Unauthorized logging in the CFDA Hua Jia (Remboué)

Exploitation forestière non autorisée dans la CFDA Hua Jia (Remboué)

MONITORING REPORT OF THE OBSERVATION MISSION OF ALLEGATIONS OF FOREST ILLEGALITIES Mission Team Olivier MEYE OBIANG, Lawyer/Expert OI Elodie Grace NTSAME OLLOMO, Lawyer REPORT No. 004 OF MARCH 16, 2019 LOCATION: REMBOUE (DEPARTMENT OF KOMO KANGO, ESTUARY PROVINCE) VISIT TITLE: CFAD HUA JIA April 2019

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Page 2 of 25 List of Abbreviations ANF: AMVENE NKOULOU and Sons CFAD: Sustainable Management Forest Concession CKK: Komo Kango District COOFEROU (CFR): Cooperative of Women from Roungoula GRAINE: Gabonese Agricultural Realizations and Initiatives of Engaged Nationals OI: Independent Observer OIE: External Independent Observation PAO: Annual Operation Plan SOTRADER: Agricultural Transformation and Rural Development Company

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Page 3 of 25 Executive Summary This report follows the external independent observation mission conducted in Remboué, department of Komo Kango, in the Estuary province, from January 17 to 23, 2019. It concerns the wood appropriation activities carried out by the ANF company in the CFAD Hua Jia. The objective of this mission was to assess the impact of the OI's visit following the first mission and to verify the information received from local informants indicating that exploitation was ongoing. Field visits conducted in the villages affected by the said CFAD revealed an increase in logging activity, notably indicated by: - The unauthorized opening of new logging roads in the villages of Direki, Bangando, and Kana; - The presence of unmarked stumps, logs, and beams in the village of Kana; - The presence of marked CFR logs outside the areas where wood recovery is permitted. Following these observations, the OI made the following recommendations: - That the Ministry of Forests and the Environment in charge of the Climate Plan, through the DGF, conduct a control mission of the activities of the ANF company in the CFAD Hua Jia, draw up an infringement report, and initiate legal proceedings against the suspects; - The General Directorate of Forests must acknowledge the illegal exploitation carried out by the ANF company and initiate legal proceedings before the competent jurisdictions for illegal logging; - A verification mission by the CKK must ascertain the extent of the ongoing exploitation, identify the perpetrators, and sanction them in accordance with regulations.

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Page 4 of 25 I. Context The NGO Brainforest received on January 10, a phone denunciation from a community observer based in Remboué. He reported ongoing illegal exploitation in the villages of Roungoula, Bangando, and Padouk, located in the CFAD Hua Jia in Remboué, department of Komo Kango, Estuary province. Following this denunciation, the NGO conducted, from January 17 to 23, 2019, an external independent observation mission (OIE) in these villages to verify the allegations made. During this action, numerous irregularities were noted, including: The granting by the forestry administration of wood from food crop plantations to the ANF company, in violation of the procedures related to the appropriation of abandoned wood; the arbitrary assessment of the price of abandoned wood and the sale of this wood to ineligible third parties by the forestry administration; the presence of unmarked stumps and logs; non-compliance with marking instructions in areas allocated to agriculture by ANF; unauthorized use of the business name of the contractual partner; substantial irregularities in the partnership contract related to the development of wood from agricultural plantations between COOFEROU and ANF. At the end of the mission, in late January 2019, the team presented the observed irregularities to the CKK, and prompted a control mission. In early March 2019, a community informant reported an intensification of exploitation activities in this forest. Following this denunciation, the team decided to improvise an OI mission in the concerned forest, to verify and document the intensification of logging on the ground, and assess the level of consideration of the recommendations made to the CKK, following the previous mission. II. Objectives and Methodology The overall objective of this mission was for the team to verify whether ANF's activities had been subject to control by the administration in charge of forests and to assess the extent of the intensification of the reported illegal activities. The mission primarily focused on collecting information in the forest regarding illegal logging activities conducted around the villages of Direki, Bangando, and Kana, after the passage of the first OI mission. Interviews (04) were also conducted regarding these activities, with on one hand the manager of SOTRADER and on the other hand the members of the communities of Kana and Direki.

