

Global Witness

Independent Observer in Support of Law

Enforcement in the Forests Sector

Cameroon

Independent report No. 002En

Location: Department of Dja and Lobo and Mvila

Date: from 16 to 29 July 2001

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1 Introduction

By Note of Service No2336/NS/MINEF/CAB/CCU of 05 July 2001, a control mission of forest exploitation activities was undertaken in the Centre and South Provinces.

The current partial report is independent due to blockages in the elaboration of the joint report Global Witness/Central Control Unit (see draft in appendix). It focuses on the Department of Dja and Lobo and Mvila, in the South Province. Members of the field mission from the Ministry of Environment and Forests (MINEF) included:

Mr ENGBWANG Emile, Chief of the Central Control Unit (CCU) and of the mission;
Mrs ONDOA born BEYEKONI.

On their respective areas of control, the Chief of Brigade for the control of the South, the Ministry of Environment and Forests (MINEF) local representative in Djoum and the Chief of the Forests Section for the Departments of Dja and Lobo and Mvila joined the mission whose objectives were:

- 1- The verification of illegal forest exploitation;
- 2- The report and legal proceedings in case of illegal exploitation;
- 3- The monitoring of the forest area on its itinerary or on the road.

Beside the members listed above, the team requested on each occasion complementary information useful to the success of the mission to the forest administration local representatives, as well as the administrative authorities.

The maps with the position of the titles were obtained from the Central Unit of Forest Mapping (UCECAF) at the Direction of Forests; and the mission had geographic maps of the visited regions of Cameroon at 1/200 000.

2 Evaluation of the exploitation camps

2.1 Department of Dja and Lobo

2.1.1 Situation of SIBM : (Auction).

Date of passage: **19/07/2001**

Title: **Auction**

Concession holder: **SIBM**

Report on the field

SIBM, owner of an authorisation to remove timber following a public auction, according to the public note No 368 of 27/04/01 and who paid its due (payment of 11 000 000F CFA to the Treasury and corresponding 13%). This company is nevertheless confronted to an opposition from Mr NDO Alain, representative of COFEQ, who benefited from an Authorisation to build rural roads No. 1597/L/MINEF/DF of 08 May 2001 in the same village.

That the sanctions provided for in the Law in case of non-authorized forest exploitation in a communal forest are judiciary and administrative.

That the judiciary sanctions are penal and civil:

- Penal : Article 156 provides for a fine between 200 000 and 1000 000 FCFA and/or imprisonment of between one to six months.
- Civil : Article 156 and 159 of the law provide for the payment of damages to victim of the infraction. The damages are calculated on the basis of the total current market value of the species logged illegally.

That administrative sanctions are provided for in Article 65 of the Law: «Any breach of the provisions of this law or regulations passed in implementation thereof [...] shall entail suspensions or, in case of a repeat offence, withdrawal of the exploitation document or approval as the case may be, following the conditions laid down by decree.». The provisions targeted by the decree are article 130 and following, which provide that the suspension is issued by the Minister of Forests, by a decision motivated and notified to the company.

The mission therefore suggests:

- that an official inventory of the logs that were auctioned and that SIBM purchased be made and that the selling price be re-evaluated accordingly, so that SIBM pay the difference or, as the case may be, receive the extra amount paid;

- That the sub-Prefect in Sangmelima be invited to withdraw his summon to stop activities given to SIBM;

- That the sanctions provided for by the Law and presented above be taken against SIBM for exploiting in the forest of Nkolebom without a title

- That MINEF notifies COFEQ that the authorisation to build roads is not a title of exploitation

2.1.2 FMU 09-004B

Date of passage: **20/07/2001**

Concession holder: **COFA**

Partner: **BOIS 2000**

Annual Cutting Permit : **No. 08**

Report on the field

The limits of Annual Cutting Permit No. 08 of the FMU 09-004B was indeed traced at the following GPS coordinates.

N: 02°24,795'

N: 02°28,471'

E: 012°45,941'

and

E: 012°45,357'

This coordinates allowed the conclusion that logging was carried out within Annual Cutting Permit N° 08.

Non presentation of transport documents (DF10s)

This infraction is not previewed in the law but articles 156 and sub decrees provide the possibility for judicial sanctions.

Measures taken

- a Procès verbal noting the evacuation of logs beyond the authorised period was given against SOFAC, represented by its chief of exploitation, who gave his identity and acknowledged what he was reproached;
- A notification to stop activities was given to this Company.

Proposition of sanctions

For the two infractions noted, the sanctions are from article 65 of the Law that provides for administrative sanctions in case of violation of the law or any regulation text for its implementation.

