Law on National Parks

Loi relative aux parcs nationaux

OCTOBER 2007 FORTY-FIFTH YEAR – N° 10 PRICE: 2,000 Francs Legal deposit 777 UNION - WORK - JUSTICE OFFICIAL JOURNAL OF THE GABONESE REPUBLIC _____ FOR SUBSCRIPTIONS AND ADVERTISEMENTS: "DIRECTORATE OF OFFICIAL PUBLICATIONS" - LIBREVILLE - P. O. Box 563 - TEL.: 76.20.00 email: jo_gabon @ yahoo.fr. These are payable in advance, by money order or transfer in the name of Mr. the Director of "Official Publications" in Libreville Current postal account N° 0101 100 2534, Libreville center SUMMARY _____ OFFICIAL PART _____ ACTS OF THE GABONESE REPUBLIC _____ National Assembly _____ Law N°003/2007 of August 27, 2007, relating to national parks.....1 Law N°005/2007 of August 27, 2007, authorizing the ratification of the convention governing the Community Parliament .....7 Law N°008/2007 of August 27, 2007, authorizing the Gabonese State to contract a loan of an amount equivalent to fifteen million (15,000,000) euros from the French Development Agency.....7 Law N°009/2007 of August 27, 2007, authorizing the Gabonese State to contract a loan of an amount equivalent to thirty-five million (35,000,000) euros from the French Development Agency.....7 Law N°0010/2007 of August 27, 2007, authorizing the Gabonese State to contract a loan of an amount equivalent to ten million five hundred thousand (10,500,000) euros from Commerzbank Aktiengesellschaft.....8 Law N°0011/2007 of August 27, 2007, authorizing the Gabonese State to contract a loan of an amount equivalent to twenty-two million (22,000,000) euros from Ausfuhrkredit- Gesellschaft MBH.....8 Law N°0012/2007 of August 27, 2007, authorizing the Gabonese State to contract a loan of an amount equivalent to forty-four million one hundred twenty-seven thousand (44,127,000) dollars from the Islamic Development Bank.....9 _____ Presidency of the Republic _____

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_____ ACTS OF THE GABONESE REPUBLIC _____ National Assembly _____ Law No. 003/2007 of August 27, 2007, concerning national parks The National Assembly and the Senate have deliberated and adopted, The President of the Republic, Head of State, Promulgated 19ue the law whose content follows: Article 1.- This law, enacted in application of the provisions of Article 47 of the Constitution, concerns national parks, Title 1: GENERAL PROVISIONS Article 2.- This law aims, within the framework of the process of developing the conservation of the national natural and cultural heritage, to promote a policy of protection and sustainable enhancement of national parks, notably through: - the creation of a network of parks representative of the biological diversity of Gabon and covering at least ten percent of the

national territory; - the establishment of principles, rules, and institutional foundations that will serve as a legal and organic basis for this policy; - the attachment of national parks to the public domain of the State; - the creation of a public service responsible for the management of national parks; - environmental information, education, and communication as well as ecotourism and scientific research; - the establishment of a sustainable financing mechanism; - the definition of the modalities of intervention of the State and various partners in the management of the parks; - the transfer of police powers from local authorities to the park management body; - the strengthening of collaboration and cooperation at the sub-regional and international levels, in accordance with international conventions. Article 3.- For the purposes of this law, the following meanings are attributed to: - protected area, the geographically delimited natural terrestrial or aquatic space that is defined and regulated for the protection and sustainable management of natural and cultural heritage; - conservation, the protection of nature and renewable natural resources, as well as their rational use for the benefit of present and future generations when any danger of extinction is averted; - trust contract, the agreement by which a settlor or mandator transfers all or part of their assets and rights to a manager who, keeping these assets and rights separate from their personal estate, acts for a determined purpose for the benefit of one or more beneficiaries; - land management contract, the contract made between the manager of a park and the rural communities of the peripheral zone, defining the modalities of intervention of these communities in the conservation of the biological diversity of the park or its peripheral zone in order to promote the economic benefits to their advantage; - biological diversity, the variability of living organisms of all origins, including terrestrial, marine, and other aquatic ecosystems as well as the ecological complexes of which they are part; it includes diversity within species and between species, as well as that of ecosystems; - ecotourism, tourism organized with the aim of ensuring the sustainability of ecosystems while respecting the environment and populations while ensuring an equitable redistribution of economic benefits for the local communities; - sustainable management, the set of measures, processes, and modalities for managing parks and their natural resources defined and implemented to maintain the balance of ecosystems, for the benefit of current users and for their transmission in the best conditions to future generations; - national park, a protected area established on a portion of the territory where terrestrial or marine ecosystems, geomorphological sites, historical sites, and other forms of landscape, enjoy particular protection with the aim of maintaining biological diversity and natural ecological regulation processes while allowing regulated activities of ecotourism, scientific research, and education

