

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

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

Report of the Independent Observer

No. 096En

Central Control Unit – Independent Observer Joint Mission

Title	Sawmill IngF Lomié
Location	Lomié, Haut-Nyong Division, East Province
Mission date	13 May 2004
Company	Ingénierie Forestière

Independent Observer Team (Global Witness):

*Mr Robinson DJEUKAM, Legal Consultant
Mr Serge C. MOUKOURI, Technical Assistant
Mr MANJO Joshua SAFEH, Driver*

TABLE OF CONTENTS

1. EXECUTIVE SUMMARY	1
2. RESOURCES USED	2
3. COMPOSITION OF THE MISSION	2
4. CONSTRAINTS	2
5. RESULTS OF THE MISSION	2
5.1 Brief history of the IngF Lomie sawmill	2
5.2 Official marking (of logs)	2
5.3 Non-presentation of documents	3
6. CONCLUSIONS AND RECOMMENDATIONS	3

1. EXECUTIVE SUMMARY

The Central Control Unit (CCU), accompanied by the Independent Observer (Global Witness), carried out a control mission to the wood processing unit of the Ingénierie Forestière (IngF) company, located in Lomie, Haut Nyong Division, on 13 May 2004. The mission was part of a routine control programme started on 6 May 2004.

This processing unit was bought from the Société Forestière Hazim (SFH) by IngF in 2003 for the processing of part of the timber extracted in the Forest Management Units 10 020 and 10 022 allocated to the companies IngF and Société Forestière et Industrielle du Wouri (SFIW), respectively.

The Independent Observer made the following observations:

- Most of the logs found in the timber yard of IngF's sawmill originating from FMU 10 020 and 10 022 - within the area of competence of the Messok Local Forestry Post - bear marks of the official marking hammer No.409 of the Head of the Local Forestry Post (HFP) of Lomie instead of those of No.36 of the Messok HFP.

None of the counterfoils of the "Factory Entry" documents nor bills of lading for the months preceding May could be presented to the mission by the official sawmill staff.

At the end of this segment of the mission, the CCU Head of Mission reminded the sawmill officials that failure to present documents constitutes an offence. However, on arguing that control missions also involve an element of sensitisation, the CCU Head of Mission did not establish an Official Statement of Offence.

The Independent Observer does not share this view, since sanctions constitute part of sensitisation, and, therefore **recommends**:

- Summoning the officials of the companies IngF and SFIW for hearings addressing the transportation of logs not bearing regulatory marks;
- Summoning officials of the IngF sawmill for hearings addressing their failure to present counterfoils of "Factory Entry" documents and bills of lading.

2. RESOURCES USED

- 1 Toyota Land Cruiser
- 2 GPS
- 1 Laptop computer

3. COMPOSITION OF THE MISSION

The mission consisted of Mr. MOUKOURI and Mr. DJEUKAM of the Independent Observer team, Mrs. ESSONO and Mrs. NDZANA as well as Mr. NECKMEN of the CCU, Mr. BIKIE of the IT Unit of MINEF, and included the representative of the Divisional Delegate of the Environment and Forests (DDEF) of Haut Nyong and the Lomie Head of Local Forestry Post (HFP).

4. CONSTRAINTS

The mission experienced no constraints.

5. RESULTS OF THE MISSION

5.1 Brief history of the IngF Lomie sawmill

Before being bought by the company Ingénierie Forestière (IngF), the Lomie sawmills belonged to the Hazim Group under the name “Scierie SFH”. Following the suspension of the Société d'Exploitation Forestière (SFH) as a protective measure taken as part of the litigation on illegal logging perpetrated in Forest Management Unit (FMU) 10 030, the SFH sawmill closed down. IngF, the acquiring company of the defunct SFH sawmill retained most of the former workers.

5.2 Official marking (of logs)

Logs stored in the timber yard of the IngF Lomie sawmill originated from FMU 10 020 and 10 022. Because of inaccessibility from the Yokadouma Sub-Division, in whose administrative jurisdiction the title falls, it is under control of the Messok Local Forestry Post. However, most of the concerned logs bore the marks of official marking hammer No. 409 belonging to the Lomie Local Forestry Post, in whose area of competence the sawmill is located, instead of those of marking hammer No.36 of the Messok Local Forestry Post. Consequently, the mission concluded that these logs were not marked before removal from the forest as prescribed by existing rules and regulations.

In conclusion, it appears that the Head of the Local Forestry Post of Lomie applied his marking hammer on timber not extracted within his area of competence. By doing so, the Lomie HFP exceeded his authority, resulting in the marking to be rendered null and void. Thus, the companies IngF and SFIW, holders of certificates of origin of these logs, committed a breach of law by transporting timber not bearing the statutory marking hammer's marks. This omission violates the provisions of Article 127 of the Decree of 23 August 1995 and is punishable by the provisions of Articles 65 and 142 of the Law of 20 January 1994. The Law clearly stipulates that no log must leave the forest without the stamps of the official marking hammer (belonging to the relevant MINEF agents).

5.3 Non-presentation of documents

“Factory Entry” documents and bills of lading for logs entering sawmills are obligatory documents in the management of timber processing units. In the case of the IngF Lomie sawmill, these documents were not available when the mission conducted its inspection. The administrative manager of the saw mill claimed that these documents had been transferred to the company’s Head Office for filing. This explanation is not satisfactory; the document forms are produced in such a way that the factory management is able to keep the counterfoil from which the copy is made. Failure to present these documents during control missions constitutes an offence punishable in accordance with Forestry law.

6. CONCLUSIONS AND RECOMMENDATIONS

The Independent Observer concluded that timber bearing no marks of the official marking hammer had been transported. The Independent Observer also noted irregularities in regard to documentation – no counterfoils of “Factory Entry” documents or bills of lading for the months preceding May could be presented. These violations of law noted by the CCU did not result in the establishment of an Official Statement of Offence. This is because the CCU maintained that the mission had to include an element of sensitisation.

While acknowledging that sensitisation should be part of a control mission, **the Independent Observer recommends:**

- Summoning the officials of the companies IngF and SFIW for hearings addressing the transportation of logs not bearing regulatory marks;
- Summoning officials of the IngF sawmill for hearings addressing their failure to present counterfoils of “Factory Entry” documents and bills of lading.