

REPUBLIC OF CAMEROON



PEACE-WORK-FATHERLAND

Decree No. 95/53 LPM of 23 August 1995
to determine the conditions of implementation of
forestry regulations.

THE PRIME MINISTER, HEAD OF GOVERNMENT,

Mindful of the Constitution;

Mindful of Ordinance No. 90/1 of 29 January 1990 to establish Free Zone Regime in Cameroon, including Law No. 90/23 of 10 October 1990 to ratify the said ordinance;

Mindful of Decree No. 94/1 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations,

Mindful of Decree No. 92/89 of 4 May 1992 to determine the duties of the Prime Minister;

Mindful of Decree No. 92/244 of 25 November 1992 to appoint the Prime Minister, Head of Government,

Mindful of Decree No. 92/245 of 26 November 1992 to organize the Government, and subsequent amendments thereto;

HEREBY DECREES AS FOLLOWS :

PART I
GENERAL PROVISIONS

1. This decree shall determine the implementation of Law No. 94/1 of 20 January 1994 to lay down forestry, wildlife and fisheries regulations, hereinafter referred to as the « Law », particularly the provisions thereof relating to the protection of nature, biodiversity and forests

2. (1) A State forest shall be a forest which has been classified as State property.

(2) In accordance with the law, the following forest reserves shall be considered as State forests :

- integral ecological reserves;
- plant life sanctuaries;
- protection forests;
- recreation forests;
- teaching and research forests;
- production forests;
- forest plantations ;
- botanical gardens.

3. The following definitions shall be used in the implementation of the law and this decree :

(1) An integral ecological reserve : an area where all types of resources enjoy complete protection with a view to preserving it wholly in its climatic condition. Any activity by man therein shall be strictly prohibited

However, the service in charge of forestry may authorize the execution of scientific research projects therein insofar as such projects do not perturb the ecosystem equilibrium.

(2) A plant life sanctuary : an area intended for the full protection of certain endemic plant species. Any activity leading to the destruction of such species shall be forbidden. Activities authorized or prohibited therein shall be determined by the sanctuary classification instrument.

(3) A protection forest : an area intended for the protection of fragile ecosystems or which is of scientific importance. Any activity entailing the tapping of resources in that area for non scientific purposes shall be forbidden.

(4) A recreation forest : a forest set aside, on account of its aesthetic, artistic, sports or health importance, for the purpose of developing and/or maintaining therein a recreational setting. Any forest exploitation and/or hunting activity therein shall be forbidden. However the opening of footpaths, areas for resting and the cleaning of the forest shall be authorized for the purpose of improving the recreational setting.

(5) A teaching and research forest : a forest where students specializing in forestry sciences carry out practical work and where recognized bodies also carry out scientific research projects. Any forest exploitation activity, hunting and fishing therein other than for teaching and research purposes shall be forbidden.

(6) A production forest : an area intended for sustained and lasting production of constructional or service timber or any other forest product. The customary rights relating to hunting, fishing and harvesting therein shall be controlled.

(7) A forest plantation : a reforested land or land intended for reforestation with a view to producing forest products and/or protecting a fragile ecosystem. Customary rights relating to hunting; fishing, grazing and harvesting therein shall be controlled in accordance with the objective assigned to the forest plantation.

(8) A botanical garden : a site intended for the preservation and association of plants which have grown spontaneously or have been introduced and which enjoy complete protection for scientific, aesthetic or cultural purposes.

(9) A late fire : a fire lighted in the heart of the dry season.

(10) An early fire : a fire lighted very early at the beginning of the dry season for the purpose of developing grazing areas

(11) A community forest : a forest of the non-permanent State forest, object of a management agreement between a village community and the service in charge of forestry. The management of such a forest shall be the responsibility of the village community concerned, with the technical assistance of the service in charge of forestry.

(12) A council forest : a forest which, in accordance with Section 30(1) of the Law, has been classified as belonging to the council concerned or which has been planted by such council on council land.

(13) A fragile ecological zone : a forest one of whose resources, at least, particularly water, soil, wildlife and flora, is undergoing or is likely to undergo deterioration in the short-term through the activity of man or natural phenomena.

(14) Protected plantation of young woodland : an eroded area, closed to any human activity for a determined period, with a view to enhancing forest regeneration on such land and to restoring its productive capacity.

(15) An under-developed forest : a permanent forest whose management is carried out in accordance with specific objectives, on the basis of a development plan as outlined in Section 23 of the Law.

(16) An agreement for the management of a community forest : a contract by virtue of which the service in charge of forestry allots to a community, a portion of national forest, which the community manages preserves and exploits in its own interest. The management agreement is accompanied by a simple management plan which determines the activities to be carried out.

X (17) ~~A~~ Council : any urban or rural council, city council, subdivisinal urban council, or any other category of council set up by law.

X (18) ~~A~~ Buffer zone : an area which is the object of agricultural, forestry and livestock development necessary for human settlement and related activities

X (19) ~~A~~ Drift timber : timber without visible local marks and found in Cameroon territorial waters.

(20) A forest exploitation right : a sale of standing volume, a forest concession, an exploitation permit or a personal logging authorization, as the case may be.

(21) A natural product : a forest product as defined under Section 9 (1) of the law.

(22) Forest products : woody and non-woody plant products, as well as wildlife and fishery resources of the forest.

4. (1) The Minister in charge of forestry shall assign the conduct of the studies or the execution of the works necessary for implementing the forestry policy to public establishments set up for that purpose.

K However, he may, where necessary, assign some of these activities to any natural person or corporate body deemed competent and authorised in accordance with the provisions of this decree.

(2) Foreign consultancy bureaux shall work in liaison with recognized national competent services, where they exist, for the conduct of studies and execution of works relating to an international call for tenders.

X 5. (1) Within the framework of preparing and implementing the forestry policy, the service in charge of forestry shall consult and co-opt the neighbouring population concerned and professional associations of the forestry sector. Such persons and associations may carry out certain development activities of the forestry sector.

(2) The activities undertaken by the abovementioned partners shall be implemented in conformity with the programmes and policies of the forestry sector, as stipulated by the Government.

PART II PROTECTION OF NATURE AND BIODIVERSITY

6. (1) Subject to the provisions of paragraph 3 below, any late fire shall be forbidden.

(2) On the proposal of the local government technical officials concerned, Senior Divisional Officers shall issue orders to lay down the conditions for lighting fires.

(3) Authorizations to light early fires in grazing areas shall be issued by the local administrative authority, in accordance with the order of the Senior Divisional Officer provided for in paragraph 2 above.

(4) Notwithstanding the authorization referred to in paragraph 3 above, any person who has lighted a fire must remain at the place of the fire until it is completely extinguished. The person concerned shall, in addition, take the necessary precautions to ensure that the fire does not spread beyond the land in question.

7. (1) In execution of the fire preventive policy, local administrative authorities, the service in charge of forestry and council mayors shall, in collaboration with village communities, set up surveillance teams and bush fire control centres.

(2) Where a fire outbreak is declared in a forest clump, the local administrative authority, assisted by the local official of the service in charge of forestry may, in accordance with the instruments in force, requisition any person or property to put it out.

8. (1) Bush fires shall be forbidden in permanent forests. However, in recreation forests, camp fires may be authorized on sites reserved for that purpose. In that case, the persons lighting the fire shall respect the regulations governing bush fires.

(2) Any under-developed forest shall be endowed with a system for monitoring and controlling fire in the forest.

(3) Where forest owners or concessionaries are unable to prevent or control forest fire, the service in charge of forestry may cause to be carried out, at the expense of the persons concerned, the works provided for in this respect in the development plans or specifications attached to the exploitation authorization.

9. (1) The clearing of a State forest may be authorized only after the declassification of the said forest by reason of public interest and upon the presentation of an impact study on the environment conducted by the applicant, in accordance with the norms fixed by the service in charge of the environment.

(2) Where the conclusion of the impact study provided for in paragraph 1 above is favorable for clearing, the minister in charge of forestry shall initiate the procedure leading to total or partial declassification of the said forest, as stipulated in Articles 22 and 23 below.

(3) Declassification may not be carried out where clearing is likely to :

(a) deprive the local population of forest products;

(b) jeopardize the survival of the neighbouring population whose lifestyle is dependent on the forest in question;

(c) perturb ecological equilibrium;

(d) undermine national defence requirements.

10. (1) In order to promote forest regeneration and/or restore the productive capacity of eroded lands, certain lands may be afforested or declared ecologically fragile zones.

(2) Ecologically fragile zone and afforested zone shall be so declared by order of the Governor of the province concerned, on the basis of a file compiled by the provincial official in charge of the environment. The file shall comprise :

(a) the minutes of a consultation meeting held with the population and the services concerned;

(b) a plan of action drawn up on the basis of the conclusions of the minutes mentioned above.

11. The service in charge of forestry shall, in conjunction with the councils and population concerned, be responsible for implementing the provisions of the plan of action mentioned in Article 10 above.

12. (1) In order to create or maintain in urban areas a level of afforestation that is in conformity with the provisions of the regulations in force, it shall be forbidden to fell or mutilate in such areas any tree found on State land without the prior authorization of the mayor of the urban council concerned.

Such authorization may be granted only by reason of public interest or where the tree concerned is likely to cause danger, subject to the recommendation of the local official of the service in charge of forestry.

(2) The felling or mutilation of trees in urban areas may be carried out only after payment to the council concerned by the applicant, of the estimated amount of the damages to be caused.

13. (1) The management of forest genetic resources shall be under the responsibility of the services in charge of forestry, wildlife and the environment, with the assistance of the services in charge of scientific research.

(2) The harvesting of samples of genetic resources for scientific or cultural purposes shall be subject to obtaining an authorization issued by the minister in charge of forestry - upon the recommendation of the minister in charge of scientific research - and the prior constitution by the applicant of a reference stock of the resources in the Cameroon National Herbarium.

(3) A certificate of origin and an export or import permit issued by the minister in charge of forestry, upon the recommendation of the minister in charge of scientific research, shall be required for the import and/or export of forest genetic products harvested for scientific or cultural purposes.

14 (1) Scientific research findings made on samples of the genetic resources harvested in accordance with Article 13 of this decree, shall permanently be placed at the disposal of the services concerned.

(2) Bio-ethnological studies shall, in addition, be conducted where such findings are conclusive.

(3) The conditions for the implementation of this article shall be fixed by separate instruments.

15 (1) A certificate of origin shall be presented prior to the import or export of any forest product. The said certificate shall specify the similarity, source and destination of the product.

However, the import or export of certain products the list of which is determined by the minister in charge of forestry, may be subject to the presentation of an authorization issued by the service in charge of forestry.

The conditions for issuing the above authorization shall be determined by order of the minister in charge of forestry.

(2) The certificate of origin and the authorization to export forest products shall be issued by the service in charge of forestry after inspection of such products.

