

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

**Validated by the Reading
Committee**

Report of the Independent Observer

No. 103En

Central Control Unit – Independent Observer Joint Mission

Title	Timber Recovery Authorisation
Localisation	Mimbang, Nanga-Eboko Sub- Division, Upper Sanaga Division, Central Province
Mission date	15 July 2004
Company	ETOGC (title holder) SOTRAF (partner)

Independent Observer Team (Global Witness):

*Mr Reiner Tegtmeyer, Project Director
Mr Célestine Tangyie Ché, Driver*

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1. EXECUTIVE SUMMARY

The mission covered by this report took place in the Nanga-Eboko Sub-Division, Upper Sanaga Division, Central Province from 15 to 17 July 2004. It followed complaints of various fraudulent logging activities in state forests in the Sub-Division. The mission comprised members of the Central Control Unit (CCU), the Independent Observer (Global Witness) and the Head of the Division's Forest Section. The mission's objective was to verify allegations that the Société Générale de Travaux Forestiers (SOTRAF) had, allegedly, and under cover of Timber Recovery Authorisation No. 0023 MINEF/SG/DF/SDAFF/SAG of 29 March 2004 allocated to OMGBA Gabriel et Compagnie (ETOGC), undertaken fraudulent logging of timber in the Mimbang area.

Before leaving for the field, the members of the mission held a work session with the Head of the Forest Section of the Divisional Delegation of the Environment and Forests of Upper Sanaga (DDEF-HS).

On 15 July, the mission toured the site where SOTRAF had been working since March 2004. During the mission's visit, no work was being undertaken on the site as the machines were awaiting repair. Observations in the field and the discussions the mission had with the managers of SOTRAF and OMGBA Gabriel et Compagnie (ETOGC) revealed that:

- SOTRAF is using the TRA granted to OMGBA Gabriel et Compagnie;
- Before receiving notification as stipulated in the TRA, SOTRAF had already started to fell trees in areas adjacent to the trees covered by this authorisation;

Claiming to work within the TRA, SOTRAF has felled trees in the area adjacent to the TRA area.

Following the investigations undertaken by the mission, the CCU established an Official Statement of Offence (OSO) against OMGBA Gabriel et Compagnie for the felling of new trees and for commencing logging activities without awaiting notification from the Provincial Delegation of the Environment and Forests of the Central Province (PDEF-CE). The OSO established by the CCU raises two problems, one in relation to responsibility for the actions observed, and the other concerning determination of the second offence mentioned.

On the basis of the above, **the Independent Observer recommends:**

- The summoning and charging the responsible of OMGBA Gabriel et Compagnie for sub-contracting work without prior permission of the forest authorities and commencing evacuation work before notification from the PDEF-EC;
- The summoning and charging of the responsible of SOTRAF for unauthorised logging of 63m³ of wood in a state forest;
- That the areas of wood to be removed through Timber Recovery Authorisations be described as precisely as possible by, for example, using the GPS coordinates.

2. RESOURCES USED

- 1 Toyota Hilux
- 1 Garmin GPS
- 1 digital camera
- 1 Sony laptop
- 1: 200,000 map of the Nanga-Eboko region

3. COMPOSITION OF THE MISSION

The mission comprised Ms Daniëlle Essono and Mr Marcel Mamene of the CCU, Mr. Reiner Tegtmeyer of the Independent Observer team, Mr. Maria Philippe, Head of the Forest Section in the Divisional Delegation of the Environment and Forests of Upper Sanaga, and the plaintiff.

4. CONSTRAINTS

No obstacles were encountered in undertaking this mission.

5. MISSION'S FINDINGS

5.1 Case summary

On 18 September 2003, the director of a local non-governmental organisation (NGO) based in Nanga-Eboko wrote to the Minister for the Environment and Forests denouncing the illegal logging activities taking place in the forests of the Upper Sanaga Division (see Appendix 1).

