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# Forest Law Enforcement in Cameroon

*2nd Summary Report of  
the Independent Observer  
December 2001 - June 2003*



A Report by Global Witness. *October 2003*

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.

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published July 1995

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published March 1995

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## Abbreviations and Glossary

<b>ACP</b>	Annual Cutting Permit. Annual area of exploitation within a FMU (1/30th of the FMU surface area)
<b>CCU</b>	Central Control Unit, central law enforcement service unit within MINEF
<b>CF</b>	Community Forest
<b>CFU</b>	Community Forestry Unit
<b>CIDA</b>	Canadian International Development Agency
<b>CMMS</b>	Control Mission Monitoring System
<b>CTS</b>	Case Tracking System
<b>DF10</b>	Documentation detailing specification (volume, species, diameter) of wood extracted from the forest for a valid title
<b>DfID</b>	UK Department for International Development
<b>External services</b>	Provincially-based services for monitoring forest law enforcement
<b>FESP</b>	Forest and Environment Sector Programme
<b>FMU</b>	Forest Management Unit. Logging permit comprising several forest exploitation units. These units are usually logged in a 30-year period according to a rota system allowing a minimum degree of forest regeneration
<b>FRSP</b>	Forestry Revenue Securement Programme
<b>GCI</b>	Group of Common Initiative
<b>GIS</b>	Geographic Information System. GIS is a computer mapping system capable of assembling, storing, manipulating, and displaying geographically referenced information, i.e. data identified according to their locations
<b>GPS</b>	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
<b>GTZ</b>	Gesellschaft für Technische Zusammenarbeit is a development agency owned by the German government
<b>MINEF</b>	Ministry of the Environment and Forests
<b>NGO</b>	Non-Governmental Organisation
<b>PHRD</b>	Policy and Human Resources Development Fund
<b>Official statement of offence</b>	A Statement registering an infraction, written by a MINEF official in the field upon note of an infraction and countersigned by a representative of the company responsible. A Legal procedure starts on the basis of this document, even if the company representative refused to sign it
<b>SCAC</b>	Service de Coopération et d'Action Culturelle, Department of cooperation and cultural activities of the French Embassy
<b>SDFIM</b>	Sub-Direction of Forest Inventories and Management
<b>SFDF</b>	Special Forestry Development Fund
<b>SGS</b>	Société Générale de Surveillance. Monitoring organisation
<b>SIGIF</b>	Système Informatique de Gestion d'Informations Forestières. Computerised Forest Management Information System. Part of the Program of Sustainable Management of Cameroonian forests (GDFC)
<b>SMP</b>	Simple Management Plan
<b>SPA</b>	Sale by Public Auction
<b>SSV</b>	Sale of Standing Volume authorising the exploitation, for a fixed period of a maximum of three years, of a precise volume of standing timber from a limited area (2500ha) which may not exceed the annual logging potential
<b>TRP</b>	Timber Recovery Permit: Authorisation to salvage timber cut in the context of a development activity
<b>TRSA</b>	Timber Recovery Special Authorisation

# I Conclusions and Recommendations

## Conclusions

## Recommendations

### Objectivity of Control

#### *Mission planning*

There is still resistance to the inclusion of the Independent Observer in mission planning and also to covering all titles.

Ensure that responsibility for the organisation of the mission planning process is clear and that the task is completed as per the Project Terms of Reference in the presence of the Independent Observer.

A large number of cases have not been investigated despite the provision of information on illegal activities by civil society or the Independent Observer.

Missions requested by the Independent Observer and civil society should be included in the mission plan or incorporated when the CCU is in the vicinity of the title.

#### *Mission preparation*

Preparation of missions is hampered by the poor access to title documentation. Punctuality of departure has improved but much time is lost in the field due to poor preparation.

Title information should be available to all law enforcement officers and the Independent Observer, including the maps of SSVs, CFs, FMUs and their respective ACP titles. Periods of validity, beneficiaries and subcontractors should also be included in the publication of title information.

#### *Mission execution*

Insufficient time is spent in the field to undertake serious investigative work.

Field officers should be given more time to investigate in the field; missions should comprise legal, as well as technical forestry expertise.

Procedure is often not consistently applied leading to a bias against/in favour of selected companies.

Cases such as FMU 09 009, 09 010, 09 007 and other locations suspected to have been logged illegally should be investigated immediately.

The security of both MINEF and Independent Observer staff has been threatened in the field with little official action being taken against those concerned.

Threats to staff of the independent Observer or MINEF agents should be pursued by the administration.

### Transparency of Control

#### *Access to information*

Access to mapping data in SDFIM has not improved. This is the department where the least progress in transparency has been achieved.

All title information including map data and dates of validity should be published locally and internationally to prevent the opportunities for fraud. This should include provisional conventions and definitive conventions for FMUs and other titles

Lack of transparency in the allocation and registration of titles undermines investigations of the legality of logging activities.

A review of all information within the SIGIF system should be undertaken including the legality of titles registered in the system to eliminate existing, but fraudulently allocated titles. This should be undertaken by MINEF in the presence of the Independent Observer in support of Law Enforcement as well as the Independent Observer of Allocations.

Information within the SIGIF system remains difficult to access. There is also little use of the system by the administration for law enforcement purposes.

Other information within the SIGIF system should be used systematically for the application of sanctions such as the non-registration of production data (DF<sub>IOS</sub>).

The allocation procedure of FMUs is not transparent or systematic, there is a lack of consistency and transparency in the allocation process which hinders the effective implementation of the Project of independent observation in support of law enforcement.

Clarification and publication of the full allocation procedure should be undertaken and all allocated FMUs reviewed against this procedure to determine if they have been allocated according to procedure.

#### *Access to procedure following field missions*

A number of interviews have been undertaken in the absence of the Independent Observer, potentially restricting observation of the progress on certain cases.

As stated in the Terms of Reference of the Project, copies of notifications should be given to the Independent Observer for all interviews of potential offenders to give it the opportunity to observe the process.

The method for determining the levels of fines is not transparent.

The committee established in 2002 to define the methodology for the fines and damages should be called to complete its work and report.



## Conclusions

### *Publication of the Independent Observers' reports*

Considerable progress has been made in the meetings of the Reading Committee. Punctuality has increased and procedure in the meetings has been improved.

### *Publication by the Government of cases in process*

In August 2003 a further list of breaches of the forest law were published. Publication remains ad hoc however, rather than systematic and transparent in timing. The list itself highlights problems in MINEF and is a sign of limited progress.

## Recommendations

Regular meetings of the Reading Committee should be continued and publication should be extended to include action taken on the basis of CCU and Independent Observer reports.

The publication of infractions information should be a matter of course. It should present full details of all cases recorded, which it currently does not, including specific titles concerned, sawmill locations and all official statements of offence. The information could be presented monthly in the national press.

## Strengthen the operational capacity

### *Application of procedures*

Though considerable knowledge of procedures exists within MINEF, the different departments are not working together as a whole to achieve the law enforcement function.

The completed 'Legal Guide for the Control of Forest Activities in Cameroon' should be published. Publication of other control and administrative procedures also needs to be undertaken by MINEF. Subsequent to a review of employment procedure in MINEF, training needs should be assessed and provided on a systematic basis. Training to MINEF enforcement services should be provided in the use of appropriate technology in the field, report writing and investigative methodologies.

## Clarifications in control methods

### *Clarification in control methods, the role of the different players in forest monitoring and a precise reference list of offences and sanctions*

A 'Legal Guide for the Control of Forest Activities in Cameroon' was drafted in 2002 and finalised in early 2003. Despite being sent to the Minister of the Environment and Forests for approval in February, no response has been received.

MINEF, having made considerable input to the writing of the 'Guide', should consider approval of the text so that it can be distributed as planned.

## Monitor implementation of recommendations... from the CCU's control missions

### *Official statements of offence and internal administrative sanctions*

The issuing of official statements of offence and prosecutions for illegal logging have increased since the beginning of the Project. Despite this, significant cases of illegal logging, such as in FMU 10 029 and 10 030, remain unresolved.

A working group should be established to devise and put in place a Case Tracking System as soon as possible and the procedure for the administration of legal cases to be applied through the system. The capacity of the Legal Unit within MINEF should be increased.

There is excessive delay in the notification of official statements of offence and their notifications which prevents law enforcement progress.

Delays in the establishment of official statements of offence and their notification to companies should be reduced through application of existing procedure by the MINEF legal unit.

Access to official statements of offence written by External services is not currently provided to the Independent Observer.

External services' periodic reports should be provided to members of the Reading Committee. This will allow the follow-up of the missions and official statements of offence issued at those levels.

Internal sanctions against staff found breaching procedure do not appear to be applied.

MINEF officials found to have breached existing procedures should be subjected to the administrative sanctions available. Actions should be documented and publicised.

### *Recovery of fines*

There is no method of independent verification of the method for establishing the amount of fines, or their payment.

The Case Tracking System should include monitoring of the steps undertaken to establish the level of fines, the method used and supporting documentation. It should also extend to the verification of the payment of fines.



The CCU carries out a mission in FMU 08 004, in the presence of the Independent Observer.

## 2 Executive Summary

**T**HE PROJECT of Independent Observation in Support of Forest Law Enforcement in Cameroon was established in May 2001, at the request of the Government. Its aim is to improve governance and transparency in the forest sector, which has been acknowledged to be seriously affected by corruption and poor practices. The international NGO Global Witness<sup>1</sup> carried out two scoping missions in Cameroon and was officially appointed Independent Observer in May 2002 for up to three years until an international bid takes place to fulfil the post. The Terms of Reference of the Project, which form part of the contract between the two parties, define the objectives, mandate and activities of the Independent Observer.

Those involved in the reform of the forest sector expected that several hurdles would have to be overcome in a logical order for real progress to be made. An initial period of three years of Independent Observation was thus envisioned with a view to a longer term project.

As a priority, the Independent Observer tackled the problem of access to information concerning valid logging titles in order to determine the location and scale of illegal logging.

Once this access was achieved, the detailed documentation of minor and major cases of illegal logging was carried out despite constraints and obstructions from those involved. The Independent Observer undertook this task on its own as well as in joint missions with forest law enforcement services. Comparing findings of the field missions allowed the

Independent Observer and the international donor community to assess the will of MINEF to control<sup>ii</sup> infractions. Support was given by sharing investigation and documentation techniques.

The Independent Observer encouraged the publication of data gathered in ministries and in the forest, exposing illegal practices in the private sector and administrative collusion.

Despite facing serious obstacles, during the first two years of work the Independent Observer attained greater access to documentation, completed 35 field missions documenting in detail major and minor infractions, and published all related reports.

Some progress has been made in the undertaking of field missions. This achievement has uncovered significant illegal logging activities that are now more exposed in Cameroon than in neighbouring countries. Cameroon now faces its toughest challenge yet to make this exposure worthwhile: the pursuit of these cases to their legal resolution and to recover significant losses to the national Treasury<sup>1</sup>. Results in this regard have been disappointing, with no resolution of major cases and fines often disproportionate to the level of damage caused.

Additional obstructions can be expected as progress is made in further steps of the law enforcement process. If these obstructions are tackled and meaningful sanctions are applied, Cameroon could be viewed as an example for the Congo Basin region. However, failure to sanction companies appropriately following detailed documentation of infractions could raise serious questions concerning MINEF's commitment to improve governance.

