Practical Guide to Marking Wood and Derivatives in the Countries of the Congo Basin

Guide pratique de marquage des bois et dérivés dans les pays du Bassin du Congo

PRACTICAL GUIDE TO MARKING WOOD AND DERIVATIVES IN THE COUNTRIES OF THE CONGO BASIN Case of Gabon

-- 1 of 22 --

Page 1 of 22 INTRODUCTION In the absence of any legal definition, we will say that wood marking, also known as ringbarking, is an important operation for foresters. It consists of designating the trees that should be cut down or reserved. The designation of trees can be done in delivery, in which case only the trees to be harvested are marked, but it can also be done in reserve or abandonment, where trees that should remain are marked. Practically, marking is the set of operations that provide information related to wood and its derived products. Regarding wood, marking should indicate its origin (CFAD/other permit), species, the identification number assigned to the tree during the inventory, the forest number, and the forest hammer identifying the company and/or the permit holder (in the case of leasing). As for derived products, their marking should follow what was announced during the first marking of the wood, providing details on contracts, client identities, and destination. As described above, the marking of wood and derived products will greatly contribute to the clear visibility of what happens in forestry operations, from logging sites to the ports for the evacuation of finished or semi-finished products. Thus, reliable wood marking will significantly contribute to tracking traceability, which is a process of great necessity as it allows for clear visibility regarding compliance with the legality of forestry operations. SOME REMINDERS OF KEY FACTS IN FORESTRY Since the Earth Summit in Rio (Brazil) in 1992, the notion of sustainable management of natural resources has gradually been incorporated into the agendas of most countries in the world. Thus, the legal framework for the management of natural resources in certain countries has evolved, allowing for new texts with much greater clarity in the management of natural resources. This is the case for Gabon, which, in 2001, adopted law 16/01 establishing the forestry code. The notion of sustainable management takes into account both current and future generations so that the needs of present generations do not compromise those of future generations. In the context of forest resource management, this notion has been immediately accompanied by sustainable forest management, a basic tool for responsible management of our production forests. Unfortunately, these new concepts are slow to be implemented and practiced by many forestry operators. With the issues of boycotting tropical forest products in Europe, a new paradigm of good management has emerged: forest certification. Currently, the main certifications include FSC (Forest Stewardship Council), PEFC (Programme for Endorsement of Forest Certification Schemes), and ISO (International Organization for Standardization). In addition to these three main certification systems, we add PAFC (Pan African Forest Certification), OLB (Origin and Legality of Wood), and Keurhout. Depending on their needs, any operator is free to choose the certificate that suits them, although we know that the FSC standard is the most widespread.

-- 2 of 22 --

Page 2 of 22 The purpose of forest certification is to prove to the public in these countries that products from tropical forests are subject to sustainable management, respectful of the legal framework and concerned about the environment. In this context, it should be noted that before these new concepts, in many forestry operations, the social component was never taken into account. People were merely considered as production tools without any regard for their working or living conditions. In principle, the process of forest certification is intended to be

voluntary for all forestry operators. Unfortunately, despite the validity of all these concepts, forest management and certification are seen by many forestry operators as a constraint rather than a necessity in their activities. Moreover, at the Gabonese level, less than 10% of forestry operations are certified. This implies that despite the evolution of legal texts, many bad practices have not yet disappeared in the forestry sector. CONTEXT This document aims to be a practical guide in the context of activities related to the marking of products from production forests in the Congo Basin. By products, we mean logs and any other pieces of wood. It is within the framework of issues related to the traceability of products from the production forests of the Congo Basin that this guide will be established to try to formalize and harmonize good practices in all countries of the sub-region. In the case of Gabon, this study was conducted on a sample of 19 forestry and industrial companies. Ideally, a sufficiently representative sample would have been preferred to have a broad spectrum regarding potential differences in traceability methods from one company to another. There are essentially two types of forestry operations in Gabon: • The first is related to sustainable management practices and forest certification, as mentioned in the previous point, this type is less representative (with a proportion of less than 10%) • The second is that of forestry operations that are increasingly less involved in sustainable management standards. As for marking itself, we present some illustrations as well as related recommendations to try to improve the guide. OVERVIEW OF RELEVANT LEGISLATION LEGAL REQUIREMENTS FOR MARKING Activities related to forest exploitation are governed by law n°16/01 of December 31, 2001, establishing the Forestry Code in the Gabonese Republic. Overview of types of permits Forest exploitation is subject to the granting of one of the following forest titles:

