Forest Law Enforcement in Cameroon

1st Summary Report of the Independent Observer
May - November 2001
Global Witness is a British based non-governmental organisation which focuses on the links between environmental and human rights abuses, especially the impacts of natural resource exploitation upon countries and their people. Using pioneering investigative techniques Global Witness compiles information and evidence to be used in lobbying and to raise awareness. Global Witness’ information is used to brief governments, inter-governmental organisations, NGOs and the media. Global Witness has no political affiliation.

This report — which has been produced in accordance with the provisions and annexes of the funding agreement between the budget line STABEX of the European Development Fund (EDF) on behalf of the EDF National Authorising Officer (NAO), who is also the Cameroonian Minister of Economic Affairs, Programming and Regional Development — reflects the views of its authors. It does necessarily reflect opinions of the NAO and the European Commission.

Acknowledgements

This report was realised with support from the European Union, the UK Department for International Development (DFID) and the World Bank.

Update note

In accordance with EU ‘Contrat de service N° 54-1’, a consultation and approval process were necessary before the publication of this report. The approval was received on 1/10/02. There were hence many developments since the writing of the report, which make a key point update necessary for a more accurate picture of the current situation. Another detailed report will be produced in early 2003. The publication process should however be faster given the new contract and ToRs signed on 23 May 2002 with the Government. This introduction aims to highlight the following main points:

Follow up on reported cases of illegal logging

List of sanctions

A list of sanctions was published by MINEF and included sanctions for FMU 09-025 and 10-030 but no other cases reported by the CCU in presence of the Independent Observer during the 6 months period.

**FMUs 09-009 and 09-010**

On 30/7/2002 a control mission, in presence of the Independent Observer (Global Witness) was sent to control FMUs 09-009 and 09-010. The mission was cancelled by the Minister at the time, while the team was in the field. No report has been produced to date by the CCU and no sanctions have been imposed.

**FMU 09-025**

A percentage of the fine published was paid by HFC. The company has however contested the fine, and asked the Minister of Environment and Forests to reconsider the amount in view of administrative errors that in its opinion contributed to its use of a different map to that registered at central level in MINEF. The case has not yet been resolved.

**FMU 10-030**

2 PVs were served against SFH, and one against SFDB. However, SFH were not officially notified of the PV in the presence of the Independent Observer. It is not clear if they were in its absence. The inventory of FMU 10-030 has not yet been resolved while the team was in the field. It is not clear if they were in its absence. The inventory of FMU 10-030 has not yet been initiated, although a call for tender was made. A fine of 2.5 million CFA to SFH was published by MINEF, which has not been paid. SFH are contesting the fine, mainly arguing that it has already paid one.

Others

Progress has been realised on some cases while others have remained static in the Ministry of Forests or apparently been dropped without explanation.

Commission of modalities of control

The Commission in charge of clarifying modalities of control, established by the former Minister of Environment and Forests, has not resumed work since its first meeting. Various examples of confusion about control procedures within central and external services highlight the urgency and necessity for this work to be undertaken. The Independent Observer has suggested that valid titles are published as soon as possible as this simple step would help increase clarity among MINEF staff and companies on the legal document basis of control.

Strategy of communication

The new ToRs signed on 23 May 2002 provide for a strategy of diffusion of information that has been agreed by all parties.

Case Tracking System

Meetings with various stakeholders have been arranged, and the study of the framework of the CTS is in process.

Field missions

The Control Unit has carried out several missions in the presence of the Independent Observer, but has not yet finalised a number of its report.

CCU Equipment

Equipment, including one laptop, one video camera, GPS Units and other items, was handed to the CCU by the Independent Observer on 14/8/2002.
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Abbreviations
ACP Annual Cutting Permit. Annual area of exploitation within a FMU (1/30th of the FMU surface area)
ARB Autorisation de Récupération du Bois. Authorisation (now illegal) to salvage timber from an area within the context of a development likely to disturb or destroy a forest
CCU Central Control Unit within MINEF
CTS Case Tracking System
DF10 Document detailing volume of wood extracted from the forest for a valid title
FCMS Forest Control Monitoring System
FLMS Forest Litigation Monitoring System
FMU Forest Management Unit. Logging permit comprising several forest exploitation units. These units are logged over approximately 3 decades according to a rota system allowing a minimum degree of forest regeneration
GIS Geographic Information System. GIS is a computer system capable of assembling, storing, manipulating, and displaying geographically referenced information, i.e. data identified according to their locations
GPS Global Positioning System. A network of 24 satellites that orbit the Earth and make it possible for people with ground receivers to pinpoint their geographic location with accuracy of between 10 and 100 metres
IMIM Infractions Information Monitoring System
MINEF Ministère de l'Environnement et des Forêts. Ministry of Environment and Forests
NGO Non-governmental Organisation
PSRF Programme de Sécurisation des Recettes Forestières. Forestry Tax Revenue Securement Programme
PV Procès-Verbal. Statement registering an infraction, written by a MINEF official in the field upon note of an infraction and countersigned by a representative of the fraudulent company. Legal procedure starts on the basis of this document, even if the company representative refused to sign it
SIGIF Système Informatique de Gestion des Informations Forestières. Forestry automated information system. Part of the program of Sustainable management of Cameroonian forests (GDFC)
SDIAF Sous-Dirección des Inventaires et des Aménagements Forestiers. Sub-direction for forest planning and inventories
SSC Système de Suivi de Contrôle
UFA Unité Forestière d’Aménagement. See FMU
VC Vente de Coupe. Sale of standing volume authorising the exploitation, for a fixed period, of a precise volume of standing timber from a limited area (2500ha) which may not exceed the annual logging potential

Glossary

Avis au Public Public notice including details of an auction to come or title to be sold
Arrêté Ministerial order fixing the terms of an agreement
External Services Provincially based services for monitoring forest law enforcement
Lettre de Voiture Official document that must be carried by any transporter of forest produce indicating the origin, quantities and specification of the produce.
Vente aux enchères public Public auction of a specific volume of timber
1 Recommendations

In view of the progress made during the first six months of the Project of Independent Observation, and the significant issues that still remain to be tackled, Global Witness believes that the Project should continue over the longer-term. However, it is important that the roles and responsibilities of the Independent Observer are publicly defined to facilitate effective Project implementation.

A contract with amended ToRs was signed on 23 May 2002 (see Appendix 1), for the continuation of the Project until a bidding process is put in place for the appointment of an Independent Observer in the long-term.

Missions

In relation to field control missions and associated procedures it is recommended that MINEF:

- Ensure that the Commission on the Practical Modalities of Control complete its work mandate as soon as possible, focusing on the immediate issues of clarifying the methodology for the calculation of damages and interest in cases of illegal logging.
- Require responsible MINEF officers to finalise mission reports that were not completed during the first phase of the Project as soon as possible and apply appropriate sanctions.
- Ensure that the process of drafting the mission reports include consultation with an experienced member of the legal unit within MINEF to improve their quality and legal accuracy.
- Ensure that companies are prosecuted to the full extent of the law and pay the appropriate fines.
- Suspend all concession related activities for the duration of investigations when significant illegal activities or irregularities by concessionaires are discovered.
- Order an urgent control mission to the FMU 09-009, as was done for other cases when infractions were reported, in order to demonstrate the good will of the government to tackle illegal logging regardless of the companies that might be implicated.
- Ensure that, pending the outcome of the work of the Commission on the Modalities of Control, damages are assessed and sanctions imposed on the companies concerned for all outstanding cases that have been documented by the relevant law enforcement departments.
- Prioritise missions to the East province of Cameroon for the next phase of the Project.

Transparency

Regarding transparency and the flow of information within MINEF it is recommended that MINEF:

- Prioritise the completion of the communication strategy in the following phase to provide the MINEF Communications Unit a clear framework within which to operate with respect to the publication of the results of control activities.
- Publicise in the press and other media the continuation of the Project, including clarification of the role of the Independent Observer within MINEF, including the external services. This to improve information flows between MINEF and the Independent Observer.
- Publish the manual of forest control drafted in preparation for the Kribi workshop and presented for discussion and validation by those present.
- Publish the checklist of infractions and sanctions, on the basis of the legal and regulatory framework in force, in an accessible format and useful to a range of stakeholders.
- Publish the results of sanctions imposed, and make official mission reports available for consultation by all stakeholders, not less than seven days after completion by MINEF. Public notice should be given of the availability of control mission reports.
- Encourage widespread and detailed publication of cases documenting illegal activities without delay, to allow civil society and NGOs to help monitor the forest sector as well as progress realised by the government in law enforcement.
- Support the distribution of independent mission reports by the Independent Observer in accordance with the terms of reference of the project.
2 Executive Summary

The Cameroon government, and MINEF in particular, has gained credibility amongst the Donor Community, international NGOs and others for undertaking the Independent Observer Project. This initiative is a pioneering experiment in the region of central Africa and a positive step forward in the fight against corruption and illegal logging. However, the credibility gained, the assumed political will and commitment to transparency should be contrasted with the action or lack of action taken against major logging companies, when they are known by MINEF to be responsible for illegal activities. Since Global Witness’s first investigations in Cameroon in June 2000, one international bid for the inventory of the second most serious case reported has been launched but no other significant sanctions have been imposed against any company reported to have committed major infractions.

Progress has been achieved in certain areas. Seventeen joint field missions have been undertaken resulting in three joint mission reports signed by the CCU. These reports recommended total fines of 9.3 billion FCFA, and are a direct result of the cooperation between the Independent Observer and the CCU.

Recommendations for the undertaking of inventories and impositions of further sanctions were also made.

Seven independent missions were undertaken in response to information received from MINEF, villagers, local NGOs and members of the private sector. Although MINEF have responded positively to some of these independent reports, they have refused to act officially on others.

The six months intensive work have delivered the results required in terms of documenting illegal activities in the forest. This is despite reported corruption of the staff of the Independent Observer and a number of warnings from MINEF staff, and others, that field missions can be dangerous. The question of how the information from field missions is processed by the administration has now to be answered. The emphasis of the following phase of the project should be to tackle these administrative and institutional problems of law enforcement in Cameroon by pursuing the already documented cases of illegal logging to their logical conclusion. If this can be done for the existing cases, then newly documented infractions in the following phase should be processed more rapidly.

The negative financial impact of illegal logging is often overlooked and greatly underestimated. It drastically reduces the financial contribution of the forest sector to the development of Cameroon. A detailed study of FMU 10-099 estimated the revenue lost to be over 24 billion FCFA (US$ 39 million). The official recommendation for damages and interests alone is 8.8 billion FCFA (US$ 12 million) for this case. An investigation led independently by Global Witness uncovered another case of illegal logging in the unallocated FMU 09-009 and 09-010 that might represent up to three times the forest surface area of the case above according to satellite information. The result of the independent investigation was reported to MINEF in October 2000 but never controlled officially to the date of March 2002. Neither of these cases have been resolved.

Without the long-term Project originally envisaged it will not be possible to tackle the institutional nature of the problems to be solved. However, it was never intended that the transition phase of May–November 2001 alone would solve the problems of illegality and corruption in the forest sector in Cameroon. The potential for progress has been demonstrated, and it is recommended that the Project continue in order to capitalise on the results of the transition phase.

A key indicator of progress during the next phase would be the pursuit through the legal system of the key infractions that have been documented by MINEF, and recovery of the financial penalties proposed.
3 Introduction

Illegal logging is a problem in Cameroon and corruption endemic in many stakeholders within the forest sector. This threatens the ecological future of the country as well as the economic well-being and livelihoods of the population, the vast majority of whom see little or no benefit from the forestry industry. Given this situation, and in respect of its recent achievements as the Independent Observer of the forest sector in Cambodia, Global Witness was asked by the Government of Cameroon and the British Department for International Development (DFID) to evaluate whether a monitoring project could be adapted and implemented in Cameroon. Two scoping missions were carried out in cooperation with the Government of Cameroon during July and October 2000 to assess this possibility.

Following the success of these missions Global Witness was appointed as Independent Observer of the Forest Sector with Terms of References in May 2001 (see www.globalwitness.org) for a transition period of six months. To this end Global Witness appointed a project director to head the Cameroon office, recruited two technical forestry staff and provided support missions from the head office in London.

The aims of the transition phase were to establish procedures, undertake field investigations and provide support to MINEF in the detection and reporting of illegal logging. A long-term project was also to be established to tackle the institutional nature of many of the problems.

This is the first major report by Global Witness as the Independent Observer of the forest sector in Cameroon. As such it gives an overview of the Project, its conception, objectives and the progress that has, or has not, been achieved during the initial six-month transition phase. Throughout this report, reference to the ‘Independent Observer’ means Global Witness.

Overview of the Independent Observation Project

There have been significant changes in the institutional framework relating to forests in Cameroon including the creation of the Ministry of Environment and Forests in 1992 and the passing of the 1994 forest and environment law and subsequent application texts. Directives covering the elaboration of management plans, concessions allocation, the pre-emption right in favour of communities over industrial logging operations have also been passed. The true test of these advances in the legislative framework however, is in their application. Despite institutional reform, significant barriers to the application of the forest law are still to be overcome. The realization of this situation has led to the instigation of the project of ‘Independent Observation in Support of Forest Law Enforcement in Cameroon’. With the objectives of transparency and good governance, both within the public and private sectors, the project is a close and often tense collaboration between the Government of Cameroon, the international donor community and the Independent Observer.

It has been recognised that there is insufficient capacity within MINEF to tackle the problem of illegal logging without external assistance. The need for increased technical support in the detection and documentation of this problem is clear; but equally important is the need to support field staff so that they can carry out their duties without economic, political or other forms of coercion from stakeholders. Moreover, the lack of meaningful sanctions that have been applied to illegal operators have highlighted flaws within the administrative system. The Project of Independent Observation was conceived with these issues in mind.

The Independent Observer does not have a function of ‘control’ or law enforcement, but of independent observation in order to promote law enforcement. The issuing of statements (Procès-Verbaux) and sanctions remains a function of the Government, i.e., the Central Control Unit (CCU) and other control agencies within MINEF. This Project is thus one of capacity building within the Government, providing support so that it can fulfill its function of effective forest law enforcement.

