Illegal exploitation of forest resources in the Woleu-Ntem province

Exploitation illégale des ressources forestières dans la province du Woleu-Ntem

Observation Mission Report Brainforest - Conservation Justice 1 By Marc ONA ESSANGUI, Executive Secretary of Brainforest. REPORT Observation Mission Brainforest-Conservation Justice Illegal exploitation of forest resources in the province of Woleu-Ntem

-- 1 of 16 --

Illegal exploitation of forest resources in the province of Woleu-Ntem 2 OBSERVATION MISSION REPORT BRAINFOREST - CONSERVATION JUSTICE (c) BRAINFOREST - AUGUST 2017 Illegal exploitation of forest resources in the province of Woleu-Ntem

-- 2 of 16 --

Observation Mission Report Brainforest - Conservation Justice 3 By Marc ONA ESSANGUI, Executive Secretary of Brainforest. REPORT Observation Mission Brainforest-Conservation Justice Illegal exploitation of forest resources in the province of Woleu-Ntem

-- 3 of 16 --

Illegal exploitation of forest resources in the province of Woleu-Ntem 4 I/ Introduction .....

.....

.....5 II/ Objectives of the mission .....

.....6 III/ Routes taken.....

.....

6 IV/ Main observations.....

..... 12 IV-1. Water and forest administration: ..... 12 IV-2. Local communities: ..... 12 IV-3. Illegal operators: ..... 13 IV-4. Case study: The Essong Medzome incident: ..... 13 V/ Recommendations.....

.....

..... 14 VI/ Conclusion .....

..... 15 Summary

-- 4 of 16 --

Observation Mission Report Brainforest - Conservation Justice 5 I/ INTRODUCTION Brainforest and Conservation Justice have been working for many years on issues related to the exploitation of forest resources, the fight against corruption in the forestry sector, and also to promote the application of the penalties provided by criminal law against unscrupulous operators and negligent officials. In recent years, the emergence of new operators in this sector, particularly from Asia, has highlighted dubious practices and the resurgence of large-scale corruption involving officials from the water and forest administration, who are supposed to ensure strict compliance with the existing forestry law. It is in light of this observation and considering the

lack of follow-up on the conclusions of previous reports and the missions of other entities operating in this sector that Brainforest and Conservation Justice decided to undertake a joint mission in the province of Woleu-Ntem, the epicenter of illegal exploitation of key species like Kevazingo. The first part of this mission took place from August 10 to 16, 2017, and the second from the 20th to the 29th of the same month. The aim of the mission was not only to raise awareness among the populations affected by forestry activities but also to directly address the phenomenon of illegal exploitation of resources to the detriment of local populations and finally, to discuss with the water and forest administration of the province to explore possible avenues for collaboration to address the issues plaguing the sector. Context: Gabon has a forest cover of about 22 million hectares, or nearly 87% of the national territory. This makes our country the first in terms of the highest forest area per capita in Africa. Economically, the forestry sector, although it contributes little, ranks third, after oil and mining resources, in state revenues. Finally, Gabon is one of the few forest countries that has not suffered massive deforestation (the current forest cover is roughly equivalent to that of the year 2000). Traditional operators of Gabon's forests, the majority of which are European companies, have implemented forest management plans in accordance with the forestry law of 2001 still in effect while awaiting the adoption of a new text currently in the administrative circuit. The efforts made to implement these forest management plans allow all operators to be on the same level of commitments towards the administration. However, in recent years, a new wave of operators, particularly from Asia, seems to be taking shortcuts that sideline legal provisions and thus encourage corruption in this sector. Corruption that primarily affects the central administration of water and forests and all its branches within the country, resulting in a loss of revenue for public finances and an increased risk of the generalization of illegal exploitation of forest resources. Field investigations conducted by NGOs Conservation Justice and Brainforest have highlighted several factors that, if strong measures are not taken, could undermine the forestry sector and its contribution to the state budget. These include: - Non-compliance with the forestry law by operators sometimes lacking exploitation permits - Corruption of agents in the water and forest department; - Illegal exploitation of species such as Kevazingo, to name just one; - Violation of regulations regarding the exploitation of community forests, thereby accelerating illegal logging; - Corruption of certain local community leaders causing divisions within village communities; - Complicity of administrative authorities with unscrupulous operators. 1 Law 16/01 of December 31, 2001, establishing the Forestry Code in the Gabonese Republic

