

Project of Independent Observation in Support of Forest Law Enforcement in Cameroon

Approved by the Ministry of the Environment and Forests

Report No. 24 En

Joint mission: Central Control Unit – Independent Observer

Title: PB 1086

Location: Coastal Province

Mission Date: August 10 - 12, 2002

Companies: SETBC/CIBEC

Independent Observer (Global Witness):

Mr. Stuart Wilson, Project Director Mrs. Valérie Vauthier, Projects Director Mr. Owada Jean Cyrille, Technical Assistant

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1. SUMMARY

The Central Control¹ Unit (CCU) of the Ministry of the Environment and Forests (MINEF) undertook a mission to Bessoungkang, Department of Moungo, Coastal Province, from 10th to 12th August 2002, accompanied by the Independent Observer (Global Witness). The aim of the mission was to verify allegations of fraudulent logging in the forests in the Bessoungkang-Kounang area.

The mission first held a working meeting with the Provincial Delegate for the Environment and Forests for the Coastal Province, along with representatives from the population of Bessoungkang. It then visited the logging area of Sale by Public Auction (SPA) No. 1086. Finally, it visited a work site not currently in operation in the Bessoungkang village school.

At the end of this joint mission, the Independent Observer's main conclusions are the following:

- SETBC and CIBEC have felled 1000 m³ more than the volume authorised by SPA No. 0960;
- There is a significant volume of wood in the forest in question;
- SETBC and CIBEC used two types of transport permits. Some had no date or serial number, which is in violation of the current rules and regulations;
- The stock of felled wood at Bessoungkang does not appear on the public notice of 26th of December 2001. The CCU claims that this SPA appears on an "additional list" drawn up by the Minister of the Environment and Forests. In spite of several requests made to the CCU, the Independent Observer has not received a copy of this list;
- SETBC and CIBEC have not met all their obligations to the people of Bessoungkang in terms of social works.

In view of the above, the Independent Observer recommends:

- That the CCU be requested to provide a copy of the additional list to the public notice of 26th December 2001, signed by the Minister;
- That SETBC and CIBEC be summoned to an official hearing for:
 - o Exceeding the volume authorised;
 - o Failing to keep commitments made to the local population;
 - o Using irregular transport documents.
- The systematic inventory of all the timber still lying in the concerned forest. Given that the Bessoungkang community has requested the allocation of a community forest in the disputed area (Appendix 9), it would be wise for the listed wood to be used for social works:

¹ "Control" in the context of this report means "Law Enforcement" or to "check compliance with law".

- That an investigation mission be sent on the part of the relevant MINEF departments aimed at studying logging activities in the Kounang region.

2. RESOURCES USED

- 1 4x4 pick-up truck
- 1 Yamaha 100 motor bike
- 2 Garmin GPS
- 1 video camera
- 1 photographic camera
- Maps to 1/200000
- 1 laptop computer

3. COMPOSITION OF THE MISSION

Two members of the CCU, two members of the Independent Observer technical team plus one representative from the London office, the Departmental Delegate for the Environment and Forests of Moungo and a representative from the Head of the Littoral Province Brigade took part in the mission.

4. CONSTRAINTS

The mission came up against two major constraints, namely, the absence of documents related to the activities of the two SPAs and the absence of senior officials from the accused companies.

5. RESULTS OF THE MISSION

5.1. Summary of the facts

SETBC was holder of the first SPA No. 0960 notified by letter N° 1176/L/MINEF/DPEE/LT/SPF/BEIF dated the 22^{nd} of January 2001. This title related to a volume of 972 m³ of wood (Appendix 6).

A second SPA, No. 1086, was allocated to SETBC on the 31st of January 2002 for a volume of 876.5 m³ of wood abandoned "in the place known as KOUNANG-BESSOUNGKANG" (Appendix 2).

Through the intervention of its sub-contractor, CIBEC, the beneficiary of these titles made a commitment to provide the local population with a certain number of goods and services.

The local population of Bessoungkang accuse SETBC and CIBEC of not having provided some of the promised benefits. The two companies are also accused of having removed a greater volume of wood than authorised.

During the second sale at auction notified on 31 January 2002, the Provincial Delegate for the Environment and Forests ordered a halt to SETBC and CIBEC work in response to allegations that the authorised volume had been exceeded and that commitments made to the local people had not been kept (official hearing of the meeting of the 26th of February 2002).

