

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. 070En

External Services – Independent Observer Joint Mission

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Title CF CIG 'Action pour le

Développement'

Location Minta Sub-Division, Upper-Sanaga

Division, Central Province

Mission date 09 July 2003

Companies Martial et Cie (Holder)

TIB (Partner)

Independent Observer Team (Global Witness):

Mr. Reiner Tegtmeyer, Project Director Mr. Owada Jean Cyrille, Technical Assistant, Mr. Tangyie Che Celestine, Driver

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1. EXECUTIVE SUMMARY

The Independent Observer (Global Witness) and the Upper-Sanaga Divisional Delegation of the Environment and Forests carried out a verification mission in Minta Sub-Division, Upper-Sanaga Division, Central Province, on 9 July 2003.

The Mission was based upon a denunciation that the company Martial et Cie, under the cover of a Timber Recovery Permit (TRP) undertook logging activities to create an industrial oil palm farm, therefore carring out fraudulent logging activities in Ekak, Nio, Yenyo and Ekang.

The palm farm at issue overlaps the Community Forest previously granted to the Common Initiative Group (CIG) 'Action pour le Développement' with a Simple Management Plan (SMP) issued on 13 June 2003.

Before going to the area in question, the Independent Observer had a working session with the Divisional Delegate of the Environment and Forests, Upper-Sanaga Division, who accompanied the mission.

The main findings of the Independent Observer in connection with the case under review are as follows:

- The company Martial et Cie, through their subcontractor Transformation Intégrée du Bois (TIB), opened a road in the locality of Nio, 9km from Minta, without prior authorisation;
- The Timber Recovery Permit (TRP) issued to the company Martial et Cie raises some questions namely its overlap with a community forest and its lack of compliance with the decision of the Minister of the Environment and Forests to suspend TRPs;
- The Timber Recovery Permit interferes with the rights of the communities of Ekak, Nio, Yenyo and Ekang known as CIG 'Action pour le Développement'.

In view of this, the Independent Observer recommends:

- The cancellation of the TRP issued to the company Martial et Cie as a result of non-compliance with the attribution procedure, contravention of the decision to suspend the granting of new TRPs, and the TRP's overlap with the Community Forest of the CIG 'Action pour le Développement';
- O The issuance of a Summons and an Official Statement of Offence against the companies Martial et Cie and TIB for construction of a road and carrying out logging activities in a non-permanent forest estate without prior authorisation;
- O A detailed investigation addressing the non-existence of this TRP in the SIGIF system even though logging activities were being carried out;
- Necessary measures be taken to guarantee and preserve the rights of the CIG
 'Action pour le Développement' regarding the management of their
 Community Forest.
- O In lieu of the immediate cancellation of the title at issue, the **Reading** Committee was informed that all the activities related to the title were suspended.
- The Reading Committee recommends a joint mission for further investigation.

2. RESOURCES USED

- 1 Toyota Pick Up Hilux
- 1 Digital camera
- 3 GPS
- 2 Laptops

3. COMPOSITION OF THE MISSION

The Mission was made up of the Divisional Delegate of the Environment and Forests, Upper-Sanaga Division; Mr. Reiner Tegtmeyer and Mr. Owada Jean Cyrille, members of the technical team of the Independent Observer.

4. CONSTRAINTS

The scope of the mission was limited by the absence in the field of officials of the company Martial et Cie as well as the Mayor of Minta who is in charge of managing the Community Forest of the CIG 'Action pour le Développement'

5. MISSION FINDINGS

5.1 Case Summary

The company Martial et Cie is the holder of an Timber Recovery Permit (TRP) issued on 18 March 2003 by the Minister of the Environment and Forests. As specified in the granting letter for this Timber Recovery Permit, the issuing of the title was justified by the development of an industrial palm farm project. However, the letter does not specify the geographical description of the said TRP (see Appendix 1).

The CIG 'Action pour le Développement' is the recipient of the community forest that bears its name. The Simple Management Plan (SMP) and the Management Agreement of the Community Forest have already been approved.

