

**Global Witness**

**Independent Observer in support of the**

**Application of the Law in the Cameroon**

**Forestry Sector**

**Independent Report No. 008Fr**

Location: **Vallée du Ntem *Département***

Date of mission : **22nd February 2002**

Licence: **UFA 09-021**

Company concerned : **COFA**

Global Witness team:

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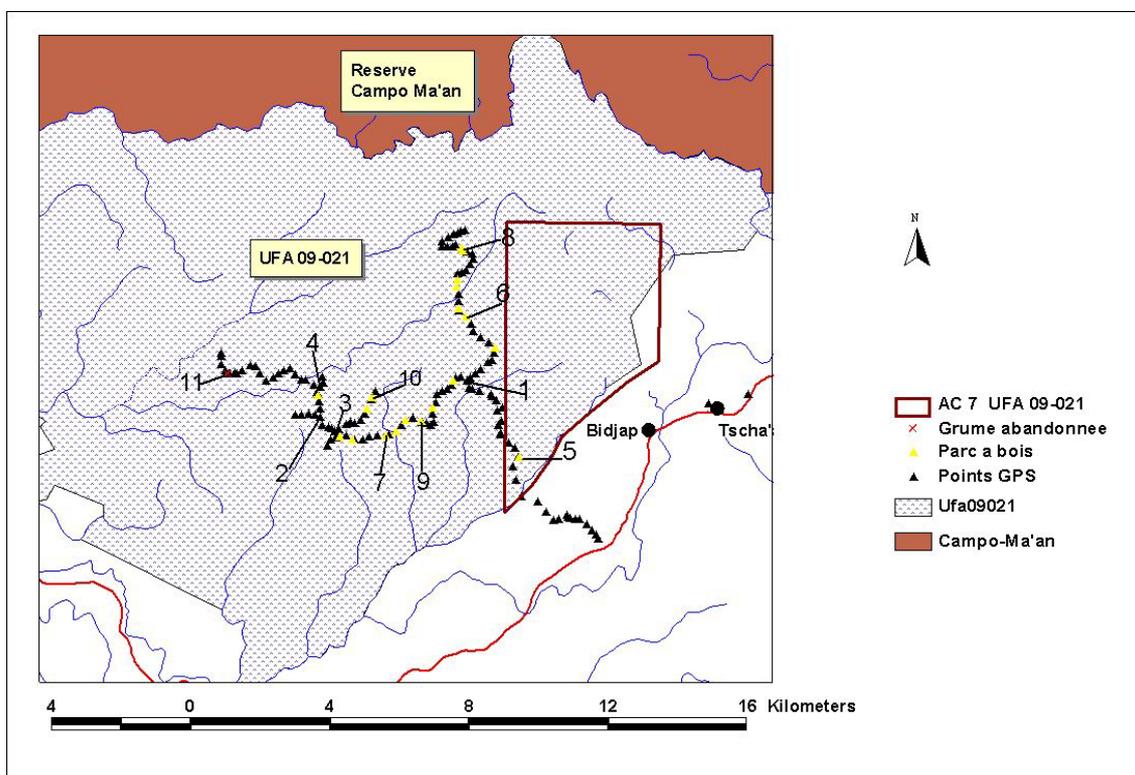
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# 1. Introduction

The goal of the mission was to verify information received about extraction activities carried out in UFA 09-021. This UFA is located in the Ma'an *arrondissement*, in the Vallée du Ntem *département*.

# 2. The Facts

The mission took the road from Ma'an in Central Meyo, after the village of Béthanie. At GPS points 1, 2, 3 and 4, the mission observed the entrance to several extraction strips. All along these extraction strips the presence of several cleared wood parks was noted, particularly at GPS points 5, 6, 7, 8, 9 and 10 (see map).



**Map : Unlicensed extraction**

Key : *Grume abandonnee* – abandoned log  
*Parc a bois* – wood park

An abandoned log (see photo), found in a park at point 11, carried the following inscriptions:

Certificate	Billet number	Date inscribed on the stump
COFA 1006 AS 7	1461.10.1	19.06.00

## **Photo : Abandoned log**

COFA is the company identified as the contractor for UFA 09-021 and responsible for extraction which took place there in 1999-2000.

