

REPUBLIC OF CAMEROON

PEACE - WORK - COUNTRY

DECREE No 95/531/PM OF 23 AUGUST 1995
LAYING DOWN THE PROCEDURE FOR IMPLEMENTING THE FORESTS SYSTEM

THE PRIME MINISTER, HEAD OF GOVERNMENT

HAVING REGARD to the Constitution;

HAVING REGARD to Order No 90/001 of 29 January 1990 creating a customs-free area in Cameroon, together with Law No 90/023 of 10 August 1990 approving the said Order;

HAVING REGARD to Law No 94/01 of 20 January 1994 establishing a forests, fauna and fisheries system;

HAVING REGARD to Decree No 92/089 of 4 May 1992 laying down the duties of the Prime Minister;

HAVING REGARD to Decree No 92/244 of 25 November 1992 appointing the Prime Minister, Head of Government;

HAVING REGARD to Decree No 92/245 of 26 November 1992 organising the Government, together with its subsequent amendments;

HEREBY DECREES:

TITLE I
GENERAL PROVISIONS

ARTICLE 1 - This Decree implements Law No 94/01 of 20 January 1994 establishing a forests, fauna and fisheries system, hereinafter referred to as "the Law", especially as regards the provisions thereof relating to the protection of nature and biodiversity, and to forests.

ARTICLE 2 (1) A *forêt domaniale* shall be a forest which has been classified for the benefit of the State.

(2) Pursuant to the Law, the following forest reserves shall be regarded as *forêts domaniales*:

- strict ecological reserves;
- flora reserves;
- protection forests;
- recreational forests;
- research and teaching forests;
- production forests;

- reforestation areas;
- botanic gardens.

ARTICLE 3 - For the purposes of applying the Law and this Decree, the following definitions shall apply:

1) **Strict ecological reserve** [réserve écologique intégrale]: an area whose resources of whatever kind are afforded absolute protection in order fully to preserve its climatic conditions. All human intervention is strictly prohibited in such areas.

However, the Forests Administration¹ may authorise scientific research projects to be carried out in such areas where such projects are not likely to upset the balance of the ecosystem.

2) **Flora reserve**: an area where certain endemic plant species are given full protection. Any action which might lead to the destruction of the species in question is prohibited. The activities which are permitted or prohibited in such areas are specified in the instrument classifying the reserve.

3) **Protection forest**: an area intended for the protection of ecosystems which are fragile or of particular scientific interest. Any activity involving removal of the resources of such a forest for non-scientific purposes are prohibited in such areas.

4) **Recreational forest**: a forest whose purpose is to create and/or maintain a leisure environment by reason of its appeal in terms of aesthetics, art, sport or health. All logging and hunting activities are prohibited. However, in order to improve the leisure environment, paths and open spaces may be created and tidying up operations are permitted in such forests.

5) **Teaching and research forest**: a forest whose purpose is to allow practical work to be carried out by forestry students and scientific research projects by suitably authorised bodies. All logging activities, hunting or fishing other than for the purpose of teaching or research is prohibited in such forests.

6) **Production forest**: an area intended for the sustained and lasting production of timber or of any other forest product; user rights in connection with hunting, fishing and gathering are regulated in such areas.

¹ Translator's note: *Administration chargée des forêts* probably means the Ministry of Forests.

7) **Reforestation area:** an area which has been the subject of, or is intended for, reforestation and whose purpose is to produce forest products, and/or to protect a fragile ecosystem. User rights in connection with hunting, fishing and gathering are regulated in the light of the purpose assigned to the reforestation area in question.

8) **Botanic garden:** an area where indigenous or introduced plants are conserved and placed in association and afforded full protection for scientific, aesthetic or cultural purposes.

9) **Late fire:** a fire lit at the height of the dry season.

10) **Early fire:** a fire lit very early on at the start of the dry season in order to improve grazing land.

11) **Community forest:** a forest forming part of the non-permanent forest, which is covered by a management agreement between a village community and the Forests Administration. Management of such forests is the responsibility of the village community concerned, with the help or technical assistance of the Forests Administration.

12) **Communal forest** [*forêt communale*]: a forest which, under Article 30(1) of the Law, has been officially classified for the benefit of the commune in question or has been planted by it on a communal area.

13) **Fragile ecology area:** an area where at least one of the resources, in particular water, soil, fauna or flora, is undergoing degradation or is likely to do so in the short term as a result of human activity or natural phenomena.

14) **Closed area** [*Terrain mis en défens*]: an area of degraded land, closed to all human activity for a specified period of time in order to promote regeneration of trees on the land and restore land fertility.

15) **Managed forest:** permanent forest which is managed in accordance with specific objectives on the basis of a management plan such as the one set out in Article 23 of the Law.

16) **Community forest management agreement:** a contract whereby the Forests Administration entrusts part of the national forest to a community with a view to its management, conservation and use for the benefit of that community. The management agreement is accompanied by a basic management plan which sets out the activities to be undertaken.

17) **Commune:** Any urban or rural commune, any urban

community, any urban district commune or other statutorily defined category of local administrative area.

18) **Buffer zone:** an area which is subject to agro-silvo-pastoral management measures which are essential in order to settle the population and its activities.

19) **Piece of driftwood:** a piece of wood without any apparent local marking which is found in the territorial waters of Cameroon.

20) **Forestry operating licence:** a permit to sell felled timber, a forest concession, an operating permit or a personal felling permit, as the case may be.

21) **Natural product:** a forest product as defined in Article 9(1) of the Law.

22) **Forest products:** the ligneous and non-ligneous vegetable products, and animal or fish resources or a forest.

ARTICLE 4 (1) The Minister of Forests shall entrust the carrying out of any studies or work needed for the implementation of forestry policy to public bodies created for the purpose.

However, he may, where necessary, entrust some of these activities to any natural or legal person deemed to be competent and duly approved in accordance with the provisions of this Decree.

(2) When carrying out studies or work which has been the subject of international tendering procedures, foreign consultancies must confer with recognised national authorities, where they exist.

ARTICLE 5 (1) When drawing up and implementing forestry policy, the Forests Administration shall consult and draw in the relevant local populations and trade associations in the forestry sector. In this context, the latter may take responsibility for certain activities in connection with forest development.

(2) The activities undertaken by the partners mentioned above must be carried out duly respecting the forestry programmes and policies adopted by the Government.

TITLE II
PROTECTION OF NATURE AND BIODIVERSITY

ARTICLE 6 (1) Subject to paragraph (3) below, all late fires shall be prohibited.

(2) Acting on a proposal from the local technical officers of the Administrations concerned, the *Préfets* [regional administrators] shall regulate by means of a decree the conditions under which brushwood fires may be lit.

(3) Authorisation to light early fires in grazing areas shall be granted by the local administrative authority in accordance with the *Préfet's* decree referred to in paragraph (2) above.

(4) Notwithstanding the administrative authorisation referred to in paragraph (3), any person lighting a fire must remain in the vicinity until the fire is completely out. Such person must also take all suitable measures to prevent the fire spreading beyond the area in question.

ARTICLE 7 (1) As regards fire prevention, the local administrative authorities, the Forests Administration and the mayors of communes shall, with the help of village communities, set up surveillance teams and brushwood fire-fighting centres.

(2) Where a fire has started in a forest range, the local administrative authority, assisted by the local Forests Administration official may, in accordance with current regulations, requisition any person or property in order to put out the fire.

ARTICLE 8 (1) All brushwood fires shall be prohibited in permanent forests. However, in recreational forests, camp fires may be authorised on duly appointed sites. In such cases the persons lighting the fire shall be required to comply with the relevant regulations.

(2) All managed forests must possess a surveillance and fire-fighting system.

(3) In the case of any failure on the part of forest owners or concession holders as regards fire prevention or fire fighting, the Forests Administration may order the work laid down in the management plans of in the terms of reference accompanying the operating licence to be carried out at the expense of the persons concerned.

ARTICLE 9 (1) Clearing of a *forêt domaniale* may only be authorised after the forest in question has been declassified in the public interest and after an environmental impact assessment, carried out by the applicant in accordance with the rules laid down by the Environment Administration, has been submitted.

(2) Where the impact assessment referred to in paragraph (1) above concludes in favour of clearing, the Minister of Forests shall initiate the procedure for complete or partial declassification of the forest, as provided for in Articles 22 and 23 below.

(3) Declassification may not take place where clearing is likely to:

(a) prevent the needs of local people for forest products from being satisfied;

(b) threaten the survival of persons living on the forest edge whose way of life is linked to the forest concerned;

(c) upset the ecological balance;

(d) hinder national defence requirements.

ARTICLE 10 (1) In order to promote forest regeneration and/or restore the fertility of degraded land, certain areas may be closed to human activity or declared fragile ecology areas.

(2) Closed areas or areas with a fragile ecology shall be declared as such by decree of the Governor of the province concerned, on the basis of a dossier prepared by the provincial Environment Administration official and containing:

(a) the minutes of a consultation meeting between the local people and the Administrations concerned;

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

ARTICLE 11 - The Forests Administration, assisted by the communes and local people concerned, shall be responsible for implementing the stipulations of the action plan provided for in Article 10 above.

ARTICLE 12 (1) In order to create or maintain tree cover in urban areas at a density which complies with legal requirements, no tree on public property may be felled or cut back without the prior authorisation of the mayor of the urban commune in question.

That authorisation may only be granted in the public interest or where the tree in question could pose a danger, following an opinion from the local Forests Administration official.

(2) The felling or cutting back of trees in urban areas may only take place upon payment to the commune concerned, by the person applying for authorisation, of the estimated value of the loss envisaged.

ARTICLE 13 (1) Management of the genetic resources of forests shall be the responsibility of the Forestry, Fauna and Environment Administrations, with the assistance of the Scientific Research Administration.

(2) Collection of samples of genetic material for scientific or cultural purposes shall be conditional upon obtaining a permit from the Minister of Forests, following an opinion of the Minister of Scientific Research, and upon the prior constitution of reference stock by the applicant at the National Herbarium of Cameroon.

(3) On importation or exportation, genetic forest material collected for scientific or cultural purposes shall require a certificate of origin and an import or export licence issued by the Minister of Forests, after obtaining the opinion of the Minister of Scientific Research.

ARTICLE 14 (1) The results of scientific research obtained from samples of genetic material collected in accordance with Article 13 of this Decree shall be made available to the Administrations concerned on an on-going basis.

(2) Bio-ethnological studies must also be carried out where such results are positive.

(3) The procedure for applying this Article shall be laid down in separate instruments.

ARTICLE 15 (1) A certificate of origin attesting to provenance, compliance with regulations and destination shall accompany all

forest products on importation or exportation.

However, importation or exportation of certain forest products appearing on a list drawn up by the Minister of Forests may require a licence issued by the Forests Administration.

The procedure for issuing such licences shall be laid down by decree of the Minister of Forests.

(2) The certificate of origin or the export licence for forest products intended for export shall be issued by the Forests Administration after inspection of the products concerned.

ARTICLE 16 - The conditions relating to arrangements for the prevention of, and the fight against, disease and insects threatening forest stands or species shall be laid down by decree of the Minister of Forests.

TITLE III
NATIONAL FORESTS

CHAPTER I
PERMANENT FORESTS

ARTICLE 17 - The classification of a *forêt domaniale* or a communal forest shall be approved by decree of the Prime Minister, Head of Government, on presentation by the Minister of Forests of a dossier containing the following documents:

(1) a location plan describing the boundaries of the forest in question, together with a map to a scale of 1:200,000 and a copy of the land use plan for the region in question, where such a plan exists;

(2) a technical memorandum stating the purpose(s) of the classification and the user rights applicable to the forest in question pursuant to Article 3 above;

(3) the report of the meeting of the Committee provided for in Article 19 below;

(4) an application from the commune concerned in the case of a forest to be classified for the benefit of a commune.

