



global witness

Cameroon

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

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

Report of the Independent Observer

No. 055En

Central Control Unit – Independent Observer Joint Mission

Title	FMU 10 057
Location	Kadey Division, East Province
Mission date	24 March 2003
Company	Ingénierie Forestière (Holder)

Independent Observer Team (Global Witness):

Dr. Albert K. Barume, Deputy Project Director

Mr Owada Jean Cyrille, Technical Assistant

Mr Tangyie Che Célestine, Driver

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1. EXECUTIVE SUMMARY

The Central Control Unit, accompanied by the Independent Observer (Global Witness) undertook a mission to Forest Management Unit (FMU) 10 057 located in Nguelabot, Kadey Division, East Province on 24 March 2003. The mission was part of a routine control programme started on 14 March 2003 in the East Province.

A major incident tainted this mission. A videotape of the Independent Observer was seized by the Ingénierie Forestière logging company, holder of FMU 10 057. This is the first such incident since the beginning of the 'Independent Observer' project. The videotape contains proof of large-scale illegal logging beyond the boundaries of the Annual Standing Volume (ASV) No.01 of the above-mentioned FMU.

The main conclusions of the Independent Observer in relation to this mission are as follows:

- The Ingénierie Forestière logging company has logged a state forest (FMU 10 057) beyond authorised boundaries;
- This logging company disguised trees that were illegally logged with the mark "UFA 10 057 AC No.01";
- Some of the timber found out of the boundaries of Annual Standing Volume No. 01 were carrying no mark;
- The company Ingénierie Forestière opened roads beyond the boundaries of the operation permit;
- The logging company seized property belonging to the Independent Observer, namely a videotape containing proof of the illegal logging activities cited in this report.

In view of the above, the **Independent Observer recommends** the following:

- The continuation of the litigation which was commenced following the official statement of offence established against the Ingénierie Forestière logging company by the Central Control Unit (CCU);
- An assessment of the timber illegally logged by the Ingénierie Forestière logging company;
- MINEF should take measures to penalize the company Ingénierie Forestière for obstructing control activities, threatening members of a control mission and seizing a videotape belonging to the Independent Observer.

The **Reading Committee** recommended the following additional measures:

- The volume of illegally logged timber on 1,167 ha should be reviewed taking into account logging data available at the SIGIF;
- Include the offence of fraudulent marking of timber in the official statement of offence;
- A warning letter from MINEF be sent to the Ingénierie Forestière logging company citing them for obstructing control, sequestering evidence, and threatening control agents;
- MINEF should take all necessary measures to obtain filming authorisations for control agents.

2. RESOURCES USED

- 1 Toyota Hilux Pick Up
- 1 Digital camera
- 1 Video camera
- 2 GPS
- 1 laptop computer

3. COMPOSITION OF THE MISSION

The mission was made up of Mrs Essono Danièle and Mr Mamene Pierre Marcel, Controllers at the CCU; Afene Obam James, Senior staff at the Department of Forests; the Head of the Provincial Control Brigade for the East, the Head of the Forestry Section for Batouri and two members of the technical team of the Independent Observer.

4. CONSTRAINTS

It was realised that fourteen days were not enough to cover all logging titles in the East Province. The seizure of the Independent Observer's videotape by the Ingénierie Forestière logging company seriously reduced the Independent Observer's capacity to act.

5. MISSION FINDINGS

5.1 Case summary

FMU 10 057, granted to the 'Ingénierie Forestière' logging company, is situated in Nguelabot, Kadey Division, East Province. Before being categorised as a Forest Management Unit (FMU), this forest was successively logged by the Société Forestière et Industrielle de la Doumé (SFID) and the SOTREF logging company. Mr Mbeng Gustave was the first nominative title beneficiary to exploit FMU 10 057; it has subsequently subcontracted to Société Forestière Hazim (SFH).