 • The sustainable management forest concession (CFAD) which is a surface permit awarded to any natural or legal person for the exploitation of the permanent forest domain, except for classified state forests, with an obligation for management and local processing. The area of a sustainable management forest concession varies from 50,000 to 200,000 hectares. In all cases, the total area of several sustainable management forest concessions awarded to the same holder must not exceed 600,000 hectares; • The associated forest permit (PFA), issued only to nationals for the exploitation of the forests of the permanent forest domain, except for classified state forests. The area of an associated forest permit cannot exceed 15,000 hectares when integrated into a sustainable management forest concession and 50,000 hectares when it is subject to management by the holder; • The negotiated permit (PGG), issued only to nationals within the rural forest domain for local processing purposes. It concerns the allocation of a maximum of fifty tree stumps in previously identified and marked perimeters by the water and forests administration; • The community forest which is a portion of the rural forest domain allocated to a village community to carry out activities or undertake dynamic processes for sustainable management of natural resources based on a simplified management plan. It should be noted that this does not constitute a forest permit per se. However, the law offers communities the possibility to carry out forestry exploitation activities there. There are essentially three types of forestry operations in Gabon: • The first is related to sustainable management practices and forest certification, this type is less representative (with a proportion of less than 10%); • The second is that of forestry operations that are only engaged in the sustainable management process; • The third concerns free electrons and PFAs outside management. The decree n°223/MFEPRN/SG/DGICBVPF of March 2, 2015, modifying decree n° 132/MFEPRN/DGICBVPF of June 11, 2014, sets the dimensions and characteristics of processed products authorized for export. In the absence of any legal definition, in practice, wood marking aims to recognize its source or origin, while ringbarking is an important operation for foresters that consists of designating the trees to be cut down or preserved. The designation of trees can

be done in delivery, in which case only the trees to be harvested are marked, but it can also be done in reserve or abandonment, where trees that should remain standing are marked. Practically, marking is the set of operations that provide information related to wood and derived products. Regarding wood, marking should indicate: • the origin (CFAD or other type of permit); • the species; • the identification number assigned to the tree during the exploitation inventory, • the forest number; • the forest hammer identifying the company and/or the permit holder.

 Regarding derived products, their marking must follow what was announced during the first marking of the wood, providing details on contracts, client identities, and destination. By product, we mean the log or any other derivative of wood. Marking Requirements Log Cases Article 127 of the forestry code: Every holder of an exploitation title must possess at least one hammer bearing their mark. The imprint of this hammer is registered at the commercial court registry of their judicial district and deposited with the administration of Water and Forests or any delegated organization. In the case of leasing, the lessee is obliged to use the marks or the hammer of the holder of the forestry permit. Article 128: Every tree felled in forestry permits is marked with the imprint of the hammer referred to in Article 127 above and with a tree identification code directly on the wood, on the stump, the butt, and on the cut logs. Article 129: Trees felled and recovered in the form of logs under the application of Article 126 above are subject to distinct identification. Article 130: Every forestry operator must keep up to date, for each active site, a site notebook in accordance with the provisions of Article 19 above. Trees broken during felling as well as trees showing visible defects or damage after felling rendering them unusable are considered abandoned on the site. The reasons for this abandonment are noted in the site notebook according to a conventional code. Article 131.- Information regarding the log is recorded in the site notebook before the end of the week of felling. Information regarding the logs must be reported in the notebook before the evacuation of the wood from the site. Cases of derived products authorized for export Article 9 of decree n°223/MFEPRN/SG/DGICBVPF states that: "Each shipment must necessarily be accompanied by a specification sheet legible in French, containing for packages of processed wood: - the package number; - the pilot names of the species making up the package; - the number of pieces constituting the package; - the volume of the package; - the weight of the package (according to the conventional customs scale); - the dimensions of the cut pieces: thickness, width, length. For the packaging of packages, a phytosanitary certificate is required. In all cases, the following information is necessary:

