

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

**Approved by the Ministry of
the Environment and Forests**

Report No. 028 En

Joint Mission: External services – Independent Observer

Title: SSV 11 06 28

Location: Osirayib, Nguti, Southwest Province

Mission date: October 9-10, 2002

Company: ENJC

Independent Observer (Global Witness):

Mr. Reiner Tegmeyer, Project Director

Mr. Serge Christian Moukouri, Technical Assistant

Mr. Stuart Wilson, Global Witness –London

Mr. Tangyie Ché Célestine, Driver

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1. SUMMARY

The Independent Observer (Global Witness) and the Nguti forest checkpoint carried out a verification mission at Osirayib, Nguti District, Kupé Manegouba Department, Southwest Province, from October 9 to 10, 2002.

The objective of the mission was to verify allegations according to which illegal logging activities were taking place within SSV 11 06 28. This denunciation reached the Independent Observer through a member of the Osirayib village community.

Sale of Standing Volume (SSV) 11 06 28 is included in the Sales of Standing Volume Planning Document. The legality of this titles' allocation depends, among other things, on the prerequisite respect of the local population pre-emption right, as stated in public notice No 0484/AP/MINEF/SG/DF/CFC/CEA1.

The mission had a meeting with members of the Osirayib village community, and then visited an area of the concerned forest.

The main conclusions of the Independent Observer in relation to this mission are:

- The Osirayib village community representatives have, with no title or right to do so, authorised ENJC to undertake prospecting operations and opening of limits in SSV 11 06 28.
- Osirayib village has not expressed its intention, nor its will, to establish SSV 11 06 28 as a Community Forest, in all likelihood due to lack of information on the subject.
- The prospecting and marking of the limits of SSV 11 06 28 denounced by the local people and undertaken by ENJC are of an illegal nature.

In view of the above, the Independent Observer recommends:

- That prospecting and opening of limits of SSV 11 06 28 by ENJC be stopped.
- The summoning of ENJC and Osirayib village representatives for an official report in relation to the prospecting and opening of limits activities in a non-allocated forest.
- Actions aiming to better inform this community on the concept of Community Forest.

NB: The facts related to this mission have at a later date constituted the basis for a joint mission of the Central Control¹ Unit (CCU) and the Independent Observer (see report 031).

2. RESOURCES USED

- 1 4x4 pick-up truck.
- 1 Tape recorder.

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

- 1 GPS.
- 1 Laptop computer.

3. COMPOSITION OF THE MISSION

Three members of the Independent Observer (IO) technical team and the representative from Nguti Forestry and Hunting checkpoint took part in the mission.

4. CONSTRAINTS

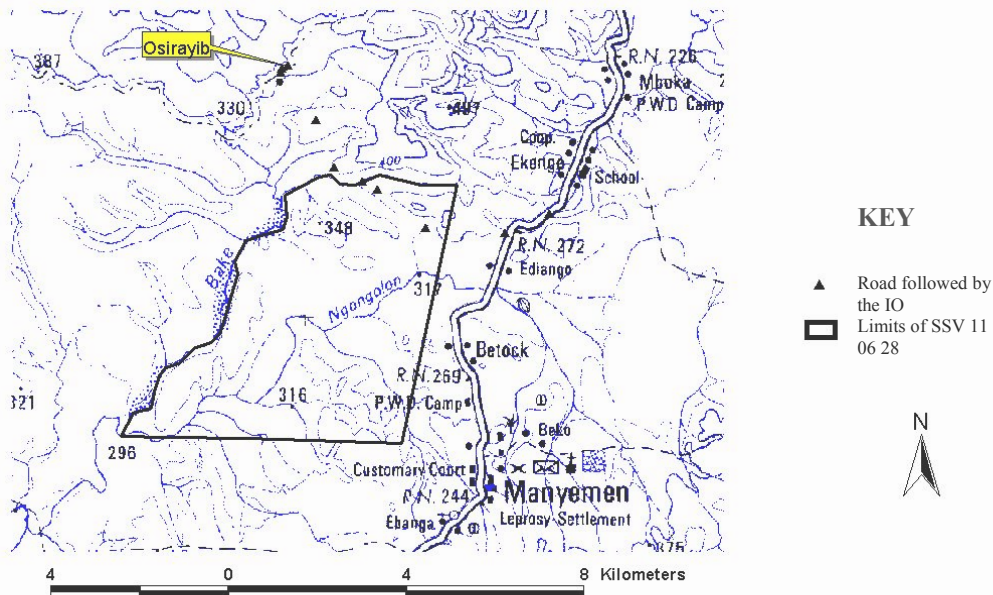
No particular constraint was faced during this mission.