On the 3rd of April 2002, the UK Department for International Development (with copy to the Independent Observer) updated the Minister of the Environment and Forests on allegations made by the Bessoungkang community as follows:

"It would seem that CIBEC has removed 3000 m³ more than the 876.5 m³ authorised by the relevant MINEF departments in accordance with SPA No. 1086 dated the 26th of December 2001". (Appendix 1).

5.2. Observations of the Independent Observer in relation to the complaint

a) Absence of the second SPA on Public Notice No. 1087 of the $26^{\rm th}$ of December 2001.

On the 26th of December 2002, the Minister of the Environment and Forests took a decision regarding the explicit listing of all stocks of wood available for sale by auction.

It emerges from the Independent Observer's research that the stock of 876.5 m³ of wood forming the object of the second SPA allocated to SETBC does not appear on the list published by the Minister on the 26th of December 2001. The CCU, in particular Mr. Kingué, claims that this volume of wood is included on an **additional list** signed by the Minister. The Independent Observer has asked Mr. Kingué to provide it with a copy of this additional list but he has never produced it.

The non-existence of an additional list produced in due form could mean that the second SPA allocated to SETBC is illegal.

b) Presence of logs in the log ponds and logging in excess of the volume authorised.

The mission noted the presence of a stock of logs in the log ponds bearing the marks 'SETBC, TRSA/SPA 1086' and the marking hammers (see photos 1 and 2 below). According to information sent by the Departmental Delegate for the Environment and Forests (DDEF) of Moungo, these logs have formed the object of a preventive attachment on the part of the DDEF, because of the failure to respect commitments made to the local population.



Photo 1: Wood noted bearing the mark SETBC, TRSA/SPA 1086



Photo 2: Preventive attachment of wood from the SPA 1086

Finally, SETBC and CIBEC evacuated 1000m³ of wood more than the volume authorised by SPA No. 0960. This fact was noted by an official reports drawn up on 23rd July 2001 by the head of the Control Brigade for the Littoral Province. This official report was never challenged in any way. Consequently, it is authentic, until challenged, as prescribed by article 142 of the 1994 law, "the report drawn up and signed by the sworn official shall be held as a true record of the facts stated therein until proved false" (see Appendix 10, CCU Mission Report).

c) Failure to respect commitments (in the contractual specifications) made to the local people

Through the intervention of its sub-contractor CIBEC, SETBC made a commitment to provide the local people of Bessoungkang with various services and goods, particularly to maintain the road and to build a bridge and classrooms (Appendices 3, 4 and 5).

The Independent Observer notes that the bulk of social works promised by the company have not been undertaken. It would seem that the population have received the sum of 1,500,000 FCFA to build a bridge but the building of a school, the electrification of the village and the maintenance of roads etc., has not been undertaken by SETBC or CIBEC.

The rules and regulations governing the Cameroonian forestry sector do not impose contractual obligations towards villagers on beneficiaries of sales by public auction. However, the law does not prohibit a beneficiary of a sale by public auction from negotiating contractual specifications with the local people. Such was the case between SETBC and CIBEC and the people of Bessoungkang.

The forestry nature and the binding nature of the case between the people of Bessoungkang and CIBEC is demonstrated by the four factors below, namely: (1) The official report countersigned by both parties on the 29th of April 2001, the 16th of June 2001 and the 26th of February 2002 note that the services agreed by the company are justified by its wood removal operations. In Cameroonian law, legally established agreements are binding upon the parties that have concluded them. SETBC and CIBEC can thus not evade their commitments to the people of Bessoungkang. (2) These commitments were endorsed by the Departmental Delegation for the Environment and Forests at the request of both interested parties. (3) The Minister of the Environment and Forests classified the commitments made by SETBC and CIBEC to the people in question as contractual obligations towards the villagers. His letter of the 9th of January 2002 to CIBEC mentions "my ministerial department attaches great importance to the effective implementation of contractual obligations towards the villagers...within the context of poverty alleviation". This letter from the Minister was never challenged by SETBC or CIBEC. (4) The activities of SETBC and CIBEC have already been suspended by the Provincial Delegation for failure to respect commitments made to the people.