ARTICLE 18 (1) In regions possessing a land use plan, the classification of a *forêt domaniale* or a communal forest shall

be preceded by a period of thirty (30) days, during which the Minister of Forests shall inform the local people concerned about the planned classification by means of a notice.

(2) In regions not possessing a land use plan, the period of notice provided for in paragraph (1) above shall be ninety (90) days in order to allow the local people in question time to enter reservations or claims with the competent administrative officials. At the end of such period, any further objections shall be inadmissible.

(3) The notice referred to in paragraph (1) above shall be made public through the press and by posting it in the *préfectures* and *sous-préfectures* [regional administrative headquarters], town halls and Forests Administration offices, and by notification to the traditional leaders of the communities concerned.

ARTICLE 19 (1) A Committee, hereinafter referred to as the "Committee" is hereby set up for each *département*; its duties shall be:

- to examine and deliver an opinion on any reservations or claims entered by local people or by any interested person when a forest classification or declassification procedure is under way;
- to evaluate any property due to be expropriated and
- to draw up the relevant document.

(2) The procedure for expropriation shall comply with the rules in force.

ARTICLE 20 (1) The Committee referred to in Article 19 above shall be composed as follows:

Chairman: - the *Préfet* or his representative;

Rapporteur:- the local representative of the Ministry of Forests;

Members: - the local representative of the Ministry of Tourism;
 - the local representative of the *Ministère chargé des domaines*;
 - the local representative of the Ministry of the Environment;
 - the local representative of the Ministry of

- Stock Rearing;
- the local representative of the Ministry of Agriculture;
- the local representative of the Ministry of Mines;
- the local representative of the public body responsible for development;
- the *député(s)* [National Assembly member(s)] for the *département*;
- the mayors of the communes concerned or their representatives;
- the traditional local authorities.

(2) The Committee shall meet as and where decided by its Chairman no later than thirty (30) days after the expiry of the period of notice referred to in Article 18 above.

(3) The Chairman of the Committee shall forward the complete dossier to the Minister of Forests, accompanied by the Committee's reasoned opinion.

ARTICLE 21 - *Forêts domaniales* and communal forests shall be identified and demarcated in accordance with the conditions laid down jointly by the Minister of Forests and the *Ministre des domaines*, and the boundaries shall be marked out in accordance with current land legislation with a view to their registration and entry in the land register, at the expense of the beneficiary.

ARTICLE 22 (1) Under Article 28(2) of the Law, a *forêt domaniale* may only be declassified in whole or in part following the classification of another forest of the same class and equivalent area in the same ecological zone.

(2) Declassification of a *forêt domaniale* outside the private ownership of the State may only be done for public purposes and following an environmental impact assessment carried out by the applicant in accordance with the rules laid down by the Environment Administration.

Declassification in this way shall cause the forest concerned to be assigned to the recipient public authority, which shall become responsible for it.

(3) Following declassification, the land in question shall be managed in accordance with the current planning regulations.

ARTICLE 23 (1) A reasoned application for declassification of a *forêt domaniale*, accompanied by a dossier setting out the planned investment, shall be submitted by the applicant to the Forests Administration's representative for the *département*, who shall forward it to the Committee provided for in Articles 19 and 20 for an opinion and completion of the procedure.

(2) In the case of a favourable opinion by the Committee, the applicant shall undertake an assessment to determine the environmental impact of the planned investment and the extent and value of the property for which compensation is to be paid, as provided for under the regulations in force.

(3) Where the impact assessment referred to in paragraph (2) above concludes in favour of declassification, the Minister of Forests shall initiate the procedure for declassification of the forest in whole or in part, as provided for in Article 24 below.

(4) Within thirty (30) days of the meeting of the Committee provided for in Article 19 above, the beneficiary of the declassification shall pay to the *Trésor public* [State financial accounting authority] the amount of compensation as evaluated by the assessment provided for in paragraph (2) above.

The allocation of this amount shall be governed by a separate instrument issued by the Minister of Forests.

ARTICLE 24 (1) A *forêt domaniale* shall be declassified according to the procedure set out in Articles 18 and 19 above. This shall be sanctioned by decree of the Prime Minister, Head of Government, on submission by the Minister of Forests of a dossier containing:

- (a) a detailed report on the aims of declassification;
- (b) a location plan describing the boundaries of the forest or portion thereof to be declassified, together with a map to a scale of 1:200,000;
- (c) the report of the Committee provided for in Article 19 above;
- (d) a receipt from the *Trésor public* attesting to payment of the compensation provided for in Article 23 above;
- (e) a description of the area to be classified instead, pursuant to Article 22 above;

(f) where appropriate, the report on the assessment provided for in Article 23(2) above, in addition to a receipt for payment of the compensation to the *Trésor public* or commune concerned.

(2) In the case of partial declassification, the forest shall be demarcated afresh and the boundaries remarked, as provided for in Article 21 above, and the original land title deed shall be altered.

CHAPTER II
NON-PERMANENT FORESTS

SECTION I
NATIONAL FORESTS

ARTICLE 25 (1) National forests shall be governed by protective development rules with regard to the production of forest products.

(2) The Minister of Forests shall establish by decree, and in consultation with the other competent Ministers, operating standards for activities in the forests referred to in paragraph (1) above.

(3) National forests may be used for purposes other than forestry, in which case, forest products on such land shall be retrieved before the land is developed.

ARTICLE 26 (1) In national forests, people living on the forest edge shall retain their user rights, namely their right to carry out their traditional activities in those forests, such as gathering secondary forest products, notably raffia, palm, bamboo, rattan, food products and firewood.

(2) In order to meet their domestic needs, inter alia for firewood and construction timber, people living adjacent to the areas concerned may fell the number of trees to meet their needs. They shall be required to justify the use of such trees at forest inspections. They shall not be permitted to market or exchange the timber from such trees.

(3) These user rights shall be maintained in national forests with the exception of closed areas and areas where regulations have been adopted by the Minister of Forests, or the Minister of Mines in accordance with the regulations governing quarries.

(4) The extraction of sand, gravel or laterite within

national forests shall be carried out in accordance with the regulations governing quarries, and following an opinion from the Forests Administration and submission of an environmental impact assessment by the applicant in accordance with the rules laid down by the Environment Administration.

SECTION II
COMMUNITY FORESTS

ARTICLE 27 (1) The Forests Administration shall provide the communities concerned with free technical assistance, in accordance with current legislation, in drawing up and following through management agreements in respect of community forests.

(2) Forests which may be the subject of a community management agreement shall be those situated near or on the edge of one or more communities, where the inhabitants of those communities carry on activities.

(3) Any forest likely to acquire community forest status shall be given in preference to the nearest adjacent community.

Where a forest borders on several communities it may be subject to a joint management agreement.

The management agreement shall be signed, as appropriate:

(a) by the *Préfet* if the forest in question comes under the *département*;

(b) by the Governor if the forest concerned spans two *départements* of the province;

(c) by the Minister of Forests if the forest concerned spans two provinces.

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

(5) The area in question must not be covered by any forestry operating licences.

ARTICLE 28 (1) Any community wishing to manage a community forest must hold a consultation meeting with all sections of the community concerned in order to appoint a management officer and to lay down the objectives and boundaries of the said forest.

That meeting shall be supervised by the local administrative authority, assisted by the local technical officers concerned.

(2) The minutes of that meeting shall be signed at the session by all those present.

(3) The community concerned must have legal personality in the form of an entity provided for under the law in force.

ARTICLE 29 (1) The application dossier for a community forest shall contain the following documents:

(a) a stamped application setting out the objectives assigned to the forest concerned;

(b) a plan showing the location of the forest concerned;

(c) documents giving the name of the community concerned and the address of the appointed manager;

(d) a description of the activities previously carried on in the area of the forest concerned;

(e) the curriculum vitae of the person responsible for forestry activities;

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

(2) The application dossier for a community forest shall be lodged with the local Forests Administration official, who shall forward it within not more than fifteen (15) days, together with a reasoned opinion, to the competent authority for a decision in accordance with Article 27 above.

In the event of a favourable opinion, the local Forests Administration official shall assist the community in drawing up a basic management plan for the forest in question. The preparatory work prior to drawing up that work prior to drawing up in particular the inventories, shall be the responsibility of the community concerned.

In the event of an unfavourable opinion, the competent administrative authority shall return the application to the community concerned stating the reasons for the rejection.

ARTICLE 30 (1) The local Forests Administration official shall forward the basic management plan, signed by the appointed community officer, to the competent administrative authority for signature, accompanied by a draft management agreement for the forest concerned.

(2) The management agreement shall take effect from the date of notification of the said agreement by the local representative of the Forests Administration to the community concerned, and within fifteen (15) days at the latest.

(3) A management agreement for a community forest shall have the same period of validity as the basic management plan for the forest concerned. It shall be reviewed at least once every five (5) years.

It shall be renewable upon expiry if the Community has complied with the undertakings given therein.

ARTICLE 31 (1) The activities set out in the basic management plan and carried out by the community concerned shall be monitored by the local Forests Administration. The latter may at any time suspend the carrying out of any activities in the forest in question where the community has failed to comply with the stipulations of the basic management plan, in accordance with the provisions of the management agreement.

(2) A model management agreement for community forests shall be adopted by decree of the Minister of Forests.

ARTICLE 32 (1) The conditions governing the exercise of user rights in a community forest, inter alia in respect of grazing, collection of dead wood, hunting and/or fishing, must comply with the stipulations of the basic management plan for that forest.

(2) Surveillance in a community forest shall be carried out by the community concerned.

(3) In cases of breaches of the management rules for a community forest, any public action against the perpetrators of such breaches shall be at the instigation of the Forests Administration. It may be appraised of the matter by the relevant community officer.

SECTION III PRIVATE FORESTS

ARTICLE 33 (1) The dossier relating to technical support for a

private forest shall contain the following documents:

(a) a stamped application setting out the objectives assigned to the forest in question;

(b) a plan showing the location of the forest on the land registry scale, duly endorsed by the relevant authorities;

(c) a description of the activities previously carried on within the forest concerned;

(d) a legalised undertaking to pay the costs of the technical support;

(2) The application for technical support shall be sent to the local Forests Administration official, who shall forward it together with a reasoned opinion to the provincial representative of the Minister of Forests for approval.

(3) In the case of approval, the individual concerned shall draw up the management plan for the forest in question with the help of the local Forests Administration official.

The prepared basic management plan shall be approved by the provincial representative of the Minister of Forests within thirty (30) days of the plan being forwarded. At the end of that period the plan shall be deemed to be approved.

(4) The cost of technical support shall be borne by the recipient. It shall be established by the law governing State finances.

ARTICLE 34 (1) The local Forests Administration shall monitor the implementation of the basic management plan for a private forest.

(2) Where the individual concerned fails to comply with the requirements of the plan, the Forests Administration may suspend the technical support which he is receiving.

TITLE IV
FOREST INVENTORY AND MANAGEMENT

CHAPTER I
APPROVAL

ARTICLE 35 (1) Any natural or legal person wishing to pursue a forestry activity for profitable and commercial purposes must be

approved in one of the following fields:

- forest inventories;
- forest use;
- silviculture.

(2) Any natural or legal person wishing to be approved to operate in one of the fields referred to in paragraph (1) above must reside in Cameroon and provide evidence of technical knowledge in the relevant field.