 In light of this bleak picture and the alarming situation, NGOs and the administration have decided to undertake awareness projects for affected populations and repression against unscrupulous operators. Thus was born the CAF program, a product of cooperation between the AFD (French Development Agency) and the gabonese government, whose first forest police missions, specifically in the province of Ogooué Ivindo, produced very encouraging results, but were quickly suspended by the administration due to internal conflicts. Brainforest and Conservation Justice therefore decided to undertake a joint mission in the province of Woleu-Ntem, a theater like in Ogooué Ivindo, of repeated violations of the existing forestry legislation and illegal logging causing significant losses to the state coffers. II/ OBJECTIVES OF THE MISSION The mission, in the department of Woleu, of a delegation of four people from both organizations, Brainforest and Conservation Justice, aimed to: - Meet and raise awareness among village communities affected by forestry exploitation; - Evaluate the level of implementation of contractual specifications between these communities and the forest operators, in accordance with decree n° 105-MFEPRN/DGF/SACF of 06/05/2014, setting the model of contractual specifications taken in application of article 251 of law 16/01; - Meet the local administration

officials in charge of forestry issues; - Finally, evaluate the operational status of already operational community forests. III/ ROUTES TAKEN The team left Libreville on the morning of August 10, 2017, before settling in Oyem, the provincial capital of Woleu-Ntem around 5:30 PM. The next day, August 11, 2017, the first field visits consisted of scheduling meetings with the populations of the village groupings Ngou-Mbolenzok in the Kyé canton, Woleu department, and the populations of "Woleu Ayat" in the Bissok canton. The visit to the Ngou-Mbolenzok grouping addressed a conflict arising within a part of the Kyé canton, following a project initiated by the Essong Mimbuegn association to create a community forest encompassing the usage areas of twenty-two (22) villages without prior consultation with the inhabitants of these villages. At the same time, the said community forest project encroaches on another project of the Ngouh-Oyop association, which holds a provisional receipt from the Ministry of the Interior and is the holder of a Provisional Management Convention issued by the ministry in charge of water and forests for the creation of a community forest. Furthermore, this visit also aimed to verify a rumor regarding a forest permit from the RFM company covering most of the Kyé canton (see map1 page 7). Given the improvised nature of the visit and the numerous commitments of the populations of these village groupings, an appointment was made for the next round of our team to assess the situation and propose a support strategy in response to the conflict between the initiators of the community forest project of the Essong Mimbuegn association and the other village communities who denounce the lack of prior consultation in this project.

Observation Mission Report Brainforest - Conservation Justice 7 map 1: Map of the community forest project of the Essong Mimbuegn association and the forest concessions in the Kyé canton

Illegal exploitation of forest resources in the Woleu-Ntem province 8 On August 12, 2017, our delegation visited the Woleu canton, specifically in Nkang and Essong Medzome, two neighboring villages affected by forestry activities. In Nkang village, the aim was to monitor the evolution of the community forest activities, which, since its inception, have solely involved logging by private operators. It appears that the activities of the operator exploiting this community forest have been suspended. According to a report made by members of the village association, this suspension arises from unauthorized logging conducted by an operator named André. The latter reportedly received a fine from the water and forests administration amounting, according to the same sources, to eleven million (11,000,000) FCFA. In Essong Medzome, a conflict has now arisen between the forestry operator CDG (Compagnie Dan Gabon) and the inhabitants of this village grouped within a community association. The conflict arises, on one hand, from the absence of contractual terms binding them to the operator and, on the other hand, from the laxity attributed to the water and forests administration in the face of this flagrant violation of the law. As discussions progressed, we learned that the provincial administrative authorities, notably the prefect of the Woleu department, had signed, in front of the leaders of the village association, a document presented as the famous disputed terms of reference, but which is not yet available to them, even though the forestry activities of the operator have been ongoing for more than two years. The notables of Essong Medzome