Cameroon should now pursue the resolution of cases of illegality in the forest sector and the application of sanctions. Regression, however, remains a serious threat to achieving the aims of the Project. Watering down of the current Terms of Reference could lead to such a regression.

<sup>1</sup> Global Witness is referred to as 'the Independent Observer' throughout this report.

<sup>ii</sup> The term 'control' is also used throughout the report and means 'Forest Law Enforcement' or 'to check compliance with law'



### 3 Introduction

## Overview of the Project of Independent Observation in Support of Forest Law Enforcement

**T**HIS REPORT is the second report of the Independent Observer of Forest Law Enforcement in Cameroon<sup>2</sup> and covers the period from December 2001 to June 2003.

Its structure closely follows that of the Terms of Reference of the Project<sup>3</sup>. Progress made toward achieving the Project's objectives is thus reviewed on the basis of results indicating how well the Independent Observer's mandate has functioned or not, and the details of its activities.

The Project of 'Independent Observation in support of Forest Law Enforcement' was conceived and implemented in recognition of the fact that illegal and unsustainable forest exploitation posed a serious problem in Cameroon. Lack of governance in the sector was damaging the development options for Cameroon, the sector was making little demonstrable contribution to poverty alleviation and the rights of local and indigenous peoples were being undermined. Even national parks were affected by illegal logging and overall hundreds of millions of dollars of revenue were being lost to the State through the non-payment of taxes and other illegal practices<sup>4</sup>.

In response to this dilemma, a partnership approach was adopted to tackle both corruption within the Ministry of Environment and Forests (MINEF) in Cameroon and illegal practices in the private sector. The Government engaged an international NGO with experience of monitoring forest sector operations to work in the forest alongside MINEF officials in the surveillance of logging and other forest sector operations.

The Project should also be placed in the wider context of international trade regulations by which illegally sourced timber is becoming less acceptable. The Cameroon Government's crackdown on administrative fraud and imposition of more stringent penalties on illegal private sector operators would clean up the sector and maintain its viability in a trade framework that increasingly discriminates against illegal practices.

Two scoping missions in 2000 served to refine field methodology and working practices. In May 2002,

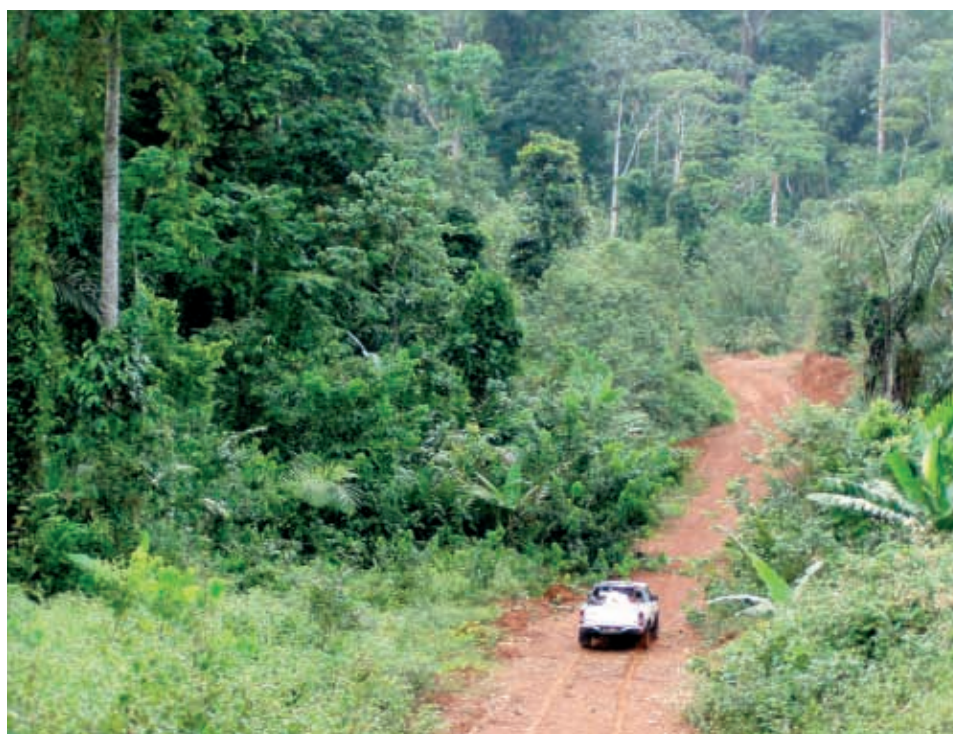
MINEF, along with members of the international community<sup>5</sup> and Global Witness, agreed to a long-term project with new Terms of Reference.<sup>6</sup>

The Project supports an action-orientated approach in the field, based on consultation between representatives of the Government, industry and civil society. The Independent Observer works closely with MINEF law enforcement services to prepare missions, carry them out and follow up actions. It is primarily associated with the Central Control Unit (CCU), but also works with MINEF External services and concerned departments. All field reports documenting illegal forest activities are reviewed by members of a Reading Committee. Those produced by the Independent Observer are subsequently placed on Global Witness' website in order to increase transparency in the law enforcement process, whilst those produced by law enforcement services are the basis on which the Project monitors administrative and judicial procedures initiated (or not).

In Cameroon, Global Witness has four technical staff, including two nationally-qualified foresters. The Cameroon office receives support from the Global Witness UK office. The Independent Observer provides technical support to MINEF by employing modern technologies to document suspected illegal logging activity, such as Global Positioning Systems (GPS), in conjunction with Geographic Information System (GIS) software and video and photographic documentation tools.

By introducing transparency in the forest sector, the Project partners hope to promote law enforcement in an equal manner on all breaches of the 1994 forest law and supporting decrees.

A joint mission investigates logging beyond the limits of SSV 09 02 56.





Marking of logs with an official hammer in FMU 08 004.

## 4 Objectives of the Project: Progress Review

**T**HE PROJECT of 'Independent Observation in Support of Forest Law Enforcement' has four main objectives which are specified in the Terms of Reference and are quoted in the headings below. A progress review of activities in relation to each of those objectives is made and followed by a section reporting on overarching obstacles to project implementation, including project financing and threats made to the Independent Observer staff.

### Objective:

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.

All reports of the Independent Observer have been published.<sup>7</sup> This represents a considerable increase in transparency to the forest law enforcement process in Cameroon and introduces greater accountability amongst the responsible services. Action or lack of action taken on the basis of these reports requires careful consideration. (See Table 1 opposite.)

### Objectivity of Control

Activities for testing the objectivity of investigation and law enforcement missions include:

#### *Mission Planning:*

Since the beginning of its mandate, as a general rule the Independent Observer has noted that investigation of certain areas or of exploitation titles generates more reluctance from forest law enforcement services than others. Significantly, there has been a persistent cancellation of meetings previewed<sup>3</sup> to take place quarterly to plan investigative missions for the CCU teams. A systematic approach to mission planning would eliminate potential opportunities for corruption such as the protection from inspection of certain companies by either financial or political means.

The Independent Observer, in support of the CCU and in order to make progress on this activity, eventually drafted a mission plan. However, the plan was finalised without the presence and input of the Independent Observer, even though it is specifically mandated and under contractual obligation to participate in this activity. In their approach, the CCU and other departments have thus shown a persistent lack of cooperation with the implementation of this aspect of the Project.

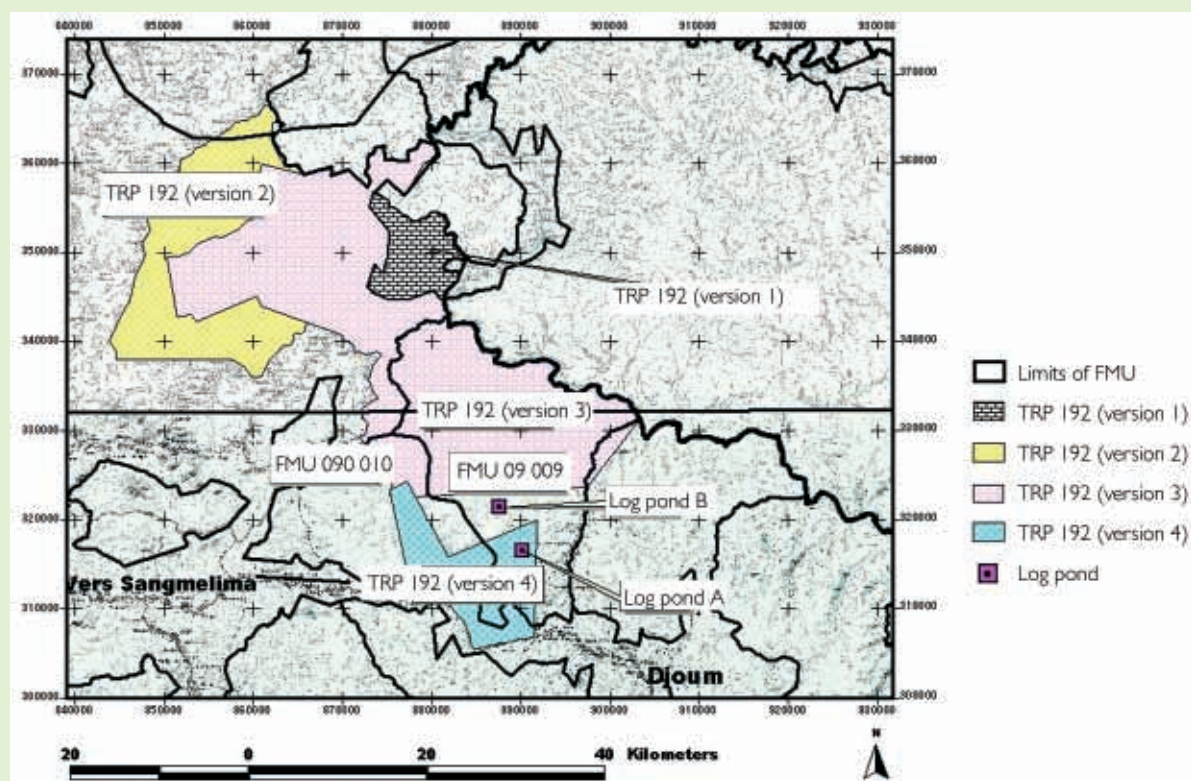
The risk attached to lack of transparency in mission planning is illustrated by one suggestion put forward by the CCU in early and inconclusive meetings: the CCU, during the discussions, suggested the exclusion of all unallocated FMUs from the investigation schedule, on the grounds that there was no need to investigate where the title was not allocated. Given that the two largest cases of illegal