16. The conditions for organizing the prevention and control of diseases and insects threatening forest plantations and species shall be determined by order of the minister in charge of forestry.

PART III

NATIONAL FOREST

CHAPTER I

PERMANENT FORESTS

17. The classification of a State or council forest shall be subject to the enactment of a decree by the Prime Minister, Head of Government, upon the presentation by the minister in charge of forestry of a file comprising the following documents :

(1) a site plan describing the boundaries of the said forest, including a geographical map on a scale of 1/200 000 and a copy of the land allotment plan of the region concerned, where such a plan exists;

(2) a technical note specifying the objective(s) of this classification and outlining the customary rights applicable in the forest concerned, in accordance with Article 3 above;

(3) the minutes of the meeting held by the Committee provided for in Article 19 below;

(4) an application written by the council concerned, in the case of a forest to be classified as a council forest

18 (1) In regions having a land allotment plan, the classification of a forest as a State or council forest shall be preceded by a period of thirty days during which the minister in charge of forestry shall inform, by notice, the population concerned of the classification project.

(2) In regions without a land allotment plan, the period of information provided for in paragraph 1 above shall be ninety days, in order to enable the population concerned to express their reservations or make their claims to the competent administrative officials. After this deadline, no objection may be admissible.

(3) The notice provided for in paragraph 1 above shall be made public through the press and posting in divisional offices, subdivisinal offices, council offices and services in charge of forestry in the region concerned, or through any other useful medium.

19. (1) In each division a committee, hereinafter referred to as the "Committee", shall be set up. The Committee shall be responsible for:

- examining and making recommendations on any possible reservations or claims forwarded by the population or by any other person concerned, during forest classification or declassification operations;

- evaluating any property subject to expropriation and preparing a report in that respect.

(2) The expropriation procedure shall be conducted in accordance with the regulations in force.

20. (1) The Committee referred to in Article 19 above shall comprise:

Chairman: - the senior divisional officer or his representative;

Rapporteur: - the local representative of the ministry in charge of forestry;

Members: - the local representative of the ministry in charge of tourism;

- the local representative of the ministry in charge of lands;

- the local representative of the ministry in charge of the environment;

- the local representative of the ministry in charge of livestock;

- the local representative of the ministry in charge of agriculture;

- the local representative of the ministry in charge of mines;

- the local representative of the public body in charge of development,
- the member(s) of Parliament of the division,
- the mayors of the councils concerned or their representatives,
- the local traditional authorities.

(2) The Committee shall meet on the initiative of its chairman and at a place chosen by the latter, not later than thirty days after the period of posting provided for in Article 18 above.

(3) The chairman of the Committee shall forward the whole file to the Minister in charge of forestry, including the recommendation of the said Committee.

21. State or communal forests must be identified and demarcated in accordance with the conditions determined jointly by the ministries in charge of lands and of forestry, and bounded in conformity with the regulations in force governing real estate, for the purpose of recording and registering them in the land register, at the expense of the beneficiary.

22. (1) In accordance with Article 28(2) of the law, the total or partial declassification of a State forest may be carried out only after the classification of a forest of the same category and of an equivalent area in the same ecological zone

(2) The declassification of a State forest outside the private property of the State may be carried out only by reason of public interest and after an environmental impact study carried out by the applicant, in accordance with the norms fixed by the service in charge of environment.

The above declassification shall entail the allotment of the forest concerned to the beneficiary public service which shall defray the expenses thereof.

(3) After declassification, the land concerned shall be managed in accordance with the regulations in force governing State property

23. (1) The reasoned application for the declassification of a State forest, together with a file specifying the investments envisaged, shall be submitted by the applicant to the Divisional representative of the service in charge of forestry who shall submit same for recommendation and a follow-up procedure, to the Committee provided for in Articles 19 and 20 above.

(2) In case of a favourable recommendation given by the Committee, the applicant shall conduct a study to determine the impact on the environment of the investments envisaged, as well as the size and value of the property that will be the object of compensation, as provided for by the regulations in force.

(3) Where the conclusions of the impact study provided for in paragraph 2 above are conducive to declassification, the minister in charge of forestry shall initiate the procedure for the total or partial declassification of the said forest, as provided for in Article 24 below

(4) Within the thirty days following the holding of the Committee meeting mentioned in Article 19 above, the beneficiary of the declassified forest shall be bound to pay to the public

treasury the compensation expenses, as evaluated by the study provided for in paragraph 2 above

The distribution of these expenses shall be fixed by a separate instrument of the minister in charge of forestry.

24 (1) The downgrading of a forest shall follow the procedure provided for in Article 18 and 19 above. It shall be sanctioned by a decree of the Prime Minister, Head of Government upon presentation, by the Minister in charge of forests, of a file comprising :

- (a) a detailed report on the purpose of such dereservation;
- (b) a situation plan setting out the boundaries of the forest or portion of forest to be dereserved along with a map on the scale of 1: 200,000;

X (c) the report of the Commission provided for in Article 19 above;

- (d) an accounting document issued by the Treasury and showing payment of the compensation costs provided for in Article 23 above;
- (e) a description on the area to be classified in compensation, in accordance with Article 22 above;
- (f) where necessary, a report of the study provided for in Article 23 (2) above, as well as a receipt of payment of compensation to the Treasury or council concerned.

(2) In case of partial dereservation, it shall be bounded and demarcated anew as provided for in Article 21 above, and the original land certificate shall be modified.

CHAPTER II

NON-PERMANENT FOREST

SECTION I

STATE FORESTS

25 (1) State forests shall be subject to sustainable management regulations in order to ensure the production of forest products.

(2) The Minister in charge of forests shall, by order and in conjunction with other competent ministers, lay down the exploitation norms in the forests mentioned in Article 25 (1) above.

(3) National land may be used for purposes other than forest exploitation. In such case, the forest products found thereon shall be recovered prior to such land being put to use.

26 (1) The populations living around State forests shall maintain their usufruct rights consisting in carrying out within these forests their traditional activities such as collecting secondary forest products, notably raffia, palms, bamboo, cane or foodstuff and fire wood;

fire

(2) To meet its household needs for fire wood and building timber in particular, the neighbouring population concerned may fell the number of trees commensurate with such needs. They shall be bound to justify the use thereof during forest inspections. Under no circumstance may they sell or exchange timber from such forests.

(3) Usufruct rights shall be maintained within State forests, except for protected areas or areas subject to rules laid down by the Minister in charge of forestry or the Minister in charge of mines in accordance with regulation governing quarries

(4) Sand, gravel or laterite shall be extracted within State forests, in accordance with the regulations governing quarries, and after approval by the ministry in charge of forestry and the submission of a study showing the impact on the environment, carried out by the applicant in keeping with the norms laid down by the ministry in charge of the environment.

SECTION II

COMMUNITY FORESTS

27. (1) Within the framework of the definition and follow-up of the implementation of community forest management agreements, the ministry in charge of forestry shall give free technical assistance to the communities concerned, in accordance with the laws in force.

(2) Forests which may be subject to a community forest management agreement shall be those situated on the outskirts of or close to one or more communities and in which the inhabitants carry out their activities.

(3) The nearest neighbouring community shall be given priority in the allocation of any forest which may be designated as a community forest.

When a forest borders on several communities it may be subject to a collective management agreement

The agreement shall be signed, as the case may be, by,

(a) the divisional officer, where the forest concerned falls within the jurisdiction of the division;

(b) the governor, where the forest concerned spans two divisions of the province ;

© the minister in charge of forestry, where the forest concerned spans two provinces .

(4) The surface area of a community forest may not exceed 5,000 ha.

(5) The area concerned must be free of any forest exploitation rights

28 (1) Any community wishing to manage a community forest must hold a general meeting bringing together all member of the community concerned in order to appoint an official in charge of management, define objectives and set the boundaries of the said forest

The meeting shall be supervised by the local administrative authority, assisted by the local technical experts concerned.

(2) The minutes of the said meeting shall be signed during the session by all participants.

(3) The community must have the status of a corporate body, in the form of an entity provided for by the laws in force.

29. (1) The following documents shall be required for the allocation of a ^{community} forest:

(a) a stamped application stating the objectives defined for the forest in question;

(b) the situation plan of the forest,

(c) documentary evidence showing the name of the community concerned as well as the address of the official appointed;

(d) a description of the activities previously carried out within the forest in question ;

(e) the curriculum vitae of the official in charge of forestry operations,

(f) the minutes of the meeting provided for in Article 27 above

(2) The documents for the allocation of a community forest shall be submitted to the local administrative official who shall forward it, with reasoned recommendation, to the competent authority for decision, in accordance with Article 27 above.

In case of a favourable decision the local official of the ministry in charge of forestry shall assist the community in developing a simple management plan for the forest concerned.

In case of an unfavourable decision the competent administrative authority shall return the documents to the community concerned, explaining the reasons for rejection

30. (1) The local official of the ministry in charge of forestry shall forward the simple management plan, signed by the official designated by the community, to the competent administrative authority, together with a draft management agreement of the said forest, for signature.

(2) The management agreement shall take effect on the date the local representative of the ministry in charge of forestry notifies the community concerned of the said agreement, within a period of not more than 15 (fifteen) days.

(3) The community forest management agreement shall have the same duration as the simple management plan of the forest concerned. It shall be revised at least once every 5 (five) years.

It shall be renewable at the end of its period of validity if the community ^{has} honoured the commitments made.

31 (1) The activities provided for in the simple management plan and executed by the community concerned shall be supervised by the local services of the ministry in charge of forestry. Such services may at any moment suspend the execution of any activity within the forest concerned where the community fails to respect the prescriptions of the simple management plan, in accordance with the provisions of the management agreement

(2) An order of the minister in charge of forestry shall define the community forest management agreement model.

32 (1) The conditions for exercising user's rights within a community forest, notably as regards grazing, collection of dead wood, hunting and/or fishing must conform to the prescriptions of the simple management plan of the said forest.

(2) The supervision of a community forest shall be the responsibility of the community concerned.

(3) In case of infringement of community forest management regulations, it shall be up to the ministry in charge of forests to bring legal action against the authors of such infringement. The ministry may be notified to that effect by the official in charge of the community concerned.

SECTION III

PRIVATE FORESTS

33 (1) The technical assistance application file for a private forest shall comprise the following documents :

(a) a stamped application stating the objectives set for the forest ,

(b) a site plan of the forest drawn according to the cadastral scale and duly signed by the competent services ;

(c) a description of the activities previously carried out within the said forest ;

(d) a pledge, in a legalised form, to pay technical assistance fees;

(2) The application for technical assistance shall be addressed to the local official of the ministry in charge of forestry who shall forward it with reasoned recommendation to the provincial representative of the ministry in charge of forestry for approval.

(3) In case of approval, the private individual concerned shall draw up the management plan of the forest concerned, with the help of the local official of the ministry in charge of forestry.

