

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

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

Report of the Independent Observer

No. 032En

Central Control Unit – Independent Observer Joint Mission

Title	TRSA No. 2252
Location	Mungo-Ndor Sub-Division, South-West Province
Mission date	03 – 05 December 2002
Company	Ets Z.A.

Independent Observer Team (Global Witness):

*Mr Reiner Tegtmeyer, Project Director
Mr Owada Jean Cyrille, Technical Assistant
Mr Che Tangyie Célestine, Driver*

TABLE OF CONTENTS

1. EXECUTIVE SUMMARY	1
2. RESOURCES USED	2
3. COMPOSITION OF THE MISSION	2
4. CONSTRAINTS	2
5. MISSION'S FINDINGS	2
5.1 Case summary	2
5.2 The Independent Observer's Observations and Analysis	3
5.3 Analysis of applicable legal measures	6
6. CONCLUSIONS AND RECOMMENDATIONS.....	6
APPENDICES.....	7
Appendix 1	8
Appendix 2	9
Appendix 3	12
Appendix 4	14

1. EXECUTIVE SUMMARY

The Central Control Unit (CCU) of the Ministry of the Environment and Forestry (MINEF), accompanied by the Independent Observer (Global Witness), conducted a mission in the vicinity of Mungo Ndor in the Koupe Manengouba Division, South-West Province, from the 3rd to the 5th December 2001.

The objective of the mission was to verify allegations addressing the fraudulent extraction of timber in the Menyamen / Mungo Ndor area.

The mission centred its investigation on Timber Recovery Special Authorisation (TRSA) No. 2252 granted to the Zanguim Albert (Z.A.) enterprise. It also investigated the Sale of Standing Volume 11 05 04, formerly granted to the same enterprise.

The main conclusions of the Independent Observer in regard to the mission's findings are as follows:

- The documented origin of some of the logs found in log ponds of the Z.A. enterprise is questionable. This enterprise may have undertaken exploitation of a state forest under the guise of a Timber Recovery Special Authorisation (TRSA);
- The Z.A. enterprise seems to have used the Timber Recovery Special Authorisation (TRSA) No. 2252 beyond its expiration date. The enterprise also seems to have recovered more wood than the quantity authorised by the TRSA.
- The Sale of Standing Volume 11 05 04 under whose authority the Z..A. enterprise operated during the 1999-2000 fiscal year seems to need further investigation.

In conclusion of the above, **the Independent Observer recommends:**

- The summoning of officials of the Z.A. enterprise for interrogation re: the origin of some of the logs found in various log ponds belonging to this enterprise;
- The deployment of an evaluation mission to assess the value of the wood which is believed to have been fraudulently recovered by the Z.A. enterprise in the TRSA 2252 zone;
- The deployment of a control mission to specifically investigate the exploitation activities in different zones affected by Sale of Standing Volume 11 05 04.

2. RESOURCES USED

- 1 pick up Toyota Hilux
- 1 photo camera
- 2 GPS
- 1 laptop
- 1:200,000 maps

3. COMPOSITION OF THE MISSION

Mr. Kingue Herman of the CCU (Mission Head), the Head of the Judicial Department of MINEF, the Head of the Provincial Control Brigade of the South-West as well as two members of the technical team of the Independent Observer took part in the mission.

4. CONSTRAINTS

The amount of time allocated by the CCU for the mission was inadequate. Furthermore, representatives of MINEF's External Services for the South-West were not informed of the arrival of the mission. The Mission Head refused to continue the observation tour after discovering the first log ponds containing logs, which, from every indication, had only recently been cut. After discussions, the Independent Observer continued its observation and found a number of logs exploited after the expiry date of the TRSA 2252.