The aim in supporting forest law enforcement is to eliminate illegal logging, not the private sector companies operating within the bounds of Cameroonian Law, except where the law prescribes such actions. However, the Independent Observer may also support control agencies in their effort to advocate improved practices for sustainable management of the forest as opposed to narrowing its focus solely upon illegal logging.

Consequently, the Independent Observer welcomes comments from the profession, as it does from other stakeholders, such as from companies wishing to report corrupt practices within the government, breaches of law by other companies or, for example, flaws within the administrative system discouraging their efforts to implement better forest management practices.

In addition, although local and national NGOs are often of high calibre and in possession of good information, many feel they cannot bring this information to good effect. Information from NGOs has been ignored and cannot always circulate freely. The work and observations of local NGOs and civil society is essential to the functioning of monitoring of the forest sector, primarily through information provision and by providing feedback of local opinions regarding logging operations. However, they currently have no official access to government or industry records, or access to logging areas. The Independent Observer can take on the role of a facilitator, disseminating information to empower NGOs and civil society, and encouraging government action on the basis of information received.

The Independent Observer therefore works closely with many stakeholders involved in the forest sector. It provides information and recommendations to existing projects, and benefits from their knowledge and outputs. It capitalises on the wealth of information concerning illegal activity possessed by local communities, NGOs, industry members and MINEF staff by providing a confidential avenue for this information to be verified and made public. Ultimately, the long-term aim is to gradually reduce the role of the Independent Observer as the local capacity, transparency of control and prosecution rates for illegal activities increase.

Better co-operation between MINEF and civil society is also a key indicator in the exit strategy of the project.

The specific objectives and activities of the Project were defined by the results of the two scoping missions in 2000. These are detailed in the following sections and follow the order of the Terms of Reference for the Project (Appendix I).
4 Objectives of the project

The specific objectives of the transition phase of the Project (May – November 2001) are listed below, with an assessment of their realisation:

Objective: To ensure the objectivity and transparency of control operations conducted by MINEF by including an Independent Observer with international credibility, whose reports will be published.

Objective of Control
The degree of objectivity and transparency of control missions varied according to a number of factors. Global Witness noted particular reluctance from the CCU to control the logging in the unallocated FMU 09-009. Although the mission had orders to control the area of the South province, the access road to the FMU was passed and not investigated. On an earlier independent mission, Global Witness had visited this FMU, filmed evidence of large-scale illegal logging and presented this evidence to the then head of the CCU. The information presented to MINEF included a written report, GPS data and film footage. The large majority of the logs in the FMU were marked with the exploitation title ARB 192, which belongs to the company COFA. The logs also carried the mark of the Rougerie Group of companies. No action has been taken on the basis of this information, originally presented in October 2000. To this date, Global Witness is not aware that any action has been taken on this case despite subsequent missions in February 2002. The Minister has however stated in a recent letter addressed to Global Witness that in cases where missions reports were made without the presence of the CCU, official missions would be organised before the end of August 2002.

Transparency
The legitimacy of ordering return missions in cases when an official report already exists also has to be questioned. A CCU control mission observed by Global Witness visited FMU 09-005 to find the company Haute Forestière de Campo (HFC) logging outside the officially allocated area, and also inside the Campo Ma’an Reserve. This case was mentioned during a press conference in Paris to highlight government action on illegal logging in Cameroon. This particular case was chosen because the company had signed a PV (Procès-Verbal) accepting the infraction. It is significant to note that the official report of the CCU with its GPS and other supporting data, taken in the presence of the Independent Observer, and the company’s acknowledgement of the infraction, were questioned by MINEF at a higher level. Several official missions were sent back to the same area to re-verify information gathered during earlier official control missions. The report from the last mission has either never been completed or has not been passed to the Independent Observer. The information was verified by other independent bodies including senior staff of the Campo Ma’an National Park management team. The original report from the joint mission in September 2001 remains with MINEF and no sanctions have been imposed though the infraction has been acknowledged by MINEF in the official press in Cameroon.

During the transition phase (May – November 2001), the previous head of the CCU carried out a number of joint field missions with the Independent Observer in the South province. Despite several attempts by the Independent Observer to finalise all reports from the South province missions, they were never finished or signed by the CCU. During these field missions, Global Witness observed the then head of the CCU sign PVs in the field against a number of companies but Global Witness was never handed copies. These PVs were apparently lost in the Ministry and Global Witness has no indication that they have been found, submitted for legal processing or that sanctions were ever imposed.

The lack of information management within MINEF relating to infractions is of serious concern and should be tackled within the framework of the SSC (see Activity 6 below) to prevent this situation from re-occurring. To make the system credible it should be open to wide consultation from stakeholders both inside and outside of MINEF.

The publication of reports from MINEF, the Independent Observer or other organisations, even when containing summary information, allows civil society to be aware of cases and also to follow progress made by the government in the enforcement of the forest and related laws.

Objective: To strengthen the operational capacity of MINEF control departments, and particularly the CCU.

Improvement of the operational capacity within MINEF requires institutional reform, which is being tackled separately in the context of the institutional review process. Global Witness has made input to the Institutional Review particularly in respect of the development of the SSC.

The CCU remains under-resourced and field operations are hampered by procedures that require mission orders from the MINEF office prior to the undertaking of investigative fieldwork. The availability of funds for field missions should also be reviewed to facilitate more efficient field operations.

As a part of this Project, US$ 19,000 was provided to supplement the equipment of the CCU to improve capacity to identify and document infractions in the field.
Objective: To facilitate the training of those involved in forestry control from MINEF to civil society in the modern procedures and technologies for needed forest control.

Demonstration of GIS software, and its application in real control situations, by the Independent Observer has become a frequent part of joint field missions. These demonstrations include members of external services as well as the CCU. The equipment necessary to undertake this type of field analysis should be made available to field staff with the technical ability to use it. Effective use of this equipment would require formal training.

Training of the CCU will continue during the second phase of the Project, with a workshop being organised by the Independent Observer at the GIS centre at Limbé Botanic Gardens. Closer relations should be established between the CCU and local NGOs for a better flow of information. Local NGOs can also facilitate the work of the CCU in areas where control is not understood and villagers may show aggression towards representatives of the CCU, as has been the case in some locations. The necessity for increased co-operation is stressed by the Independent Observer, who planned to organise a joint CCU/local NGO training session to help build better links.

Objective: To facilitate clarification on the means of control, through a description of the roles of those involved in forestry control, and the development of a precise reference system for infractions and sanctions, based on the legal and regulatory framework in force.

It became apparent during this Project that there is a lack of understanding of the roles of the different positions within MINEF in field control. This is in part due to the non-fulfilment of the roles attributed to the various actors in any systematic way, which generates confusion over responsibility. The reluctance observed to carry out tasks formally assigned may also be linked to the lack of finances available to undertake the work. This is an indicator of the need for an external audit of MINEF’s finances to identify points of breakdown in the financial administration and to identify effective ways of implementing solutions.

This breakdown in the system of control and monitoring in many cases leads the local populations to assume the role of informally monitoring their own forest areas and, when there are problems, to interact directly with the logging company rather than the official forest control representatives. This may generate a negative feedback loop in that local people then cease to provide information to MINEF officials in the belief that no action will be taken and that the company will continue logging unpunished. This status quo needs to be challenged by officials actively investigating and sanctioning illegal operations.

The manual of forest control (see Activity 8), drafted by a team of legal experts as part of the Independent Observer’s activities should provide the basis for in-depth discussions to clarify the roles of those involved. One of the key points highlighted in the document is the need for development and implementation of the SSC, referencing infractions and sanctions, in order that data gathering is followed by concrete and appropriate measures. This report, funded by DFID-UK will be published separately.

A meeting on 23 October 2001 highlighted the need for clarification of the procedures and modalities of control as well as the functions of the Independent Observer. It was agreed that the Independent Observer would no longer sign joint reports but instead provide its own independent reports, including comments on the official mission reports. Global Witness welcomes this decision, as it would avoid confusion between the state function of control and Global Witness’ observation role. It will require that the mission reports are completed promptly for each title visited. The Independent Observer will, however, continue providing support when necessary on GPS plotting and map production and the application of procedures. The Minister of Environment and Forests, with support from the donors of the Project, said that copies of all PVs should be handed to the Independent Observer for its comments.

Objective: To facilitate the drafting and implementation of an information communication strategy for forestry control at local, national and international levels, towards the promotion of the principles of good governance, which include transparency.

Despite the hiring of a consultant and the drafting of a communication strategy, no comments have been received on the document, or a strategy finalised by MINEF. See Activity 11.

* A meeting called by the Minister of Environment and Forests, included representatives of MINEF; private sector, international donor community, Independent Observer and others.
5 Activities and Outcomes

This section of the report details the activities* and outcomes of the transition phase (May – November 2001) of the Project. Global Witness’ interpretation of each activity and the actual tasks carried out, together with summaries of the outputs, are presented.

Activity 1

At the outset of its mandate, the Independent Observer and CCU will jointly set up a detailed control programme for the duration of the mandate. As far as possible, CCU and the Independent Observer will use available technical reports to define control missions’ programs. In general, the Independent Observer shall maintain a maximum synergy with other initiatives related to the follow-up of logging activity.

It was agreed at the beginning of the Project that the CCU would control all forest areas and control all types of titles, including FMUs, VGs, ARBs and auctions during the six month transition phase (May – November 2001) and in the presence of the Independent Observer. The overall logistical plan was to control the area of the Littoral, the South, the Central provinces and then the East province. It was agreed that a mission visiting a region would control titles regardless of the owner of the operation or logging title.

Given the logistical problems within the Ministry regarding vehicles and other resources, it was agreed that individual missions would be undertaken when the resources were available. Also, that the objectives of the mission would be defined prior to departure and time would be devoted to ensuring that information concerning titles and other aspects of field control is collected prior to the departure of the mission to the forest.

Outcome

Joint missions undertaken roughly followed the original plan. There are two notable exceptions:

1. In the South province joint missions were carried out but the head of the CCU did not sign the mission reports or submit the PV’s issued during the missions to the ministry for processing.
2. In the East province no joint missions took place during the transition phase (May – November 2001) due to lack of time. The main reason for this was that missions were sent several times to the same area for the verification and re-verification of information gathered on particular titles.

Detailed mission planning over the whole six months was deemed not to be possible. There are a large number of variables to be considered many of which are unpredictable in the long term making planning difficult.

The attempt to define a mission plan with the CCU did raise the question of what would be the best strategic approach in the allocation of forest law enforcement resources. The need for a forest control strategy to be developed was identified as a key objective in the following phase of the project.

The strategy should include the definition of the role of the Internal and External Services of MINEF and their relationships with other institutions. It is Global Witness’ view that a control programme extends to the processing of mission reports internally by MINEF, and the actions taken by the administration to prosecute offenders against the forest and related laws. In a number of significant cases detailed below, it should be noted that:

1. The findings of a number of field missions were inconclusive
2. Official mission reports were not completed by the CCU and therefore not forwarded to the Minister of Environment and Forests
3. Meaningful sanctions were not imposed

Given this situation it cannot be concluded that during the period an effective control programme was implemented.

Much progress has been made however during the first six months of the Project. Methodologies and procedures of law enforcement were improved and the clarity of reports increased. Significant problems remain and it is hoped that much progress in defining the problem areas in forest control and implementing practical solutions can be made in the following phase of the Project. The completion of a forest law enforcement strategy is a crucial tool in realising the objectives of the Project.

Activity 1 continued

At the beginning of the Independent Observer’s mission, MINEF will organize a public information workshop to explain its mandate and goal; and will also provide the current situation of the logging activity, drawing from available data (SIGIF, PSRF, Technical review of concessions, etc).

The official installation of the Independent Observer took place on 12 July 2001 at the Ministry building in the presence of funders, representatives of the private sector, local NGOs and the press.

Presentations were made by the Minister of Environment and Forests* and the industry association Groupement de la Filière Bois*. Global Witness had been informed that it would not be allowed to speak at the presentation but was told only minutes before the installation ceremony of a change in this position. A press release was drafted** in advance of the meeting and distributed to representatives of the official and independent press.

Outcome

Due to the lack of a thorough public information workshop, there has been confusion about the role of the Independent Observer among many stakeholders, including MINEF staff and private sector representatives. As a result, Global Witness adopted the practice of distributing copies of the terms of reference of the Project to MINEF provincial and district offices and operators in the private sector during field missions. This procedure was followed in...
order to clarify the role of the Independent Observer to a wider group than the central MINEF services.

Some progress has been made in promoting the concept and acceptance of the Project during the course of the six months, but resistance to the role of the Independent Observer remains, especially within some MINEF departments and a small number of private sector operators. The main reason for this resistance, apart from the risks posed to established illegal and corrupt practice, is the continued misunderstanding that the Independent Observer is taking over the law enforcement function of MINEF.

The erroneous press statement of the Minister in the Cameroon Tribune on 4 October 2001, stating that Global Witness was wrong in the information released concerning the case of FMU 09-025, has hindered acceptance of the concept of independent observation and this matter should be effectively and publicly resolved as soon as possible by the distribution of the final mission report from the CCU and other mission reports about this case.

**Activity 2**

Assist CCU field missions by partaking in the logging activity control missions, whatever the type of permit, including “ventes aux enchères”.

The official joint missions detailed below were carried out during the six month transition phase of the Project (May – November 2001). Table 1 (page 9) lists all of the cases and official missions undertaken. For various reasons, reports of some of the joint missions undertaken were not completed by the CCU. In cases where reports were not signed the infractions detected in the field were not officially reported within MINEF and PVs were apparently not registered for processing. The Independent Observer has forwarded drafts of these reports written jointly with the CCU, including comments from the Independent Observer, to the Minister of Environment and Forests. These cases have been repeatedly raised in MINEF, but the CCU officials responsible have not been called to finalise the reports in question, and as a result the offences documented in the field have not been officially recorded. Consequently, the companies involved in illegal activities might not be prosecuted due to the lack of an official report. This clearly demonstrates the need for the Forest Litigation Monitoring System (see Activity 6 below).

Summaries of all the joint missions are presented in Appendix 2.

**Outcome**

During the transition phase of the Project (May – November 2001) two joint reports on the case of Yawanda were signed and a further one covering an incidence of logging without a title near Kribi and illegal logging in FMU 09-025 and FMU 10-030.

