

Project of Independent Observation in Support of
the Control and Monitoring of Forestry Offences in
Cameroon

**Approved by the Ministry of
Environment and Forests**

Report N° 014Fr

Central Control Unit – Independent Observer Joint Mission

Title : UFA¹ 10-029 and 10-030, VC² 10 02 24

Location : Douala, Coastal Province

Date of mission: 26 to 27 June 2002

Companies: SFH, SFDB, Pallisco

Independent Observer Team (Global Witness):

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¹ UFA – Unité Forestière d'Aménagement - Forest management unit, subdivision of a logging contract, established by the 1995 Forestry policy reform – trans. note.

² VC – Vente de Coupe – sale of standing volume – trans. note.

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1. SUMMARY

The Central Control Unit (CCU) undertook an investigation mission to Douala from 26 to 27 June 2002, accompanied by the Independent Observer Team. The aim of the mission was to draw up a violation of law report (*procès-verbal*) against Mr. Hazim of the SFH company regarding *Unité Forestière d'Aménagement* (UFA) 10 030 and against Mr. Rougeron of the Pallisco company regarding *Vente de Coupe* (VC) 10 02 24.

Mr. Hazim denied all SFH involvement in illegal logging in UFA 10 030. Moreover, he indicated that SFH had no logging titles in the Eastern Province. Finally, Mr. Hazim refused a hearing on the violation of law report (*procès-verbal*).

The CCU asked the Pallisco company representative to explain the fact that the volume of timber noted on the SIGIF form compiling DF10³ data for the 1999-2000 year exceeded the volume of timber authorised for certain species in *vente de coupe* Certificate 10 02 24 by 4,019m³.

Mr. Rougeron was not able to provide a satisfactory explanation for the overrun in volume and the difference between the SIGIF form compiling DF10 data and the *vente de coupe* certificate for 1999-2000. Consequently, the CCU, in the presence of Mr. Rougeron, drew up a violation of law report (*procès-verbal*) against the Pallisco company for unauthorised logging of timber.

However, on the *procès-verbal* Mr. Rougeron noted the possibility of an error having been committed, either on the SIGIF form compiling DF10 data or on the *vente de coupe* Certificate. He also suggested that the CCU should undertake a verification mission on the ground before proposing any penalty.

Given Mr. Hazim's refusal for a hearing on the violation of law report (*procès-verbal*) regarding UFA 10 030, **the Independent Observer Team recommends:**

- The drawing up of a *procès-verbal* against the SFH company noting the offence of « unauthorised logging in a State forest....without prejudice to damage and interest for woods logged.... » (Article 158 of the 1994 law);
- That this *procès-verbal* against SFH should also include the offence of « fraudulent use, falsification....of signatures..." for the title that SFH had used in order to evacuate the wood illegally cut within UFA 10 030. (Article 156 of the 1994 law);
- That in addition to the civil penalties provided by Article 159 of the 1994 law, the SFH company should incur administrative penalties, including the withdrawal/suspension of accreditation, given the persistent nature of the acts committed by SFH (articles 130 to 133 of the decree of 23 August 1995);

³ DF10 : Name of the code given to the sheets of the site booklet in which the logging company must record information on the trees felled on a daily basis (diameter at 1.30m from ground level, felling number, length of logs, diameter at top and bottom, volume, date of felling).

- The urgent dispatch of a control mission to investigate VC 10 02 24 in order to find out where the Pallisco company has felled the excess 4,019m³ that forms the difference between the SIGIF form compiling DF10 data and the *vente de coupe* Certificate for the year 1999-2000;
- The drawing up of a violation of law report (*procès-verbal*) against the SFDB for the offence of « sub-contracting a registered logging titlewithout the prior agreement of the Minister.... » (article 158 of the 1994 law), and the offence of "logging [a concession] beyond...the volume....granted... » (article 158 of the 1994 law). This offence relates to the 62,649 m³ surplus declared on the SIFIG form compiling DF10 data for the years 1999-2000 and 2000-2001;
- That the SFH company should be noted as co-author of the SFDB's offences in relation to UFA 10 029;
- That a control mission should be undertaken with regard to VC 10 02 24 in order to verify whether the surplus 4,019m³ allegedly logged by Pallisco can be seen and, if this volume is confirmed, whether this was felled within 10 030;

2. CONSTRAINTS

The mission met with Mr. Hazim's refusal for a hearing on the *procès-verbal*.

3. RESOURCES USED

- 1 Toyota Hilux pick-up belonging to Global Witness
- 1 Sony laptop computer

4. RESULTS OF THE MISSION

I. SFH

Case summary

The CCU had already undertaken a control mission in **October 2000**, accompanied by Global Witness. Unfortunately, the mission did not have access to UFA 10 030, due to the destruction of a bridge.