5. MISSION'S FINDINGS

5.1 Case summary

In the 2000-2001 fiscal year, a batch of logs was publicly auctioned. The Z.A. enterprise bid won the auction, and became the holder of Timber Recovery Special Authorisation (TRSA) No. 2252, granted by Ministerial Decision No. 2252/TRSA/MINEF/ CAB/UCC of 4th April 2001 (see Appendix). This TRSA stipulates that the Z.A. enterprise is authorised to recover 1,136.215m³ of wood (of a variety of species), cut and abandoned at MUNGO-NDOR.

The mission addressed by this report had as its objective to investigate allegations of fraudulent exploitation of timber in zones neighbouring TRSA 2252.

The mission was a continuation of a joint CCU – Independent Observer mission in April 2002, which had been interrupted by logistical problems faced by the CCU.

Before going to the field, certain members of the mission held a working session with the Head of the Provincial Control Brigade of the South-West.

It is worth noting that according to the Provincial Delegate, Z.A. enterprise, beneficiary of Sale of Standing Volume 11 05 04 during the 1999-2000 fiscal year, was the only logging company to have operated in the zone under question for the previous ten years.

5.2 The Independent Observer's Observations and Analysis

a) Exceeding extraction volume authorised by TRSA 2252 and unauthorised exploitation

The Independent Observer visited 10 log ponds and noted the presence of a large number of logs bearing the mark "Z.A."

Photo 1: Logs bearing the mark of the Z.A. enterprise



Facts observed in the field and corroborated by testimonies from villagers point to the fact that the Z.A. enterprise has not respected the terms of TRSA (see Appendix 1).

During the mission, the Independent Observer identified approximately 160 logs in 10 log ponds belonging to the Z.A. enterprise. Most of these logs seemed to have been freshly cut (see Photo 2). The logs had an average diameter of between 100cm and 120cm and an average length of about 8m. A conservative estimate puts the average volume of wood abandoned in the 10 inspected log ponds at about 1,215.808m³. This number is above the 1,138.215m³ the Z.A enterprise was authorised to recover by TRSA 2252. However, it should be noted that the mission visited only about half of the log ponds allegedly belonging to the Z.A enterprise. Information gathered from former labourers with the Z.A enterprise confirm that a number of log ponds that were not visited by the mission contain more logs. The same former employees of the ZA enterprise testified that they marked logs for Z.A. enterprise up to July 2002. In other words, the Z.A. enterprise is believed to have continued its activities beyond the 15 July 2001 termination date of TRSA 2252. .

Photo 2: Recently cut logs



The Independent Observer discovered evidence that the Z.A. enterprise in all probability used TRSA 2252 to exploit timber (see Photo 3). This is contrary to the terms of this authorisation which stipulates that *“Any irregularity or new tree felling will lead to immediate withdrawal of the said authorisation without tort of damages and interests on the fraudulently produced logs.”*

As stipulated by Cameroon’s Forestry regulations, a Timber Recovery Special Authorisation (TRSA) is not an exploitation permit. In other words, it cannot in any case be used to extract timber.