Global Witness regrets that seven cases including one auction, FMU 09-004; FMU 09-006; FMU 09-009 in the Department of Dja and Lobé; VC 09-01-1277; VC 09-02-132; ARB 511 in the Department of Mvila, were investigated jointly with the CCU and the Independent Observer, but the reports not finalised by the CCU, and PVs lost within MINEF. Given the limited resources and time available to the CCU and the Independent Observer, each of these cases should be finalised and reports signed by the CCU to prevent loss of the data gathered, and the loss of removable evidence in cases where infractions were committed. These seven cases represent more than half the total number of joint missions undertaken within the six months of the Project.

A number of fines totaling 9.3 billion FCFA (US$ 13 million) have been recommended as a result of the joint missions that have been undertaken (see Table 2 below). Only the infractions have been published in the national government press in Cameroon (see Appendix 4).
Table 1: List of cases documented during official missions in the transition phase (May – November 2001)

<table>
<thead>
<tr>
<th>Title – cases investigated</th>
<th>Company</th>
<th>Location</th>
<th>Mission date</th>
<th>Infractions</th>
<th>PV noted</th>
<th>Joint report completed &amp; signed</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>ARB 027</td>
<td>Panagiotis Marelis</td>
<td>Yawanda, Sanaga Maritime, Littoral province</td>
<td>26-Jun-01</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Case not resolved</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>20-Aug-01</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>18-Oct-01</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td></td>
</tr>
<tr>
<td>Auction</td>
<td>SIBM</td>
<td>Nkolembom, Department of Djaa and Loba, South province</td>
<td>19-Jul-01</td>
<td>✓</td>
<td>✓</td>
<td>×</td>
<td>Case not resolved</td>
</tr>
<tr>
<td>ACP 08, FMU 09-0046</td>
<td>COFA/Bois 2000</td>
<td>Department of Djaa and Loba, South province</td>
<td>20-Jul-01</td>
<td>✓</td>
<td>✓</td>
<td>×</td>
<td>PV not registered at MINEF</td>
</tr>
<tr>
<td>ACP 04, FMU 09-006</td>
<td>FANGA/SOFAC</td>
<td>Department of Djaa and Loba, South province</td>
<td>21-Jul-01</td>
<td>✓</td>
<td>✓</td>
<td>×</td>
<td>Case not resolved, PV not registered at MINEF</td>
</tr>
<tr>
<td>ACP 02, FMU 09-003</td>
<td>LOREMASFD</td>
<td>Department of Djaa and Loba, South province</td>
<td>21-Jul-01</td>
<td>✓</td>
<td>✓</td>
<td>×</td>
<td></td>
</tr>
<tr>
<td>VC 09-04-127</td>
<td>Ingénierie Forêtière</td>
<td>Department of Mvila, South province</td>
<td>25-Jul-01</td>
<td>✓</td>
<td>✓</td>
<td>×</td>
<td>PV not registered at MINEF</td>
</tr>
<tr>
<td>VC 09-02-132</td>
<td>WJIMA</td>
<td>Department of Mvila, South province</td>
<td>26-Jul-01</td>
<td>×</td>
<td>—</td>
<td>×</td>
<td>Cessation of activity</td>
</tr>
<tr>
<td>ARB 511</td>
<td>SOFOPETRA</td>
<td>Department of Mvila, South province</td>
<td>26-Jul-01</td>
<td>×</td>
<td>—</td>
<td>×</td>
<td>No control possible for security reasons</td>
</tr>
<tr>
<td>Not assigned</td>
<td>FM/Étoudi Jacques Le Prince (EJL)</td>
<td>Mont des Éléphants, Kribi, Ocean, South province</td>
<td>6-Sep-01</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Case not resolved</td>
</tr>
<tr>
<td>ACP 59, FMU 09-025</td>
<td>Haute Forêt de Campo (HFC)</td>
<td>Campo ippo, Ocean, South province</td>
<td>07-Sep-01</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>3,000,000 FCFA caution paid by the company</td>
</tr>
<tr>
<td>FMU 10-030</td>
<td>SFDB/SFH</td>
<td>Lomie, East Province</td>
<td>08-Sep-01</td>
<td>✓</td>
<td>×</td>
<td>✓</td>
<td>Case not resolved</td>
</tr>
<tr>
<td>FMU 08-009</td>
<td>INC</td>
<td>Department of Mbam and Kim</td>
<td>18-Sep-01</td>
<td>×</td>
<td>—</td>
<td>×</td>
<td>No report</td>
</tr>
<tr>
<td>FMU 08-006</td>
<td>Société Forêtière Bouraka (SFB)</td>
<td>Department of Mbam and Kim</td>
<td>19-Sep-01</td>
<td>✓</td>
<td>×</td>
<td>×</td>
<td>No report</td>
</tr>
</tbody>
</table>

**KEY**: ✓: Yes; ×: No; —: No information

The number of mission reports which have not been completed and the PVs which have been lost within MINEF represent lost revenue, weak law enforcement and therefore a lack of meaningful deterrent to illegal activities in the forest sector.

Table 2: Significant cases documented by MINEF officials but yet to be resolved

<table>
<thead>
<tr>
<th>Company</th>
<th>Infractions</th>
<th>Reference</th>
<th>Proposed sanctions (FCFA)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFH</td>
<td>Logging without a title, FMU No 10-030</td>
<td>Joint mission report 05-10 Sept 2001</td>
<td>8,842,125,000</td>
<td>Case not resolved</td>
</tr>
<tr>
<td>HFC</td>
<td>Logging out of limits of ACP no 59 FMU 09-025</td>
<td>Joint mission report 05-10 Sept 2001</td>
<td>363,024,624</td>
<td>Case not resolved</td>
</tr>
<tr>
<td>Panagiotis Marelis</td>
<td>Logging out of limits of ARB 027</td>
<td>Joint mission report 20-22 August 2001</td>
<td>63,888,491</td>
<td>Case not resolved</td>
</tr>
<tr>
<td>EJL</td>
<td>Logging without a title in Mont des Éléphants</td>
<td>Joint mission report 05-10 Sept 2001</td>
<td>Complete assessment of damages recommended</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL**: 9,269,038,115 (US$ 13 million)
Activity 3
Submit to MINEF the outcomes of other investigations carried out on logging activity during the implementation of the agreed programme. As a matter of fact, besides his mandate as observer associated to MINEF control missions, the expert is entitled to make observations on logging activity as any other individual/association legally established in Cameroon.

Table 3 summarises the independent field missions that were forwarded to MINEF during the six months of the Project. The function of an independent mission is to investigate a specific logging operation where MINEF staff have not done so. Summaries of the findings of all independent missions are presented in Appendix 3.

Outcome
Independent missions have revealed significant illegal logging operations and should now be a catalyst for control. Field control missions by MINEF staff have been undertaken in response to the findings of missions by the Independent Observer. These missions have resulted in the issuing of PVs. The processing of these PVs through the legal procedure has to be pursued however and where this does not take place represents a considerable loss of revenue for the government of Cameroon as well as weak law enforcement and therefore a lack of meaningful deterrent to illegal activities in the forest sector.

The findings of independent missions demonstrate significant dysfunction in the external services of MINEF. The wide geographical distribution of the external service personnel, and continuous presence in the regions should enable a detailed knowledge of the forest sector. However, this is not the case in many areas of forest exploitation. Independent missions detected infractions in a matter of hours in the field, and the non-detection of infractions by external services thus indicates that fieldwork is not undertaken, or, the results of the fieldwork are not transmitted effectively for legal processing.

This serious situation needs to be tackled in a structured way through further analysis of where the system of control is breaking down and procedures adapted to compensate for these weaknesses.

Other reports submitted to MINEF

Sub-Commission for the Allocation of FMUs
A report was also submitted to the Sub-Commission for the Allocation of FMUs, the donors and the industry’s representatives summarizing main cases of infractions and suspected infractions. The information presented in the report was gathered mainly during the two scoping missions made by Global Witness prior to the installation of the Project.

A short report listing a number of cases of reported infractions was forwarded to MINEF on 18 November 2001 and is summarized in Table 4 below.

Reports from scoping missions
Two scoping missions were undertaken in June-July 2000 and September-October 2000 to study the feasibility of putting in place a Project of Independent Observation of the Forest Sector. During these missions (see Table 5 below), Global Witness undertook all field missions together with officials of the CCU to observe their control missions. It must be noted, however, that in the case of FMU 09-009 Global Witness carried out the investigation on its own as it noticed suspicious reluctance from the CCU to investigate the area despite it being on the logical path of control in the area of Djoum.

First scoping study field missions:
During the first scoping mission, the reports were signed by the head of CCU and countersigned by Global Witness as observer.

Second scoping study field missions:
The ToRs of the second scoping mission, signed by the Minister, provided for joint signatures on the joint mission reports, as they were during the first scoping study. The head of the CCU changed his mind about signing the report despite having met with Global Witness several times to add comments on the draft of the report. The report included all the cases investigated in October 2000. This report also included the case of 09-009 investigated independently, following the approval of the CCU to include this information in the joint report. The CCU had been handed a copy of the video and GPS data documenting this case.

Once again, the lack of action on documented cases has led to a loss of revenue for the government.
Table 3: List of cases documented during independent observation missions in the transition phase (May – November 2001) and reported to MINEF

<table>
<thead>
<tr>
<th>No</th>
<th>Title – cases investigated</th>
<th>Company</th>
<th>Location</th>
<th>Mission date</th>
<th>Infractions noted</th>
<th>Report to MINEF</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Bosquet Community Forest</td>
<td>SEBC</td>
<td>Lomie, East Province</td>
<td>5-Jul-01</td>
<td>✓</td>
<td>✓</td>
<td>No control mission sent yet</td>
</tr>
<tr>
<td>2</td>
<td>VC 10-02-81</td>
<td>Ets Assene Nikou</td>
<td>Nkou, East Province</td>
<td>5-Jul-01</td>
<td>✓</td>
<td>✓</td>
<td>No control mission sent yet</td>
</tr>
<tr>
<td>3</td>
<td>VC No. unidentified</td>
<td>SFH</td>
<td>Lomie, East Province</td>
<td>5-Jul-01</td>
<td>✓</td>
<td>✓</td>
<td>No control mission sent yet</td>
</tr>
<tr>
<td>4</td>
<td>FMU 10-029 &amp; FMU 10-020</td>
<td>Ingenierie Forestière/SFH</td>
<td>Lomie, East Province</td>
<td>5-Jul-01</td>
<td>✓</td>
<td>✓</td>
<td>No control mission sent yet</td>
</tr>
<tr>
<td>5</td>
<td>ARB 288</td>
<td>Ony-Bross/MMG</td>
<td>Department of Ocean</td>
<td>8-Jul-01</td>
<td>✓</td>
<td>✓</td>
<td>Administrative sanctions taken but not clear if significant fine paid</td>
</tr>
<tr>
<td>6</td>
<td>Not assigned</td>
<td>FM/Endoum Jacques</td>
<td>Department of Ocean</td>
<td>9-Jul-01</td>
<td>✓</td>
<td>✓</td>
<td>No control mission sent yet</td>
</tr>
<tr>
<td>7</td>
<td>VC 08-01-52</td>
<td>Equibia Ravy Bois</td>
<td>Department of Nanga Endoum,</td>
<td>9/10-Aug-01</td>
<td>✓</td>
<td>✓</td>
<td>No control mission sent yet</td>
</tr>
</tbody>
</table>

KEY ✓: Yes ☑: No —: No information

Table 4: List of cases reported to the Sub-Commission for the Allocation of FMUs, June 2001

<table>
<thead>
<tr>
<th>Company</th>
<th>Title</th>
<th>Location</th>
<th>Unconfirmed Infraction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ony Bross</td>
<td>ARB 288</td>
<td>Dept. of Ocean</td>
<td>Non-payment of felling taxes</td>
</tr>
<tr>
<td>J Prenant &amp; SEBC,</td>
<td>FMU 10-042</td>
<td>Dept. of Dja</td>
<td>Logging out of limits and others</td>
</tr>
<tr>
<td>subcontractor Thanny</td>
<td>and 10-040</td>
<td></td>
<td></td>
</tr>
<tr>
<td>FIL</td>
<td>ASEB</td>
<td>Dept. of Haut Nyong</td>
<td>Logging without a title</td>
</tr>
<tr>
<td>RC Coron</td>
<td>FMU 08-01</td>
<td>Dept. of Haut Sanaga</td>
<td>Logging inside an unallocated FMU</td>
</tr>
</tbody>
</table>

Table 5: List of cases documented during joint and independent scoping missions and reported to MINEF in July and October 2000

<table>
<thead>
<tr>
<th>Title – cases investigated</th>
<th>Company</th>
<th>Location</th>
<th>Mission date</th>
<th>Infractions noted</th>
<th>Mission PV*</th>
<th>Joint report completed &amp; signed</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>FMU 08-003</td>
<td>SFH</td>
<td>Ngambe Tikar, Centre province</td>
<td>24-Jun-00</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Logging outside limits. Fines paid, a small amount given the estimated area logged. No full assessment made</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>12-Jul-00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>FMU 10-030</td>
<td>SFDB/SFH</td>
<td>Lomie, East province</td>
<td>26-Jun-00</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Illegal logging in unallocated FMU. Case not resolved</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>14-Oct-00</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>VC 09-03-71/ ARB 288</td>
<td>MMG/ONY: BROSS</td>
<td>Kribi, South province</td>
<td>8-Oct-00</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Logging outside limits using title ARB 288. Case not resolved</td>
</tr>
<tr>
<td>FMU 09-010</td>
<td>Cambois</td>
<td>Djour, South province</td>
<td>11-Oct-00</td>
<td>✓</td>
<td>✓</td>
<td>✓</td>
<td>Logging outside limits using ARB 302 and 303. 104 logs seized and sanctions imposed</td>
</tr>
<tr>
<td>FMU 09-009</td>
<td>COFARouger</td>
<td>Djour, South province</td>
<td>12-Oct-00</td>
<td>✓</td>
<td>☑</td>
<td>✓</td>
<td>Illegal logging in unallocated FMU. Independent Observation mission. No control mission sent, therefore case not opened</td>
</tr>
<tr>
<td>FMU 10-037</td>
<td>Djour, South province</td>
<td>14-Oct-00</td>
<td>—</td>
<td>—</td>
<td>✓</td>
<td>Information about illegal logging in unallocated FMU handed to the CCUL. Case not investigated and not opened</td>
<td></td>
</tr>
<tr>
<td>Sasmill</td>
<td>Panagiotis Marelis</td>
<td>Djour, South province</td>
<td>14-Oct-00</td>
<td>✓</td>
<td>☑</td>
<td>✓</td>
<td>Illegal sequence in DF10 numbers. Case not resolved</td>
</tr>
<tr>
<td>FMU 10-041</td>
<td>Djour, South province</td>
<td>14-Oct-00</td>
<td>✓</td>
<td>☑</td>
<td>✓</td>
<td>Wrong marking of FMU limits. Case not resolved</td>
<td></td>
</tr>
</tbody>
</table>

* Mission PV: a PV issued during a field mission
others. Some technical problems had to be overcome the work of the CCU and Geomatics Unit at control units, particularly the CCU.