while contributing to the economic and social development of local communities; - management plan, the document and its annexes presenting, based on a five-year planning, the measures envisaged to ensure the conservation of a national park; - land, a homogeneous geographical area in terms of its population, history, and organization; - sustainable enhancement, the use or consumption of renewable natural resources in a manner and at a rate that safeguards their potential to meet the needs and aspirations of present and future generations; - peripheral zone, the geographical space surrounding a park aimed at preventing and limiting negative impacts on the park as well as developing ecologically adapted actions for the conservation of biological diversity, without prejudice to customary usage rights; - buffer zone, the contiguous geographical protection area of a national park. Title II: PRINCIPLES Article 4.- National parks fall under the public domain of the State. They include, as the case may be, a public domain that is terrestrial, maritime, lacustrine, lagoon, riverine, or aerial. National parks are created, classified, or declassified, totally or partially, by a law, taking into account the customary rights of local communities. Any bill or proposal for a law concerning the creation, classification, or total or partial declassification of a national park is submitted to the national parks management body which, after consulting the communities and local authorities as well as the Scientific Committee

provided for in Title III of this law, issues a reasoned opinion. Article 5.- The law concerning the creation or modification of a national park specifies, as the case may be, the name, the location, the boundaries, and the area. It includes an annex with a map indicating the area of the park. This area is defined by geographical coordinates and natural boundaries. Article 6.- The protected areas listed in the table annexed to this law are classified as national parks. Article 7.- Any modification of the boundaries of a national park or its peripheral zone must be preceded by an environmental impact study, after consultation with the authorities and local communities. Article 8.- Any declassification of a national park must be justified by national interest imperatives. It gives rise to a prior territorial compensation defined by the law concerning the classification of a similarly extensive area representative of the same ecosystem and level of biological diversity. The declassification also entitles a financial compensation for the benefit of national parks, under the conditions set by the law concerning declassification. Article 9.- Any activity of any nature that does not comply with the provisions of this law is prohibited throughout the extent of a national park. Article 10.- Subject to the imperatives of conservation of the natural and cultural heritage as well as customary usage rights, the national parks management body may, upon presentation of a technical file, authorize: - scientific research activities; - activities for exploitation for tourism purposes, compatible with the objectives of protection and management of natural resources; - the circulation of motor vehicles and the landing of aircraft; - the felling and capture of animals, the destruction and collection of plants and minerals found on the surface of the ground, justified by scientific reasons or by needs for planning or public order; - earthworks or constructions necessary for the management of a national park as well as for tourism, cultural, educational, or research activities after an environmental impact study. Article 11.- The beneficiary of one of the authorizations mentioned in Article 10 above is required to pay a fee whose modalities and rate are set in accordance with the applicable texts. They are civilly responsible for any damage caused to the national park due to their activity. Article 12.- Any mining or oil exploration in a national