This report presents verification of the allegations of fraudulent use of Timber Recovery Authorisation (TRA) No. 00233 MINEF/SG/DF/SDAFF/SAG of 29 March 2004 to fell trees in the Mimbang area.

Issued to OMGBA Gabriel et Compagnie (ETOGC), this authorisation relates to the removal of 842,780m³ of timber (of various species) in the Mimbang area. The start of evacuation work is subject to notification from the PDEF and the felling of new trees is prohibited (see Appendix 2). It is SOTCAF that is using this TRA in practice, and failing to respect its terms. To this end, the CCU established an OSO noting the above.

5.1 Observations of the Independent Observer

During the mission's visit on July 5, 2004, it was observed that SOTRAF had already started hauling and processing operations for the timber covered by the TRA, as shown in the photographs below (Photos 1 and 2). However, it was only on 21 July that the provincial forest department notified ETOGC of its approval to start evacuating the timber in question, under Ref. No. 888/NDT/MINEF/DPCE/SPF/ BEIF.

Mr Stanislas Mikap Augustine has declared to the mission that he has been employed by SOTRAF as Site Manager since June 2004. Notices posted for the attention of workers (see Photos 3, 4) indicate that the SOTRAF site has been up and running since at least February 2004.

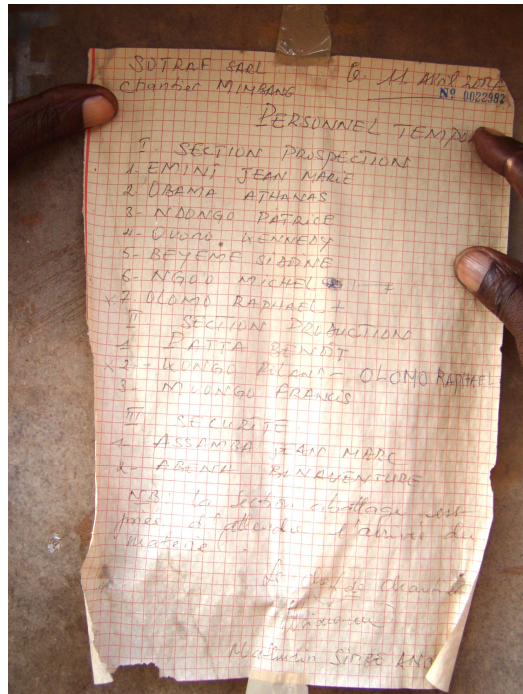
Photo 1: Timber hauling equipment



Photo 2: Sawn timber



Photos 3, 4: SOTRAF notices in the TRA area of activity



Whilst touring the TRA area of activity, the mission discovered 10 log ponds containing numerous cut trunks of different species (see Photo 5). Among these, the mission found 26 trunks from recently felled trees, with the majority in 2 yards:

species	Bosé	Dibétou	Iroko	Lotofa	Movingui	Osambili	Sapelli	Tali	Total
logs	2	1	12	1	3	1	1	5	26

Photo 5: Log pond with old logs and those from recently cut trees



5.2 Analysis of the Independent Observer

The Timber Recovery Authorisation granted to OMGBA Gabriel et Compagnie raises problems regarding the location of the 842,780m³ of wood it refers to, as well as the use to be made of it.

Concerning the location of the wood, the TRA merely gives it as being at Mimbang, without any other indication, thereby opening the path to various different uses of the same access right in the same area, each time evacuating the same volume of wood.

The use made of the TRA and the problems this gave rise to caused the CCU to establish an OSO against OMGBA Gabriel et Compagnie for felling of new trees, and for commencing operations without awaiting notification from the PDEF.

The Independent Observer does not fully agree with the terms of these charges. Instead of “commencing logging activity without notification...”, the statement of offence should have stated “commencement of evacuation activities...”, an offence attributable to OMGBA Gabriel et Compagnie, with the complicity of SOTRAF. Constituting a violation of the implementing regulations governing the forestry law, this unlawful act is liable to the administrative sanctions stipulated in articles 65 of this law and 130 to 133 of the decree on the application of forest regulations, stipulating the suspension or withdrawal of the TRA or, where appropriate, of the offender’s accreditation.