Brainforest observation mission report - Conservation justice 9 Faced with the rising palpable tension, the meeting participants tasked the association leaders with taking the necessary steps to obtain a copy of the aforementioned contractual terms of reference. This would compel the company DAN GABON to honor the commitments made in this document, if any commitments exist. The attendees gave a one-week deadline to the management team to respond to this

requirement, failing which, measures would be taken at the local level that could disrupt the forestry activities of the company. Our team committed to follow this case during our mission to ensure that the provisions of the forestry law are respected. A few days later, we obtained the document signed by the prefect, the president of the village association, and bearing a simple stamp from the provincial water and forests direction. We regret to note that it is a mere anonymous form that provides no information regarding the operator, the type of permit, the area to be exploited, or the projects to be executed. The name of the village is not mentioned. How could the prefect of the department have signed such a document? What does this haste to issue this document mean if not a communication operation aimed at calming minds or simply a proven complicity with the Chinese operator? The stopover in the village of Zanangoué in the Bissock canton highlighted, on one hand, a conflict between a Chinese company that established a sawmill at the exit of the village and the local populations, a conflict arising from the non-respect of commitments made by the Chinese operator towards the populations; and on the other hand, disputes related to the illegal exploitation of wood among the sons of the village. A complaint against Emmanuel Nkoulou, accused by part of the village of illegally obtaining abandoned wood and exploiting an expired permit, is currently underway at the Oyem court, the provincial capital of Woleu-Ntem in the North of Gabon. The populations accuse the Chinese operator of not respecting the commitments made and even refuse to sell them wood, going so far as to prefer to burn it. An accusation that we verified by visiting the sawmill site. A trip to Libreville by the team to return to the field on August 20 was necessary to prepare the materials, the decision-making tools, including the Application Guide for Order 105. This guide, developed by the Gabon Ma Terre Mon Droit platform with the support of the NGOs ClientEarth, WWF, Brainforest in partnership with the Ministry of Forestry Economy, was distributed to the command auxiliaries of the villages and village groupings that were the subject of our various meetings. Our mission will lead us to the villages of Mbè Essangui, Akam Essatouk, Obout Metome, Adzap Essatouk 1, Adzap 2, and Adzap 3 in the Nye canton.

Illegal exploitation of forest resources in the Woleu-Ntem province 10 Meeting in Obout Essangui Before continuing our field mission, we wished to meet with the officials in charge of water and forest management at the provincial level. A meeting with the Provincial Director of Water and Forests (DP) was therefore held on August 25, 2017, in Oyem starting at 10 a.m. Several points were discussed, namely, the situation in Essong Medzome, the RFM permit in Woleu Ayat, the meeting convened by the provincial governor surrounded by the economic operators in the wood sector, the case of illegal exploiters of Kevazingo, and that of the company Ultra Bois Gabon. From this meeting, it emerged: 1) Regarding the situation in Essong Medzome: We informed the Provincial Director about the case of Essong Medzome. Indeed, having been informed of the signing of the contractual terms of reference between the local authorities and the Essong Medzome village association, we sought to obtain a copy of this document to examine its content closely. We were surprised to find that instead of the terms of reference, it was rather a simple template form that did not contain any information capable of enlightening us about the type of permit, its area, the date of attribution, and the commitments made by the forestry operator CDG to the populations affected by the activity. A simple form containing supposed signatures of the prefect of the department, the president of the village association, and a simple stamp from the provincial direction of water and forests. When questioned about the reliability of the document, the Provincial Director of Water and Forests admitted to us that this document could not be considered as a terms of reference binding the two parties in conflict because it presented irregularities in both substance and form. Consequently, we were able to conclude that to date, none of the 17 forestry companies operating in the province is linked with the populations by a document meeting the standards required by forestry regulations. The

