

**Terms of Reference for the transition phase of the
“Support for Independent Control and Monitoring of Infractions against
Forestry Regulations” project**

1. Background

1.1. Macro-economic Context

Cameroon has been going through an unprecedented economic crisis since the middle of the 1980s. After some not always successful efforts to revitalise the national economy, the Government of Cameroon finally managed to bring the 1997-2000 economic programme, under the strengthened structural adjustment programme, to a satisfactory conclusion. Since the completion of this programme, economic growth has occurred, and macro-economic balances have been re-established. Following on from this renewed growth, in the year 2000, Cameroon was able to submit an application to the Highly Indebted Poor Countries initiative (HIPC), with the aim of reducing its public debt. Cameroon’s application was judged favourably by the international financial institutions in October 2000.

Two of the most harmful consequences of the economic crisis are the worsening poverty and the deterioration in public morality, typified by the unprecedented rise in corruption. Unfortunately, the growth achieved since then has not been enough to counteract poverty. And the problems of governance, and particularly the increase in corruption, bring fears of a return to economic instability.

Aware of these threats to economic recovery, the Government of Cameroon has drawn up strategies for poverty alleviation and good governance, aimed at counteracting the deterioration in public morals and, particularly, at fighting corruption. These strategies should have an effect on all sectors of public life in Cameroon, and particularly the forestry sector, which has known potential for contributing to poverty alleviation¹, but which is also recognised as being one of those most affected by corruption.

1.2. The forestry sector in the national economy

Cameroon has huge forest resources: its forest cover is estimated at 22 million hectares of dense forest. With the economic crisis, the importance of the forestry sector in general, and of the industrial use of timber in particular, in the national economy has increased. Hence, the forestry sector contributes approximately 7% of Gross Domestic Product (GDP), and 20% of export earnings.

1.3. Current management of Cameroon’s forestry resources

The Government of Cameroon has made appreciable efforts towards improving the management of national forest resources. The most significant of these concern the drafting and adoption of a modern legal and regulatory framework for the

¹ The forestry sector is included in the Poverty Reduction Strategy Paper (PRSP).

management of forest resources. The most important elements of this legal and regulatory framework are the 1994 law and its various decrees of application.

The institutional framework has also improved with the creation of MINEF. And recently, the Government has set up the Programme for Securing Forestry Taxation Income (PSRF) which links MINEF with the Ministry of the Economy and Finance (MINEFI), with the aim of ensuring the better collection of taxation from logging activities. MINEF has set up an Emergency Action Programme (EAP) which provides for the monitoring and cleaning up of logging licences, with the help and monitoring of the donor community. The Special Forestry Development Fund (SFDF) is working effectively.

In terms of technical achievements, the Computerised Forestry Information Management System (SIGIF) has been established, and means that forestry activities can be monitored to a certain level. The procedures for the drafting, approval and monitoring of management plans are currently being developed. The Allocation Planning Strategy adopted in June 1999 and revised in June 2000 is being respected by the central departments: the “salvage authorisations” have been limited to their strict legal definition and the procedures for the allocation of concessions and Sales of Standing Volume have become more transparent thanks, in part, to the presence of an independent observer at the interministerial sessions. This improvement in transparency is leading to an increase in tax revenue from forestry activities: the level of area charge on concessions and Sales of Standing Volume has been multiplied by 2 and 10 respectively in the 2000/01 tenders; and 50% of this revenue is intended for the local councils and neighbouring populations for rural development.

The progress achieved so far may be summarised as follows: the rules are becoming clearer and more rigid; the abuses committed by some loggers are no longer being hidden behind all sorts of special dispensations; they are now infractions which can be easily identified during field controls. However, despite this progress, the private sector is still very adept at getting round the rules. The rapid increase in the number of auctions is but one example of this.

However, all these efforts have had little impact in the field. Management plans are still not being applied. Industrial logging is still more or less anarchic, due, to a great extent, to the lack of control of forestry operations in the field by the administration. Regulations are not respected in the field. The increase in the area charges may even encourage some loggers to go beyond the boundaries of the permits allocated. The forestry control departments have a reputation that creates a climate of suspicion and mistrust with respect to other stakeholders in forestry management. The lack of control results in huge fiscal losses and raises the problem of equity in the distribution of the profits of logging, which are, to a large extent, taken by the private sector. Despite recent progress, the forestry sector’s contribution to the national challenge of poverty reduction is still far below its potential; indeed, the continued existence of these resources is threatened because more land is logged than is officially opened for logging, and the forest’s wealth of timber is being reduced at an uncontrolled rate.

