



global witness

Cameroon

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. 056En

Central Control Unit – Independent Observer Joint Mission

Title	SSV 10 03 70
Location	Kadey Division, East Province
Mission date	25 March 2003
Company	N.K. (Holder)

Independent Observer Team (Global Witness):

Dr. Albert K. Barume, Deputy Project Director

Mr Owada Jean Cyrille, Technical Assistant

Mr Tangyie Che Célestine, Driver

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1. EXECUTIVE SUMMARY

The Central Control Unit (CCU) undertook a forest control mission in Mbang in the Kadey Division, East Province, on 25 March 2003. Accompanied by the Independent Observer (Global Witness), the purpose of the mission was to verify allegations made by the Head of Local Forestry Post of Mbang, about logging beyond the boundaries of Sales of Standing Volume (SSV) 10 03 70 by the N.K. SARL (N.K.) logging company. An official statement of offence is said to have been established by the Mbang Head of Local Forestry Post.

The main conclusions of the Independent Observer in relation to the case under study are as follows:

- The N.K. logging company, holder of Sale of Standing Volume 10 03 70, carried out unauthorised logging beyond the boundaries of the above-mentioned Sale of Standing Volume. Furthermore, the N.K. company fraudulently used the SSV 10 03 70 mark to disguise timber illegally logged. The Mbang Head of Local Forestry Post claims that litigation has been opened in regard to the timber extraction beyond prescribed boundaries. The Independent Observer did not receive any proof concerning claims by the Head of Post that litigation is being pursued.

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

- That the Mbang Head of Local Forestry Post provide proof that litigation relating to the logging beyond the boundaries of SSV 10 03 70 has actually been duly opened;
- That if it is established no litigation has ever been opened in regard to the above-cited case, summoning those responsible in the N.K. logging company to an audition on the offence of unauthorised logging in a state forest and fraudulent use of marks;
- That the competent MINEF service assess the exact volume of timber illegally extracted by the N.K. logging company;
- Fixing the amount of damages on the basis of the entire Free-on-Board (FOB) value of the timber estimated to have been illegally logged by the N.K. company.

2. RESOURCES USED

- 1 Toyota Hilux Pick Up belonging to Global Witness
- 1 Yamaha 100 motorbike belonging to Global Witness
- 3 GPS (Garmin brand)
- 1 Video camera (Sony brand)
- 1 Digital camera
- 1 laptop computer (Sony brand)

3. COMPOSITION OF THE MISSION

The mission was made up of Mrs Essono Danièle and Mr Mamene Pierre Marcel, Controllers at the CCU; Mr Afene Obam James, Senior staff at the Department of Forests; the Head of the Provincial Control Brigade for the East, the Head of the Forestry Section for Kadey, the Head of Local Forestry Post for Mbang and two members of the technical team of the Independent Observer.

4. CONSTRAINTS

The halting of activities in the field made it impossible for the mission team to question the officials of the N.K. logging company.

5. MISSION FINDINGS

5.1. Case summary

The N.K. logging company is holder of Sales of Standing Volume (SSV) 10 03 70, in which logging for the current fiscal year started in January 2003. According to testimonies gathered in the field, the Head of Local Forestry Post for Mbang visited this Sale of Standing Volume at the beginning of the month of March 2003. Based on the observation of logging out of boundaries of the SSV 10 03 70 made during that control mission, an official statement of offence was established against the N.K. company.

