



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. 064En

Central Control Unit – Independent Observer Joint Mission

Title	SSV 09 02 56
Location	Ngoulemakong Sub-Division, Mvila Division, South Province
Mission date	14 avril 2003
Company	SETBC (Holder)

Independent Observer Team (Global Witness):

Mr. Reiner Tegtmeyer, Project Director

Mr. Serge C. Moukouri, 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 the South Province on 14 April 2003. Accompanied by the Independent Observer (Global Witness), the mission visited the Sale of Standing Volume (SSV) 09 02 56, situated in Ngoulemakong Sub-Division in the Mvila Division.

The company Société d'Exploitation et de Transformation des Bois du Cameroun (SETBC) was granted Sale of Standing Volume 09 02 56 in January 2001. A case of litigation was initiated against this company, by the Provincial Control Brigade of the South, for logging beyond boundaries. According to the Head of the Provincial Control Brigade, the file had been forwarded to MINEF.

Observations made in the field by the mission confirm that the SETBC logging company carried out logging beyond the boundaries of its Sale of Standing Volume. In fact, the mission counted half a dozen log ponds as well as hauling tracks that led to tree stumps felled out of the boundaries. The logs found in these log ponds carried the marks of the SETBC logging company and the marking of the Forestry Marking Hammer.

The Independent Observer concluded that the SETBC logging company was guilty of the offence of logging in a state forest outside the boundaries of a sale of standing volume. It also committed the offence of fraudulent use of marks.

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

- Pursuing the litigation initiated by the Provincial Control Brigade of the South if an official statement of offence against the SETBC logging company for logging out of the boundaries of Sale of Standing Volume 09 02 56 has been established. Otherwise, the summoning of officials of the company for the purpose of issuing an official statement of offence for said unlawful activities
- Notifying the SETBC logging company of the amount of fines, damages and interest calculated on the basis of the Free-on-Board (FOB) value of illegally logged timber;
- Taking disciplinary measures against the Head of the Local Forestry Post, keeper of the marking hammer found to have been used on the illegally logged timber.

2. 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 Forestry Department; the Head of the Provincial Control Brigade for the South, and Messrs Reiner Tegtmeier and Serge C. Moukouri of the technical team of the Independent Observer.

3. RESOURCES USED

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

4. CONSTRAINTS

There was no obstacles encountered..

5. MISSION FINDINGS

5.1 Case summary

The Sale of Standing Volume (SSV) 09 02 56 was granted to the company Société d'Exploitation et de Transformation des Bois du Cameroun (SETBC) in 2001 (see Appendix 1) for a period of three years. The Provincial Control Brigade for the South recently undertook a control mission to this sale of standing volume. This mission gathered proof of out-of-boundary logging of this title. The mission was informed that an official statement of offence was established and forwarded to MINEF in the month of March 2003. The mission was not given a copy of the said official statement of offence.