(3) This Article shall not apply to the following:

- (a) the public body referred to in Article 64 of the Law;
- (b) holders of personal felling permits;
- (c) owners of private forests;
- (d) communities exercising user rights.

ARTICLE 36 (1) Approval to carry on one of the activities referred to in Article 35 above shall be given, following an opinion by a Technical Approval Committee, hereinafter referred to as the "Technical Committee", by decree of the Minister of Forests as regards silviculture and forest inventories, and by delegation from the Prime Minister, Head of Government, as regards forest use.

(2) Approval shall be given following an opinion from the Technical Committee on the basis of an application dossier containing the following documents:

A - for individuals:

- a stamped application giving the full name, nationality, occupation and address of the applicant;
- a curriculum vitae indicating experience and professional qualifications;
- an extract from the police record less than three (3) months old;
- statistical and trade register numbers.

B - for legal persons:

- a stamped application giving the company's name and address;
- a copy of the company's statutes;
- statistical and trade register numbers;
- an extract from the manager's police record less than three (3) months old;
- the curriculum vitae of the manager or forestry officer, indicating in particular his technical and professional qualifications;
- the current and previous activities of the company;
- a statement to the effect that national insurance contributions have been properly paid.

C - in both cases:

- the proposed area of activity;
- evidence of the technical qualifications of the applicant in the case of an individual, or of the forestry officer in the case of a legal person;
- a tax certificate;
- a tax statement;
- a receipt relating to the payment of the application fee, the amount of which shall be laid down in accordance with the law on State finances.

ARTICLE 37 (1) Approval shall recognise the professional skills of the recipient in the field in which he is authorised to operate.

(2) It shall be granted on a strictly individual basis. As such, it may not be leased, transferred or otherwise disposed of.

(3) It shall not involve any obligation on the Administration to grant the recipient a forestry operating licence.

ARTICLE 38(1) The Technical Committee shall be composed as follows:

CHAIRMAN: - the representative of the Minister of Forests.

MEMBERS: - the representative of the Minister of Industrial and Commercial Development;

- the Director of Forests;

- the Director of Environment;

- the Director of Fauna and Protected Areas;

- the Director General of the National Office for the Development of Forests, or his representative;

- the Head of the Legal Affairs Division at the Ministry of Forests;

- a representative from each association or union within the forestry profession;

- two officials from the Forests Directorate, in charge of inventory and forest management and of forest use and activities, respectively.

(2) The Chairman of the Technical Committee may call upon any person of his choosing to take part in the work of the Committee, without being entitled to vote.

(3) The Forests Directorate shall report on issues which appear on the agenda and provide secretarial services for the work.

(4) The duties of the Chairman and members of the Technical Committee shall not be remunerated.

ARTICLE 39(1) The Technical Committee shall meet as necessary and at least twice a year, when convened by its Chairman, at the place and time which he sets.

(2) Meetings and decisions of the Technical Committee shall be valid only if at least two thirds (2/3) of its members, including the Chairman, are present.

If this quorum is not achieved the meeting shall be postponed for forty-eight (48) hours; on that occasion, the Technical Committee may meet and decide validly irrespective of

the number of members present.

(3) Decisions of the Technical Committee shall be adopted by a simple majority of votes. Where the vote is equally divided the Chairman shall have the casting vote.

ARTICLE 40(1) The Technical Committee shall discuss the technical and professional skills and the financial and economic capacity of the applicant in the relevant field.

(2) Its opinion may be:

(a) favourable, where the applicant meets the regulatory criteria;

(b) favourable but conditional, where additional information is required. In such cases the applicant shall have three (3) months from the notification of the opinion in which to supply the additional information. When this time-limit has expired, without any additional information being supplied, the opinion of the Technical Committee shall cease to be favourable;

(c) deferred, where the technical or professional skills, or the financial or economic capacity of the applicant are regarded as insufficient. In such cases the applicant shall have three (3) months from the notification of the opinion in which to add to his application before resubmitting it;

(d) unfavourable, where the applicant does not meet the regulatory criteria.

(3) The minutes of each meeting of the Technical Committee shall be signed by the Chairman and the members.

CHAPTER II FOREST INVENTORY

ARTICLE 41(1) A forest inventory shall consist of an evaluation of forestry resources in order to make plans for their management.

(2) Based on the objectives pursued in the forest concerned, there shall be:

- forest management inventories;

- forest use inventories.

(3) The Minister of Forests may, as necessary, create other types of forest inventories by decree and define their objectives.

(4) The various types of forest inventories shall be drawn up according to the rules laid down by the Minister of Forests.

ARTICLE 42 A forest management inventory shall consist of a quantitative and qualitative evaluation of the potential of the stands comprising a particular area of forest for the purposes of the rational management of resources as a whole.

ARTICLE 43(1) A forest use inventory shall, with regard to a specific geographical area, consist of an exhaustive listing of all the commercial species, in accordance with the rules laid down by the Minister of Forests.

(2) The minimum usable diameters of the species referred to in paragraph (1) above shall be laid down by the Minister of Forests.

CHAPTER III FOREST MANAGEMENT

ARTICLE 44(1) Under Article 64 of the Law:

(a) Forest management shall come under the Minister of Forests. He shall exercise it through a public body.

(b) The Minister of Forests may subcontract certain management activities to private or community organisations.

(2) The conditions for subcontracting management work under Article 64(1) of the Law and the provisions of this Decree shall be laid down by order of the Minister of Forests.

(3) The Minister of Forests shall supervise the execution of management work entrusted to the public body and to private or community organisations.

(4) The title, organisation and terms of reference of the public body referred to in paragraphs (1) and (2) above shall be laid down in a separate instrument.

ARTICLE 45 - On the basis of the results of a forest management inventory, the Minister of Forests shall lay down a management plan for each permanent forest, setting out in particular the purpose assigned to that forest, the infrastructure required, the terms and methods for use or conservation, the regeneration programmes, the estimated costs relating thereto, and the frequency with which the plan shall be reviewed.

ARTICLE 46 - (1) The management of permanent production forests shall be done on the basis of forest management units, which shall be defined by the Forests Administration.

(2) The management plan for a forest management unit shall specify the annual available timber harvest for that unit.

(3) The annual available timber harvest shall relate to the annual maximum usable surface area and/or the maximum volume of forest products likely to be derived annually from a particular forest management unit without reducing the productive capacity of the forest environment.

On no account shall the amount of forest products exceed the annual available timber harvest.

(4) Every holder of an operating licence shall be required to observe the stipulations of the management plan for the forest management unit concerned, in accordance with the contractual terms of the licence, subject to the penalties set out in the Law and/or in this Decree.

(5) Where a forestry operating licence relates to several adjacent forest management units, those units may be combined into one large unit, to which a single management plan shall apply.

ARTICLE 47 (1) In order to ensure the protection and conservation of certain *forêts domaniales*, such forests may be protected by a so-called "buffer zone".

(2) Within a buffer zone the activities of the population, in particular agriculture, stock rearing, hunting, collecting firewood and any other authorised user rights shall be exercised according to a rural management plan, drawn up with the help of the Administrations responsible for rural and territorial development (*Administrations chargées du développement rural et de l'aménagement du territoire*).

(3) The management of buffer zones shall, as

appropriate, be the responsibility of either the communes or the village communities concerned.

ARTICLE 48 The implementation of the management plan for a communal forest, duly approved by the Minister of Forests, shall be the responsibility of the commune concerned, which shall secure for these purposes the services of appropriately qualified staff.

ARTICLE 49(1) The Forests Administration shall follow up and monitor the implementation of the management plans for permanent forests.

(2) It may, in the event of communes or the recipients of forestry concessions defaulting, arrange for the necessary management work to be carried out at their expense by other competent persons.

(3) It may also suspend implementation of work which does not comply with the stipulations of the plans, following due notification of an enforcement notice which has not been complied with within the stated time limit.

TITLE V USE OF FORESTS

ARTICLE 50 (1) The use of any forest shall be subject to a forest use inventory, the cost of which shall be borne by the holder of the forestry operating licence.

(2) Where forest use inventories are carried out by the licence holders, the results shall be checked and approved by the Forests Administration.

ARTICLE 51 (1) The use of forestry resources shall be planned on a five-yearly basis.

(2) The Forests Administration shall open up those areas of forest which are to be used by issuing a public invitation to tender, which shall specify their locations, their boundaries, their areas, their usable potential and the proposed social provision, following consultations with the communities concerned.

(3) The public invitation to tender provided for in paragraph (2) above shall be published in the press, through

posters or by any other appropriate means, within the administrative units and the departments of the Forests Administration for a continuous period of forty-five (45) days.

CHAPTER I
THE USE OF PERMANENT FORESTS

SECTION I
THE USE OF FORETS DOMANIALES

ARTICLE 52 (1) The use of *forêts domaniales* shall be either by permits to sell felled timber, or by a forest use agreement or, as an exception, under state control.

(2) Permits to sell felled timber or forest use agreements may only be granted to natural or legal persons who have prior approval to use the forest.

PARAGRAPH I
USE UNDER STATE CONTROL

ARTICLE 53 (1) Under Article 44 of the Law, a production *forêt domaniale* shall be used under state control only where the removal of the products so requires, in the case of felling to salvage forest products or of an experimental project, or as part of forest improvement work under the management plan.

(2) Use of a production *forêt domaniale* under state control shall be ordered by the Minister of Forests, who may, where appropriate, subcontract it in accordance with the management plan for that forest.

ARTICLE 54 (1) Where the use of a forest management unit under state control is subcontracted, the Forests Administration may issue a limited call for tenders in order to select a developer who is a national of Cameroon.

(2) A developer wishing to bid for a subcontract must be approved to use the forest in accordance with this Decree.

ARTICLE 55 (1) Where a production *forêt domaniale* is used under state control, the forest products used shall be sold at public auction. In such cases the sale shall be the subject of a notice of sale to be published in the press, on posters or by any other appropriate means thirty (30) days before the date set for the auction.

(2) The notice of sale provided for in paragraph (1)

above shall indicate the place and date of the sale and the species and amounts to be sold.

It shall be publicly displayed in the administrative units and town halls of the areas concerned and in the central offices of the Forests Administration.

ARTICLE 56 (1) Forest products referred to in Article 55 above shall be sold at the place and on the date indicated in the notice of sale, by a Sale Committee made up as follows:

- the *Préfet* of the *département* concerned or his representative Chairman
- the *département* representative of the Minister of Forests rapporteur
- the land office official having local jurisdiction member

(2) The record of the public auction shall be drawn up forthwith and signed by all participants.

(3) After the products have been auctioned, the purchaser must pay the auction price together with the current fee forthwith.

PARAGRAPH II
PERMITS TO SELL FELLED TIMBER

ARTICLE 57 (1) Permits to sell felled timber from a *forêt domaniale* may only be issued to natural persons of Cameroon nationality, or to companies in which such natural persons hold all the capital or voting rights, save as otherwise provided by the Law.

(2) Any issue of permits to sell felled timber from a *forêt domaniale* shall be preceded by a public invitation to tender as provided for in Article 51 above.

ARTICLE 58 (1) Permits to sell felled timber shall be issued by order of the Minister of Forests, acting on an opinion from an interministerial committee, and following the public invitation to tender procedure provided for in Article 51 above.

(2) The interministerial committee shall sift and classify the most appropriate tenderers on the basis of the

following criteria, taking into account the minimum thresholds laid down beforehand by the Minister of Forests in the invitation to tender:

- planned investment;
- financial capacity, including guarantees of performance;
- technical and professional capacity;
- fulfilment of previous commitments, if any.

