

## Country Case Study 11

### Verification in the Forest Sector in Cameroon

Tim Fometé and Paolo Cerutti

#### Introduction

Cameroon is at the centre of global concern about illegal logging. The forest verification system in the country provides exceptional insights on ways to improve forest governance at national and regional level. The introduction of independent observers in the allocation of forest titles and in forest control activities has been instructive both as regards issues of ownership and independence of verification processes and the potential impacts on forest management practice. In November 2007 Cameroon entered into negotiations of a Voluntary Partnership Agreement (VPA) with the European Union.

KEY FACTS			
		Date	Data Source
Population	15.5 million	2002	(MINEFI 2002)
Land area	47.3 million ha		(Republic of Cameroon 2005)
Forest cover	45%	2005	(MINFOF and FAO 2005)
Public forest ownership	86%	2005	(MINFOF and FAO 2005)
Industrial roundwood production	2.3 million cubic metres	2006	(MINFOF 2007a)
Formal forestry sector employment	12-13,000	2006	(MINEFI 2006)
Contribution of forestry sector to GDP	6%	2004	(CBFP 2006)
Value of forest products exports	244 billion CFA	2006	(INS 2006)
Main international markets for timber	China, Italy, Spain	2006	(MINFOF 2007b)
Ti corruption perception index	2.4	2007	(Transparency International 2007)
Human Development index	0.53	2005	(UNDP 2007)

#### The national forest sector: context and issues

Productive closed forests on drained land in Cameroon cover about 17.5 million hectares (Eba'a Atyi 1998). A zoning plan drafted in 1993 divided the national territory into a permanent forest domain (PFD) and a non-permanent forest domain (NPFD). The bulk of annual timber production is harvested in about 100 Forest Management Units (FMU) inside the PFD.

Cameroon's forest sector is the second largest source of export revenue in the economy after petroleum, representing 16% of national exports earnings in 2003 (about 380 million US dollars), and about 6% of GDP (CBFP 2006). The logging and timber processing sector is highly concentrated, with more than 80% of national timber production being generated by fewer than 20 big companies, predominantly European. The installed



processing capacity of the formal sector is estimated at about 1.9 million m<sup>3</sup>, while the processing capacity of the informal sector has recently been estimated at about 0.3 million m<sup>3</sup> (MINEFI 2006) though a comprehensive assessment of the latter is still lacking.

The economic crisis that affected Cameroon at the end of the 1980s had a major impact on the forest industry. It led to a rapid increase in the number of accredited logging companies, notably nationals (Eba'a Atyi 1998). The adoption of a new forest law in 1994 then caused a serious decline in the availability of legal timber. Combined with the lack of means of the forest Ministry, MINFOF<sup>1</sup>, to control forest operations, both of these contributed to the forest sector becoming a breeding ground for illegality. As one illustration of this, official exports in 1998/1999 were recorded as about 2.9 million m<sup>3</sup>, while official production was recorded as only 1.9 million m<sup>3</sup> (MINFOF 2004).

Reported illegal forest activities pushed the donor community to press for more effective forest law enforcement and verification in Cameroon. Pressure on national authorities to comply with donor conditionalities and sectoral policy objectives came at a time when the country's international image was also seriously under threat. In both 1998 and 1999, for example, Cameroon was rated by Transparency International as 'perceived to be the most corrupt country' in its international surveys<sup>2</sup>.

Access to the European market is crucial to the national timber sector since Europe is still the predominant destination of Cameroon's timber exports (Figure 1). This helps explain why the EU FLEGT process has so quickly gained momentum not only in the political sphere but also within the industrial private sector and the national civil society. As part of this process, Cameroon started negotiating a 'Voluntary Partnership Agreement' (VPA) with the EU on November 2007.