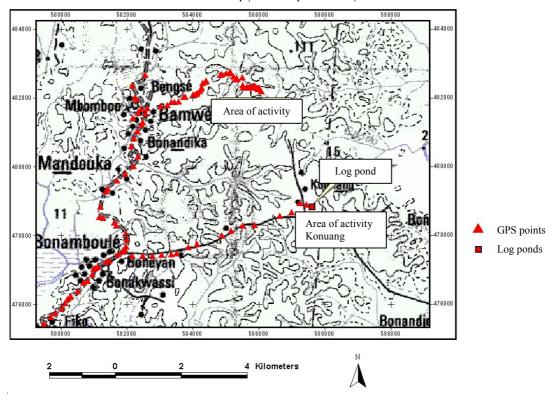
d) Use of transport permits that do not fulfil all the required conditions

The Independent Observer noted that SETBC and CIBEC have used two different types of transport permits. Some were issued by the Departmental Delegation for the Environment and Forests (Appendix 7) and others by the Provincial Delegation (Appendix 8). Some of these transport permits bear no stub numbers, which is contrary to the requirements of the law. This was also the conclusion of a CCU control mission that visited this forest from 26th to 29th September 2001 (see page 5 of the CCU report in Appendix 10).

The absence of numbers on some transport permits used by SETBC and CIBEC represents a violation of the terms of article 127 of the 1994 forestry law, which requires that all transport permits are taken "from a stub book". The use of stub books enables the forestry administration to monitor all use of transport permits.

5.3. Second complaint in the field

Mr. Epoude Ndobo, Village Chief of Kounang, made an allegation to Global Witness of illegal logging in his village. Having informed the CCU, the Independent Observer went to the area indicated on the map, accompanied by the chief.



On the ground, the Independent Observer noted the signs of recent logging but the patchy information prevented the details of this logging from being noted. The Independent Observer recommends the sending of an investigation mission by the relevant MINEF departments aimed at studying logging activities in the Kounang region. A copy of this mission's report should be sent to the Independent Observer.

6. CONCLUSIONS AND RECOMMENDATIONS

The Independent Observer is of the opinion that the different SPAs being used in the area in question are marred by irregularities. The validity of certain waybills, the failure to respect contractual obligations made to the local people, the logging beyond the authorised volume and the legality of the second SPA are all questions raised during the mission.

The mission was not able to confirm or deny the allegations brought to the Minister's knowledge of logging of 3000 m³ in excess of the volume authorised.

In view of the above, the Independent Observer recommends:

- That the CCU be requested to provide a copy of the additional list to the public notice of 26th December 2001, signed by the Minister;
- That the companies SETBC and CIBEC be summoned to an official hearing for exceeding the volume authorised, failing to keep to their contractual obligations to the villagers and using irregular transport permits;
- The systematic inventory of all wood still lying in the said forest. Given that the Bessoungkang community have requested the allocation of a community forest in the disputed area (Appendix 9), it would be wise for the listed wood to be used for social works;
- That an investigation mission be sent on the part of the relevant MINEF departments aimed at studying logging activities in the Kounang region.

7. APPENDICES



Réf: SM/corr/0480 -02

DFID Department for International Development

Jean-Luc Roux

Annexe BHC-DFID Nouvelle route de Bastos

B.P. 547 - Yaounde

Cameroun

Office Line: + 237 221 98 98 E.mail: dfidcmy@iccnet.cm

Yaoundé, le 03 Avril 2002

Son Excellence Monsieur le Ministre Naah Ondoa Sylvestre Minsitre de l'Environnement et des Forêts MINEF

- Yaoundé -

<u>Objet</u>: Exploitation forestière frauduleuse dans la forêt de Bessoungkang

Excellence, Monsieur le Ministre

Par lettre du 28 mars 2002, le Président de la Communauté Bessoungkang – Arrondissement de Dibombari- Département du Moungo (Littoral) a bien voulu me tenir informer de l'état d'exploitation frauduleuse dont fait face actuellement la forêt de Bessoungkang.

Par lettre N° 5462/N/MINEF/DF/CFC/CFS du 09 janvier 2002, vous avez bien voulu intimer l'ordre à Monsieur le Directeur Général de la CIBEC d'honorer à ses engagements pris en date du 29 avril 2001 vis-à vis de la Communauté Bessoungkang et relatifs au lancement des travaux de la vente aux enchères publiques N° 0960 ZI.

La correspondance datée du 05 mars 2002 adressée au Délégué Provincial de l'Environnement et des Forêts du Littoral par les responsables de la communauté Bessoungkang indique que rien n'aurait été fait jusqu'à ce jour.

