

Global Witness

Independent Observer in Support of the

Application of the Law in the Cameroon

Forestry Sector

Independent Report No. 005En

Location: Département of Mbam et Kim, Cameroon

Date: 18 - 20 September 2001

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1 Introduction

Global Witness, the Independent Observer of the forestry sector, undertook a field mission with the CCU between 18 and 20 September 2001 in the Department of Mbam et Kim in Cameroon. The goal of this mission was to identify different breaches of the law, determine their causes, establish responsibilities and propose actions to be taken. This mission was undertaken within the framework of the support programme for forestry control in Cameroon

The official mission report is not yet completed for the cases presented below. Given this situation Global Witness has forwarded this report as an independent report to inform the Minister and to promote action on this case.

2 Outcome of the Field Mission

On 17 September 2001, the team went to Ntui to meet the Departmental Delegate of Mbam and Kim who provided documentation.

2-1 Resources

- 2 PICK UP TOYOTA HILUX (GLOBAL WITNESS, CCU)
- 2 Garmin GPS
- 1 camera
- Maps on a scale of 1/200,000

2-2 Logging in Forest Management Unit (FMU) 08-009

Date of the Mission: **18-09-2001**

Concession: **FMU 08-009**

Company: **INC**

Within the framework of forest monitoring the mission went to Annual Cutting Permit (ACP) 02 of FMU 08-009 of the company INC.

The limits of ACP No 02 appeared clearly across the following GPS co-ordinates:

Point 44 N: 174273
 E: 578797

Point 76 N: 178270
 E: 575655

These co-ordinates allowed us to conclude that logging is being carried out inside the ACP

The mission noted good administration of the field books and transport documents.

2-3 Illegal logging in 3 different Annual Cutting Permit (ACP)

Date of the mission: 19-09-2001

Concession: FMU 08-006

Company: Société Forestière Bouraka (SFB)

The team went to FMU 08-006 and observed logging. Control of the documents of exploitation showed that it was not being carried out in the official ACP 03 assigned to the operator for use in 2001-2002.

The Chief of exploitation presented the team with a certificate validating limits showing an ACP divided into 3 blocks.

Logging was taking place at the following GPS co-ordinates (cf. map):

A : Azobé stump	N:02 35'291''	E:010 10' 322''
B : Azobé stump	N:02 35'135''	E:010 10'669''

2-3-1 Infractions

Two infractions were noted:

- logging outside the limits of the ACP
- logging in 3 unassigned ACPs

2-3-2 Measures taken by the CCU:

The company documents of exploitation were seized by the CCU representative. Managers of the company, not present in the field, were invited to report to the CCU for clarification of the situation.

2-3-3 Proposed penalties

Penalties for exploitation beyond the limits of the ACP

These penalties are judicial and administrative.

Judicial penalties (civil and penal) are specified by articles 158 and 159 of the law. SFB company should pay to the State damages and interest for an amount calculated on the basis of the entire market value in force on the species/resources logged out of limits.

Administratives penalties are specified by article 65 of the law.

Penalties for exploitation in unassigned ACPs

These penalties are judicial and administrative.

Judicial penalties (civil and penal) are specified by articles 158 and 159 of the law.

Administratives penalties are specified by article 65 of the law.

Penal sanctions are specified by article 158 of the law of 1994, providing for a fine of between 3,000,000 and 10,000,000 FCFA. Equally, the law provides for imprisonment of between 1 to 3 years. These two penalties can be cumulative.

Civil penalties are covered by article 162 of the law. Those relevant to the case are possible confiscation, damages and interest.

3 Recommendations

Global Witness recommends :

- That a complete evaluation of the volumes and areas unduly exploited is made as quickly as possible. This evaluation should be led by the Departmental Delegation of Mbam et Kim;
- That as a result the forestry administration starts procedures for the application of penal and civil penalties as specified by the law for each of the breaches committed by SFB. The Administration could refer the case to the public prosecutor of Ntui or starting legal procedure against SFB before the competent court (the Magistrate's Court in Ntui);
- That the Minister of the Environment and Forestry suspends SFB's title by applying articles 65 of the law and 130 to 133 of the decree, until the company pay all taxes and fees relating to their illegal logging activities.