### Mandate and legal framework for forest control and independent forest monitoring

Under the 1994 law, FMUs were to be allocated by auction and harvested in accordance with an approved

management plan. However, in 1996 and 1997, the Ministry still allocated many FMUs administratively, in clear breach of the law (Global Forest Watch 2000). Following these irregularities, the World Bank recommended changes and pushed them through as conditionalities of the third phase of the Structural Adjustment Program (Cerutti and Tacconi 2006). These changes included the appointment of an independent observer of the concession allocation process.

In 2000, in compliance with Article 124 of the 1995 implementing decree, MINFOF issued a document instituting the control system to be applied within the forest administration. The system was built around a Central Control Unit (CCU) and Provincial Control Brigades, and was designed to ensure that:

- i. regulations for logging activities were applied;
- ii. taxation data and statistics were collected and analysed;
- iii. fraudulent exploitation would be discovered and prosecuted.

In fact, the CCU was allocated only five foresters who were poorly equipped for field investigation missions as well as under-paid and disconnected from the central authority. This encouraged personnel to see forest control primarily as an opportunity for raising private revenue, and not as a mean for effectively managing the forest estate.

Following widespread concern, particularly in the donor community, at this failure by the traditional control system to ensure good governance, a number of independent observers were introduced to carry out control and verification functions. There were three of these:

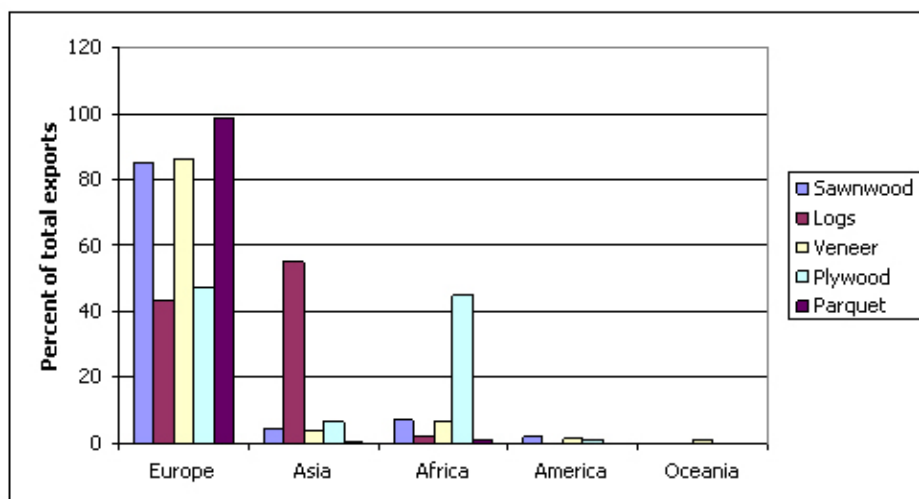
#### (i) Forest Titles Allocation Process

In line with the World Bank requirements, the Government introduced an independent observer in the Inter-ministerial Committee which oversaw concessions allocation. A private sector legal and accountancy firm (Cabinet Behle of Douala) was hired to fulfil this role and report to the Minister of Forests, which is the 'supreme authority' in issuance of titles. Cabinet Behle withdrew at the end of the first phase, and was replaced by Cabinet Bloch-Kolle in 2003.

#### (ii) Operational compliance in the forestry sector

Based on reports from donors that Cambodia had faced similar illegal logging problems and that Global Witness had helped to address them, the Government invited this NGO to undertake two scoping missions in Cameroon in 2000, financed by DFID, the World Bank, and CIDA.

Figure 1 - Percentage exports of timber products from Cameroon in 2005



Source: MINFOF 2005

After the scoping missions had taken place, the presence of an Independent Observer (IO) became a conditionality of the SAP III, and Global Witness was granted a contract in 2002 for a longer independent monitoring mission of forest operations. The fact that the contract was paid directly by various donors, and allocated non-competitively, and that the IO's presence was linked to a conditionality, did little to generate national ownership and empowerment.