The Government has begun an institutional review of the forestry sector in order to help formulate a strategy for institutional strengthening to be implemented under a

Forestry and Environment Sectoral Development Programme (FESP), with the support of international partners.

To promote the sustainable management of its forests and build up its capacities, MINEF plans to introduce two complementary instruments:

- An observer linked to the MINEF control missions, to guarantee their transparency and objectivity; and mandated to facilitate the participation of civil society in territorial monitoring. This a control support tool. **The present ToR cover the first 6 months of this activity, which could become permanent.**
- An external auditor/supervisor (outside of the MINEF control missions), mandated to monitor respect for the implementation of the management plans and make an annual assessment of the progress made in the field. This will result in an expert report, not a control. These services will be the subject of a contract with another consultant.

1.4. The Support for Control and Monitoring of Forestry Infractions by an Independent Monitor project

Faced with the above-mentioned inadequacies, particularly its lack of credibility and weak administrative capacity, MINEF has committed itself to implementing, with the assistance of the donors, a project to support an independent observer for the control and monitoring of forestry infractions. The main features of the project are the following:

- Field control operations conducted by the administration in charge of forests (MINEF), supported by an independent observer with international credibility and according responsibility to civil society;
- The management of information on controls (at local, national and international levels) towards improving transparency;
- The development of a computerised case tracking and control mission monitoring system;
- The strengthening the control capacities of MINEF and civil society by means of training activities.

In preparation for this project, the international NGO, Global Witness (GW), was invited to conduct two identification missions in June and October 2000. During these, GW and the Central Control Unit (CCU) of MINEF carried out experimental field control missions with positive results.

Moreover, the Minister of Environment and Forestry, in his Memorandum N° 1555/MINEF/DF/SDIAF of 04 May 2000, established a committee to consider the Terms of Reference (ToR) for the project. The committee's work led to the organisation of a workshop to validate the project ToR on 17 October 2000. The implementation of the project adopted at the 17 October 2000 workshop will take approximately one year, due to administrative requirements. Given this, MINEF intends to organise a 6-month transition phase for the project, during which control activities will be conducted, with the participation of GW as an independent observer. To this end, MINEF has applied for funding from certain donors.

This transition phase should facilitate the drafting of longer-term terms of reference for the independent observer forestry control project, under the Forestry and Environment Sectoral Programme.

2. Objectives of the transition phase

The overall objective of the long-term forestry control project is to provide support for the establishment of the principle of good governance in the forestry sector, in order to improve its contribution to poverty alleviation through the sustainable management of forest resources. The 6-month transition phase of the project will have the following specific objectives:

1. To ensure the objectivity and transparency of control operations conducted by MINEF by including an independent observer with international credibility, whose reports will be published;
2. To strengthen the operational capacity of MINEF's control departments, and particularly the CCU.
3. To facilitate the training of those involved in forestry control from MINEF and civil society in the modern procedures and technologies for forest control.
4. To facilitate clarification on the means of control, through a description of the roles of those involved in forestry control, and the development of a precise reference system for infractions and sanctions, based on the legal and regulatory framework in force.
5. To facilitate the drafting and implementation of an information communication strategy for forestry control at local, national and international levels, towards the promotion of the principles of good governance, which include transparency.

3. The activities of the independent observer

The role of the independent observer for forestry control will, to a great extent, be based on that of the independent observer for the allocation of logging licences.

The independent observer will monitor the conduct of control missions by the CCU, will have access to all documents relative to these missions, and will observe all phases of the control mission, up to and including submission of the detailed reports (*procès-verbaux*) to the Minister. S/he will countersign the brief reports (*rappports*) (but not the detailed reports (*procès-verbaux*)), adding notes, where necessary. The Observer will submit a detailed monthly report on each of the control missions to the Minister, particularly noting respect for procedures and for the mission orders, as well as general comments and recommendations.

For each mission, the report by the CCU, countersigned by the Observer, and the Observer's report, will, on simple request and within 7 days, be provided to the logging companies whose activities have been monitored, and to any part of the national administration or donor concerned.

