Law on the Orientation of Sustainable Development in the Gabonese Republic

Loi Portant orientation du developpement durable en republique gabonaise

PRESIDENCE OF THE REPUBLIC GABONESE REPUBLIC UNION-WORK-JUSTICE LAW N"OOzl20L4 ON THE ORIENTATION OF SUSTAINABLE DEVELOPMENT IN THE GABONESE REPUBLIC. The National Assembly and the Senate have deliberated and adopted, The President of the Republic, Head of State, Promulgates the law whose content is as follows: Article 1: This law, enacted in application of the provisions of article 47 of the Constitution, establishes the fundamental principles of Sustainable Development, the general orientations, the principles, the general objectives, and the means of action of public authorities, economic operators, and civil society to ensure sustainable development in Gabon, focused on the well-being of current and future generations. It is supplemented by sectoral provisions governing the different components of sustainable development. Title I: Definitions Article 2: For the purposes of this law, the following definitions apply: - sustainable development: development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It integrates in a balanced manner the dimensions of economic, social, and environmental; - summary preliminary project of sustainable development: initial file submitted by the promoter of a project to the managing body, integrating the main characteristics of the project; - detailed preliminary project of sustainable development: a file containing all studies carried out in accordance with the terms of reference established by the managing body; - sustainable development project: activity or set of integrated activities that has received a sustainable development authorization;

sustainable development authorization: administrative act by which the competent authority authorizes the implementation of a sustainable development project; sustainable development audit: evaluation of the compliance of the execution of sustainable development projects; sustainable development auditor: third party accredited by the managing body to carry out sustainable development audits; sustainable development impact study: evaluation of the compliance of projects with the principles and objectives of sustainable development; national sustainable development report: annual report related to the state of sustainable development assets and the implementation of sustainable development projects in the Gabonese Republic; sustainable development rights: exclusive rights to hold and transfer sustainable development credits, such as carbon credits, biodiversity, ecosystemic, and community capital, generated by activities carried out within the framework of a sustainable development concession; sustainable development concession or sustainable development lease: concession or emphyteutic lease to be operated by its beneficiary in a sustainable manner for a determined period, giving them exclusive rights to sustainable development; sustainable development heritage: the set of goods and/or values existing such as ecosystem services, carbon, biodiversity, community and natural capital; sustainable development threshold: limit beyond which the environmental, social, cultural, and economic impacts must be subject to mitigation or compensation measures; national sustainable development register: official database containing all information and data related to sustainable development projects; sustainable development credit: title or value generated by the creation, improvement, or maintenance of sustainable development assets related to a sustainable development activity;

- National Council for Sustainable Development: body for defining and orienting sustainable

development policy; - competent authorities: supervisory authority responsible for sustainable development and/or authorities in charge of the areas of activity concerned by sustainable development; - managing body: independent administrative authority; - biodiversity: variability of living organisms of all origins, including, among others, terrestrial, marine, aquatic ecosystems, and the ecological complexes of which they are part, including diversity within species and between species as well as that of ecosystems; - ecosystem: dynamic complex formed by communities of plants, animals, and microorganisms and their non-living environment which, through their interaction, form a functional and balanced unit; - biodiversity credit: ecological value of biodiversity assets contained in an ecosystem; - biodiversity impact compensation: mitigation mechanism allowing the preservation of the ecological value of biodiversity from the irreversible effect of a project; - community capital: the set of natural and cultural assets belonging to a community; - carbon credit: value of the reference unit equivalent to one metric tonne of carbon dioxide; - ecosystem credit: market and non-market value attributed to an ecosystem; - biodiversity heritage: the set of goods and values attributed to the variability of living organisms; - carbon heritage: different forms of carbon stored in the different sinks and reservoirs of ecosystems; - heritage of ecosystem services: the set of ecological goods and values, constituting a common good and/or public good'