Table 1: Mission Reports of the Independent Observer<sup>8</sup>

Date of mission	Report no	Titles	Companies
23.05.03	065	SSV 11 06 13	PMF WOOD,TRC
14.04.03	064	SSV 09 02 56	SETBC
07.05.03	063	SSV 07 03 37	SFIM
23.04.03	062	FMU 09 005b	SOCIB, SFID
22.04.03	061	FMU 09 006	SFF
16.04.03	060	FMU 09 024	HFC
17.04.03	059	None	MMG
24.05.03	058	SSV 10 06 12	SEPFCO,TRC
26-29.03.03	057	FMU 10 046	SCTB
25.03.03	056	SSV 10 03 70	NK
24.03.03	055	FMU 10 057	Ingénierie Forestière
22.03.03	054	FMU 10 023	SFCS,TTS, FCA
21.03.03	053	FMU 10 001 FMU 10 002 FMU 10 003 FMU 10 004	CFC
20.03.03	052	FMU 10 010	SEFAC
19.03.03	051	FMU 10 009	SEBAC
19.03.03	050	FMU 10 012	SEFAC
18.03.03	049	FMU 10 064	Filière Bois
17.03.03	048	FMU 10 013	CFE
15.03.03	047	SSV 10 02 104	FIAM
15.03.03	046	FMU 10 061	PLACAM
27.03.03	045	None	TTS
27.03.03	044	SSV 08 06 69	PLACAM
26.03.03	043	FMU 08 006	SFB,TTS
25-26.03.03	042	FMU 08 009	INC,TIB, SIM
26.03.03	041	GCI AJAM Community Forest	GCI AJAM,TIB
21.03.03	040	None	SFH-SNT
19-21.03.03	039	None	None
18.03.03	038	GCI AJAM Community Forest	B.A.O. SARL, GCI AJAM
18.03.03	037	Tsongo Community Forest	GCI FC Tsongo, Ets Flamboyant
18.03.03	036	GCI NYAM	GCI NYAM
17-19.02.03	035	TRSA 1287 (PB 0294)	SNG
04-05.02.03	034	FMU 09 017	FIPCAM
04-05.02.03	033	SSV 09 02 132	WIJMA
03-05.12.02	032	TRSA 2252	ETS Z.A.
03-05.12.02	031	SSV 11 06 28	ENJC, PMF-Wood
27-29.11.02	030	TRSA 1230	GRUMEX
04-06.11.02	029	SSV 11 06 13	GCI-NDECUDA, PMF-Wood
09-10.10.02	028	SSV 11 06 28	ENJC
20-21.09.02	027	None	GCI Nyanzom, IBC

12-17.08.02	026	Community Forest	None
12-17.08.02	025	SSV 10 02 24	PALLISCO
10-12.08.02	024	PB 1086	SETBC, CIBEC
30.07-02.08.02	023	FMU 09 004B	COFA
30.07.02.08.02	022	FMU 09 009, FMU 09 010	COFA, SFB, SFID, SIBM, TIB, Ingénierie Forestière
22-28.07.02	021	TRSA 1230	GRUMEX
22-28.07.02	020	SSV 10 02 95	SSCTM
22-28.07.02	019	SSV 10 02 90	SSCTM
22-28.07.02	018	Deng-Deng Forest Reserve	None
17-21.07.02	017	FMU 10 057	MBENG GUSTAVE, SFH
16.07.02	016	None	EFAP
15.07.02	015	None	OKOLA Forestry Post
26-27.06.02	014	FMU 10 029 FMU 10 030 SSV 02 24	SFH, PALLISCO, SFDB
24.07.02	013a	ACP 02 FMU 10 026	ALPICAM
28-31.05.02	013	FMU 10 026 FMU 10 052	ALPICAM, SOTREF
24-27.04.02	012	TRSA	STIK (WIJMA), SSCTM
08-15.04.02	011	SSV 10 02 81, FMU 10 003, FMU 10 020, FMU 10 022, FMU 10 026, FMU 10 029,ACP 23	PALLISCO, ASSENE KKOU, SFDB, SFIW, INGENIERIE FORESTIERE, SFH,ALPICAM, CFC
20.03.02	010	SSV 09 02 132	WIJMA
21-23.02.02	009	SSV 09 02 132	WIJMA
22.02.02	008	FMU 09 021	COFA
06.02.02	007	FMU 09 009, TRP 192	COFA
10-14.10.01	006	TRP 264, TRSA 2244, FMU 09 022	CUF, WIJMA, CFK
18-20.09.01	005	ACP 03, FMU 08 006, FMU 08 009	INC, SFB
08-09.08.01	004	TRP 288	ONY-BROSS, MMG, EIL
09-10.08.01	003	SSV 08 01 52	EQUIBAT RANY BOIS
16-29.07.01	002	VEP,ACP No.02, ACP No.04, ACP No.08, FMU 09 003 FMU 09 004B, FMU 09 006 SSV 09 04 127, SSV 09 02 132, TRP 511	SIBM, COFA, Bois 200, FANGA, SOFAC, LOREMA, SFID, Ingénierie Forestière, GWZ, SOFOPETRA
04-06.07.01	001	Bosquet Community Forest, SSV 10 02 81, FMU 10 020, FMU 10 022, FMU 10 029	SEBC, ASSENE NKOU, SFH
26-27.06.01	000	TRP 022,TRP 027	PANAGIOTIS MARELIS



Map 1: Relative position of all the versions of TRP 192

## Case Study 1: TRP 192

Investigation of the use of the Timber Recovery Permit (TRP) 192, which was allocated to the company COFA, reveals a breakdown in the law enforcement process.

This single case seriously undermines any apparent progress achieved by the Project overall, considering the negative official reaction to any attempt to document the case in compliance with the Independent Observer's contractual duties, the succeeding failure to initiate legal prosecution despite ample factual evidence gathered since 2000, and the Independent Observer's unanswered requests to carry out official documenting missions. This case (see report 022 for full details) is related to the logging of unallocated FMU 09 009 and 09 010 illegally using the title and supporting paperwork of TRP 192 allocated to the company COFA.

By law, TRP titles are only valid for an area of 1,000 ha and are only granted for the recovery of timber cut for the sake of a given economic or development project. The Independent Observer found four different maps with the MINEF stamp related to the limits of this title's area, covering a total of nearly 130,000 ha (see map below). Some of the multiple limits overlap with areas reserved for Community Forests and the FMUs established by the Land Use Zoning Plan for Cameroon. This itself shows dysfunctions in the departments in MINEF including the production of multiple maps with different limits for a single title, and also in the SIGIF system which has persistently registered and re-registered a title which has not been allocated in accordance with procedure and for which there is no development plan as required in the procedure for the allocation of a TRP. Despite repeated requests over a one-year period, MINEF has never provided the Independent Observer with a copy of what MINEF considers to be the official version of the map representing TRP 192. This shows a serious lack of transparency in the management of information concerning logging concessions and a real hindrance to the effective field monitoring of the forest sector. Furthermore, a ministerial Decree suspended the allocation of TRPs from July 1999 due to their widespread abuse.

The Independent Observer has never documented a case of this scope and scale. GPS and satellite data show an extensive road network throughout the FMUs concerned. Several companies were involved in either the logging or the purchase of timber from the operation: COFA, SFB, SFID, SIBM, TIB and Ingénierie Forestière. The case also involves the serious intimidation of local communities by some company representatives. In this instance, in a press release dated 27 August, MINEF recommended a fine for COFA of FCFA 100,000,000, but did not specify the location or title concerned. This fine would represent a value of 769 FCFA (approx. US\$1) per ha of the 130,000 ha covered by the 4 maps of TRP192 detailed in the Independent Observer's mission report 022. The responsibility of other companies involved in the logging of those unallocated FMUs should also be investigated and sanctions applied where appropriate.

The Government can only recover the considerable loss of revenue suffered by the Cameroonian state if swift action is taken against those responsible. The lack of prosecution contradicts the Government's official stance on measures to improve governance and transparency.

MINEF has known of this very significant case since October 2000. Whatever the reasons, the failure to address this case in the same manner as the others sends a poor message to economic operators. The MINEF press release mentioned above, did not detail any official statement of offence having been issued, which is fundamental to the process of law enforcement. A lack of action on this well documented and widely known case can severely hinder progress in the further application of the law in Cameroon. On the other hand, progress in the official documentation of this case, prosecution and the imposition of meaningful sanctions would demonstrate a serious commitment by the Government to tackle illegal logging in Cameroon.

logging in Cameroon so far have occurred in unallocated concessions, this argument is not tenable.

In respect to this point, the Independent Observer is aware that the very significant sums of money at stake and the high level of political involvement in relation to certain companies may cause delays and obstruction in the law enforcement process. The assumed reason for the attempted exclusion of unallocated FMUs from the investigation schedule was that two in particular, FMUs 09 009 and 09 010, were being logged by a number of significant private sector operators (see report 022 in the enclosed CD). This could be viewed as an attempt to block investigations into activities in those FMUs (See Box, Case Study: TRP 192). Not tackling these cases undermines the coherence of the law enforcement process and is not sustainable in the wider context of ongoing forest reform in Cameroon.

The mandate (see section 4.5<sup>3</sup>) provides for the control of all titles and for the planning of control missions by the CCU, with participation of the Independent Observer, (see Activities, section 3.1<sup>3</sup>). The conflict detailed above demonstrates that these provisions are justified. If a meaningful forest law enforcement strategy is eventually drafted, this point should be considered.

#### *Mission preparation and execution:*

Observation of the performance and regulatory compliance of law enforcement officials during control missions gives an indication of the willingness to enforce forestry law. The Independent Observer does its own research during mission preparation, in the field and afterwards primarily to support the CCU in the field in case it finds additional information and share it, but also as a means to determine where there is lack of capacity or lack of will to document illegal forest activities and follow the law enforcement process.

Missions often start with inadequate preparation. This problem is compounded by the lack of cooperation within the different departments of MINEF. In a number of cases copies of management plans, including supporting data such as maps of annual cutting permits areas, were not found within the Sub-Direction of Forest Inventories and Management (SDFIM). The Independent Observer suspects that concessions maps may be revised once an area of forest area has been logged. In this case, the logging taking place appears to be within the valid annual cutting permit for any given year during a given field visit. The Independent Observer has noted that FMU annual cutting permits were re-drawn between the allocation of a Provisional Convention and the Definitive Convention (see report 023). The Independent Observer has also documented cases where SSV titles have been 'relocated' between the public auction process and the implementation of the logging operation (see reports 029 and 065). This benefits the company, which pays for a fixed surface area of poor quality forest and relocates the actual logging operation to a much richer area. SSV titles have also been relocated to overlap with reserved Community Forests (see report 003).

Despite financial provisions provided by the donor community through the Special Forestry Development Fund, MINEF failed to provide field staff with sufficient or appropriate equipment

required to undertake the task demanded of them. Control personnel often lack information relating to all of the logging concessions to be inspected during the mission, accurate maps of the concessions, and the ability to relate GPS readings to the maps in the field. Consequently, in the early stages of the Project, the Independent Observer provided the CCU with the equipment necessary to undertake field research, exactly similar to that it uses itself and worth over US\$ 6,000. This included a laptop, a digital camera and three GPS units with accessories. The Independent Observer has however never seen any member of the CCU making use of the laptop in the field or any of the extra GPS units provided. Offers of formal GIS training organised by the Independent Observer were declined during the period covered by the first summary report<sup>2</sup>. The Independent Observer noted with regret this reluctance to take up this opportunity for training and use of the equipment provided. It has also offered on many occasions to train CCU officials on the use of this equipment and facilitates missions through the use of its motorcycles and chainsaw in the field to access the forest where terrain is difficult or where logging companies have blocked roads to prevent access.

Another issue is the late departure of missions and the loss of time en route due to poor administration or logistical planning, which renders investigations ineffective. The arrival at the site of exploitation late in the day leaves little daylight time to implement thorough investigations, and there is often reluctance to return to the same site to conclude the work the following day.

CCU documentation of detected infractions is still far from professional standards and does not meet the requirements of succeeding judicial processes. This highlights the need for standards to be set for the presentation of data in mission reports which support any official statement of offence issued. Above all, the organisation of the data gathering process requires clarification of the tasks allocated to the different members of the control structures in MINEF. The law enforcement staff also need to be provided with clarification on the appropriate methodologies.