Photo 3: Stump of cut tree in the TRSA zone not bearing any mark



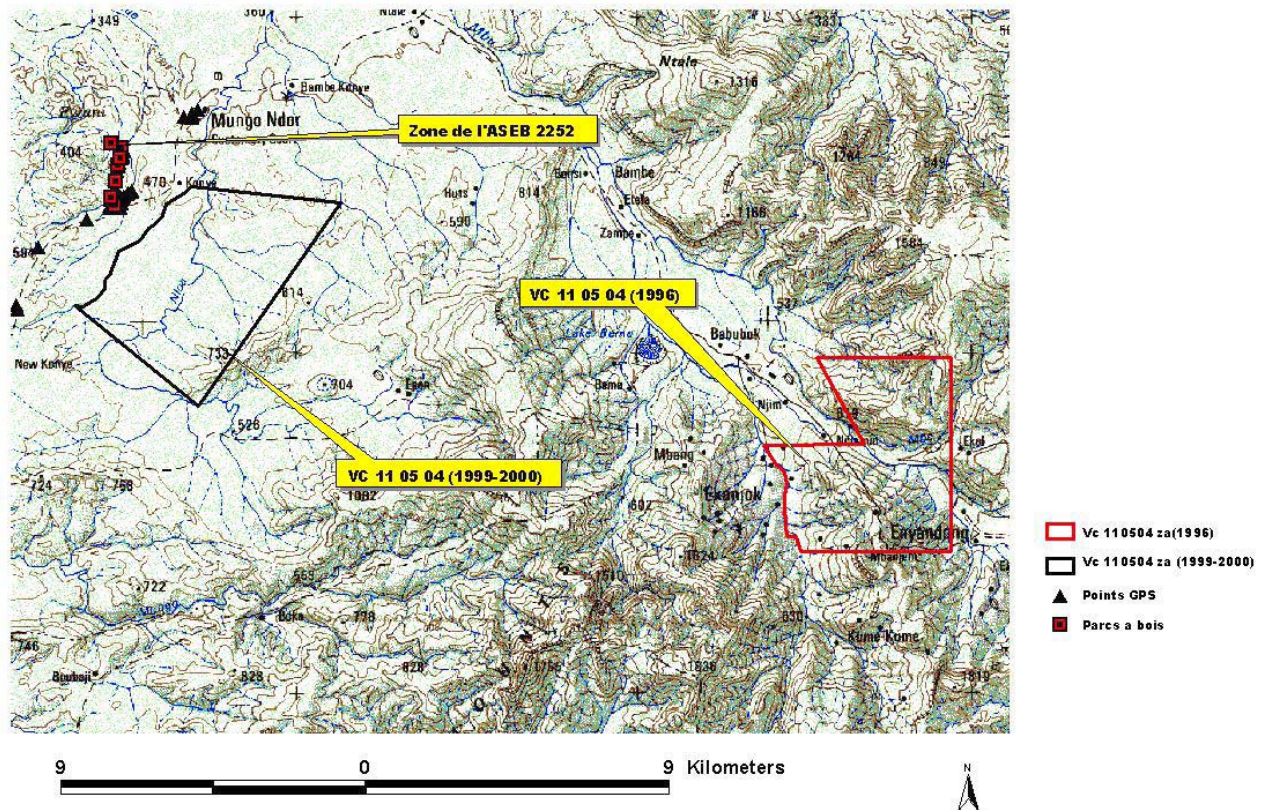
b) Questions evoked by Sale of Standing Volume 11 05 04

The various documents compiled by the Independent Observer in the course of this mission show that Sale of Standing Volume 11 05 04 was allocated to the Z..A. enterprise by Ministerial Order No. 1141/MINEF/DF/SDEIF/BLA of 30th July 1996 (see Appendix 2). With letter No. 1290-d/PDEF/DEF/PSF/SW of 31st August 1998, the Provincial Delegate of the South-West notified the Minister of the Environment and Forestry of the fact that this Sale of Standing Volume was partly occupying the perimeter mapped out for the BANYANG-MBO sanctuary, and recommended this Sale of Standing Volume be re-allocated to the successful bidder in a different zone (see Appendix 2). Subsequently, this Sale of Standing Volume was relocated from Mbanyang-Mbo to Mungo-Ndor.

The issue is whether it was legal to transfer Sale of Standing Volume 11 05 04 to a different zone upon request from the Provincial Delegate, especially given the fact that the inter-ministerial commission charged with the award of permits was not notified. In other words, the fact that a Call for Tender was not issued when the overlap of the Sale of Standing Volume with the BANYANG-MBO sanctuary was discovered must be questioned.

Also, it must be determined how the exploitation of this Sale of Standing Volume took place. Facts confirm that the Z.A. enterprise had exploited the SSV 11 05 04 during the 1999-2000 fiscal year (see Appendix 3, 4).

Information obtained from the Provincial Delegate of the Environment and Forestry for the South-West, indicate that the seasoned logs found in various log ponds - the subject of this report - originated from SSV 11 05 04, exploited by the Z.A. enterprise in the course of the 1999-2000 fiscal year.



