

Global Witness

Independent Observer in support of the

Application of the Law in the Cameroon

Forestry Sector

Independent Report No. 007En

Location: Dja and Lobo Department

Date of the mission: 06 February 2002

Title : Unallocated Forest Management Unit 09-009 and 09-010

Company concerned : COFA

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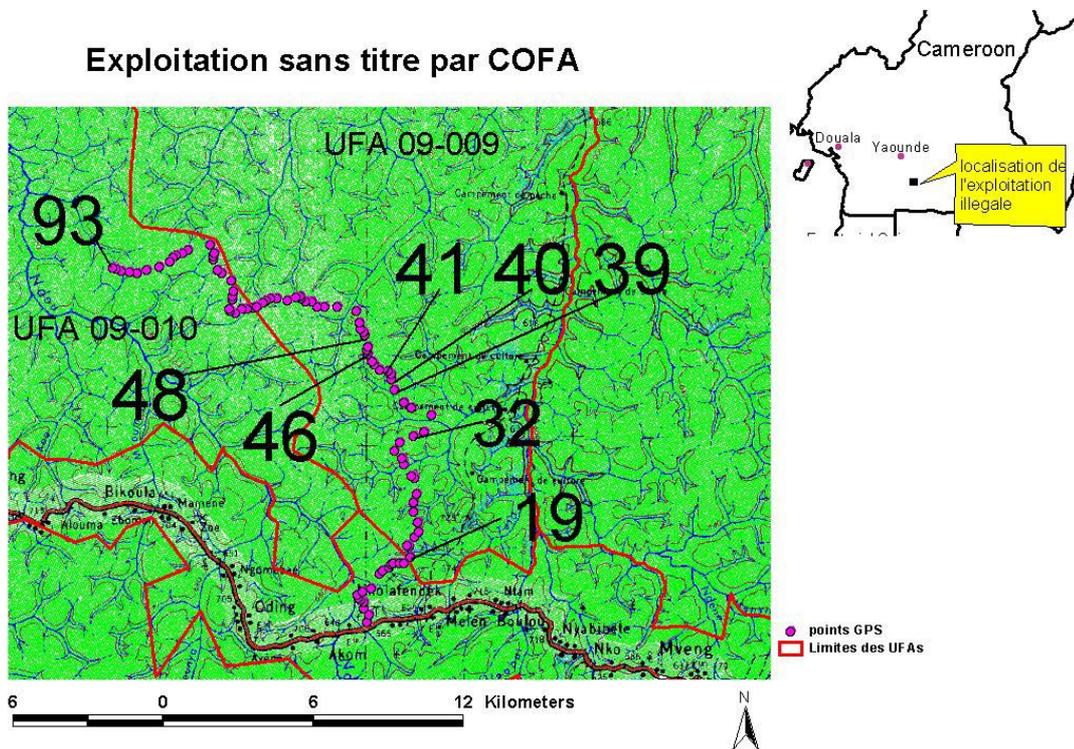
1 Introduction

The aim of the mission was to observe activities South of the Dja reserve. The choice of the site was made for two reasons: firstly as a follow up to the findings of a joint mission undertaken by the Ministry of Environment and Forests' Central Control Unit (CCU) and the Independent Observer (Global Witness) from 10 to 12 October 2002, and secondly further to the refusal by the CCU to lead a joint control mission in this site in July 2001 despite a request from the Independent Observer.

2 Field findings

2.1 Logging without title

The mission followed the road from Sangmélima to Djoum. The mission noted the entrance of several logging roads from the village of Nkolafendek, at GPS points 19, 46 and 32. Inside of the Forest Management Unit (FMU) 09-009, the mission found several evacuated and non-evacuated log ponds at GPS points 39, 40, 41, 46, 48 and 93 (see map).



Several logs were observed in the different log ponds. A log observed at point 93 had the following markings:

Titre	Log Number	Date inscribed on the stump
COFA, ARB ¹ 192	26301	12-01-2002

(see photo 1)



Photo 1: logs in log pond

In the log pond located at point 93 of the map, the mission observed two bulldozers (skidders) D10 and D7 coming out of the forest (see photo 2) and one fork. 2 logging trucks were observed along the visited forest roads, particularly at point 32 in the log pond.

¹ 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



Photo 2: Machines in action in the forest

The company identified as responsible for logging in the unallocated FMUs 09-009 and 09-010 is COFA. This information was confirmed by the head of exploitation and the workers that were asked on site. According to the mission's investigations, the person responsible for the logging is Mr Evina Akono Jean Jacques living in Sangmelima. Some illegal timber coming out of this area is evacuated towards Djoum for the SFID company sawmill and some towards Yaoundé for export by the company TIB.

The company COFA thus logged without a title in FMUs 09-009 and 09-010 by using its ARB 192 markings.

2.1.1 Infractions

The mission observes:

- That COFA exploited the permanent forest domain without a title
- That two types of sanctions apply to the exploitation without title of the permanent forest domain:

Judiciary sanctions, that are penal and civil:

- Penal sanctions : Article 156 of the 1994 Forest Law provides for a fine of between 200 000 and 1 000 000 FCFA and/or imprisonment from one to six months
- Civil sanctions : Articles 156 and 159 of the law provide for the allocation to the victim of the infraction of damages and interests calculated on the basis of the full current market value on the species logged illegally.

Administrative sanctions

Article 65 of the law stipulates that «Any breach of the provisions of this law or regulations passed in implementation thereof [...] shall entail suspensions or, in case of a repeat offence, withdrawal of the exploitation document or approval as the case may be, following the conditions laid down by decree». The dispositions stipulated in the decree are articles 130 and subsequent articles, and state that the suspension must be pronounced by the Minister in charge of forests, by a decision that shall state the reasons therefore and shall be notified to the offender. The act of suspension must specify its duration which shall not exceed six months. The suspension may only be lifted after cessation of what caused it. The withdrawal is pronounced as of right if the suspension is not lifted within the period mentioned.

- that pending further information on the infraction mentioned above, all conditions are already gathered in order to hold the following infractions against COFA:

2.1.2 Fraudulent marking of logs

Article 158 of the 1994 forest law applies to fraudulent marking of logs. COFA used fraudulent marking to avoid paying taxes on the concerned timber. The law stipulates 2 types of **sanctions**:

Judiciary sanctions, that are penal and civil

Article 158 provides for a fine of between 3 000 000 and 10 000 000 FCFA and/or imprisonment from one to three years.

As a civil matter, the timber marked fraudulently should be taken into account for the calculation of the amount of damages and interests that COFA should pay to the State.

Administrative sanctions

Article 65 of the law stipulates that: «Any breach of the provisions of this law or regulations passed in implementation thereof [...] shall entail suspensions or, in case of a repeat offence, withdrawal of the exploitation document or approval as the case may be, following the conditions laid down by decree». The dispositions stipulated by the decree are articles 130 and subsequent articles, and state that the suspension must be pronounced by the Minister in charge of forests, by a decision that shall state the reasons therefore and shall be notified to the offender. The act of suspension must specify its duration which shall not exceed six months. The suspension may only be lifted after cessation of what caused it. The withdrawal is pronounced as of right if the suspension is not lifted within the period mentioned.

2.1.3 Recommendations

- A control mission should go to the field in order to establish the various infractions.
- The administration of forests should lead an investigation in order to evaluate the exact volumes of timber illegally logged by COFA. This evaluation should take place as soon as possible, given the ongoing reconstitution of the forest cover. It should be followed by the instigation of different procedures that should lead to the application to COFA of the sanctions stipulated by the law.
- COFA should be sanctioned for the fraudulent use of its marks ARB 192.