are being considered to strengthen the current law enforcement system:

The Ministry of Forest and Wildlife (MINFOF) in collaboration with the Ministry of Finance (MINFI) must clarify the modalities for speeding up legal procedures in the event of an infringement in accordance with articles 146 and 147 of the 1994 forest law and articles 136 and 137 of Decree No. 95/531;

In collaboration with MINFI, MINFOF must set up a mechanism to monitor, seize and auction timber;

MINFOF must strengthen the mechanisms for the control of allocation of logging permits as well as monitoring logging;

MINFOF must present a better legal team for cases, by ensuring the presence of law enforcement agents in courts.

Civil society must strengthen the monitoring of small forest concessions as well as the seizure and auctioning of timber;

Civil society must strengthen the involvement of local and indigenous communities in monitoring poaching in permanent forests (protected areas, FMUs, communal forests);

International and local NGOs must strengthen their collaborations, to include local and indigenous communities in monitoring the chain of poaching and trading of wildlife species.

Liste des abr eviations et des acronymes

VPA	FLEGT	Voluntary Partnership Agreements, Forest Law Enforcement, Governance and Trade
CE		Centre for Environment and Development
CIDT		Centre for International Development and Training, University of Wolverhampton
CIEDD		Centre for Environmental and Sustainable Development Information
CITES		Convention on International Trade in Endangered Species of Wild Fauna and Flora
CJ		Conservation Justice
CV4C		Citizens Voices for Change project
ECOFAC		Preserving Biodiversity and Fragile Ecosystems in Central Africa
EFNA		Unauthorised logging
FCDO		Foreign, Commonwealth and Development Office
CFA		Franc of the Financial Community of Africa
FSD		Falsification of Secured Documents
FGMC		Forest Governance, Markets and Climate Programme, FCDO
FLAG		The Field Legality Advisory Group
FODER		Forests and Rural Development
INTERPOL		The International Criminal Police Organisation
LAGA		The Last Great Ape Organisation, Cameroon
MINFI		The Ministry of Finance, Cameroon
MINFOF		The Ministry of Forest and Wildlife, Cameroon
NGO		Non-Governmental Organisation
PALF		Wildlife Law Enforcement Support Project, Congo
PV		Record of Proceedings
RALFF		Strengthening Law Enforcement on Fauna and Flora in Central Africa
REM		Resource Extraction Monitoring
TBSLV		Transport of Timber Without Waybill
CCU		Central Control Unit
EU		European Union
FMUs		Forest Management Units
UNESCO		United Nations Educational, Scientific and Cultural Organisation
USD		United States Dollars
WB		World Bank
WRI		World Resources Institute

Disclaimer

This work was carried out with funding from the FGMC Programme, the Foreign, Commonwealth and Development Office (FCDO), and the project Strengthening Law Enforcement on Fauna and Flora in Central Africa (RALFF), funded by the European Union.

The views expressed in this document are solely those of the authors and do not necessarily reflect the official views or positions of the EU, FCDO, and the University of Wolverhampton or Conservation Justice (CJ).



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