The National Cartography Institute (NCI) issued two surface area certificates to the company Martial et Cie. One relates to the total hectarage of the TRP (6,000 ha) and the other to the first bloc of activities (1,000 ha). The first document locates point 'A' of the TRP at issue at the confluence of the Téré and Nyia rivers, whereas the second document locates point 'A' of the same title at the South of Yenyo (see Appendices 2 and 3).

Furthermore, based on these descriptions, the TRP overlaps the Community Forest of the CIG 'Action pour le Développement'. Because of the overlapping of the two titles, the Mayor of Minta and Manager of the Community Forest at issue addressed to the Minister of the Environment and Forests and the Divisional Delegate, Upper-Sanaga Division, through the letter of 26 March 2003 (see Appendix 4).

During a consultation meeting presided over by the Senior Divisional Officer, Upper-Sanaga Division, and attended by the Mayor of Minta, the Manager of the company Martial et Cie and the Divisional Delegate of MINEF, a record of proceedings was established to suspend the activities of the company Martial et Cie in the litigious area while awaiting clarification from the competent services of MINEF.

In response to the suspension, the company Martial et Cie relocated its logging activities in Nio. However, the Mayor of Minta also denounced this action, likewise in writing. The Senior Divisional Officer, Upper-Sanaga Division, confirmed the suspension of activities during another working session attended by all the stakeholders.

On 16 June 2003, a development association sent a letter to the Minister with copy to the Independent Observer (see Appendix 5), denouncing the fraudulent logging activities of the companies Martial et Cie, TIB, IFC and Patrice Bois in Minta, Nkoteng and Nanga Eboko Sub-divisions. Following this denunciation, the Independent Observer approached the Minister's cabinet requesting a control mission by the Central Control Unit to investigate the allegations (see Appendix 6).

As a mission order was not issued within the period stipulated in the Terms of Reference of the Project of 'Independent Observer in Support of Forest Law Enforcement in Cameroon', the Independent Observer, in collaboration with the external services of MINEF carried out a fact finding mission, as provided for by Paragraph 4 of Section 3.2 of the abovementioned Terms of Reference. The purpose of the fact finding mission was to secure evidence as long as it might be available.

5.2 Mission's Observations

a) Construction of an extraction road without prior authorisation and fraudulent logging activities

The company Martial et Cie fraudulently opened a road of about 3 km in length south of Nio (see photo and map below) without prior authorisation of the administration in charge of forests. Circular letter No. 6985/LC/MINEF/DF/ SDIAF/SI concerning the authorisation for the opening of a road specifies that "the routes required by timber companies shall be submitted for approval to the Minister of the Environment and Forests together with the inventory of marketable forest tree species found on the sites."

Given that the company Martial et Cie carried out logging activities while constructing the road at issue, it can be said that they carried out fraudulent logging activities in a government forest, an offence punishable under Article 156 of the 1994 Law.

Photo: Road constructed for logging activities by the company Martial et Cie undertaken without prior authorisation



b) Overlapping of the TRP with the Community Forest of Minta

The map below shows that the zone covered by the TRP of the company Martial et Cie overlaps a community forest granted to the CIG 'Action pour le Développement'. The Simple Management Plan for this Community Forest was issued on 13 June 2003.

According to law, a TRP must not overlap the Community Forest.

c) Questions relating to the attribution of a TRP to the company Martial et Cie.

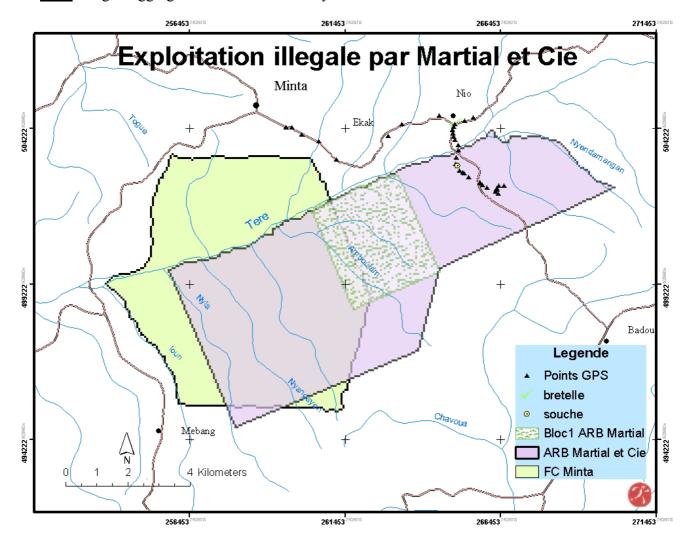
Under the laws and regulations specifying modalities and procedures governing the granting of a TRP, title is granted through a call for tender. It seems this was not the case with the granting of the TRP at issue; it seems that the TRP granted to the company Martial et Cie was not subject to a Public Notice of a Call for Tender. The first concern of the Independent Observer relates to this non-compliance with due process.