director assured that measures would be taken to remedy the situation. He was in the process of requesting his colleague from Ogooué Lolo to draw inspiration from the model developed by the services of that province to adapt it to the Woleu-Ntem level. He promised to regularize this situation by September 15, 2017. 2) Regarding the RFM permit in the Woleu Ayat zone: We reported to the Provincial Director the refusal of the populations in the Woleu Ayat zone, in the Bissock canton, to continue cooperating with the operator RFM, after the meeting on August 19, 2017, which brought together representatives of the operator and the populations of the villages affected by a permit of more than 10,000 ha. It appears, upon examining the file required by the populations, that the said permit should have been returned to the domain since 2013, but is being granted a decree of transfer between two operators. To clarify this situation, the participants requested the suspension of all activities in the region until further notice so that things could be better clarified. 3) Regarding the meeting convened by the provincial governor on August 24, 2017, with the operators

 Forest Operators: During our mission, we learned from a contractual agent of a Chinese operator that the governor had urgently convened a meeting with the 17 active forest operators in the province to assess their compliance with commitments made to the village communities. According to this agent, out of the 17, only 6 have opened sub-accounts for the benefit of the village communities, and only one operator funds this account. Given the format of the specifications presented in the case of Essong Medzome, it is clear that to date, no company established in the province has signed a reliable document with the village communities. This constitutes a flagrant violation of forestry law. The Provincial Director of Water and Forests assured us that his administration had set up a team to remedy this situation, and the date of September 15, 2017, is the deadline to finalize this work. 4) Regarding the case of illegal Kevazingo operators: We have forwarded the complaints from the village communities we met during our first visit to the villages regarding the illegal exploitation of Kevazingo. According to the populations, several entities and individuals present themselves without official permits to illegally cut this highly sought-after species, with the complicity not only of local residents but also of water and forest agents. This practice divides the populations and fuels corruption in the sector. We have repeatedly heard the populations mention pressures exerted by the governor of the province himself and the prefect of the Woleu department to allow trucks transporting illegally harvested wood to circulate, not to mention the prominent figures of this practice in the region. Thus, upon our arrival, we decided to personally meet Mr. Emmanuel Nkoulou, whose name came up in all conversations. During our first meeting, at his request at the Baron Hotel in Oyem, our team clearly expressed our determination not to allow them to continue their activities illegally and that we would take our responsibilities in accordance with the law to enforce the provisions regarding forestry exploitation. The same goes for Mr. André, whom our team caught in the community forest of Nkang where he acts as a subcontractor; finally, Mr. Bekale, caught red-handed in a meeting in the village of Atong in the Bissok Canton. A few hours after leaving Mr. Bekale, tongues began to loosen. According to participants in the infamous meeting, it was about raising awareness among the local populations about a project to build a road connecting this village with the villages of Ellelem and Bissok, passing through "Oveng-Abee." A project with clear intentions. Oveng being the second name of the grouping of villages in this area. 5) Regarding the case of Ultra Bois Gabon: A few months ago, according to information gathered on the ground, the Director of a company called Ultra Bois Gabon, presenting himself as a close associate of the President of the Republic, decided to engage in the exploitation of Kevazingo. He then contacted a local intermediary named Ollo in Bitam. He needs a very large quantity of Kevazingo. The first information that reached us announced a figure of 2000 m3 to be collected, but the

collaboration with Ollo in Bitam went poorly. 1000 m3 of wood would have been collected with his contact in Bitam (Ollo). However, failing to reach the desired quantity, the Director of Ultra Bois Gabon turned to the provincial directorate of water and forests to organize a second mission to tap Kevazingo. But after a few weeks, both parties realized that it would be impossible to tap the desired quantity of Kevazingo. Thus, a strategy was implemented, consisting of making wood projections based on information provided by Ultra Bois workers in Bitam. According to our investigations, indeed, during their visit to the locality of Bitam for a prospecting mission, the workers of this company, belonging

to a son of the province, close to the President of the Republic, had located the wood in the forest, still standing. To achieve the desired volume, the water and forest agents would then tap fictitious wood (which they had not seen), but to which they would assign diameters, calculate a volume, and assign GPS coordinates. Given this information, we are led to conclude that the tapping report of Ultra Bois contains unreliable and unverifiable information.