The FMUs allocated in 1997 and 1998 will all be priorities for control during this 6-month mission. The control activities in these FMUs will look at respect for the clauses of the provisional agreements concerning the provisions on logging, and particularly the respect for the limits of the annual felling allowances granted. Control missions with the independent observer will also be conducted in concessions as yet unallocated.

During this first 6-month phase, the independent observer's priority will be to work with the CCU missions.

The independent observer will also conduct additional training and capacity strengthening activities within MINEF. S/he will assist the CCU in organising control missions, with the geographic measurements and positions to be noted in the field, and in analysing and processing these measurements. These additional activities will become increasingly important once the long-term project becomes operational.

During the transition phase, the independent observer, in collaboration with the CCU and the other partners, will conduct the following activities:

3.1. At the beginning of activities, the Observer and the CCU will jointly draw up a detailed control programme for the 6-month period. As far as possible, the CCU and the Observer will make use of the technical reports available in setting the programme for the control missions. In general, the independent observer will ensure maximum synergy with other activities related to the monitoring of logging.

At the beginning of the mission, MINEF will organise a public information session to present the Observer's mandate and objective; and give an up-date on logging based particularly on the available information (SIGIF, FESP, technical review of concessions, etc.).

3.2 Support the CCU field missions by participating in logging control missions, regardless of the type of title or permit, including removal of auctioned wood.

3.3. Provide MINEF with the results of other investigations freely conducted into illegal logging activities during the implementation of the control programme.

In addition to the mandate of observer linked to MINEF control missions, the expert is authorised to make observations of logging, as is any person or association legally established in Cameroon.

3.4. Provide logistic and computer support for MINEF's control departments, and particularly the CCU.

3.5. Train MINEF control staff in the use of modern forestry control technology, both in the ministry and during joint field missions.

For the following activities, the consultant will provide support for the drafting of the Terms of Reference and monitoring of their implementation. The activities mentioned

below will be the subject of separate contracts drawn up under this transition phase and funded by the donors concerned.

3.6 Facilitate the establishment of a Case Tracking System (CTC) in collaboration with SIGIF and the Forestry Tax Revenue Securement Programme (FTSP), as well as a Mission Monitoring System (MMS), in order to ensure that all titles are controlled equitably and to draw up a record of controls for each company and each permit.

3.7. Help to formulate the Terms of reference for training for national NGOs in control technologies and the collection of verifiable information on illegal logging, in order to build up monitoring of forest land by the neighbouring populations and non-governmental organisations and associations.

3.8. Facilitate the organisation of an awareness-raising session for those involved from MINEF and civil society (NGOs, private operators, rural groups) on their different roles in controlling logging and monitoring forest land.

3.9. Help to clarify the roles of the various control structures; these recommendations should be aimed at facilitating the implementation of the recommendations of the institutional review.

3.10 Help to establish a reference system for infractions and sanctions on the basis of the legal and regulatory framework in force

3.11 Support the drafting and implementation of an information communication strategy on forestry control at local, national and international levels.

4. Expected results

The expected results of the transition phase are the following:

4.1 A control programme developed jointly by the CCU and the independent observer effectively implemented and monitored by the independent observer.

4.2. Field mission reports to be jointly signed by the CCU and the independent observer; monthly reports by the Observer to MINEF..

4.3 Reports as necessary by the independent observer to MINEF on information collected from free observations.

4.4 The MINEF control departments, and particularly the CCU, will have additional equipment (computers, GPS, and vehicles).

4.5 The MINEF control staff will be trained in the use of modern forestry control technology.

For the following activities, the consultant will provide facilitation and supervision:

4.6. A proposal for the drafting of a CTS (Case Tracking System) and an MMS (Mission Monitoring System) drawn up in collaboration with the SIGIF and the FESP, as available

4.7. NGOs to be trained in the use of modern technologies which will enable them to take part in the monitoring of forest land.

4.8. An awareness-raising session to be organised and a report on the session made available

4.9. A summary document to be drawn up by MINEF with the contribution of a legal consultant, giving a clarification of the roles of those involved in control activities.

4.10. A reference list of infractions and sanctions to be drawn up by a lawyer.

4.11. An information communication strategy on forestry control at local, national and international level to be made available and publications to be broadly distributed to inform civil society of the major infractions found in logging activities.

4. Practical and Contractual Arrangements

DFID's contribution to the Project (as set out in the attached budget) will be managed through an Accountable Grant. All equipment procured with DFID funds will remain the property of DFID and will be held by DFID's offices in Yaoundé after the mission, until such time as a permanent forestry surveillance project is in place.