Par ailleurs, selon des informations parvenues, il semblerait que la société CIBEC aurait procédé à l'enlèvement de 3000 mètres cubes en sus des 876,5 mètres cubes autorisés par les services compétents du MINEF conformément à la vente aux enchères publiques N° 1086 du 26 décembre 2001. Si les faits s'avéraient exactes, cela constituerait une infraction grave à la législation forestière camerounaise.

MAIL OUT 2002/0480 MINEF - Exploitation frauduleuse de la forêt de Bessoungkang Fax 00 237 221 98 99 E-mail dfidcmy@iccnet.cm http://www.dfid.gov.uk Aussi, ai-je l'honneur de vous suggérer de bien vouloir examiner la possibilité de prendre les mesures de contrôle y afférents pour porter au clair la situation actuelle de cette forêt.

Veuillez agréer, Monsieur le Ministre, l'expression renouvelée de ma plus haute considération

Jean Luc Roux

Coordinateur du Programme Forêts Représentant du DFID au Cameroun

CC:

- Banque Mondiale
- Union Européenne
- Global Witness

REPUBLIQUE DU CAMEROUN Paix - Travail - Patrie

MINISTERE DE L'ENVIRONNEMENT ET DES FORESTS

CABINET DU MINISTRE

FNTRALE DE CONTROLE

Ref. : Avis an public N°1087/AP/MINEF/ CAB/UCC du 26 décembre 2001.- REPUBLIC OF CAMEROON Peace- Work-Fatherland

MINISTRY OF THE ENVIRONNMENT AND FORESTRY

MINISTER'S CABINET

CENTRAL UNIT OF

Yaoundé le.

L/MINEF/CAB/UCC.

LE MINISTRE

A Monsieur Directeur Général de la Société S.E.T.B.C.

DOUALA

Objet

offication des résultats d'avis au public y la vente aux enchères, publiques des bots

"Est. Sud. Centre, Sud-Ouest et Littoral.-

insieur le Directeur Général.

a l'honneur de porter à votre connaissance que AP/MINFF/CAB/UCC du 26 décembre 2001

is des bois au | KOUNANG-BESSOI

DIBOMBARI, Département du MUNGO,

in LITTO

constitue 876,5 m3 (toutes essences confondues)

Toutefois, l'acquisition définitive desdits bois ne vous sera autorisée paiement ci-apres

- 100 % de l'offre totale (8.765:000 F CFA) devront être verses dans les sept qui suivent la date de signature de la présente notification, par chèque certifié, chèque banque mandat poste à l'ordre du Régisseur des Recettes Forestières de la Direction des Impôts

Aussi, vous demanderais-je de bien vouloir déposer tous les documents financiers susmentionnés y afférents au MINEF (porte 644).

veuillez agréer. Monsieur le Directeur Genéral, les assurance collaboration./-

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TROCES VERBAL

Lous in the veri is a gain of est terms a Bassonngkang Banicon-Novel Arrondissement de DIBUMBARI DISTRIC SE
BONALEA MANDICIAN Symptement du Municipe, le 29 Avril
2001, avec pour objecte l'attribution et la gestion d'une Foret communation de Bissonny carry d'une part, et d'autre part, la Societé poustière (d'exploitation) CIBEC BP 18521 Douales Bonaberi.

- Represites pour 1 honorable députe DOOH Priso et son Direction

Géneral dum l'ensemble MEJACCO RAVENHORT.

- Dans les débuts la communante a souligné des emanques pertimantes pertinantes pour voir l'exploitation alor la réunion : c? et m'le députe de n'existe sur l'exerce domnise car, il y a déjà 16 (serge) gru-

LES RESOLUSIONS RETENUES:

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- D'anter part la ste CIBEC Versera à la Communauté chaqui semaine la sommi de 1000 France pares) pur mêtre cube de très étant entendu que Monriera Me Ilbicher Joseph source as innections de cubage au jour is jour et la ste CIBEC lui facilitant la tache

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COMMUNAUTE BESSOUNGKANG

BP: 2815 Douala Tél.: 43 07 36 / 39 27 40 / 73 28 23 BP: 4420 Yaoundé Tél.: 22 54 26 / 91 67 72 / 99 92 52

PROCES VERBAL DE LA REUNION DE CONCERTATION ENTRE

BESSOUNGKANG

55 MARS 2002

S'esty tenue ine remion

concertation entre les

mandataires de l'honorable DOOH PRISO (SETBC) et la CIBEC, bénéficiaires d'une VEP et la communauté Bessoungkang.