park can only be authorized by decree taken in the Council of Ministers, after the opinion of the management body and based on the report of the Scientific Committee referred to in Article 37 below. In the event of a mining or oil discovery, exploitation may proceed after the declassification of all or part of the park in accordance with the provisions of Article 8 above. Article 13.- Each national park includes a peripheral zone including, where applicable, a buffer zone whose areas are fixed by regulatory means. The study of the peripheral zone integrates the villages, local communities, and other protected areas within their administrative boundaries. Article 14.- In the buffer zone, only anthropogenic activities that do not have a negative impact on the park may be authorized. This authorization is issued by order of the supervising Minister, after the opinion of the national parks management body, according to the modalities set by regulatory means. Article 15.- The peripheral zone ensures the transition between the national park and the rural world or any other surrounding space. It also allows for the identification of communities, economic operators, and local authorities with whom the park administration can establish and formalize concerted management relationships of natural resources in order to achieve the objectives of this law. Article 16.- In the peripheral zones of national parks, the exercise of customary usage rights, notably fishing, hunting, felling and capturing of wildlife, agricultural and forestry activities, gathering of plants, and collection of minerals or fossils is free, subject to compliance with the applicable texts and, where applicable, the stipulations of land management contracts or the management plan. Article 17.- In the peripheral zones of national parks, industrial, mining, quarrying, hydroelectric dam, subdivision, tourism equipment, or linear infrastructure projects, notably roads, power lines, oil pipelines, gas pipelines, and railways, are subject to an environmental impact study. Notwithstanding the provisions of common law regarding environmental impact studies, the above-mentioned study is submitted

for opinion to the national parks management body. In the event of opposition, the management body is required to justify its decision. In this case, the project in question is submitted to the arbitration of the Council of Ministers. If the project is then approved, all or part of the park may be declassified. Article 18.- In the framework of activities for the protection and sustainable enhancement of national parks, the park managers cooperate with local authorities, notably within the local advisory management committees of the parks provided for in Article 44 of this law.

 Article 19: Management contracts for land may be concluded between the administration of a national park and the local communities of the peripheral zone. They must be approved by the national parks management agency before they come into effect and cover notably the monitoring, management, maintenance, cultural and tourism activities of the park or its peripheral zone. Article 20.- Public administrations may, in collaboration with the management agency of rare species, develop the peripheral zones of national parks by carrying out social, economic, and cultural improvements contributing to the protection of nature in the parks in accordance with the provisions of Article 17 of this law. Article 21.- Each park is equipped with a specific management plan developed by the park administration, after consultation with all interested parties, including the communities in the peripheral zone and those living, if applicable, inside the park at the time of its creation. It takes into account the customary uses and rights of these communities. The management plan must necessarily include: * brief mentions recalling: - the history, situation, and status of the national park concerned; - the physical and biological components that make it up; - the elements of its socio-economic environment; - the diagnosis of the current state of the park and its management; * a detailed description: - of short and medium-term conservation objectives; - of strategies, management modalities and measures envisaged on a five-year basis; - indicators for the implementation of the plan; - the budget; - control modalities. Article 22.- All or part of the non-sovereign missions assigned to the management authority of a park, notably the development for tourism or scientific purposes, may be granted by the national parks management agency to a legal entity under private law, after examination of a technical file and within the framework of a concession agreement. The concession agreement cannot grant exclusivity. Title III: INSTITUTIONAL FRAMEWORK Article 23.- For the application of this law, an institutional framework is established including: - a High Council of National Parks; - a National Agency for National Parks; - a Scientific Committee of National Parks. Chapter I: High Council of National Parks Article 24.- The High Council of National Parks assists the President of the Republic and the Government in determining and implementing the national policy regarding national parks. Article 25.- The High Council of National Parks is composed of the following members: - the Prime Minister or their representative; - the Minister in charge of Forestry Economy, Water, Fishing, and National Parks or their representative; - the Minister in charge of Environment and Nature Protection or their representative; - the Minister in charge of Land Use Planning and local authorities or their representative; - the Minister in charge of Planning or their representative; - the Minister in charge of Scientific Research or their representative; - the Minister in charge of Economy and Finance or their representative; - the Minister in charge of the Interior or their representative; - the Minister in charge of National Defense or their representative; - the Minister in charge of Mines, Energy, and Oil or their representative; - the Head of the Agency responsible for tourism management or their representative; - a Deputy; - a Senator. Article 26.- The powers, organization, and functioning of the High Council of National Parks are established by regulatory means. Chapter II: National Agency for National Parks Article 27.- The National Agency for National Parks is a public institution of scientific and environmental character, abbreviated as