In **November 2000**, a control mission was undertaken within UFA 10 029 in the Eastern Province by Mr. Bilack Garka, official of the Ministry of the Environment and Forests. The report produced following this mission indicated that SFH was the « technical and financial sub-contractor » of SFDB (page 8 of the report). A violation of law report (*procès-verbal*), countersigned by an SFH Site Manager, was annexed to this mission report. This control mission also looked at UFA 10 030, where it noted

logging offences committed by SFH. However, no violation of law report was drawn up for these offences.

In **September 2001**, another control mission undertaken by the CCU and the Independent Observer Team took place. This mission crossed UFA 10 030 accompanied by Mr. Samir, SFH Site Manager and a Pallisco representative. During this mission, Mr. Samir recognised SFH's responsibility in illegal logging within UFA 10 030 (see page 8 of the CCU report dated 2 October 2001). Video images taken by the Independent Observer Team during this mission are also available. All these factors incriminate SFH in the illegal logging of UFA 10 030.

It emerges from all the existing mission reports on UFA 10 030, along with various elements of proof collected by the Independent Observer Team since 2000, that SFH has been illegally logging within UFA 10 030.

Meetings with Mr. Hazim of SFH

On 27 June 2002 at approximately 11.30 am, the CCU met Mr. Hazim in his offices in Douala.

Two officials of the SFH company, who did not give their names, Mr. Bekolo from the CCU, Mr. Kingue from the CCU, the Head of Brigade for the Coastal Province, along with three members of Global Witness, were also present at this meeting.

Introducing the meeting, Mr. Bekolo indicated that the aim of the CCU mission was to listen to Mr. Hazim's views regarding SFH's illegal logging of UFA 10 030, along with the evacuation of logged wood from that UFA, and on the over-logging of UFA 10 029 during 1999-2000 and 2000-2001.

Mr. Hazim replied to the questions of the CCU officials by suggesting they focus their investigative efforts in relation to 10 029 on SFDB, holder of the logging title in question. Mr. Hazim also repeatedly stated that SFH held no logging title within any Cameroonian forest and that SFH was the victim of unjustified aggression on the part of the Cameroon forestry administration. He declared as follows:

- 1) that SFH was not involved in the illegal logging of UFA 10 030;
- 2) that SFH had never had a presence in UFA 10 030;
- 3) that SFH was not a sub-contractor of SFDB, merely buying their wood from them;
- 4) that only SFDB could respond to the charges regarding UFA 10 029; and
- 5) that SFH held no logging titles.

Mr. Kingue from the CCU asked Mr. Hazim if he was aware of the fact that SFH's operations manager, M. Samir, had, during a CCU control mission, recognised SFH's responsibility in the illegal logging of UFA 10 030. Mr. Hazim replied that he was not aware of such a statement on the part of his operations manager and asked the CCU to provide him with proof of this allegation.

The CCU team then asked Mr. Hazim if he would agree to a hearing on the violation of law report (*procès-verbal*). Mr. Hazim refused a hearing on the violation of law report, explaining that a procedure between SFH and the Ministry for the Environment and Forests was already underway with regard to this case, and that a

number of letters had already been exchanged between the two parties. Mr. Hazim mentioned, for example, the letter from the Minister demanding payment of 2.5 billion FCFA from SFH. In relation to this demand for payment, Mr. Hazim noted that his company had deferred its response to the Minister's letter.

The meeting with Mr. Hazim drew to a close at approximately 13.10, without a violation of law report.

Conclusions and Recommendations

The CCU mission was not able to draw up a violation of law report, given Mr. Hazim's refusal to recognise the responsibility of his company, SFH, in the illegal logging of UFA 10 030.

For this reason, **the Independent Observer Team recommends:**

- the drawing up of a violation of law report (*procès-verbal*) against SFH noting the offence of "unauthorised logging in a State forest...without prejudice to damage and interest for the woods logged ..." (Article 158 of the 1994 law);
- that this *procès-verbal* against the SFH should also include the offence of « fraudulent use, falsification...of signatures..." in relation to the title that SFH had used in order to evacuate the wood illegally cut within UFA 10 030. (Article 156 of the 1994 law);
- that the *procès-verbal* against SFH should mention the conclusions of the mission reports noted above, the elements of proof gathered by the Independent Observer Team on behalf of MINEF since June 2000 and the existence of a commission aimed at evaluating the damage caused in UFA 10 030 in relation to which imminent work is anticipated;
- that in addition to the civil penalties provided by Article 159 of the 1994 law, the SFH company should incur administrative penalties, including the withdrawal/suspension of accreditation, given the persistent nature of the offences committed by the SFH company (articles 130 to 133 of the decree of 23 August 1995);
- finally that this *procès-verbal* should also include as 'co-author' in the offence any company or individual whose title may have been used for the evacuation of the timber felled in UFA 10 032.