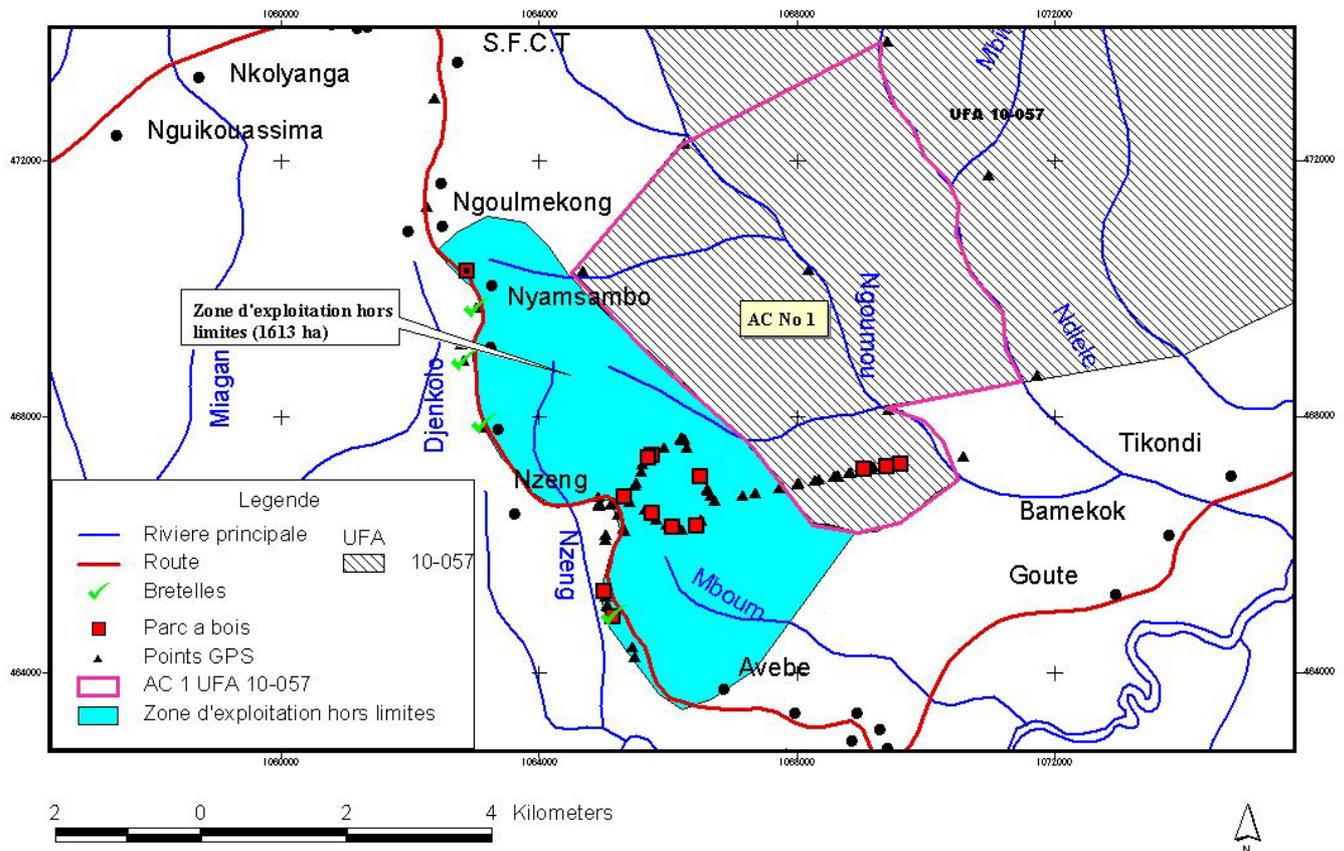
Before going to the field, the mission team held a working session with the Divisional Delegate of the Environment and Forestry for the Kadey, accompanied by his Chief of Section for Forestry. The mission team also held discussions with the Operations Foreman of the Ingénierie Forestière logging company who happened to be present.

5.2 Logging beyond boundaries

The following map shows that the Ingénierie Forestière company opened logging roads, created log ponds and developed a network of logging trails beyond the boundaries of Annual Standing Volume (ASV) No.01 of FMU 10 057. Several thousands of hectares were illegally exploited by this logging company, as shown by the map below.

Map: Surface area of logging beyond the boundaries of FMU 10 057.

Exploitation hors limite par Ingenierie Forestiere



The CCU established an official statement of offence, specifying the offence of logging beyond boundaries by the Ingénierie Forestière company. However, the CCU failed to close down the logging site in spite of the flagrant nature of the violation. The mission found a hauling machine in full operation beyond the boundaries of ASV No.01.

Photographs were taken by the Independent Observer showing proof of this logging activity. However, the videotape was seized by the offender.

5.3 Seizure of the Independent Observer’s videotape

The incident of the seizure of the Independent Observer’s videotape took place after the Operations Foreman of the Ingénierie Forestière logging company ordered his workers, armed with machetes, to set up a barrier at the exit of the logging site. According to him, the mission team could not leave the logging site with the videotape containing the film of the offence observed within its FMU.