ANPN, hereinafter referred to as the Agency. It has legal personality and administrative and financial autonomy. Its headquarters is

established in Libreville. Article 28.- The Agency is placed under the supervision of the Minister in charge of national parks and under the financial supervision of the Ministers in charge of Finance and Planning. Article 29.- The Agency is the recipient of the public domain of the State constituting the national parks. It has its own assets. Article 30.- The Agency is the management body of the national parks. As such, it is notably responsible for: - implementing the national policy regarding the protection of natural resources and ecological processes as well as enhancing the natural and cultural heritage of the national parks, taking into account the balance and stability of ecosystems; - establishing means and procedures for the protection of natural habitats and wildlife, particularly rare or endangered species, in situ and ex situ;

 - approving the management plan of each national park and providing technical support for its implementation; - concluding concession agreements through public tender after consulting the management authority of the concerned park and the local communities; - preparing any strategic document related to the management of parks and the conservation of biological diversity; - coordinating the activities of scientific institutions, technical bodies, and nature conservation associations whose programs are linked to national parks; - promoting and regulating ecotourism activities in the national parks; - planning and ensuring the continuous training of staff responsible for managing national parks and their natural resources; - centralizing, processing, and disseminating information related to national parks to establish a national follow-up of conservation indicators for the parks; - facilitating local initiatives in favor of the conservation of biological diversity; - Promoting general information, education, and communication about national parks; - promoting any form of participatory management of national parks and conservation of natural resources; - seeking and securing funding for national parks; - ensuring, across all national parks, the management of land heritage as well as the exercise of administrative and judicial police. Article 31.- The Agency includes: - the Management Committee, a deliberative body; - the Executive Secretariat, a management body; - the Accounting Agency. Article 32.- The Management Committee is chaired by a senior official appointed by decree taken in the Council of Ministers. Article 33.- The Executive Secretary is appointed by decree taken in the Council of Ministers on the proposal of the Minister in charge of national parks. Candidates submitted for appointment are selected by the Management Committee after a public call for applications. Article 34.- The Executive Secretary is the main accounting officer of the Agency. Article 35.- The Accounting Officer is appointed by decree taken in the Council of Ministers, on the proposal of the Minister in charge of finance. Article 36.- The staff of the Agency includes: - public officials on detachment or assigned to their duties; - private law contractual agents. Article 37.- The organization and functioning of the Agency are established by its statutes approved by decree taken in the Council of Ministers. Chapter III: Scientific Committee of National Parks Article 38.- A scientific council, called the Scientific Committee of National Parks, is created. Article 39.- The Scientific Committee is composed of personalities of all nationalities from the: scientific and research fields, chosen for their competence and experience, as well as their complementarity, in the field of conservation of biological diversity and national parks. Members of the Scientific Committee are appointed by the Management Committee for a renewable three-year term, on the proposal of the Executive Secretary and after consultation with the authorized bodies. Once appointed, members of the Scientific Committee act in their capacity, independently in the exercise of their function. Article 40.- The opinion of the Scientific Committee is required for any issue related to the conservation

of national parks and the maintenance of biological diversity, notably: - on any activity, project, and program having an impact on biological diversity or the conservation of natural and cultural resources of national parks; - on any draft text that may have an impact on the conservation of nature and its resources as well as on the diversity and biological balances in national parks; - on any draft law for the classification or declassification of a national park. Furthermore, the Committee examines annual reports on the state of conservation of national parks and makes any useful recommendations. Article