In 2005, the UK-based organisation Resource Extraction Monitoring (REM) replaced Global Witness under a new contract funded by the European Commission. Since then, it has been implementing a project on 'Independent Monitoring of Law Enforcement and Governance' (IM-FLEG). REM's present mandate has as its main objective 'to contribute to the application of the principles of good governance in the forest sector in order to improve law enforcement' (Resource Extraction Monitoring 2006). This contract was to expire in March 2008, but, at the time of writing, it was being extended for an initial period of three months. After this period, the funding of the IM-FLEG will be covered under the umbrella of the Forest and Environment Sector Programme (PSFE), which was adopted in 2004 as an instrument to streamline the donors' funds with the priorities of the GoC towards the improved management of the forest and environment sectors.

### (iii) Monitoring Forest Concessions

In 2000, the Global Forest Watch (GFW) network, an initiative started in 1997 by the World Resource Institute (WRI), presented 'An overview of logging in Cameroon' (Global Forest Watch 2000). The overview brought together analyses made by using satellite images and GIS techniques with data on the forestry sector in Cameroon. Following the 2000 overview, GFW/WRI signed a contract with MINFOF to act as a third verification layer, to monitor forest operations through remote sensing techniques.

Timber products export control and chain of custody development were handled during this period under a contract with the Société Générale de Surveillance (SGS), a Swiss private sector company, first hired in 1994 to handle the control of exports of non-processed timber (i.e. logs) and the collection of related export taxes.

The role of these observers/controllers in the institutional set up was formally recognised in 2005, when a National Forest and Fauna Law Enforcement Strategy (SNCFE) was adopted. Implementation of the SNCFE has been accompanied by a significant increase in the number of forest controllers and in the equipment available to them. The CCU was replaced by a National Forest Law Enforcement Brigade in 2005, initially composed of six members but increased to twelve in 2006.

As a result of the structural adjustment reform process and the need to increase the forest sector contribution to national income, the Ministry of Finance (MINEFI) has also become more involved in the forest sector. Decree 08/009/PM of 23 January

1998 transferred to the Ministry of Finance all the fiscal competences previously exercised by the Ministry of Forests. Moreover, in March 1999, the Forestry Revenue Enhancement Program (PSRF) was created within MINEFI in order to ensure a rigorous monitoring of fiscal revenues in the wood sector and to increase its contributions to the state budget. The PSRF was created as a collaboration framework between MINEFI and MINEF, and the two ministries were supposed to exchange information for a more effective and streamlined data collection and detection of infractions (Cerutti and Assembe, 2005). To this day, however, neither ministry has regarded collaboration through the PSRF as a priority, and cross-checking of data and information is still very weak.

### Organisation of forest control and verification

Figure 2 provides an overview of the main conceptual framework for control and verification of actors and functions in Cameroon. Control personnel check the legality of any forestry-related operation (harvest, transport, processing and export) by private companies, individuals or village groups, and their compliance with the relevant regulations. Monitoring in the field is both routine and in response to requests by concerned individuals, civil society organisations or the private sector. Where illegal activities are discovered, the control officers are expected to:

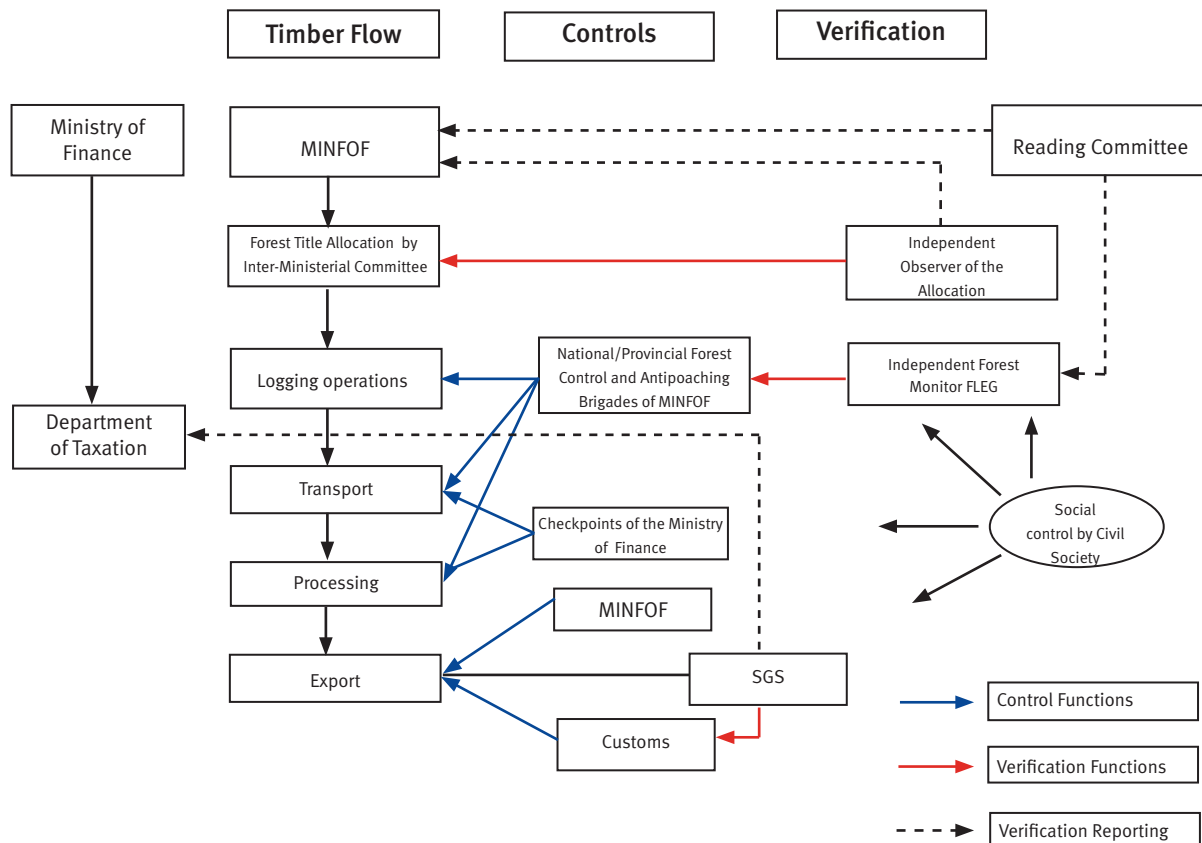
- list the relevant offences (infractions) in the mission report;
- write a statement of offence (procès-verbal) which is a basic document for legal actions to be taken;
- seize logs, timber or any forestry product and equipment as material evidence.

The efficiency and functioning of the control system is supposed to be assessed through an annual internal audit by the General Inspector of MINFOF. No audit, however, had yet been carried out by the time of writing this report.

Verification of field operations occurs when the IM carries out joint missions with the National Forest Law Enforcement Brigades. An innovation recently introduced by the IM has been to take a thematic approach to the implementation of field missions, whereby one or several forest law enforcement missions are devoted to a specific category of forest exploitation permits.

An interesting innovation in the Cameroon case was the introduction of an institution to process the information generated by the IM. As field control mission reports tended to contain facts and conclusions for which there was no agreement from the parties involved, a 'Reading Committee' (Comité de lecture) was created to validate their findings. This is made up of forest law enforcement officers, the IM and donor representatives. The Committee examines control mission reports before they are submitted for approval of the Minister, following which they are available for publication through the monitor's own web site and national press. Sanctions are based on statements of offence and the reports of the IM/

Figure 2- Conceptual framework: control and verification, actors and functions in Cameroon



MINFOF joint field mission, and recommendations made to the Minister. Appeals and arbitration procedures are addressed by the Reading Committee. The Committee is intended to contribute to improved transparency, though sanctions and actual payments related to discovered infractions are still very difficult to verify, not least because of the above-mentioned weak collaboration between the MINFOF and the MINEFI. Additionally, the whole decision making process is subordinated to the interests of the MINFOF Minister. Meetings are convened by him, as and when he thinks fit, with the most recent trends indicating a greatly decreased number of meetings held (Resource Extraction Monitoring 2007). Decisions on levels of fines and penalties are also taken by the Minister, behind closed doors. This leaves the process vulnerable to politicisation.