The Independent Observer was not able to corroborate the Provincial Delegate's assertion.

The GPS (Global Positioning System) points taken in the field, as shown in the map above, reveal that the Z.A. enterprise had opened several roads and access roads in the forest outside the surface area of SSV 11 05 04. This opening of roads and access roads by ZA enterprise outside its SSV must be investigated.

5.3 Analysis of applicable legal measures

If the Z.A. enterprise is found guilty of unauthorised forestry exploitation in a state forest, it could be subject to penal, civil and administrative sanctions.

Specifically, the Z.A. enterprise could be subject to sanctions stipulated by Article 156 of the Law of 20th January 1994 which allows for a fine of FCFA 200,000 to 1.000.000 and/or an imprisonment term of 1 to 6 months for any unauthorised forestry exploitation in a state forest.

The Z.A. enterprise could also be subject to sanctions provided for by Article 159 of the Law of 20th January which calculates damages and interests related to fraudulently exploited wood on the basis of the total market value of the species concerned.

Additionally, the Z.A. enterprise risks among other sanctions provided for by Articles 130 to 133 of the Decree of 23rd August 1995, an "*immediate withdrawal of the said authorisation without tort of damages and interests on fraudulently exploited wood,*" a condition also stipulated in the Timber Recovery Authorisation.

6. CONCLUSIONS AND RECOMMENDATIONS

The main conclusions of the Independent Observer concerning the findings of this mission are as follows:

- The documented origin of some of the logs found in log ponds of the Z.A. enterprise is questionable. This enterprise may have undertaken exploitation of a state forest under the guise of a Timber Recovery Special Authorisation (TRSA);
- The Z.A. enterprise seems to have used the Timber Recovery Special Authorisation (TRSA) No. 2252 beyond its expiration date. The enterprise also seems to have recovered more wood than the quantity authorised by the TRSA.
- The Sale of Standing Volume 11 05 04 under whose authority the Z.A. enterprise operated during the 1999-2000 fiscal year seems to need further investigation.

In conclusion of the above, **the Independent Observer recommends:**

- The summoning of officials of the Z.A. enterprise for interrogation re: the origin of some of the logs found in various log ponds belonging to this enterprise;
- The deployment of an evaluation mission to assess the value of the wood which is believed to have been fraudulently recovered by the Z.A. enterprise in the TRSA 2252 zone;
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APPENDICES

Appendix 1

REPUBLIQUE DU CAMEROUN
Paix - Travail - Patrie

MINISTRE DE L'ENVIRONNEMENT
ET DES FORESTS

CABINET DU MINISTRE

UNITE CENTRALE DE CONTROLE

REPUBLIC OF CAMEROON
Peace- Work-Fatherland

MINISTRY OF THE ENVIRONMENT
AND FORESTRY

MINISTER'S CABINET

CENTRAL UNIT OF CONTROL

Yaoundé le 29 JUIN 2001

N° 2252 / SEB/MINEF/CAB/UCC.-

**AUTORISATION SPECIALE D'ENLEVEMENT DES BOIS
RELATIVE A L'AVIS AU PUBLIC N°0294
DU 04 AVRIL 2001**

Le Ministre de l'Environnement et des Forêts,

Autorise la ETS Z.A. B.P. 307 BUEA, à procéder à l'enlèvement des bois abattus et abandonnés au lieu dit MUNGO-NDOR, Arrondissement de MUNGO-NDOR, Département de KOUPE MANENGOUBA, Province du SUD-OUEST d'un volume de 1138,215 m3 de bois (toutes essences confondues), objet de l'avis au public N°0294/AP/MINEF/CAB/UCC du 04 Avril 2001 dont l'intéressée a été adjudicataire.