41.- The work of the Committee is recorded in a report sent to the Agency. In addition to reports on specific issues, the Committee prepares an annual report which it sends to the High Council of National Parks before publication. Article 42.- The Scientific Committee sets the modalities of its internal functioning. Title IV: THE CONSERVATOR AND THE LOCAL ADVISORY MANAGEMENT COMMITTEE Article 43.- Each national park is placed under the authority of a Conservator. The Conservator ensures the administrative, technical, and financial management of the park as well as the police missions. Article 44.- The Conservator is the delegated administrator of the park's credits. Article 45.- In each national park, a local advisory management committee is established, the composition and the missions of which are set by regulatory means. Article 46.- Provisions, other than those provided for by this law, relating to the powers of the Conservator and the functioning of the parks and local advisory management committees, are established by

 The Agency and materialized by a decree taken in the Council of Ministers. Title V: RESOURCES AND FINANCING Chapter 1: Resources Article 47.- The resources of the Agency are composed of: - its own resources or revenues from activities conducted within the parks; - the products of its services; - grants and financial contributions from the State; - transfers made under trust contracts; - the proceeds from taxes or mandatory levies allocated to it; - the proceeds from fines and confiscations allocated by the State and distributed according to a key defined by regulatory means; - grants, donations, and legacies of any kind. Article 48.- The charges of the Agency are composed of: * operating expenses, including: - allowances and bonuses for agents; - payments made to rural communities for services rendered; - the potential remuneration for exploitation agreements, service provisions, and land management contracts; - other operating charges. * expenses related to development and investment works. Article 49.- The financial regime of the Agency is determined by the rules and principles governing public accounting. Chapter II: Financing Article 50.- Any legal entity of public or private law, national or foreign, contributing to the financing of national parks may enter into trust contracts. These trust contracts may stipulate that the concerned funds will be entrusted to a wealth manager established in a financial center with an appropriate legal and fiscal regime. The terms and conditions for the placement and management of these funds are subject to an agreement between the Agency and the concerned legal entities. This agreement is submitted for approval to the Minister in charge of Finance. Article 51.- Any public or private financing intended to support biodiversity conservation activities is exempt from all taxes and duties. This exemption applies to the income generated by the trust contracts mentioned in Article 49 above. Article 52.- The revenues resulting from the valorization of the parks, including those derived from concession agreements, are allocated to the budgets of the national parks according to distribution methods defined by the Agency. Title VI: REPRESSIVE PROVISIONS Chapter 1: Detection of Offenses Article 53.- As part of their mission to manage national parks, the Conservator and authorized personnel are vested with judicial police missions. In this capacity and without prejudice to the prerogatives of judicial police officers, the Conservator and the personnel mentioned in the above paragraph are authorized to investigate and ascertain violations of the

legislation on parks. Article 54.- Before entering into their function as judicial police officers, the Conservator and authorized personnel take an oath before the competent jurisdiction, in the forms and conditions set by regulatory means. Article 55.- By virtue of the provisions of Articles 52 and 53 of this law, the Conservator and authorized personnel are required to carry arms, wear a uniform, and distinctive insignia whose characteristics are defined by regulatory means. Article 56.- Offenses are recorded on a report established, under penalty of nullity, according to the modalities defined by the texts in force. Chapter II: Sanctions Article 57.- Any weapon, device, or other material fraudulently introduced or used to commit an offense in a national park is seized and deposited with the competent jurisdiction at the same time as the report of the offense. It will either be destroyed or sold at auction, according to the provisions provided by the texts in force. Article 58.- Seized game is, after health control in an approved laboratory, destroyed or deposited in public establishments of a social nature in the presence of a local judicial police officer. Article 59: Those guilty of the following offenses are punished with a fine of 20,000 to 25,000 CFA francs: - unauthorized entry without a

weapon into a national park; - circulation and parking outside marked paths; - wandering of domestic animals in national parks. In case of recidivism or flight, the penalty is doubled. Article 60.- Those guilty of the following offenses are punished with imprisonment of one month to three months and a fine of 25,000 to 1,000,000 CFA francs or one of these two penalties only: - unauthorized entry with a weapon into a national park; - unauthorized collection or harvesting of flora; - unauthorized harvesting of plants, fruits, or vegetable products; - violation of regulations regarding visits and circulation in parks. In case of recidivism or flight, the penalty is doubled.