Global Witness will complete section 5 providing all other details on funding arrangements from other donors within two months of the start of the project where they are in place and of all developments where contracts have yet to be signed.

Global Witness shall provide DFID with a draft copy a report recording their findings within two weeks of project completion date, and three copies of the final report.

**Logical framework for the transition phase of the
“Support for Independent Control and Monitoring of Forestry Infractions” project**

Summary	Verifiable Indicator	Means of verification	Important Hypotheses
<p>Higher objective: Forest resources to be managed sustainably and to contribute to poverty alleviation in Cameroon</p>	<p>1. Production forests managed sustainably</p> <p>2. Populations in the forested zones will have improved living conditions through income received from industrial logging</p>	<p>The number of forest concessions being sustainably managed</p> <p>Local development infrastructure installed using income from logging</p>	<p>1. Government commitment to the sustainable management of forest resources and poverty alleviation</p> <p>2. Definition of the procedures for the use of income from industrial logging in poverty alleviation</p>
<p>Overall objective of the project: Provide support for the establishment of the principle of good governance in the forestry sector through the control of illegal exploitation of forest resources</p>	<p>1. The laws and regulations governing logging respected</p> <p>2. Loggers guilty of illegal activities identified and punished</p>	<p>Field reports show a decrease in illegal logging</p> <p>The number of FMUs withdrawn for non-respect of regulations governing exploitation</p>	<p>1. Priority is set on field control operations</p> <p>2. Statements of infractions followed up by effectively applied measures</p>
Results			
<p>1. Operational capacity of MINEF control departments and particularly CCU strengthened</p>	<p>1.1 Control missions organised in the field with the participation of the independent observer</p> <p>1.2 The independent observer and other partners in civil society inform MINEF of illegal logging activities</p>	<p>Field mission reports jointly signed by the CCU and the independent observer</p> <p>Monthly and quarterly reports to MINEF by the independent observer</p> <p>List of allegations of illegal logging</p>	<p>1.1. The administrative procedure for the organisation of field missions facilitated</p> <p>1.2. MINEF accepts the involvement of civil society in the monitoring of logging</p>

	<p>1.3 A case tracking system established with the collaboration of SIGIF and the FESP</p> <p>1.4 Logistic support provided to MINEF control departments, and particularly the CCU</p>	<p>Computerised case tracking system</p> <p>List of equipment acquired during the transition phase</p>	<p>1.3. The GDFC and the FESP open to collaboration</p> <p>The equipment acquired used solely for the purposes of control</p>
<p>2. MINEF officials and civil society representatives involved in forest control trained in modern forestry control procedures and technologies</p>	<p>2.1 The MINEF control staff trained during joint control missions</p> <p>2.2 National NGOs trained in the collection of verifiable information on illegal logging</p> <p>2.3 A training session on the use of modern technology for the control of forestry infractions</p>	<p>The existence of standardised forms for the reporting of infractions drafted in a participatory manner. Periodic reports by the CCU to MINEF</p> <p>Minutes of meetings between the Independent Observer and the National NGOs</p> <p>Report of the training session</p> <p>List of participants at the training session</p>	<p>2.1. Training needs recognised by MINEF particularly the officers concerned, and the advantages of standardised statements accepted</p> <p>2.2. MINEF agrees to collaborate with NGOs in the fight against illegal logging</p> <p>2.3. The independent observer has the technical capacity to organise a formal training session</p>
<p>3. The means of forest control clarified</p>	<p>3.1 A contribution made to clarifying the means of forest control</p>	<p>Document to clarify the means of control, including a definition of the roles of those involved in control, and a reference list of</p>	<p>3.1. MINEF takes the initiative in clarifying the means of forest control</p>

		infractions and sanctions	
4. A strategy for the communication of information on forestry control exists and is applied	<p>4.1 Support provided for the drafting of a strategy for the communication of information on control</p> <p>4.2 The strategy for the communication of information on control drawn up by MINEF is implemented</p>	<p>Communication strategy document</p> <p>Articles in the press, on the radio, television and internet</p>	<p>4.1. There exists political will on the part of MINEF to disseminate information on control</p> <p>4.2. The MINEF communications unit has the capacity to draw up a communications strategy</p> <p>4.3. MINEF agrees to the principle of transparency in control</p>