The system of mission orders restricts effective law enforcement. Before beginning an investigation in the forest, officers must first receive a mission order signed by the hierarchy. Both the CCU and External services personnel frequently use the lack of a mission order as a reason not to begin a field investigation. When a mission order is issued, it is often valid for a limited time which curtails the work in the field.

The Independent Observer believes that MINEF would benefit from a wider program of capacity building and training carried out by a suitably qualified organisation. Specifically, MINEF would benefit from the input of a training specialist, who could create an appropriate framework. The training could focus on needs identified in consultation with the Independent Observer, with an emphasis on result-oriented methodology.

#### *Field Mission reports*

Many discussions take place in the forest between the representatives of MINEF and the Independent Observer over how thorough field investigations should be. To address this ambiguity, the methodology of investigation and reporting of both teams should be summarised in their respective mission reports.





A log pond in FMU 08 006 is investigated. Lack of access to the valid ACP map before and during the mission prevents accurate assessment of its legality. Subsequent to the mission, a map is found and the log pond is found to be out of the ACP limits.

The objectivity of the forest law enforcement officials in the field can be assessed through the examination and comparison of the field mission reports and associated documentation of the CCU and the Independent Observer. The first step in this process is to determine if a mission report was actually produced by MINEF staff concerned or not.

In case the mission has detected illegal activities, the writing of an official statement of offence by the law enforcement officers concerned essentially concludes the field mission, unless there are recommendations to undertake further field work to resolve outstanding questions. However crucial, this is only the first step in the law enforcement process.

### **Transparency**

Specific points against which an increase in transparency may be measured are presented here with an assessment of their realisation.

#### *Access to information*

Some personnel within MINEF continue to show reluctance to provide the information that the Independent Observer requires to undertake its task effectively. Two systems in particular demonstrate problems:

#### *Sub-Direction of Forest Inventories and Management (SDFIM):*

The management of concession mapping and associated data remains a matter of serious concern. Maps are frequently not to be found in the locations where they are supposed to be stored, or access is

simply denied to the Independent Observer.

It is necessary to have access to management plans associated with the allocation of a definitive convention for an FMU in order to monitor the rotation of annual cutting permits (ACPs) over the concession agreement lifetime against the law in force. Once these management plans are public or final, changes or alterations in collusion with a company breaching the original allocation of ACPs cannot be made.

It is not credible to expect the field officers concerned, or the Independent Observer, to determine the legality of logging in an FMU under a definitive or provisional convention without access to the documentation detailing the conditions of allocation and modalities of the operations permitted.

SDFIM has an important position in the administration of the FMU system. Where an FMU does not have an approved management plan under a provisional convention, a notification via the appropriate administrative channels should be sent to all the concessionaires concerned that logging operation should be stopped. The FMU should then be withdrawn from the company owning the title. There is no evidence that this procedure has been applied.

#### *Forest Management Information System (SIGIF):*

The staff maintaining the forestry automated information system (SIGIF system) are now very cooperative though information is provided on a case-by-case basis. Little use is made, however, by law enforcement officers of the information contained in

the system for the imposition of infractions and the analytical functions of the SIGIF system remain essentially unused. The non-registration of documents detailing volumes of wood extracted from the forest (DF10 documents), for example, and the non-application of other administrative procedures frequently goes unpunished. The Independent Observer is not mandated to liaise with the SIGIF service to promote the undertaking of data analysis with the objective of detecting illegalities. Although control activities at this point of the process of law enforcement are crucial, no such analysis is being done.

#### *Access to procedure following field missions*

A number of cases have progressed in the MINEF without the inclusion of the Independent Observer where it wished to be present. This was the case with report 027, when an important witness was interviewed without the presence of the Independent Observer despite an explicit previous understanding.

#### *Publication of the Independent Observer's reports*

The process of validating the Independent Observer's mission reports includes the comparison of reports on illegal logging produced by the forest law enforcement unit against those from the Independent Observer and going through each case individually. A Reading Committee has been established for this task, consisting of a senior MINEF representative, members of the law enforcement team, international donors and the Independent Observer to discuss conclusions drawn from this comparison. The comparison is necessary as findings from the official law enforcement team and those of the Independent Observer can differ significantly. For example, the first validation meeting determined that the law enforcement team had not fulfilled its reporting duties and had failed to produce many field reports, which led to the recommendation by the Minister of the Environment and Forests to reconvene the meeting and request that the law enforcement team complete their task. All the field mission reports from the Independent Observer are published. In case of any undue delay of the procedure, reports not yet approved are published not less than 31 days after the date of the meeting stipulated to be taking place on a quarterly basis in the Project Terms of Reference.

MINEF's right to disapprove of certain reports is respected by the publication of the Independent Observer's reports marked with the stamp 'Approved by the Ministry of the Environment and Forests' – or not, as the case may be. Action can be taken in case of disagreement between the partners in order to answer questions over a reports findings, either through further field verification with both parties, the involvement of the court system or a third party. The fact that MINEF officially recognises the right for the Independent Observer to publish all reports, thus allowing debate and independent opinion, should be recognised as a significant indicator of increased transparency.

As the Independent Observer's role is to report on the level of governance and law enforcement, it is essential that it is also able to report on weakness. Should all reports need approval from MINEF to be published, evidence of poor governance would logically be suppressed and remain unknown to international donors and civil society.

The Reading Committee provides a chance for members of the committee to review the findings of the Independent Observer in a participative manner and raise questions. It offers the Government a chance to seek further clarification, and donors to assess the degree of MINEF's commitment to act on mission findings.

#### *Publication by the Government of cases in process*

A second list of companies that have been prosecuted or are under investigation for forest law infractions was made public by MINEF in August 2003 (see Appendix, the first list is presented in Appendix 4 of the 1st summary report of the Independent Observer, May-November 2001). This could be perceived as an increase of transparency in the sector, but the list raises several questions regarding the cases presented.

A number of those cases have been ongoing for some time and little progress has been made where legal and administrative options are available to MINEF and have not been taken. In the case of COFA, no official statement of offence number was mentioned, though it is for most other cases in the same document. The official statement of offence is the document which essentially opens a court case against a company. Where no official statement of offence is issued it is difficult to conceive how a case can be considered 'ongoing'. The Independent Observer has not seen any documentation supporting the amount of fine proposed and it is not clear which title or area it refers to.

#### **Objective:**

To strengthen the operational capacity of MINEF law enforcement services and, particularly, the CCU, through the application and improvement of procedures.

Since the inception of the Project, it has been clear that the responsibility of law enforcement remains with the Government. The role of the Independent Observer is to report on the level of governance and forest law enforcement and to put progress and problems in the public domain. It cannot apply procedure as this is the function of the State. The Independent Observer, however, records flaws in law enforcement procedures with an aim to supporting their improvement.

The Independent Observer's role is not to change MINEF practices directly. It can however express an independent opinion where it has knowledge of a procedure that exists but is not being applied, where it believes there is a need for a new procedure to be developed, or where it believes a procedure could be improved to strengthen the operational capacity of the CCU. It is up to MINEF to consider and implement any proposals, as they retain sole responsibility for law enforcement and procedures. Accordingly, the Independent Observer has used monthly meetings with the CCU to highlight areas that need improvement as far as MINEF's method of control is concerned.

For instance, the Independent Observer noted that a manual on 'procedures of control for forestry operations' was published by MINEF/CIDA in March 1999. This manual stated that a Register of official statements of offence should be maintained by the MINEF legal unit. This obligation has not been met by the legal unit. The Independent Observer suggested that this requirement would strengthen the



operational capacity of MINEF law enforcement services and urged that it be implemented. No action has been taken.

The Reading Committee has been used as a vehicle for the discussion of procedure and clarification with officers over points of procedure in the follow-up of the cases investigated in the field.

In 2002, the Independent Observer took part in workshops where it made recommendations to support the development of a strategy of control, including the definition of a methodology for the assessment of illegal logging, related principal fines and damages and interest. The Commission set-up for this purpose has not reported to date.

As mentioned in the previous summary report<sup>2</sup>, training to improve the CCU's technical capacity was offered but has not been taken up.

Positively, more mission orders and official statements of offence are issued resulting from the improved application of procedure and as a direct result of the Project.

#### Objective:

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.

A guide to Forest Law in Cameroon (see box right) has been completed with input from MINEF lawyers representing the perspectives of the Government of Cameroon and the private sector. The final draft also includes input from civil society. The guide was submitted to the MINEF office in February 2003 but is still awaiting the signature of the Minister of the Environment and Forests prior to its distribution.

Chapter 8 of the guide, 'Players and their role in the control process and the implementation of penalties' specifically addresses this objective of the Project (See Box). The target audience for the guide includes concerned Government officials, the private sector and civil society, and aims to summarise and make more accessible the law and steps required to access the forest for legal exploitation. The implication of civil society in the improved surveillance of the territory and subsequent application of the law has been identified as a key element to increasing governance in the sector. The wide distribution of the guide is aimed at raising awareness of the legal requirements for forest exploitation across the country and of the respective roles and responsibilities of law enforcement agencies to ensure that the law is applied.

#### Objective:

To help monitor implementation of recommendations and decisions from the CCU's control missions undertaken with the assistance of the Independent Observer.

The follow-up of the law enforcement process is an essential element of Independent Observation. In fact, recovery of fines, damages and interests from forest infractions is an important aspect of ongoing reforms aiming to link the forestry sector with policies of poverty alleviation. The law states that forest litigation starts with an official statement of offence and finishes with the payment of fines and damages.

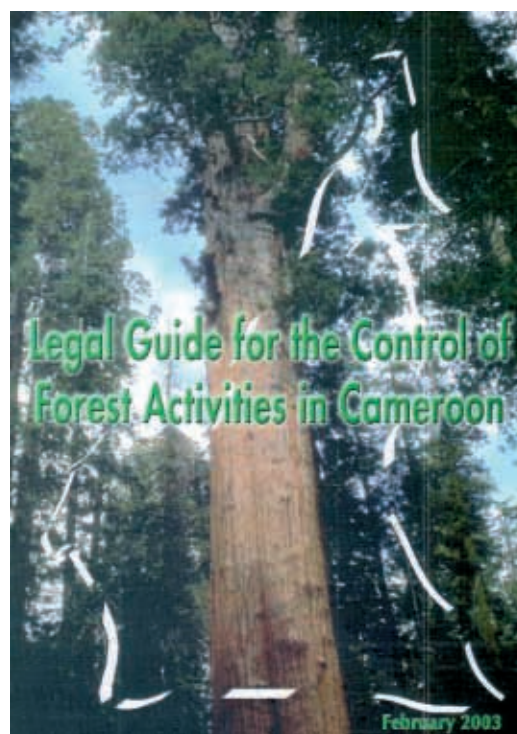
For reasons of methodology, this section of the

report covers the period from May 2002 to May 2003. May 2002 represents the date when the latest convention was signed between MINEF and Global Witness. This date is also a new departure agreed between MINEF and concerned international donors in view of reforming the forest sector. This section covers a total of 49 forest titles and operations visited on field missions.