(3) From the list of tenderers drawn up in accordance with paragraph (2) above, the Committee shall select the tenderer offering the highest forest fees in relation to area, the ceiling for which shall be laid down in the Finance Law .

(4) Where two or more tenderers submit tenders of the same amount, the permit to sell felled timber shall be issued on the basis of the weighting coefficients ascribed by the Minister of Forests to the criteria listed in paragraph (2) above.

ARTICLE 59 (1) Every person tendering for a permit to sell felled timber must, before the expiry of the time-limit laid down in Article 51 above, lodge with the Ministry of Forests, with acknowledgement of receipt, a complete dossier comprising ten (10) copies (one original and nine certified copies) of a technical and administrative tender, and a financial tender.

(2) the envelope containing the technical and administrative tender must enclose the following:

(a) a stamped application stating:

- the full names, nationality, occupation and address of the applicant, in the case of a natural person;
- the company's name and the address of the registered office, and the name of the Director and a list of partners, in the case of a legal person;

(b) five (5) copies of a forest map on a scale 1:200,000 of the zone concerned, showing the position, boundaries and area of the portion of forest applied for. The map must be certified, either by the State Land Registry or by an approved professional surveyor;

- (c) a certified copy of the deed of approval;
- (d) a tax certificate;
- (e) a copy of the police record of the applicant, in the case of a natural person, or of the Director in the case of a legal person, not more than three months old;
- (f) a declaration on oath as provided in Article 65(1) below;
- (g) guarantees of funding;
- (h) where appropriate, a list of the equipment and tools available for forestry and/or processing;
- (i) proposals regarding environmental protection;
- (j) where appropriate, the *certificat(s) de recollement*¹ and certification that the various forest dues have been paid in respect of any previously issued forestry operating licence;
- (k) a receipt relating to the payment of the application fee, the amount of which shall be laid down in accordance with the law on State finances.

(3) The sealed envelope with the financial tender shall contain an indication of the additional price which the tenderer proposes to pay over and above the ceiling rate of the annual forest fee provided for in Article 66(1) of the Law, as specified by the Finance Law.

ARTICLE 60 (1) Signature of the order issuing a permit to sell felled timber shall be subject to submission of a document certifying that the deposit provided for in Article 69 of the Law has been lodged with the *Trésor Public*.

(2) The deposit referred to in paragraph (1) above must be lodged within forty-five (45) days of the date on which the tenderer is notified that he has been selected.

(3) If the time-limit provided for in paragraph (2) above has expired and evidence that the deposit has been lodged has not been supplied, selection of the tenderer shall

¹See Article 73(1). No translation has been found.

automatically become void.

In such cases, the permit to sell felled timber concerned shall again be open to the public invitation to tender procedure and the period of notice to the public shall be reduced to fifteen (15) days.

PARAGRAPH III OPERATING AGREEMENTS

ARTICLE 61 (1) Under Article 46 of the Law, an operating agreement is a contract which confers on its possessor the right to remove from a forest concession sufficient timber to supply the long-term requirements of its local wood-processing industry(industries).

(2) The contract must be preceded by a provisional operating agreement, the length of which is specified in Article 66 below.

ARTICLE 62 (1) Under Article 47 of the Law, a forest concession is the area to which a forestry operating agreement applies. Its boundaries shall be fixed by the Forests Administration taking into account the following:

- the timber requirements of the local wood-processing industry;
- the annual felling potential of the forest management unit to which the concession applies, calculated on the basis of the average volume per hectare of the species in current trade.

(2) The possessor of an operating agreement must not in any event object to the use of products not listed in his terms of reference in the manner stipulated in those terms of reference.

(3) Under Article 48 of the Law, the Minister of Forests shall state each year the number and location of forest concessions exclusively reserved for natural persons of Cameroon nationality or companies in which such persons hold all the capital or voting rights.

A. THE ALLOCATION OF A FOREST CONCESSION

ARTICLE 63 Every allocation of a forest concession shall be preceded by a public invitation to tender, as provided for in Article 51 above.

ARTICLE 64 (1) Forest concessions shall be allocated after the opinion of an interministerial committee has been obtained, and following the public invitation to tender procedure provided for in Article 63 above.

(2) The interministerial committee shall sift and classify the most appropriate tenderers on the basis of the following criteria, taking into account the minimum thresholds laid down beforehand by the Minister of Forests in the invitation to tender:

- planned investment;
- financial capacity, including guarantees of performance;
- technical and professional capacity;
- fulfilment of previous commitments, if any, in the same field.

(3) From the list of tenderers drawn up in accordance with paragraph (2) above, the Committee shall select the tenderer offering the highest forest fees in relation to area, the ceiling for which shall be laid down in the Finance Law .

(4) Where two or more tenderers submit tenders of the same amount, a provisional concession shall be allocated on the basis of the weighting coefficients ascribed by the Minister of Forests to the criteria listed in paragraph (2) above.

ARTICLE 65 Every person tendering for a forest concession must, before the expiry of the time-limit laid down in Article 51 above, lodge with the Ministry of Forests, with acknowledgement of receipt, a complete dossier comprising ten (10) copies (one original and nine certified copies) of the following:

(a) a stamped application stating:

- the full name, nationality, occupation and address of the applicant, in the case of a natural person;
- the company's name and the address of the registered office, the name of the Director and a list of partners, in the case of a legal person;

(b) a certificate of residence in the case of a natural person, or an authenticated copy of the

company statutes of the company and the powers of the signatory of the application, in the case of a legal person;

(c) five (5) copies of a forest map on a scale 1:200,000, showing the position, boundaries and area of the portion of forest applied for. The map must be certified, either by the State Land Registry or by an approved professional surveyor;

(d) a certified copy of the deed of approval;

(e) a tax certificate;

(f) a copy of the impression of the applicant's forest hammer as lodged at the registry of the Court of Appeal having territorial jurisdiction; the copy must contain a facsimile of the impression;

(g) a copy of the police record of the applicant, in the case of a natural person, or of the Director in the case of a legal person, not more than three months old, together with the curriculum vitae of the Director;

(h) an investment plan describing the operating programme, the equipment which is available or is intended to be used, the stability of the industrial establishments in place or scheduled, estimated production by year and by category of product, the composition of the workforce and the programme for training it;

(i) guarantees of funding;

(j) proposals regarding environmental protection;

(k) a declaration on oath, made on stamped paper and specifying that the applicant:

- will cooperate with the Forests Administration during the inspection of his felling areas and factories, and in particular that he undertakes to sign all the inspection books and that he will grant free access to officials who have been entrusted with such duties;

- is familiar with the forest laws and/or regulations in force and undertakes to observe them;

- will comply strictly with the investment plan, the programme for recruiting and training the workforce, and the stipulations of his terms of reference;

(l) where appropriate, a partnership agreement with an industrialist of his choosing, in the case of persons of Cameroon nationality;

(m) an industrial and/or financial partnership agreement with an operator of Cameroon nationality who is the holder of a forest concession, either individually or in a company in which the persons of Cameroon nationality hold all the capital or voting rights;

(n) where appropriate, the *certificat(s) de recollement* and certification that the various forest dues have been paid in respect of any previously issued forestry operating licence;

(o) a document attesting that a business account has been opened at an approved local banking establishment;

(p) a receipt relating to the payment of the application fee, the amount of which shall be laid down in accordance with the law on State finances.

ARTICLE 60 (1) The Minister of Forests shall sign the provisional operating agreement provided:

- the tenderer selected has produced a document certifying that the deposit provided for in Article 69 of the Law has been lodged with the *Trésor Public*.

- all the conditions for allocation provided for under the Law and this decree are met by the tenderer concerned; and

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

(2) Under Article 50 of the Law, the period of validity of a provisional operating agreement may not exceed thirty-six (36) months.

It may not be renewed.

(3) The deposit referred to in paragraph (1) above must

be lodged within forty-five (45) days of the date on which the Administration notifies its agreement.

(4) If the time-limit provided for in paragraph (3) above has expired and the person concerned has not supplied evidence that the deposit has been lodged, he shall lose the right to allocation of the provisional operating agreement.

In such cases, the concession concerned shall again be open to the public invitation to tender procedure under the conditions laid down in this decree.

ARTICLE 67 (1) During the period of validity of the provisional operating agreement, management work shall be carried out by the possessor of the agreement or under his financial and technical responsibility, in accordance with the provisions of the provisional agreement and under the supervision of the Forests Administration.

The work shall be carried out by the possessor of the provisional agreement where he has been approved to operate in the field concerned, or by an operator approved according to the rules laid down in this decree.

(2) The management work referred to in paragraph (1) above shall relate to:

- the management inventory, in accordance with the rules in force;
- drawing up the management plan;
- preparing the five-year management plan.

(3) The concession holder shall be required to carry out at his own expense the work set out in the agreement, in particular:

- the forest use inventory in accordance with the rules in force, over the areas to be covered during the first year of operation;
- the plan of operations for the first year of the management plan;
- the establishment of a processing unit;
- delimitation of the operating zones.

(4) The way in which the work provided for in

paragraphs (2) and (3) above is carried out shall be subject to a technical inspection, in accordance with the technical standards and the regulations in force.

Proper compliance with these obligations shall result in the issuing by the Minister of Forests of a certificate stating that the terms of the provisional operating agreement have been observed. In such cases, the possessor of the agreement concerned may apply for a permanent operating agreement.

In the event of failure to comply, the possessor of the provisional agreement shall incur any penalties provided for under the Law, without prejudice to the application of the penalty provided for in Article 133(1)(c) below.

(5) The concession holder may apply for a felling area of not more than 2,500 hectares per year, delimited within his concession by the Forests Administration.

ARTICLE 68 (1) On expiry of the provisional operating agreement, and if the clauses relating to the establishment of a timber processing unit have not been implemented or there has been a duly established breach of the forest laws and/or regulations in force, the concession holder shall be declared in default and may no longer enjoy the forest concession concerned.

In such cases:

- the Forests Administration shall not be required to repay any of the sums paid out in advance in respect of the allocation of the concession;

- the deposit lodged may be repaid according to rules laid down by a joint order of the Ministers of Finance and Forests.

(2) On expiry of the provisional operating agreement, where the work stipulated in the terms of reference has been carried out, the Forests Administration shall send the concession holder a report on the work carried out with a view to allocating a permanent operating concession.

ARTICLE 69 (1) The permanent operating concession shall be allocated, in the form of a forest concession, by decree of the Prime Minister, Head of Government.

(2) Allocation shall be dependent upon:

- approval of the management plan for the forest concession by the Minister of Forests;
- preparation of the five-year management plan and his plan of operation for the first year;
- signature of the relevant terms of reference.

(3) During the period of validity of the permanent operating agreement, a concession holder who has previously met the provisions of Article 35 above, shall carry out the management operations provided for in his terms of reference, under the supervision of the Forests Administration.

(4) Allocation of a concession over an area of forest shall be exclusive of the existence of any other operating licence in respect of timber in the same area. It shall invalidate all former forestry operating licences relating to the same area.

ARTICLE 70 (1) Under Article 46 of the Law, the period of validity of a permanent operating agreement shall be fifteen (15) years, which may be renewed.

This period shall not include the period of validity of the provisional operating agreement as specified in Article 66(2) above.

(2) A permanent operating agreement shall be reviewed every three (3) years, according to the rules laid down by the Minister of Forests.

(3) On expiry of each period of five (5) years, the Forests Administration may review the annual felling potential of the forest concession concerned, taking into account in particular the following:

- any changes which may have arisen in the factory's requirements;
- the average volume of forest products used by the concession holder during the three (3) previous years;
- new data in the forest inventory;
- the results of forest management operations carried out during the previous five (5) years;
- any other relevant information.