5. RESULTS OF THE MISSION

5.1. Summary of the case

On the 3rd of September 2002, a denunciation about illegal logging activities (illegal access to the forest, prospecting activities, tree marking and opening of limits) in SSV 11 06 28 reached the Independent Observer’s office (see Appendix 1). This SSV is located in Osirayib, not far away from Manyemen (see map below). ENJC is allegedly responsible for these activities.

Map: Location of Osirayib village in relation to SSV 11 06 28



SSV 11 06 28 is included in the SSV Planning Document. This document refers to SSVs whose allocations are subjected to a pre-requisite respect of the riverside communities’ rights to Community Forestry (pre-emption right) (see Appendix 2).

On the basis of the facts stated in the denunciation, the CCU, with the support of the IO, requested a control mission to the Minister's Cabinet Office on the 4th of September, 2002. Two weeks later, the IO received a letter from the Osirayib Village Chief in which he denied the allegations made in the initial denunciation (see Appendix 3).

For lack of having received a mission order within the time limit established in the Terms of Reference of the project of "Independent Observation in Support of Forest Law Enforcement in Cameroon", and in order to prevent an eventual dissipation of evidence, the Independent Observer carried out this mission in collaboration with the Ministry of the Environment and Forests (MINEF) external services, as previewed in point 3.2. paragraph 4 of the Terms of Reference shown below (see Appendix 4).

5.2. Brief meeting at Nguti Forestry and Hunting checkpoint

In the absence of the Nguti Head local forest law enforcement official, the mission met with Mr. Denis Nemba, local official at this checkpoint. The IO team explained the object of the mission, which Mr. Nemba agreed to join.

5.3 Meetings with community members

The Osirayib village community members told the IO that they did not know Mr. Takang, the author of the initial denunciation, and that he was not native of their village. They accused him of fighting for undisclosed interests.

Amongst other things, the mission wanted to know what the members of this community understood by the term "Community Forest", and whether they had received copies of the SSV Planning Document and the public notice No 0484/AP/MINEF/SG/DF/CFC/CEA1. The village council secretary explained that, according to their understanding, a Community Forest was a restricted area where the population could not undertake any activity. The Village Chief, author of the denunciation that the IO received, declared that his village had not received the documents mentioned above. He also confirmed that his community had not submitted any letter expressing an intention to establish a Community Forest in part or all of the area of SSV 11 06 28. Finally, he declared that he had received information in relation to this issue from the Korup Project, WCS (Wildlife Conservation Society) and from MINEF.

5.4. Observations made by the Independent Observer

a) About the illegality of the logging activities

The Osirayib village members did not have the right to authorise ENJC to undertake prospecting activities in the concerned forest.

By means of article 6(3) of the Order bearing on the pre-emption right, the Osirayib village members only had until the 20th of June, 2002, to express their intention to establish part or all of SSV 11 06 28 as a Community Forest. Not having done so, they

have no rights over this forest, let alone the capacity to authorise a third party to undertake any kind of activity in it.

ENJC does not have the right either to carry out prospecting activities in the forest concerned by the public notice No 0848/AP/MINEF/SG/DF/CFC/CEA1. Indeed, as previewed in article 7(1) of the Order shown below, in the absence of a letter of intention from a community, the concerned forest must undergo a new call for tenders in accordance with the legal arrangements related to SSVs. Only after this call for tenders can an interested company or individual carry out prospecting activities in the concerned forest. Until the day the mission went to the concerned forest, it had never been the object of an SSV call for tenders.

b) Misunderstanding of the concept of Community Forest

The Osirayib village representatives view a Community Forest as a restricted area where the population is not allowed to undertake any kind of activity. This misunderstanding is allegedly the reason why this village did not exercise their pre-emption right and is currently excluded.

6. CONCLUSIONS AND RECOMMENDATIONS

The main conclusions of the Independent Observer in relation to this mission are:

- The Osirayib village community representatives have, with no title or right to do so, authorised ENJC to undertake prospecting operations and opening of limits in SSV 11 06 28.
- Osirayib village has not expressed its intention, nor its will, to establish SSV 11 06 28 as a Community Forest, in all likelihood due to lack of information on the subject.
- The prospecting and marking of the limits of SSV 11 06 28 denounced by the local people and undertaken by ENJC are of an illegal nature.