 Article 61.- Those guilty of the following offenses are punished with imprisonment of three to six months and a fine of 100,000 to 10,000,000 CFA francs or one of these two penalties only: - unauthorized hunting or fishing; - poisoning of water points and courses; - creation of villages, camps, or private communication routes; - willful obstruction of the duties of Agency agents. In case of recidivism or flight, the penalty is doubled. Article 62.- Those guilty of the following offenses are punished with imprisonment of two months to two years and a fine of 1,000,000 to 25,000,000 CFA francs or one of these two penalties only: - any unauthorized construction; - any unauthorized excavation, prospecting, drilling, or earthworks; - agricultural exploitation. The penalty is doubled in case of flight or recidivism and if the damage caused to the natural environment is irreversible. Article 63.- Those guilty of acts of hunting with an aircraft, land vehicle, or motorboat are punished with imprisonment of six months to two years and a fine of 2,000,000 to 50,000,000 CFA francs or one of these two penalties only. In case of recidivism or flight, the penalty is doubled. Article 64.- Those guilty of exploitation of timber and joinery within a national park are punished with imprisonment of one year to ten years and a fine of 20,000,000 to 100,000,000 CFA francs or one of these two penalties only. The penalty is doubled in case of recidivism or flight and if it is a voluntary act. Article 65.- Those guilty of discharges, leaks, releases, and deposits of any substance likely to harm the integrity of a national park or its tourism activities are punished with imprisonment of two months to two years and a fine of 500,000 to 100,000,000 CFA francs or one of these two penalties only. The penalty is doubled in case of flight or recidivism and if it involves toxic substances. Article 66.- Anyone who, without prior consultation with the conservator of a national park, undertakes, in the peripheral zone, works requiring an environmental impact study is punished with a fine of 100,000 to 500,000 CFA francs and imprisonment of forty-five days to three months, or one of these two penalties only. Article 67.- Without prejudice to the provisions of Articles 56, 58, 59, 62, and 63 of this law, any offense committed in the matter of hunting or forestry exploitation in a national park may lead,

as the case may be and under the conditions set by regulatory means, to: - the confiscation of wildlife or forestry products or the payment of a penalty equal to their value if they could not be seized; - the suspension or withdrawal of the permit or license that the offender may hold, if applicable. Article 68.- For the purposes of this law, the recidivism period is six months from the date of establishment of the report recording the previous offense. Title VII: TRANSITIONAL PROVISIONS Article 69.- The boundaries of a national park, as defined on the date of promulgation of this law, constitute its legal delimitation. For a period of five years from the date of promulgation, these boundaries may be modified by decree taken in the Council of Ministers, without resulting in a decrease greater than two percent (2%) of the area of the concerned park. For a period of five years from the date of promulgation, these boundaries may be modified by decree taken in the Council of Ministers. Article 70.- Conservators in office must take an oath before the competent jurisdiction in order to enter into their function as judicial police officers within six months from the promulgation of this law. Title VIII: MISCELLANEOUS PROVISIONS Article 71.- Surveillance personnel of the Agency receive, from the proceeds of fines, confiscations, and monetary sanctions, rebates whose rate, collection methods, and distribution are set by regulatory means. Article 72.- The State, the Agency, local authorities, associations or

non-governmental organizations whose specific purpose is the defense of the environment and the protection of nature may become civil parties in any proceedings relating to violations of the legislation on national parks. Title IX: FINAL PROVISIONS Article 73.- Regulatory texts determine, as necessary, the provisions of any nature required for the application of this law. Article 74.- This law repeals all previous contrary provisions, notably those of law n°16/01 of December 31, 2001, concerning the forestry code in the Gabonese Republic, n°16/93 of August 26, 1993, relating to the protection and improvement of the environment, law n°5/2000, concerning the mining code in the Gabonese Republic, and decrees n°607/PR/MEFEPEPN of August 30, 2002, concerning the reclassification of national parks. Article 75.- This law will be registered, published according to the emergency procedure, and executed as a law of the State.