To support the follow up of forest law enforcement activities, donors have funded the establishment of three computerized databases. First, the Computerized Forest Information Management System (SIGIF), based within MINFOF since 1998, was developed by consultants funded by CIDA to manage timber production and related matters, such as areas of logging titles, area taxes due, active permits during a tax year as well as miscellaneous technical information. In the context of the VPA negotiations and the issuance of a 'legality document', a newer version of the SIGIF, under construction, should follow the entire chain from the stumpage to the port and guarantee the legality of forest operations. A second database, a special version of the SIGIF (TRINITE II Forêts), has been set up to help the PSRF manage the amounts of forest tax to

be paid by each company. Third, the Computerised Forest Infractions and Information Management System (SIGICOF), developed by Global Witness in 2005, which should contain data relating to forest law enforcement missions undertaken, enabling the daily management of forest-related legal cases. To date, however, the SIGICOF is not used within the administration, leading to a duplication and confusion of functions among concerned ministries (forests, finance, justice), which keep on working in isolation (Resource Extraction Monitoring 2007). The failure to harmonise these three systems limits their effectiveness and prevents the system from achieving its full potential<sup>3</sup>.

### The verification system: an interim assessment

It is widely acknowledged that the incidence and scope of illegal forest activities in Cameroon's forest management units has progressively decreased since 2001. Structural conditions have probably played some part in this, notably the new allocation of FMUs, allowing logging companies to obtain legal access to timber. This process started again in 2000 after almost 3 years of suspension due to the 1996/7 irregularities. However, the performance of the control and verification system has also been a factor, and has exerted a positive effect with respect to increased compliance in FMUs and increased availability and transparency of information. There has also been growing recognition of the positive roles that civil society organisations can play in improving forest governance, as attested by their involvement in the VPA preparation process. However, when a deeper



assessment is made of the control and verification framework, responsibility for the functioning and maintenance of control and verification systems still seems to lie excessively with external donors, and ownership by concerned ministries is still very limited.

Indeed, even after almost six years of independent monitoring, forest law enforcement missions suffer from serious weaknesses. This reinforces the sense that full ownership by concerned ministries is difficult to be built if they have to acquiesce to the conditional introduction of an independent monitor. In fact, the list of weaknesses found in the most recent annual report of the Independent Monitor describes a situation on the ground not very different from that which could be observed at the end of the 1990s (Resource Extraction Monitoring 2007). The weaknesses listed include:

- Centrally planned field control missions have become the rule, and the Provincial Brigades (arguably the key link in the chain of forest control) have been rather marginalised and are playing a secondary role. They are not allocated enough funds to carry out control missions. Some Provincial Brigades rely on logging companies to cover some of the costs of their missions, leading to questions about their objectivity;
- Poor staffing and lack of equipment including transportation have caused field missions to be sporadic. Missions that do take place are less effective because MINFOF officers often do not have access to background basic data, such as production, previous enforcement reports or original maps showing the boundaries of the exploitation permits. They also lack the budget to hire vehicles for removing any timber they seize;
- There is no effective monitoring of the work done by law enforcement officers nor is there a system of sanctions against those who do not follow required procedures. A particular weakness is that forest law enforcement officials rarely question actions taken or documents signed and/or issued by the central Administration.

Coordinated action to suppress illegal activities is low because many key players such as the police, army and magistrates are still largely unaware of the existence of any control strategy. Thus the various control systems (forestry, finance and customs) do not yet cover all forest activities.