ARTICLE 71 (1) In accordance with the management plan and on the basis of a forest use inventory, the concession holder shall each year draw up a plan of operations which he shall submit to the Forests Administration, which, once it has approved the said plan, shall issue an annual operations permit to the concession holder.

(2) The rules for applying this article shall be laid down by order of the Minister of Forests.

ARTICLE 72 (1) The volumes authorised for use in the annual operations permit shall be laid down on the basis of the results of the forest use inventory.

(2) Within a forest concession, only those trees which have been inventoried and marked may be felled by the concession holder, except for identified seed-bearers.

ARTICLE 73 (1) The concession holder shall submit half-yearly to the Forests Administration a report on the progress of his operations.

(2) Following inspection of the implementation of the annual operations plan, and where the concession holder has complied with all his obligations, the Forests Administration shall issue him with a *certificat de recollement*.

B. RENEWAL OF A FOREST CONCESSION

ARTICLE 74 (1) Renewal of a forest concession shall be authorised only where the concession holder has complied with all his contractual obligations.

(2) An application for renewal of a forest concession shall be lodged, not less than one (1) year before the expiry of the operating agreement, to the provincial office of the Forests Administration, together with the following documents:

- (a) the documents provided for in Article 65 above;
- (b) the report on the implementation of the clauses of the terms of reference;
- (c) the report on activities for the whole period of validity of the operating agreement.

(3) Following a reasoned opinion by the provincial representative of the Ministry of Forests, the application for

renewal shall be investigated by the interministerial committee provided for in Article 64 above.

(4) Where the opinion of the Committee is favourable, renewal of the forest concession shall be granted by the competent authority.

C. TRANSFER OF A FOREST CONCESSION

ARTICLE 75 (1) Transfer of a forest concession shall be granted by the competent authority. It shall relate to the whole area of the concession concerned.

(2) Applications for transfer shall be made by the concession holder and the applicant, and shall be sent simultaneously by both parties to the Minister of Forests, with acknowledgement of receipt.

(3) An application for the transfer of a forest concession shall be submitted for an opinion to the interministerial committee provided for in Article 64 above, on the basis of a dossier containing ten (10) copies, one of which being the original together with nine (9) certified copies, of the following documents:

(a) a stamped application stating:

- the full name, nationality, occupation and address of the applicant, in the case of a natural person;

- the company's name and the address of the registered office, the name of the Director and a list of partners, where the applicant is a legal person;

(b) an authenticated copy of the statutes of the company and the powers of the signatory of the application, in the case of a legal person;

(c) a tax certificate;

(d) a copy of the impression of the applicant's forest hammer as lodged at the registry of the Court of Appeal having territorial jurisdiction; the copy must contain a facsimile of the impression;

(e) a copy of the police record of the applicant, in the case of a natural person, or of the Director in the case of a legal person, not more than three months old, together with the curriculum vitae of the

Director;

(f) an investment plan describing the operating programme, the equipment which is available or is intended to be used, the stability of the industrial establishments scheduled, estimated production by year and by category of product, the composition of the workforce and, where appropriate, the programme for training it;

(g) a declaration on oath, made on stamped paper, in which the applicant states that:

- he is familiar with the forest laws and/or regulations in force and undertakes to observe them;

- will comply strictly with the investment plan, the programme for recruiting and training the workforce, and the stipulations of his terms of reference;

(h) where appropriate, a partnership agreement with an industrialist of his choosing, in the case of natural persons of Cameroon nationality, or companies in which such persons hold all the capital or voting rights;

(i) an industrial and/or financial partnership agreement with an operator of Cameroon nationality, either individually or in a company in which the persons of Cameroon nationality hold all the capital or voting rights, who is the holder of a forest concession, in the case of applicants who are not of Cameroon nationality;

(j) a document attesting that a business account has been opened at an approved local banking establishment, and that financial guarantees exist;

(k) proposals regarding protection of the environment;

(l) a receipt relating to the payment of the application fee, the amount of which shall be laid down in accordance with the law on State finances.

ARTICLE 76 (1) Signature of the deed transferring the forest concession shall be subject to submission of the receipt relating to the payment of the transfer tax provided for under the Law, and of the other financial fees relating to the concession, as provided under the Law and this decree.

(2) The new concession holder shall have a period of forty-five (45) days from the date of notification of the Administration's agreement on the principle of transfer in which to pay the relevant tax and fees referred to in paragraph (1) above.

(3) If this time-limit has expired and the evidence provided for above has not been supplied, the new concession holder shall lose the benefit of the transfer.

In such cases, the forest concession concerned may be retained by the previous concession holder, provided he has complied with all his contractual obligations, or may again be open to the public invitation to tender procedure, in accordance with the provisions of this decree.

(4) In the event of transfer, all the clauses of the operating agreement of the previous holder of the operating concession shall become incumbent upon the new holder.

However, new clauses may be stipulated, taking into account information available on the timber market and the forestry potential.

ARTICLE 77 In the event of the death of a natural person who is the holder of a forest concession, the concession shall be withdrawn, unless within a period of eighteen (18) months after the death it can be established that the deceased has a legal heir who is approved as a forest operator.

In such cases the concession shall be transferred by the competent authority into the name of the legal heir, on condition that the latter undertakes in advance and in a legal document to comply with all the clauses of the operating agreement relating to that concession.

D. SURRENDERING A FOREST CONCESSION

ARTICLE 78 (1) Surrender of a forest concession shall be established by the competent authority, acting on an opinion from the interministerial committee provided for in Article 64 above.

(2) It shall be made subject to production of a dossier containing ten (10) copies, one original and nine (9) certified copies, of the following documents:

(a) a stamped application identifying the concession holder and the reasons for the surrender;

(b) a copy of the deed allocating the forest concession;

(c) the management plan for the forest concerned;

(d) a forest map on a scale 1:200,000 of the concession;

(e) a report on the activities of the operator within the forest concession since the date on which the concession was allocated;

(f) evidence of payment of the surrender fee for the forest under management;

(g) documents confirming payment of all the taxes relating to use of the concession.

(3) The dossier comprising these documents shall be lodged, with acknowledgement of receipt, with the Provincial Office of the Forests Administration, which shall transmit it, accompanied by a reasoned opinion, to the Minister of Forests for completion of the procedure.

(4) Surrender shall give rise to repayment of the deposit lodged with the *Trésor Public*, according to the rules laid down by a joint order of the Ministers of Finance and Forests.

SECTION II
USE OF COMMUNAL FORESTS

ARTICLE 79 (1) Under Article 52 of the Law, a communal forest shall be used in accordance with its management plan and under the supervision of the Forests Administration, either under state control, or under a permit to sell the felled timber, or under an operating permit or under a personal felling permit.

(2) Each commune shall lay down the rules for issuing operating licences for its forests.

(3) Permits to sell felled timber or operating licences provided for in paragraph (1) above may only be issued to persons approved in accordance with the provisions of this Decree.

(4) Priority in the use of communal forests shall be given to natural persons who are nationals of Cameroon or to companies in which such persons hold all the capital or voting rights.

ARTICLE 80 (1) Every year the commune shall send to the local representative of the Forests Administration a plan of operation describing all the management work envisaged, together with a report on the activities which have already been completed.

(2) A communal forest may only be used once the operating licence has been signed and notified by the Mayor of the commune concerned.

(3) The Forests Administration may suspend at any time any activity which is contrary to the approved stipulations of the management plan for the communal forest concerned, following due notification of an enforcement notice which has not been complied with within fifteen (15) days of notification.

CHAPTER II
USE OF NON-PERMANENT FORESTS

SECTION I
USE OF NATIONAL FORESTS

PARAGRAPH I
SELLING FELLED TIMBER

ARTICLE 81 (1) National forests shall be used under permits to sell felled timber over a unit area which shall not exceed 2,500 hectares, in accordance with the operating programme drawn up

each year by the Forests Administration and published under the conditions laid down in Article 51 above.

(2) The area of national forests which may be the subject of permits to sell felled timber shall be established each year by the Forests Administration for each ecological zone, on the basis of the following factors in particular:

- the volumes of usable forest products;
- the needs of the users for the current year;
- the volumes of forest products coming from the production *forêts domaniales* and production communal and community forests, and from those privately owned;
- the degree of ecological sensitivity of the zones concerned to degradation.

(3) Each year the Forests Administration shall lay down the areas covered by permits to sell felled timber which shall be reserved for persons of Cameroon nationality or for companies in which such persons hold all the capital or voting rights, and are approved for forestry operations.

(4) Under Article 55(2) of the Law, the period of validity of a permit to sell felled timber in a national forest shall not exceed three (3) years, and may not be renewed.

(5) A permit to sell felled timber in a national forest shall be issued by order of the Minister of Forests, after obtaining the opinion of the interministerial committee provided for in Article 64 above, and following a public invitation to tender.

ARTICLE 82 (1) All permits to sell felled timber in a national forest shall be issued by order of the Minister of Forests, acting on an opinion from the interministerial committee provided for in Article 64 above, and following notice of a public invitation to tender.

(2) The provisions of Article 58(2), (3) and (4) above shall apply to the bids of persons tendering for a permit to sell felled timber in a national forest.

ARTICLE 83 (1) The issuing of a permit to sell felled timber in a national forest shall be subject to submission of a dossier containing ten (10) copies, one original and nine (9) certified

copies, lodged with acknowledgement of receipt with the Minister of Forests and comprising the documents listed in Article 59 of this decree.

(2) Signature of a permit to sell felled timber in a national forest shall be in accordance with the provisions of Article 60 above.

ARTICLE 84 (1) Under a permit to sell felled timber in a national forest, only trees which have been listed in the inventory and marked may be felled, except for identified seed-bearers.

(2) The holder of a permit to sell felled timber shall be required to submit to the Forests Administration every six months a report on the progress of his forestry activities and an overall report on completion of his activities.

ARTICLE 85 (1) In order to develop village communities on the edge of national forests which are being used under permits to sell felled timber, a percentage of the felling tax laid down in the Finance Law shall be paid back for the benefit of such communities.

(2) The rules for the payment of the sums provided for in paragraph (1) above shall be made known to the people concerned at a briefing meeting to be held by the local administrative authority, in the presence of the traditional authorities, the local technical officers concerned and the operator.

The meeting shall be held before the forestry activities commence.

PARAGRAPH II OPERATING PERMITS

ARTICLE 86(1) Operating permits in respect of firewood, poles or timber for craft processing shall be issued solely to persons who are nationals of Cameroon or to companies in which such persons hold all the capital or voting rights. Each permit shall be accompanied by terms of reference.

(2) Operating permits for certain special forest products on a list drawn up by the Forests Administration shall be issued by the Minister of Forests, after obtaining an opinion from the interministerial committee provided for in Article 64 above.

(3) Operating permits to collect forest products for

scientific purposes shall be issued by the Minister of Forests after examining a technical dossier, according to the rules laid down in a separate instrument.

(4) Operating permits for craft processing of timber and operating permits for firewood or poles shall be issued by order of the competent Governor, after obtaining the opinion of a provincial Technical Committee.

(5) The period of validity of an operating permit shall be dependent upon the volume of products sold and shall be specified in the issuing document. It may not in any case exceed one (1) year.

(6) Where the operator has complied with the clauses of the terms of reference, the local representative of the Ministry of Forests shall issue him with a *certificat de recollement*.

If he has not done so, he shall be penalised in accordance with the laws and regulations in force.