5.2 Mission's observations

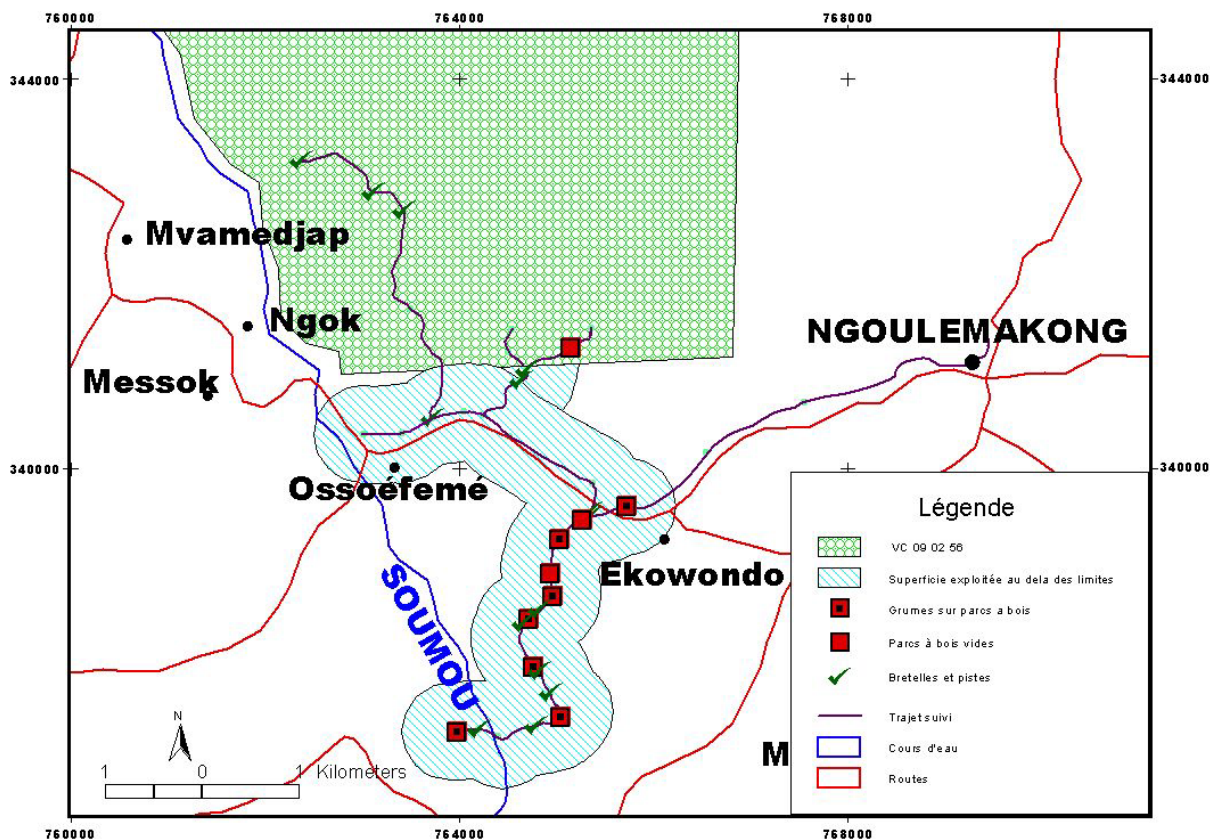
a. Exploitation beyond the boundaries of SSV 09 02 56

The SETBC logging company carried out logging activities beyond the boundaries of Sale of Standing Volume 09 02 56. This was confirmed by transposing the boundaries of SSV 09 02 56 as described in the public call for tender (see Appendix 2) on a 1/200,000^e map of the logged area, and comparing the results with GPS (Global Positioning System) points established during the inspection.

The mission observed that there were stumps, hauling tracks and log ponds located outside the boundaries of this title (see map below).

Logging in a state forest outside the boundaries of a sale of standing volume is an offence punishable under Section 156 of the 20 January 1994 Forestry Law. Criminal, civil and administrative sanctions are provided for.

Map: Area logged out of the boundaries of the SSV of SETBC company



Criminal sanctions include fines ranging from 200,000 to 1,000,000 CFA Francs and/or six months imprisonment. Civil sanctions consist of assigning damages and interest calculated on the basis of the Free-on-Board (FOB) value of timber illegally logged to the victim of the offence, in this case the State of Cameroon.