The simple management plan drawn up shall be approved by the provincial representative of the ministry in charge of forestry within a period of 30 (thirty) days following the forwarding of the said plan. Beyond this time-limit, the plan shall be considered approved

(4) Technical assistance fees shall be charged to the beneficiary. Such fees shall be fixed in accordance with the laws on the State finance plan

34. (1) Supervision of the implementation of a private forest simple management plan shall be carried out by the local services of the ministry in charge of forestry

(2) Where the private individual fails to respect the prescriptions of the management plan, the ministry in charge of forestry shall suspend the technical assistance granted to him.

PART IV

FOREST INVENTORY AND MANAGEMENT

CHAPTER I

APPROVAL

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35. (1) Any natural person or corporate body wishing to carry out forest exploitation activities for gain and for commercial purposes must obtain approval in one of the following areas :

- forest inventory
- forest exploitation ;
- sylviculture.

(2) Any natural person or corporate body wishing to obtain approval in one of the areas mentioned in Article 35 (1) above must be resident in Cameroon and must substantiate its technical knowledge in the area in question.

(3) The following shall be excluded from the scope of application of this article :

- (a) the public body provided for in Section 64 of the Law
- (b) holders of individual felling authorizations ;
- (c) owners of private forests ;
- (d) inhabitants exercising their usufruct rights

36. (1) Approval to exercise any of the activities provided for in Article 35 above shall be granted subject to the recommendation of a technical committee for approvals, hereinafter referred to as « the technical committee », by order of the minister in charge of forestry for sylviculture and forest inventory and, by delegation of the Prime Minister, Head of Government, for forest exploitation.

(2) The approval shall be granted subject to the recommendation of the technical committee, on the basis of a file submitted to the ministry in charge of forestry against a receipt, and comprising the following documents :

A. For natural person

- a stamped application bearing the applicant's full name, nationality, profession and place of residence ,

- a curriculum vitae indicating professional experience and qualifications ,
- a non-conviction certificate not more than 3 (three) months old ,
- the statistical and trade register numbers.

B For corporate bodies

- a stamped application indicating the company name and address ;
- a copy of the company's articles of association ;
- the statistical and trade register numbers ;
- the manager's non-conviction certificate, not more than 3 (three) months old ;
- curriculum vitae of the manager or official in charge of forestry operation indicating notably his technical knowledge and professional experience;
- current and previous activities of the company ;
- an attestation of regular payment of contributions due to the National Social Insurance Fund.

C. In either case

- the area of activity for which approval is sought ;
- documentary evidence of the technical knowledge of the applicant, in the case of private individuals, or of the official in charge of operations in the case of corporate bodies ;
- a tax certificate ;
- a statement of tax situation ,
- a receipt for the payment of file processing fees, the amount of which shall be fixed in accordance with the laws on the State finance plan.

37. (1) The approval shall recognize the professional skills of the beneficiary in the area of activity in which he is authorized to practise.

(2) The approval shall be strictly personal. As such, it is may not be leased, transferred or ceded.

(3) The ministry shall be under no obligation to grant a forest exploitation permit to the beneficiary.

38. (1) The technical committee shall comprise the following :

CHAIRMAN : the representative of the minister in charge of forestry.

MEMBERS - the representative of the minister of industrial and commercial development ;

- the Director of Forestry
- the Director of the Environment ;
- the Director of Wildlife and Protected Areas ;
- the General Manager of the National Forest Development Authority, or his representative ,
- the Head of the Legal Affairs Division in the Ministry in charge of Forestry ;
- a representative of each association or union of forestry professionals ;
- two officials of the Department of Forestry in charge, respectively of forest inventory and management matters, as well as forest exploitation and other forestry activities

(2) The chairman of the technical committee may call ^{LAFTM} on up person of his choice to participate, without voting rights, in the meetings of the said committee

(3) The Department of forestry shall report on matters featured on the agenda and provide secretarial services during meetings.

(4) The duties of chairman or committee member shall be honorary

39. (1) The technical committee shall meet, as and when necessary, at least 2 (two) times a year when convened by its chairman. In any case, it shall meet at a venue and on a date which shall be fixed by the chairman.

(2) The quorum of the committee shall be 2/3 (two-thirds) of its members, including the chairman.

Where this quorum is not reached, the meeting shall be postponed for 48 (forty-eight) hours. In such case, the technical committee may sit and conduct business irrespective of the number of members present.

(3) The decisions of the technical committee shall be taken by a simple majority vote of the members present. In the event of a tie, the chairman shall have the casting vote.

40. (1) The technical committee shall deliberate on the applicant's technical and professional background, as well as his financial and economic standing with regard to the area of activity applied for.

(2) The decision of the technical committee may be :

- (a) favourable, where the applicant has met all prescribed criteria ;
- (b) favourable with reservation, where additional information is required. In this case, the applicant shall be given a period of 3 (three) months, with effect from the date of notification of the decision, to provide the additional information. After this period, and if the additional information is not provided, the decision of the committee shall cease to be favourable ;
- (c) deferred, where the applicant's technical or professional background, or his financial or economic standing are deemed unsatisfactory. In such case, the applicant shall be given a period of 3 (three) months, with effect from the date of notification of the decision, to complete his file so that it may be re-examined ;
- (d) unfavourable, where the applicant does not meet the prescribed criteria ;

(3) The minutes of each technical committee meeting shall be signed by the chairman and the members.

CHAPTER II

FOREST INVENTORY

41. (1) A forest inventory shall be the evaluation of forest resources with a view to planning their management.

(2) Depending on the objectives pursued within the forest, there shall be :

- management inventories ; and
- exploitation inventories

(3) The minister in charge of forestry may, as and when necessary, create other types of inventory and define their objectives by order.

lg (4) The different types of inventory shall be carried out in accordance with the norms laid down by the minister in charge of forestry.

42. The management inventory shall consist in evaluating, on a quantitative or qualitative basis, the resources of the stands which constitute a given forest, with a view to ensuring the rational management of all resources.

43. (1) The exploitation inventory shall consist in an exhaustive enumeration of all commercial species on a given geographical area, in accordance with norms laid down by the minister in charge of forestry.

(2) The minimum exploitation diameter of the species mentioned in Article 43 (1) above shall be defined by the minister in charge of forestry

CHAPTER III

FOREST MANAGEMENT

44 (1) Pursuant to Section 64 of the Law :

(a) Forest management shall be the concern of the minister in charge of forestry working through a public body.

(b) The minister in charge of forestry may subcontract certain management activities to private or community bodies.

(2) The conditions for subcontracting certain management activities as provided for in Section 64 (1) of the Law and in the provisions of this decree shall be laid down by order of the minister in charge of forestry.

(3) The minister in charge of forestry shall supervise the execution of management activities entrusted to the public body and the private or community bodies;

(4) The name, organization and functioning of the public body mentioned in (1) and (2) above shall be determined by a special instrument

45. The minister in charge of forests shall draw up for each permanent forest, on the basis of a management inventory, a management plan which shall state, particularly, the objective of the forest, the infrastructure to be provided, the methods and conditions of exploitation or conservation, the regeneration programmes, the estimated costs thereof, and the time interval for the revision of the plan

46. (1) The management of permanent production forests shall be carried out by forest management units set up by the ministry in charge of forests.

(2) The management plan of a forest management unit shall determine the annual logging potential of the unit.

(3) The annual logging potential shall correspond to the maximum yearly exploitable surface area and/or the maximum volume of forest products likely to be extracted yearly from a forest management unit, without reducing the production capacity of the forest.

The volume of forest products extracted shall not, in any case whatsoever, surpass the annual logging potential.

(4) Each holder of a logging licence shall abide by the regulations laid down in the management plan of the forest management unit concerned, in conformity with the contractual terms of the said licence, subject to the sanctions provided for by the law and/or this decree.

(5) Where a logging licence is valid for several adjoining forest management units, the latter may be grouped into a single holding to which a single management plan shall apply.

47 (1) In order to protect and conserve some State forests, these may be safeguarded by a zone called a « buffer zone ».

(2) In a buffer zone, the population's activities, notably agriculture, animal husbandry, hunting, collection of fuel wood and, generally, all authorized rights of usage, shall be carried out according to the management plan of the territory drawn up with the help of the service in charge of rural development and town planning.

(3) The management of buffer zones shall be incumbent, as the case may be, on the councils or village communities concerned.

48. The implementation of the management plan of a communal forest duly approved by the minister in charge of forests, shall be incumbent on the council concerned which shall, in this respect, employ the services of suitably qualified staff.

49. (1) The service in charge of forests shall be responsible for the follow-up and control of the implementation of the management plans for permanent forests.

(2) In case of negligence on the part of councils or holders of forest concessions, the service in charge of forests may step in and have other qualified persons carry out the necessary management duties, at the expense of the negligent councils or holders of forest concessions.

(3) The service in charge of forests may also suspend the carrying out of work which is not in conformity with the indications in the said plans, after a duly notified formal notice which remains unanswered within the prescribed time limit. *Luly*

PART V

LOGGING

50. (1) Logging of any forest shall be subject to an inventory, the cost of which shall be borne by the holder of a logging licence.

(2) Where the said inventories are carried out by the licence-holders, the results shall be verified and approved by the service in charge of forests.

51. (1) Logging in any forest shall be subject to five-yearly plans. *5/2*

(2) The service in charge of forests shall open the forest zones to logging through a public call for tenders which shall state their creation, their limits, surface areas, logging potential and the welfare work envisaged after discussions with the communities concerned

(3) The call for tenders provided for in (2) above shall be published in the press, on billboards or by any other effective medium in the administrative units, councils and the services of the ministry in charge of forests, for an uninterrupted period (45) forty-five days. *M of*

CHAPTER I

LOGGING OF PERMANENT FORESTS

SECTION I

LOGGING OF STATE FORESTS

52 (1) The logging of State forests shall be either by sale of standing volume, logging contracts, or, exceptionally, under State management.

(2) Sales of standing volume or logging contracts shall be granted only to natural persons or corporate bodies already approved as forest exploiters.

LOGGING UNDER STATE MANAGEMENT

53. (1) In conformity with Section 44 of the law, the logging of a State production forest under State supervision shall be possible only where the extraction of forest products is necessary for the salvaging of timber, an experimental project or the improvement of the biotope in accordance with the management plan.

(2) The logging of a State production forest shall be by order of the minister in charge of forests who may sublet it in accordance with the management plan of the said forest.

54. (1) In the case of the logging of a subcontracted forest management unit under State supervision, the service in charge of forest may make a restricted call for tenders in order to select a promoter of Cameroonian nationality.

(2) Only promoters who have already been approved as forest exploiters may submit tenders for a subcontracting agreement.

55. (1) Where a State production forest is logged under State supervision, the extracted products shall be sold in a public auction. In this case, the sales shall be the subject of a specification notice which shall be made public through the press, billboards or any other effective medium 30 (thirty) days before the date fixed for the auction sales.