A. AN OPERATING PERMIT FOR
SPECIAL FOREST PRODUCTS

ARTICLE 87 (1) Operating permits for special forest products shall be issued on the basis of a dossier containing ten (10) copies, one original and nine (9) certified copies, and comprising the following documents:

(a) a stamped application stating:

- the full name and address of the applicant, in the case of a natural person;
- the name, statutes and address of the registered office, the amount of capital and its distribution, and the name of the Director, in the case of a legal person;

(b) a certified copy of the deed of approval;

(c) evidence of the financial resources which have been committed or are available;

(d) proposed investment: particularly relating to the vehicles and packaging available for the proper conservation of products; existing or planned storage warehouses; arrangements made or in existence for

processing all or some of the products locally;

(e) a tax certificate;

(f) a technical memorandum drawn up by the local Forests Administration official specifying which species may be used, the quantities of products which may be recovered and the places and procedure for recovery;

(g) where appropriate, the certificat(s) de recollement and the certificate of payment of the various forest dues under any previously issued forestry operating licence;

(h) a receipt relating to the payment of the application fee, the amount of which shall be laid down in accordance with the law on State finances.

(i) a certificate of payment of contributions to the Social Security Scheme;

(2) The application for the issuing of an operating permit for special forest products shall be lodged, with acknowledgement of receipt, with the provincial representative of the Forests Administration for the place where operations are to take place, who shall forward it together with a reasoned opinion, to the Minister of Forests for completion of the procedure.

(3) Signature of the permit shall be subject to submission of a documents certifying that the relevant fees and taxes have been paid.

ARTICLE 88 (1) An operating permit for special forest products shall show in particular:

- the species in respect of which operations are authorised;
- the quantities of products to be recovered;
- the operating zone; and
- the conditions governing the local use, or possibly the export of products.

(2) The terms of reference accompanying the operating permit for special forest products shall show in particular:

- the conditions for renewing the resource;
- the conditions for using the products;
- the conditions for transporting them;
- the procedure for paying the financial costs.

(3) On completion of use, the permit holder shall submit a report on his activities to the provincial representative of the Ministry of Forests for the place(s) where operations are to take place.

B. OPERATING PERMITS FOR TIMBER

ARTICLE 89 (1) Operating permits for craft processing of timber shall be issued on the basis of a dossier comprising ten (10) copies, one original and nine (9) certified copies, containing the following documents:

- (a) a stamped application stating the full name and address of the applicant, and the species, volumes, operating zone and destination of the products;
- (b) a residence certificate;
- (c) a tax certificate;
- (d) a certified copy of the deed of approval;
- (e) a copy of the police record of the applicant in the case of a natural person and of the legal representative in the case of a legal person, not more than three months old;
- (f) evidence of the financial resources which have been committed or are available;
- (g) a technical memorandum drawn up by the local Forests Administration official;
- (h) an application for registration as a craft processor;
- (i) where appropriate, the *certificat(s) de recollement* and the certificate of payment of the various forest dues under any previously issued forestry operating licence;
- (j) a receipt relating to the payment of the

application fee, the amount of which shall be laid down in accordance with the law on State finances.

(k) a certificate of payment of contributions to the Social Security Scheme;

(2) The application provided for in paragraph (1) above shall be lodged, with acknowledgement of receipt, with the provincial representative of the Forests Administration, who shall forward it together with a reasoned opinion, to the Minister of Forests for completion of the procedure.

(3) Signature of the permit shall be subject to submission of a documents certifying that the relevant fees and taxes have been paid.

ARTICLE 90 (1) Before the start of operations under a permit for craft processing of timber, the felling area shall be delimited and a preliminary inventory made of the measurements and markings of all the trees intended for sale, the total volume of which shall not exceed five hundred (500) cubic metres.

(2) Trees shall be sold standing. Only those intended for sale shall be felled.

C. OPERATING PERMITS FOR FIREWOOD AND POLES

ARTICLE 91 (1) Operating permits for firewood and poles shall be issued on the basis of a dossier comprising ten (10) copies, one original and nine (9) certified copies, and containing the following documents:

(a) a stamped application stating the full name and address of the applicant, the nature and quantity of the products requested, and the operating zone;

(b) a technical memorandum drawn up by the local Forests Administration official;

(c) the patent;

(d) a receipt relating to the payment of the application fee, the amount of which shall be laid down in accordance with the law on State finances.

(2) The complete application shall be lodged, with acknowledgement of receipt, with the Forests Administration official for the place of operations for completion of the

procedure.

(3) Signature of the permit shall be subject to submission of a documents certifying that the relevant fees and taxes have been paid.

(4) The use of poles or firewood under an operating permit shall only take place once the relevant taxes have been paid by the person concerned and the licence has been notified by the local representative of the Minister of Forests.

ARTICLE 92 (1) Before operations take place under an operating permit for firewood or poles, the felling area shall be the subject of reconnaissance or, where appropriate, delimitation. Operations shall relate to the products and quantities set out in the permit.

(2) On completion of operations, the operator shall submit to the Forests Administration a report on his activities.

D. THE PROVINCIAL TECHNICAL COMMITTEE

ARTICLE 93 (1) The Provincial Technical Committee referred to in Article 86 above, hereinafter called the "Technical Committee", shall be composed as follows:

CHAIRMAN: - the Governor of the province concerned or his representative;

MEMBERS:

- the provincial representative of the Minister of the Environment;
- the provincial representative of the Minister of Finance;
- the provincial representative of the *Ministre chargé des domaines*;
- the provincial representative of the Minister of Industrial and Commercial Development
- a representative of the Chamber of Agriculture, Stock rearing and Forestry
- the Mayor(s) of the commune(s) concerned.

(2) The Chairman of the Provincial Technical Committee may call upon any person of his choosing in view of that person's skills.

(3) The provincial representative of the Forests Administration shall report on matters and provide secretarial services for the work of the Technical Committee.

(4) The Technical Committee shall meet as necessary and at least twice a year, when convened by its Chairman, at the place and date which he sets.

(5) The duties of the Chairman or members of the Technical Committee shall not be remunerated.

(6) The terms of reference of the Technical Committee shall be laid down by order of the Minister of Forests.

PARAGRAPH III
A PERSONAL FELLING PERMIT

ARTICLE 94 (1) In order to meet their own domestic needs, in particular for firewood and building wood, persons who are nationals of Cameroon may fell a limited number of trees in national forests if they have a personal felling permit.

This provision shall not apply to persons living on the forest edge, who shall retain their user rights under the provisions of this Decree.

(2) A personal felling permit shall be issued by the provincial representative of the Ministry of Forests, following payment by the person concerned of the sale price of the forest products provided for in paragraph (1) above. The permit shall last for a maximum of three (3) months.

It shall indicate in particular the operating zone and the number of trees by species for which use is authorised. In no case may the volume removed exceed thirty (30) m³ of rough timber.

(3) It shall be prohibited for the holder of a personal felling permit to fell trees which are marked as reserved by the Forests Administration.

(4) Periodically, the Forests Administration shall ensure that the holder of the authorisation is using the authorised trees. In the event of any infringement, the permit shall be withdrawn, without prejudice to any criminal or civil

proceedings.

SECTION II
USE OF COMMUNITY FORESTS

ARTICLE 95 (1) Under Article 54 of the Law, use shall be made of a community forest on the basis of its basic management plan, duly approved by the Forests Administration, under state control, by the sale of felled timber, or under an operating permit or personal felling permit.

(2) Each community shall decide on its own procedure for issuing operating licences.

(3) The operating licences provided for above, except for the personal felling permit, shall only be issued to persons approved for forest operations in accordance with the provisions of this Decree.

ARTICLE 96 (1) The procedure for deriving benefit from the products resulting from the use of community forests shall be laid down in a management agreement for the forest concerned.

(2) The designated officer for the community forest shall be required to send each year to the representative of the Minister of Forests having local jurisdiction a plan of operations and a report on activities carried out during the preceding year.

SECTION III
USE OF PRIVATE FORESTS

ARTICLE 97 (1) Use of a forest belonging to an individual may be by its owner or by any other person of his choosing. The individual concerned shall, however, be required to notify the local office of the Forests Administration in advance to this effect.

(2) The Forests Administration may suspend such use where it is likely to damage the environment, without prejudice to the implementation of the expropriation procedure provided for under the laws in force.

CHAPTER III
THE INTERMINISTERIAL COMMITTEE

ARTICLE 98 The Interministerial Committee provided for in Articles 58, 64 and 82 of this Decree, hereinafter called the "Committee", shall be a body set up under the Ministry of Forests, whose task shall be to give its opinion on the following:

- the issue or withdrawal of permits to sell felled timber;
- the issue, renewal, transfer, surrender or withdrawal of a forest concession;
- the issue or withdrawal of operating permits for certain special forest products.

SECTION I
COMPOSITION

ARTICLE 99 (1) The Committee shall be composed as follows:

CHAIRMAN - the representative of the Minister of Forests.

- MEMBERS
- a representative of the Ministry of Territorial Administration;
 - a representative of the Ministry of Economics and Finance;
 - a representative of the Ministry of Industrial and Commercial Development;
 - a representative of the *Ministère chargé des domaines*;
 - a representative from each association or union within the forestry profession;
 - two deputies from the National Assembly.

(2) The Chairman of the Committee may call on any person to take part, in an advisory capacity, in the work of the Committee, in view of that person's competence with regard to the matters under discussion.

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

(4) The Forests Directorate shall provide secretarial services for the work of the Committee.

(5) The duties of the Chairman or members of the Committee and those of the rapporteur or members of the Secretariat shall not be remunerated.

SECTION II
PROCEDURE

ARTICLE 100 (1) The Committee shall meet as required but not less than twice a year, when convened by the Chairman and at places and on dates to be decided by him.

(2) Its proceedings shall be valid only if two thirds (2/3) at least of its members are present.

The quorum of two thirds of members provided for above shall not apply where the Committee is meeting to open tenders.

(3) It shall adopt its resolutions by a simple majority. In the event of the vote being equally divided the Chairman shall have the casting vote.

(4) The Committee's operating costs shall be borne by the Special Forestry Development Fund.

ARTICLE 101 (1) Agendas for meetings of the Committee must reach members at least five (5) days before the date of the meeting.

(2) However, the Chairman of the Committee may reduce the amount of time provided for in paragraph (1) above to forty eight (48) hours where circumstances so dictate.

ARTICLE 102 (1) The Committee shall be required to give its opinion within at least twenty one (21) days of the matter being referred to it by the Minister of Forests.

(2) However, the Minister of Forests may ask for the amount of time provided for in paragraph (1) above to be reduced in an emergency, but the reduced period shall not be less than ten (10) days.

ARTICLE 103 Submission of dossiers to the Committee shall be done by the rapporteur, who shall be required to supply all the information which is likely to assist members of the Committee, and to reply to any questions or comments made by members.

SECTION III

PROCEDURE FOR EXAMINING DOSSIERS

ARTICLE 104 (1) Dossiers submitted for examination by the Committee must contain all the items of information and all the documents required in order to facilitate their examination.

(2) They must in particular contain:

A. For the phase of opening tenders:

all the supporting documents provided for in this Decree.

B. For the phase of issuing forestry operating licences:

(a) the record of the opening of tenders;

(b) the report on the analysis of the tenders;

(c) the summary report on the analysis of the tenders, signed by all the members of the analysis sub-committee provided for in this Decree. This report shall summarise in particular any comments made by any of the tenderers on the analysis of his bid made by the sub-committee.

(2) Tenders which arrive after the opening of tenders shall not be admitted.