5.2. Mission's Observations

a. Logging out of boundaries of SSV 10 03 70 and fraudulent marking of timber

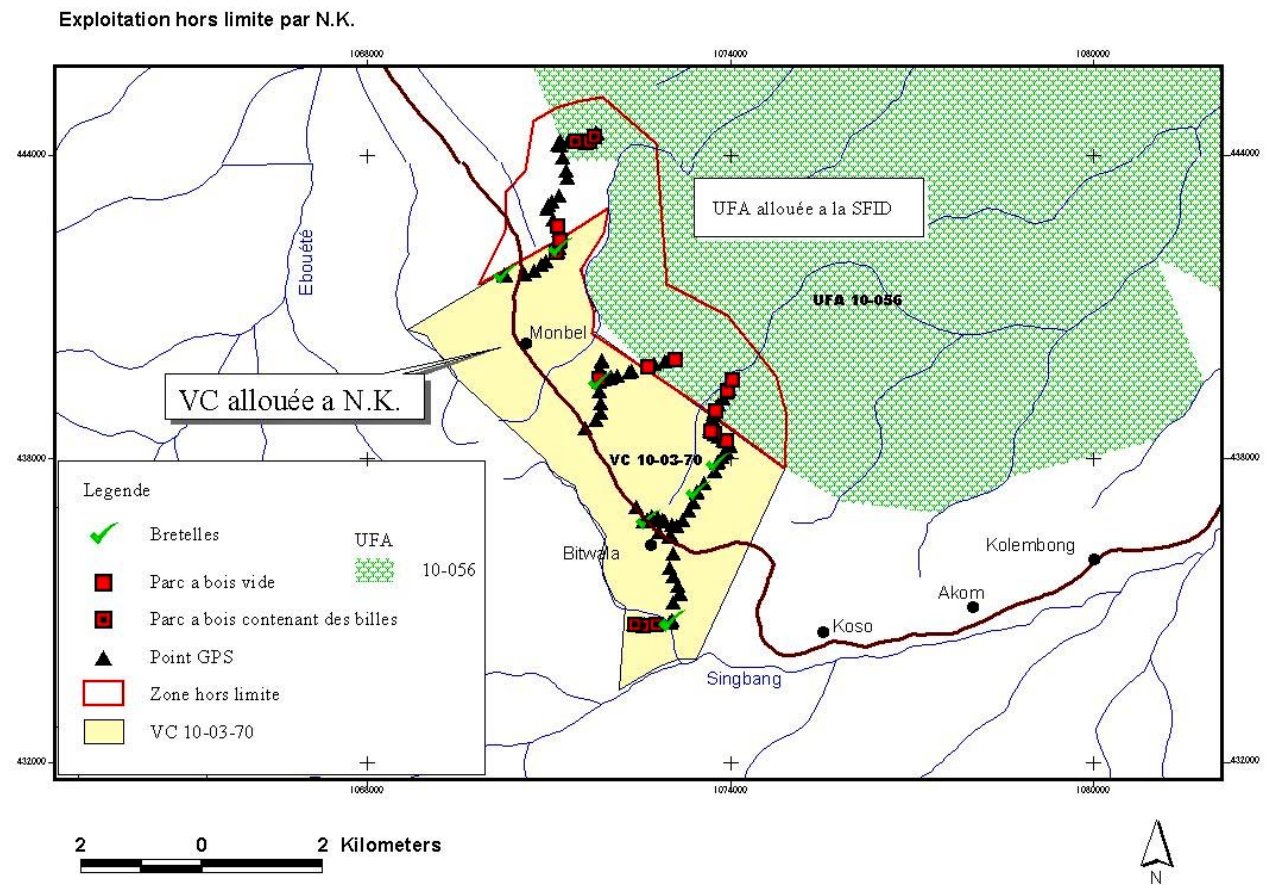
By transposing on a 1/200.000^e map the boundaries of the SSV 10 03 70 as described on the public notice (see Appendix 1), and the GPS (Global Positioning System) points taken in the exploited area, the Independent Observer observed operations outside of the boundaries of this Sale of Standing Volume and unauthorised logging within the boundaries of FMU 10 056 (see map below).

As shown on the following map, the N.K. company has opened several logging roads beyond the boundaries of SSV 10 03 70, on both sides of the section linking the villages of Monbel, Bitwala, Koso and Akom. Moreover, several of these roads cut across the boundaries of FMU 10 056 granted to the SDIF logging company (see map below).

b. Logging by sale of standing volume in a state forest beyond set boundaries

The mission conducted an investigation along these roads and found irrefutable evidence of intensive logging out of boundaries of the Sales of Standing Volume. Several log ponds containing timber marked “N.K. VC 10 03 70” were found, an act of fraudulent marking punishable under Section 156 of the 20 January 1994 Law. Such as act is classified as logging by sale of standing volume in a state forest beyond set boundaries (see photograph below).

Map: Logging area out of boundaries



c. Unauthorised logging in a state forest

The map above shows that large expanses of FMU 10 056 were also illegally logged by the N.K. logging company. This constitutes unauthorised logging in a state forest, an act deemed punishable under Section 158 of the 1994 Law cited above.

Besides the penal sanctions to which the N.K. logging company is liable, it must also pay damages calculated on the basis of the FOB value, as stipulated in Section 159 of the Law of 20 January 1994 and Article 22.3 of Decree No. 20011034/PM/ of 27 November 2001 covering the fixing of regulations on operation permits, and modalities for recovering and controlling rights, royalties and taxes arising from forestry activities.

d. Fraudulent marking of timber

The N.K. logging company disguised all timber logged outside of the set boundaries of SSV 10 03 70 and those logged within the boundaries of FMU 10 056 with the SSV 10 03 70 mark. The following photograph unequivocally confirms this allegation.