#### *Official statements of offence and internal administrative sanctions*

In total, 49 forest titles and operations were visited through May 2003. Infractions were noted in 40 of those titles. MINEF issued official statements of offence in only 17 of those cases. In other words, 23 cases of infractions did not lead to official statements of offence despite the recommendations of the Independent Observer. It should be noted, however, that some of those reports remain under examination by the Reading Committee.

Although the Independent Observer made specific recommendations in each report produced following the field missions, it has no knowledge of any action initiated where official statements of offence were



### *Legal Guide for the Control of Forest Activities in Cameroon*

#### *Summary of Contents*

**Chapter 1:** Approval to carry out forest exploitation activities

**Chapter 2:** Access to the resource

**Chapter 3:** Logging activities

**Chapter 4:** Transportation of timber

**Chapter 5:** Timber processing

**Chapter 6:** Marketing of timber

**Chapter 7:** Forestry taxation

**Chapter 8:** Players and their role in the control process and the implementation of penalties

**Chapter 9:** Methods of appeal



either not issued or not copied to the Independent Observer.

#### *Recovery of fines*

The Independent Observer notes three problems in relation to the notification of fines:

- 1 Out of the 17 official statements of offence that the Independent Observer knows about, 14 were the objects of legal notifications of fines, a primary step in the legal process. According to data possessed by the Independent Observer, fewer than 12 notifications of fines have been established since January 2003. This number is corroborated by the recent press release made public by MINEF on 27 August 2003.

When it does take place, the process of notification is characterised by its slowness. Generally, there is a relatively long time between the establishment of an official statement of offence and the consequent notification of fines. For example, to date (September 2003), official statements of offence established in February and March 2003 have still not been the object of notifications, as illustrated by the MINEF press release mentioned above. In another case, the official statement of offence was established on 24 April 2001, but the notification of fines was not issued until 12 September 2002.

These delays are likely to provide companies with time to organise their insolvency, by either selling recoverable assets or by forging their bankruptcies. There are suggestions that a number of companies being pursued for illegal logging might be hiding or moving their assets before a final decision is made on their cases.

- 2 The amounts of damages proposed to the Minister of the Environment and Forests by the CCU are deliberately hidden from the Independent Observer. The CCU alleges that the Independent Observer has nothing to do with the amounts of fines proposed to the Minister of the Environment and Forests for approval. This practice could lead to under-estimations of amounts due to the Cameroonian Treasury. Such was the case when the Cameroonian State only obtained a 10,000,000 FCFA fine for an illegal exploitation of several thousands of cubic meters of timber estimated by MINEF to have a value of more than 130 million FCFA (see report 033 on the annexed CD).
- 3 The Independent Observer had no access to copies of the notifications of fines, or payment-related documents. To provide these copies to the Independent Observer, MINEF services in charge of the follow-up of the law enforcement process indeed state that they would require an authorisation of the Minister of the Environment and Forests. This position was supported by the CCU coordinator. Although not specified in the Independent Observer's Terms of Reference, many letters were sent to the Minister of the Environment and Forests and Forestry Revenue Securement Programme (FRSP) with this request but remained unanswered. For this reason, the Independent Observer cannot confirm the information concerning the ongoing recovery of fines by the FRSP presented in the MINEF press release published last August.

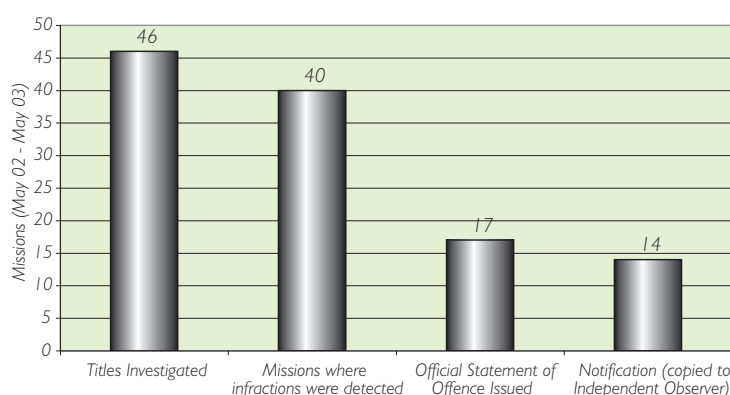
#### *Common Infractions*

The most recurrent infraction is the fraudulent use of markings, followed by non-authorised exploitation in Communal forests, non-authorised exploitation in the Permanent forest estate, and exploitation outside limits.

Given the above, the **Independent Observer recommends:**

- The summoning, followed by official statements of offence, of all offenders mentioned in the Independent Observer's mission reports;
- A strategy of specific actions aiming to reduce the number of the most recurrent infractions;
- The communication to the Independent Observer of all amounts proposed as fines and damages as well as amounts actually paid;
- The reduction of delays between the establishment of official statements of offence and that of legal notifications of fines;

#### *Mission Findings and Administrative Action*



### **Overarching obstacles to Project implementation**

#### *Project Funding*

Since June 2002, project-financing problems have been prevalent, at times making it hard for the Project to progress and even threatening its continuity. Project financing requires co-operation and co-ordination between different members of the international donor community together with the Government of Cameroon. This coordination has not been evident in the last ten months of the Project.

Different donors have achieved different degrees of efficiency. The procedure agreed to with the UK – Department for International Development (DfID), as set out in the funding agreement, has proven the most efficient and reliable.

A grant funding mechanism proposed and organised by the World Bank through the Cameroon Forest and Environment Sector Programme (FESP) has caused serious financial difficulties for Global Witness as the implementing agency. A critical stage was reached when there was a failure to pay the outstanding invoices over a six-month period from June to November 2002. Eventually, partial payment was received in December 2002.



**Blockage preventing access to illegal exploitation road in the surroundings of SSV 09 02 132. A fine of 10,000,000 FCFA is listed in the MINEF press release (see appendix 1 and reports 009, 010 and 033 on the annexed CD).**

These problems were caused by insufficient reserves in the Policy and Human Resources Development (PHRD) Fund, managed by the World Bank, a situation the World Bank was aware of before October 2002.

Other donors, including the Canadian International Development Agency (CIDA) and DfID, stepped in to fill the gap on a six-month basis from the beginning of April 2003. There remains, however, an outstanding invoice for the months of February and March 2003, which has so far not been paid. The problems caused by the World Bank-proposed financing mechanism remain.

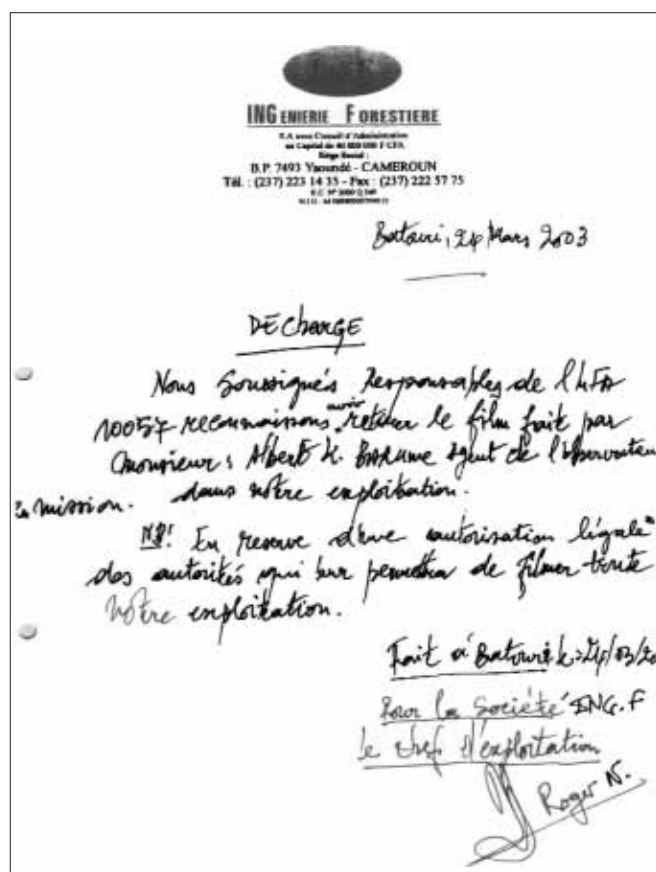
The outstanding invoices and interest payments due on them are a serious issue. Although a temporary funding mechanism is in place, courtesy of DfID and CIDA, Global Witness stresses with the utmost urgency the need for a functioning financing mechanism to guarantee the Project's continuation.

#### *Threats of violence against Independent Observer staff*

Various threats have been made to Global Witness staff in Cameroon over recent months. The individuals making the threats are related to a number of illegally operating companies. The Project Director has received threatening phone calls, and a videotape was seized from the Project's Deputy Director in the field under threat of violence.

MINEF law enforcement agents present in the field showed no willingness to uphold the law and in fact supported the company representatives' actions. The head of the CCU and the mission asked the Deputy Director to comply with the company's request to delete the video evidence. MINEF officials present in the field accused the Independent Observer of violating the rights of the perpetrators of a suspected illegal logging operation. After several months delay, the videocassette was returned to the Independent Observer who noted that some evidence had been deleted.

**Ingénierie Forestière provided the Independent Observer with a receipt for the confiscation, under threat of violence, of a videotape containing evidence of illegal activities concerning various titles.**





## 5 Mandate

**I**N ORDER to be able to monitor the conduct of the CCU control missions and to observe all other stages of control, the Minister of the Environment and Forests has mandated the Independent Observer to undertake certain activities. The points in the mandate are presented below, and placed in the context of the problem each is designed to address.

### 1. 'Join any joint mission at any time... monitor the conduct of the CCU's control missions and observe all stages of control'

The Independent Observer operates as an auditor would, carrying out random checks as well as verifying allegations of fraud or illegality. Investigations are carried out on forestry titles, their owners and other activities, but there is also a need to verify that administrative processes and 'all stages of control' are actually applied. The Independent Observer is mandated to monitor all stages of law enforcement and to join any ongoing mission to observe the way it is carried out.

The intention was that the Independent Observer should be included on all CCU mission orders so that administrative procedure could not be used to prevent the Independent Observer from operating efficiently. During several field missions in the past, the CCU has refused to cooperate with the Independent Observer. Notably, whilst en route to a logging operation in the forest, the head of the CCU refused to allow the Independent Observer to continue and suggested that they conduct a separate mission to a different location (see report 010).

Corruption has been identified by the Government as one of the major hindrances to the cleaning up of the forest sector. The method of

random checks can increase the impact of the Project in that officials are not aware of when their work will be verified. The Independent Observer should not be expected to take part in all field missions as well as carrying observation on other stages of law enforcement with a limited number of staff and resources. Nevertheless MINEF officials have expressed this expectation on several occasions. This changes the concept of the role of Independent Observation to that of team-partner and is also detrimental to the observation of other crucial stages of law enforcement in that it strains the availability of the Independent Observer's human resources beyond their limits.

In regards to other stages of control, difficult access to documentation has hindered the observation process. This occurs either through direct obstruction to access of documentation, or failure to inform the Independent Observer of actions taken, including hearings of company representatives leading to transactions. This takes place despite the fact that the Terms of Reference of the Project stipulate that the Independent Observer should have this access. In addition, the Independent Observer cannot assess whether progress is being made in the follow-up of cases if there is no free flow of information or access to documents relating to the registration of official statements of offence. The Independent Observer has documented cases when this registration was not done, despite being a set procedure of the law enforcement process. Reporting of this oversight allowed MINEF to take action and ensure its correction. This highlights the need for access to documents to uncover illegal activities or fraud. Lack of access to information means that observation of progress in legal cases cannot take place.