Secondly, the felling of new trees does not necessarily relate to the TRA and is the sole responsibility of SOTRAF. This company thus committed the offence of unauthorised felling of trees in a state forest, as stipulated and sanctioned by article 156 of the Law of 20 January 1994. Criminal sanctions, namely a fine of between 200,000 and 1,000,000 FCFA and/or imprisonment of between one and six months (law dated 20 January 1994, article 156), do not exclude requiring the offender to pay compensation for damages and interest to the state.

6. CONCLUSIONS AND RECOMMENDATIONS

The investigations undertaken during this mission reveal, on the one hand, that insufficient accuracy in describing the location of the timber covered by the TRA encouraged fraud and, on the other, that by violating the terms of the TRA, SOTRAF has committed several offences of which one, namely the commencement of evacuation work before the required notification, is also attributable to OMGBA Gabriel et Compagnie.

On the basis of the above, **the Independent Observer recommends:**

- The summoning and charging the responsible of OMGBA Gabriel et Compagnie for sub-contracting work without prior permission of the forest authorities and commencing evacuation work before notification from the PDEF-EC;
- The summoning and charging of the responsible of SOTRAF for unauthorised logging of 63m³ of wood in a state forest;
- That the areas of wood to be removed through Timber Recovery Authorisations be described as precisely as possible by, for example, using the GPS coordinates.

APPENDICES

Appendix 1

**ASSOCIATION POUR LA PROTECTION DE L'ENVIRONNEMENT
& DES DROITS DE L'HOMME
B.P 44 NANGA-EBOKO TEL 733 -02-33**

Yaoundé, le 18 septembre 2003

**EXCELLENCE MONSIEUR
LE PREMIER MINISTRE**

Objet : *Exploitations Forestières Frauduleuses.*

Excellence Monsieur le Premier Ministre,

Nous venons auprès de votre haute personnalité attirer votre Attention et celle de votre Gouvernement une seconde fois sur les exploitations illégales de bois par des personnes physiques et morales dans les Arrondissements de *Minta, Nanga-Eboko et Nkoteng* depuis l'an 2000 à nos jours. Nous nous réservons de donner les identifications de ces dernières afin qu'ils ne disparaissent et ne dissimulent les preuves que nous allons démontrer sur le terrain au cours des enquêtes. D'autres persistent malgré le passage des multiples contrôles forestiers.


De tout ce qui précède, et sauf meilleur avis de votre part, nous avons l'honneur de proposer ce qui suit :

- 1) Nous nous portons garant de faciliter la diligence des investigations sur le terrain avec les éventuels enquêteurs.
- 2) Qu'il soit interrogé les chefs et les populations de chaque localité exploitée que nous citerons pour s'assurer de la véracité des faits.
- 3) Qu'une prompt mission d'inventaire des bois coupés et abandonnés en forêt, soit mise sur pieds pour essayer de sauver ce patrimoine en péril. Tout en espérant une prompt intervention de la part de votre autorité, nous vous prions d'accepter, l'expression de notre très haute et parfaite considération./-

Ampliations

- *Premier Ministre*
- *Ministre de l'Environnement et des Forêts*
- *Secrétaire Général au MINEF*
- *Ministre de la Justice*
- *Global Witness*
- *Conseiller Technique Coopération Française*
- *Conseiller Technique N° 1*
- *Directeur des Forêts*
- *Union Européenne (CEF)*
- *GTZ*
- *Banque Mondiale*
- *DFID*
- *ACDI-CIDA*
- *Préfet de la Haute-Sanaga*
- *Sous-Préfet de Nanga-Eboko*
- *Procureur de la République de Nanga-Eboko*
- *Commandant de la Compagnie de Nanga-Eboko*
- *Commissaire Spécial de Nanga-Eboko*