Photo 1: Logs in a log pond bearing the SSV 10 03 70 mark

NOTE: This photograph is contained in the Independent Observer's videotape seized by the Ingénierie Forestière logging company (see Independent Observer Report No. 055 En)

Moreover, several logs illegally felled by the N.K. logging company were carrying the mark of a Forest Marking Hammer. This act also could also constitute fraudulent timber marking. The NK Logging Company can be accused of fraudulent timber marking in that logs felled out of boundaries of the Sale of Standing Volume carried the SSV 10 03 70 mark. The charge of fraudulent timber marking could be levelled against the forestry administration agent who marked the timber if he is found to have done so with full knowledge of the illegal source of the timber in question.

6. CONCLUSIONS AND RECOMMENDATIONS

It has been established that the N.K. logging company carried out industrial logging of timber in a non-permanent forest estate, beyond the set boundaries of its Sales of Standing Volume. There is no doubt whatsoever the N.K. logging company carried out unauthorised logging in the FMU 10 056 granted to the SFID logging company.

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

- That the Mbang Head of Local Forestry Post provide proof that litigation relating to the logging beyond the boundaries of SSV 10 03 70 has actually been duly opened;
- That if it is established no litigation has ever been opened in regard to the above-cited case, summoning those responsible in the N.K. logging company to an audition on the offence of unauthorised logging in a state forest and fraudulent use of marks;
- That the competent MINEF service assess the exact volume of timber illegally extracted by the N.K. logging company;
- Fixing the amount of damages on the basis of the entire Free-on-Board (FOB) value of the timber estimated to have been illegally logged by the N.K. company.

APPENDICES

Appendix 1

**MINISTÈRE DE L'ENVIRONNEMENT
ET DES FORÊTS**

*MINISTRY OF ENVIRONMENT
AND FORESTRY*

DIRECTION DES FORÊTS

SDIAF

SI

**REPUBLIQUE DU CAMEROUN
PAIX TRAVAIL – PATRIE**

*REPUBLIC OF CAMEROON
PEACE -WORK -FATHERLAND*

YAOUNDE, LE

28 AOUT 2000

N° 1088

/AF/MINEF/DF/SDIAF/SI

AVIS AU PUBLIC

Il est porté à la connaissance des Exploitants Forestiers Nationaux que la zone n°10-03-70 de 2500 ha, Département de la Kadey, Arrondissement de Mbang en Zone III d'exploitation forestière et ainsi décrite :

Le point de base de cette forêt se trouve sur la rivière Monbel à 4,500 km au Sud du passage de cette rivière sur la route Monbel-Bitwala.

Elle est délimitée par:

- Au Nord** par la droite AB = 4,800 km de gisement 236,5 degrés.
- A l'Ouest** par un cours d'eau non dénommé en amont jusqu'au point C situé à 1,500 km la droite CD = 2,00 km de gisement 133,5 degrés, le point D est situé sur un cours d'eau non dénommé par ce cours d'eau en aval jusqu'au point E situé à 3,200 km et la droite EF = 2,000 km de gisement 183 degrés.
- Au Sud** Du point F par la rivière Singbang en aval jusqu'au point G situé à 2,000 km et la droite GH = 4,400 km de gisement 24 degrés.
- A l'Est** par la droite HI = 4,500 km de gisement 303 degrés et la Monbel en aval jusqu'au point A

Est ouverte à l'exploitation forestière suivant avis d'appel d'offres n° 0415/AAO/MINEF/DF/SDIAF du 06 Juillet 2000.

Les soumissionnaires disposent de 45 (quarante cinq) jours à compter de la date de signature du présent avis pour faire parvenir au Ministre de l'Environnement et des Forêts leurs offres rédigées en Français ou en Anglais et comprenant :

- ♣ L'enveloppe relative à l'offre technique et administrative en dix exemplaires dont un original et 9(neuf) copies certifiées conformes et marquées comme tel comportant toutes les pièces justificatives réglementaires y compris la quittance justifiant le paiement des frais de dossier d'un montant de 150.000F CFA (cent cinquante mille) contre récépissé.
- ♣ L'enveloppe de l'offre financière cachetée et scellée contenant l'indication du prix supplémentaire que le soumissionnaire se propose de payer en plus du taux plancher fixé à 2500F CFA/ha par la Loi de Finances en vigueur.

Chaque soumissionnaire devra s'assurer que la zone choisie correspond à ses attentes. La vente étant faite sans garantie, les changements ultérieurs de zone ne sont pas admis.

LE MINISTRE DE L'ENVIRONNEMENT
ET DES FORETS