(2) The notice mentioned in (1) above shall state the place and date of the sales as well as the species and volumes on sale

Such notice shall be published in the administrative units and council offices of the areas concerned as well as in the central services of the ministry in charge of forests.

56. (1) The sale of forest products mentioned in Article 55 above shall be carried out at the place and on the date featuring on the notice, by a sales committee which shall comprise:

- the senior divisional officer of the division concerned or his representative - chairman
- the divisional representative of the ministry in charge of forests - rapporteur.
- the competent land revenue collector - member.

(2) The report on the public auction sales shall be drawn up during the sales and signed by all the participants.

(3) After allocation of the products, the purchaser shall pay the allocation price plus the charge in force, immediately.

SALE OF STANDING VOLUME

57. (1) Sales of standing volume in a State forest shall be made only to natural persons of Cameroonian nationality or to companies where such persons control the entire registered capital or have voting rights except where otherwise provided for by the law.

(2) All allotments of sales of standing volumes in a State forest shall be preceded by a public call for tenders, as provided for in Article 51 above.

58. (1) Sales of standing volume shall be allotted by an order of the minister in charge of forests, after approval by an interministerial committee, and after the public call for tenders provided for in Article 51 above.

(2) The interministerial committee shall preselect the bidders according to the best bids using the following criteria and considering the minimum limits previously set by the minister in charge of forests :

- investments envisaged;
- financial potentials, including the guarantee of good performance;
- technical and professional capacities, and
- where there are previous contracts, how well the terms were respected.

(3) The committee shall select, from the list of bidders drawn up in accordance with (2) above, the bidder offering the highest amount of forest tax based on the surface area. The bottom rate of this forest tax shall be determined by the Finance Law.

(4) Where two or more bidders make identical bids, the sale of standing volume shall be allotted on the basis of the weighting ratios assigned by the minister in charge of forests to the criteria outlined in (2) above.

59. (1) Prospective bidders for a sale of standing volume shall, before the expiry of the time-limit provided for in Article 51 above, deposit with the ministry in charge of forests, against a receipt, a complete file containing 10 (ten) copies of a technical and administrative bid (one original and 9 (nine) certified true copies) and a financial offer.

(2) The file for the technical and administrative bid shall include the following:

(a) a stamped application stating :

- the full name, nationality, occupation and place of residence of the applicant, for natural persons;
- the company name, head office, the name of the manager and a list of the partners, for corporate bodies.

(b) 5 (five) copies of the forest map of the desired zone on the scale of 1:200 000, stating the location, boundaries and surface area of the requested forest. Such map shall be certified either by the State Surveys or by a recognized surveyor,

(c) a certified true copy of the approval certificate;

(d) a tax certificate;

(e) the police record of the candidate, in the case of a natural person, or of the manager, in the case of a corporate body, not more than 3 (three) months old.

(f) a formal declaration as provided for in Article 65 (1) below;

(g) financing guarantees;

(h) subsequently, a list of the available equipment and materials for logging and/or processing;

(i) proposals for environmental protection;

(j) where need be, the verification certificate(s) and an attestation of payments of forest taxes on all former logging licences acquired;

(k) a receipt for the payment of the filing costs, the amount of which shall be determined in accordance with the legislation governing the financial system of the State;

(3) The stamped and sealed envelope or the financial bid shall state the supplementary price the bidder proposes to pay in relation to the bottom rate for annual forest taxes provided for in Section 66(1) of the law and as determined by the Financial Law.

60. (1) The signing of the order allotting a sale of standing volume shall be subject to the presentation of an attestation that the caution fee has been paid into the Public Treasury as provided for in Section 69 of the law.

(2) The caution mentioned in (1) above shall be paid within 45 (forty-five) days from the date on which the bidder was notified of his selection.

(3) Such selection shall be considered to have lapsed as of right where the time-limit mentioned in (2) above is not respected and no proof is given of the payment of the caution fee.

In the circumstance, the sale in question shall once more be subject to a public call for tenders and the time-limit for notice to the public shall be reduced to 15 (fifteen) days.

LOGGING CONTRACT

61. (1) In accordance with Section 46 of the law, a logging contract shall be a contract which confers on the concession holder the right to extract from a forest concession, a volume of timber to supply his local industry/industries for processing in the long term.

(2) Such contract shall be negotiated only after expiry of the provisional logging contract whose duration is prescribed in Article 66 below.

62. (1) In accordance with Section 47 of the law, a forest concession shall be a territory to which the logging contract is applicable. Its boundaries shall be determined by the service in charge of forests which shall take into account, particularly:

- the need of the local wood processing industry for timber; and
- the annual logging potential of the forest management unit in which the concession falls, calculated on the basis of the average volume per hectare of the current commercial species.

(2) The holder of a logging contract shall not, in any case whatsoever, object to the harvesting of products not mentioned in his specifications, and as described in the said specifications.

(3) In accordance with Section 48 of the law, the minister in charge of forests shall determine, each year, the number and sites of forest concessions reserved exclusively for natural persons of Cameroonian nationality or companies in which these persons control all the registered capital and the rights to vote.

A ALLOCATION OF A FOREST CONCESSION

63. Any allotment of a forest concession shall be preceded by a public call for tenders as provided for in Article 51 above.

64. (1) Forest concessions shall be allotted after approval by an interministerial committee and after a public call for tenders as provided for in Article 63 above.

(2) The interministerial committee shall preselect and classify the bidders according to the best bids using the following criteria and considering the minimum limits previously set by the minister in charge of forests in the call for tenders :

- investments envisaged,
- financial potentials, including the guarantee of good performance,
- technical and professional capacities, and
- how well the term of previous contracts in the same domain were respected.

(3) The committee shall select, from the list of bidders drawn up in accordance with (2) above, the bidder offering the highest amount of forest tax based on the surface area. The bottom rate of this tax shall be determined by the Finance Law.

(4) Where two or more bidders make identical bids, the provisional concession shall be allotted on the basis of the weighting ratios assigned by the minister in charge of forests to the criteria outlined in (2) above.

65. Respective bidders for a forest concession shall, before expiry of the time-limit provided for in Article 51 above, deposit with the minister in charge of forests against a receipt, a complete file in 10 (ten) copies (one original and 9 (nine) certified true copies) containing the following documents:

- (a) a stamped application stating:
- the full name, nationality, occupation and place of residence, for natural persons, and
 - the company name, head office, the name of the manager and a list of the partners, for corporate bodies;

(b) a certificate of residence, in the case of natural persons, or an authentic copy of the company's statutes and the signatory powers of the application, in the case of corporate bodies;

(c) 5 (five) copies of the map of the forest on the scale of 1:200,000, stating the boundaries, location and the surface area of the requested portion of forest. Such map shall be certified either by the state surveys services or by a recognized chartered surveyor,

(d) a certified true copy of the approval certificate,

(e) a tax certificate;

(f) an attestation of the deposition with the Registry of the competent Court of Appeal, of the stamp of the candidate's marking hammer bearing the fascicule of the said stamp;

(g) a copy of the candidate's police record for natural persons, or of the manager of forest transactions, for corporate bodies, not more than 3 (three) months old as well as the curriculum vitae of the manager.

(h) a management plan describing the logging programme, the available equipment or the equipment to be used, the scale of existing or envisaged industrial establishments, anticipated yield per product per budgetary year, the size of the workforce and the training programmes thereof ;

(i) financial guarantees,

(j) proposal for environmental protection;

(k) a formal declaration written on stamped paper and specifying that the candidate:

- shall cooperate with the service in charge of forests in the control of his sites and factories and, particularly, by accepting to sign all control reports and giving free access to the control personnel;
- is aware of the forestry legislation and/or regulations in force and undertakes to comply with them;
- shall strictly keep to the investment plan, the recruitment and training programme of the workforce and to the clauses of the specifications,

(l) subsequently, a partnership agreement with an industrialist of his choice for natural persons of Cameroonian nationality,

(m) an industrial and/or a financial partnership agreement with a natural person of Cameroonian nationality engaged in logging, holder of the forest concession, taken individually or as part of company in which persons of Cameroonian nationality control all the registered capital or the rights to vote.

(n) where need be, the verification certificate and an attestation of payment of forest taxes on all previously acquired logging licences;

(o) a document showing that a business account has been opened with a recognized local banking establishment;

(p) a receipt for the payment of filing costs, the amount of which shall be determined in accordance with the legislation governing the financial system of the State.

66. (1) The minister in charge of forests shall sign the provisional logging contract as soon as:

- the successful bidder shows proof of having paid the caution fee into the Public Treasury as provided for in Section 69 of the Law,

- the said bidder fulfils all the conditions for allotment prescribed by the law and this decree; and

- the Prime Minister, Head of Government has notified him of his agreement in principle to such allotment.

(2) In accordance with Section 50 of the Law, the validity of a provisional exploitation contract may not exceed 36 (thirty-six) months.

It shall not be renewable.

(3) The caution fee mentioned in (1) above must be paid within 45 (forty-five) days of the date of notification of the ministry's approval.

(3) Where, at the expiry of the time-limit provided for in (3) above, the owner of the concession fails to submit proof of payment of the caution fee, he shall lose his claim to a provisional exploitation contract.

In such a case, the concession shall once more be put up for a public call for tenders under conditions provided for by this decree.

67. (1) During the period of validity of the provisional exploitation contract, the owner of the contract shall carry out or provide the technical and financial resources for the execution of development work according to the terms of the provisional contract and under the control of the services in charge of forests.

Such work shall be carried out by the owner of the contract where he is qualified to do so, or by an approved contractor in accordance with the conditions laid down in this decree.

(2) The development work referred to in (1) above shall involve

- a development inventory, according to current standards;
- a development schedule;
- a five-year management plan.

(3) The owner of the concession shall bear the cost of the works listed in the contract, in particular:

- an exploitation inventory, done in accordance with the standards in force, concerning the areas to be covered during the first year of exploitation;
- a schedule of operations of the first year of the management plan;
- the setting up of a processing unit;
- the demarcation of the areas to be exploited

(4) The execution of the work referred to in (2) and (3) above shall be subject to technical control in accordance with the technical standards and the regulations in force. Once these obligations are fulfilled, the services in charge of forestry shall issue a certificate of conformity with the specifications of the provisional exploitation contract. Then the owner of the said contract can apply for a permanent exploitation contract.

Where the owner of the contract is in default, he shall be liable to the penalties provided for by the law, without prejudice to those provided for in Article 133 (1) (c) below.

(5) The owner of the concession may be allowed not more than 2,500 hectares of standing volume per year, to be circumscribed within the licenced area by the services in charge of forestry.

68. (1) At the expiry of the provisional exploitation contract, and in case of non-compliance with the terms relating to the setting up of the wood-processing unit or a duly-established infringement of the forestry law and/or regulations in force, the owner of the contract shall be said to be in default and cannot claim the forest concession in question.

In such a case:

- the Ministry in charge of forestry shall not be bound to refund any sums previously paid in for the grant of the licence,
- the caution fee may be refunded under conditions fixed by a joint order of the Ministers in charge of finance and forestry.