Furthermore, the Independent Observer questions the legality of the letter issued on 18 March by the Minister of the Environment and Forests granting a TRP to the company Martial et Cie. As of 30 July 1999, MINEF has suspended any issuing of new Timber Recovery Authorisations for the entire national territory by Decision No.

944/D/MINEF/DF. Is it not that as a result, for the company Martial et Cie to be granted a new TRP, the Minister would have had to annul the decision to suspend the granting of any new TRP. This is the second concern of the Independent Observer.

Furthermore, the Independent Observer questions why the TRP granted to the company Martial et Cie is not registered in the SIGIF system.

Map: Illegal logging activities carried out by Martial et Cie



6. CONCLUSIONS ET RECOMMENDATIONS

The mission observed that the company Martial et Cie, through its sub-contractor, the company TIB, carried out fraudulent logging activities and constructed a road without prior authorisation. The TRP granted to the company Martial et Cie raises some questions re: its physical and legal status, namely its validity based upon the suspension of the granting of timber recovery authorisations, and on the absence of the TRP in the SIGIF system. Furthermore, the area addressed by the TRP at issue overlaps a community forest that is already granted to the CIG 'Action pour le Développement'.

In view of this, the Independent Observer recommends:

- The cancellation of the TRP issued to the company Martial et Cie as a result of non-compliance with the attribution procedure, contravention of the decision to suspend the granting of new TRPs, and the TRP's overlap with the Community Forest of the CIG 'Action pour le Développement';
- O The issuance of a Summons and an Official Statement of Offence against the companies Martial et Cie and TIB for construction of a road and carrying out logging activities in a non-permanent forest estate without prior authorisation;
- o A detailed investigation addressing the non-existence of this TRP in the SIGIF system even though logging activities were being carried out;
- Necessary measures be taken to guarantee and preserve the rights of the CIG
 'Action pour le Développement' regarding the management of their
 Community Forest.
- O In lieu of the immediate cancellation of the title at issue, the **Reading** Committee was informed that all the activities related to the title were suspended.
- o The Reading Committee recommends a joint mission for further investigation.

APPENDICES

Appendix 1

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REPUBLIQUE DU CAMEROUN

Paix-Travail-Patrie

MINISTERE DE L'ENVIRONNEMENT ET DES FORETS

SECRETARIAT GENERAL

DIRECTION DES FORETS

Nunga

REPUBLIC OF CAMEROUN Peace - Work -Fatherland

MINISTRY OF THE ENVIRONMENT AND FORESTRY

SECRETARIAT GENERAL

DEPARTMENT OF FORESTRY

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MINEF/SC/DF/SDAFF

Objet : Recupération de bois dans un

projet de palmeraie industrielle

1.552

Le Ministre

A Monsieur le Directeur Général de la société MARTIAL & Cie

BP 13635

YAOUNDE -

Monsieur le Directeur Général,

Suite à votre correspondance relative à l'objet repris en marge,

J'ai l'honneur de vous informer qu'après exploitation du rapport de la mission que j'ai dépêchée sur le site, je marque mon accord de principe pour des coupes de sauvetage de bois situés sur le site de votre projet.