**Activity 4**

Provide logistical and data processing assistance to MINEF control units, particularly the CCU.

**CCU**

Global Witness has assisted in the processing of textual information, GPS data, concession maps, GIS data management and use of the SIGIF system, as well as GPS and other documentary information gathering processes in the field. Legal experts were consulted for advice on sanctions in the drafting of joint reports. Detailed discussions were held with the CCU on the methodologies that might be used relating to specific elements of the mission reports, including possible methods to calculate surface areas and volumes exploited using the modern technology available.

**Geomatics Unit**

Global Witness has fed data into the Geomatics Unit when field missions brought back updates, or highlighted problems of mapping or overlapping title allocations. Technical help was provided throughout the transition phase (May – November 2001) in the use of GIS software.

GIS maps of the concessions were provided by SIGIF, which have proved useful in plotting the limits of FMUs and other titles where available both within the framework of this Project and in supporting others. Some technical problems had to be overcome in the projection of the maps when plotting GPS data. The Independent Observer commissioned a specialist from the GIS centre at Limbe Botanic Gardens to resolve these problems, thereby easing the work of the CCU and Geomatics Unit at MINEF.

**Outcome**

The provision of this assistance, and its acceptance by MINEF, has helped to define where further technical training is required, with the object of facilitating the implementation of effective forest control. The lessons from this experience should be capitalised on in the second phase of the Project to support Activity 5.

These support activities have led directly to the production of some significant joint mission reports. This close co-operation is a key activity to pursue after field missions to ensure that not only is there good documentation in the field, but that these findings are reflected in the mission reports. This co-operation and capacity building should be continued and built on with the findings of the Commission on the Modalities of Control to which Global Witness made a written input (see Activity 9 below).

This close involvement however has led to the criticism that the Independent Observer is actually performing the control rather than providing assistance or independent observation. To clarify this, the methodology for the calculation of fines and the mission report formats need to be better defined. It is not clear to Global Witness how the control system had been functioning since the enactment of the 1994 law. Many of the fundamental issues regarding the control process have not been defined, and elements of the process are at best unclear to those who are supposed to enforce the law.

The joint mission reports have led directly to the raising of these issues and the establishment of the Commission mentioned above. There is an urgent need for the Commission to finish its work in order that better-defined modalities of control can be applied.

The Project had a budget line for the CCU to receive equipment through the Forests and Environment Sectorial Program (FESP). Global Witness discussed with the CCU which material would be most useful to increase its capacity and a list of necessary equipment was drafted. To support the Unit, Global Witness offered to advance funds and purchased this equipment despite the fact that it was not the responsibility of the organisation to do so. Global Witness is awaiting reimbursement for the equipment and regrets that funding arrangements were not made clear to MINEF earlier in the Project.

**Activity 5**

Train MINEF control staff in the use of modern forestry control technology within the Ministry and during joint field missions.

The Independent Observer provides adhoc training during field missions and is available to officers for training on GPS units, when necessary. A laptop computer is often transported to the field for presentation of field data in GIS software and the immediate overlay of GPS data to reveal locations relative to exploitation title limits while still in the field. The official limits of the plan de zonation supplied by SIGIF on compact disc are used in these cases. Where these have not been digitised a set of scanned and georeferenced 1/200,000 topographical maps have been used in conjunction with the title certificates available from MINEF. All of these tools have been made available to MINEF staff during missions and for data processing training.

Preparations for missions are made with different departments within MINEF and carried out with the CCU when members are available. It has been stressed on many occasions that mission preparation is a key component of effective control and such preparation should be considered an extension of the use of modern forestry control technology.

A training workshop was organised at the GIS centre in Limbe Botanic Gardens for representatives from MINEF and NGOs. Unfortunately, no MINEF staff were available on the date of the workshop and training went ahead in their absence. Global Witness regrets this as better cooperation between MINEF and NGOs could increase MINEF’s capacity in data collection. Further joint training and should be conducted in the following Project phase.

Logistics are also a key factor in undertaking control missions. During missions, Global Witness has lent its equipment, and advised on its use, throughout the Project. This includes its vehicle in cases where the CCU vehicle had broken down or if it was needed to access areas that the MINEF driver considered impassable. The deployment of equipment in the field and logistics are key areas that should be given attention. Driver training should also be considered but is not within the remit of the Independent Observer.
Outcome

The CCU have an increased appreciation and knowledge of appropriate modern technology and its application in forest control. This knowledge has been reflected to some extent in the field mission reports. The inclusion of methods of presentation of data gathered using new technology should be included in future training.

Activity 6

Facilitate the implementation of a case tracking system, in collaboration with SIGIF and the PSRF and a control missions monitoring system, in order to ensure that all permits are controlled in an equitable fashion and to establish a control background by type of company and type of permit.

Following analysis of the problems of forest control, a paper was drafted with the objective of contributing the perspective of Global Witness in its role as the Independent Observer on what an effective Forest Control Monitoring System (FCMS) would include. The function of the paper is to inform the terms of reference of the consultant(s) that will be appointed to undertake the further development of the system. The full text of the paper can be downloaded from the Global Witness website.

The Scope of the System

As a first step, there needs to be broad recognition that the development of such a system, as outlined below, would form a major component of an overall control strategy for the forest sector in Cameroon. In this case, institutional relationships would have to be clarified, agreed and mapped before the system could begin to work efficiently.

During early discussions the need for a system which monitors the progress of legal cases or, more specifically, the actions resulting from the serving of PVs was considered. However, as with any computer based monitoring process, the results obtained are dependent on the information that is first entered into the system. Based on the experience of the past few months of missions, it is clear to Global Witness that, in order to make progress in the effective application of the law, any systematic monitoring would also have to cover the management of primary infraction information itself. Monitoring the official response to the contents of mission reports alone is an inadequate approach because missions are not always undertaken in response to infractions information received. This would mean that, to be effective, a system would have to monitor the response of MINEF to all information received concerning illegal activities or alleged illegal activities.

A key conclusion of the work of the Independent Observer is that one of the reasons that illegal activity in the forest sector persists is that there is often a failure to act upon information about alleged illegal activities. This in itself is a failure to implement existing administrative procedures. The issue in many cases is not that legal procedure is not followed but that it is not started in the first place. Global Witness therefore proposes that there be two components to the system and that the entire system constitute the FCMS. The two major components are described below.

Diagram 1: Possible structure of the FCMS

1) Infractions Information Monitoring System (IIMS)

- Information management
- Monitoring and tracking of field mission reports and their findings
- Links to reference numbers of PVs issued as a result of missions.

2) Forest Litigation Monitoring System (FLMS)

- Starting with the PV tracking progress of individual cases/infractions in the official procedure and justice system.
- Comparison of actions with the timelines specified in the forest laws and decrees.
- Recording of payment of fines or case dismissal in court.

Forest Control Monitoring System (FCMS)

In advocating this two part system, the importance of clear and formal links between both parts should be stressed. Both units could be managed from within the same department and integrated into one overall system. Responsibility for the progress of cases through each step in the system will need to be visibly tracked.

The objective of the system is to ensure that there is action taken based on the information that the system contains. For this objective to be achieved, the progress of each case through each stage of the system should be automatically monitored and time-lined. If a case is static in the system for longer than a given period, an automatic notice could be issued to the responsible department requesting an explanation for the delay and copied to the Independent Observer of control in order that the case can be pursued. Non-action on cases could result in the departments responsible being subject to penalties. For example, the receipt of a certain number of notices by the system could act as a trigger for internal sanctions.

1) Infractions Information Monitoring System (IIMS)

It is proposed that the system of monitoring begins with the receipt of information by MINEF. Information can be received from a range of sources including MINEF external services, the private sector, NGOs, the Independent Observer and others. All of this information would be registered on the system and a file number allocated to each possible infractions. A case report can then be issued by the SSII to, for example, the CCU. The CCU could then respond to the information by either undertaking a mission itself or directing the external services.

Two major sources of information exist:

1) Sources from within MINEF,

2) Sources from outside MINEF

1) From within MINEF there are the external services such as the Chefs de Brigade and the Chefs de Poste Monthly or bi-monthly reports on the activities of these services could be received documenting any missions that have been undertaken identifying which titles have been controlled and reference made to any mission reports that have been dispatched during the period. The periodic reports would be
expected from each of the external service representatives. Global Witness understands that the details for all control posts in MINEF are currently held within the SIGIF system. The periodic reports should then be transmitted to the IIMS via normal channels, for example the exploitation and other control documentation.

In discussion doubts have been raised as to the effectiveness of this approach and whether the efficient transmission of these reports would happen. Whilst it is clear that there are problems within the external services departments, these need to be tackled and such a system would enable the identification of the weak points in the chain of report transmission. By giving the Independent Observer of forest control access to the original documentation detailing the infractions and access to review the system, an additional check can be implemented to ensure that all relevant information is entered into the system. Monitoring the database would quickly reveal which reports were not being received and ascertain at which point in the report transmission chain the problem was occurring.

The receipt of information from other departments and sources should be evaluated but may follow a similar form. Transmission of information resulting from the monitoring operations of the PSRF for example is a potentially valuable source of information relating to the use of invalid titles for the transport of timber.

2) The private sector, civil society and possibly other sources outside of MINEF also make reports concerning potentially illegal activity in the forest sector. However, given the diverse and unpredictable nature of the sources of information, and the likely wide range of such information, it is difficult to set out a detailed plan of how this information should be received by the IIMS. Using the Independent Observer of forest control as a point of contact would be a process that might ensure a higher capture rate of information by the IIMS. For example, it could be publicised that information from outside MINEF should be copied to the Independent Observer for verification of the registration of the information. This already happens in a number of cases, for example with the transmission of information from the private sector, ECOFAC, and a number of other NGOs and other sources. The Independent Observer together with MINEF could then forward this information to the IIMS.

2) Forest Litigation Monitoring System (FLMS)

The potential for the development of the Forest Litigation Monitoring System (FLMS) would appear to have a much better defined base in terms of procedure as it should follow existing laws and decrees. In some cases these are time-lined already. For example, the acceptance or rejection, by the company concerned, of the proposed transaction for a specific infraction must be made within three days.

The FLMS should recognise that during the application of the legal process specific inputs and outputs to external agencies will be required. For example, confirmation of the validity of titles, the relationship between the offence and the payment of fines, including company details, dates and nature of infractions are required for the efficient collection of fines. The development of the system should include further consultation with these parties, including SIGIF, the PSRF, SDIAF and others.

A summary diagram of the FCMS and both of its components, the FLMS and the IIMS, as envisioned by Global Witness, is presented above (Diagram 1), identifying key steps in what the processes might look like in practice from the perspective of the administering body. Notes to the diagram are presented describing the process and function of each stage within the envisaged system.

The FLMS would be based on the existing procedure based on the 1994 forestry law and supporting decrees, Articles and processes. The IIMS would be a new system, based on the recognised need to provide a response monitoring system to specific information regarding infractions to support the efficient enforcement of the forestry law in Cameroon.

The IIMS and the FLMS would both add transparency by providing broad access to the internal operations of MINEF with regard to the pursuit of those who are breaking the law.

Outcome

The development of an in-depth understanding of the problems of forest control, and the often complex procedures in place, necessitated that reporting on the possibilities for development of the proposed system took place at a late stage in the Project. This and the delayed discussions within the Project have meant that a complete proposal to implement the system is not yet in place. A consultancy has been organised, with the support of the World Bank, to take the work forward in further defining the system and to continue discussion with the parties concerned. This consultancy is to be undertaken by Mr Behle, the Independent Observer of the Commission for the Allocation of Concessions. This report will provide input to the terms of reference for this consultancy and the perspective of Global Witness on the development of the system. The detailed structure of the system and its institutional home will need to be agreed between the concerned departments and organisations and a plan of implementation defined.

It is recommended that this consultancy be pursued and that the Independent Observer continue to provide input to the development and direction of the system within the framework of the Institutional Review and other avenues.
Activity 7
Contribute to formulation of the terms of references for the training of national NGOs on control technologies and accurate data collection on illegal logging activity in a bid to develop the capacity of local communities, associations and non-governmental organizations to monitor forest areas;

Global Witness contracted the GIS unit of the Limbe Botanic Garden to train local NGO staff in the use of Global Positioning System (GPS) and Geographical Information System (GIS) tools for general forest and logging monitoring activities. Eleven participants from different local NGOs in the East and Central provinces attended this workshop at the Limbe Botanic Garden from 14 to 16 of November 2001.

Participants were given a lecture on GPS, how to find the relevant parameters on a map to set the GPS receiver, and were then given manuals and taken through the process of starting and initialising the GPS receiver. They were also taught how to locate co-ordinates on a topographical map without a GIS, and how to load them on to the GPS receiver and then navigate to a specific point in the field.

An introductory presentation was made on the basic concepts in GIS, including projection systems, the different types of GIS data and possible data errors. The different uses of GIS were also illustrated along with visual examples. A theoretical explanation of the potential for multiple layers of geographically referenced data was presented. The PowerPoint presentation is available on the workshop CD-ROM from the Limbe Training Centre.