POUR L'ASSOCIATION


MONSIEUR JOSEPH FA'A EMBOLO

Appendix 2

MINISTRE DE L'ENVIRONNEMENT ET DES FORETS
DELEGATION PROVINCIALE DU CENTRE
DELEGATION DEPARTEMENTALE DE LA HAUTE - SANAGA

REPUBLIQUE DU CAMEROUN
Paix - Travail - Patrie

Réf. :
V/L N° 1269/MINEF/SG/DF/SDAFF/SAG
du 17 juillet 2003.-

N° 121 / L/MINEF/DPC/DDHS

LE DELEGUE DEPARTEMENTAL DE L'ENVIRONNEMENT
ET DES FORETS DE LA HAUTE - SANAGA

MINISTERE DE L'ENVIRONNEMENT

30 JUIL. 2003
7550

MINISTRE DE L'ENVIRONNEMENT ET DES FORETS
- YA O U N D E -
s/c de Monsieur le Délégué Provincial de l'Environnement et
des Forêts du Centre
Yaoundé

Objet :
Evacuation du bois abandonné
par la société CBC.-

df
21/7/03

SDAFF
12/08/03

Call this out
and find out
if the wood
is suitable
for use
30/7/03

SAG
du 08/03
2

En vous transmettant le rapport de mission produit par le Chef de
Section Départementale de l'Environnement et de la vulgarisation de la Haute-
Sanaga, représentant le Chef de Section Départementale des Forêts empêché,
relatif à l'objet repris en marge,

J'ai l'honneur de porter à votre connaissance qu'il existe bel
bien du bois gisant aux parcs et en forêt dans la localité Mimbang. Si la
majorité des essences sont récupérables, certaines par contre sont dépréciées
pendant que d'autres sont attaquées par des insectes.

Par ailleurs, il convient d'affirmer que ledit stock de bois est le
reliquat d'une vente aux enchères publiques dont avait bénéficiée la société
comme l'atteste la correspondance du Comité de Développement./-

Nanga-Eboko, le 23 JUIL. 2003

DIRECTOR DES FORETS
COURRIER
Arrivée le 12/8/03
sous le N° 274



LE DELEGUE DEPARTEMENTAL
DE L'ENVIRONNEMENT ET DES FORETS HAUTE SANAGA

[Handwritten signature in blue ink]

ZANBO BENJAMIN
Ingénieur des Eaux Forêts et Chasses

Appendix 3

REPUBLIQUE DU CAMEROUN
Paix - Travail - Patrie

MINISTRE DE L'ENVIRONNEMENT
ET DES FORETS

SECRETARIAT GENERAL

DIRECTION DES FORETS

REPUBLIC OF CAMEROON
Peace - Work - Fatherland

MINISTRY OF ENVIRONMENT
AND FORESTRY

SECRETARIAT GENERAL

DEPARTMENT OF FORESTRY

Yaoundé, le 29 MARS 2004

N° 0677 / L/ MINEF/SC/DE/SDAFF/SAG-

LE MINISTRE

A

Monsieur Le Préfet du
Département de HAUTE SANAGA

NANGA- EBOKO

Objet : Autorisation d'enlèvement
de bois a/n ETOGC

Monsieur le Préfet,

Je viens de notifier une autorisation d'enlèvement de bois gisant au sol, portant sur un volume de 842,780 M3 (toutes essences confondues) au lieu dit MIMBANG de votre unité administrative, à la société ETOGC BP 12728 Douala.

Afin d'éviter une utilisation irrégulière de cette autorisation en particulier de nouveaux abattages de bois,

Je vous demande de me tenir informé du déroulement des opérations de terrain et me rendre compte des difficultés que vous rencontreriez éventuellement dans le bon suivi de la présente autorisation d'enlèvement bois./-

AMPLIATIONS :

MAIRE/ CR concernée



Tanyi-Mbianyi B.O.