II. PALLISCO

Case summary

The Pallisco company was holder of *vente de coupe* VC 10 02 24 at the time of the illegal logging of UFA 10 030. A surplus of 4,019m³ of wood was noted between, on the one hand, the volume of certain species logged by Pallisco, as noted on the SIGIF form compiling DF10 data for the 1999-2000 year and, on the other, the volume authorised in the *vente de coupe* Certificate for the same year.

Given that VC 10 02 24 adjoins UFA 10 030, and that representatives of SFH allege the possibility that Pallisco may have also fraudulently logged UFA 10 030, the CCU considered it necessary to hear Pallisco regarding the origin of the 4,019m³ surplus.

Meetings with Mr. Rougeron of Pallisco

The CCU asked the Pallisco representative if he could give an explanation for the fact that the SIGIF forms compiling DF10 data note, in relation to some species, a 4,019m³ surplus logged over the volume authorised by the *vente de coupe* Certificate VC 10 02 24.

Mr. Rougeron admitted that Pallisco could not explain the difference in volume of wood noted on the SIGIF form compiling DF10 data for the year 1999-2000 and that noted on the *vente de coupe* Certificate VC 10 02 24 for the same year. However, the Pallisco representative highlighted the fact that this case was a complex one, as it had required renewal of the VC Certificate three times. Mr. Rougeron also told the CCU that none of the timber felled during the 1999-2000 year had been evacuated in time. For this reason, Pallisco had requested an evacuation licence for undressed timber stored at its timber yard. Part of this wood had been seized by MINEF and sold back to Pallisco. Finally, Mr. Rougeron told the CCU that the difference in volume between the SIGIF form compiling DF10 data and the VC Certificate could be due to errors. Consequently, Mr. Rougeron suggested that the CCU undertake a field visit to check the SIGIF data.

Moreover, Mr. Rougeron provided the control mission with copies of the distribution map along with various other documents submitted at the time of applying for VC Certificate 10 02 24.

In conclusion to the meeting, a violation of law report (*procès-verbal*) was drawn up by the CCU against Pallisco for unauthorised logging.

Conclusions and Recommendations:

An examination of the documentation indicates that Pallisco has logged greater volumes for some species than authorised by vente de coupe Certificate VC 10 02 24 for the year 1999-2000. However, this conclusion needs to be confirmed or invalidated by a field visit and an in-depth examination of the documents submitted by Pallisco.

For the reasons noted above, **the Independent Observer Team recommends:**

- that a control mission be undertaken to VC 10 02 24 in order to verify whether the 4,019m³ surplus allegedly logged by Pallisco can be seen, and if this volume is confirmed, whether this wood was felled in 10 030.

III. SFDB

Case summary

The SFDB company is holder of UFA 10 029, which is currently being logged by SFH. The CCU is of the opinion that SFDB is sub-contracting its logging activities in UFA 10 029 to SFH. However, no proof of this sub-contracting exists, as neither party has provided a copy of their arrangement to MINEF.

During the control mission of 4 to 6 June 2002 led by Mr. Bekolo, the CCU noted unauthorised logging of a volume of 62,649 m³ of timber within UFA 10 029. This surplus constitutes the difference between, on the one hand, the volume of wood declared on DF10 by SFDB during the 1999-2000 and 2000-2001 periods and, on the other, the volumes recorded on the Certificates of *assiettes de coupe*⁴ for the same periods.

Conclusions and recommendations

SFDB is responsible for illegal logging within 10 029. It is also responsible for the declarations of volume of wood logged within this UFA. Consequently, SFDB must answer for the surplus of 62,649 m³ noted by the CCU control mission, in accordance with article 152 of the 1994 law which stipulates that "the holder of a logging title, or any agent appointed by the Administration, where appropriate, holds absolute responsibility for offences committed by its employees, representatives or sub-contractors".

Given the SFDB's responsibility, **the Independent Observer Team recommends:**

- the drawing up of a violation of law report (*procès-verbal*) against the SFDB as 'author' of:
 - . The offence of "sub-contracting registered forestry titles...without the prior agreement of the Minister..." (article 158 of the 1994 law).
 - . The offence of "logging [a concession] beyond...the volume...agreed..." (article 158 of the 1994 law). This offence relates to the surplus of 62,649 m³;
- That the *procès-verbal* against SFDB should note SFH as 'co-author' of the offence of logging over the allocated volume;
- that in addition to the civil penalties provided by Article 159 of the 1994 law, the SFDB company should incur administrative penalties, including the withdrawal/suspension of accreditation (articles 130 to 133 of the decree of 23 August 1995).

⁴ 'assiette de coupe' – subdivision of a logging concession indicating the surface area to be cut in a particular year – trans. note.