 For the "strips" of unrolled products, the outer dimensions of the package and its volume (cubage) are mentioned; For packages of sawn wood, the different pieces and their widths are noted." Note: The information related to the packaging of packages is mentioned in this document for informational purposes but does not appear in the marking itself. Sanctions for illicit marks Type of offense Penalty Article Log Cases Falsification or counterfeiting of the hammers of the administration of Water and Forests used for forestry marks Five to ten years of imprisonment accompanied by a fine of 20,000,000 to 50,000,000 FCFA or one of these two penalties only 280 CF Falsification or counterfeiting of the forestry hammers of individuals or their regularly deposited marks Five to ten years of imprisonment accompanied by a fine of 20,000,000 to 50,000,000 FCFA or one of these two penalties only 280 CF Processed Products Cases Non-compliance with the quotas of production, transformation, and export Three to six months of imprisonment and a fine of 500,000 to 10,000,000 CFA francs or one of these two penalties only 276 CF Insufficiencies of the law For the case of marking logs, Article 127 of law 16/01 states in its first paragraph that every holder of an

exploitation title must possess "at least" one hammer bearing their mark. This paragraph implies that an operator could possess several hammers; which could be a source of illegalities such as wood laundering... Paragraph 2 states that the imprint of this hammer is registered at the registry of the court of their judicial district and deposited with the administration of Water and Forests or any delegated organization. However, nothing is said about the authority responsible for validating the hammers. Regarding the elements composing the marking itself, law n°16/01, in its Article 128, only mentions two, namely: the hammer and the identification code. We note an absence of a legal definition of the notion of wood marking; moreover, the text only highlights two elements composing the marking, contrary to what is done in certain companies. Thus, this legal void could constitute an open door to fraudulent practices.

-- 6 of 22 --

Page 6 of 22 For processed products cases, Article 9 of decree n°223/MFEPRN/SG/DGICBVPF states among other things that each package must contain the pilot names of the species it comprises. Regarding this provision, it appears that allowing multiple species per package can be a source of fraudulent practices, as in the case where there are multiple species in a package, an industrialist could mention a species whose cost is relatively low in order to reduce the tax. Therefore, how can we ensure that all species are clearly identified? However, if the packages contain one and only one species, errors related to the species can be minimized unless there is bad faith on the part of the concerned company.

-- 7 of 22 --

Page 7 of 22 FORESTRY COMPANIES: LOG MARKINGS FORESTRY DEVELOPMENT GABON (FDG) FDG: Operator CPAET: Provisional Supply Agreement Exploitation Transformation AAC 1: Annual cutting area 2014: Year of exploitation 481: Forestry number 1: Log no. 1 of 481 MONT PELE BOIS (MPB) • MPB: Operator • 44/83: Permit number • 153: number of Trees • 1: number Connection 1 According to Article 28 of decree n°689/PR/MEFEPEPN of August 24, 2004 defining the technical standards for the management and sustainable management of registered productive state forests, during the duration of the provisional management-exploitation-transformation agreement, exploitation is tolerated on provisional annual cutting areas... In this case, the log should therefore bear the mention AACP.