(2) At the expiry of the provisional exploitation contract and if the work provided for in the contract specifications has been completed, the Services in charge of forestry shall notify the concessionary of an acknowledgement of work done for the purpose of granting a permanent exploitation concession.

69. (1) The final exploitation contract shall be in the form of a forest concession granted by decree of the Prime Minister, Head of the Government.

(2) Such a grant shall be conditioned by

- the approval of the forest development plan by the Minister in charge of forestry;
- the preparation of a five-year management plan and its schedule of operations for the first year;
- the signing of the attendant specifications

(3) During the period of validity of the final exploitation contract, the owner of the concession, who must already have complied with the provisions of Article 35 above, shall carry out the development operations provided for in the contract specifications, under the control of the services in charge of forestry.

(4) The grant of a concession on a portion of forest shall exclude any other authorization to exploit timber on the same area. It shall annul all previous forest exploitation deeds bearing on the said area.

70. (1) In accordance with Section 46 of the law, a final exploitation contract shall be valid for 15 (fifteen) years renewable.

This period does not include the period of validity of the provisional exploitation contract as specified in Article 66 (2) above.

(2) The final exploitation contract shall be reviewed every 3 (three) years, under conditions fixed by the Minister in charge of forestry.

(3) At the end of each five-year period, the services in charge of forestry may review the annual felling capacity of the forest concession concerned, taking into account the following factors amongst others:

- changes in the needs of the factory;
- the average volume of forest products exploited by the concession owner during the 3 (three) previous years;
- fresh data on the forest inventory;
- the results of the development operations effected over the past 5 (five) years;
- any other useful factor of assessment.

71. (1) In accordance with the management plan and on the basis of an exploitation inventory, the concession owner shall draw up an annual plan of operations and submit it to the services in charge of forestry which, after approval, shall issue an annual operations permit to the concession owner.

(2) The conditions for implementing this article shall be specified by order of the Minister in charge of forestry

72. (1) The volumes authorized for exploitation under the annual operations permit shall be determined on the basis of the results of the exploitation inventory.

(2) The only trees that a concession owner may fell in a forest concession are those that have been inventorized and marked, with the exception of identified grain-bearing species.

73. (1) The concession owner shall forward to the services in charge of forestry a six-monthly progress report on his exploitation activities.

(2) After inspecting the execution of the annual operations plan, and where the concession owner has fulfilled all his obligations, the services in charge of forestry shall issue him a certificate of verification.

B - Renewal of Forest Concession

74. (1) The renewal of a forest concession may be authorized only if the owner of the concession has fulfilled all his contract obligations.

(2) The application for renewal of a forest concession shall be deposited not less than 1 (one) year before the expiry of the exploitation contract at the provincial service of the Ministry in charge of forestry, together with the following documents:

- (a) the documents provided for in Article 65 above;
- (b) the report on the fulfilment of the contract specifications,
- (c) the progress report for the whole period of validity of the exploitation contract.

(3) On the reasoned opinion of the provincial representative of the Ministry in charge of forestry, the application for renewal shall be examined by the interministerial commission provided for in Article 64 above.

(4) Where the opinion of the Commission is favourable, the forest concession shall be renewed by the competent official

C - Transfer of a Forest Concession

75. (1) The transfer of a forest concession shall be authorized by the competent official. It shall bear on the whole area covered by the said concession.

(2) Applications for a transfer shall be written by the concession owner and the transferee and forwarded simultaneously by both parties to the Minister in charge of forestry, against a receipt.

(3) Each application for a transfer of a forest concession shall be presented to the interministerial commission for its opinion, in the form of a file in 10 (ten) copies made up of one original and 9 (nine) certified true copies, comprising the following documents:

- (a) a stamped application showing
 - the full name, nationality, profession and residence of the transferee, if the latter is an individual,
 - the name, head office, manager and list of associates, where the transferee is a corporate body ;
- (b) an authentic copy of the company's articles of association and the capacity of the signatory of the application in the case of a corporate body ,
- (c) a certificate of assessment;
- (d) a copy of the proof of deposit, at the office of the registrar of the competent Court of Appeal, of the imprint of the transferee's forest hammer; the copy should bear a fac-simile of the imprint,
- (e) a copy of the transferee's police record in the case of a natural person, or the Director's in the case of a corporate body, not more than 3 (three) months old, plus the curriculum vitae of the said director ;

(f) an investment plan describing the exploitation programme, the equipment available or to be put in place, the size of the industrial units to be set up, the volume of production expected per budgetary year and per category of product, the composition of the manpower and, where applicable, the manpower training programme;

(g) a declaration on the applicant's honour written on stamped paper and stating that

- he is conversant with the forestry laws and regulations in force and shall abide by them ;
- he shall strictly follow the investment plan, the manpower recruitment and training programme and abide by the terms of his specifications ;

(h) where applicable, a contract of partnership with an industrialist of his choice, for natural persons of Cameroonian nationality, or with companies in which such persons own all the capital or voting rights;

(i) an industrial and/or financial partnership contract with a Cameroonian forest exploiter, either individually or as part of a company in which Cameroonians own all the capital or voting rights, who is a holder of a forest concession, in the case of a non-Cameroonian applicant;

(j) a document showing proof of a business account in an approved local financial establishment as well as financial guarantees;

(k) proposals on environmental protection measures;

(l) a receipt showing payment of the application fee the amount of which shall be fixed in accordance with the finance law of the State.

76. (1) The signing of the document establishing the transfer of a forest concession shall be subject to the presentation of a receipt showing payment of the transfer tax provided for the law, as well as other financial charges related to the concession as provided for by the law and this decree.

(2) The applicant shall have 45 (forty-five) days, starting from the date he was notified of the Ministry's approval of the transfer, to pay the corresponding tax and the fees referred to in (1) above.

(3) Where the applicant fails to submit the above documentary proof within the prescribed time-limit he shall lose entitlement to the transfer

In such a case the forest concession in question may be left with the previous owner where the latter has fulfilled all the contract obligations, or once again put up for public tender in accordance with the provisions of this decree.

(4) Where the transfer is effected, all the terms of the exploitation contract signed by previous owner shall be binding on the new owner.

However, new terms may be provided for on the basis of information available on the timber market and the potential of the forest.

77. Where a natural person owner of a forest concession dies, the concession shall be withdrawn, unless it is established within 18 (eighteen) months following such death that the deceased has a heir who is an approved timber exploiter

In such a case, the ownership of the concession shall be transferred to the heir by the competent authority, provided the latter undertakes in a legalized form to abide by the terms of the exploitation contract attached to the concession in question.

D - Discontinuance of a Forestry Concession

78. (1) The discontinuance of a forest concession shall be established by the competent official, after consulting the interministerial commission provided for in Article 64 above

(2) Discontinuance shall be subject to the presentation of a file comprising 10 (ten) copies, one of which is the original and 9 (nine) certified true copies of the following documents:

- (a) a stamped application identifying the holder of the concession and giving the reason for the discontinuance ;
- (b) a copy of the instrument granting the forest concession;
- (c) the development plan of the forest concerned;
- (d) a forest map of the concession, drawn to scale of 1/200 000;
- (e) a report on the activities carried out by the exploiter in the concession from the date the said concession was granted;
- (f) proof of payment of the discontinuance fee for the forest under development;
- (g) documents certifying payment of all the taxes relating to the exploitation of the concession;

(3) The complete file shall be deposited, against a receipt, at the provincial service of the Department in charge of forestry which shall forward it together with a reasoned opinion to the Minister in charge of forestry for the remainder of the procedure.

(4) Discontinuance shall give entitlement to a refund of the caution fee deposited in the government Treasury, under conditions to be laid down in a joint order of the Minister in charge of finance and the Minister in charge of forestry.

SECTION II

EXPLOITATION OF COUNCIL FORESTS

79. (1) In accordance with Section 52 of the law, council forests shall be exploited under State management or by the sale of standing volume, by permit or by individual felling authorization,

in accordance with the development plans and under the supervision of the services in charge of forestry.

(2) Each council shall determine the conditions for granting exploitation permits on its forests.

(3) The sale of standing volume or the exploitation permits provided for in (1) above may be granted only to approved timber exploiters, in accordance with the provisions of this decree

(4) The exploitation of council forests shall be reserved first and foremost for natural persons of Cameroonian nationality or companies in which such persons own all the registered capital or voting rights

80. (1) The Council shall, each year, submit to the local representative of the Department in charge of forestry a programme of operations describing all the development work envisaged and a report on the activities hitherto carried out.

(2) A council forest may not be exploited unless the Mayor of the council in question has signed and notified the exploitation deed.

(3) The Department in charge of forestry may at any time suspend any activity that contravenes the prescriptions of the development plan of the council forest concerned, after a duly-notified warning has been issued and ignored for 15 (fifteen) days with effect from the date of notification.

CHAPTER II EXPLOITATION OF NON-PERMANENT FORESTS

SECTION I Exploitation OF State Forests

Paragraph 1 Sale of Standing Volume

81. (1) The exploitation of State forests shall be by the sale of standing volume on a unit area of not more than 2,500 hectares, in accordance with an exploitation plan established annually by the Department in charge of forestry and published under the conditions provided for in Article 51 above.

(2) The area of State forests that can be subject to the sale of standing volume shall be determined each year by the Department in charge of forestry according to ecological zones, on the basis of the following information

- the volume of exploitable forest produce;
- the user requirements for the current year;
- the volume of forest produce obtained from State, council and community forests as well as that from private forests;

- the extent to which the ecological zones concerned are sensitive to degradation

(3) Each year, the Department in charge of forestry shall determine the areas for sale of standing volume reserved for persons of Cameroonian nationality or companies in which such persons own all the registered capital or voting rights and are approved timber exploiters.

(4) In accordance with Section 55 (2) of the law, the validity of an authorization for sale of standing volume in a State forest may not exceed 3 (three) years, non-renewable.

82. (1) The authorization for sale of standing volume in a State forest shall be granted by the Minister in charge of forestry after consultation with the interministerial commission provided for in Article 64 above, and following a public call for tenders

(2) The provisions of Article 58 (2), (3) and (4) above shall apply for tenders submitted for the sale of standing volume in a State forest.

83. (1) The grant of an authorization for sale of standing volume in a State Forest shall be subject to the presentation of a file comprising 10 (ten) copies, one of which is the original and 9 (nine) certified true copies of the documents listed in Article 59 of this decree, to be deposited at the Ministry in charge of forestry against a receipt.

(2) The signing of a sale of standing volume in a State forest shall be subject to the provisions of Article 60 above.

84. (1) In a sale of standing volume in a State forest, only inventoried and marked trees, excluding identified seed-bearers, may be felled.