Participants were also taken to the forest around Bakingili on the West Coast of Mount Cameroon for a practical field exercise. Following this they were briefed on how to download waypoints from the GPS onto a computer and how to integrate this data into ArcView GIS.

Global Witness also gave an illustrated lecture on their activities, and presented one of their recent reports.

Outcome
The immediate feedback from the participants of the training workshop was that it was of great benefit, although the difference in technical knowledge and computer literacy between the participants was a problem and this should be considered in future workshops. The primary objective, to increase the level of ability to monitor forest exploitation among the participants, was clearly achieved. It is recognised, however, that to achieve greater coverage of local NGOs and other civil society representatives more training sessions should be organised.

Training of representatives of civil society in the use of equipment and logistics in the field has been hampered by MINEF’s refusal to allow the inclusion of other NGOs and organisations in the Global Witness team. It should be made clear that NGO representatives would not take a formal part in the mission, but accompany the mission for educational purposes and to provide local knowledge where appropriate. The inclusion of civil society representatives in missions is under continued discussion with the Ministry of Environment and Forests, specifically the Secretary General.

The increased participation of civil society in resource management use and decision-making should be pursued further in the next phase of the Project.
Activity 8

Facilitate the organisation of a sensitisation workshop involving MINEF stakeholders and civil society (NGOs, private sector, rural communities) on their respective roles in the logging control and monitoring of forest.

A workshop was organised by the Sous-Direction des Inventaires et des Aménagements Forestiers (SDIAF) at MINEF with assistance from UK-DFID and input from Global Witness in Kribi, Cameroon from 12 to 14 December.

In preparation for this workshop a manual of forest control was drafted and presented for discussion and validation. The drafting process required consultation with MINEF, private sector foresters and NGOs. The need for a 'manual' of the general forest law, that would be accessible to civil society, the private sector and the agents and MINEF employees was identified as a practical way to contribute to the identification of the roles of different stakeholders in the control process.

A team of lawyers and foresters with experience in the forest sector were sought to undertake the work. This work was supported by Global Witness and the UK-DFID over a number of months and detailed discussions among the consultants, led by Mr S. Nguiffo representing the Cameroon NGO Centre for Environment and Development (CED), progressed the conceptualisation and development of the manual. Mr Nguiffo gave a presentation at the workshop in Kribi.

Outcome

The manual of forest control was distributed to MINEF, the PSRF and others for comments prior to being presented at the workshop for validation. A final text of the manual is currently in preparation for publication. Mr C. Owada also made a presentation on behalf of Global Witness.

Other papers presented at the workshop were:

1) Control within the PSRF
2) Presentation on the structure and interface SIGIF/TRINITE by Mrs BALOMOG Jeanne
3) Presentation by Mr NTSIMI Didier on control at PSRF on 11 December in Kribi.
4) Procedures of the elaboration, approval, monitoring and control of the implementation of management plans of forests in the permanent domain, by Mr KEDE, Director of Forests.
5) Presentation concerning the action plan and programme of control activities by the CCU

These papers are available from the respective authors.

A set of resolutions was adopted by all participants at the workshop, including:

- To identify the gaps of the forest law and its various decrees of application and propose measures to improve this legal text.
- To update and publish the manual of the procedures of logging activities presented.
- To finalise and publish the reference list of infractions and sanctions of logging activities.
- To begin the establishment of a Forest Control Monitoring System at the central and provincial levels in collaboration with SIGIF and the Forestry Tax Revenue Securcure Programme (PSRF)

The text of the full report has been approved by MINEF and is in preparation for printing. As soon as this is available it will be placed on the Global Witness website.

Activity 9

Contribute to the clarification of the different roles of existing control structures; these recommendations shall be steered to facilitate the implementation of the institutional review recommendations.

Commission on Modalities of Control

On 23 October 2001 during a meeting between the Minister of Environment and Forests, representatives of MINEF and the private sector, the Minister established a Commission to clarify the Modalities of Control, amongst other issues. On 24 October Global Witness submitted a short report to the Commission on the practical modalities of control¹. The comments made in this report followed broad lines given the lack of time to provide more detailed consideration of these serious issues.

FCMS

The Global Witness report summarised issues under Activity 6 regarding the FCMS, and made a number of references to the possible roles of different stakeholders, together with the potential for improved co-operation and information flow between them. It is anticipated that further development of the FCMS will contribute significantly to the identification and clarification of the roles that various stakeholders have to play in the forest control process.

Legal Manual

Clarification of the roles of different stakeholders was also considered during the process of drafting the legal manual of forest control, together with a summary of activities during forest exploitation and their possible associated infractions.

Other considerations

The decision to carry out an assessment of damages is currently taken by the Minister, the Director of Forests or the Sous-Directeur des Inventaires et des Aménagements Forestiers. This decision should be made rapidly, those responsible for undertaking the work identified, and the funds for the work to be completed made available immediately. Furthermore, the system of recommendations for inventories and assessments of damage should be clear and transparent. Informal discussions were held with the CCU, and preliminary ideas presented, about the development of an overarching strategy of forest control, and more specifically the role of the CCU within this strategy.

The CCU noted that they could propose damages and interest in mission reports but not impose sanctions. It is unclear where this decision is made within MINEF, and the department or office responsible for this decision should be clearly identified, as well as the grounds on which the decision should be made.

A meeting was held with SDIAF to discuss the
problem posed by the case of VC 08 01 52, which highlighted the unofficial relocation of the VC between the process of the Avis au Public and the signing of the Arrêté by the Minister. It would appear that despite the existing responsibilities and the various signatures on the papers and maps in existence, procedure was not followed. The procedural issues raised by this case should be addressed. In this situation the VC has been allocated outside of the procedure but the Arrêté has been signed by the Minister. For SIGIF the Arrêté bearing the signature of the Minister makes the title valid. There is a need to ensure that a similar situation does not occur again and that a process be agreed to immediately cancel the title.

The financial administration of control is also an issue to be seriously considered. Currently forest officers are placed in the difficult position that they are lacking funds from MINEF to undertake their official duties. This situation generates a dependence on other financial sources to cover mission expenses. Financial mechanisms within MINEF to cover mission expenses need to be improved in order that officials are not compromised in this manner. Problems encountered with the efficient functioning of any mission funding procedures should be investigated.

**Outcome**
A synoptic document developed by MINEF with the contribution of a legal consultant providing a clarification of the roles of control stakeholders.

The clarification of the roles of different control stakeholders presupposes that there is an overall strategy of forest control within which the various stakeholders work. The report of the Commission on the Modalities of Control should contribute to the clarification of both the strategy of forest control and the practical modalities for the implementation of this strategy.

The level of interaction between the Commission and those responsible for the undertaking of the institutional review is not known. The Commission has not yet finished its work.

**Activity 10**
Contribute to the development of a checklist of violations and sanctions on the basis of the legal and regulatory framework in force.

In order to address commonly misunderstood legal requirements of forest activity, Global Witness commissioned a team of legal experts to put together a checklist of infractions and sanctions. Official control reports are sometimes criticised by companies for both their results and lack of legal clarity; this checklist is aimed at providing MINEF staff with a useful tool for clarifying points in the forest law. The checklist should also provide the private sector with a clear summary of points within the law regulating their activities.

**Outcome**
The legal team considered observations made in the field on illegal practices, compiled the law and texts available, and identified the main steps of forest activities together with the legal requirements at the following stages of forest exploitation:

- The agreement
- Access to the resource
- Commencement of exploitation
- Exploitation
- Timber transport
- Timber processing
- Timber commercialisation (local and export)

Legal and tax requirements, infractions and sanctions were listed against each forest activity. A poster summarising the list will be produced in close cooperation with the legal manual of forest control.

**Activity 11**
Assist in the development and implementation of a communication strategy on the forestry control at the local, national and international levels.

A contract was arranged and funded by the UK-DFID with a consultant from the Ministry of Communication to undertake the production of a draft communication strategy for MINEF. The object was for the Independent Observer to provide input to discussions with the Ministry’s own Communications Unit in order to finalise a policy document for MINEF. The draft was produced and forwarded to the Communications Unit. Meetings were requested on several occasions to achieve this objective but it has not been realised to date.

**Outcome**
A communication strategy has not been completed and the draft remains with the communications unit of MINEF.

The publication of infractions has been undertaken by MINEF in the Cameroon Tribune during the Project and major infractions have been noted. Sanctions for many of these infractions are noted as being under study, so have not been taken.
6 Conclusions

THE FIRST SIX MONTHS of the Project of Independent Observation has been one of learning for all parties. It is apparent that during the next phase of the Project the role and responsibilities of the Independent Observer should be clarified.

Progress has been made towards more thorough law enforcement in the forest sector. However much remains to be done. A clear commitment to effective forest law enforcement remains to be demonstrated by the Government by the application of significant sanctions.

Missions

- The Independent Observer Project has succeeded in undertaking a number of field missions and completed other technical aspects of the Terms of Reference. Evidence of illegal logging on a significant scale has been documented by MINEF officials in the presence of the Independent Observer. However, no significant sanctions have been imposed as a result of CCU control missions.

- The fines that have been calculated, with support from the Independent Observer, and proposed by the CCU, demonstrate that the lack of effective forest control results in huge fiscal losses to Cameroon of illegal logging in FMUs 10-070, 09-009 and 09-080 in Appendices 2 and 3. Consequently, it is a priority that more effective forest control is realised as soon as possible, so that the forest sector in Cameroon contributes more positively to poverty alleviation and development of the country.

- The objective of undertaking control missions regardless of title type or owner was not realised.

- Repeated missions to the same titles clearly demonstrated the need for the clarification of the practical modalities of control to improve the efficiency of all control missions. Repeating missions also significantly disrupted the overall mission plan for the six months.

- The Commission on the Practical Modalities of Control has not completed its work. The basis for the calculation of damages and interest for illegal activities therefore remains uncertain, this should be clarified by the Commission as soon as possible.

- Global Witness has provided significant support in preparation of field missions and report writing, including plotting official title limits and GPS data using GIS software. However, a number of official mission reports have yet to be finalised by MINEF which could result in revenue being lost to the Government.

Transparency

- Access to information needs to be improved in particular the recording of the limits of logging titles within MINEF. On several occasions, Global Witness was prevented access to concessions or legal documentation in the field by external services. Resistance to transparency is still evident in the external and central MINEF services. Some departments within MINEF whose primary function is the storage of information show major difficulties in undertaking their task effectively.

- Field Mission reports were distributed by the Minister of Environment and Forests during meetings between various stakeholders, but wide distribution or publication has not been achieved. In addition, a communication strategy has been drafted, but not agreed or finalised by MINEF. The development and implementation of the communication strategy is essential to the achievement of greater transparency.

Resources

- The significant human resources within MINEF are often inefficiently deployed to achieve the law enforcement objective. This is in part due to the poorly defined official framework within which they are supposed to operate. The development of a forest resource law enforcement strategy should contribute to the resolution of this problem. Building capacity through additional training in the application of new technology is also required.

- The CCU has not yet received additional equipment despite the provision of funds for this purpose, and Global Witness’ facilitation of the purchasing of items required. The funding mechanisms for missions and inventories are also not transparent, making effective and rapid field mission difficult to organise. The allocation of vehicles and financial mechanisms for the support of control need to be audited.

Forest Resource Law Enforcement Strategy

- There is a need for the definition of a forest resource control strategy that should facilitate the clarification of the roles of different stakeholders in forest control, including the public definition of the agreed role of the Independent Observer.

- Strategy development should consider the existing institutional elements such as SIGIF, newly introduced elements such as the CCU, and current proposals such as the development of the SSC, the publication of the manual of forest control and other documents which constitute the forest policy for Cameroon.
Appendices

Appendix 1

Terms of reference for the project from 23 May 2002:
http://www.globalwitness.org/projects/cameroon/terms_contracts.html

Terms of Reference for the transition phase of the Project

‘Independent observer in support to control and monitoring of forestry-related offences’

1. Context

1.1. The macro-economic context

Since the mid-1980s, Cameroon has experienced an unprecedented economic crisis. After not always successful efforts to turn the national economy around, Cameroon finally managed to satisfactorily conclude the 1997-2000 three-year economic programme under the strengthened structural adjustment programme. Since the completion of this programme, economic growth has recovered and macro-economic balances have been re-established. In 2000, following this economic recovery, Cameroon submitted an application to the Heavily Indebted Poor Countries (HIPC) initiative with a view to reducing its public debt. Cameroon’s HIPC application was judged favourably by the international financial institutions in October 2000. Some of the most harmful consequences of the economic crisis were increased poverty and a deterioration in public morality, characterised by an unprecedented rise in corruption. Unfortunately, reduced growth alone has been insufficient to reduce poverty. Problems of governance, and particularly the upsurge in corruption, bring the spectre of a return to economic instability.

AWARE of these threats to economic recovery, the Cameroon government has formulated poverty alleviation and good governance strategies with a view to restoring public morality and reducing, in particular, corruption. These strategies should have an effect on all sectors of Cameroon public life, particularly the forestry sector, in which the potential for contributing to poverty reduction is well-known but which is also recognised as one of the sectors most affected by corruption.

1.2. The forestry sector in the national economy

Cameroon has considerable forest resources, with an estimated forest cover of 22 million hectares of dense forest. With the economic crisis, the importance of the forestry sector generally, and the industrial use of timber, in particular, has increased within the national economy. The forestry sector thus contributes approximately 7% of Gross Domestic Product (GDP) and 20% of export income.

1.3. Current management of Cameroon’s forestry resources

The Cameroon government has made appreciable efforts to improve national forest resource management. Its most significant efforts have focused on the formulation and adoption of a modern legal and regulatory framework for forest resource management. The most important elements of this legal and regulatory framework are the 1994 law and its different implementation texts. The institutional framework has also been improved with the creation of the Ministry of the Environment and Forestry (MINEF). More recently, the government created the Programme to Secure Forestry Revenue (PSFR), which links MINEF to the Ministry of the Economy and Finances (MINEF) with the aim of ensuring a better collection of tax revenue from logging activities. MINEF has set up an Urgent Action Programme (UAP), which provides, among other things, for the monitoring and regulation of logging titles, with the aid and supervision of the donor community. The Special Forestry Development Fund (FSDF) is working effectively.