Au cours de cette rencontre, les résolutions suivantes ont été adoptées :

1) Versement d'une somme de FCFA 2.000.000 (Deux Millions) pour sceller la réconciliation entre les deux partis suite au différend qui les opposait. Cette somme sera versée de manière suivante :

- 500 000 FCFA séance tenante
- 1 000 000 FCFA le 05 mars 2002
- 500 000 FCFA le 12 mars 2002
- 2) Construction d'un pont en grumes et bois débité pour relier les villages BAMOUEN et MBOMBO'O. Délai d'exécution : 03 (Trois) semaines.
- 3) Achèvement des travaux de construction de l'école (deux salles en plus + tôles, charpente.)
- 4) Versement d'une somme de 876.500FCFA (Huit cent soixante seize mille cinq cent FCFA) représentant les 1000FCFA/m3; Cette somme sera versée le 12 mars 2002.

Commission de Gestion et de Défense des Intérêts Communautaires de Bessoungkang

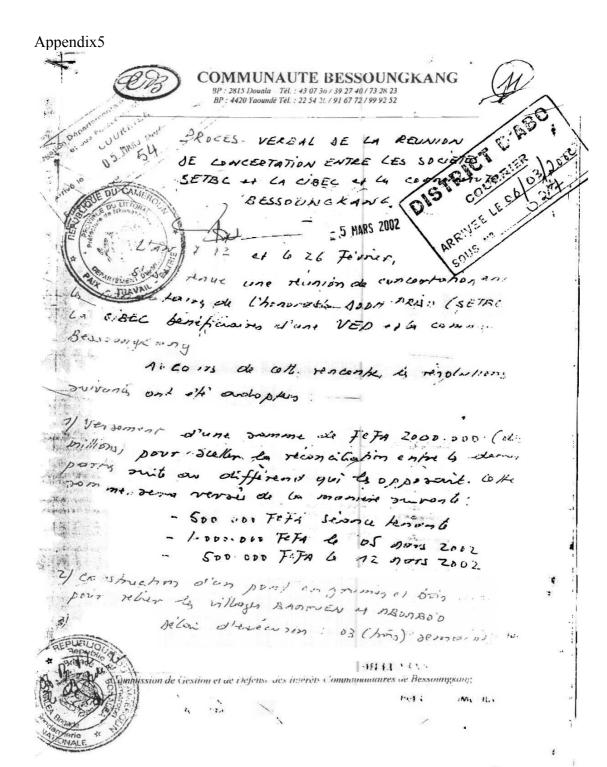
- 5) Fourniture de 200 (Deux cent) poteaux électriques en bois (modèle à voir sur place).
- 6) Utilisation de la main-d'œuvre locale.
- 7) La communauté désigne :
 - MM. MPOUPE NDICKA Joseph et MBANGUE Pierre, comme responsables de contrôle du cubage;
 - MBOULE SAM DOZARD et NASSIROU AHMADOU, comme contrôleurs des travaux;
 - NJAH MAKOUA CHARLES, comme coordinateur des opérations.
- 8) La communauté Bessoungkang autorise la CIBEC/SETBC à enlever le bois objet de la VEP à compter de ce jour.
- 9) La société SETBC/CIBEC mettra deux blocs notes à la disposition de la communauté, ce qui permettra une contre vérification des volumes enlevés.

En foi de quoi, le présent procès verbal a été établi pour servir et valoir ce que de droit.

Fait à Bessoungkang, le 26/02/02

Pour la Communauté Bessoungkang

POUR TREE STATE OF TOWALS OF THE STATE OF TH



B/ inchevement des hournes de constonetres de Elèrole (dens soulles en plus + Toly et chas 4/ Versement d'une somme de 876. NO 10 (Huit can't sorient sense will eing cent) reposit font les 1000 FeFA/sis cell somme serve verne. 6 nz nars zove. S/ Foursiture de 200 (dem cent) poterans to fors en bois (modele à voir sur place) 6/ Uhilipanhon de la moun d'acrivre bient The Communante Bedsongkong antons SETRO/CIBEC à enlever un volume on proise. toin de 3,000 (hois will) makes who som p. Epe ser à la bornose dis la fin des travers 8/ La commande designe DO - MADE WAICKA JOSEPH EX MEANICHE Di Comme respondely de-controls de controys Boule son greated of masicon ANDAGO Comme controller or hovory - NIAH MAKOUN Chery Comme coordinatur obs openiturn Il La communate Besieved Kard Marken COREC / SETBLE in enlower to Svin of jet of in 74.55).··.

