

Global Witness

Independent Observer in Support of the

Application of the Law in the Cameroon

Forestry Sector

Independent Report No 006 En

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1 Introduction

A mission took place in Mekok, in the valley of Ntem (South Province) further to information noting irregularities around the Mekok Village, where a request for a community forest had been made by the local population.

The mission's objective was to verify allegations of illegal logging received from the Campo-Ma'an UTO¹.

2 Mission findings

2.1 Meeting with institutions concerned

2.1.1 Campo Ma'an Project Staff

Campo Ma'an Project staff indicated during the meeting that illegal logging seemed to be taking place in Mekok, using an *Autorisation de Récupération du Bois*² (ARB) with a 15 day period of validity. The river populations had allegedly received part of the profits from this operation

2.1.2 Meeting with Mekok Community.

The following findings were made during the meeting with the Executive Secretary of association of village populations GIC VICOMAN-Ebolowa and people from Mekok village:

* The Delegate of the association, Mr NGUEMA Ze Jean, also chief of village in Mekok, holds most of the administrative files of the Mekok village association GIC VICOMAN-Ebolowa.

* The request for a community forest has allegedly been handed to the Community Forestry Unit in the Direction of Forests on 24 February 2000. Before delivering any certification of reservation to the community, the administration allegedly requested it to complete its file with a simple management plan. On this basis, the community handed 4 copies of the simple management plan to the Ambam departmental delegation of the Ministry of Environment and Forests on 12 June 2001.

In July and August 2001, the logging companies Cameroon United Forest (CUF) and WIJMA (GWZ) allegedly carried out logging activities in Mekok, on the basis of an ARB for an area of 1000 ha and valid for a period of 15 days, due to expire on 15 July 2001.

At the end of their activities, these two companies allegedly declared having removed 2800 m³ of timber from the forest and given the community 1 400 000 FCFA on the

¹ Conservation Project

² *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

basis of the 1000 FCFA/m³ tax. Both companies allegedly promised to the community to start their logging activities again in mid-November 2001.

2.1.3. Meeting with the *Chef de Poste Forestier*³ de Ma'an.

The meeting established that:

- On 05 January 2000 CUF obtained a document from the Minister of Environment and Forests, authorising it to continue its activities in ARB n° 264 until 30 June 2000.
- On 29 June 2001, the Minister of Environment and Forests gave an *Autorisation Spéciale d'Enlèvement des Bois*⁴ (ASEB) to the Compagnie forestière de Kribi (CFK). This authorisation covered 737,144 m³ of timber felled by CUF. All the timber was to be removed by CUF before 15 June 2001

2.2 Field findings

- The stumps of felled timber on the site of ARB n° 264 and ASEB n° 2244 were not marked. For example, the stumps of Eyong, Ailé, Moabi, and Azobé respectively located at the GPS coordinates (E 703078 N 273736), (E 703128 N 273679), (E 704544 N 274234), do not carry legal marks.
- The GPS points taken also show that logging carried out by CUF north of the village was within the area proposed for the Mekok community forest. See GPS points at coordinates (E 709868 N 279581), (E 709901 N 279006), (E 709713 N 278629) and (E 709839 N 277243).
- CUF and CFK logged in the Forest Management Unit (FMU) 09 022, which has not yet been allocated. See GPS points at coordinates (E 704544 N274234) and (E 704788 N 274402).
- The proposition for the community forest is mainly located in FMU 09 022 (see map).

3 Observations

The mission observes that:

a) Logging carried out in Mekok by CUF and CFK can be considered illegal.

A thorough evaluation of this illegality and the shares of responsibility of each of these two companies involved requires an analysis of the terms of ARB No 264, which the mission was unable to obtain.

However, the following infractions can already be held:

- 1) Against CUF :
 - * Abandon of logs

By abandoning timber logged using the title ARB 264, CUF breached article 126 (1) of the Decree, which states that holders of forest logging titles are under the obligation to salvage all logs from felled trees, unless those deemed unusable by the administration of forests. The law (art. 156 and ss) does not provide for judiciary sanctions in relation to this infraction.

³ Forest control local official

⁴ Special authorisation to remove timber

The sanction that can be applied is stated in article 65 of the law that provides for administrative sanctions in case of violation of the law or any of its regulations.

* Non-marking of stumps

The law (art.156 and ss) does not provide for judiciary sanctions in relation to this infraction.

The sanction that can be applied is stated in article 65 of the law that provides for administrative sanctions in case of violation of the law or any of its regulations.

2) Against CFK

* Non-respect of the authorised quota. The quota of 737,144m³ granted to CFK has largely been exceeded. This company has declared removal of over 2800m³, which implies that it proceeded to new felling.

The sanctions that can be applied are judiciary and administrative:

The judge may, on the basis of Article 156 and 159 of the law, condemn CFK to:

- A fine of between 200.000 and 1.000.000 FCFA and/or imprisonment from one to six months. Sanctions may be cumulated.
- Damages and interests on timber logged illegally, calculated on the basis of the full market value of the concerned species.

The administration may inflict two types of sanctions to CFK.

The first is provided for in Article 65 of the law and concerns suspension or as the case may be withdrawal of the agreement or exploitation title granted to CFK.

The second is provided by the ASEB granted to CFK that stipulates that any irregularity or new felling leads to the immediate cancellation of the authorisation.

* Obstruction of logging road (see logging road No 3 on the appendix photo). No particular sanction is provided for in relation to this infraction. Article 65 however provides administrative sanctions for any infraction.

b) The file of request for the community forest by the villagers' association VICOMAN was neither put together nor followed up. The association indeed handed a file or request for a community forest but some documents required by law were not included. Although the Minister in charge of forests invited the association since 17 May 2000 (see letter n° 1664 to the VICOMAN association's delegate) to approach the local forest administration in order to complete the file, it has not done so to date.

c) An important part of this request of community forest is located in FMU 09 022. This means that even if the file had been put together with all the documents required by law, it would have been rejected as the chosen site is not conform to the law.

4 Conclusions and recommendations

La mission recommande that:

- 1- A control mission go to the field to investigate the different infractions and define the responsibilities of the companies involved. This mission should prepare all administrative documents relevant to forest exploitation in Mekok. It would gain from associating the Independent Observer to the mission, as it collected the first information.
- 2- A complete evaluation of the volumes and areas illegally logged;
- 3- The start by the Administration of procedures leading to the application of penal and civil sanctions stipulated in the law for each of these infractions. Seizing the court (Ebolowa Magistrate) or initiate a legal procedure with the competent authorities (Tribunal of Ebolowa)
- 4- Law enforcement by the Administration for all sanctions relevant to its competence;
- 5- A clarification of the current administrative situation and proposal of community forest of Mekok towards the concerned community.

FC Mekok et Exploitants CUF/CFK/Boitex, ARB No264.