### 2. 'Free access, without the need for prior authorisation, to all documents relating to these missions... send the Minister or his representative a detailed report'

**Logpile in FMU 08 006. The mission was undertaken without a map of the valid ACP, hampering immediate assessment of legality. (See report 043 on annexed CD.)**





In order to perform its duty, it is fundamental that the Independent Observer should have access to information relating to the official logging titles, their locations, expiry dates and owners. Between 2000 and 2002, the Independent Observer has documented cases in which some MINEF officials manipulated and concealed concession maps. Most notably, field mission report 022 (see Objectivity Section above) documents a major case in which independent research discovered four different versions of a map showing the boundaries of a TRP, all of them carrying official stamps from MINEF. Should the Independent Observer not have obtained access through independent alternative research within MINEF, it would not have uncovered what might be administrative fraud in this case.

The Independent Observer in some cases documented obstruction to the access to documentation in MINEF, at some levels more than others (for e.g. see reports 011, 022, 023, 026 and 035).

The Independent Observer was mandated in its Terms of Reference by the Government to obtain documentation 'without prior authorisation' at various levels, thereby capitalising on whatever good will exists in different departments to tackle illegal logging. This was also intended to elude possible attempts by the administration to conceal information in cases where collusion may be taking place.

To date, MINEF officials have not always facilitated free access to information relative to titles necessary to prepare field missions, though collaboration in this respect has improved. However, during the period covered by this report, not a single field mission report written by the CCU or the External services has been transmitted to the Independent Observer. Letters written by the Independent Observer to the Minister of the Environment and Forests in this regard have all been without response.

Documents and information are lacking in a number of fields, including access to:

- The approved and submitted management plans for FMUs
  - Maps of allocated annual cutting permits for FMUs
  - Information about control missions carried out by the External services and their respective results
  - Copies of official statements of offence issued at the CCU and provincial level
3. **'Attend all subsequent hearings... CCU is required to inform the Independent Observer of the dates'.**

The Independent Observer was not associated with and did not have access to discussions and documents bearing on various legal cases between MINEF and



**The Independent Observer accompanies the CCU on a field mission investigating logging beyond limits of ACP 03 in FMU 09 005B. Its scope of observation is limited by being notified about the mission only a few hours before its departure and not having been involved in the mission preparation.**

logging companies. Consequently, it was not permitted to contribute to or monitor certain aspects of the legal process. In the case of report 033, for example, the logging company in question was invited to a transaction meeting without the presence of the Independent Observer. The Independent Observer has attended hearings of company representatives including one on an ongoing court case.

4. **'CCU report along with the Independent Observer's... will be sent... to the logging companies... to any national authorities... and to relevant donors'.**

The Independent Observer submits its reports to MINEF as soon as they are written. Reports can be transmitted on request within a seven-day period to the logging companies that were the object of the

## Community Forest Unit

The MINEF Community Forestry Unit (CFU) was established in 1998 as a project supported by the DfID-funded Community Forestry Development Project, from its inception to the end of 2002. It is seen as a component of the Forest and Environment Sector Programme (FESP), and thus functions toward the achievement of the specified result: 'The populations participate in decision making and benefit regularly from the financial profits of the management of the fauna and flora for a sustainable community development'.

Funding supported set-up and training to build the capacity of CFU and relevant MINEF administration staff in community forest related issues.

CFU's main objectives are to raise awareness of the population about the aims and importance of Community Forests, to assist the population and the Government in establishing Community Forests throughout the country in accordance with the law and its regulations, and to control economic activities in established Community Forests. The four CFU staff are supposed to provide information to populations about legal requirements, proceedings and procedures, and also offer technical assistance to the populations in the preparation of all documents necessary to establish a Community Forests, such as Simple Management Plans (SMP) and administrative procedures leading to the allocation of Community Forests.

Concrete achievements to date are, unfortunately, hard to come by. According to the FESP Multi-Party Joint Mission on Strategic Validation of 26 January to 03 February 2003, the following has been achieved so far:

- CFU staff complete
- Pre-emption Right Order signed to prevent the allocation of this forest for commercial exploitation
- Pre-emption Right applied (111 letters of intent, 9 letters directly rejected, 12 letters under study for validation and approximately 90 validated)
- Decision on defining the modalities of small-scale exploitation of Community Forests signed
- Manual on Procedures revised

Table 2: Summary of Statistics provided by CFU

	Total area (ha)		Date of last operation/ registering of document
CFs with signed <b>conventions</b>	35	118,183	20.05.2002
CFs with already <b>approved Simple Management Plans</b>	20	84,365	11.04.2003
CF which already received an <b>agreement in principal</b> by the Minister	48	179,187	31.07.2002

However:

The Independent Observer noted refusal to cooperate by some CFU staff in the provision of official documents necessary to the preparation of missions to areas concerned with Community Forests. Besides this lack of transparency, the following was noted by the Independent Observer in the second week of July 2003:

- No visit of requested or allocated Community Forests had been carried out by CFU for almost a year
- Information campaigns for the establishment of Community Forests had neither been planned nor implemented for over a year
- The CFU co-ordinator claims severe shortage of funds have been paralysing CFU's operations
- The database available at CFU is out of date. The latest records of valid CF conventions are from June 2002
- CF Simple Management Plans, conventions, letters of intent by communities and contracts of partnership with companies or individuals requested by the Independent Observer in several instances were not available except for 2 CGIs (AGREM, CODENTI) and the Wassa-Emtsé letter of intent.

Community Forests are increasingly being utilized as industrial forest titles. The FESP synoptic programme objective that: 'The forestry concessions are established in a sustainable manner' is addressed by the specification that 'the Sales of Standing Volume are progressively replaced by the Community Forests'. Inspection of Community Forests by the Independent Observer as well as information received from a number of sources – including MINEF External services – show that Community Forests, rather than replacing Sales by Standing Volume (SSVs), are being used in the same way as SSVs by local dignities or political figures in collusion with logging companies to obtain a short term profit (3-5 years) out of the forest area concerned.

On several occasions, the Independent Observer has recommended an audit of existing Community Forests to international donors. The results of the audit could feed a national workshop on the institution of CFs within the framework of the Cameroonian Forestry Law and the Poverty Reduction Strategy Papers, as well as the spirit of participatory development initiatives within natural resources management for the benefit of local peoples.



control, to any national authorities and to interested donors. This may allow those who requested reports to come forward with additional information before publication, which is scheduled to take place every three months after reports for a given period have gone through the Reading Committee (see above, page 11). This opportunity was used, for example, by the company Alpicam, whose representatives requested report 013<sup>9</sup> concerning their operations and brought forward additional documentation. This allowed the correction of the report 013 before publication and inclusion of consequent rectifications in report 013a<sup>10</sup> to vindicate Alpicam of any wrongdoing noted in report 013.

**5. ‘Control activities will focus on all logging titles’.**

Illegal operations have been found in all types of logging titles defined by the 1994 law, i.e. FMUs, SSVs, TRSAs, TRPs and CFs. Most cases where major infractions were committed have however been documented in areas where there was no active logging title (e.g. reports 011, 022). The visit of forest law enforcement officials to all forest areas has allowed the detection of a significant number of infractions as presented on the annexed CD.

**6. ‘Associated in priority to CCU’s missions... External services’ staff may conduct the said missions’.**

The improvement in the performance of External services is difficult to monitor as the Independent Observer is rarely given the opportunity to interact with them during missions without the CCU. In the presence of the CCU, members of External services tend to adopt a deferential approach and their provision of information often follows the lead of CCU officials. The situation varies from region to region, and according to the level of political association with the private sector companies one is dealing with. Some companies are apparently ‘untouchable,’ and others more vulnerable, thus widening or narrowing the External services’ level of diligence, confidence and margin for action.

The mandate of the Independent Observer still needs to be clarified to the responsible members of External services despite almost one year of operation. Explanations are usually given by the Independent Observer itself on a case-by-case basis but they inevitably induce lengthy discussions and in some cases lead to the refusal of External services to accompany missions in the absence of the CCU. This refusal is usually caused by lack of knowledge of the clause of the Terms of Reference mentioned above which gives the Independent Observer permission to accompany External services in the field without any document other than the original mission request<sup>11</sup>.

While some MINEF Provincial and Departmental delegates have proven to be more cooperative than some of the Central Services, others are reluctant. It is possible that they are uncertain about their role in relation to the Independent Observer and their level of authority, and/or that they know that actions against the interests of illegally operating companies are not fully backed-up at higher levels. This hesitance in External services may also be due to complicity in illegal activities, simple incompetence, complacency, and/or vulnerable position and lack of means. The same applies to the various heads of



Road block preventing investigation in FMU 09 004B in report 023.

divisional units.

Overcoming these problems requires significant training and capacity building in Central and External MINEF services. The clarification of the specific roles of the various agents within the administration has not been tackled yet. This should not be undertaken without first addressing the dysfunctional mechanisms of staff appointment and rotation, that currently takes place on an apparently unprofessional and arbitrary basis.

**7. ‘Validation meetings will be held every three months...the Independent Observer is authorised to publish its reports’.**

The publication of mission and other reports has proceeded at a much more rapid pace over the last six months of the Project than at any other time. In some cases publication has gone ahead despite direct opposition from MINEF, but in accordance with the Terms of Reference of the Project.

The first meeting of the Reading Committee<sup>12</sup> in December 2002 was delayed on several occasions and achieved little. It was agreed that another meeting would be held to complete the work.

The meeting resumed in January with the new and old CCU team working side by side. Much progress was made at this second meeting and all reports submitted to the Reading Committee (Reports 013 – 026) were approved, with the significant exception of two. Both these reports (numbers 022 and 023) dealt with serious breaches of law involving companies mentioned in the Objectives section above. Chaired by the General Inspector of MINEF, the members of the Committee were refused the opportunity to discuss the reports; the Chairman took a unilateral decision in the face of donor and Independent Observer objections to exclude those reports from approval proceedings of the Reading Committee. The Independent Observer published these reports without the MINEF approval stamp but in accordance with provisions of its Terms of Reference, thus achieving transparency and allowing all stakeholders access to various sources of information.

After this non-approved publication, both of these reports were subsequently approved at the Reading Committee meeting in March along with all other reports submitted for reading (Reports 027 – 035).



## 6 Activities

**T**HE SECTION BELOW describes the detailed activities that were carried out by the Independent Observer in accordance with the list specified in the Project Terms of Reference.

### 1. 'A quarterly control mission programme designed jointly by the CCU and the Independent Observer... and will cover the different provinces and logging titles'

The new CCU team is believed to have submitted a programme of missions to the Minister of the Environment and Forests in mid-January 2003 without informing the Independent Observer or inviting it to participate, in breach of the Terms of Reference requesting the quarterly elaboration of a joint control mission programme. Between August 2002 and February 2003, only two joint missions were carried out by the CCU at the request of the Minister of the Environment and Forests. There was a significant increase in field missions with the CCU between March and July 2003, five months after the instalment of the new Minister of the Environment and Forests.

### 2. 'Field missions'

#### 'Support the CCU's field missions'

The recent increase in the number of investigative joint missions hints at a positive development. However, the willingness of MINEF and the CCU to comply with contractual obligations, such as engaging the Independent Observer in the preparation and follow-up of control missions, in the application of administrative procedure and willingness to enforce the law remains low. Since missions are only part of the first stage in the legal process, further obstructions can be expected at other stages.