On paper, the FLEGT process has been a good catalyst for developing a national legality standard for timber, and a 'draft zero' document has already been prepared to start negotiating the VPA. Though the process for developing these criteria initially left much to be desired as regards consultation of civil society, more recently civil society organisations have been more engaged and indeed have been very active in the preparation of this strategic document.

The experience of a Reading Committee, where the IM and the national control brigade's control reports are analysed, is unique in central Africa and has played

a particularly important role in allowing for ministry buy-in to the verification system. Though an interesting and largely positive development, its performance has been limited by the fact that the Minister still remains the supreme authority and has almost complete discretion on whether or not to follow through with an infraction case, as well as to decide on the financial value of any sanctions actually to be imposed. Long delays in convening Reading Committee meetings and the absence of mechanisms to follow up on and confirm the sanctions taken against the non-compliant have tended to limit the efficiency of the system. One notes that, although the Reading Committee cannot be said to function effectively, the problems with it arguably lie outside the verification system as such, and reside more in the overall structure of forest governance which is still largely unreformed.

The fact that the SIGICOF database on infractions has not yet been put into use by forest law enforcement services means that forest-related litigation continues to be a mosaic of multiple procedures and actions each taken by individuals from different services, with no attempt to coordinate information (Resource Extraction Monitoring 2007). The resulting inefficiency in law enforcement practices together with the low penalties being applied to forest law infractions means that illegality can still be profitable, even when infractions are detected and punished (Resource Extraction Monitoring 2007).

### Lessons learned

While much of the international interest has been in the verification activities of the mainly international, specialised organisations and NGOs, some actors belonging to the private sector (e.g. monitors of the auction process, and SGS) have also played important roles in the Cameroonian context. As far as monitors for the forest allocation process are concerned, conflicts of interest were avoided by selecting monitors through a competitive process among several highly recognised consultants in the law and accounting/financial auditing profession.

Reliance on international NGOs for the delivery of independent monitoring has been based on the claims that these organisations, unlike the public and private sectors, would have no direct interest and would have ideals to defend in terms of good governance. They also have a reputation to maintain and are usually considered by the international community to be more credible. However, the need to select from a very limited number of NGOs who can deliver this type of services does reveal the limitations of the market. Global Witness' contracts were awarded administratively (without competition), under pressure from the donors, and REM was the only organisation to bid for the follow-up contract in 2005. Moreover, there have been several allegations, made especially by the Ministry and logging companies, that the choice of a campaigning NGO led to misuse of information and non-respect of its contractual terms, but it remains difficult to assess such charges, since there exist neither a system of professional accreditation of IFMs nor an

institutional mechanism where the assessment could take place.

The three monitors operating in Cameroon, albeit working towards a similar objective (improved governance of the forestry sector), faced different constraints and had different impacts. It could be argued that where objective standards were set, such as the list of criteria to be checked before granting a concession, the work of the monitor was facilitated, and the impacts bigger, than in those cases where the negotiations of sanctions happened behind closed doors and only responded to the ministerial discretion. In such instances, transparency did not improve.

One lesson that can be drawn from the Cameroonian experience is that the control and verification systems must rely on objective procedures with clear legal prescriptions for decisions to be taken at key nodes in the system. Where objective criteria do not exist, such as in the case of the amounts of sanctions to be issued against faulty operators, there are recurrent causes of frustration even for civil servants in the ministry, which may undermine the effectiveness of the whole verification system. Subjectivity on such important matters might foster inequitable treatments among logging companies and, indeed, foster corruption.

Another important lesson learned is that, if the Ministry does not buy into the reform process or the reforms are pushed through conditionalities, even the application of objective criteria does not necessarily achieve real governance improvements. For example, the reports of the two monitors for the attribution of concessions in the period 2000-2005 reported numerous doubtful and suspicious practices, although there is little evidence of any of their concerns being seriously taken into account or bidding practices modified. This would have been expected if governance had indeed improved and were the Ministry to have really supported the reforms it was supposed to implement. In fact, the 2006 Economic Audit of the Forestry Sector noted that fair competition (dimension authentiquement concurrentielle) had diminished over time in the auction process and that the Independent Observer reported that equity among bidders was not always respected (MINEFI 2006).