On a technical level, the Computerised Forestry Information Management System (SIGIF) has been established and enables the partial monitoring of forestry activity. The procedures for formulation, approval and monitoring of management plans are in the process of being developed. The Allocation Planning Strategy, adopted in June 1999 and revised in June 2000, is being respected by the central departments: the ‘wood recovery permits’ have been brought back into line with their strict legal definition and the procedures for allocating concessions and sale of standing volume have become more transparent thanks, partly, to the presence of an independent observer during the interministerial sessions. This improvement in transparency is resulting in increased tax revenue from forestry activity: the level of area royalties for concessions and sale of standing volume increased by 2 and 10 respectively during the 2000/01 tenders; and 50% of this income will go to communes and neighbouring local populations for rural development.

Progress achieved to date can be summarised as follows: the rules are becoming clearer and increasingly better defined; abuses committed by some loggers are no longer concealed behind all kinds of special dispensations. They are now offences that can more easily be identified during field monitoring. However, in spite of these positive developments, violations and failures to respect forestry law and the obligations of holders of concessions and/or logging rights, along with an absence of monitoring by the authorities, can still be observed. The rapid increase in sales via auction is one such example.

Much thus remains to be done in order to strengthen the positive impacts on the ground and ensure their sustainability. Management plans are still not being applied. In fact, industrial logging activity remains almost anarchic due, largely, to the authorities’ weak capacity to monitor logging operations on the ground. Regulations are not always respected. The increase in area royalties may even encourage some loggers to exploit areas outside the limits of the titles allocated to them. The forestry monitoring departments have a bad reputation, which creates a climate of suspicion and mistrust among other stakeholders in forest management. This lack of control results in an enormous loss of tax revenue and raises the problem of an equitable distribution of the profits from logging, which are largely monopolised by the private sector. Despite recent progress, the forestry sector’s contribution to the national challenge of poverty reduction falls far short of its potential. In fact, the very continued existence of these resources is under threat, for the areas actually being logged are greater than the areas officially open to logging and the forest’s timber wealth is in uncontrollable decline.

The government has undertaken an institutional review of the forestry sector in order to help it to, among other things, formulate a strategy for monitoring logging operations and protected areas. In order to promote the sustainable management of its forests and encourage a strengthening of its capacities, MINEF plans to introduce an independent observer into the MINEF control missions, with a mandate to...
encourage civil society participation in national forestry monitoring.

1.4. The project in support to control and monitoring of forestry-related offences by an independent observer

Given the inadequacies, the lack of credibility and the weak capacity of the civil service, MINEF has undertaken to implement, with donor support, a project to support the control and monitoring of forestry-related offences. This will take the form of an independent observer. The main features of this project are:

The conducting of field monitoring operations by the forest authorities (MINEF) with the support of an independent observer who has international credibility in the area of monitoring forest law enforcement and empowering civil society.

The role of the independent observer for forestry monitoring draws much of its inspiration from that of the independent observer for logging titles allocations, the difference being that the former plays an ongoing and active operational role.

- To contribute to the monitoring information flow (at local, national and international level) in order to improve transparency;
- To facilitate the development of a computerised system for tracking cases and monitoring control missions;

In preparation for this project, the international NGO Global Witness (GW) was invited to conduct two scoping missions in June and October 2000. It implemented a transition phase from April to November 2001. During this phase, MINEF’s Central Control Unit (CCU) carried out experimental field monitoring missions in the presence of Global Witness.

Moreover, the Minister or his Environment and Forestry representative, in a letter dated 22 November 2002 (Ref. 0485) stated his desire to see a continuation of the Global Witness transition phase, until such time as an independent observer, recruited via an international call for bids, takes office. MINEF is seeking the financial support of a number of donors in this regard.

2. Objectives of the transition phase

The overall objective of the forestry control project in the long term is to provide support to the establishment of the principle of good governance in the forestry sector; in order to improve this sector’s contribution to poverty alleviation through a sustainable management of forest resources. This project’s transition phase, lasting until the independent observer selected through an international call for bids is in post, aims to achieve the following specific objectives:

1. To ensure the objectivity and transparency of monitoring operations undertaken by MINEF through the participation of an independent observer with international credibility; the reports and recommendations of which will be made public;
2. To strengthen the operational capacity of MINEF law enforcement services and, particularly, the CCU, through the application and improvement of procedures;
3. To analyse clarifications in control methods through the role of the different players in forest monitoring and the follow up for a precise reference list of offences and sanctions, based on the legal and regulatory framework in force;
4. To help monitor implementation of recommendations and decisions from the CCU’s control missions undertaken with the assistance of the independent observer.

3. The independent observer’s mandate

(i) In order to be able to monitor the conduct of the CCU’s control missions and to observe all stages of control, the Independent Observer will be recorded, as a member, on all mission orders and all memoranda relating to the constitutions of a CCU control mission. Consequently, the Independent Observer may join any joint mission at any time, should it be unable to join such a mission from the start date. As a member of all joint missions, the Independent Observer will retain a copy of all mission orders issued by the Minister or his representative.

(ii) The independent observer will monitor the conduct of CCU control missions, it will have free access, without the need for prior authorisation, to all documents relating to these missions. This relates, in particular, to titles, letters and official statements relating to joint, verification and requested missions. It will also have similar access to the Register of violation of law reports, and will observe all stages of control. It will put its initials on the CCU reports, compare them with data collected and, where necessary, make observations in the margin. The Observer will send the Minister or his representative a detailed report of each of the control missions, indicating in particular its observations regarding respect for procedures and mission orders, along with general observations and its recommendations.

(iii) The Independent Observer will attend all subsequent hearing of any accused person whose offences were not the subject of an official statement during the course of a mission. The CCU is required to inform the Independent Observer of the dates on which such hearings will take place by sending copies of the notice of hearing to the Independent Observer.

(iv) For each mission the CCU report along with the Observer’s report, will be sent by MINEF or the Independent Observer to the logging companies that were the object of the control, to any national authorities requesting them and to relevant donors. Communication of these reports will be undertaken on request within a period of 7 days following transmission of this report to MINEF.

(v) Control activities will focus on all logging titles and, in particular, respect for the limits and standards of intervention within the forest environment. Control activities will also cover all permits for the removal of timber abandoned in the forest. Control missions including the independent observer will also be undertaken in concessions as yet unallocated.

(vi) The Independent Observer will be associated in priority to CCU’s missions. Should CCU staff not be available, sworn-in external services’ staff may conduct the said missions together with the Independent Observer.

(vii) Within the context of publication of the independent observer’s reports, validation meetings will be held every three months, as from the date of signing of this contract between the Minister or his representative, the donors and the Independent Observer. To this end, this latter is authorised to make all necessary material and data available to those concerned. At the end of this quarterly meeting or, failing this, 30 days following the anticipated date, the Independent Observer is authorised to publish its reports.

1 The composition of the Independent Observer team will be determined contractually between the Independent Observer and MINEF.
During the transition phase, the independent observer, in association with the CCU and other partners, will undertake the following activities:

3.1 In the two weeks following the signing of this contract, a quarterly control mission programme designed jointly by the CCU and the Independent Observer will be established. This programme will be detailed and will cover the different provinces and logging titles, focusing particular attention on provinces and titles that have not been subject to sufficient control missions during the last CCU control mission schedule.

3.2 Support the CCU’s field missions by participating in law enforcement missions to monitor logging operations, regardless of the kind of title or authorisation, including the removal of auctioned wood. Consequently, the Independent Observer will have free access, without the need for prior authorisation, to all documents necessary for the preparation of any mission. The Independent Observer may continue a joint investigation mission if, for any reason, the CCU is not in a position to continue. In this case, the Independent Observer will, in all cases, produce an information report for the attention of the Minister or his representative.

The Independent Observer has the right to inquire, without prior authorisation, as to the outcome of an official statement at any stage in the procedure. To this end the Independent Observer and the services responsible for case tracking, will hold monthly meetings on the state of progress of all cases.

In addition to joint missions, the CCU and the Independent Observer may also jointly conduct a requested mission. These missions are requested by the Independent Observer and approved by the Minister or his representative, following one or several complaints received from local NGOs or other sources.

In the case of a requested mission, the authorisation to conduct such a mission must be granted by the Minister or his representative within a relatively short length of time, not to exceed one working week, from the date of submission of the request. In relation to this mission, the Independent Observer will maintain a maximum synergy with the CCU.

If authorisation to undertake, together with the CCU, a requested mission is not forthcoming within a relatively short period of time, not to exceed one working week, in order to avoid losing proof and signs of proof of an offence, the Independent Observer will have the right to undertake a mission to verify the facts without a CCU presence. In this case, the Independent Observer will take the original mission request and will work in close collaboration with local control staff.

3.3 To report to MINEF the results of other freely-undertaken investigations into logging operations during implementation of the established control programme.

In addition to the joint missions, the Independent Observer will conduct verification missions, understood as being missions undertaken by the Independent Observer to confirm or invalidate a report produced by the CCU following a field mission in which the Independent Observer was not involved.

Verification missions are conducted at the request of the Minister or his representative, contracted by a logging company, a donor, a population concerned in question or the Independent Observer.

The Independent Observer must obtain authorisation from the Minister or his representative within a relatively short period of time, not exceeding one working week from the date of the request.

3.4 Through its recommendations, the Independent Observer will help MINEF:

- to establish a Case Tracking System (CTS) in association with MINEF’s legal department, SIGIF and the Programme to Secure Forestry Revenue (PSFR), plus a Control Mission Monitoring System (CMMS) with the aim of ensuring that all titles are equitably monitored and that an objective monitoring record is established by company and by title;

- to clarify the roles of the various existing control structures;

4. Expected results

The expected results of the transition phase are:

4.1. A quarterly control programme designed jointly by the CCU and the Independent Observer and monitored by the latter.

4.2. Within a week of returning from a mission, field mission reports and official statements signed by the CCU; joint mission reports being initialled by the independent observer; every mission (joint, requested or verification) of the Independent Observer will give rise to an own report. Each quarter, the Observer will send a summary to MINEF.

4.3 Recommendations from the Independent Observer relating to improvements in monitoring and control, in particular:

- clarification of the roles of those involved in control
- formulation and implementation of an CTS (Case Tracking System) and an CMMS (Control Mission Monitoring System) designed in association with the SIGIF, the PSRF and MINEF’s legal department.
- a reference list of offences and sanctions.

For Global Witness For the Cameroon Government
Stuart Wilson Mr. NAAH ONDOA Sylvestre
Date: 23 May 2002
Minister of Environment & Forests
Appendix 2

The notation ‘Yes’ and ‘No’ has been used respectively to indicate whether reports were signed or not by the CCU. For more detail the complete mission reports can be found on the Global Witness website.

Joint Law Enforcement Field Missions

Location: Yawanda, Sanaga Maritime, Littoral province
Title controlled: ARB 027
Company concerned: Panagiotis Marelis
Date of 1st mission: 26-27 June 2001
Joint report signed: Yes

ARB 027 was not included in the official notice of approved licences published by Cameroon Tribune of 11 January 2000 and, suspecting that Panagiotis Marelis was logging illegally in the area, the Yawanda Youth Association informed the World Bank of this activity and asked for clarification. The World Bank referred the matter to the Minister of Environment and Forests who commissioned a CCU/Global Witness joint mission whose duty was to investigate the logging activities of the company in the reported area.

Pursuant to Service Memo No. 2185/NS/MINEF/CAB/CCU of 25 June 2001, a joint forest control mission was undertaken in the Sanaga Maritime Division, Littoral province. The mission visited the Divisional Delegation but was unable to obtain any mapping documentation due to the absence of the Delegate.

The investigation showed that the title ARB 027 existed and had been issued by the Ministry of Environment and Forests, but the GPS points taken showed that Panagiotis Marelis had logged beyond the title boundaries. The population had received 3,429,000 FCFA plus, according to the Chairman of the organising committee, an extra 1,854,000 FCFA from the company. Villagers were not satisfied with the amounts paid and had particular grievance against the company for not having repaired the road to the village, which was part of the company’s written obligations.

The road was seriously degraded by the logging operations, cutting several villages off from road access in the wet season.

The joint report recommended that another mission return and that a full assessment of damages be made. The mission also recommended that in future, the Delegate should hand over forest control documents to an acting official prior to his absence.

Date of 2nd mission: 20 August 2001
Joint report signed: Yes

A joint mission returned to ARB 027 and recorded GPS points of stumps (see Map 1, points 10, 11, 12) and the logging road outside of the limits. The mission concluded that logging had taken place out of limits to the East, South and North of the permitted area. Over a year had elapsed since the last logging operations, so forest re-growth prevented access along the logging roads. The mission was therefore unable to carry out a full assessment of damages. An evaluation of the area logged was made based on local knowledge together with summary observations.

Sanctions proposed included an estimate of damages and interest to be paid, totalling 63.8 million FCFA (US$ 92,000). No sanctions have been imposed.

Date of 3rd mission: 18 October 2001
Joint report signed: No

The Minister of Environment and Forests ordered that a verification mission be sent to ARB 027, however, due to heavy rains and the poor state of the road, the mission was unable to reach the area. MINEF officials interviewed a representative of the company, villagers and members of the local elite. The mission report has yet to be finalised. The mission recommended that a full assessment of damages be

Map 1: Exploitation by Panagiotis Marelis out of Limits - ARB 027
carried out during the dry season. No sanctions were imposed as a result of the third mission.

**Location:** Department of Dja and Lobo, South province

**Title controlled:** Auction

**Concession holder:** SIBM

**Date of mission:** 19 July 2001

**Joint report signed:** No

This case involves an auction taking place in the absence of an official inventory of logs and highlights two problems that can arise in such cases:

1. an auction of non-existing logs can take place to provide covering paperwork (DF10s and lettre de voiture) for an illegal logging operation.

2. where there is no inventory carried out according to procedure by MINEF agents, it is not possible to fix the price at the auction due to the unknown volume of wood being sold.

An auction of seized timber indicates a previous infraction. Investigation revealed that SIBM, winners of the auction, had carried out forest exploitation without a title in the forest of Nkolebom. This infraction, which is the subject of a PV of the Departmental Delegate of Environment and Forests for Dja and Lobo, has still not been sanctioned.