The abilities and the willingness of the new CCU team have yet to be fully tested, specifically in the writing of official statements of offence against the law and pursuing these through the administrative system. There continues however to be instances of objection to the acceptance of the Independent Observer by some CCU staff. Field investigations which reveal blatant illegality in forestry and related economic activities are often not pursued or there are even direct attempts by some CCU field staff to hinder the work of the Independent Observer.

On the positive side, many more missions have recently been undertaken. Prior requests between August 2002 and February 2003 from the Independent Observer to the Minister of the Environment and Forests for the CCU to carry out investigative missions in certain areas alleged to be the site of ongoing infractions had indeed been left without any response. Increased response can be seen as a possible indicator of an improvement in the performance of the law enforcement apparatus at the central level. Cooperation in the planning of missions and transparency in decision-taking processes and actions of the MINEF administration and services had been close to non-existent until a fruitful meeting in the middle of July 2003, which raised the possibility of a move in the right direction. During

this meeting, the CCU showed much better cooperation in planning missions and raising technical points. A corresponding increase in cooperation of some departments has yet to be witnessed.

**'The Independent Observer has the right to inquire... as to the outcome of an official statement at any stage in the procedure'**

In regards to the different stages of control, difficult access to documentation has hindered the observation process. This occurs either through direct obstruction of access to documentation, or failure to inform the Independent Observer of actions taken, including hearings of company representatives leading to transactions. Thus, for instance, the Independent Observer had no access to copies of the notifications of fines, or payment-related documents. To provide these copies to the Independent Observer, MINEF services in charge of the follow-up of the law enforcement process have required an authorisation of the Minister of the Environment and Forests. This position of requiring prior authorisation has been supported by the CCU coordinator.

This takes place despite the fact that the Terms of Reference of the Project stipulate that the Independent Observer should have this access. In addition, the Independent Observer cannot assess whether progress is being made in the follow-up of cases if there is no free flow of information or access to documents relating to the registration of official statements of infractions.

**'In addition to joint missions the CCU and the Independent Observer may also conduct a requested mission' 'The authorisation... must be granted ... within... one working week'**

The first meetings with the Minister of the Environment and Forests were held with some positive outcomes and verbal commitments, but those verbal commitments and assurances of improvement of communication and flow of information have not frequently been realised. This sends contradictory messages regarding the commitment to law enforcement and transparency to all stakeholders, including the international community and the private sector. In most cases, requests of missions made by the Independent Observer remained unanswered by MINEF, although since March 2003, the Minister of the Environment and Forests has issued an increased number of mission orders. It is not clear that those orders responded specifically to the requests from the Independent Observer as those concerned broad geographic areas rather than identified logging operations.

**'If authorisation is not forthcoming... within... one working week... the Independent Observer will have the right to... verify the facts without a CCU presence'**

A clause was specified in the Project's Terms of Reference allowing the Independent Observer to document illegality in close collaboration with the External services, should they be available, to be used only in cases when the Government fails to take three prior options to respond to denunciation of illegal logging, thereby indicating a serious lack of good governance. The three options are:

1. That the Minister of the Environment and Forests orders a joint mission with the central forest law enforcement team on its own initiative and requests the presence of the Independent Observer.
2. That, if availability of the central forest law enforcement team, the CCU, is limited, the Minister of the Environment and Forests orders a joint mission with External services, and requests the presence of the Independent Observer.
3. That the Independent Observer requests a joint mission with the CCU.

If the options to respond to a denunciation of illegal activities are taken using neither options 1 or 2, the Independent Observer requests a mission to the Minister of the Environment and Forests. If no answer is given within 7 days, the Independent Observer is mandated to undertake a mission without the CCU presence and use the original request document to ask local External law enforcement services to accompany it. Should those representatives refuse to join the mission despite their right to do so as per the Terms of Reference, the Independent Observer can continue the investigation in the field. Should no investigation take place, essential evidence in the field would be at a serious risk of being destroyed and the Independent Observer could not report on lack of governance in regards to law enforcement being applied to all companies indiscriminately.

This provision is not a usual practice, since the Project encourages close collaboration with the CCU in priority, but a safeguard. Several cases illustrate its utility and highlight reluctance to dispatch law enforcement missions, including the area of FMU 09 009 and 09 010 (see for e.g. reports 007, 022, 030 and 035). The Independent Observer consequently undertook two missions without the CCU on October 2000 and February 2002, uncovering and documenting alleged illegal activities in an area of approximately 130,000 ha. One joint mission briefly entered the area in July 2001 and stopped before uncovering any illegal activity, and another was ordered in July 2002 and cancelled while in progress. No documentation of this case would have been made without data gathered through other investigations, although it is of major scale (see Case Study on page 8) and has led to threats to three staff of the Independent Observer team on different occasions. Other cases illustrate occasions when options 1 to 3 above were not taken for lack of will rather than lack of capacity.

Between August 2002 and February 2003, MINEF did not respond to requests from the Independent Observer that the CCU carry out control missions where it had received information or allegation on illegal forest activities. Given this lack of response, the



Documentation of an Iroko stump under diameter using a GPS unit in FMU 09 006.

Independent Observer, as mandated by its terms of references, carried out four missions (reports 029, 030, 032 & 035 on the annexed CD) with the External services instead. In two other cases, for lack of understanding that the Terms of Reference allow the Independent Observer to use the original request as authorisation to carry out those missions after seven days have passed without a response, External services refused to accompany the Independent Observer. The Independent Observer thus continued on its own.

All reports and appendices of missions carried out with and without External services were submitted to MINEF for consideration. Those carried out without External services recommend an official documentation of cases. Having confirmed illegal activities via independent missions, the Independent Observer however recommends the CCU to carry out a (joint) mission in order to establish official statements of offence as first legal step in pursuance of perpetrators of the forestry infraction.

### 3. 'Verification missions'

Verification missions were designed to allow the Independent Observer to verify field missions which were carried out by forest law enforcement officials without it, in cases where the Independent Observer may have received indicators that corruption took place or documentation of possible infractions was not thoroughly carried out.

An independent mission report was produced (see report 009), where research in the area by both Cameroonian and International NGOs revealed an extensive operation of a potentially illegal nature concerning SSV 09 02 132 allocated to the company Wijma. Subsequent to this mission, the Independent Observer attempted to join an ongoing CCU mission. The CCU refused to allow the Independent Observer to participate in the mission (see reports 010). With this additional information the Independent Observer proposed a further field visit with the





The Independent Observer recommends the dispatch of a CCU mission to evaluate the volume of timber that may have been logged illegally in FMU 09 024.

intention of undertaking a verification mission should MINEF refuse a second official mission. This situation resulted in a further mission (report 033), to the same location.

#### **4. Through its recommendations, the Independent Observer will help MINEF:**

**‘To establish a Case Tracking System (CTS) and Control Mission Monitoring System (CMMS) in cooperation with the legal department, SIGIF and PSFR’**

Progress on this project element has been extremely slow and no response has been received from MINEF regarding the need for the development of a strategic tool that serves the function of a CTS.

A database development expert has been engaged to draft initial design specifications for the CTS terms of reference. A workshop was then held in May 2003 with the Independent Observer legal staff and other non-government legal experts to define the specific steps that the CTS would need to contain, using existing laws and administrative procedure as a base to assist any subsequent project. This workshop should make a significant contribution to the development of the CTS.

A testing session will bring together representatives of MINEF including SIGIF and the PSFR, the Independent Observer and the concerned donors.

The urgent need for progress on this element of work is demonstrated by the mission statistics presented in section 4 above where only 42.5% of infractions detected in the field by the CCU have

reached the stage where an official statement of offence is issued. This is only the first step in the administrative procedure after finding a breach in the forest law.

An information and mission tracking system will also be developed along the same lines and presented separately.

**‘To clarify the roles of the various existing control structures’;**

As mentioned in section 4 above, considerable work has been done and is presented in the still unpublished ‘legal guide for the control of forest activities in Cameroon’ awaiting approval from MINEF prior to distribution.

A commission was formed by the previous Minister Naah Ondo to determine the methodology for the assessment of damages and interest in the push for increased law enforcement. This commission has never issued a report and the task remains incomplete. This may disadvantage the Cameroonian State which currently relies on volumes declared by the company themselves for production to evaluate how much the same companies may have logged illegally.

All elements of forest control from the cutting of a tree through its transport to the final destination (sawmill or port for export of logs or processed timber) are defined within MINEF. Yet, these various control elements, where they exist, are not linked with each other, thus opening a range of potential fraud without being discovered. A meaningful strategy of control tackling these weaknesses should be developed and established.



## Appendix

### Copy of the MINEF press release of 12 August 2003

En vue du lancement des prochaines ventes de coupe, le Ministre de l'Environnement et des Forêts porte à la connaissance du Public les informations ci-après ayant trait aux contentieux qui opposent son département ministériel aux Entreprises exerçant dans le secteur forestier :