(2) Any person acquiring a sale by standing volume shall be required to forward to the services in charge of forestry a report on the progress of his exploitation activities every six months, and a general report at the end of activity

85. (1) A percentage of the felling tax fixed by the Finance Law shall be paid to local communities living around State forests which are exploited by sale of standing volume toward the development of the said communities

(2) The conditions of payment of the amounts referred to in the preceding paragraph shall be made known to the communities during a briefing held by the local administrative authority, in the presence of traditional authorities, the concerned local technical officials and the forest exploiter.

The meeting shall be held before exploitation activities begin.

PARAGRAPH II

EXPLOITATION PERMITS

86. (1) Exploitation permits for firewood, poles or lumber for small-scale processing shall be reserved solely to persons of Cameroonian nationality or to companies entirely owned or controlled by such persons. They shall each have specifications.

6/ (2) Exploitation permits for certain special forest produce, a list of which shall be fixed by the forestry services, shall be granted by the Minister in charge of forests, after consultation with the interministerial commission provided for in Article 64 above.

(3) Exploitation permits for the harvesting of forest produce for scientific purposes shall be granted by the Minister in charge of forests, based on a technical file, according to conditions laid down by a separate instrument.

(4) Exploitation permits for lumber to be used in small-scale processing and exploitation permits for firewood or poles shall be granted by order of the competent Governor, after consultation with a provincial technical committee.

(5) The period of validity of an exploitation permit shall depend on the volume of produce sold and shall be stated in the instrument granting the permit. In no case shall it exceed 1 (one) year.

(6) Where the exploiter has abided by the specification clauses, the local representative of the Minister in charge of forests shall issue him with a certificate of verification.

Otherwise, the exploiter shall be sanctioned in accordance with the laws and regulations in force.

A- EXPLOITATION PERMITS FOR SPECIAL FOREST PRODUCE

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---87 Exploitation permits for special forest produce shall be granted upon presentation of a file in ten copies, with one original and nine certified true copies, comprising the following documents:

(a) a stamped application stating:

- the full name and address of the applicant, if he is a natural person;

- the name, articles of association, head office, registered capital and its distribution as well as the name of the Director, in the case of a corporate body

(b) a certified true copy of the act of approval;

(c) proof of committed or available financial resources;

(d) investments foreseen. this concerns particularly available transport and processing facilities to ensure the proper preservation of produce, existing or planned warehouses, provisions taken or existing for local processing of all or part of the output;

(e) a tax certificate,

(f) a technical form established by the local official of the forestry services, specifying the species to be exploited, the quantity of produce intended for harvesting, as well as the place and conditions of harvesting;

(g) where necessary, the certificate(s) of verification and attestation of payment of forestry taxes on any exploitation act previously acquired,

(h) a receipt proving payment of the file charges, the amount of which shall be determined in accordance with the law governing the financial system of the State;

(i) an attestation of payment of National Social Insurance Fund contributions.

(2) The application file for an exploitation permit for special forest produce shall be submitted, against a receipt, to the provincial representative of the forestry services of the area of exploitation, who shall forward it with a reasoned recommendation to the Minister in charge of forests, for the follow up.

(3) Signature of the permit shall be subject to the presentation of proofs of payment of the corresponding taxes and fees.

88.(1) The exploitation permit for special forest produce shall state particularly:

- the species to be exploited;
- the quantity of produce to be harvested;
- the exploitation area;
- the conditions of local use, and possibly of exportation of produce.

(2) The specifications attached to the exploitation permit for special forest produce shall state particularly:

- the conditions of resource renewal;
- the conditions of produce exploitation,
- the conditions of transportation;
- the conditions of payment of taxes and duties.

(3) At the end of exploitation, the permit holder shall submit a report of his activities to the provincial representative of the Ministry in charge of forestry of the area(s) of exploitation.

B- EXPLOITATION PERMITS FOR LUMBER

89.(1) Exploitation permits for lumber for small-scale processing shall be granted on the basis of a file in ten copies, with one original and nine certified true copies, comprising the following documents.

(a) a stamped application stating the full name and address of the applicant, as well as the species and volumes, the area of exploitation and product destination,

(b) a certificate of residence,

(c) a tax certificate;

(d) a certified true copy of the approval instrument,

(e) a copy of the police record of the applicant in the case of a private individual, and of the legal representative in the case of a corporate body, not more than three months old,

(f) proof of committed or available financial resources;

(g) a technical form established by the local official of the forestry services;

(h) an application for registration as a small-scale processor;

(i) where necessary, the certificate(s) of verification and attestation of payment of forestry taxes or any previous acts obtained;

(j) a receipt proving payment of file charges, the amount of which shall be fixed in accordance with the law governing the financial system of the State;

(k) an attestation of payment of National Social Insurance Fund contributions.

(2) The above-mentioned file shall be submitted, against a receipt, to the provincial representative of the forestry services for follow up.

(3) Signature of the permit shall be subject to the presentation of proof of payment of the corresponding taxes and duties.

90.(1) Prior to the exploitation of the permit for lumber used in small-scale processing the annual coupe shall first be subject to demarcation and an inventory consisting in measuring and marking all trees designated for sale. The total volume may not exceed 500 (five hundred) cubic metres.

(2) The trees shall be sold standing. Only those which have been designated for sale shall be felled

EXPLOITATION PERMITS FOR FIREWOOD AND POLES

91.(1) Exploitation permits for firewood or poles shall be granted on the basis of a file submitted in 10 (ten) copies, with one original and nine certified true copies, comprising the following documents:

(a) a stamped application stating the full name and address of the applicant, the nature and quantity of produce desired, and the exploitation area;

(b) a technical form established by the local official of the forestry services;

(c) the business licence,

(d) the receipt proving payment of file charges the amount of which shall be fixed in accordance with the law governing the financial system of the State

(2) The complete file shall be submitted, against a receipt, to the forestry services official in the area of exploitation for follow up.

(3) Signature of the permit shall be subject to presentation of proof of payment of the corresponding taxes and duties.

(4) Holders of permits for firewood or poles may start exploitation only after payment of the corresponding taxes, and upon notification of the permit by the local representative of the Minister in charge of forests

92.(1) Prior to the exploitation of the permit for firewood or poles, the annual coupe shall be identified or, where necessary, demarcated. Exploitation shall concern only produced quantities and quantities designated in the permit.

(2) At the end of exploitation the exploiter shall submit a report of his activities to the forestry services.

D- THE PROVINCIAL TECHNICAL COMMISSION

93.(1) The Provincial Technical Commission provided for in Article 86 above, hereinafter known as the "Technical Commission," shall be composed as follows:

Chairman - the Governor of the Province concerned or his representative;

Members: - the provincial representative of the ministry in charge of the environment;
- the provincial representative of the ministry in charge of finance;
- the provincial representative of the ministry in charge of lands;
- the provincial representative of the ministry in charge of industrial and commercial development;
- a representative of the Chamber of Agriculture, Stockbreeding and Forestry,
- the mayor(s) of the council(s) concerned.

(2) The Chairman of the Technical Commission may invite any person of his choice to attend in view of the person's competence in the area concerned

(3) The provincial representative of the forestry services shall take the minutes and perform the secretarial duties during the proceedings of the Technical Commission.

(4) The Technical Commission shall meet as and when necessary, and, in any case, at least twice a year, when convened by the Chairman who shall fix the date and venue of the meeting.

(5) The duties of the chairman and members of the Technical Commission shall be free of charge

(6) The working rules of the Technical Commission shall be determined by order of the minister in charge of forests.

PARAGRAPH III

PERSONAL FELLING AUTHORIZATIONS

94.(1) Cameroonians holding a personal felling authorization may fell a limited number of trees in state forests to meet their private needs, especially in firewood and building timber

This provision does not apply to local populations who shall maintain their customary rights in accordance with the provisions of this decree.

CHAPTER III

THE INTERMINISTERIAL COMMISSION

98. The Interministerial Commission referred to in Articles 58, 64 and 82 of this decree, hereinafter known as the "Commission," shall be a body under the minister in charge of forests. It shall give its opinion on:

- the grant or withdrawal of sales of standing volume;
- the grant, renewal, transfer, abandonment or withdrawal of forest concessions;
- the grant or withdrawal of exploitation permits for certain special forest produce.

SECTION I

COMPOSITION

99.(1) The Commission shall be composed as follows:

Chairman: - the representative of the minister in charge of forests;

Members: - a representative of the ministry in charge of territorial administration,
- a representative of the ministry in charge of the economy and finance,
- a representative of the ministry in charge of industrial and commercial development;
- a representative of the ministry in charge of lands;
- a representative of each association or trade union of the forestry profession;
- two Members of Parliament.

(2) The Chairman may invite any person to attend the proceedings of the commission, without a right to vote, on account of his competence in the areas concerned.

(3) The Director of Forests shall give a report on the items on the agenda.

(4) The Department of Forests shall provide secretarial duties for the commission.

(5) The duties of Chairman or member of the commission, as well as those of rapporteur or member of the secretariat shall be free of charge

SECTION II

FUNCTIONING

100 (1) The Commission shall meet as and when necessary and, in any case, at least twice a year, when convened by the Chairman, who shall determine the venue and date of the meeting.

(2) It may not validly conduct its business unless at least 2/3 (two-thirds) of its members are present.

However, the 2/3 quorum provided for above shall not be necessary when the commission meets to open tenders.

(3) Resolutions shall be adopted by a simple majority vote. In the case of a tie, the Chairman shall have the casting vote.

(4) The running expenses of the Commission shall be borne by the special Forestry Development Fund.

101 (1) The agenda of the Commission shall be given to members at least five days before the date of the meeting

(2) However, the Chairman of the Commission may reduce the above minimum period to 48 (forty-eight) hours when circumstances warrant it

102.(1) The Commission shall give its opinion within a maximum period of 21 (twenty-one) days, with effect from its seizure by the minister in charge of forests;

(2) However, in case of urgency, the Minister in charge of forests may ask for the time-limit laid down in paragraph (1) above to be reduced, provided that it may not be reduced to less than ten days.

103. The rapporteur shall present the files to the commission, and must provide all information that may enlighten members. He shall answer all questions asked or observations made by the members of the commission.

SECTION III

CONDITIONS OF EXAMINATION OF FILES

104.(1) Files submitted to the Commission for study shall include all information and documents that may facilitate their examination.

(2) They shall contain in particular;

A/ During the opening of tenders:

all supporting documents required by this decree.

minutes for each bid after to continue sentences
cette phrase est la suite de (c) à la page suivante
Signed by all the members of the analysis sub-committee provided for by this decree. This report shall in particular summarize any observations that may be made by each bidder on the analysis of his offer as carried out by the sub-committee.

By For the issue of the forest exploitation licence

- (a) minutes of the bid-opening session;
- (b) report on the analysis of bids;

(c) the summary report on the analysis of bids

(2) Any bids reaching after the opening of same shall not be considered.

105. (1) The Chairman of the Commission shall ensure that the bids are stamped and sealed. He shall then open the technical and administrative bids and verify that the administrative and technical documents produced by the bidders are authentic.