Le transport des grumes issues de l'opération susvisée qui s'étendra jusqu'au 15 Juillet 2001, est conditionné par la présentation des lettres de voiture spéciales dûment visées de l'Unité Centrale de Contrôle.

Le suivi des activités sus évoquées sera sous la supervision de la Délégation Provinciale du Sud-Ouest, qui s'occupera particulièrement du paraphe et de la signature des Carnets Spéciaux de lettres de voiture.

La Délégation Départementale sera tenue de vérifier la conformité du cubage et le Poste Forestier et Chasse se chargera de la numérotation des grumes ainsi que du visa desdites lettres de voiture au départ du chantier.

Toute irrégularité ou nouvel abattage entraînera l'annulation immédiate de ladite autorisation sans préjudice des dommages et intérêts sur les bois frauduleusement exploités.

En foi de quoi, la présente autorisation est établie et délivrée à l'intéressée pour servir et valoir ce que de droit./-

AMPLIATIONS :

- DPEF/BPC/SUD-OUEST
- DDEF/KOUPE MENENGOUBA
- POSTE FORESTIER ET CHASSE /MUNGO-NDOR
- INTERESSEE

POUR PHOTOCOPIE CERTIFIEE CONFORME

LE 29 JUIN 2001

LE MINISTRE

LE MINISTRE

LE MINISTRE



[Handwritten signature]

Appendix 2

31 AOUT 1998

1290-D/PDEF/PSF/SW/

APPLICATION FOR COMPENSATION
OF VENTE DE COUPE

HIS EXCELLENCY THE MINISTER OF THE
ENVIRONMENT AND FORESTRY
- YAOUNDE -

Please, kindly receive here attached, an application file for
compensation of vente de coupe submitted by ETS ZANGUIM Albert BP 307 BUEA.

Part of vente de coupe No. 11-05-04 of 13/6/1997 is within the
MBANYANG-MBO sanctuary.

I do recommend the said file for your kind consideration since
ETS ZANGUIM Albert have already paid a sum of 1000000FCFA (One million francs).

MINISTRY OF THE ENVIRONMENT AND FORESTRY FOR SOUTH-WEST
PROVINCIAL DELEGATE OF
ENVIRONMENT AND FORESTRY
Victor Abasi

MINISTRE DE L'ENVIRONNEMENT
ET DES FORETS
MINISTRY OF THE ENVIRONMENT
AND FORESTRY

REPUBLIQUE DU CAMEROUN
Paix - Travail - Patrie
REPUBLIC OF CAMEROUN
Peace- Work- Fatherland

DIRECTION DES FORETS
FORESTRY DEPARTMENT

SDEIF

BLA

STEF

YAOUNDE, le 30 JUIL. 1996

Réf.:

N° 114 /MINEF/DF/SDEIF/STEF/BLA

LE MINISTRE DE L'ENVIRONNEMENT ET DES FORETS,
The Minister of the Environment and Forestry