The GFW monitor, though not directly involved in high-visibility actions, such as the field missions conducted by the monitor of forest activities, had, and still has, an important long-term role in providing overall credible information on the state of the sector and enhancing the capacities of the ministry to deal with new cartographic technologies and planning activities. While the work of this monitor has not attracted the same level of international attention as the concession monitor, it has played an important and complementary, albeit low-key, role. However, in this case also, ownership by the Ministry remains a critical issue for the adoption, development, and implementation of acquired capacities once the monitor will leave the country.

All that said, the role of civil society monitors has

been important in increasing public awareness on issues such as illegal logging, and in providing donors with the information needed to press the government into taking remedial action. Civil society engagement for the verification of the legality of forest activities can be seen as an essential step towards increased in-country ownership of the verification system, as well as increased credibility of the country's forest governance sector.

## Conclusion

Cameroon has gained considerable experience of verification operations in the management of the permanent forest estate, using a range of actors (NGO and private sector, forest sector and legal/financial specialists). While Cameroon's experience shows how important external oversight can be to improve information dissemination and transparency, it warns against any over-simplistic interpretation of the institutional requirements for forest verification.

An important feature of the Cameroon experience (particularly compared to the experience in, say, Cambodia) has been the flexibility built into the approach, allowing for the development of new institutions and mechanisms to integrate the various elements of the verification system, and to validate the information they provide. Even though they are not yet fully operational, the following are of special interest:

- The development of computerised information systems and institutional structures recording timber production and allowing for many important tasks to be performed on fiscal issues, such as tax collection;
- A separation of powers (administration, monitoring and audit, and sanctioning) as a first step to ensuring independence, with independent observers acting as watch dogs with no power of sanctioning; and the Reading Committee ensuring discussions to take place and acting as an arbiter in case of disagreement between the monitor and the national control brigades' findings.

Overall, the Cameroon case shows that external support and pressure (especially in the form of donor conditionalities) can play an important role in establishing forest control and verification systems. However, national ownership and a secure funding mechanism are critical for the independence and effectiveness of the system. There is a view that, in Cameroon, over-dependence on donor funding for the implementation of the system has undermined its sustainability and increased vulnerability during periods of resource shortage.

Tim Fometé is the VERIFOR focal point in Africa. Paolo Cerutti is a researcher with CIFOR and a member of the VERIFOR team.  
For correspondence please contact [p.cerutti@cgiar.org](mailto:p.cerutti@cgiar.org)

## Footnotes

- 1 Ministry of Forests and Wildlife – Ministère des Forêts et de la Faune.
- 2 Cameroon was rated 85th out of 85 countries in 1998; 99th out of 99 in 1999. By 2005, it had risen to 137th out of 158, and by 2006, 138th out of 163.
- 3 In fact, the failure to harmonise information systems also relates to a fourth system, originally PAGODE, now replaced by SYDONIA. The PAGODE system ('Automated Management Procedures for Customs Operations and External Trade' or Procédures

automatisées de gestion des opérations douanières et de commerce extérieur) allowed all merchandises reaching Douala to be cleared before export takes place. Since January 2007, a new automated Customs system has been launched in Douala (Automated SYStem for CUstoms DAta [ASYCUDA] / SYStème DOuaNIer Automatisé [SYDONIA]) and has replaced the former PAGODE system. SYDONIA has the potential to be linked to data introduced or produced by other databases, notably those focussing on the timber sector, but this interconnection is not as yet functional.

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([d.brown@odi.org.uk](mailto:d.brown@odi.org.uk))

Administrative editor: Francesca Iannini  
([f.iannini@odi.org.uk](mailto:f.iannini@odi.org.uk))



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