-- 8 of 22 --

Page 8 of 22 PRECIOUS WOOD GABON – EQUATORIAL WOOD COMPANY (PWG CEB) BO: Village zone 1925: Forestry number 1: Log number 1: Section number CEB: Operator Certification: FSC certified wood indicated by blue paint

-- 9 of 22 --

Page 9 of 22 ROUGIER GABON CFAD 01: CFAD number AAC 32/05: 32nd Pocket of the Annual Cutting Area no. 5 AWO: Species 8541: Forestry number 1: Section number 7 30.93.4959: Coordinates of the stump EQUATORIAL FORESTRY EXPLOITATION COMPANY (SEEF) SEEF: Operator 2135: Forestry number assigned after the felling of the tree 2: 2nd log provided by the tree bearing the forestry number 2135 1: number of the forestry management unit 1: number of the forestry management unit 3: number of the annual cutting area

-- 10 of 22 --

Page 10 of 22 FORESTRY COMPANIES: MARKINGS OF DERIVED PRODUCTS WOOD EXPORT GABON (BEG) BEG: Industrialist 1539: Contract C18: Package number AMSTERDAM: Destination Note: Specify the lenghts of pieces constituting the package. Harmonize the arrangement of information to be recorded WOOD AND SAWMILL OF GABON (BSG) BSG: Industrialist SS 2315C 1010: DNC Wenge: Species AS 14: DNC P 72: Number of pieces L 220: Length of the package D

50X150W: YF: Client logo

-- 11 of 22 --

Page 11 of 22 WOOD AND SAWING OF THE OGOOUÉ (BSO) BSO: Industrialist CT 366: Contract number 60042: Package number 163 PS: Number of pieces Antwerp: Destination Made in Gabon: Country of origin CETB CETB: Company name OKO: Species China: Destination 2015 FL: Contract Made in Gabon: Country of Origin W 2056: Package number L 225: Length P 116: Number of pieces Note: How to authenticate the information on the species, lengths, and number of pieces per package? Would it be possible to require packages by forestry number to ensure the identified species in the packages?

-- 12 of 22 --

Page 12 of 22 FORESTRY EXPLOITATION AND EXPORT (FOREEX) 2 N151A715 3 : Package number CT15005: Contract number 35 PCS: Number of pieces 445 M: Length FRX: Industrialist, here FOREEX. Made in Gabon: Country of origin N16305: Package number CT15003: Contract number 68 PCS: Number of pieces DEST DOHA: Destination FRX: Industrial NHC: Client logo 2 We were unable to obtain images of the logs from this company due to their local transformation. Only processed products are sent to Libreville. 3 Some packages bear the mentions CHX1 and CHX2 which refer to choices 1 and 2, 1 being the choice of best quality.

-- 13 of 22 --

Page 13 of 22 HONEST TIMBER (HTB) HTB: Honest Timber CT 814: Contract N 97: Package number L: 2500: length (2500 mm) formalize/Harmonize? PS 64 Number of pieces SPC BELI: Species DST China: Destination Made in Gabon: Country of origin PRECIOUS WOOD GABON – EQUATORIAL WOOD COMPANY (PWG CEB) PWG CEB: Industrialist C: Certified wood CT 115043: Contract Vietnam: Destination 1772: Package number 85 P: Number of pieces

-- 14 of 22 --

Page 14 of 22 ROUGIER GABON R: Industrial (Rougier) Oko: Species, here Okoumé Fonte des galets: Type 000410: DNC 40 PS: Number of pieces Certified wood SAFOR INDUSTRIES SAFOR: Industrialist SH01: contract Libreville: Destination S01254: Package number

-- 15 of 22 --

Page 15 of 22 SITRAB SITRAB: Industrialist L 525 315 4 : Lengths of pieces P 44: Number of pieces Antwerp: Destination: Made in Gabon 5 6 : Country of manufacture S 462: Contract number 26: Package number EQUATORIAL FORESTRY EXPLOITATION COMPANY (SEEF) SEEF: Industrialist JAF: Client logo and brand F/CF: Quality (Face to Face) 15/10: Thickness 4 Would it be possible to indicate the number of pieces by type of length in the case of packages containing pieces of different lengths? 5 This inscription results from a requirement posed by the Ministry of Water and Forests. 6 This is good information regarding the origin but writing this information in French would be useful