ARTICLE 105 (1) The Chairman of the Committee shall be required to ensure that all the tenders are sealed and closed. He shall carry out the opening of the technical and administrative tender and shall check the authenticity of the administrative and technical documents produced by the tenderers.

A list of the documents contained in each tender shall be drawn up at the time.

(2) Tenderers may be present or represented at the meeting at which their technical and administrative tender is opened.

ARTICLE 106 (1) Following the opening of the technical and administrative tenders, the copies of the tenders, duly initialled by the Chairman, shall be forwarded to an analysis sub-committee set up for this purpose by the Committee, acting on a proposal from its Chairman.

No member of the Committee may also be a member of an

analysis sub-committee.

(2) The original of each tender shall be lodged for safe keeping with the secretariat of the Committee.

(3) The other copies of the tenders of the successful tenderers, and the originals and copies of the tenders of the unsuccessful tenderers shall be returned to them or, failing this, shall be destroyed by the Forests Administration if they are not taken back within a period of time set by that Administration.

ARTICLE 107 (1) The Committee deciding on the tenders shall be given the reports analysing the tenders and the summary reports of any comments made by the tenderers, in accordance with the provisions of Article 104 of this Decree.

(2) It shall discuss and classify the qualifying tenderers on the basis of the technical and administrative selection criteria provided for in this Decree, without mentioning the financial bid submitted by each tenderer.

(3) Following this, the sealed financial bid containing the additional price provided for in Article 59(3) above shall be opened.

(4) The Committee shall select the tenderer in accordance with the provisions of Article 64 above.

(5) Where none of the bids meets the selection criteria, or where there has been an agreement between the tenderers, the Committee shall declare the invitation to tender unsuccessful or, where appropriate, shall declare the invitation to tender void.

In the event of an invitation to tender being declared void due to an agreement between the tenderers, the latter may not, either directly or indirectly, take part in another invitation to tender under this Decree for a period of five (5) years, without prejudice to the application of any penalties which may be provided for in separate instruments.

(6) The minutes of the proceedings, approved by all the members of the Committee present, shall be signed by the Chairman. He shall record the circumstances of the proceedings for selecting the tenderers.

ARTICLE 108 (1) The Chairman of the Committee shall notify the

Minister of Forests of the Committee's proposals within a maximum of seventy two (72) hours of completion of the proceedings.

(2) With the exception of a forest concession, forestry operating licences submitted for the Committee's consideration shall be granted in accordance with the Committee's opinion.

(3) However, the Minister of Forests may request a further examination of the Committee's proposals, mentioning his reservations or comments, within a maximum period of seven (7) days from the date on which those proposals are notified.

ARTICLE 109 Within thirty (30) days of the notification of the Committee's proposals regarding the granting of a forest concession, the Minister of Forests shall forward to the Prime Minister, Head of Government, for his approval:

- (a) the successful tenders;
- (b) the draft provisional operating agreement;
- (c) the minutes of the Committee's proceedings.

TITLE VI
THE RECOVERY, INDUSTRY
AND MARKETING OF FOREST PRODUCTS

CHAPTER I
THE RECOVERY OF FOREST PRODUCTS

ARTICLE 110 (1) In the case of a development project which is likely to lead to disturbance in a forest or to its destruction, a preliminary environmental impact assessment shall be carried out by the applicant according to the rules laid down by the Environment Administration, in order to determine the special steps to be taken to ensure the conservation, development or, where appropriate, recovery of natural resources.

(2) Under Article 73 of the Law, recovery of forest products from national forests shall be done either under state control or by public auction on the basis of the results of the inventory.

ARTICLE 111 (1) Opening up a removal route which crosses a national forest shall be dependent on prior authorisation from the Minister of Forests.

(2) An operator may be authorised to recover the felled trees along the route in return for payment of the sale price for the wood which is laid down in the Finance Law.

(3) The procedure for applying this Article shall be set out in an Order from the Minister of Forests.

ARTICLE 112 (1) Logs left in timber yards in the forest and along the roads shall be the subject of a formal report drawn up on the basis of a statement by the local Forests Administration official.

(2) Notice shall be given to the owners of such wood that it must be removed immediately.

(3) Thirty (30) days after notice has been given the wood shall be deemed automatically to belong to the State and shall be sold in accordance with the provisions of this Decree.

Offenders shall be liable to the penalties provided for under the legislation in force.

ARTICLE 113 (1) Any person wishing to recover driftwood under the conditions laid down in Article 73 of the Law must submit a stamped application to the local Forests Administration official.

(2) Recovery shall be dependent upon payment by the person concerned of a sale price, the amount of which shall be laid down in the Finance Law.

CHAPTER II THE FOREST PRODUCTS INDUSTRY

ARTICLE 114 (1) Any natural or legal person wishing to operate a factory for the first-stage processing of forest products must make a declaration to this effect to the Administrations responsible for mines, forests and industry before starting up his unit.

Failure to make such a declaration shall be punishable by an administrative fine, the amount of which and the procedure for calculating and collecting which shall be laid down in a separate instrument.

(2) The conditions governing the operation of industries which process forest products likely to produce toxic waste shall

be as laid down in the laws and/or regulations applying, as appropriate, to toxic waste or to buildings for carrying on dangerous, unhealthy, noisy or noxious trades.

(3) The obligations of forestry undertakings approved under the *régime de point franc industriel* shall be laid down by a joint order of the Ministers of Industry and Forests in accordance with Article 74 of the Law.

ARTICLE 115 (1) The owners of factories processing forest products who do not have forestry operating licences may obtain supplies from the local market in logs.

(2) Forest products purchased in this way must be derived exclusively under valid operating licences and comply with the rules laid down in this Decree.

(3) The owners of industries for the first-stage processing of forest products must keep a record of in-coming products of this type, indicating their origin, and a record of out-going processed products, indicating their quantity, quality and destination.

(4) The rules for applying this paragraph shall be laid down by the Minister of Forests.

CHAPTER III
MARKETING AND PROMOTION OF
FOREST PRODUCTS

ARTICLE 116 (1) Any person wishing to export wood in the form of logs in accordance with the law in force must be registered beforehand with the Forests Administration.

(2) However, natural or legal persons of foreign nationality may only engage in exporting wood in the form of logs where they have:

- (a) a valid forestry operating licence;
- (b) a local processing industry.

(3) Infringement of the provisions of this Article shall make the offender liable to the application of the provisions of Article 159 of the Law.

(4) The procedure for applying this Article shall be specified by order of the Minister of Forests.

ARTICLE 117 Exporters of forest products must keep books of specification forms initialled by the local Forests Administration official, giving in particular the species, quality, volume and origin of the products concerned and their destination.

ARTICLE 118 (1) Any exporter of forest products who does not comply with the local processing quotas provided for in the Law shall be required to pay to the *Trésor Public* a progressive export surtax.

To this end, each operator shall be required, every six (6) months from the start of the tax year, to supply the Forests Administration with accurate information regarding his products, giving the volume which are exported and the volume which are processed locally.

(2) At the end of the financial year, the Forests Administration shall calculate and notify to the operator the amount of the progressive surtax due. The operator shall have a period of thirty (30) days from the date of notification of the statement of sums due in which to pay the progressive surtax he owes.

(3) At the time of loading, the local Forests Administration official shall, together with the Customs Administration official, certify the bill of lading after the documents attesting payment of the progressive surtax have been submitted, where it is already due and payable, or compliance with the processing percentage provided for under the Law.

(4) Bills of lading must mention the reference numbers of the specification notes of the batches loaded.

(5) The Finance Law shall fix the progressive export surtax according to species and quality, and shall determine how it is to be shared between the State and the Special Forestry Development Fund.

(6) The procedure for applying this Article shall be laid down by a joint order of the Ministers of Finance and of Forests.

ARTICLE 119 The Finance Law shall fix each year a preferential rate for the progressive export surtax on species being promoted, a list of which shall be determined annually by a joint order of the Ministers of Forests and Finance.

ARTICLE 120 Forestry operators shall be required to send to the Minister of Forests one (1) month after the end of each financial year an annual report, along the lines set down by the Forests Administration.

ARTICLE 121 (1) For marketing purposes, unprocessed and processed forest products shall be subject to rules of classification and to standards regarding dimensions and quality.

(2) The rules for monitoring the classification and standardisation of forest products shall be laid down in a separate instrument.

TITLE VII
FINANCIAL AND FISCAL PROVISIONS

ARTICLE 122 The use of forest products shall be subject to payment of the financial and fiscal charges set out in the terms of reference relating to the relevant operating licences and by the laws in force.

ARTICLE 123 (1) Without prejudice to the other provisions of Article 66(1) of the Law, the financial and fiscal charges due upon the issue, renewal or surrender of an operating licence or, where appropriate, upon transfer of an operating licence and payable before signature of the licence by the competent authority shall comprise all the charges relating to:

(a) transfer tax;

(b) recovery tax;

(c) the sale price of forest products, in the case of operating licences and in the case of personal felling permits or permits to sell forest products.

(2) The fiscal charges relating to the export of forest products shall comprise export duties and, where appropriate, the progressive surtax.

(3) The basis of assessment and the procedure for paying the financial and fiscal charges shall be the subject of a separate decree.

TITLE VIII
FOLLOW UP AND MONITORING OF FOREST USE
AND PUNISHMENT OF INFRINGEMENTS

CHAPTER I
FOLLOW UP AND MONITORING
OF FORESTRY ACTIVITIES

ARTICLE 124 (1) Monitoring and following up forestry activities under operating licences shall be carried out by the staff of the Forests Administration, according to the procedure laid down in an order from the Minister of Forests.

(2) The staff of the Forests Administration who monitor and follow up forestry activities shall be required to carry fire-arms and wear a uniform and shall be bound by disciplinary rules laid down in separate instruments.

ARTICLE 125 (1) Every holder of an operating licence must keep a site record book, a specimen for which shall be drawn up by the Forests Administration. The book shall be numbered, and shall be initialled by the *département* official from the Forests Administration.

Felled trees shall be entered in the book on a daily basis, giving the diameter measured 1.3m above the soil or above the buttresses, together with the felling number shown on the tree stump, the length of the logs, their diameter at the wide and narrow ends, and their volume.

As regards the use of special forest products, poles and firewood, a note shall be made of:

- the species harvested;
- the quantities, dimensions, weight and volume of the product; and
- the place where they were harvested.

(2) At the end of each week the return sheets from the site record book shall be forwarded to the local Forests Administration official who, after verification and compilation, shall forward the results and the specifications each month to the Forests Administration official next in rank.

(3) For measurement purposes, the volume of each tree shall be calculated according to the existing measurement scales or according to the following scale:

$V = [\text{Pi}/4] \times D^2 \times L$ where: $V =$ volume of tree

$L =$ length of tree trunk

$D =$ mean diameter of tree
beneath the bark

$\text{Pi}/4 = 0.785$

Volume is expressed in cubic metres to three decimal places.

Length is expressed in metres and whole decimetres; in this connection, centimetres are disregarded.

Diameter is expressed in metres, decimetres and whole centimetres.

Diameter is the arithmetical mean of the diameters of the two ends.

ARTICLE 126 (1) Holders of forestry operating licences shall be required to recover all the logs from the felled trees, apart from those considered unusable by Forests Administration officials. Where a felled tree is abandoned in the forest the reason for so doing shall be noted in the site record book.

(2) Following a report, abandoned logs which have been recognised as being usable may be sold by the Forests Administration in accordance with the provisions of this Decree.

ARTICLE 127 (1) Before leaving the forest, every log which is used must be tagged with the regulation markings.

The procedure for marking all the logs before they leave the forest shall be laid down by the Minister of Forests.