 When questioned about this company's case, the Provincial Director of Water and Forests merely dismissed the information regarding the quantity of wood requested and acknowledged having received the wood request from this company "from a close associate of the President of the Republic," "a son of the province," and that the loading of the wood had not yet begun. For the provincial director of water and forests, no request for wood from an entity without a permit can exceed the figure of 500 m3. IV/ MAIN OBSERVATIONS This mission allowed us to observe a number of shortcomings: IV-1. The water and forest administration: In light of the observed facts, it appears that the water and forest administration shines through a complacency that resembles complicity with forest operators and illegal exploiters. How can it be explained that out of the 17 forestry companies operating in the province, none of them has signed an acceptable contractual specifications document with the populations affected by forestry activity to date, and that it took the meeting on August 24, 2017, around the governor for the provincial authorities to realize that no company is up to date with the village communities, while some have been operating for years? We were able to obtain a copy of what seems to be a contractual specifications document between the populations of the village of Essong Medzome and the company CDG. A document, according to the populations, and which we verified, bearing the signature of the prefect of the Woleu department, the president of the villagers' association, and a stamp from the general directorate of water and forests. Instead of a contractual specifications document, it is rather an anonymous form lacking any necessary information capable of informing about the company and the population's claims. How could the authorities sign such a document? How does the provincial water and forest administration not ensure the follow-up of such files for the specifications document to be effective?; The issuance of special wood recovery permits promotes the illegal exploitation of wood, especially Kevazingo. Indeed, we were informed that a product soaked on the trunks of Kevazingo makes mushrooms grow to give it the appearance of wood abandoned for more than six months, or even years, to deceive the vigilance of inspectors and other controllers. A minimum period of six months is required for recovery. Several testimonies report that several water and forest agents present themselves with forest operators in a consulting capacity. IV-2. Local authorities: Throughout our mission and through anonymous and face-to-face testimonies, it has been insistently reported to us that the various interventions of the administrative authorities of the province suggest a certain collusion with unscrupulous operators. This is the case in the villages of Obout Essangui and Essong Medzome where the names of the prefect of the Woleu department and the provincial governor are regularly cited to denounce their direct intervention to ensure that the populations

yield to the numerous violations of forestry law in the context of the illegal exploitation of certain species like Kevazingo.

-- 12 of 16 --

Brainforest Observation Mission Report - Conservation Justice 13 IV-3. Illegal exploiters: Many operate in the illegal exploitation of wood with great ease. Everything seems to support the idea that the administrative authorities are not playing their role. Nkoulou Emmanuel, Bekalé, and André, the most frequently mentioned names, seem to operate with impunity. If the provincial director of water and forests acknowledges that his administration owes Emmanuel Nkoulou, following a court ruling in a wood recovery case, 80 m3 of Kevazingo, and during our mission, he was able to recover 29 m3, leaving 51 m3 to recover, nothing to report for the others who continue to operate with impunity, using unorthodox practices. Traffickers would use a product that they pour on freshly cut wood to give it an appearance of being six months old to allow them to request special recovery permits. They proceed through a series of steps with the village inhabitants to survey and ask the populations to cut Kevazingo for modest sums of money ranging from 100,000 to 500,000 FCFA per log. All working on behalf of Chinese companies very eager for Kevazingo. Beyond the illegal nature of this type of exploitation, because it is carried out in the absence of a proper permit, it is the trick that consists of the water and forest administration issuing special wood recovery permits to the actors, facilitating illegal cutting and then proceeding to auction sales. The provincial director of water and forests also informed us that he had sent three correspondences to his hierarchy under the reign of Madame Estelle Ondo to temporarily stop the exploitation of Kevazingo in the province in order to restore order in this sector. But to date, he has received no feedback from his hierarchy. IV-4. Case study: The incident at Essong Medzome: The incident at Essong Medzome is revealing of the "electric" climate between the administration, operators, and populations. Indeed, after realizing that the document signed by the prefect in front of them has no value, the villagers decided to erect barricades in their village to prevent the passage of trucks from the company

