

**Global Witness**

**Independent Observer in support of the**

**Application of the Law in the Cameroon**

**Forestry Sector**

**Independent Report No. 009Fr**

Date of mission: **21st – 23rd February 2002**

Location: **Mvila Département, Biwong Boulou village**

Licence: ***Vente de coupe 09-02-132***

Company concerned: **WIJMA**

Global Witness Team:

**Owada Jean Cyrille, Forester**

**Dr Jonathan Barnard, Technical Assistant**

**M Tangyie Ché Célestine, Driver**

## **TABLE OF CONTENTS**

|   |          |
|---|----------|
| <b>1. INTRODUCTION.....</b>   | <b>1</b> |
| <b>2. THE FACTS.....</b>  | <b>1</b> |
| <b>3. INFRINGEMENTS.....</b>  | <b>2</b> |
| <b>3.1 Extraction by <i>vente de coupe</i> beyond agreed limits in a<br/>        national forest.....</b> | <b>3</b> |
| <b>3.2 Unauthorised extraction in a national forest.....</b>  | <b>3</b> |
| <b>3.3 Fraudulent branding of wood .....</b>  | <b>4</b> |
| <b>4. RECOMMENDATIONS.....</b>  | <b>4</b> |

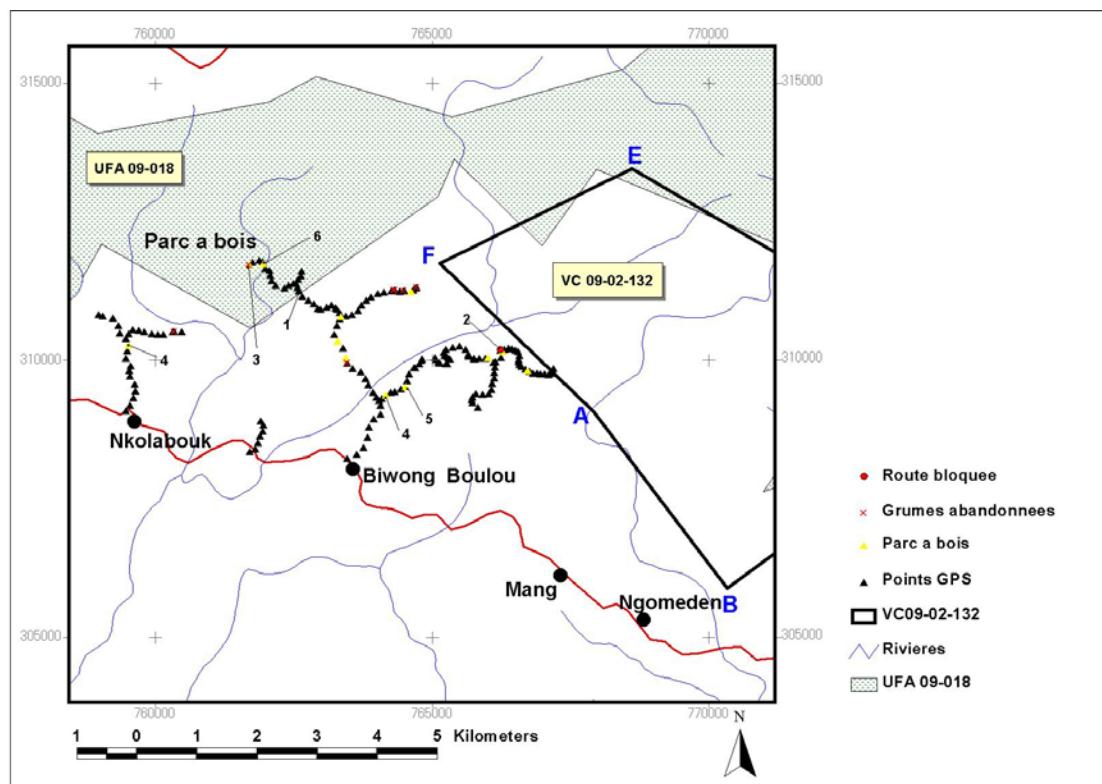
## **1. Introduction**

The goal of the mission was to verify information received about extraction activities carried out in the *vente de coupe* 09-02-132.

This *vente de coupe* indeed appears on the list of currently valid *titres d'exploitation*. It is located in a national forest, was allocated to WIJMA on 8th March 2001 and expires on 8th March 2004;

## **2. The Facts**

Several extraction roads were observed outside the limits of the *vente de coupe* (see map below)



**Map:** off-limits extraction zone

Key : *Route bloquée* – blocked road

*Grumes abandonnées* – abandoned logs

*Parc a bois* – wood parks

The entrance to an extraction road continuing into UFA 09-018, allocated to SN COCAM, was observed at GPS point 1.