Recommendations included that:

- an official inventory of the logs that were auctioned and that SIBM purchased be made and that the selling price be re-evaluated accordingly so that SIBM pay the difference or be reimbursed, as the case may be;

- the sanctions provided for by the Law and presented above be taken against SIBM for exploiting in the forest of Nkolebom without a title.

**Location:** Department of Dja and Lobo, South province

**Title:** FMU 09-009

**Concession holder:** Unallocated

**Company involved:** COFA/Rougier

**Date of mission:** 20 July 2001

**Joint report signed:** No

Noting reluctance from the CCU to investigate a case during a pre-Project mission in October 2000, Global Witness had carried out an independent observation7 mission and found two log ponds at the entrance of the FMU 09-009 with over 50 logs marked COFA ARB 192 June 2000. The buyer's mark Rougier was painted on the logs. The video and GPS data collected during this observation mission had been passed to MINEF in October 2000, but no action had followed as a result. As the mission of July 2001, including CCU representatives, was going past FMU 09-009, the Independent Observer noted that the CCU, usually controlling all titles along its path, did not intend to control FMU 09-009. The Independent Observer suggested to the previous head of the CCU that the mission investigate the case, but the CCU refused. Since then, further information has been collected using GIS satellite imagery18 (see Map 2 below). The road network visible from this satellite image reveals that the entire unallocated FMU 09-009 and part of FMU 09-010 may have been logged illegally.

**Map 2 (see over): Analysis of satellite image showing logging road network in FMU 09-009 & 09-010**

The surface area covered by these logging tracks is approximately three times that of the FMU 10-030 case. If the surface area of forest is confirmed to have been logged illegally, the sanctions for this one case could be up to three times the value estimated for 10-030. Global Witness has confirmed as recently as February 2002 that logging is still going on (see photo, page 5).

**Location:** Department of Dja and Lobo

**Title:** FMU 09-004B, ACP No. 08

**Concession holder:** COFA, subcontractor

**BOIS 2000**

**Date of mission:** 20 July 2001

**Joint report completed:** No

The mission concluded that logging was carried out within ACP No. 08. Control of the field exploitation and log transport documentation, respectively, reveal that the exploitation of timber finished on 30 June 2001 as planned, but the evacuation of timber carried on until 13 July 2001, beyond the authorised period. The CCU served a PV noting the evacuation of logs beyond the authorised period. The chief of exploitation gave his identity and acknowledged these activities. A notification to stop work was given. This PV does not seem to be present in the MINEF building in Yaoundé. Consequently there has been no follow-up on these sanctions. Despite the fact that this was a joint mission no joint mission report was produced. Control therefore appears to be incomplete.

**Location:** Department of Dja and Lobo

**Title controlled:** FMU 09-006, ACP No. 04

**Concession holder:** FANGA, subcontractor

**SOFAC**

**Date of mission:** 21 July 2001

**Joint report completed:** No

Control of the log transport documentation revealed transport of timber beyond the period granted to 30 June 2001. The absence of legally required field exploitation documents at the post of the Chief of exploitation was noted. These infractions are not provided for in the law, but Articles 156 and the following sub-sections provide the possibility for judicial sanctions. A PV noting the evacuation of logs beyond the authorised period was served against SOFAC, represented by its chief of exploitation, who gave his identity and acknowledged the infractions. A notification to stop work was given to the Company.

Recommendations were made that Article 65 of the Law be applied which provides for administrative sanctions in the case of violation of the law or any regulation text for its implementation.

**Location:** Department of Dja and Lobo

**Title controlled:** FMU 09-003, ACP No. 02

**Concession holder:** LOREMA, subcontractor

**SFID**

**Date of mission:** 21 July 2001

**Joint report completed:** No

No infractions were documented against LOREMA. However, the log transport documentation issued by the Departmental Delegate of Environment and Forests did not
show the number of the valid ACP No. 2. The forest law requires that the Delegate inscribe the number of the ACP and the name of the company concerned, on the transport documents before issuing them.

The Delegate should be invited to avoid such lapses in future and consideration should be given to whether the company has committed an offence by being in possession of such documents.

Location: Department of Mvila
Title controlled: VC 90-41-127
Concession holder: Ingéniérie Forestière
Date of mission: 25 July 2001
Joint report completed: No

The mission observed the following infractions:

- Felling of logs of Iroko under-diameter;
- Non-marking of certain stumps;
- Non-registration of DF10s;
- Transportation of logs using log transport paperwork with illegal numbers 29302/29301.

A PV was issued against Société Ingéniérie Forestière, represented by Mr Messa Emmanuel, its chief of exploitation, for non-respect of logging norms.

It is not clear from within MINEF if this PV has been registered, and what action has been taken against the company. As far as Global Witness is aware, no sanctions relating to this case have been published.

Location: Department of Mvila
Title controlled: VC 09-02-132
Concession holder: WIJMA
Date of mission: 26 July 2001
Joint report completed: No

The mission noted, at the level of the vehicle park, a cessation of logging activities in this camp since 25 June 2001. The mission did not go in the logging site and consequently did not note any infraction against this company.

Location: Department of Mvila
Title controlled: ARB 511
Concession holder: SOFOPETRA
Date of mission: 26 July 2001
Joint report completed: No

During a meeting with the local dignitaries, police, local MP, the CCL, Global Witness and others, the administrative authority in Mvila expressed reservations about the security of the members of the mission, given the ambient tension towards the Authorities and especially given the reduced number of policemen available in the village.

Tensions had been raised within the area as a result of the company telling its workers that the sawmill might close and all of the employees laid off as a result of control. It was also reported during the meeting that one week before the mission, a taxi had arrived with employees of the company to inform the villagers that a control mission would arrive in the area. The point was also raised that there was a long procedure to obtain a permit to shoot, indicating that should the potential for unrest become real, the use of weapons would be considered.

The head of the UCC recommended the mission not proceed and no control took place.

An information mission to raise awareness of the need for control was recommended. It is not clear if any awareness raising has been done in the area, and Global Witness is not aware that any further control missions have been proposed or undertaken.

Location: Ebolowa, Vallée du Ntem, South province
Date of mission: 5 September 2001
Joint report signed: Yes

The mission was informed by the Provincial Delegate of the South that all logging activities in the Department of the
Valley of Ntem had ceased. The head of the mission therefore decided not to control the area.

Independent Observation missions, however, recorded illegal logging in this area and it is important, given the recent allocation of FMUs in the region, that a control mission be undertaken.

Location: Mont des Éléphants, Kribi, Ocean, South province
Company concerned: FM/Etoudi Jacques Le prince (EJL)
Date of mission: 6 September 2001
Joint report signed: Yes

The mission, having noted the sale of illegally felled logs in a Vente aux Enchères, entered the forest next to its location and observed six logponds along the road traversed. Unmarked logs were abandoned in two out of the six logponds. After analysis and collation of information including GPS data, the mission met with the representative of the company EJL, who acknowledged logging in "Mont des Éléphants", with the company FM as subcontractor.

The conclusion of the mission was that EJL illegally logged in the recreation forest, abandoned logs and did not mark them.

A PV was served against the company and judicial and administrative sanctions were proposed.

The mission recommended:
- that a complete assessment of damages be made of the volumes and area logged illegally by the head of the forest section of the departmental delegation of Ocean district, and handed to MINEF for the calculation of damages;
- that procedures be initiated by the administration of forests for the application of sanctions;
- that the administration auction the logs that were abandoned and could still be used, and have EJL pay taxes in compensation for those remaining.

Observation of this logging operation was not the primary objective of the mission. Therefore, the time required to undertake a major assessment of damages was not taken. A reliable estimate for the surface area exploited was not considered possible without further investigation or an assessment of damages being undertaken. For this reason the recommendation for the responsible external services to undertake a full assessment of damages was made.

Location: Campo Ipono, Ocean, South province
Title controlled: ACP 59, FMU 09-025
Company concerned: Haute Forêt de Campo (HFC)
Date of 1st mission: 7 September 2001
Joint report signed: Yes

The mission prepared documents in MINEF Yaoundé and went to the field using the official limits of ACP 59-1 and of the National Park according to information provided to the Independent Observer by MINEF and as defined in the decree No. 2000/004/PM du 06/01/2000 ‘portant création du Parc National de Campo Ma'an’. The mission noted several points outside of the limits of the official ACP and into the limits of the National Park as defined above. Logging activity was ongoing with two bulldozers and four-five log trucks waiting to evacuate logs when the mission arrived at the exploitation site. During the mission the company was unable to provide a copy of the map they were using for exploitation either from the office or from the site of logging despite the ongoing nature of operations.

Following this field mission, a representative of the company met the CCU and the Independent Observer at the UC office in MINEF. The company official was in possession of the same map of ACP 59-1 as that used by MINEF officials for the control mission. After comparison of the limits of the title boundaries, an agreement was reached by all parties, including the company, that these were the
official limits of the title and the company was aware of the fact. A PV was served against the company. A cheque of 3,000,000 FCFA (US$ 4,300) was handed to the CCU in MINEF for the ‘caution’.

The mission proposed judicial and administrative sanctions in its report. An estimate of the value of the timber illegally logged was made using SIGIF, DF10 data from 2000-2001. The amount of damages evaluated and proposed in the official report was 363,024,624 FCFA (US$ 522,000).

In the official communiqué of MINEF (see Appendix 4) on 9 January 2002, no penalty is shown and the caution which was paid to MINEF in the presence of the Independent Observer is not listed.

Date of 2nd Mission: 18 October 2001
Joint report completed: No

As a result of the findings of the first mission and the case being publicised, a second mission was ordered by the Minister of Environment and Forests to review the findings and make a detailed assessment of damages and interest. All members of the mission, including CCU officials from the company, the Independent Observer, and other international agencies met in the office of the Chef de Poste in Campo Ipono. Despite being warned in advance of the mission and a specific request for the company to be present with all documentation necessary, HFC were not able to produce an official map of the ACP that they had been logging. The map used by HFC in the field was not a copy of the official allocated title and did not accord with the documents presented by the company on 10 September in Yaoundé. The mission then departed for the field to check ground data with GPS tools. An area of forest which lies within the boundaries of the FMU, but outside of the official ACP 59-1, was documented as being logged. The limits of the Park were delimited as detailed above.

Notes of the Observer:

The company acknowledged that its sub-contractor, OYE Cgie, appointed to carry out inventories and delimitations, produced by error the map of the official ACP 59-1 for registration at MINEF despite the fact that it had itself delimited the other ACP 59-2 used in the field. However, the company knew about the official limits of the National Park and that its original proposal of ACP overlapped with its limits. There are two possibilities:

- Either the company has considered the old delimitation of its FMU as valid (provisional convention), in which case the limits of the ACP 59-2 proposed by OYE Cgie and used in the field are outside of the FMU limits. Point G and H of this ACP also overlaps with the limits of the National Park, using the map of the old FMU.
- Either the company has considered the new delimitation of the FMU as valid (same limits as the ones on the map of the representative of the Company who came in the CCU office), in which case the ACP 59-2 proposed by OYE Cgie and used in the field is outside of the FMU and inside of the National Park.

In both cases, the proposition of ACP 59-2 does not respect the limits of the FMU. In both cases, the company was bound to respect the limits of the ACP officially registered in the field. The ACP registered was not the one used by the company to log. There might have been an internal communication problem within the company, but in any case the head of field operations should not have started its field operations without being in possession of an officially stamped ACP. Furthermore, as the company representative who visited the CCU office was in possession of the official ACP 59-1, it is somewhat surprising that no internal control within the company let it realise that exploitation during 2001-2002 had been made in a completely different zone to that recognised by the representative of the company during his visit to the CCU office.

Despite the caution having being paid in September, the assessment of damages and interest has not been made. The final report from the mission of 18 October 2001 has not been completed by MINEF. It is important that the report for this case be completed and meaningful sanctions imposed.

Location: Lomié, East province
Title controlled: FMU 10-030
Company concerned: SFDB/SFH
Date: 5-8 September 2001
Joint report signed: Yes

Joint mission, scoping study, June 2000
This mission in FMU 10-030 followed a pre-Project investigation carried out with MINEF and Global Witness in June 2000 (see Activity 3 – Reports from Scoping missions). The investigation in 2000 documented large-scale illegal logging in the unallocated FMU 10-030. The case was also significant in that it exposed blatant disrespect of MINEF control officials and Cameroonian Law by the company caught logging, SFH, subcontractor to SFDB in the neighboring FMU 10-029:

- The mission included the previous head of the CCU who presented his identification documents to the chief of exploitation. Although the company was logging in a FMU that was not allocated, its employees did not let the mission continue and escorted the head of the CCU and Global Witness out of the concession. A video was made recording discussions in the field. The head of the CCU did not write a PV against the company which also highlighted the need for clarification on the procedures of control to be followed by the CCU in the field in such situation.

Joint mission, scoping study, October 2000
A joint mission went to 10-030 on 14 October 2000 but road access was cut due to a bridge being washed away by heavy rains. A discussion was then held between the then head of the CCU and Global Witness who noticed little motivation from the head of the CCU to investigate the case as he noted that SFH, fined US$ 13,000 for illegal logging in 08-003, had paid enough fines to the government. Global Witness suggested hiring motorcycles but this suggestion was rejected. The mission departed and despite recommending that an urgent control mission be sent before the end of October, this did not take place until 5 September 2001.

Joint mission, Project, September 2001
The 5 September 2001 mission included representatives of the company SFH, R. Pallisco, forest officials from Lomié and Messok, the CCU and Global Witness. The mission followed several logging roads and GPS points were taken. Abandoned wood along the roads bore the mark SFDB/SFH, FMU 10-029.

- The mission concluded that SFH, subcontractor of SFDB for FMU 10-029, was responsible for all logging in the area of FMU 10-030, thereby confirming conclusions from the previous control missions.

The head of the CCU did not write a PV to SFH during the mission, as the company representative said that the case had already been settled. The official in charge of the mission stated that he would investigate the issue further and write a PV after the return to Yaoundé. This has not yet been done.