-- 13 of 16 --

Illegal exploitation of forest resources in the Woleu-Ntem province 14 CDG, an action to protest against what they consider a lack of consideration and contempt from the operator and the administrative authorities. Two days later, a gendarmerie squad arrives to order them to lift the barricades under threat of arrest. The lawyer from Conservation Justice based in Oyem immediately went to the scene to clearly explain to the gendarmes that those who are violating the law in this conflict are the company that has been operating for over two years but has not signed any terms of reference with the villagers in accordance with Article 251 of the forestry code in force in Gabon. After these explanations, the officers decide to report back to their superiors and return the next day with departmental authorities. The next day, while our team was waiting for the meeting time to be confirmed so that we could join the delegation to defend the populations, we learned a day later that the prefect of the department had gone to the site accompanied by an agent from the water and forests department, the deputy prosecutor, gendarmerie and police officers, as well as the sub-prefect of Bolossoville. The report we received from the villagers about this meeting two days later is enlightening about the complicity between local authorities and the operator. None of the villagers had the time to say a word to explain the meaning of the operation "STOP to the Loggers". Public order disturbance was wrongly argued to "nip in the bud" the noble claim of the populations before asking the operator to start clearing two sites for the construction of a school and a health center in the village. During our visit, two machines had cleared and prepared a site. It is worth asking on what basis and commitment the operator will carry out these works if no contractual terms of reference are signed. However, it is based on the value of the local development fund, supplied

by the concessionaire in an account, that community interest projects, validated by the project management and monitoring committee, are financed. A simple smokescreen operation with the complicity of the judicial and administrative authorities of the province. V/ RECOMMENDATIONS In light of the seriousness of the situation, the loss of revenue for the State, and the rise of corruption, it is urgent to take the following measures: 1) A 3-year moratorium on the exploitation of Kevazingo to stop the hemorrhage in the short and long term. And include Kevazingo in the list of fully protected species and respect the provisions of Annex II of CITES; 2) Sign and make available to the populations contractual terms of reference in accordance with the model of decree 105 so that they can enjoy the benefits of resource exploitation in strict compliance with the forestry law in force; 3) Strengthen the missions of the CAF and quickly extend them across the entire national territory; 4) Sanction state agents guilty of complicity in corruption and illegal wood exploitation; 5) Remove any person guilty of illegal wood exploitation from any forestry activity; 6) Allow NGOs to assist the administration in monitoring and controlling forestry activities and in the process of implementing contractual terms of reference; 7) Retroactively (from 2014, the date of signing decree 105 establishing the model of contractual terms of reference) make payments into community accounts pro rata to the number of years of exploitation based on 800 FCFA per cubic meter.

 VI/ CONCLUSION This month of fieldwork between Brainforest and Conservation Justice, two leading NGOs in the fight against illegal logging and corruption in the sector, has allowed us to measure the extent and disorder that has settled in the northern region of Gabon, in the forestry sector with the complicity of agents from the entire decentralized administration. The justice system is also not spared, according to some leaks. In the face of this very concerning situation, it is time to take the bull by the horns and proceed with a reform of the forestry sector not only by revising the law, which alone cannot solve the problem. But also, dismantling fraudulent networks for granting forestry permits and other wood recovery authorizations is necessary. Finally, it is essential to ensure the monitoring of forest management plans as provided by law, and to put an end to parallel networks in industrialization. Failing to do so urgently means endorsing the losses incurred by public finances to the benefit of individuals, endorsing the non-compliance with the forestry law by operators of all kinds, and permanently installing illegality in this sector with the consequences it entails for national security and money laundering. Everyone should therefore take their responsibilities and contribute to the fight against all forms of illegal logging in our country, Gabon.

 B.P: 23 749 Libreville, Gabon Ambowé, Camp DEGAULLE Tel: +241 01 73 08 86 E-mail: info@brainforest-gabon.org url: http://www.brainforest-gabon.org Conservation Justice, Gabon Libreville, Wildlife and forestry law enforcement in Gabon (Application of the Wildlife and Forestry Law in Gabon). luc@conservation-justice.org http://www.conservation-justice.org