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MINISTERE DE L'ENVIRONNEMENT ET DES FORETS

DELEGATION PROVINCIALE

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BEIL

REPUBLIQUE DU CAMEROUN Paix- Travail- Patrie

Douala, le 99 01 301

NºAA76/L/MINEF/DPEF/LT/SPE/BEIF

Ref.: Avis de vente adS encheres pub sques des bois N°0960/AVEP/MINE) /DPEF/LT/SPF/BEIF du 05/01/2001

1) 2 m



Le Délégué Provincial de l'Environnement Et des Forêts du Littoral

A Monsieur le Directeur Général De la Société S.E.T.B.C B.P. 14195 DOUALA

Objet: Notification d'enlevement de bois.

Le Délégué Provincial de l'Environnement et des Forêts du Littoral, notifie à la Société S.E.T.B.C B.P. 14195 DOUALA, l'enlèvement des bois abattus et abandonnes dans le village BESSOUNKANG-KOUNANG, Arrondissement de Dibombari Département du Moungo, d'un volume de 972 m3 de bois (toutes essences confondues), objet de l'avis de vente aux enchères publiques sus vise en relirence et dont votre société a été adjudicataire

l'outefois, il est à noter qu'aucun abattage nouveau en sus du volume ci-dessus n'est admis pendant le déroulement de cette opération qui prendra fin le 22/03/2001.

Le suivi de l'opération et le contrôle du volume seront assurés conjointement par la Brigade Provinciale de Contrôle du Littoral et la Délégation Départementale de l'Environnement et des Forêts du Moungo.

Le Délégué Départemental s'occupera également du paraphe des lettres de voiture securisées retirées auprès du Délégué Provincial.

Les bois à évacuer devront porter sur leur section les marques suivantes

VEP 0960 11

Marques de l'exploitant Numéro de la bille (1 à n) Toute irrégularité ou extension à une exploitation classique entraînera l'annulation immédiate de la présente notification sans préjudice des dommages et intérêts sur les bois frauduleusement exploités.

Le Délégué Département de l'Environnement et des Forêts du Moungo dressera un rapport circonstancié au Délégué Provincial dès la fin des activités.

NOTIFICATION DES BOIS A ENLEVER

N°	ESSENCES	VOLUME (m³)	observations Bois abattus	
1.	AZOBE	543,520		
2.	PADOUK	PADOUK 50,333		
3.	MOA 31	53,005	Bois abattus Bois abattus	
4.	IROKO	4,740		
5.	DABFMA	130,129	Bois abattus	
6.	AMOUK	92,273	Bois abattus	
7.	ILOMBA	44,122	Bois abattus	
8.	ABIM	- 53,878	Bois abattus	
	TOTAL	972,000	Bois abattus	

Le Délègué Provincial de l'Environnement et des Forêts

Joseph Charle Aliena

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GIC BESSOUNGKANG

Agriculteurs de Bessoungkang et ses Environs B.P.: 2815 Tél. 339 07 36 / 991 67 72



Bessoungkang, le 09 Novembre 2001

Monsieur le Ministre de l'Environnement Et des forêts

YAOUNDE

Objet: Demande d'attribution d'une forêt communautaire

Excellence,

576

En application de la nouvelle politique forestière du Cameroun qui visci ame:ioration de la participation des populations locales à la gestion des ressources forestières afin de contribuer à l'élévation de leur niveau de vie et leur permettre de lutter contre la pauvreté,

Nous, ressortissants de la communauté Bessoungkang agissant par le biais du Groupe d'Initiative Commune dénommé GIC BESSOUNGKANG, venons auprès de votre autorité par la présente, solliciter l'attribution d'une forêt communautaire.

A cet effet, nous soumettons à votre appréciation un dossier en cinq exemplaires.

Dans l'attente d'une suite favorable,

Veuillez agréer Excellence, l'expression de notre parfaite considération

Le Délégué

MISSE SEME Jean Neper

PJ

- 1 plan de situation (carte 1/200.000 + Attestation de superficie
- 1 récépissé de l'enregistrement du GIC
- 1 copie des statuts du GIC + liste actualisée des membres
- 1 Procès Verbal de la réunion de concertation
- I nécépissé de dépôt du dossier