à Monsieur le Directeur de la Société ZANGUIM ALBERT
BP. 48 BUEA

Objet : Notification résultats
Subject: appel d'offres n° 433
du 27/02/1996.-

Monsieur

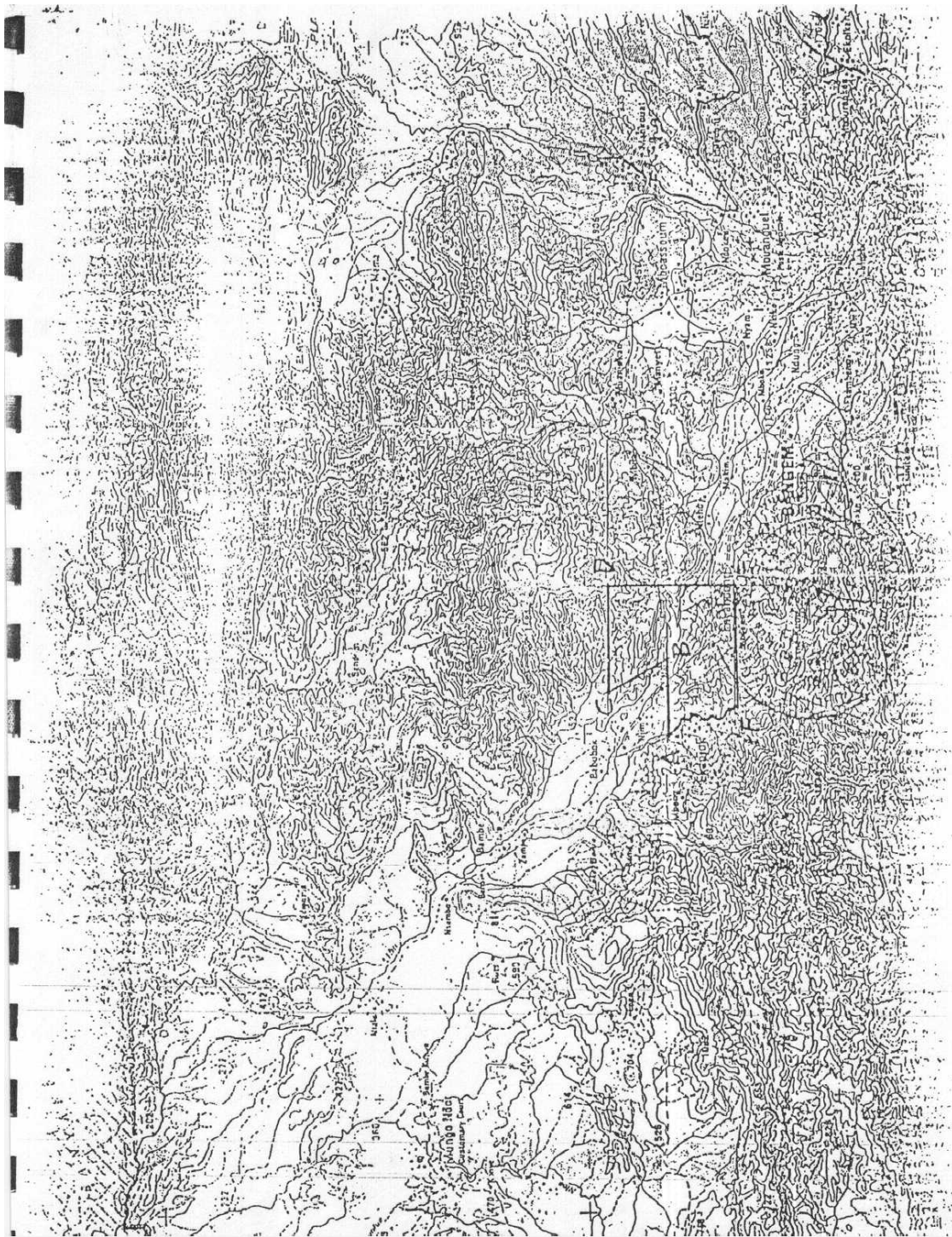
Suite à votre soumission à l'appel d'offres rappelé en objet,

J'ai l'honneur de vous informer que vous avez été porté
adjudicataire de(s) la vente(s) de coupe n° 11-05-04.

Je vous informe également qu'un délai de 45 quarante cinq jours
pour compter de la date de signature de la présente notification
vous est accordé pour vous acquitter du cautionnement à constituer
auprès du Trésor Public d'un montant de 5 000 000 par vente de
coupe.

Passé le délai prévu ci-dessus et faute de produire la preuve de la
constitution dudit cautionnement, votre sélection deviendra caduque
de plein droit conformément aux dispositions de l'article 60 du
décret n° 95/531/PM du 23 Août 1995.