During the session, a list of documents contained in each bid shall be drawn up

(2) Bidders may attend or be represented at the session devoted to opening their technical and administrative bids.

106. (1) Following the opening of the technical and administrative bids, copies of the said bids duly initialled by the chairman shall be handed over to a sub-commission for analyzing the bids set up for that purpose by the Commission upon the recommendation of the Chairman.

No member of the Commission may sit on the sub-commission for analyzing the bids.

(2) The original of each bid shall be left in the custody of the secretariat of the Commission.

(3) The other copies of bids from the selected bidders and the originals and copies of bids not selected shall be returned to the bidders, failing which they shall be destroyed by the department in charge of forests if they are not claimed within the time-limit stipulated by the said department.

107. (1) The Commission sitting to examine bids shall receive reports on the analysis of bids and summary reports on any observations from bidders, in accordance with the provisions of Article 104 of this decree.

(2) It shall deliberate and classify the qualified bidders following the technical and administrative selection criteria provided for by this decree, without mentioning the financial bid made by each bidder.

(3) The Commission shall then open the stamped financial bid containing an indication of the supplementary price provided for in Article 59(3) above.

(4) The Commission shall select the bidder in accordance with the provisions of Article 64 above

(5) Where no bid fulfils the selection criteria or where there is collusion among the bidders, the Commission shall declare the call for tenders "inconclusive" or, as the case may be, cancel the said call for tenders.

Where a call for tenders is cancelled on grounds of collusion among the bidders, the said bidders, for a period of five years, may not take part directly or indirectly in any call for tenders provided for by this decree, without prejudice to any penalties that may be applied under separate instruments.

(6) The minutes of the deliberations, previously approved by all the Commissioners present, shall be signed by the chairman. They shall describe the circumstances under which bidders were selected.

108 (1) The Chairman of the Commission shall notify the minister in charge of forestry of the recommendations of the Commission within no more than 72 hours from the end of deliberations.

(2) With the exception of forest concessions, logging licences examined by the Commission shall be granted in accordance with the Commission's recommendations.

(3) However the minister in charge of forestry may request a re-examination of the Commission's recommendations, stating his reservations or observations, within no more than 7 (seven) days from the date of notification of the said recommendations.

109 Within 30 days following notification of the Commission's recommendations for a forest concession to be granted, the minister in charge of forestry shall forward to the Prime Minister, Head of Government, for approval,

- (a) the bids selected;
- (b) the draft provisional logging agreements;
- (c) the minutes of the Commission's deliberations

PART VI

SALVAGE LOGGING, FOREST PRODUCE INDUSTRY AND MARKETING

CHAPTER I, SALVAGE OF FOREST PRODUCE

110. (1) Within the context of a development plan likely to disturb or destroy a forest, a preliminary impact study on the environment shall be carried out by the applicant, according to the rules laid down by the department in charge of the environment, in order to determine what special steps should be taken to ensure the conservation, management or, as the case may be, salvage of natural resources.

(2) In accordance with Section 73 of the Law, salvage logging in State forests shall be done through forestry services or through the sale by public auction on the basis of the assessment results.

111. (1) In order to open an exit route across a State forest, the applicant shall be required to obtain prior authorization from the minister in charge of forestry.

(2) A logger may be authorized to salvage trees felled along the track, subject to payment of the selling price of the timber which shall be fixed by the Finance Law.

(3) The conditions for implementing this article shall be laid down by order of the minister in charge of forestry.

112 (1) Logs abandoned in stockyards in the forest and along the road shall be reported on by the local official of the forestry department.

(2) The owners of the said wood shall be summoned to remove it forthwith.

(3) Thirty (30) days following service of the summons, the wood shall be deemed to belong as of right to the State and shall be sold in accordance with the provisions of this decree.

Offenders shall be liable to the penalties provided for by the regulations in force.

113. (1) Any person wishing to salvage wood found under the conditions provided for in Section 73 of the Law shall forward a stamped request on the matter to the local official of the forestry department.

(2) Salvaging shall be carried out following payment by the applicant of the selling price which shall be fixed by the Finance Law.

CHAPTER II / FOREST PRODUCT INDUSTRY

114 (1) Any natural or legal person intending to operate a primary processing factory for forest products must declare such intent to the departments⁴ in charge of mines, forestry and industry before his/its factory goes into operation.

Failure to declare shall attract an administrative fine which shall be fixed, calculated and collected as laid down by a separate instrument.

(2) The conditions of operation of forest product processing industries likely to give off toxic wastes shall be laid down by the laws and/or regulations governing toxic wastes or dangerous, insalubrious or noxious buildings, as the case may be

(3) The obligations of forestry enterprises placed under the special industrial free zone regime shall be laid down by joint order of the ministers in charge of industry and of forestry, in accordance with Section 74 of the Law.

115. (1) Owners of forest produce processing factories who do not have a logging licence may obtain their supplies from local log markets.

(2) Forest produce bought in such markets must be derived exclusively from valid logging licences, and must comply with the standards provided for by this decree

(3) Owners of primary industries for processing forest produce shall keep an entry record for the said products, showing their origin, and an exit record for processed products, showing their quantity, quality and destination.

(4) The procedure for implementing the above-mentioned provisions shall be defined by the minister in charge of forestry.

CHAPTER III

MARKETING AND PROMOTION OF FOREST PRODUCE

116. (1) Any person wishing to export wood in the form of logs in accordance with the laws in force must first be registered with the department in charge of forestry.

(2) However, natural or legal persons of foreign nationality may carry out exportation of logs only where they have:

- (a) a valid logging licence,
- (b) a local processing industry.

(3) Any breach of the provisions of this article shall be penalized as provided for under Section 159 of the Law.

(4) The procedure for implementing this article shall be determined by order of the minister in charge of forestry.

117. Exporters of forest produce shall keep records of specification sheets initialled by the local forestry department official showing notably the species, quality, volume and origin and destination of the products concerned.

118. (1) Any exporter of forest produce who does not comply with the local processing quotas provided for by the law shall be liable to pay to the public treasury a graduated export surtax.

For this purpose, each logger shall be required, for every six-month period from the beginning of the financial year, to furnish the forestry department with precise details on production, indicating the volume thereof exported and that processed locally.

(2) At the end of the financial year, the forestry department shall calculate and notify to the logger the amount of the graduated surtax owed. The logger shall have 30 (thirty) days from the date of such notification to pay.

(3) At shipment, the local forestry department official shall, together with the customs department official, endorse the bill of lading, after presentation of supporting documents showing payment of the graduated surtax when due and payable or that the logger has complied with the percentage of processing provided for by the law.

(4) The bills of lading must mention the references on the specification sheets of the consignments shipped.

(5) The Finance Law shall lay down by species and by quality the graduated export surtax, as well as the apportionment of the said tax between the State and the Special Forestry Development Fund.

(6) The procedure for implementing this article shall be laid down by joint order of the ministers in charge of finance and of forestry.

Taxes to articles en gros

pas

119. Each year the Finance Law shall fix a preferential rate of the graduated export surtax for species on special offer. The list of such species shall be drawn up annually by joint order of the ministers in charge of forestry and of finance.

pas

120. Loggers shall be required to forward to the minister in charge of forestry within 1 (one) month after the end of each budgetary year an annual report in the form established by the forestry department.

pas etc

121 (1) For marketing purposes, unprocessed or processed forest produce shall be subject to classification regulations and standardization of dimensions and quality

(2) The procedure for controlling the classification and standardization of forest produce shall be laid down by a separate instrument.

PART VII

FINANCIAL AND FISCAL PROVISIONS

122. The marketing of forest produce shall be subject to the payment of the financial and fiscal expenses provided for by the specifications relating to the exploitation licence concerned and by the laws in force.

123. (1) Without prejudice to the other provisions of Section 66(1) of the Law, the financial and fiscal expenses required for the granting, renewal, abandonment or, as the case may be, transfer of a logging licence and payable before signature of a given document by the competent authority shall be composed of:

- (a) the transfer tax;
- (c) the salvage logging tax;
- (d) the selling prices of forest produce, in the case of logging licences, individual authorizations to fell trees and sale of forest produce

pas

(2) The fiscal expenses relating to the ~~exportation~~ exportation of forest produce shall comprise export duties and, where applicable, the graduated surtax.

(3) The basis and methods of payment of the financial and fiscal expenses shall be determined by a separate decree.

PART III

FOLLOW-UP, CONTROL OF LOGGING AND PUNISHMENT OF OFFENCES

CHAPTER I

FOLLOW-UP AND CONTROL OF FORESTRY ACTIVITIES

124 (1) The control and follow-up of forestry activities under logging licences shall be carried out by the personnel of the forestry department under the conditions laid down by order of the minister in charge of forestry.

(2) The personnel of the forestry department responsible for the control and follow-up of forestry activities shall be entitled to carry arms and wear a uniform and shall be subject to the disciplinary rules laid down by separate instruments

125. (1) Every holder of a logging licence must keep a field book a specimen of which shall be designed by the forestry department. The book shall be stamped and initialled by the divisional official in charge of forestry.

In the book shall be recorded each day the number of trees felled and their diameters 1.30 metres above the ground or immediately above the buttress, the felling number appearing on the stamp, the length of logs, their diameters at the big and small ends, their volume and the date of felling.

As concerns the harvesting of special forest produce, poles and firewood, the following shall be recorded:

- the species collected;
- the quantities, dimensions, weight and volume of
- the produce, and
- the place of harvest.

(2) At the end of each week, the sheets from the field book shall be forwarded to the divisional official in charge of forestry who, after checking and compiling the results and specifications shall forward them every month to his superior in the forestry department.

(3) In order to find the cubic contents, the volume of each log shall be calculated following the existing cubic rates or according to the following formula

$$V = \frac{\pi/4}{1/4} \times D^2 \times L \quad \text{where:}$$

V = volume of tree;

L = length of tree trunk;

D = average diameter of tree under bark;

$$\pi/4 = 0,785$$

The volume shall be expressed in cubic metres plus three decimal places.

The length shall be expressed in metres and decimeters, in which case, centimetres shall be disregarded.

The diameter shall be expressed in approximate metres, decimetres and centimetres.

It shall be the arithmetical average of the diameters of the two ends.

126 (1) Holders of logging licences shall be required to collect all the logs from the trees felled except those deemed unusable by the forestry department officials. Where a felled tree is abandoned in the forest, the reason for such abandonment shall be stated in the field book.

(2) After a record has been made of abandoned logs and logs deemed to be unusable, these may be sold by the forestry department in accordance with the provisions of this decree.

— 127. (1) Before each log is taken out of the forest, it must bear the regulation marks.

The procedure for marking timber before it leaves the forest shall be laid down by the minister in charge of forestry.

Transportation of timber, in particular logs not bearing the regulation marks prescribed in the specifications shall be forbidden.