It shall be prohibited to transport any industrial roundwood, in particular logs which do not have the regulatory markings laid down in the terms of reference.

(2) Carriers of forest products must have a consignment note taken from a regulation-style counterfoil book initialled by the *département* Forests Administration official, giving in

particular the quantities and specification of the products being transported, together with their origin.

Officials from the Forests Administration may carry out checks at any time to ensure that the documents presented relate to the products being transported.

(3) The carriage of logs by road and rail shall be governed by a joint order of the Ministers of Transport and Forests.

ARTICLE 128 Any log accepted at a processing factory must be clearly marked with the regulation markings provided for in Article 127 above. Those markings shall be recorded in the book provided for in that Article.

ARTICLE 129 Forestry operators, exporters and processors of forest products shall be required, with comments where appropriate, to countersign the site record books, the specification forms, the in-coming and out-going record books, and the forms or reports relating to the checks made by the Forests Administration officials who supervise them.

CHAPTER II PUNISHMENT OF INFRINGEMENTS

ARTICLE 130 (1) Without prejudice to the penalties provided for under the Law and the legislation in force, any approval or forestry operating licence provided for in this Decree may be suspended or withdrawn under the conditions laid down in this Decree.

(2) Suspension of approval or of a forestry operating licence shall be ordered by the Minister of Forests.

The decision to suspend must be reasoned and be notified to the person concerned.

(3) Withdrawal of approval or of an operating licence shall be ordered by the competent authority.

It must be reasoned and be notified to the person concerned.

(4) Approval or forestry operating licences of companies which are wound up or go into liquidation shall be withdrawn automatically.

ARTICLE 131 (1) Without prejudice to the penalties provided for in Article 162 of the Law, suspension shall be ordered in the event of a subsequent offence carrying a fine of FCFA 3,000,000 or more.

(2) A subsequent offence shall be deemed to have been committed where, during the twelve (12) months preceding the commission of an infringement of the law or of forestry regulations, the offender has been found guilty of the same offence.

(3) The document ordering suspension shall specify the duration; this may not, however, exceed six (6) months.

ARTICLE 132 (1) Suspension shall involve:

- withdrawal of approval or of the forestry operating licence, and of the statutory documents;
- cessation of forestry activities by the person concerned; and
- seizure of forest products which have not already been removed.

(2) It may not be lifted until the cause has been removed and/or all the taxes and charges due and payable have been paid.

ARTICLE 133 (1) Withdrawal shall be ordered automatically where suspension has not been lifted during the period set out in Article 131 (3) above, or in any of the following cases:

- (a) continuation of activities after suspension has been notified;
- (b) a further offence is established with regard to the person concerned during the twelve (12) months following the commission of a second offence which has given rise to his suspension;
- (c) failure to carry out the work as provided in Article 67 of this Decree.

(2) It shall comprise:

- loss of approval and/or the forestry operating licence;

- permanent cessation of the activities relating to the approval and/or the forestry operating licence; and
- payment of all outstanding duties, taxes and fees. Such duties, taxes and fees may, where necessary, be collected by force.

ARTICLE 134 (1) Under the provisions of Articles 141 and 142 of the Law, officially designated officials from the Forests Administration shall have the status of officers of the police judiciaire (criminal investigation department) with special powers.

(2) They shall take an oath in accordance with the laws and regulations in force.

ARTICLE 135 (1) The certified report of an infringement of the legislation and/or the forestry regulations shall contain the following information:

- the exact date of the statement;
- the full identity of the authorised official making the charge, giving his capacity, his position and his work location;
- the date, time and place of the infringement;
- the full identity of the offender and a detailed description of the methods he employed;
- a detailed description and assessment of the infringement;
- the offender's statements and signature;
- the full identity of any witnesses, accomplices or fellow perpetrators, their statements and their signatures;
- the references to the legal instruments prohibiting and/or penalising the act which has been committed;
- the amount of any surety which has been paid;
- reference to any products or machinery seized and the place where they are being held;

- any other information clarifying the statement.

(2) The completed report shall be given a number in the register of cases kept for that purpose in the offices of the local Administration concerned. It shall be sent within seventy two (72) hours to the provincial official of the Forests Administration.

ARTICLE 136 (1) Under Article 146(1) of the Law, infringements of the law and/or the forestry regulations may give rise to a settlement, without prejudice to the right of the Public Prosecutor to institute proceedings.

(2) The Minister of Forests and his provincial representatives shall be empowered to reach a settlement according to rules laid down by the Minister of Forests.

(3) The amount of the settlement shall not in any case be less than the minimum fine provided for, together, where appropriate, with sums due by way of damages.

ARTICLE 137 (1) The benefit of a settlement shall be sought by the offender.

(2) The settlement must be signed jointly by the competent Forests Administration official and the offender.

It shall be registered at the latter's expense and shall state in particular the procedure and time limit laid down for its completion; the time limit may not in any event be longer than three (3) months.

(3) Any settlement, even one that has already been completed, which is entered into in breach of the provisions of Article 136 above, shall be automatically null and void. The Minister of Forests shall notify, at any time, such automatic nullity to the offender.

TITLE IX
MISCELLANEOUS PROVISIONS

CHAPTER I
ACQUISITION OF SHARES

ARTICLE 138 (1) Acquisition and transfer of shares in the capital of forestry companies must comply with the following rules:

(a) Where the company is formed by nationals of

Cameroon, the share of the capital or voting rights held by persons of foreign nationality, either by transfers or following new equity issues, must not exceed 30% of the company's capital or voting rights.

(b) Where the company is formed by nationals of Cameroon and persons of foreign nationality, subsequent changes in the company's capital or voting rights, either as a result of the transfer of shares or voting rights or following new equity issue, must not result in reducing the percentage of shares or voting rights held by nationals of Cameroon, as fixed in respect of the company's initial capital or voting rights.

(c) Where the company is formed by persons of foreign nationality, subsequent changes in the company's capital or voting rights for the benefit of persons of foreign nationality not approved to operate in a forest, either individually or as a company, either as a result of stock transfer or following new equity issues, must not hold more than the equivalent of 15% of the company's initial capital or initial voting rights.

ARTICLE 139 (1) Any acquisition or transfer of shares in the capital or voting rights of forestry companies shall be subject to prior approval by the Minister of Forests on the basis of a dossier containing the following documents:

(a) a stamped application giving the reasons for the acquisition of shares;

(b) a form containing information about the transferee;

(c) a detailed report on the activities of the transferor;

(d) the current statutes of the company and the current and planned allocation of the company's shares or voting rights;

(e) the minutes of the general meeting at which the new acquisitions of shares were approved.

(2) The Minister of Forests shall be required to give his decision within a period of forty five (45) days from the date on which the dossier referred to in paragraph (1) above is received. After that date his decision shall be deemed to be in favour.

(3) Any rejection must be reasoned and be notified within the time limit laid down in paragraph (2) above.

CHAPTER II
SUBCONTRACTING AND QUOTAS

ARTICLE 140 (1) Holders of named operating licences who wish to subcontract some of their activities must obtain the prior agreement of the Minister of Forests, on submission of a dossier containing the following documents:

- (a) a stamped application setting out the reasons for the application [text has "acquisition of shares"];
- (b) a form giving information on the subcontractor;
- (c) a detailed report on the transferor's activities;
- (d) the activities to be carried out by the subcontractor;
- (e) a draft subcontract certified and registered in accordance with the regulations in force;
- (f) a receipt in respect of payment of the duties which are laid down in the Finance Law.

(2) Each subcontractor must meet the criteria laid down in Article 35 above.

(3) In the case of an authorisation, the holder of the forestry operating licence shall forward to the provincial official of the Forests Administration a copy of the subcontract, duly signed by the parties concerned and registered.

(4) The subcontract shall only come into effect after the subcontract has been lodged by the holder of the forestry operating licence with the local Forests Administration official within whose jurisdiction the subcontract is to be carried out.

(5) The holder of the forestry operating licence shall remain the sole person responsible in respect of the Forests Administration for the proper fulfilment of his obligations.

ARTICLE 141 (1) Quotas for forestry operating licences and personal felling permits shall be laid down by the Minister of Forests.

CHAPTER III
SPECIAL PROVISIONS

ARTICLE 142 The special obligations of persons operating in forests in frontier zones, or who use aircraft in the course of their forest operations, shall be laid down by the competent Administrations.

ARTICLE 143 Application of the provisions of the Law and of this Decree shall not prevent compliance with the rules of common law in this field by any person who, in addition to the areas conceded to him for forestry operations, occupies, in a private capacity, public or private land belonging to the State or national land.

TITLE X
TRANSITIONAL AND FINAL PROVISIONS

ARTICLE 144 (1) Under Article 75 of the Law, forestry operating licences issued before the date of promulgation of the Law, which are still valid, are being used and are in order as far the financial charges relating to such licences are concerned, shall remain valid until their expiry.

(2) The forestry operating licences referred to in paragraph (1) above shall be the subject of an additional clause in the terms of reference, which shall set out the new operating rules under the Law.

ARTICLE 145 (1) Without prejudice to the provisions of Articles 75 and 77 of the Law, the transformation of operating licences which predate the Law into forestry concessions shall comply with the following rules:

(a) All forest undertakings which are operational must supply a certificate of compliance with the obligations contained in the operating licences which they hold, at the same time as they are applying for the transformation of their existing licences into forestry concessions. To this end, they must fulfil all the conditions laid down in this Decree and take part in the selection procedures provided for herein.

(b) On their expiry, forestry operating licences in respect of non-permanent forests may not be transformed into forestry concessions. They shall therefore be rendered automatically null and void.

However, the areas covered by such licences may, within the area limit provided for in Articles 49 and 55(1) of the Law, be transformed into ones covered by permits to sell felled timber.

(c) On expiry of forestry operating licences in an area which is not covered by a zoning plan, the Forests Administration may classify the territory covered by such licences as permanent forests with a view to granting concessions under the conditions laid down in this Decree.

(2) The procedure for applying this Article shall be laid down by the Minister of Forests.

ARTICLE 146 (1) Old forestry operating licences whose holders are no longer operating and/or who have not paid the financial charges connected with such licences, shall be automatically null and void.

(2) The Minister of Forests shall notify the holders concerned of the annulment and shall set in train the procedure for the forced recovery of outstanding debts.

ARTICLE 147 (1) Natural or legal persons approved to operate as foresters, who are operating at the date of publication of this Decree, shall retain their approval.

(2) Those who, whether they have ceased to operate or not, are in order as regards the Forests Administration shall have a maximum period of six (6) months from the date of publication of this Decree in which to comply with the provisions of the Decree.

At the end of that period, if they have not conformed with the Decree their approval shall expire automatically.

ARTICLE 148 Procedures for approval or for allocating forestry operating licences which are current and have not been completed on the date of publication of this Decree shall be continued in accordance with the provisions of the Decree.

ARTICLE 149 The provisions relating to the Special Forestry Development Fund and to the Interprofessional Solidarity Fund shall be laid down in separate decrees.

ARTICLE 150 All conflicting previous provisions shall be repealed, in particular those of Decrees Nos 83/169 (sic) of 12 April 1993 establishing the forests system and 94/436/PM of 23 August 1994 laying down the procedure for implementing the forests system.

ARTICLE 151 The Minister of the Environment and Forests, the Minister of the Economy and Finance and the Minister of Industrial and Commercial Development shall, each within his appropriate field, be responsible for applying this Decree, which shall be registered, published under the emergency procedure, and then placed in the Official Journal in English and French.

Yaoundé, 23 August 1995

The Prime Minister

[signed and sealed]

Simon ACHIDI ACHU