Veillez croire, Monsieur le Directeur, à l'assurance de ma



Appendix 3

MINISTERE DE LA RECHERCHE
SCIENTIFIQUE ET TECHNIQUE

REPUBLIQUE DU CAMEROUN
Paix - Travail - Patrie

INSTITUT NATIONAL DE CARTOGRAPHIE
B.P. 157 - Tél. 22-29-21 - YAOUNDE

DEPARTEMENT DE LA CARTOGRAPHIE ET
DE LA TELEDETECTION

N° 4453 /AMS/MINREST/INC/DCT/SRC

Yaoundé, le..... 19 11 2000

ATTESTATION DE MESURE DE SUPERFICIE

Superficie mesurée : 2 500 Hectares
Demandeur : ETS Z.A.
B.P. 48 YAOUNDE
Carte de référence : Mamfé à 1/200 000e
Situation Administrative : Département de la Mémé
Arrond. de Nguti
Planimètre utilisé : Coradi 36 891

DESCRIPTION DE LA ZONE FORESTIERE

Le point de base A de la forêt sollicitée par le demandeur se trouve à Konye à 1 400 m au Nord du passage de la route New Konye - Mungo Ndor sur la rivière Mamfue. Du point A en suivant la droite AB = 600 m de gisement 108,5 grades on aboutit au point de départ de la forêt concernée.

Cette forêt est limitée :

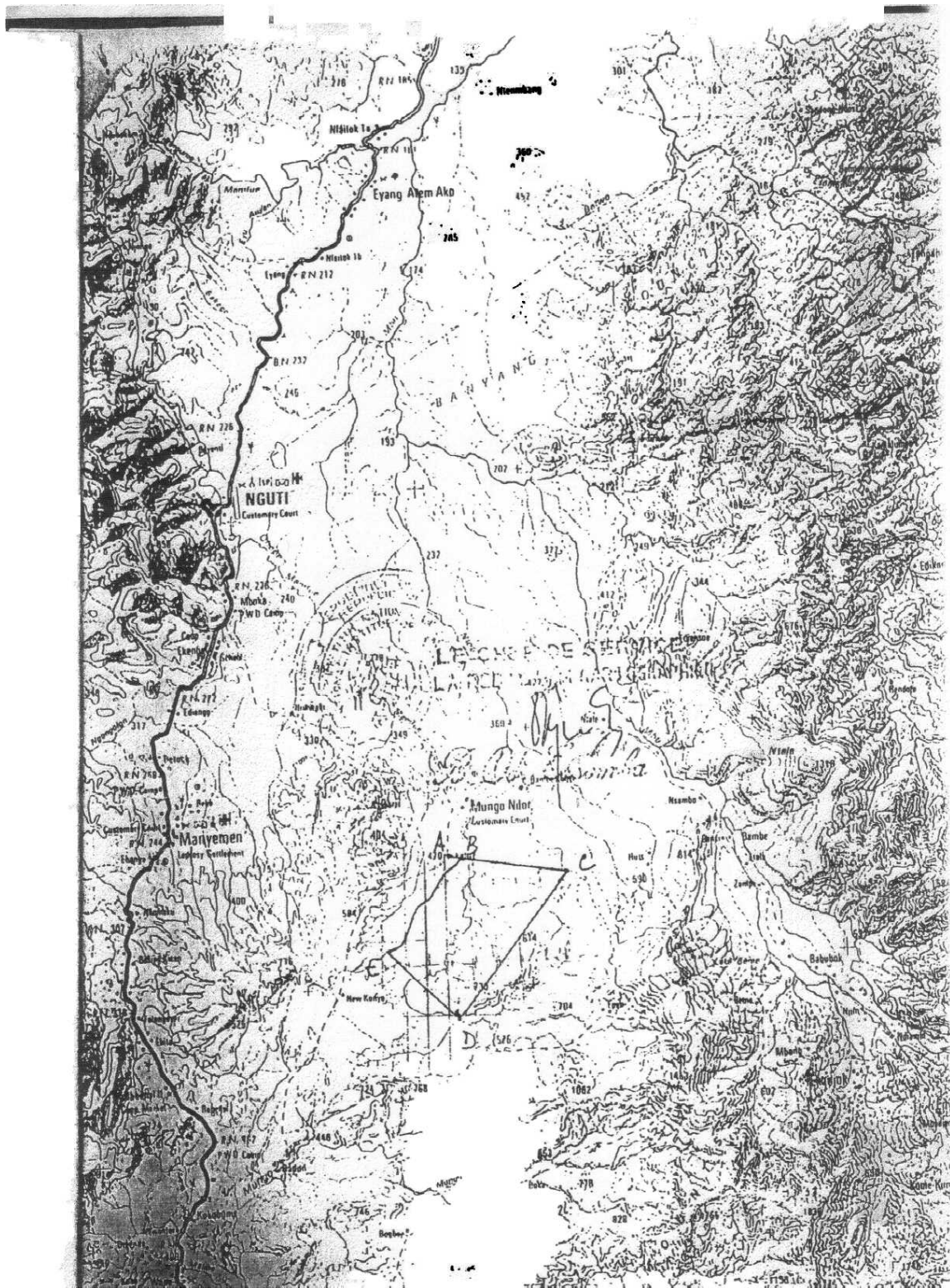
Au Nord, à l'Est, et au Sud, par les droites : BC = 4,900 km; CD = 7,400 km et DE = 4,000 km de gisements respectifs 108,5 ; 248 et 346 grades.