 Done in Libreville, on August 27, 2007 By The President of the Republic, Head of State; EL Hadj Omar BONGO ONDIMBA The Prime Minister, Head of Government Jean EYEGHE NDONG The Minister of Forest Economy, Water, Fisheries and National Parks Emile DOUMBA The Minister of Social Economy and Craft Marie MISSOULOUKAGNE The Minister of State, Minister of the Interior, Public Security and Immigration André MBA OBAME The Minister of Higher Education and Research Pr. Albert ONDO OSSA The Vice Prime Minister, Minister of Environment, of Nature Protection and the City Georgette KOKO. _____ Law No. 005/2007 of August 27, 2007, authorizing the ratification of the convention governing the Community Parliament The National Assembly and the Senate have deliberated and adopted, The President of the Republic, Head of State, promulgates the law whose content follows: Article 1.- This law, enacted in application of the provisions of Article 114 of the Constitution, authorizes the ratification of the convention governing the Community Parliament. Article 2: The ratification of the Convention governing the Community Parliament signed on January 28, 2004 in Brazzaville, Congo, is authorized. Article 3: This law, which repeals all previous contrary provisions, shall be registered, published in the Official Journal and executed as a law of the State. Done in Libreville, on August 27, 2007 By The President of the Republic, Head of State; EL Hadj Omar BONGO ONDIMBA The Prime Minister, Head of Government Jean EYEGHE NDONG The Vice Prime Minister, Minister of Foreign Affairs, Cooperation, Francophonie and Regional Integration Jean PING The Minister of State, Minister of Economy, Finance, Budget and Privatization Paul TOUNGUI. _____ Law No. 008/2007 of August 27, 2007, authorizing the Gabonese State to contract a loan of an amount equivalent to fifteen

million (15,000,000) euros from the French Development Agency The National Assembly and the Senate have adopted, The President of the Republic, Head of State, promulgates the law whose content follows: Article 1: This law, enacted in application of the provisions of Articles 47 and 114 of the Constitution, authorizes the Gabonese State to contract a loan. Article 2 : The Gabonese State is authorized to contract a loan of an amount equivalent to fifteen million (15,000,000) euros from the French Development Agency, abbreviated as AFD. Article 3: The proceeds of the loan authorized in Article 2 above are intended for financing the works for the development of the river axis Pont OCTRA-Port Owendo. Article 4: The Minister of Economy and Finance is empowered to conclude and sign on behalf of the Gabonese State, the loan agreement as well as the other related documents. Article 5: This law shall be registered, published according to the emergency procedure and executed as a law of the State. Done in Libreville, on August 27, 2007 By The President of the Republic, Head of State; EL Hadj Omar BONGO ONDIMBA The Prime Minister, Head of Government Jean EYEGHE NDONG The Minister of State, Minister of Public Works, Equipment and Construction General Idriss NGARI The Minister of State, Minister of Economy, Finance, Budget and Privatization Paul TOUNGUI. _____ Law No. 009/2007 of August 27, 2007, authorizing the Gabonese State to contract a loan of an amount equivalent to fifteen million (35,000,000) euros from the French Development Agency The National Assembly and the Senate have adopted, The President of the Republic, Head of State, promulgates the law whose content follows: Article 1: This law, enacted in application of the provisions of Articles 47 and 114 of the Constitution, authorizes the Gabonese State to contract a loan.