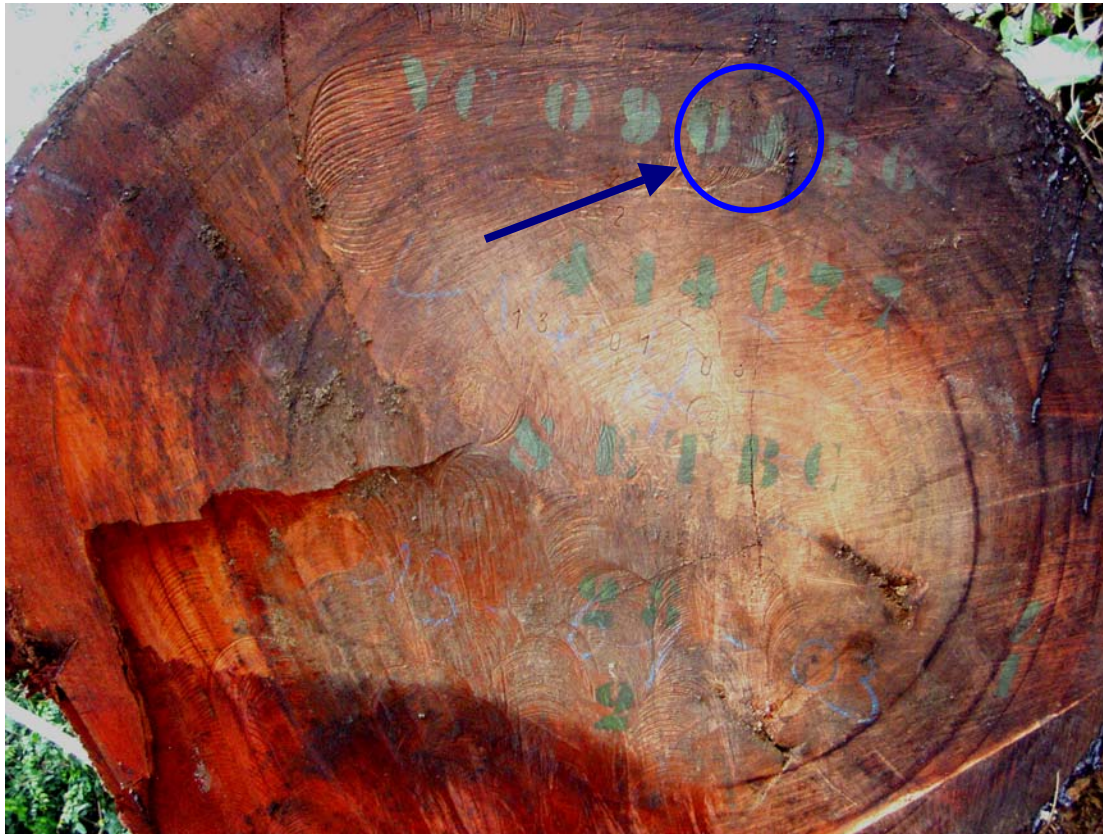
b. Illegal marking

Logs found in log ponds situated out of the boundaries of SSV 09 02 56 carried the marks of the Sales of Standing Volume under inspection and were hammer-marked by the Ngoulemakong Head of Local Forestry Post (see photo below).

Claims of illegal marking made against the SETBC logging company are based on the fact that logs felled out of the boundaries of the granted Sale of Standing Volume carried the marks of the latter. Charges of illegal marking have also been levied based on the fact that an official Forestry marking hammer was used on the logs (see arrow on photograph) originating from illegal logging activities. Illegal marking of timber is an offence punishable under Section 156 of the 1994 Law.

The use of an official Forestry Marking Hammer on illegally felled logs can be considered an act of complicity on the part of a sworn officer in the committing of a forestry offence. This offence is addressed in Section 162 of the 20 January 1994 Law and is punishable by a doubling of sanctions and penalties provided for.

Photo: Log bearing the mark of the official Forestry Marking Hammer



NB: This photograph shows the stamping mistake made on the second binary of the SSV number (04 instead of 02), retained in the granting order

6. CONCLUSION AND RECOMMENDATIONS

The Independent Observer concluded that the SETBC logging company carried out logging in a state forest through a sale of standing volume, outside the boundaries of the title in question.

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

- Pursuing the litigation initiated by the Provincial Control Brigade of the South if an official statement of offence against the SETBC logging company for logging out of the boundaries of Sale of Standing Volume 09 02 56 has been established. Otherwise, the summoning of officials of the company for the purpose of issuing an official statement of offence for said unlawful activities
- Notifying the SETBC logging company of the amount of fines, damages and interest calculated on the basis of the Free-on-Board (FOB) value of illegally logged timber;
- Taking disciplinary measures against the Head of the Local Forestry Post, keeper of the marking hammer found to have been used on the illegally logged timber.

APPENDICES

Appendix 1



MINISTRE DE L'ENVIRONNEMENT
ET DES FORETS

DIRECTION DES FORETS

SDAFF

SAG

Ydel NA 32 XXIV

REPUBLIQUE DU CAMEROUN
Paix - Travail - Patrie

04 JAN. 2001

0019

ARRETE N° _____/J/MINEF/DF/SDAFF/SAG

Accordant une vente de coupe

LE MINISTRE DE L'ENVIRONNEMENT ET DES FORETS,

Vu La Constitution ;

Vu La Loi N° 94/01 du 20 Janvier 1994 portant régime des Forêts de la Faune et de la Pêche ;

Vu Le Décret n° 95/531/PM du 23 Août 1995 fixant les modalités d'application du Régime des Forêts ;

Vu Le Décret n° 97/205 du 7 Décembre 1997 portant organisation du Gouvernement ,

Vu le Décret n°97/206 du 7 Décembre 1997 portant formation du Gouvernement et ses modificatifs subséquents ;

Vu l'Appel d'Offres n°0031/AAO/MINEF/DF/SDEIF du 08 Janvier 1999 ;

Vu le Procès-verbal de la Commission Interministérielle du 22 Septembre 1999 ;

ARRETE :

Article 1er : La vente de coupe n°09.04.56 est attribuée à la Société d'Exploitation et de Transformation du Bois du Cameroun (SETBC), BP 732 Douala aux conditions définies par le cahier de charges annexé au présent Arrêté.