At GPS point 2 on the map an extraction road was deliberately blocked by an earth bank and by large felled trees (see photo 1). This barrier blocks access to the exploited zone outside the limits of the *vente de coupe*. The mission climbed the barrier and

undertook a survey of the GPS points on foot, until reaching the official limit of the *vente de coupe*.

**Photo 1** : Bank blocking an extraction road.

Signs of extraction were observed all along the road, particularly wood parks at GPS points 2, 3, 4, 5 on the map.

A number of abandoned logs (see photo 2) found in these parks had the following inscriptions :

| Licence          | Billet number | Date inscribed on the stump |
|------------------|---------------|-----------------------------|
| GWZ VC-09-02-132 | 26337.12.1    | 14-08-01                    |
| GWZ VC-09-02-132 | 30044. 26     | 12-12-01                    |
| GWZ VC-09-02-132 | 30882.23      | 10-01-02                    |
| GWZ VC-09-02-132 | 30047.24      | 02-01-02                    |
| GWZ VC-09-02-132 | 30047.27      | 02-01-02                    |

In a wood park at point 3, we observed a billet of wood marked with forestry brand No 437.

**Photo 2** : logs in a wood park

At point 6 the building of a scupper-hole has caused flooding in the fields of the riverside population, and particularly in that of Mr Evina, a farmer in Biwong Boulou.

WIJMA is the company identified by the villagers as responsible for the extraction.

### **3. Infringements**

**The mission observes:**

- That WIJMA has carried out industrial extraction of wood in a non-permanent area of forest, outside the limits of its *vente de coupe*;
- That WIJMA has carried out unlicensed extraction in UFA 09-018;
- That the acts committed by WIJMA and proven in the field by the independent observation mission constitute three principal infringements of legislation in force in Cameroon.

### **3.1 Extraction by *vente de coupe* beyond agreed limits in a national forest**

Under article 156 of the forestry law of 20th January 1994, this infringement may be subject to three types of penalties:

- *Administrative penalties*

This initially involves conservation measures which may be taken by the official agent of waters and forests who establishes the infringement, in order to stop the fraudulent act and save what is possible, in awaiting the outcome of the dispute. Such measures include the provisional withdrawal of works documents (DF10, vehicle registration books, specification report books, etc.), the seizure of products and materials resulting from the infringement and the provisional suspension of activities. It then involves penalties covered by articles 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 156 of the law of 20th January 1994. They involve a fine totalling between 200,000 and 1,000,000 francs CFA. The law provides equally for a prison sentence of between one and six months. Both penalties may be paid.

- *Civil penalties*

Articles 156 and 156 (sic) of the law of 20th January 1994 provide for the awarding of damages and interest, calculated on the basis of the current market value for species exploited without licence, to the victim of the infringement, which in this case is the State.

### **3.2 Unauthorised extraction in a national forest**

Due to the existence of an evacuation route running through UFA 09-018 and of signs of extraction observed in this UFA, which are attributed to WIJMA, the company could be accused of unauthorised extraction in a national forest. This infringement is covered by article 158 of the forestry law of 20th January 1994. As above, it may be subject to three types of penalties:

- *Administrative penalties*

These correspond to those presented above for extraction beyond agreed limits in a national forest.

- *Criminal penalties*

Article 158 of the law of 20th January 1994 stipulates a fine totalling between 3,000,000 and 10,000,000 francs CFA. It provides equally for a prison sentence of between one and three years. The judge may decide to make the offender pay both penalties.

- *Civil penalties*

Articles 158 and 159 of the law of 20th January 1994 stipulates that the offender should be condemned to pay the victim damages and interest, calculated on the basis of the current market value for fraudulently exploited species. The judge may add further damages and interest to those due to the State, as owner of the felled trees, and payable by WIJMA, in order to compensate for the injury suffered by Mr EVINA.

### **3.3 Fraudulent branding of wood**

WIJMA could first be accused of fraudulent branding where logs felled outside the limits of the *vente de coupe* carry its number. This also follows from the fact that the State brand had been put on logs coming from fraudulently extracted trees.

Contrary to the first two, 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. The penalties stipulated are the suspension and withdrawal of the *titre d'exploitation* and/or of the facility of the offender.

## **4. Recommendations**

- An inspection mission by official agents of the forests administration should go into the field in order to establish the various infringements.
- The forests administration should set up an inquiry with a view to assessing the exact volume of wood taken illegally by WIJMA.
- The local administration for agriculture should equally be invited to assess the damage caused in Mr EVINA's plantation.
- The assessment of damages caused by WIJMA should be followed by the instigation of various procedures which will result in the application to WIJMA of the penalties stipulated by the law and of compensation for the wrongs done to the various victims.
- The forests administration should set up an inquiry with a view to identifying those responsible for the fraudulent use of the State brand, and to passing the appropriate penalties.