

Project Independent Observation in support of  
Forest Control and Monitoring of Infractions in  
Cameroon

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

**Report of the Independent Observer**

**No. 097En**

*Central Control Unit – Independent Observer Joint Mission*

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<b>Title</b>	FMU 10 045
<b>Localisation</b>	Kagnol, Upper Nyong Division, East Province
<b>Mission date</b>	15th May 2004
<b>Company</b>	J. PRENANT

**Independent Observer Team (Global Witness):**

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## 1. EXECUTIVE SUMMARY

On 15 May 2004, the Central Control Unit (CCU) and the Independent Observer (Global Witness) conducted a joint mission in the Forest Management Unit (FMU) 10 045. This mission was part of a control programme launched on 6 May 2004.

FMU 10 045 is located in the Upper Nyong Division in the East Province. The Provisional Convention signed on October 20, 2000 states that this FMU was granted to the company J.Prenant (JP). The Annual Standing Volume (ASV) No.06 of this FMU was under exploitation when the mission took place.

Discussions the Independent Observer held with the Executive Director of the company JP revealed a partnership between the logging companies J.Prenant, Société d'Exploitation Forestière des Bois du Cameroun (SEBC) and KIEFFER. The timber from the titles granted to these companies is processed at the sawmill belonging to JP (located in Kagnol).

It must be noted that on 12 May 2004, on the same mission, the control team visited FMU 10 037 granted to the company KIEFFER. The logging operations of that FMU had already been concluded. The control team could not complete this segment of the joint mission due to the impassable state of the road network in the Annual Standing Volume of FMU 10 037. According to the Head of the Local Forestry Post, Massok workers and machines had been sent to Kagnol for operations in the FMU 10 045 granted to JP. This information was verified when the control mission visited ASV No.06 of FMU 10 045 where logging operations were in start-up mode.

Given the above information, the **Independent Observer recommends** that:

- MINEF investigate the nature and legality of the collaboration between the companies J.Prenant, KIEFFER and SEBC;
- The responsible officials of the companies concerned be summoned and litigation undertaken if it is determined laws have been breached.

## **2. RESOURCES USED**

- 1 Toyota Land Cruiser
- 2 Garmin GPS
- 1 Digital camera
- 1 Laptop computer

## **3. COMPOSITION OF THE MISSION**

Members of this mission included Mmes Danièle Essono and Margaret Ndzana as well as Mr Samson Neckmen, agents of the CCU; Mr. Romuald Bikié of the IT Unit of MINEF; the Head of the Local Forestry Post of Dimako; and Messrs. Robinson Djeukam and Serge Christian Moukouri of the technical team of the Independent Observer.

## **4 CONSTRAINTS**

The mission encountered no constraints in the field.

## **5. MISSION'S FINDINGS**

### **5.1 Findings and Information Received by the Independent Observer**

The company J.Prenant (JP) is the lease holder of the Forest Management Unit (FMU) 10 045, as stated in the Provisional Convention signed on the October 20, 2000. Logging operations of the Annual Standing Volume (ASV) No.06 were in start-up mode when the control mission arrived. The company JP was notified of authorisation to start logging operations in this Standing Volume on the 15<sup>th</sup> March 2004.

The mission toured access roads and hauling tracks along the boundaries of ASV No.06 of FMU 10 045. It also controlled the marking of stumps and logging operation documents. No irregularities were found.

At an earlier stage of the mission, the team visited Standing Volume No.21 of FMU 10 037 granted to the company KIEFFER. Logging activities had already ceased and no representative of KIEFFER was encountered in the concession. A thorough inspection of this Standing Volume was not able to be completed due to the impassable conditions of the roads in the extracted ASV. The Head of the Local Forestry Post of Messok provided information that the workers and the machines had been sent to Kagnol for logging operations in FMU 10 045 granted to the company JP.

According to the Foreman of JP, once logging activities in the Standing Volume under exploitation have ended, the team will leave FMU 10 045 and begin operations in FMU 10 058, granted to the Société d'Exploitation Forestière des Bois du Cameroun (SEBC).

## 5.2 Analysis of the Independent Observer

Information gathered in the field reveals that the companies KIEFFER, JP and SEBC, beneficiaries of the Forest Management Units 10 037, 10 045 and 10 058 respectively, share the same machines and the same workers in the field.

Although these companies are all members of the THANRY-VICWOOD Group, the nature and the legality of their relationship raise some questions.

Forest Management Units are non-transferable and are assigned to a single company (and not to the group to which the company might belong). Therefore, machines and labourers under the management of one company can only legally be used to conduct operations for another company if a subcontracting arrangement is approved by the forest administration. This is stated in Articles 42 and 46 of the Forestry Law, dated January 20, 1994.

A lack of documentation confirming such an approval must be considered a violation of law; that is, it must be interpreted as the subcontracting of a non-transferable forestry exploitation title without prior consent of the administration in charge of forestry. According to Art. 158 of the Forestry Law of 20<sup>th</sup> January 1994, this violation is punishable by a fine of three to ten million francs and / or one to three years imprisonment.

The conclusion that there has been a violation of law committed by the company J.Prenant and its partners can only be drawn if it can be proven that these companies are legal entities with management autonomy. In other words, MINEF must determine if J.Prenant and the other companies of the THANRY Group belong to the same group, an entity that provides machines and workers wherever and whenever they are needed.

If this can be established, MINEF must then total the surface areas granted to this entity presenting itself as several independent companies and initiate legal action if the FMU surface area exceeds 200,000 hectares. Owning an FMU surface area that exceeds 200,000 hectares is punishable under Art. 158 of the Forestry Law of 20<sup>th</sup> January 1994.

## 6. CONCLUSIONS AND RECOMMENDATIONS

In the field, the control mission's work centered on controlling boundaries and logging operation documents as well as inspecting stumps and log ponds. No infractions were observed. Nevertheless, the material relationship between the companies of the various Forest Management Units raised questions about the nature and legality of the collaboration.

Consequently, the **Independent Observer recommends** that:

- MINEF investigate the nature and legality of the collaboration between the companies J.Prenant, KIEFFER and SEBC;
- The responsible officials of the companies concerned be summoned and litigation undertaken if it is determined laws have been breached.