-- 16 of 22 --

Page 16 of 22 WOOD DEVELOPMENT COMPANY (SOMIVAB) DH316/104 DH: Client 316: Lot number 104: Package number MOANDA SAWING COMPANY (SSMO) SSMO: Industrialist DES SHANGAI: Destination CT SSM 14AS1: Contract number AN 150761: Package number L 350: Length P 109: Data not communicated EP 50: Data not communicated

-- 17 of 22 --

Page 17 of 22 TAURIAN RESOURCE GABON (TRG) TRG: Industrialist 1729: Package number CH023/15: Contract 70 EL: Number of pieces ANV: Destination ANVERS PDK: Species; here

PADOUK THANRY GABON INDUSTRY (TGI) Thanry Gabon Industry (TGI) 7: Industrialist 7 Unrolling unit of the Precious Woods group

-- 18 of 22 --

Page 18 of 22 THEBAULT TRANSBOIS Thébault Transbois: Industrialist F 8 9383 9: Package number Made in Gabon: Country of origin TROPICAL TIMBER INDUSTRY BOARD (TTIB) TTIB: Industrialist CTN 58: Contract number CLN: Package number PS 48: Number of pieces DT ANV: Destination ANVERS 8 The F refers to FSC certified wood. Other packages bear the initials NC which mean wood not compliant with certification, but legal. 9 The numbering is done annually starting from 1 to n.

-- 19 of 22 --

Page 19 of 22 FOREST COMPANIES: MARKING OF ABANDONED WOOD AB: this photo shows us a piece of wood deemed unexploitable due to certain defects, thus abandoned in the forest. We find it interesting to show this kind of information in order to cover the notion of marking at all levels. Furthermore, apart from the information indicating the abandonment of the log, the marking is not sufficient because, for example, the corresponding forest number is missing. One can also question its origin, due to the lack of a hammer corresponding to the logging company.

-- 20 of 22 --

Page 20 of 22 GENERAL OBSERVATIONS: The overall finding from our current surveys is that there is no formalization in the framework of information collection, meaning that each logging operation establishes its own marking methods at its level as long as it complies with the law. Marking logs in the forest As Gabon is going to develop a wood traceability system as part of the APV/FLEGT process and with the development of the Forest Management Information System (SIAF), it is necessary that the maximum amount of information related to cut wood is provided. Therefore, there is a need to harmonize and formalize the methods of information collection in the field and the type of data. That being said, it will be necessary to focus on training all concerned personnel (agents from the ministry in charge of forests, Customs, OPJ, OSC...). Preparation of packages: Compared to the company SOMIVAB, it would have been useful to prepare stickers for the packages after they are sealed. This would help avoid data entry and interpretation errors. CONCLUSIONS AND RECOMMENDATIONS To arrive at a common guide regarding the marking of products from the production forests of the Congo Basin, it is essential for each country to harmonize policies related to forest management before any harmonization at the sub-regional level. Thus, for Gabon, all logging operations must have the same marking template to avoid any kind of confusion, especially since the country will develop a SIAF that should normally have a unique protocol for the collection, synthesis, and registration of data (types of data, format). As part of the process of revising the forestry law and the APV/FLEGT negotiations, which Gabon has just reaffirmed its willingness to resume, the following proposals will be presented to the various parties. Proposal for a marking model Following the observations made during our various field missions, we would like to propose a common marking model for logs and derived products in Gabon: Marking of logs: Forest number; Log number; Section number; Forest hammer of the permit holder; Type of permit (CFAD/PFA/CPAET); Management unit (UFA/UFG/AAC); Village zone (tree felling area); Pilot name of the species;

-- 21 of 22 --

Page 21 of 22 Certification mark (for logs from certified forests); Date of felling. Marking of derived products: Unlike logs, it is not straightforward to have a predefined image (schema) to organize this information. For example, at SOMIVAB, one idea would be to make plates with

barcodes or sheets containing the following information: Industrial logo; Pilot name of the species; Contract number; Package number; Client name; Number of pieces constituting the package; Volume of the package; Weight of the package; Dimensions of the cut pieces; Destination; Mark "Product of Gabon"