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Page 5 of 25 III.2 Mission Itinerary Map 1: Mission Itinerary

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Page 6 of 25 IV. Main Observations IV.1 Presentation of the Forest, the Operator, and the Villages Affected by Illegal Exploitation Visited Title CFAD Hua Jia General Presentation Located on the Bokoué massif over 106,300 hectares, it is attributed o the Chinese operator Hua Jia in exchange for funds provided by China for the construction of the Gabon National Assembly palace. Management Plan Management plan developed by the Ministry of Water and Forests funded by the ITTO in 1999. Exploitation Officially, no exploitation ongoing Operator 1 in the CFAD SOTRADER Presentation Joint venture born from a private-public collaboration and created by the Gabonese State and the Olam International group to reduce employment and food dependency in Gabon. It implements the national GRAINE program. Activity Zone Roungoula, Bangando, Padouk in the CFAD. Allocated Area 160 ha Cleared Area 140 ha Planted Area 73.2 ha Operator 2 in the CFAD ANF Presentation Gabonese capital forestry exploitation company. CEO: Jimmy AMVENE NKOULOU Exploitation Title in the Area None Activities in the Mission Area Appropriation and valorization of abandoned wood in the agricultural plots in the villages Roungoula and Bangando Partnership COOFEROU Operator 3 in the CFAD COOFEROU

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Page 7 of 25 Presentation Cooperative of women farmers Forestry Exploitation Title in the Area None Activities Agriculture Activity Zones Roungoula Partnership ANF Direki Newly partnered

village with ANF Bangando Recovery area of ANF Kana village Village impacted by illegal logging IV.2 Observed Facts - A clear extension of wood recovery areas towards the villages of Direki, Bangando, and Kana by the ANF company The OI counted three (3) new logging tracks around the villages of Direki, Bangando, and Kana as well as five (5) wood yards around these villages, all located about 1 km from homes, outside the plantation areas. According to interviews conducted with members of these communities, the operator intensified its activities starting mid-February. The sites being exploited are, of course, outside the recovery area as explained in the previous report; the appropriation of abandoned wood in the title only concerns the sites of COOFEROU (Roungoula and Bangando). Without valid authorization or exploitation title, ANF continues to illegally exploit the potential of the CFAD Hua Jua. This fact constitutes a violation of the provisions of Article 14 1 of the forestry code, sanctioned by Article 2752 of the same Code. Recommendation: That the Ministry of Forests and the Environment in charge of the Climate Plan, through the DGF, conduct a control mission of the activities of the ANF company in the CFAD Hua Jia, draw up an infringement report and initiate legal proceedings against the suspects. 1 Article 14 - No one may, in the fields of water and forests, engage free of charge or commercially in the exploitation, collection, or transformation of any natural product, without prior authorization from the water and forest administration. However, in order to ensure their subsistence and combat poverty in rural areas, local communities enjoy their customary usage rights according to the modalities determined by regulatory means. 2 Article 275 - Those guilty of the following infractions shall be punished by imprisonment for three to six months and a fine of 100,000 to 10,000,000 CFA francs or one of these two penalties only: the authors of infractions below: - exploitation without title, in application of the provisions of Article 14, of this law, cutting wood outside the limits of the permit, harvesting products other than those provided for in the exploitation title...

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Page 8 of 25 Image 1: Logging road in the village of Kana Image 2: Signboard installed in the visited villages (here, the Village Direki)

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Page 9 of 25 - The presence of logs marked CFR outside the wood recovery areas granted to ANF The OI noted the presence of logs bearing the following marks: CA 001-1 CFR, CA 001-2 CFR, CA 002-1 CFR, CA 003-1 CFR, CA 004-1 CFR, CA 004-2 CFR, CA 005-1 CFR. The partnership agreement protocol between ANF and COOFEROU, presented by the signatories (The CEO of ANF and the President of COOFEROU) to the team during the previous mission, specifically designates the villages of Bangando and Roungoula as areas for the valorization of wood abandoned by the ANF company. According to the mission report evaluating the woody potential on the site of the COOFEROU, the wood to be valorized was identified only in the villages of Roungoula and Bangando. However, the CFR marks are found in Direki and Kana. These marks are therefore illegally affixed by the ANF company in violation of the partnership framework with the COOFEROU cooperative. This fact constitutes fraudulent use of the private forest hammer, sanctioned by Article 2753 of the Gabonese forestry code. Recommendation The General Directorate of Forests must acknowledge the illegal exploitation carried out by the ANF company and initiate legal proceedings before the competent jurisdictions for illicit/illegal forestry exploitation. 3 Article 275 - Those guilty of the following offenses shall be punished by imprisonment for three to six months and a fine of 100,000 to 10,000,000 CFA francs or one of these two penalties only: - [...] fraudulent maneuvers... Image 3: Logs marked CFR in a wood yard in the village of Direki