### **3. Observations**

The mission observes:

- That in violation of the terms of reference of the Independent Observer, which were signed by the Minister in charge of forests, Global Witness was refused access at the level of the geomatic service to information and maps for UFA 09-21. This resulted in complications for the research and production of this report;
- That UFA 09-021, allocated to COFA in 1997, was subsequently transferred to WIJMA in 2001 (according to notification number 255/L/MINEF/DF/SDAFF/SAG of 12th June 2001 giving favourable notice of the transfer of UFA 09-021 from COFA to WIJMA);
- That in 1999-2000 COFA proceeded with industrial extraction of wood in UFA 09-021, outside the annual *assiette de coupe* which it had been granted;
- That during the same period, COFA fraudulently marked logs, some of which had been abandoned in the forest;

### **4. Infringements**

The various acts committed by COFA and observed in the field by the independent observer are a hindrance to legislation in force in Cameroon:

#### **4.1 Forestry extraction beyond the limits of the AAC and unauthorised extraction in a national forest**

Having proceeded with the industrial extraction of wood included in *assiettes de coupe* other than that which it had been granted for 1999-2000, COFA could be taken to task as much for extraction in a forestry concession outside the limits of the *assiette de coupe* it was granted as for unauthorised extraction in a national forest.

These infringements are covered by article 158 of the forestry law of 20th January 1994. Each of them may be subject to three kinds of penalties:

- *Administrative penalties*

These are penalties covered by article 65 of the law of 20th January 1994 and article 130 and subsequent articles of the decree of application of forest management, namely the suspension or the withdrawal of the *titre d'exploitation* and/or of the facility.

- *Criminal penalties*

These are laid out under article 158 of the law of 20th January 1994. They involve a fine totalling between 3,000,000 and 10,000,000 francs CFA. The law provides equally for a prison sentence of between one and three years. Both penalties may be paid.

- *Civil penalties*

Articles 158 and 159 of the law of 20th January 1994 provide for the awarding of damages and interest, calculated on the basis of the entire current market value for fraudulently exploited species, to the victim of the infringement, which in this case is the State.

## 4.2 Abandoning logs

In abandoning logs in the forest, COFA would have violated article 126(1) of the decree of application of forest management, the wording of which is:

“The holders of *titres d’exploitation forestière* must salvage all *logs* from felled trees, except those judged to be unusable by the forest management. When a felled tree is abandoned, the reason for abandoning it is stated in the works’ logbook. ”

[« *Les titulaires des titres d’exploitation forestière sont tenus de récupérer toutes les logs provenant des arbres abattus, sauf celles jugées inutilisables par l’administration chargée de forêts. Lorsqu’un arbre abattu est abandonné, le motif de l’abandon est mentionné dans le carnet de chantier* ».]

Can the management have judged the logs concerned to be unusable?

If the answer to this question were negative, then COFA would be guilty of abandoning logs.

This infringement is not one of those for which the forestry law of 20th January 1994 (article 156 and those subsequent) stipulates criminal and civil penalties. It can only be punished on the basis of article 65 of that law. The penalties laid down are for the suspension and withdrawal of the *titre d’exploitation* concerned and/or of the facility of the offender.

## 4.3 Fraudulent branding of wood

COFA could be accused of fraudulently branding wood in those cases where its number has been inscribed on logs coming from felled trees outside the limits of the annual *assiette de coupe*.

As above, this infringement is not one of those for which the law of 20th January 1994 stipulates criminal and civil penalties. It can only be punished on the basis of article 65 of that law.

## 5. Recommendations

- A comprehensive inspection mission should go into the field to establish the various infringements;
- This mission should, in order to determine the legality of the abandoning of logs, examine COFA’s works logbooks for the period covering the illegal activities in UFA 09-021;
- The same mission should assess the exact volume of wood illegally levied by COFA;
- The work of the mission should be followed by the instigation of various procedures which will result in the application to COFA of the penalties stipulated by the law and of compensation for the injury caused to the State.