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vital or useful for humans, other species, and economic activities; - community heritage: the set of natural and cultural goods and values constituting the capital of a community. The definitions established by this law are supplemented, as needed, by international instruments and other texts in force. TITLE II: FUNDAMENTAL PRINCIPLES OF SUSTAINABLE DEVELOPMENT Article 3: The State ensures the sustainable development of Gabon through a national strategy based on the fundamental principles of Sustainable Development, notably: - the principle of the primacy of the rule of law: respect for laws and regulations guarantees the sustainable development of Gabon; - the principle of quality of life for individuals: individuals living in the Gabonese Republic have the right to a healthy and productive life in harmony with nature. The protection of their health and their living environment is at the center of concerns related to the sustainable development of Gabon; - the principle of equity and social solidarity: development actions must be undertaken with a concern for intra- and intergenerational equity as well as social solidarity; - the principle of sovereignty and equity of development: the State has the sovereign right to exploit its own resources according to its sustainable development policy without causing damage to the environment in third States; - the principle of homogeneity; the right to development must be realized in a way that equitably meets the needs of present and future generations and guarantees the homogeneity of sustainable development practices across the entire national territory; - the principle of internalization of costs; the value of goods and services must reflect all the costs they impose on society throughout their life cycle.

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the principle of responsible production and consumption: changes must be made in production and consumption patterns to make them more viable and more responsible socially, economically, and environmentally, if necessary by adopting an approach that avoids waste and optimizes the use of resources; the principle of economic efficiency: to achieve sustainable development, economic development strategies must be efficient, promote social progress, and respect the environment; the principle of participation and access to knowledge: ies measures favoring education, access to information, and research must be encouraged to stimulate innovation as well as to improve awareness and effective public participation in the implementation of measures aimed at sustainable development; the principle of safeguarding and protecting the environment: environmental impact study, as a national instrument, must be

undertaken in the case of proposed activities that are likely to have significant harmful effects on the environment and depend on the decision of a competent authority; the principle of safeguarding cultural heritage: cultural heritage is a source of identity, pride, and national solidarity. The conservation of cultural heritage and the transmission of knowledge and traditional practices must allow for the preservation of resources; the principle of participation of women: women play a vital role in environmental management and development. Their full participation is therefore essential to achieving sustainable development; the principle of valuing traditional knowledge: it translates into access and equitable sharing of the benefits arising from the use of traditional knowledge; the principle of protection and participation of local communities: the populations and local communities have a vital role to play in the management of the environment and development due to their knowledge of the environment and their ancestral practices; I

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- the principle of preserving biodiversity and ecosystems: biological diversity and the ecosystems that host them and provide invaluable services must be preserved. The fair and equitable sharing of benefits arising from them and the use of natural and genetic resources must be ensured for the benefit of current and future generations; - the precautionary principle: the possibility of damage that could significantly or irreversibly affect the environment calls, despite the absence of scientific certainties about the risks involved, the implementation by the Administration of risk assessment procedures and the adoption of provisional and proportionate measures to this damage; - the principle of preventive and corrective action: in the presence of a known risk, preventive, mitigation, and corrective actions must be put in place, prioritizing the source by using the best available techniques at an economically acceptable cost; - the polluter-pays principle: the costs resulting from measures for prevention, reduction of pollution, and combating it must be borne by the polluter; - the principle of international cooperation: the issues related to peace, economic, social, and cultural development, as well as environmental protection are interdependent and indivisible both at the national and international levels. Article 4: The principles set out in Article 3 above are accompanied notably by the following measures: - the compliance of policies, programs, and projects with the principles and the national sustainable development strategy; - the taking of measures aimed at limiting activities that have a negative impact on sustainable development; - institution of obligations aimed at compensating for negative impacts, notably through the acquisition of sustainable development credits; - identification, registration, and control of all sustainable development assets;

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the creation of a national register for sustainable development allowing the registration of policies, programs, projects, as well as concessions, rights, and sustainable development credits; the creation of sustainable development rights and credits that constitute intangible assets which can be subject to securities and can be valued and traded in accordance with the regulations in force; the creation of mechanisms, financial instruments, and a system of institutions guaranteeing the reliability of sustainable development credit exchanges as well as the homogeneity of sustainable development practices throughout the national territory; the promotion of any measure allowing the maintenance and improvement of sustainable development assets; the implementation of any incentive measures, particularly in terms of taxation, aimed at promoting actions and policies, programs, and projects for sustainable development; the establishment of control and monitoring mechanisms. TITLE II: INSTRUMENTS, CRITERIA, AND MECHANISMS OF SUSTAINABLE DEVELOPMENT Article 5: The instruments and criteria for sustainable development include in particular: - the assessment of compliance of the implementation of policies, programs, and projects with the principles and objectives of