Toutefois, je tiens à vous signaler que cette opération devra être conduite de la manière suivante :

- les services locaux du MINEF seront mis à contribution à vos frais pour délimiter votre site en blocs de 1000 ha chacun et inventorier tous les arbres de plus de 40 cm situés dans votre bloc d'intervention pour l'exercice 2002/2003.
- les arbres abattus situés dans le bloc de l'exercice 2002/2003 vous serons vendus au prix de :
- 35.000 F/m3 pour les bois rouges
- 25.000F/m3 pour les bois blancs.

Vos chèques de règlement devront être libellés et repartis de la manière suivante :

- 75% au Regisseur des Recettes Forestières de la Direction des Impôts ;
- 25 % à l'Agent Comptable du Fonds Spécial de Développement Forestier (FSDF);
- 13% en sus du montant total de la transaction au Fonds Spécial de Développement Forestier (FSDF);

Veuillez agréer, Monsieur le Directeur Général, l'expression de ma parfalte

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Appendix 2

REPUBLIQUE DU CAMEROUN Paix - Travail - Patrie MINISTERE DE LA RECHERCHE SCIENTIFIQUE ET TECHNIQUE REPUBLIC OF CAMEROON Peace - Work - Fatherland MINISTRY OF SCIENTIFIC AND TECHNICAL RESEARCH

INSTITUT NATIONAL DE CARTOGRAPHIE B.P. 157 Tel. : 222 29 21 Yaoundé

NATIONAL INSTITUTE OF CARTOGRAPHY P.o. Box 157 YAOUNDE TEL. 222 29 21

DEPARTEMENT DE LA CARTOGRAPHIE

Yaoundé, le 18 Mars 2003

ET DE LA TELE-DETECTION

Nº..020 S. JAMS/MINREST/INC/DR/DCT/SC

SERVICE DE LA REDACTION CARTOGRAPHIQUE

ATTESTATION DE MESURE DE SUPERFICIE

Superficie mesurée :

6.000 hectares

Demandeur:

MARTIAL ET COMPAGNIE SARL

B.P. 13635 Yaoundé

Mappe de référence :

Nanga-Eboko à 1/200.000°

Situation Administrative:

Département(s) de la Haute Sanaga

Arrondissement(s) de Minta

Planimètre utilisé:

Coradi 36 891

DESCRIPTION DE LA ZONE FORESTIERE EN VUE DE LA RECUPERATION DE BOIS DANS UN PROJET DE PALMERAIE INDUSTRIELLE

Le point de base A est situé sur la confluence des rivières Téré et Nyia. Cette zone est limitée :

l'Ouest, et au Sud : par les droites :

AB = 5500m de gisement 174,5 grades;

BC = 6400m de gisement 74,5 grades;

CD = 2700m de gisement 15,5 grades;

DE = 6200m de gisement 72,5 grades.

A l'Est et au Nord: par les rivières Nyéndamangan et Téré en aval jusqu'au point A.

La forêt ainsi circonscrite couvre une superficie totale de Six mille hectares.

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





REPUBLIQUE DU CAMEROUN
Paix – Travail – Patrie
MINISTERE DE LA RECHERCHE
SCIENTIFIQUE ET TECHNIQUE

REPUBLIC OF CAMEROON

Peace – Work - Fatherland

MINISTRY OF SCIENTIFIC

AND TECHNICAL RESEARCH

INSTITUT NATIONAL DE CARTOGRAPHIE B.P. 157 Tél.: 222 29 21 Yaoundé NATIONAL INSTITUTE OF CARTOGRAPHY P.o. Box 157 YAOUNDE TEL. 222 29 21

A CONTRACTOR OF THE CONTRACTOR

DEPARTEMENT DE LA CARTOGRAPHIE ET DE LA TELE-DETECTION

Yaoundé, le 18 Mars 2003

SERVICE DE LA REDACTION CARTOGRAPHIQUE

Nº...0204../AMS/MINREST/INC/DR/DCT/SC

ATTESTATION DE MESURE DE SUPERFICIE

Superficie mesurée :

1.000 hectares

Demandeur:

MARTIAL ET COMPAGNIE SARL

B.P. 13635 Yaoundé

Mappe de référence :

Nanga-Eboko à 1/200.000

Situation Administrative:

Département(s) de la Haute Sanaga

Arrondissement(s) de Minta

Planimètre utilisé:

Coradi 36 891

DESCRIPTION DE LA ZONE FORESTIERE EN VUE DE LA RECUPERATION DE BOIS DANS UN PROJET DE PALMERAIE INDUSTRIELLE

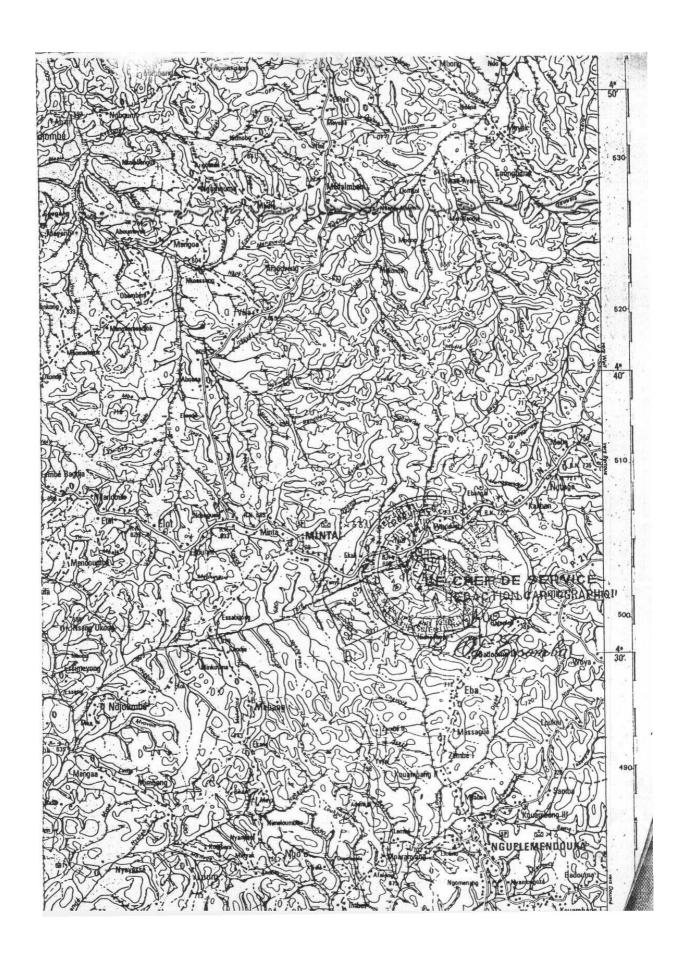
Le point de base A cette zone se trouve au Sud du village Yenyo. Il est situé sur la rivière Téré, à 1000m à l'Est de son confluent avec Amboulam. Elle est limitée :

A l'Ouest, au Sud et à l'Est: par les droites AB = 3400m de gisement 174,5 grades, BC = 3000m de gisement 74,5 grades et CD = 3400m de gisement 374,5 grades.

Au Sud: par la rivière Téré suivant D-A.

La forêt ainsi circonscrite couvre une superficie totale de Mille hectares.

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



MINISTERE DE L'ADMINISTRATION
TERRITORIALE

DEPARTEMENT DE LA HAUTE-SANAGA

COMMUNE RURALE DE MINTA

Eddis d'examen

FELFIGE ON ENVIRONMEMENT ET FORETS

SANAUA

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8 AVR. 2003

REPUBLIQUE DU ÇAMEROUN

Paix - Travail - Patrie

Minta, le 26 Mars 2003

est

LE MAIRE DE LA COMMUNE

A Monsieur le Ministre de l'Environnement et des Forêts

S/C

Monsieur le Délégué Départemental de l'Environnement et des Forêts de la Haute - Şanaga

Objet: Grave litige relatif à une coupe dite de sauvetage.

Excellence,

Je viens d'être informé du litige qui oppose les communautés BAMVELE et OMVANG de ma commune à la société MARTIAL et COMPAGNIE au sujet d'une zone de forêt de mon territoire de compétence et i'ai l'honneur de vous rendre compte de ce qui suit.