In view of the above, the Independent Observer recommends:

- That prospecting and opening of limits of SSV 11 06 28 by ENJC be stopped.
- The summoning of ENJC and Osirayib village representatives for an official report in relation to the prospecting and opening of limits activities in a non-allocated forest.
- Actions aiming to better inform this community on the concept of Community Forest.

APPENDICES

Appendix 1

THE HON.MINISTER OF ENVIRONMENT
AND FORESTRY
DIRECTION DES FORESTS
YAOUNDE.

MR HENRY AYUK TAKANG

OSIRAYIB VILLAGE

NGUTI SUB-DIVISION

S.W.P.

9TH AUGUST 2002

Dear sir,

**ILLEGAL ENTRYING OF OUR FOREST,PROSPECTING MARKING TREES AND
CUTTING OF LIMIT.**

I am an elite of Nguti subdivision from a village called Osirayib.it is situated after Btock when going to Nguti,you take the first entrance on your left where you find the Baro sign board.

on vacation in my village i noticed a named company ENJC said to be financed by PMF wood/TRC prospectig,demarcating and opening limit of the said parcel of forest.

i tried to verify whether the company has been granted a vente de coupe,but no proof of such documents was shown.

i was shown a copy of public notice No 1484/AP/MINEF/SG/DF/CFC/CEA of 20/03/02 for community forest signed by the minister of Evironment and Forestry Yaounde given to the villagers by the workers of this company purporting it to be vente de coupe granted to them.

we are requesting the HON Minister of Environment and Forestry to chase away the company mentioned above if it is illegal intrusion,and not to grant our forest to such illegal exploiters.

Yours faithfully

Henry Ayuk Takang.

CC Global witness

CC UCC MINEF YAOUNDE

CC Director of Forest

MINEF YAOUNDE.

Appendix 2

MINISTRE DE L'ENVIRONNEMENT
ET DES FORETS

DIRECTION DES FORETS

FORESTRY DEPARTMENT

CELLULE DE LA FORESTERIE
COMMUNAUTAIRE

COMMUNITY FORESTRY UNIT

REPUBLIQUE DU CAMEROUN
PAIX-TRAVAIL-PATRIE

REPUBLIC OF CAMEROON

Yaoundé Le 20 MARS 2002

N° 1488 /DPVC/MINEF/SG/DE/CFC

DOCUMENT DE PLANIFICATION DES VENTES DE COUPE (DPVC)

Conformément à l'Arrêté N°0518/MINEF/CAB du 21 Décembre 2001 fixant les modalités d'attribution en priorité aux communautés villageoises riveraines de toute forêt susceptible d'être érigée en forêt communautaire, les zones ci-après décrites sont susceptibles d'être mises en exploitation par ventes de coupe. Les communautés villageoises riveraines de ces zones forestières peuvent dès à présent déclencher le processus de jouissance du droit de préemption sur lesdites zones suivant les dispositions de l'arrêté sus-mentionné. Il s'agit de :

N°	VC Correspondantes	Département	Documents
PROVINCE DU CENTRE			
1	08 08 74	Nyong et So'o	Avis au Public VC
2	08 08 105	Nyong et So'o	Avis au Public VC
3	08 08 106	Nyong et So'o	Avis au Public VC
4	08 08 113	Nyong et So'o	Avis au Public VC
5	08 08 134	Nyong et So'o	Avis au Public VC
6	08 08 135	Nyong et So'o	Avis au Public VC
7	08 08 149	Nyong et So'o	Avis au Public VC
8	08 08 164	Nyong et So'o	Avis au Public VC
9	08 09 89	Mbam et Inoubou	Avis au Public VC
10	08 09 161	Mbam et Inoubou	Avis au Public VC
11	08 09 179	Mbam et Inoubou	Avis au Public VC
12	08 09 128	Mbam et Inoubou	Avis au Public VC
13	08 02 92	Lekié	Avis au Public VC
14	08 02 93	Lekié	Avis au Public VC
15	08 02 155	Lekié	Avis au Public VC
16	08 10 73	Mbam et Kim	Avis au Public VC
17	08 10 86	Mbam et Kim	Avis au Public VC

