

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

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

Report No. 054En

Joint Mission : Central Control Unit – Independent Observer

Title FMU 10 023
Location Boumba and Ngoko Department,
East Province
Mission date 22nd March, 2003
Companies SFCS, TTS, FCA

Independent Observer (Global Witness):

*Mr. Albert K. Barume, Deputy Director
Mr. Jean Cyrille Owada, Technical Assistant
Mr. Tangyie Ché Célestine, Driver*

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1. SUMMARY

The Central Control¹ Unit (CCU), accompanied by the Independent Observer (Global Witness), carried out a mission within the Forest Management Unit (FMU) 10 023 on the 22nd of March 2003. The mission was part of a routine control programme started on the 14th of March 2003.

Allocated to the company SFCS (Société Forestière de Commerce et de Service), this FMU is located in the Haut-Nyong Department, Ngato District, East Province.

FMU 10 023 is currently logged by the company TTS (Transformation Tropicale du Sud), beneficiary of a sub-contract with SFCS. A Judicial litigation bearing on this title however opposes SFCS to its former sub-contractor, the company FCA (Société Forestière Camerounais Associés), who alleges a violation of the terms of the contract formerly concluded between SFCS and itself.

The mission found this site in full activity despite information according to which a judicial decision had ordered a suspension of activities until the resolution of the judicial litigation between FCA and SFCS.

The mission also noted signs of an old exploitation beyond the limits of the Annual Cutting Permit (ACP) No.06. TTS alleges that these facts were perpetrated by the former sub-contractor and that a related litigation had been opened to the Provincial Delegation.

In relation to this mission, **the Independent Observer recommends:**

- The verification of the state of the litigation allegedly opened against FCA for exploitation beyond limits of ACP No.06;
- The verification of the state of the judicial procedure and the respect of interim measures of protection that may have been taken in this case.

¹ “Control” in the context of this report means “Law Enforcement” or to “check compliance with law”.

2. RESOURCES USED

- 1 4x4 pick-up truck
- 1 digital camera
- 1 video camera
- 2 GPS
- 1 laptop

3. COMPOSITION OF THE MISSION

The mission was composed of Mrs. Essono Danièle and Mr. Mamene Pierre Marcel, CCU controllers; Mr. Afene Obam James, civil servant of the Direction of Forests; the Head of the forest law enforcement East Province Brigade, the head of the Boumba and Ngoko forest section and two members of the Independent Observer technical team.

4. CONSTRAINTS

Fourteen days proved insufficient to cover all the titles undergoing exploitation in the East province. The seizure of the Independent Observer's videocassette by the company Ingénierie Forestière (See Independent Observer Report No. 055En) seriously reduced the capacity for action of the Independent Observer.

5. RESULTS OF THE MISSION

5.1 Summary of the case

FMU 10 023 is allocated to SFCS, who subcontracted it to the FCA for several years. Some years later, SFCS changed sub-contractor to the profit of TTS (see Appendix). FCA alleges to the tribunal that the SFCS-TTS sub-contract violates the terms of its contract with SFCS.

5.2 Signs of an old exploitation beyond the limits of this ACP

The mission noted signs of an old exploitation beyond the limits of the Annual Cutting Permit at GPS (Global Positioning System) points:

N 3.17520°
E 14.82633°

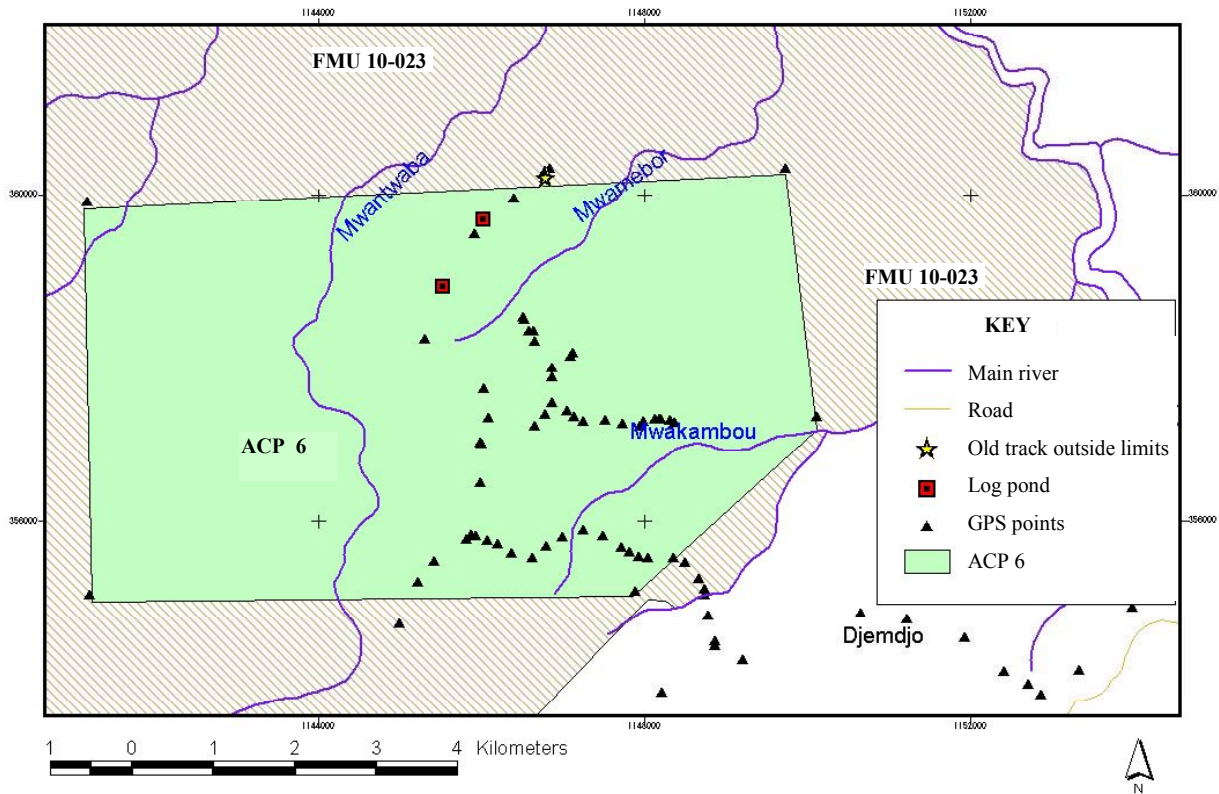
The photo below indeed confirms that an exploitation road had been opened beyond the limits of ACP No.06.