#### I - CONTENTIEUX EN COURS DE RECOUVREMENT

Nom ou raison sociale	Infractions	Référence PV	Pénalités	Observations (Avances)
BSC	Non-respect des normes d'exploitation et fausse déclaration dans le carnet chantier	N°017/PVCI/MINEF/CAB/ UCC du 24/01/2001	15 234 561 Avance: (1 000 000)	Recouvrement en cours au P.S.R.F. Avance: (1 000 000)
South Forestry Company	Exploitation hors limite accordée à la vente de coupe n° 09 02 74	N°018/PVCI/MINEF/CAB/ UCC du 17/01/2001	20.577.875	Avance: 10 038 938 Recouvrement en cours au P.S.R.F.
CAMSAW B.P. 11982	Non-enregistrement des bois transformés dans le carnet entré usine	N°027/PV/MINEF/DF du 09/01/2001	32.145.228	Recouvrement en cours au P.S.R.F
RAMA B.P. 4600 Ydé	Exploitation non autorisée de 30 m³	N°027/PV/MINEF DF du 05/01/2001	8.000.000	Recouvrement en cours au P.S.R.F
SICC BP 910 Yaoundé	Non-paiement de taxe entrée usine	N°037/PV/MINEF/DF du 12/01/2001	40 000 000	Avance de 2 000 000, Transaction en cours pour le 5 septembre 2003
SIBT	Défaut des carnets d'entrée usine et sortie de produits transformés	N°17/PVCI/MINEF/DPEFLT/ BPC du 11/07/2001 24/04/2001	5.000.000	Recouvrement en cours au P.S.R.F
TOLAZZI AFRIQUE et SSCTM	Non présentation des documents Coupe sous-diamètre	N° PV/MINEF/CAB/UCC du	12 143 584	Avance: 6.071.792 Reste en cours de Recouvrement au P.S.R.F
RAMA BP 4600 Yaoundé	Exploitation non autorisée de 30 m³	N°049/PV/MINEF/DF du 19/11/2001	20.000 000	Recouvrement en cours au P.S.R.F
SOFHONY	Exploitation non autorisée	N°049/PV/MINEF/CAB/UCC du 13/05/2001	14.666.200	Recouvrement en cours au P.S.R.F
TCHUISSE Mathieu	Dépassement de volume accordé	N°052/PVCI/MINEF/CAB/ UCC du 04/06/2001	8.032.000	Recouvrement en cours au P.S.R.F
TROPICAL WOOD	Exploitation forestière non autorisée	N°085/PV/MINEF/CAB/UCC du 16/11/2001	13.332.585	Recouvrement en cours au P.S.R.F
YEE-LAY	Exploitation non autorisée dans la Réserve forestière de BAKAKA		15 451 810	Recouvrement en cours au P.S.R.F
R.PALLISCO	Dépassement des volumes accordés par essences dans la V/C 10 02 24	N°013/PVCI/MINEF/CAB/ UCC du 27 juin 2002	237.525.991	Recouvrement en cours au P.S.R.F (Transaction signée pour le 11 mars 2003)
Société FORESTIERE HAZIM et Cie	Exploitation forestière non autorisée dans l'UFA 10 030	N°012/PV/MINEF/CAB/ UCC du 20/06/2002	2,5 milliards	En justice
ECIC	Coupe sous-diamètre Non ouverture des limites	N°050/PV/MINEF/UCC du 06 juin 2001	15.099.00	Recouvrement en cours au P.S.R.F
S.E.T.B.C	Exploitation au delà des limites de la V/C 09 02 54	N°002/PV/MINEF/DPEFS/ BPC	28.796.235	Avance de 1 000 000 Recouvrement en cours au P.S.R.F
S.F.D.L	Complicité dans une exploitation frauduleuse	N°03/PVCI/Minef/CAB/ MC 107 du 03 Janvier 2003	24.000.000	Recouvrement en cours au P.S.R.F
Ondoua Akono	Exploitation non autorisée dans le domaine national	N°001/PVCI/MINEF/DPEFS/ BPC DU 14 janvier 2003	44.790.000	Recouvrement en cours au P.S.R.F
TOLAZI Afrique	Exploitation forestière non autorisée dans le domaine national; Usage frauduleux des documents et fraude	N°21/PV/MINEF/DPEFC/ BPCC	16.945.915	Recouvrement en cours au P.S.R.F
I.B.C	Complicité dans une exploitation frauduleuse	N°04/PVCI/MINEF/UCC/ MC 0107	9 165 000	Recouvrement en cours au P.S.R.F
MANDARI MARIE FRANCE	Exploitation forestière non autorisée dans le domaine national	N°20/PV/MINEF/DPEFC/ BPCC	16 945 915	Recouvrement en cours au P.S.R.F

#### II - CONTENTIEUX EN INSTANCE

Nom ou raison sociale	Infractions	Référence du PV	Pénalité	Observations
Patrice Bois	Complicité dans une exploitation forestière non autorisée	N°001/PVCI/MINEF/CAB/ UCC du 26 janvier 2003	50 000 000	Contentieux en Instance
COFA	Exploitation forestière non autorisée (exploitation sans titre)		100 000 000	Contentieux en Instance

## III - RAPPORTS EN COURS DE VALIDATION AU COMITE DE LECTURE

Nom ou raison sociale	Infractions	Référence PV	Observations
Filière Bois	Abattage d'un Assamela sous diamètre	N°013/PVCI/MINEF/CAB/ UCC/MC 294 du 20 mars 2003	Rapport en cours de validation au Comité de lecture
C.FE	Abattage d'arbres sous diamètre	N°012/PVCI/MINEF/CAB/UCC/ MC 294 du 17Mars 2003	Rapport en cours de validation au Comité de lecture
Ingénierie Forestière	Exploitation forestière non autorisée en dehors des limites de l'a/c 01 de l'UFA 10 057	N°014/PVCI/MINEF/CAB/UCC/ MC 294 du 24Mars 2003	Rapport en cours de validation au Comité de lecture
S.C.TB	Abattage d'arbres sous-diamètre. Exploitation forestière non autorisée en dehors des limites de l'a/c 42 de l'UFA 10 046	N°015/PVCI/MINEF/CAB/UCC/ MC 294 du 28 Mars 2003	Rapport en cours de validation au Comité de lecture
SOCIB	Exploitation forestière non autorisée en dehors des limites de l'a/c 3 de l'UFA 09 005B	N°017/PVCI/MINEF/CAB/UCC/ MC 294 du 23 avril 2003	Rapport en cours de validation au Comité de lecture
FIPCAM	Exploitation non autorisée au delà des volumes accordés	N°005/PVCI/MINEF/CAB/UCC/	Rapport en cours de validation au Comité de lecture
Miguel Khoury	Défaut de martelage des grumes sur les parcs à bois (au chantier et à l'usine) soit 500 grumes non martelées	N°020/PV/MINEF/UCC/MC294	Rapport en cours de validation au Comité de lecture
Ets Nicole	Coupe frauduleuse de 40 pieds d'arbres dans le domaine national	N°021/PV/MINEF/UCC/MC294	Rapport en cours de validation au Comité de lecture
BIG SHOP Company	Coupe frauduleuse de 50 pieds d'arbres dans le domaine national	N°022/PV/MINEF/UCC/MC294	Rapport en cours de validation au Comité de lecture
SFIM	Exploitation non autorisée au delà des limites de sa vente de coupe + non-marquage des bois	N°022/PV/MINEF/UCC/MC 294	Rapport en cours de validation au Comité de lecture
ECIC	Exploitation non autorisée au delà des limites de sa vente de coupe + non-marquage des bois	N°023/PV/MINEF/UCC/MC 294	Rapport en cours de validation au Comité de lecture
PMF WOOD	Non marquage de souche	N°025/PVCI/MINEF/CAB/UCC/ MC 294	Rapport en cours de validation au Comité de lecture

IV - AUTRES CAS DE CONTENTIEUX: (Les Procès verbaux ne sont pas encore établis du fait de la non présence de ces responsables sur le terrain lors des missions de Contrôle et les convocations administratives sont en cours pour suite de la procédure du Contentieux)

Nom ou raison sociale	Infractions	Observations
FIAM	Exploitation non autorisée dans le domaine national	Convocation administrative en cours pour suite de procédure
N.K	Exploitation non autorisée dans le domaine national	Convocation administrative en cours pour suite de procédure
S.E.T.B.C	Exploitation non autorisée dans le domaine national	Convocation administrative en cours pour suite de procédure
S.F.F	Exploitation forestière non autorisée en dehors des limites de l'A/C 20 de l'UFA 09 006	Convocation administrative en cours pour suite de procédure
SEPFCE	Exploitation forestière non autorisée en dehors des limites de sa vente de coupe	Convocation administrative en cours pour suite de procédure
KIEFFER	Non-marquage de souche	Convocation administrative en cours pour suite de procédure

## V - CAS DE CONTENTIEUX SOLDES

Nom ou raison sociale	INFRACTIONS	Référence PV	MONTANT	Observations
EFOM BP II MINTA	Exploitation non autorisée de 44 billes de bois	N°027/PV/MINEF/DF du 09/01/2001	28 000 000	Soldée
SITRAFOR/SEFN BP 86 Douala	Non présentation des documents (DF10, LV)	N°041/PV/MINEF/DF du 23/01/2001	8.050.000	Soldée
HFC (Forestière de Campo)	Exploitation forestière au delà des limites de l'AAC N°59 de l'UFA	N°018/PVCI/MINEF/CAB/ UCC du 24/04/2001	160.135.232	Soldée
ECIC	Exploitation forestière AEB 2154 sans autorisation	N°169/PVCI/MINEF/DPEF/ BPC du 26/10/2001	3 376 266	Soldée
ALPICAM	Fausse déclaration sur DF10		5.079.830	Soldée
WIUMA	Exploitation non autorisée dans le domaine national	(ILLEGIBLE)	10.000.000	Soldée
SEBAC	Exploitation non autorisée dans les UFA 10008 et 10010		310.000.000	Soldée

Les sociétés concernées par lesdits contentieux ont quinze (15) jours à compter de la date de publication du présent Communiqué pour faire connaître leurs observations. En l'absence d'une réaction de leur part, ces situations seront considérées comme étant acceptées, et susceptibles d'être prises en compte par la Commission d'attribution des ventes de coupe dans l'analyse de leurs offres

Signed Minister of the Environment and Forests, Tanyi-Mbianyor

## References

- 1 The Transparency International Global Corruption Barometer of 3 July 2003 highlighted a July 2002 survey of 30,487 people in 44 countries by the Voice of the People conducted by Gallup International which asked the following question: 'if you had a magic wand and you could eliminate corruption from one of the following institutions [in your country], what would your first choice be?'. Whilst in the vast majorities of the 44 countries concerned, the category 'political parties' received most votes, in Cameroon people viewed 'Courts' as the major problem (31%) with three times more votes than political parties, thereby highlighting problem and lack of confidence in the pursuit of legal cases. See <http://www.transparency.org/> for further information.
- 2 The first summary report covered the period from May to November 2001 is included in the CD attached at the end of this report and is also available on the Global Witness website [http://www.globalwitness.org/projects/cameroon/en/other\\_reports.php](http://www.globalwitness.org/projects/cameroon/en/other_reports.php)
- 3 Terms of Reference of the Project of Independent Observation in Support of Forest Law Enforcement in Cameroon signed by MINEF and Global Witness, May 2002; [http://www.globalwitness.org/projects/cameroon/en/terms\\_contracts.php](http://www.globalwitness.org/projects/cameroon/en/terms_contracts.php)
- 4 Impact de l'exploitation forestière illégale sur la fiscalité, sur l'aménagement et sur le développement local : cas de l'FMU 10 030 dans l'arrondissement de Messok, Province de L'Est, Cameroun. AUZEL, Philippe, et al. 2001
- 5 The European Union (EU), The Service de Coopération et d'Action Culturelle (SCAC) and the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) funded the scoping studies. Subsequent phases have been funded by the UK DFID, the EU and the Japanese PHRD fund which was managed by the World Bank and CIDA
- 6 A copy of the Contract and the Terms of Reference can be found at the Global Witness [http://www.globalwitness.org/projects/cameroon/en/terms\\_contracts.php](http://www.globalwitness.org/projects/cameroon/en/terms_contracts.php)
- 7 The most recent version of the table and updated mission reports can be found at <http://www.globalwitness.org>
- 8 This table can also be found on the CD at the back of the report with the full version of all mission reports.
- 9 Report 013, Independent Observer, 28-31 May 2002; <http://www.globalwitness.org/projects/cameroon/downloads/013En-Fpdf>
- 10 Report 013a, Independent Observer, 24 July 2002; <http://www.globalwitness.org/projects/cameroon/downloads/013aEn-Fpdf>
- 11 Terms of Reference of the Independent Observer point 3.2: '...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, [...] the Independent Observer will have the right to undertake a mission to verify the facts without a CCU presence. In this case, the IO will take the original mission request and will work in close collaboration with local control staff'.
- 12 The function of Reading Committee is to review the field mission reports of the Independent Observer every three months with a view to discussing content and conclusions, and noting differences between the conclusions and those of the CCU and other MINEF staff present in the investigation. Actions to be taken by MINEF are agreed in the meeting on a case-by-case basis. A review of the realisation of these actions should be made at subsequent Reading Committee meetings. Once the reports have been reviewed and discussed they are prepared for publication.





## **CD Annexe**

### *Contents*

First summary report  
Second summary report  
Terms of Reference  
Field mission reports  
Video appendix from field mission report 022



**Front cover picture: Bulldozer making  
its way through Forest Management  
Unit o8 oo4**



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