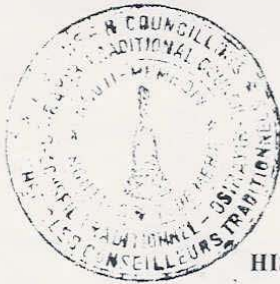
32	10 03 143		Kadey	Avis au Public VC
33	10 03 115		Kadey	Avis au Public VC
PROVINCE DU SUD-OUEST				
1	11 03 23	/	Kupé Manengouba	Avis au Public VC
2	11 03 24	/	Kupé Manengouba	Avis au Public VC
3	11 06 25	/	Mémé	Avis au Public VC
4	11 06 28	/	Mémé	Avis au Public VC
PROVINCE DU LITTORAL (com, VI)				
1	07 02 49	/	Nkam	Avis au Public VC
2	07 02 32	/	Nkam	Avis au Public VC
3	07 02 44	/	Nkam	Avis au Public VC
4	07 02 52	/	Nkam	Avis au Public VC
5	07 02 53	/	Nkam	Avis au Public VC
6	07 02 48	/	Nkam	Avis au Public VC
7	07 02 60	/	Nkam	Avis au Public VC
8	07 02 54	/	Nkam	Avis au Public VC
9	07 01 39	/	Moungo	Avis au Public VC
10	07 01 40	/	Moungo	Avis au Public VC
11	07 03 58	/	Sanaga Maritime	Avis au Public VC
12	07 03 57	/	Sanaga Maritime	Avis au Public VC
13	07 03 56	/	Sanaga Maritime	Avis au Public VC
14	07 03 55	/	Sanaga Maritime	Avis au Public VC
15	07 03 59	/	Sanaga Maritime	Avis au Public VC
PROVINCE DU SUD				
1	09 03 176	/	Océan	Avis au Public VC
2	09 03 179	/	Océan	Avis au Public VC
3	09 03 180	/	Océan	Avis au Public VC
4	09 03 168	/	Océan	Avis au Public VC
5	09 03 175	/	Océan	Avis au Public VC
6	09 03 167	/	Océan	Avis au Public VC
7	09 03 178	/	Océan	Avis au Public VC
8	09 03 165	/	Océan	Avis au Public VC
9	09 03 151	/	Océan	Avis au Public VC
10	09 03 113	/	Océan	Avis au Public VC
11	09 03 164	/	Océan	Avis au Public VC
12	09 04 117	/	Vallé du Ntem	Avis au Public VC
13	09 02 181	/	Mvila	Avis au Public VC
14	09 02 177	/	Mvila	Avis au Public VC
15	09 02 163	/	Mvila	Avis au Public VC
16	09 02 115	/	Mvila	Avis au Public VC
17	09 02 171	/	Mvila	Avis au Public VC

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Appendix 3

THE HONORABLE MINISTER
OF ENVIRONMENT AND FORESTRY
YAOUNDE

NGUTI the 20 th September 2002



**THE POPULATIONS OF OSIRAYIB
NGUTI –SUB-DIVISION
SOUTH-WEST PROVINCE**

HIS EXCELLENCE ,

After we have received a copy of a letter addressed to you by Mister HENRY AYUK TAKANG, a subject matter of which was "ILLEGAL ENTERING OF OUR FOREST , PROSPECTING MAKING TREES AND CUTTING OF LIMITS"

We , the populations of **OSIRAYIB** undersigned have the honour to inform you that nothing of that nature is going on in our village and that Mr TAKANG individually took that action at his own risk;

In conformity ,with public notice N° 1484/AP/MINEF/SG/DF/CFC/CEA/of 20/03/02 ,we authorised a timber company (E.N.J.C) to carry out a survey and did so with the collaboration of all the villagers .

Kindly accept his Excellency our best regards.

IN BEHALF OF THE VILLAGE

CC –GLOBAL WITNESS
CC UCC MINEF YAOUNDE
CC DIRECTOR OF FORESTS MINEF-YAOUNDE
CC PDEF SOUTH-WEST (BUEA)



[Handwritten signature]
OSIRAYIB VILLAGE-NGUTI

Termes de Référence de la phase de transition du Projet « Appui d'un observateur indépendant au contrôle et au suivi des infractions forestières »

1. Contexte

1.1. Le contexte macro-économique

Dès le milieu des années 1980, le Cameroun a fait face à une crise économique sans précédent. Après des efforts pas toujours fructueux de redressement de l'économie nationale, le gouvernement du Cameroun a finalement pu conclure de manière satisfaisante le programme économique triennal de 1997 à 2000 au titre de l'ajustement structurel renforcé. Depuis l'achèvement de ce programme, la croissance économique est retrouvée et les équilibres macro-économiques sont rétablis. En enchaînement à cette reprise de la croissance, le Cameroun a en l'an 2000 présenter un dossier d'admission à l'initiative des Pays Pauvres Très Endettés (PPTTE) en vue de la réduction de sa dette publique. Le point de décision du dossier PPTTE du Cameroun a été conclu avec succès en octobre 2000 avec les institutions financières internationales.