(2) Transporters of forest produce must have a way bill from a counterfoil book of a prescribed model, initialled by the divisional forestry official indicating in particular the quantities and specification of the produce being transported as well as its origin.

Forestry department officials may, at any time, carry out checks to ensure that the forest produce being transported conforms to the details appearing on the documents presented.

(3) The transportation of logs by road and by rail shall be regulated by joint order of the ministers in charge of transport and of forestry.

— 128. All logs entering a processing factory must clearly bear the regulation marks provided for in Article 127 above. The marks shall be recopied in the receipt book provided for in the said article.

— 129. — Loggers, exporters and persons involved in processing of forest produce must countersign, where necessary with comments, the field books, the specification sheets, the entry and exit books as well as the inspection sheets or reports drawn up by the forestry department officials inspecting them.

CHAPTER II

PUNISHMENT OF OFFENCES

130. (1) Without prejudice to the penalties provided for by the law and legislation in force, any approval document or any logging licence provided for in this decree may be suspended or withdrawn under the conditions set out by same.

(2) Suspension of an approval document or a logging licence shall be pronounced by the minister in charge of forestry.

The suspension decision shall state the reasons therefore and shall be notified to the offender.

(3) Withdrawal of an approval document or a logging licence shall be pronounced by the competent authority.

The withdrawal decision shall state reasons therefor and shall be notified to the offender

(4) Approval documents and logging licences of dissolved companies or of companies in liquidation shall be withdrawn as of right.

131. (1) Without prejudice to the penalties under Section 162 of the Law, suspension shall be pronounced in case of a further offence punishable with a fine of no less than 3,000,000 CFA francs.

(2) There is a repetition of an offence if in the twelve (12) months preceding a violation of the forestry law and/or regulations, the same offense is found to have been committed by the offender.

(3) The suspension instrument shall specify its duration which shall not exceed six (6) months

132. (1) The suspension shall comprise.

- the withdrawal of the forest exploitation approval or rights, together with the statutory documents,
- the cessation of the forest activities of the accused,
- and the seizure of forest produce not yet removed.

(2) It may only be lifted after cessation of what caused it and or after the payment of all the taxes and charges due and payable.

133. (1) The withdrawal shall be pronounced as of right if the suspension is not lifted within the period mentioned in Article 131(3) hereabove or in any of the following cases:

- (a) continuation of activities after notification of suspension;
- (b) if the accused is found guilty of another offense within twelve (12) months following the commission of a second offense entailing his suspension;
- (c) non execution of such works as provided for by Article 67 of this decree.

(2) It shall comprise:

- the loss of forest exploitation approval or rights,
- the final cessation of any activities related to the forest exploitation approval or rights;
- and the settlement of all outstanding dues, taxes and royalties. The said dues, taxes and royalties, may, where necessary, be recovered by force.

134. (1) In accordance with the provisions Sections 141 and 142 of the law, sworn officers of forestry services shall have the rank of judicial police officers with special powers.

(2) They shall be sworn in according to the laws and regulations in force.

135. (1) The report establishing, the violation of forestry laws and/or regulations shall comprise the following information

- the date in words of the notice of the violation;

- the complete identity of the sworn officer who booked the offender, together with his rank, his duty and his place of service;
- the date, time and place of the offense;
- the complete identity of the offender and the detailed description of the means he used, *detained*
- X - a detailed description and appraisal of the offense;
- the offender's statement and signature;
- the complete identities of possible witnesses, accomplices or collaborators, together with their statements and signatures;
- X - the references of the legal instruments which forbid and/or checks the act committed,
- the amount of deposit received, if any;
- the list of the produce and machines seized and where they are stored;
- any other information which might help appreciate the case;

(2) Once closed, the report shall be given a serial number in a register of contentious matters which shall be opened for that purpose in the local services concerned. It shall be forwarded within seventy-two (72) hours to the provincial forestry service.

X
- 577 136.(1) In accordance with Section 146(1) of the law, ^eoffences against forestry laws and or regulations may be compounded, without prejudice to the Legal Department's right of persecution.

(2) The Minister in charge of forestry and his provincial representatives shall alone have the right to effect a compromise pursuant to the terms defined by the Minister in charge of forestry. *Ministère*

X (3) The amount of the compromise shall, under no circumstances whatsoever, be less than the least fine provided for, to which shall be added, where necessary, any damages due.

- 577 137 (1) The benefit of the compromise shall be applied for by the offender.

(2) The compromise must be signed jointly by the competent forestry officer and the offender

The offender shall bear the cost of registering the compromise which shall mention, inter alia, the time-limit for its settlement, which shall in no case whatsoever exceed three (3) months.

X (3) Any compromise, even if it is already settled, effected in violation of the provisions of Article 136 hereabove, shall, as of right, be null and void. The Minister in charge of forestry shall, as of right, notify the offender of such nullity. *M*

PART IX

**MISCELLANEOUS
VARIOUS PROVISIONS**

CHAPTER 1

ACQUISITION OF SHARES

138. The purchase and transfer of shares in forest exploitation company capital must abide by the following rules:

(a) In the case of a company formed by persons of Cameroon nationality, the part of the capital or of voting rights held by persons of foreign nationality, either as a result of transfers or of capital increase, shall not exceed 30% of the registered capital or of voting rights.

(b) In the case of a company formed by persons of Cameroon nationality and those of foreign nationality, any subsequent changes in the registered capital or voting rights of the company arising from transfer of shares or of voting rights, or increase in registered capital should not result in a drop in the percentage in the shares or voting rights held by persons of Cameroon nationality such as provided for in the initial registered capital or in voting rights.

(c) In the case of a company formed by persons of foreign nationality, any subsequent changes in the capital or in voting rights of the company for the benefit of persons of foreign nationality not approved for forest exploitation, considered individually or as a company, either through transfer of shares or of voting rights or following an increase in capital, shall not concern more than 15% of the initial registered capital or initial voting rights.

139. Any purchase or transfer of shares in the voting rights of a forestry exploitation company shall be subject to the prior authorization of the Minister in charge of forestry, based on an application filed against a receipt and comprising the following documents:

- (a) an application bearing a fiscal stamp and stating the reasons for purchasing the shares;
- (b) the identity of the transferee;
- (c) a detailed account of the transferor's activities;
- (d) the current memorandum and articles of association of the company as well as the current and future distribution of the capital and of the voting rights.
- (e) the minutes of the general meeting which approved the new issues of capital.

(2) The Minister in charge of forestry is obliged to take a decision with forty-five (45) days of receiving the application referred to in (1) hereabove. After that time-limit his decision shall be deemed to be favourable.

(3) If the application is rejected the reasons therefor shall be notified within the time provided for in (2) hereabove.

CHAPTER II

SUBCONTRACTING QUOTAS

140. Any person who has obtained forest exploitation rights and desires to subcontract some of his activities shall first obtain the agreement of the Minister in charge of forestry by submitting an application comprising the following documents:

- (a) an application bearing a fiscal stamp and stating the reasons for purchase of the shares,
- (b) the identity of the transferee;
- (c) a detailed account of the transferor's activities;
- (d) the activities to be carried out by the subcontractor;
- (e) a subcontract legalized and registered in accordance with the regulations in force;
- (f) a receipt of payment of the dues prescribed by the Finance Law.

(2) All subcontractors must abide by the provisions of Article 35 hereabove.

(3) If the authorization is granted, the holder of the forest exploitation right shall forward to the provincial forestry officer a copy of the subcontract duly signed by the parties involved and registered.

(4) The subcontract shall become effective only after it has been submitted by the holder of the forest exploitation rights to the local forestry officer under whose jurisdiction the subcontract is being executed.

(5) The holder of the forest exploitation rights shall remain the sole person responsible to the forestry service, for the proper discharge of his obligation.

141. Forestry exploitation permit quotas and personal felling authorizations shall be determined by the Minister in charge of forestry

CHAPTER III

SPECIAL PROVISIONS

142. Special obligations governing forest exploiters in frontier areas or who resort to aircraft for forest exploitation shall be defined by competent Government services.

143. Application of the Law and this decree shall not obstruct the respect of relevant common law regulations by any persons who, besides the areas conceded to them for numbering, shall privately occupy public or private properties of the state or

PART X

TRANSITORY AND FINAL PROVISIONS

144. (1) In accordance with Section 75 of the law, forest exploitation rights issued before the date of enactment of the law, which are still valid, are being used and are in order as concerns the financial charges related to the said rights, shall remain valid until they expire.

(2) The forest exploitation rights referred to in (1) above shall be the subject of an additional clause to the specifications laying down new management rules in accordance with the law.

145 Without prejudice to the provisions of Sections 75 and 77 of the law, the transformation of forest exploitation rights granted prior to the law into forest concessions shall abide by the following rules:

(a) All forest exploitation enterprises in activity must submit a certificate showing the proper execution of the obligations contained in the exploitation rights they hold, together with the applications for the transformation of their current rights into forest concessions. To this end, they must fulfil the conditions laid down by this decree and take part in the selection process here provided

(b) At the end of their period of validity, exploitation licences over non permanent forests can not be transformed into forest concessions. They shall therefore be cancelled as of right.

However, the area covered by such licences may, within the limit of the areas provided for by Sections 49 and 55(1) of the law, be transformed and sold for felling

(c) At the end of validity of forest exploitation licences over an area not covered by a zoning plan, forestry services can classify the territory covered by such licences as permanent forest with a view to granting concessions in accordance with the conditions laid down by this decree.

(2) The terms of implementation of this article shall be defined by the Minister in charge of forestry.

146. Former forest exploitation rights whose holders are not in activity and/or who are not in order as concerns the financial charges related to the said instruments, are cancelled as of right.

147.(1) Natural persons or corporate bodies approved for forest exploitation and who are in activity at the date of publication of this decree shall keep their approval.

(2) Those who have or have not ceased their activities and who are in order with Forestry Services, shall have a period of not more than six (6) months with effect from the date of publication of this decree, to conform to the provisions of this decree.

If by the end of such a period they have not conformed to the provisions of this decree, their approval shall automatically become null and void.

148. If the procedure for the granting of an approval or forest exploitation rights is under way but has not ended by the date of publication of this decree, such procedure shall be continued pursuant to the provisions of this decree.

149. The provisions relating to the special Forest Development Fund and the Interprofessional Solidarity Fund shall be laid down by special decrees.

150. All previous provisions repugnant to this decree, especially those of ⁰decree Nos. 83/169 of 12 April 1993 to lay down regulations governing forests and 94/436/PM of 23 August 1994 to define the conditions of application of the regulations governing forests, are hereby repealed

151. The ^{MA}ministry of the Environment and Forestry, the Minister of the Economy and Finance and the Minister of Industrial and Commercial Development are responsible, each in his own sphere, for the implementation of this decree which shall be registered, published according to the procedure of urgency and inserted in the Official Gazette in English and French.



Younde, 23 August, 1995

Simon Achidi Achu
Prime Minister