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Page 10 of 25 - The presence of unmarked stumps, logs, and culms In the village of Kana, the OI counted twenty-six (26) logs, namely: thirteen (13) Ovengkol, eleven (11) Tali, two (2) Padouk, as well as four (4) stumps, including 1 Tali, 3 Ovengkol, and one Ovengkol culm, all unmarked. The logs were observed in yards located about 1 km from the community plantation areas. The stumps and culms were observed at a distance of more than 600 m from these areas. According to the site manager of the Hua Jia company, the CKK and the communities, the CFAD Hua Jia is not officially being exploited, so it is evident that the stumps, logs, and culms observed during the mission result from illegal logging. In the absence of marking, it is difficult to ensure the traceability of the wood. These facts are classified as unauthorized exploitation. Unauthorized exploitation constitutes a violation of the provisions of Article 144 of the Gabonese forestry code, and the perpetrator of this act is exposed to the penalties provided for by Article 2745 of the Forestry Code. Recommendation A verification mission by the CKK must ascertain the extent of the ongoing exploitation, seek the authors, and sanction them in accordance with the regulations. 4 Article 14 - No one may, in the fields of water and forests, engage free of charge or commercially in the exploitation, harvesting, or transformation of any natural product without prior authorization from the water and forests administration. However, in order to ensure their subsistence and combat poverty in rural areas, local communities enjoy their customary usage rights according to the modalities determined by regulatory means. 5 Article 274 - Those guilty of the following offenses shall be punished by imprisonment for forty-five days to three months and a fine of 25,000 to 1,000,000 CFA francs or one of these two penalties only: - ...cutting and removal of trees or exploitation of accessory forest products, without authorization from the water and forests administration outside the exercise of customary usage rights;

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Page 11 of 25 Image 4: Unmarked Ovengkol stump Image 5: Unmarked Padouk log

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Page 12 of 25 V. Recommendations The OI makes the following recommendations: - That the Ministry of Forests and the Environment in charge of the Climate Plan, through the DGF, conduct a control mission of the activities of the ANF company in the CFAD Hua Jia, draw up an infraction report, and initiate legal proceedings against the suspects; - The General Directorate of Forests must acknowledge the illegal exploitation carried out by the ANF company and initiate legal proceedings before the competent jurisdictions for illicit/illegal forestry exploitation; - A verification mission by the CKK must ascertain the extent of the ongoing exploitation, seek the authors, and sanction them in accordance with the regulations. Map 2: Observed facts

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Page 13 of 25 VI. Annexes Collection sheet No. Point Coordinates Observation Description Lat Lon Ele Remboué Village Bangando 14 -0.230010990053415 10.301352040842175 48.019435999999999 Entrance to the forest track 15 -0.230344003066421 10.300255017355084 56.319198999999998 Old wood yard Kana village 16 -0.292045036330819 10.232885973528028 55.753216000000002 Wood yard 11 unmarked Tali logs 17 -0.291881002485752 10.232610963284969 55.296157999999998 Entrance to the logging track 18 -0.291685033589602 10.233070040121675 54.856239000000002 1 unmarked stump Tali 19 -0.291563998907804 10.232875999063253 53.426837999999996 1 stump and 1 uncut culm Ovengkol 20 -0.290108984336257 10.227028029039502 54.079802999999998 Entrance to the forest track 21 -0.28968402184546 10.226882016286254 58.658141999999998 Wood yard 22 -0.288838036358356 10.227102041244507 69.336226999999994 Entrance to the logging track 23 -0.288536958396435 10.226507009938359 66.106399999999994 2 unmarked stumps Ovengkol 24 -0.288665033876896 10.226645981892943 70.322097999999997 1 log and 1 uncut

stump Padouk 25 -0.29447796754539 10.225976016372442 53.669628000000003 Wood yard -14 unmarked logs 13 Ovengkol and 1 Padouk Village Direki 26 -0.221055010333657 10.333263035863638 47.340462000000002 Entrance to the forest track 27 -0.218473970890045 10.332270031794906 50.503185000000002 Wood yard: 7 marked logs 6 Okoumé and 1 Padouk 28 -0.198322031646967 10.363513994961977 85.695198000000005 Entrance to the logging track

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Summary of wood yards Village Bangando Wood yard No logs Kana village Wood yard 11 unmarked Tali logs Wood yard No logs Wood yard 14 unmarked logs (13 Ovengkol and 1 Padouk) Village Direki Wood yard 7 marked logs (6 Okoumé and 1 Padouk)

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Page 15 of 25 Agreement on the exploitation and valorization of wood from cooperative food crop plantations of the GRAINE program

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Page 18 of 25 Partnership agreement protocol between the company AMVENE NKOULOU et Fils (ANF) and the Cooperative of Women of Roungoula (COOFEROU)

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