Article 2 : La coupe porte sur 2500 ha de forêt située dans le Département de la MVILA, Arrondissement de NGOULEMAKONG, zone II d'Exploitation forestière.

Article 3 : Les limites de la coupe sont les suivantes :

Le point de base A de la forêt sollicitée se trouve à NGOK, au passage de la route ESSINGANG-EKOWONDO sur la rivière SOUMOU.

Au Sud, à l'Est et au Sud : par les droites respectives suivantes :

- AB = 4,2 km d'azimut 100 grades ;
- BC = 4,8 km d'azimut 400 grades ;
- CD = 6,3 km d'azimut 300 grades ;

A l'Ouest , par la rivière SOUMOU en amont jusqu'au point A.

Arrêté n° _____/J/MINEF/DF/SDAFF/SAG

Appendix 2



REPUBLIC OF CAMEROON
Peace - Work - Fatherland

MINISTRY OF SCIENTIFIC
AND TECHNICAL RESEARCH

NATIONAL INSTITUTE OF CARTOGRAPHY

BOX : 157 YAOUNDE PHONE : 22 29 21

Yaoundé, le 14 Décembre 2000
the

DEPARTEMENT DE LA CARTOGRAPHIE
ET DE LA TELEDECTION

N°/MINREST/INC/DCT/SC

200

ATTESTATION DE MESURE DE SUPERFICIE

Superficie mesurée	: 2.500 hectares
Demandeur	: S E T B C B.P.
Référence	: Carte de Yaoundé à 1/200 000
Situation Administrative de la Zone Forestière	: Département(s) de la Mvila Arrondissement(s) de Ngoulemakong
Planimètre utilisé	: CORADI N° 36891

DESCRIPTION DE LA ZONE FORESTIERE

Le point de base A de la forêt sollicitée par le Demandeur se trouve à Ngok, au passage de la route Essingang-Ekowondo sur la rivière Soumou.

Cette forêt est limitée :

Au Sud, à l'Est et au Nord, par les droites respectives suivantes : AB = 4,2 km d'azimut 100 grades ;
BC = 4,8 km d'azimut 400 grades ;
CD = 6,3 km d'azimut 300 grades.

A l'Ouest, par la rivière Soumou en amont jusqu'au point A.

La zone forestière ainsi circonscrite couvre une superficie de Deux Mille Cinq Cents hectares.

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

LE CHEF DE
LA RECEPTION CARTOG



(2) En cas d'absence, la demande de renouvellement de la vente de coupe est tenue au paiement préalable de toutes les taxes définies à l'article 7.

Ministre de l'Environnement et des Forêts, La SETBC
 République Agricole et Industrielle À son office. Dans tous les cas, l'absence entraîne le recouvrement de toutes les

Article 11 : (1) Le dossier de demande de renouvellement de la présente vente de coupe qui doit être déposé au moins un (1) mois avant l'expiration de celle-ci auprès du Responsable Provincial de l'Environnement et des Forêts qui transmettra au Ministre de l'Environnement et des Forêts revêtu de son avis motivé en cas de non respect de cette disposition, le Ministre de l'Environnement et des Forêts procède au retrait de la vente de coupe par une notification d'arrêt de chantier, puis saisit le Ministère des Finances pour le recouvrement forcé des taxes d'abattage le cas échéant.

Article 12 : Le Certificat de vente de coupe est valable pour un exercice budgétaire et doit être renouvelé avant le 30 juin de l'exercice en cours. En cas de non renouvellement du certificat, le Ministre de l'Environnement et des Forêts procède au retrait de la vente de coupe par notification d'arrêt de chantier, et saisit le Ministère des Finances pour le recouvrement forcé des taxes d'abattage.

Article 13 : Le dossier de demande de renouvellement de la présente vente de coupe comprend les pièces suivantes :

- Une demande timbrée ;
- Une copie de la présente vente de coupe
- Les pièces attestant le paiement de toutes les taxes y afférentes ;
- Un rapport des activités sur l'exercice échu ;
- Une demande de certificat de coupe DF-08 ;
- Un résultat de l'inventaire ;
- Une attestation de limitation ;
- Un certificat de récolement ;

Article 14 : La présente vente de coupe sera enregistrée et publiée partout où besoin sera./-

AMPLIATIONS :

- MINEF/DF/YDE
- DPEF/SUD/EBOWA
- DDEF/MVILA
- INTERESSE (E)
- POSTEFORETS & Chasses/NGOULFMAKONG
- CHRONO
- ARCHIVES