2.1.4 FMU 09-003

Date of passage: **21/07/2001**

Concession holder: **LOREMA**

Partner: **SFID**

Annual Cutting Permit : **No. 02**

Report on the field

Forest exploitation which began on 12/07/2001, is still in a preparatory phase in this camp, with the opening of a route and felling of a few species.

The transport documents issued by the Departmental Delegate did not have the number of the Annual Cutting Permit (No.2).

Conclusion

No infraction against LOREMA

The Departmental Delegate had the obligation to inscribe the number of the Annual Cutting Permit and the name of the company concerned on the transport documents before being issued. The Departmental Delegate should be invited to avoid such lapses in future.

2.2 Department of Mvila

2.2.1 Non respect of the Norms of Exploitation

Date of passage: 25/07/2001

Title: 90-41-127

Concession holder: Ingénierie Forestière

Report on the field

The GPS coordinates on the different limits allowed the conclusion that the limits of Sale of Standing Volume 90-41-127 were indeed traced.

However, the mission observed the following infractions:

- Felling of logs of Iroko under-diameter;
- Non-marking of certain stumps
- Non-registration of transport documents DF10s
- Transportation of logs using transport documents with wrong numbers 29302/29301

Logging under diameter

This infraction is not among those for which the Law (art 156 and ss) provides judiciary sanctions.

The sanction is from article 61 and 65 of the Law that provides for the insertion in any contract specifications or management plans of technical prescriptions governing forest exploitation. Article 65 of the law specifically targets the violation of these prescriptions among the infractions for which it provides administrative sanctions.

Non marking of certain stumps

This infraction is not among those for which the Law (art 156 and ss) provides judiciary sanctions. As violator of norms of exploitation, the company is sanctioned by article 65 of the Law that provides for administrative sanctions in case of violation of the Law or any regulatory text for its implementation.

Non-registration of transport documents DF10s

The fault of non registration of the DF10s should be investigated and responsibility allocated to the company or the administration.

Transport of logs with wrong documents

On the basis of article 158 of the Law, one can say there is fraud on a document issued by the administration of forests.

The Law provides for two types of **sanctions** :

Judiciary sanctions, that are penal

Article 158 provides for a fine of between 3000 000 to 10 000 000 FCFA and/or imprisonment of between one to three years

Administrative sanctions

Article 65 of the Law provides that: «Any breach of the provisions of this law or regulations passed in implementation thereof [...] shall entail suspensions or, in case of a repeat offence, withdrawal of the exploitation document or approval as the case may be, following the conditions laid down by decree.».

The provisions targeted by the decree are article 130 and following, which provide that the suspension is issued by the Minister of Forests, by a decision motivated and notified to the company.

Consequence :

The mission noted the non-respect of forest exploitation norms by the Company Ingénierie forestière.

Measures taken:

A Procès verbal (official notification) was issued against Société Ingénierie Forestière, represented by Mr MESSA Emmanuel, its chief of exploitation, for non-respect of logging norms (felling of logs under diameter, non marking of stumps, inappropriate use of transport documents)

2.2.2 Sale of Standing Volume 09-02-132

Date of passage: 26/07/2001

Concession holder: WIJMA

Report on the field

The mission noted, at the level of the vehicle park, a cessation of logging activities in this camp since 25/06/2001

Consequence :

The mission did not go in the logging site and consequently did not note any infraction against this company.

2.2.3 ARB 511

- Date of passage : **26/07/2001** ;
- Concession holder : **SOFOPETRA**

The sub-prefect of Mvangan, in presence of the Commissaire Spécial, the Commandant of Brigade and the local MINEF representative of Mvangan was surprised by the object of the mission while he was expecting a mission on the field to make populations sensitive to forest control. He insisted on bringing the mission's attention to the tense social situation in the region, in relation to forest exploitation carried out by Sofopetra.

A information campaign would be organised by a certain BENGONO Michel, Professor at the secondary-school of Sangmelima, together with a military person from the Presidential Guard. This campaign should have preceded the arrival of the mission to inform the and mobilised workers of Sofopetra who have been suspended and who said they wanted to oppose the control mission and forest authorities.

Therefore the Administrative authority expressed reservation about the security of the members of the mission, given the ambient tension and especially the reduced number of authorities (2 policemen in function and available in the village) as well as the long procedure to obtain permit to shoot.

To avoid any regrettable situation for this case, a mission to make people sensitive to the need for control should precede a control mission itself.

Recommendations

The mission recommends that:

The authorisations for the planning of rural roads precise the trace, the hold and the social obligations relevant to these authorisations.

For the Sofopetra situation, that a mission to make people sensitive to control precedes that of control to avoid that MINEF agents be held responsible for the closure of the company named above.

That a representative of Sofopetra be co-opted in town and accompanies the control mission on the field if not associated within the frame of preparation of the control mission.

3 Appendices

Draft joint report Global Witness/CCU