Parmi les conséquences les plus néfastes de la crise économique, se trouvent l'aggravation de la pauvreté et la dégradation de la moralité publique caractérisée par un essor sans précédent du phénomène de corruption. Malheureusement, la seule croissance retrouvée n'a pas été suffisante pour faire reculer la pauvreté. Les problèmes de gouvernance et particulièrement la poussée de la corruption font craindre un retour à l'instabilité économique.

Ayant pris conscience des menaces qui pèsent sur la reprise économique, le gouvernement du Cameroun a élaboré des stratégies de lutte contre la pauvreté et de bonne gouvernance en vue de restaurer la moralité publique et de lutter tout particulièrement contre la corruption. Ces stratégies doivent affecter tous les secteurs de la vie publique du Cameroun notamment le secteur forestier dont les potentialités de contribution à la lutte contre la pauvreté¹ sont connues mais qui est aussi reconnu comme l'un des plus affecté par le phénomène de corruption.

1.2. Le secteur forestier dans l'économie nationale

Le Cameroun dispose de ressources forestières considérables, on estime la couverture forestière du Cameroun à 22 millions d'hectares de forêts denses. Avec la crise économique, l'importance du secteur forestier en général et celle de l'exploitation industrielle de bois d'œuvre s'est accrue dans l'économie nationale. Ainsi, le secteur forestier contribue à environ 7% au Produit Intérieur Brut (PIB), et 20% aux recettes d'exportation.

¹ Le secteur forestier est contenu dans le Document de Stratégie de Réduction de la Pauvreté (DSPD).

3.1 Dans les deux semaines suivant la signature de ce contrat, un « programme trimestriel de contrôle conçu conjointement par l'UCC et l'Observateur Indépendant » sera mis sur pied. Ce programme sera détaillé et couvrira les différentes provinces et titres d'exploitation, avec une attention particulière aux provinces et titres n'ayant pas fait l'objet d'un nombre suffisant de missions de contrôle, au courant de la dernière programmation des missions de contrôle par l'UCC.

3.2. Appuyer les missions de terrain de l'UCC par la participation à des missions de contrôle de l'exploitation forestière, sans restrictions quant au type des titres ou d'autorisation, y compris l'enlèvement des bois vendus aux enchères. En conséquence, l'Observateur Indépendant aura accès libre et sans autorisation préalable à tous les documents nécessaires pour la préparation de toute mission. L'Observateur Indépendant peut poursuivre une mission conjointe d'investigation si, pour une raison ou une autre, l'UCC n'est pas disposée à continuer. Dans ce cas l'Observateur Indépendant produira dans tous les cas un rapport d'information à l'attention du Ministre ou son représentant.

L'Observateur Indépendant a droit de s'enquérir, sans autorisation préalable, du sort d'un procès-verbal à tous les niveaux de la procédure. A cet effet, l'Observateur Indépendant et les services chargés de suivi du contentieux, tiendront des réunions mensuelles portant sur l'état d'avancement des différents contentieux.

En plus des missions conjointes, l'UCC et l'Observateur Indépendant, peuvent également conjointement conduire une mission requise. Ces missions sont requises par l'Observateur Indépendant, et approuvées par le Ministre ou son représentant, suite à une ou plusieurs dénonciations reçues des ONGs locales ou autres sources.

En cas d'une mission requise, l'autorisation d'effectuer pareille mission devra être accordée par le Ministre ou son représentant dans un délai relativement court ne dépassant pas une semaine ouvrable, à dater de l'introduction de la demande. En rapport avec cette mission l'Observateur Indépendant entretiendra un maximum de synergie avec l'UCC.

A défaut d'être pourvu d'une autorisation d'effectuer, ensemble avec l'UCC une mission requise dans un délai relativement court, mais ne dépassant pas une semaine ouvrable, et en vue de prévenir une dissipation des preuves et indices des preuves d'infraction, l'Observateur Indépendant sera en droit d'effectuer une descente de vérification des faits sans la présence de l'UCC. En pareil cas, l'Observateur Indépendant se munira de la requête originelle de mission et oeuvrera en étroite collaboration avec les agents locaux de contrôle.