A l'Ouest par un cours d'eau non dénommé en aval jusqu'au point B.

La zone forestière ainsi délimitée couvre une superficie de DEUX MILLE CINQ CENT HECTARES.

La présente attestation lui est délivrée pour servir et valoir ce que droit.

LE CHEF DE SERVICE



Appendix 4

Ministère de l'Environnement et des Forêts - Direction des Forêts



Certificat de vente de coupe

Forêts du domaine national

Vente de coupe N°: 110504 Exercice: 1999-2000

Fin de validité: 30 juin, 2000

Exploitant: 243 ZANGUIM Albert

Certificat émis le: 20 janvier, 2000

B.P.: 48 Buéa

Partie 1. Localisation des traitements sylvicoles:

Commune		Traitements sylvicoles			Superficie
N°	Appellation	Zone	Cod	Appellation	
110201	Bangem	01	10	Coupe à diamètre limite	2 500
Superficie totale:					2 500

* Les cartes forestières jointes à la demande montrent la localisation précise des limites de la vente de coupe

Partie 2. Essences à récolter:

Essence				Essence			
Code	Appellation	Nombre	Volume	Code	Appellation	Nombre	Volume
1105	Azobé	210	2 396	1107	Bossé clair	4	13
1112	Doussié blanc	30	106	1113	Doussié rouge	70	158
1115	Framiré	30	243	1120	Makoré/Douka	40	222
1121	Moabi	130	1 772	1124	Otan / Adoum	40	493
1128	Parouk blanc	60	557	1131	Tali	40	245
1135	Tiama	18	81	1201	Ailé / Abel	30	431
1207	Aningré R	170	1 074	1213	Bongo H / Olon	18	71
1214	Dabéma	75	535	1218	Eyong	50	307
1230	Mambodé / Amouk	52	191	1232	Movingui	17	97
1234	Naga	350	1 338	1238	Niové	27	92
1310	Ako / Alca	16	106	1317	Bahia	225	1 447
1346	Ilomba	107	623	1439	Onzabili / Angongui	205	774
Nombre total:		2 014	Volume total:	13 412			

* Les cartes d'inventaire d'exploitation jointes à la demande montrent la localisation des arbres à récolter

25 JAN. 2000

Prescription:

Le titulaire de ce certificat de vente de coupe doit respecter les normes d'intervention en milieu forestier ainsi que les clauses de son cahier des charges lors de la réalisation de ses activités

Date:

Pour le Ministre de l'Environnement
et des Forêts

P.O. Le Directeur des Forêts