Photo : Exploitation Road beyond the limits of the ACP

(The photo referenced here is contained in the Independent Observer videotape seized by the company Ingénierie Forestière, see *Independent Observer Report No. 055En*)

Map: ACP No.06 of FMU 10 023

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TTS' head of exploitation alleged that this exploitation beyond the limits of the ACP was carried out by FCA, former sub-contractor of SFCS. He also informed the mission that a litigation related to this exploitation outside the law had been opened at the level of the Provincial Delegation. This allegation, confirmed by the head of the Yokadouma Forest Section, seems plausible, given that TTS only started its exploitation activities one month prior to the passage of the mission.

The Independent Observer noted that the ACP 06 site was in activity at the date of the passage of the mission. Machines and workers were present on the mentioned site. Felling was even ongoing.

According to certain information gathered in the field, a judicial decision allegedly ordered the suspension of activities until the judicial litigation between FCA and SFCS was resolved. The mission could not tie up this information, but if this is established, the ongoing exploitation within this Forest Unit would be illegal.

6. CONCLUSIONS AND RECOMMENDATIONS

The mission found this site in full activity despite certain information, according to which a judicial decision allegedly ordered a suspension of activities until the resolution of the litigation between FCA and SFCS.

The mission also noted signs of an old exploitation beyond the limits of ACP No.06. TTS alleges that these facts were perpetrated by the former sub-contractor and that a related litigation had been opened to the Provincial Delegation.

In relation to this mission, the **Independent Observer recommends:**

- The verification of the state of the litigation allegedly opened against FCA for exploitation beyond limits of ACP No.06;
- The verification of the state of the judicial procedure and the respect of interim measures of protection that may have been taken in this case.

APPENDIX

Appendix 1

MINISTERE DE L'ENVIRONNEMENT
ET DES FORETS

MINISTRY OF ENVIRONMENT
AND FORESTRY

DIRECTION DES FORETS

SDAFE

SAG

REPUBLIQUE DU CAMEROUN
Paix-Travail-Patrie

REPUBLIC OF CAMEROON
Peace-Work-Fatherland

FORESTRY DEPARTMENT

YAOUNDE, le 26 OCT. 2001

N° 3700 /N/MINEF/DF/SDAFF

Réf. L. du 05.10.01.

LE MINISTRE DE L'ENVIRONNEMENT ET DES FORETS

OBJET : Approbation contrat de partenariat.

A
MONSIEUR DIRECTEUR DE LA
SOCIETE FORESTIERE DE
COMMERCE ET SERVICES (SFCS)
B.P. 6912 YAOUNDE

YAOUNDE

Monsieur le Directeur,

Faisant suite à votre lettre citée en référence, relative à l'objet repris en marge, et en application des dispositions de l'article 140 du Décret n° 95/531/PM du 23 août 1995 fixant les modalités d'application du Régime des Forêts,

J'ai l'honneur de marquer mon accord pour le contrat de partenariat signé entre votre société et la Société de Transformation Tropicale du Sud (TTS SARL) B.P. 250 ESEKA en vue de l'exploitation de l'UFA n° 10.023 à vous attribuée, localisée dans le Département de YOKADOUMA.

Par ailleurs, je tiens à vous rappeler que vous demeurez l'unique responsable vis-à-vis de l'Administration chargée des Forêts de la bonne exécution de vos obligations.

Veuillez agréer, Monsieur le Directeur, l'assurance de ma considération distinguée./-



Le Ministre de l'Environnement
et des Forêts