sustainable development through sustainable development impact studies, controls, and audits; - the sustainable development concession; - sustainable development credits; - the national register of sustainable development; - the national balance sheet of sustainable development. Article 6: The criteria taken into account for submitting sustainable development projects to the evaluation of the sustainable development impact study include in particular: - the level of investment; - the turnover; - the number of jobs to be created; - the land and maritime area; - the forest area and protected areas; - the greenhouse gas emission rate; - ecological sensitivity; - the duration of the lease or concession. The threshold related to each criterion is set by regulatory means. Article 7: The implementation of sustainable development is reflected in various actions aimed in particular at: - ensuring economic dynamism and the sustainability of activities; - limiting the negative impact of any activity on the environment; - promoting the well-being of all in a logic of progress and social equity. Article 8: The organization and functioning of the instruments of sustainable development are established by regulatory means. Article 9: The State establishes in the finance law any instrument or financial mechanism enabling the realization of programs and projects in accordance with the principles and objectives of sustainable development, notably through the institution: - of a sustainable development fund; - of bonds and other structured instruments, guarantee instruments, and collective investment products as well as derivatives; - of sovereign loans at conventional and convertible rates; - of capital grants or contingent grants; - of insurance products. The modalities for implementing the provisions of the above paragraph are set in accordance with the provisions of the texts in force. Article 10: In addition to the provisions referred to in Articles 4 and 9 above, the State takes all other measures likely to encourage the implementation of sustainable development projects. Title IV: The institutional framework Article 11: The following participate in the implementation of the provisions of this law: - the competent authorities and administrations; - the National Council for Sustainable Development; - the management body. Chapter I: The competent authorities and administrations Article 12: The missions and responsibilities of the administrations and authorities involved in the implementation of sustainable development are established by the texts in force. Chapter III: The National Council for Sustainable Development Article 13: The National Council for Sustainable Development defines and

directs the national policy for sustainable development. It is chaired by the President of the Republic. Article 14: The responsibilities, organization, and functioning of the National Council for Sustainable Development are established by decree taken on the proposal of the Minister in charge of sustainable development. Chapter IV: The management body Article 15: The management body is primarily responsible for: - receiving and processing the preliminary projects for sustainable development; - validating and registering the concessions and rights of sustainable development; - ensuring the follow-up of the implementation of sustainable development projects; - authorizing the issuance of sustainable development credits; - designing, developing, and administering the national register of sustainable development; - preparing and establishing all documents in view of the preparation of the national balance sheet of sustainable development and updating it annually; - proposing the creation of mechanisms, instruments, and financial contracts aimed at promoting the realization of sustainable development projects; - acting as the regulatory authority for the market of sustainable development credits. The management body may receive from public authorities any other missions or delegations related to its area of activity. Article 16: The management body carries out its missions by relying on the competent sectoral administrations. It enjoys the prerogatives of public authority, which are reflected in particular by: - the power to control the execution of sustainable development projects; - the power to issue injunctions; - the power to take precautionary measures; - the power to impose administrative and financial sanctions; - the power to reach settlements; - the power of multidisciplinary evaluation and expertise; - the

power to investigate and formulate proposals or recommendations; - the quality of a party joined to the public ministry; - the inviolability of its assets and holdings. Article 17: The management body established by this law is an independent administrative authority. Its name and organization are established by decree taken on the proposal of the Minister in charge of Sustainable Development. Title V: Transitional, diverse, and final provisions Article 18: Individuals or legal entities engaged in activities falling within the scope of this law have a deadline set by regulatory means, taking into account the specificity of each activity, to comply with all its provisions. After this deadline, defaulting operators are exposed to the suspension or withdrawal of the sectoral authorizations related to their activities. Article 19: Constitute infractions in matters of sustainable development, any violations of the balance of the different dimensions of sustainable development. These infractions are noted and punished in accordance with the sectoral legislations in force. Article 20: Legislative and regulatory texts determine, as needed, the provisions of any nature necessary for the application of this law. Article 21: This law, which repeals all previous provisions contrary to it, will be registered, published according to the emergency procedure and executed as law of the State. Done in Libreville, on the 1st of January 2023 By the President of the Republic, Chief of State: Christian DIMBA The Prime Minister Minister of Forests, Environment, and Natural Resources; Public Accounts.