Research revealed that the company was sanctioned as
follows:

- a fine of 105,900,000 FCFA (US$ 152,000) for irregularities in logging of FMU 10-029;
- withdrawal from bidding process for the allocation of concessions in June 2000, on the basis of a Global Witness report on illegal activities carried out by SFH. However, SFH was subsequently allowed to bid in the FMU allocations in July 2001.

The mission recommended that:

- the case be re-opened;
- the representative from SFH be summoned for a PV;
- fine calculations be made and sanctions be imposed.

The mission suggested administrative, penal and civil sanctions. Damages proposed in the joint report were calculated using SIGIF data giving the average volume declared per ha by the same company logging in an adjacent FMU. This average production volume was applied to the estimated logged surface area of 20,000 ha which was obtained using GPS data of the road network in the area and GIS software (see Map 4 below). The amount for damages was therefore officially estimated at 8,842,125,000 FCFA (over US$ 12 million).

SFH do not appear to have been summoned for a PV. Questions raised by the Minister of Environment and Forests over the methodology described above and used for this calculation of the sanctions should not prevent a PV from being written and a caution from being imposed. The Independent Observer recommends that as soon as this methodology for the calculation of damages and interests has been established, the methodology be applied and sanctions imposed.

Field observations showed that logging was not being carried out in the ACP 03 assigned to the operator for the period 2001-2002. Two infractions were recorded:

- exploitation outside the limits of the annual ACP;
- exploitation in three unassigned ACPs.

The company’s documents of exploitation were seized by the CCU representative. Managers of the company who were away in the field were invited to report to the CCU for clarification of the situation.

SFB later reported to the office of the CCU and explained that the company had applied for the relocation of the ACP but had not received any feedback. It is not clear if the company is still operating or if the company has been sanctioned.

Recommendations included that:

- MINEF puts in train procedures for the application of penal and civil penalties as specified by the law for each of the breaches committed by SFB;
- SFB be suspended by applying Articles 65 of the 1994 Law, and 130 to 133 of the 1995 Decree, until the company pays all taxes and fees relating to their illegal activities.

It should be noted that this report was produced as an independent report since the CCU postponed production of the joint report.
Map 4: Illegal logging within FMU 10-030

Table 6: Compilation of damages and interests – FMU 10-030

<table>
<thead>
<tr>
<th>Category</th>
<th>Amount (billions FCFA)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Surface area tax for FMU</td>
<td>5.3</td>
<td>Estimated on the basis of 8 years of activity at 1/30th of the FMU being logged per year</td>
</tr>
<tr>
<td>Felling tax (2.5% FOB value)</td>
<td>0.5</td>
<td>Calculated on the basis of estimates of the total volume of timber logged illegally</td>
</tr>
<tr>
<td>Damages and Interests</td>
<td>19</td>
<td>Estimate of the FOB value of the volume of logged timber</td>
</tr>
</tbody>
</table>

Total: 24 billion FCFA (over US$ 33 million). To this figure must be added losses for local development, estimated at 2.5 billion FCFA. This sum represents losses that could have had a major impact on the efforts of poverty reduction. The prosecution of this case and imposition of meaningful sanctions would at least recover a part of this sum, although there has been an impact on the sustainable management cycle of the FMU. MINEF have requested payment of an initial sum of 2.5 billion FCFA (US$ 3.3 million) in advance of the undertaking of a full inventory to fix the damages and interest payments that are to be made by the company. The assessment of damage and interest will be undertaken by a company selected on the basis of an international bidding process. It is important to note that a PV, the legal starting point for any illegal logging case, has not been established in this case.
Appendix 3

For more detail the complete mission reports can be found on the Global Witness website.

Independent mission report summaries

Location: Yawanda, Sanaga Maritime, Littoral province
Title observed: ARB 027
Company concerned: Panagiotis Marelis
Full details: Independent Report No. 000En-
Date of mission: 26-27 June 2001

It should be noted that this report was produced in addition to the joint mission report for this case, because the CCU did not agree to the inclusion of the call for the respect of the cahier des charges.

According to villagers, logs removed from this forest area early in 2000 carried the mark ARB 024, and Yawanda residents, doubting the validity of the title, blocked the road in order to prevent further logging. Tensions grew as a result of the lack of compensation and the population called on Panagiotis Marelis to repair the road and undertake other work. In March 2000, the company presented a certificate for a new title, ARB 027.

In the case of ARB 027, no preliminary development operation, necessitating felling of trees, appears to have existed in the zone that could have justified the assignment of this type of title. According to the villagers, no felled trees were there before the assignment of the certificate, which led them to doubt the validity of this certificate also. This suspicion was reinforced by the official publication of valid logging titles in the Cameroon Tribune on 11 December 1999 as it did not include the ARB 027.

The resurfacing of the road was required in the Panagiotis Marelis company’s cahier des charges (a document legally binding a company to carry out specific constructions or tasks for villages in compensation for exploitation in their area). According to the villagers, not only was this work not carried out, but the state of the road had got substantially worse due to the repeated passage of the company log trucks. After disruption to the operations, the company returned accompanied by eight police officers who assaulted those villagers that resisted. One villager was imprisoned. Extraction thus went ahead without the resurfacing of the road or any other works.

Despite numerous missions of the CCU together with the Independent Observer to this area no PV has been issued and no sanctions appear to have been imposed in this case.

Recommendations were made in the two joint CCU/Global Witness official reports mentioned above. A further recommendation by the Independent Observer was that the company should be called to undertake the work detailed in the cahier des charge, or the appropriate sanctions imposed. It must be noted that the road has been damaged to such an extent by logging trucks that it would need reconstruction rather than resurfacing. This is substantiated by the several hindrances to official missions caused by the poor state of the road, including damage to the CCU vehicle that was immobilised for several months.

Location: Lomié region, East province
Title observed: Bosquet Community Forest
Company concerned: SEBC
Full details: Independent Field Mission Report No. 001En-
Date of mission: 5 July 2001

A road was built between Bosquet and Kongo, and is commonly reported to have been constructed by SEBC of the Thanny Group. The road cuts through the Community Forest of Bosquet, and apparently continues through the Communal Forest of Lomié-Messok, which lies between the Community Forests of Bosquet and Kongo.

Apparently no official authorisation was granted to build a road in the area. The road is not detailed in the simple management plans for the Community Forests of Bosquet or Kongo. This road apparently contradicts the Environmental Impact Assessment for FMU 10-037.

Recommendations included that:

- the relevant authorities within the Ministry of Forests undertake an inquiry into the authorisations; to check if any exists granting the opening of the road;
- appropriate sanctions be taken against the company responsible for the building of the road.

It is not clear whether any action has been taken against this company or if control missions have been made.

Location: Lomié region, East province
Concession observed: VC 10-02-81
Company concerned: Ets Assene Nkou
Full details: Independent Field Mission Report No. 001En-
Date of mission: 5 July 2001

The mission noticed a road newly opened by Ets Assene Nkou. This road built in the North of Niwakom village gives access to VC No. 10-02-81 from the main road Lomié-Messok.

Recommendations included that:

- copies of the relevant permits for opening the road be provided by the company and verified with the appropriate authorities or sanctions be applied;
- if the road construction is unauthorised, an assessment of damages be undertaken, the sanctions applied and damages paid to those who have suffered.

Location: Lomié region, East province
Title observed: VC No. Unidentified
Company concerned: SFH, subcontractor
Full details: Independent Field Mission Report No. 001En-
Date of mission: 5 July 2001

A VC was awarded in 1997 in the vicinity of Mindouma near Messok. This VC was sub-contracted to SFH. Its number is uncertain due to the lack of records in MINEF.

In 1998, SFH built a road across a stream to log the VC. This has caused flooding of plantations neighbouring this old VC. As a consequence, Mr Sonkeusa Bebiélon, planter in the village of Mindouma, East of Lomié, lost a cocoa plantation. Today, trees in the surrounding area of the flooded zone are deteriorating. This is especially true of bamboo trees that are used as building material. In the long term, this will lead to a loss of income for the neighbouring population.

Recommendations were that an assessment of the damage should be made and appropriate compensation awarded under the appropriate laws.
During a visit to the MINEF post in Messok, the local officer reported that since April 2001, trucks loaded with logs that were not marked with the official stamp had been driving through Messok. Global Witness also met the Chief of the District who presented an official letter dated 2 July 2001 in which he described the reluctance of some logging companies to undertake an inventory of logs before 30 June 2001. He noted that an emergency control mission should be undertaken by the appropriate unit of MINEF to check the stock of logs after the deadline of 30 June 2001, which was the date set as the end of the operating year. It is not clear if this action was taken by MINEF.

Further field investigations revealed that SFH was building a road that, as of 5 July 2001, cut through FMU 10-029 and 10-020 (See Map 5 below). Along the road, the mission noticed forwarding tracks in both FMUs. Global Witness noted logs marked: Ing F, FMU10-020, ACP 27 in FMU 10-029.

Within MINEF, at SIGIF, a permitted maximum production of timber in cubic metres is detailed for each ACP. The surplus between the permitted production for FMU 10-020 for the exercise 2000-2001, according to the SIGIF statistics, and the declared volume is 16,013 m³. If this excess declared volume falls outside of the law this volume may form the basis of the sanction imposed on the company. This matter was discussed with the SFH representative who showed Global Witness a letter signed by the MINEF Provincial Delegate for the East province authorising SFH to use this marking for already felled logs recovered along the road under construction. This permission would appear to fall outside of the jurisdiction of the Provincial Delegate.

The company identified as being responsible for logging by numerous villagers is MMG. According to the MINEF Departmental Delegate for the Ocean Department, the title ARB 288 dates from the end of 1999 and was allocated in Lolodorf. The delegation had no transfer document, meaning that the location of the ARB should not have been moved to Kribi. The owner of ARB 288 is Ony-Bross. MMG has thus logged beyond the limits of the ARB 288 in using the mark for this title, so has been logging without a valid title. In abandoning logs in the logponds, MMG has violated Article 126(1): "Holders of logging licences shall be required to collect all the logs from the trees felled except those deemed unusable by the forestry department officials. Where a
felled tree is abandoned in the forest, the reason for such abandonment shall be stated in the field book.

Some administrative actions have been taken, but it is not clear what these have been, or if sanctions were pursued to the point of payment of meaningful fines. A PV for this case is not available within MINEF and the case remains unresolved.

Location: Department of Ocean
Title observed: Not assigned
Company concerned: FM/EJL
Full details: Independent Field Mission Report No. 004En
Date of the mission: 9 July 2001

According to the MINEF Departmental Delegate, logging was carried out on the periphery of the sale by auction corresponding to the SOCAPALM plantation zone. According to the Delegate, the beneficiary of this auction is EJL (Etoundi Jacques Leprince), sub-contracting to the company FM, represented by M. Pierre Kremer. According to the population, the totality of this production was purchased by GWZ (Wijma).

The conclusion of the mission, after field visits and discussions with the owner of EJL, was that EJL had logged without a title in an area of national forest. This action may be penalised under criminal and civil law:

**Criminal:** Article 156 stipulates a fine of between 200 000 and 1 000 000 FCFA and/or imprisonment for between one and six months.

**Civil:** Articles 156 and 159 of the Law stipulate that the victim of the infringement should be assigned damages calculated on the basis of the entire market value in force for fraudulently extracted species.

Recommendations included that:
- a new control mission go into the field to establish the various breaches committed by EJL;
- the forest administration set in motion procedures which would lead to the application of the penalties stipulated under the law.

Note: A field control mission was undertaken on 6 September 2001 and is detailed above, Mont des Eléphants (See Activity 2, page 8).

Location: Endoum, Department of Nanga Eboko, Central province
Title observed: VC No. 08-01-52
Licence Holder: Equibat Rany Bois
Full details: Independent Field Mission Report No. 003En
Date of the mission: 9-10 August 2001

According to public notice No. 0280/MINEF /DF/SDIAF of 4 March 1999, VC No. 08 01 52, assigned to Equibat Rany Bois, was to be located between Wassa Banvele and Ndjombe, very close to Nanga Eboko (see Map 6 below). However, according to the operating company and allocation order No. 821/D/MINEF/SDAAF/SAG of 14 July 2000, the VC is at Lembe-Yeoum, in a Communal Forest. There is no order for the modification of the site in the public notice, making the allocation of the VC invalid.

In accordance with the warrant of allocation order No. 0821/D/MINEF/DF of 14 July 2000, Equibat is operating in the area of North, beyond the limits of the above VC in its current position.

Felling of Iroko below the minimum diameter allowed has been carried out. In addition, according to the local population, the tax of 1,000 FCFA per cubic metre due to local communities has not been paid.

Recommendations of the mission included that:
- there be immediate cancellation of this VC;
- the Minister of Environment and Forests issue a circular to all those responsible for allocating VCs, stressing that changing their limits is illegal. In the case of a company asking for a change of limits, another certificate with a new Public Notice and auction would have to take place.

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Map 6: Positions of VC 08-01-52
Appendix 4

**MINEF Press communication of fines imposed**

References


5 Letter from the Minister to Global Witness, 30 May 2002


8 Introduction of the Minister to the Installation Ceremony of the Independent Observer (Global Witness), 12 July 2001

9 Speech of the GFBC at the Installation Ceremony of the Independent Observer (Global Witness), 12 July 2001


11 Global Witness report to the Special Commission d’Analyse des Offres pour l’Attribution des UFA, June 2001


16 Report not yet completed by MINEF


18 Collaboration within the framework of the study Etat des Lieux du Secteur Forestier au Cameroun, MINEF, EU, Nature & et al.


20 Project Campo Ma’an, Delimitation of UFA 09-025 and ACP 59, Annex to the report of the CFP for the project Campo Ma’an

21 Video footage 1st scoping mission, FMU 10-030, Global Witness, 10-030, July 2000


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“RGC Forest Policy & Practice — the Case for Positive Conditionality” published May 1996

“Corruption, War & Forest Policy — the Unsustainable Exploitation of Cambodia’s Forests” published February 1996

“Thai-Khmer Rouge Links & the Illegal Trade in Cambodia’s Timber” published July 1995

“Forests, Famine & War — the Key to Cambodia’s Future” published March 1995
Flooding caused by poor logging road construction. Villagers protested at the subsequent destruction of their plantations, Mindouma village, East Province, Cameroon.