Les Communautés BAMVELE et OMVANG de MINTA regroupées au sein du GIC dénommé "ACTION POUR LE DEVELOPPEMENT" avaient sollicité et obtenu de votre excellence le classement d'une parcelle de forêt de 5 000 hectares comme forêt communautaire. Un formulaire de réservation leur a d'ailleurs été notifié à cet effet (voir copie jointe).

Il se trouve que ultérieurement, la Société MARTIAL et COMPAGNIE, prétendant avoir un projet de palmeraie industrielle sur la même zone se propose de couper des bois. Elle aurait même déjà dépêché sur le terrain des prospecteurs et des abatteurs.

-UE DU CAMERCH

Cette situation appelle de ma part les remarques suivantes

LOES CORETS

- 24 Rour ce qui est du projet de palmeraie industrielle de 6 000 hectares dont se prévaut la Société MARTIAL et COMPAGNIE, ni moi en tant que Maire ni le Sous-préfet de l'Arrondissement de MINTA ne sommes au courant d'un tel projet.
- 3- Il y a lieu de craindre qu'il s'agisse de la part de cette Société, d'une machination visant à tromper votre vigilance en vue d'obtenir par des moyens détournés, un permis de coupe de bois.

Compte tenu des vives tensions sur le terrain et des risques de troubles sociaux qui sont perceptibles, il serait souhaitable de faire la lumière dans cette affaire.

Dans cette attente,

Je vous prie d'agréer Excellence, l'expression de mes sentiments les

plus respectueux.

COPIES

- MINEF
- `- PREFET . H-S.
- DELEGUE PROVINCIAL MINEF
- SOUS-PREFET MINTA

SAMBA Antoine Félix

Appendix 5

SSOCIATION FOUR

T ES PROITS FORME

B.P. 44 NANGA-EBOKO - A P . E . D ; HO ;- TEL: 733 02

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045/03

Excellence Monsieur le Ministre de l'Environnement et des Forêts

Yaoundé, le 16 juin 2003

Objet: EXPLOITATIONS FORESTIERES FRAUDULEUSES, NON EXECUTION DES ENGAGEMENT

Excellence,

nous venons auprès votre personnalité attirer votre attention sur les exploitations forestières frauduleuses, menées par les sociétés suivantes : MARTIAL & COMPANGNIE, TIB, IFC, PATRICE BOIS et d'autres dans les Arrondissements de NANGA-EBOKO, NKOTENG et MINTA.

Nous nous portons garant de diligenter des investigations sur le terrain par vos services de contrôle.

Tout en espérant une prompte intervention de votre part, je vous prie d'accepter, Excellence, l'expression de ma très haute et parfaite considération.

Pour l'Association

LE PRESIDENT

JOSEPH FA'A EMBOLO

Ampliations

- Global Witness



global witness

Représentation Cameroun B.P. 11317 Yaoundé Tél/Fax +237 221 2085 émail: globalwithess@iccnet.cm http://www.globalwitness.org

Son Excellence M. Tanyi Mbianyor Le Ministre de l'Environnement et des Forêts

YAOUNDE - CAMEROUN

Yaoundé, 16 juin 2003

N/Réf: GWC/DP/DPA/rt/64/03

<u>OBJET</u>: Requête de mission de contrôle forestier dans le Département de la Haute-Sanaga, Province de l'Est

Excellence Monsieur le Ministre,

Le devoir nous échoit de requérir une mission de contrôle par vos services avec l'appui de l'Observateur Indépendant, en vue de vérifier les allégations d'activités forestières illégales par les sociétés MARTIAL & Co., TIB, IFC, Patrice Bois et d'autres, dans les Arrondissements de Nanga-Eboko, Nkoteng et Minta, dans le Département de la Haute-Sananga, Province de l'Est.

Fermement assurés de votre prompte réaction, croyez, Excellence Monsieur le Ministre, en notre profonde considération.

Ampliations

- Secrétaire Général
- ♦ UCC
- ♦ ACDI-CIDA
- ◊ Banque Mondiale
- ◊ DfID
- GTZ
- ♦ Union Européenne

ci-joint

copie lettre du Président de l'APEDAHS

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