A chronology of events leading to the seizure of the Independent Observer's videotape is as follows:

- After visiting the various roads and log ponds situated beyond the boundaries of the operation permit, the mission team met with the Operations Foreman of the Ingénierie Forestière logging company at one of the log ponds. The Independent Observer shot additional footage of the scene;
- The Operations Foreman approached the Independent Observer and pointed out to him that it was forbidden to take pictures within their concession without prior express permission;
- The Independent Observer explained to the Foreman that the Terms of Reference signed between Global Witness and the Government of Cameroon empowered the former to take collect visual evidence to support its mission reports;
- The mission team went back to the office of the Operations Foreman of Ingénierie Forestière company;
- At the office of the Foreman of FMU 10 057, the Head of CCU requested a closed-door chat with the Independent Observer. The Head of CCU asked the Independent Observer to delete the sections of the videotape that contained activities videotaped in FMU 10 057;
- The Independent Observer refused to alter proof of offence observed in FMU 10 057;
- The Head of CCU and the representative of the Independent Observer joined the rest of the team and representatives of the company Ingénierie Forestière;
- Mrs Essono, Head of CCU, took the floor and said "*In my opinion, as the head of this mission, Mr Albert (agent of the Independent Observer) should delete the contentious part of the videotape*" (listen to the conversation recorded at the scene);
- The Independent Observer explained the content of his Terms of Reference which authorised him to document illegal logging cases without any obstruction . He further explained that the photographs would be used only in reports submitted to the Minister;
- The Operations Foreman of the Ingénierie Forestière logging company stated very clearly that he would never allow the mission team to leave the logging site with the videotape;
- Outside, the Operations Foreman ordered his agents, armed with machetes, to form a "human barricade" at the exit of the logging site;
- The other members of the CCU insisted that the Independent Observer delete the elements showing logging beyond the boundaries of FMU 10 057;
- The Independent Observer reiterated his position that he would not delete video sequences depicting serious infringements. Instead, the Independent Observer agreed to hand over the videotape upon official acknowledgement of receipt by the company Ingénierie Forestière;

- The Operations Foreman of the Ingénierie Forestière logging company requested that members of his company Ingénierie Forestière in Yaounde be apprised of the situation;
- Members of the mission were called back into the hall and informed that the Head Office of the Ingénierie Forestière logging company had authorized the seizure of the videotape belonging to the Independent Observer;
- The acknowledgement of receipt was written and the videotape handed over to the Ingénierie Forestière logging company. The videotape also contained elements of work carried out before visiting the FMU 10 057 (see Appendix 1);
- The Operations Foreman of the Ingénierie Forestière logging company went out and personally ordered that the “human barricade” established by his men, armed with machetes, be removed;
- The mission then left the logging site.

The Ingénierie Forestière logging company wrongfully alleged that the FMU 10 057 title granted to it is a private property. The notion of private property cannot be applied to forest concessions. The Ingénierie Forestière logging company is in its first year of a Provisional Agreement that it signed with the Ministry of the Environment and Forestry (MINEF). The law provides that such an agreement should include contract specifications, stipulating that the beneficiary logging company shall not obstruct control activities (Section 50.2 of the 1994 Law, read in conjunction with Section 142 of same).

Furthermore, Paragraph 3 of the Terms of Reference agreed upon between Global Witness and the Government of the Republic of Cameroon in May 2002, confers membership upon the Independent Observer in all joint CCU-Independent Observer missions.: *“The Independent Observer shall be considered as a member on all mission warrants and service memoranda instituting a control mission...”*. At the time of the seizure of the videotape, the Independent Observer was carrying a mission order duly signed by the Minister..

As a member of any joint control mission, the Independent Observer can make use of *“any document or aid ... for its reports”*, as provided by the 7th clause of the contract signed between MINEF and Global Witness.

This is to say that a logging company cannot seize an investigative tool of the Independent Observer without being found guilty of obstructing control activities. Besides obstructing control activities, the company Ingénierie Forestière can also be rightfully accused of threatening and sequestering evidence from control mission members.

6. CONCLUSIONS AND RECOMMENDATIONS

This mission found that the Ingénierie Forestière logging company was guilty of logging beyond the boundaries of the operations permit of FMU 10 057. An official statement of offence was duly established against the company by the CCU.

The Ingénierie Forestière logging company seized property belonging to the Independent Observer. This property (a videotape) contains evidence of illegal logging activity .

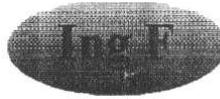
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APPENDICES



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Batouri, 24 Mars 2003

DÉCHARGE

Nous soussignés responsables de l'IFA
10057 reconnaissons ^{avoir} retiré le film fait par
Monsieur : Albert K. BARAME agent de l'observateur
dans notre exploitation.
la mission.

NP! En réserve d'une autorisation légale
des autorités qui leur permettra de filmer toute
notre exploitation.

Fait à Batouri le 24/03/2003

Pour la Société INGE.F
le chef d'exploitation

Roger N.