Mission Report of the OIE

Rapport de mission d-OIE

Mission to observe allegations of illegal logging Mission Team Olivier MEYE OBIANG, OI Expert, Lawyer Botrin EBANG MINKO, OI Expert, Geographer Elvya AYETEBE NGUEMA, Forestry Expert MISSION N°001 FROM JULY 28 TO AUGUST 4, 2022 LOCATION: REMBOUE (ESTUAIRE PROVINCE) DEPARTMENT: KOMO KANGO VISIT TITLE: CFAD HUA JIA AND CFAD IBNG B.P: 23 749 Libreville, Gabon 636 Ambowé, avenue Lucie Bongo (behind Camp de GAULLE). E-mail: info@brainforest-gabon.org url: http://www.brainforest- gabon.org. Executive Secretariat Tel: +241 66 26 06 17 / +241 77 29 41 40

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Page 2 of 29 LIST OF ABBREVIATIONS CCC: Contractual Specifications CFAD: Sustainable Forest Management Concession CGSP: Project Management and Monitoring Committee CKK: Komo Kango District DP: Provincial Director DPEF: Provincial Directorate of Water and Forests FNES: Forestry Trade Expertise and Services GFEC: Global Forest Environment Consulting IBNG: Wood Industry Trade Gabon OI: Independent Observation OIE: External Independent Observation NGO: Non-Governmental Organization

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Page 3 of 29 EXECUTIVE SUMMARY Following a report by a community observer of illegal logging in the CFAD Hua Jia and IBNG in Remboué, specifically in the villages of Makoula and Nzouameyong, an external independent observation mission was commissioned by the NGO Brainforest from July 28 to August 4, 2022. The overall objective of this mission was to verify the compliance and impact of the activities of the forestry companies IBNG and Hua Jia in the aforementioned villages. The actions carried out during this mission, including documentary

analyses and site visits, focus group interviews with local communities and administrations (the Prefecture, the local representation of the Ministry in charge of Forests), revealed irregularities related to wood residues in watercourses; logs and stumps of diameters relatively below the minimum exploitable diameters. At the end of these investigations, the following facts were noted: 1. Non-compliance with the management plan: - Cutting under-diameter; - Non-compliance with contractual obligations 2. Regarding environmentally damaging exploitation - Obstruction of watercourses In light of these observations, the team made the following recommendations: - The OI recommends that the companies IBNG and Hua Jia undertake cleaning work in the watercourses to remove any wood that may obstruct the flow of water in accordance with the provisions of the National Technical Guide for Forest Management. - The CKK should initiate a mission in the forest permits of Hua Jia and IBNG to control the quality of the bridges built by the operators and order the removal of the obstructions in the affected watercourses. - The OI recommends that the CKK conduct a control mission of the activities of the company IBNG, draw up a report of the infraction, and open legal proceedings against this illegal practice. - The Prefect of the Komo Kango department must order a certification of the villages to establish the extent of the exploitation of the company IBNG on the villages of Makoula and Nzouameyong. - The CKK must ensure compliance with Article 251 by the company INBG, by formally requesting the company to sign the CCC

 1. Introduction 1.1. Context and justification The NGO Brainforest received, on June 7, 2022, a visit in its offices from a community observer based in Remboué, in the Komo Kango department, Estuaire province. He reported ongoing illegal logging in the villages of Makoula and Nzouameyong, affected by the forestry permits of IBNG and Hua Jia. To verify and document the reported facts in these villages, the Brainforest project team conducted an independent observation mission as part of the project: “Supporting independent forest monitoring via the Open Timber portal.” 1.2. Objectives of the mission 1.2.1. General objective The overall objective of the mission was for the team to verify the compliance and impact of the activities of the forestry companies IBNG and Hua Jia in the villages of Makoula and Nzouameyong. Specifically, the team aimed to: - Discuss with stakeholders (Prefect of the Komo-Kango department, Head of the Water and Forests District, and managers of the companies IBNG and Hua Jia) about actions taken or planned to respond to the complaints from the communities; - Gather more information from members of the communities of the villages Makoula and Nzouameyong who have observed or experienced the reported violations; - Conduct a visit to the sites subject to the complaints and collect, if applicable, evidence of irregularities still visible; - Search for any documents related to the targeted exploitation. 1.3. Methodology and tools 1.3.1. Methodology The methodology for collecting information during this mission was as follows: Documentary analysis to collect all available documents related to the activities of the forestry companies IBNG and Hua Jia. To do this, online consultation through the OTP platform was conducted to obtain the following relevant documents: IBNG: Circuit sheet or approval issued by the Ministry of Commerce in the name of the company, Valid professional approval for the operator/ industrialist in the name of the company, Approval of the management plan

 a) Research/documentary consultation (laws and regulations governing forestry activity, forest maps, PAO, Management Plan, CCC, etc.), a debriefing at the Water and Forests District in Kango and at the office of the company and Hua Jia; b) Direct verification and observation of facts, taking geolocated photos and GPS coordinates of the corresponding points; c) Interviews with members of the CGSP; d) Focus group interviews with members of the communities of the villages Makoula and Nzouameyong to gather more information about the

quality of the ongoing exploitation in these villages; e) Compile and analyze the results to present visual, mapped observations from the investigations and the information contained in the various collected documents. 1.3.2. Tools For the realization of this mission, the tools used are: • GPS (1); • Camera (1); • Laptop (01) equipped with mapping software; • Dictaphone (1); • PPE (Boots, waterproofs, helmets, fluorescent vests) (4); • Machetes (2); • Notebooks (3) • A collection sheet; • A copy of the Terms of Reference; • A mission order; • A first aid kit equipped with first aid materials; • One (01) decameter; • Ordinary pencils (3); • One (01) 4x4 vehicle. 1.4. Mission team The mission team was composed as follows: First Name, Last Name Function in the organization Responsibilities during the mission Olivier MEYE OBIANG OI Expert, Lawyer Mission leader, analysis of documents and data collected in the field related to the legal framework Botrin EBANG MINKO OI Expert, OTP Manager Interviews with local communities, taking GPS coordinates, Geolocated photos, writing the report AYETEBE NGUEMA Elvya Forestry Expert Data collection related to the quality of exploitation, measuring

 volume, calculation, writing the report Rodrigue NDONG Driver, logistician Driving the team in the mission areas 1.5. Mission area The mission took place in Remboué, located in the Southeast of the Estuaire province, in the Komo-Kango department, in the Bokoué canton, specifically in the villages of Makoula and Nzouameyong (see map below). Presentation of the title and actors visited Title visited CFAD Hua Jia General presentation Located on the Bokoué massif over 106 300 hectares, it is allocated to the Chinese operator Hua Jia in exchange for the funds provided by China for the construction of the Gabon National Assembly palace. Management Management plan developed by the Ministry of Water and Forests funded by ITTO in 1999. Exploitation Forestry exploitation Title CFAD Visited management unit AAC5 2020-UFG2-UFA1 Bokoué Operator 1 in the CFAD FRANGIN BTP Activity Felling, skidding to parks in forests, road works Title Subcontracting contract Operator 2 in the CFAD GFEC Activity Development Type of contract Service Operator 3 in the CFAD FNES Activity Administration Type of contract Service IBNG General presentation

 Exploitation Forestry exploitation Title CFAD Visited management unit AAC5 2021-UFG1 Map 1: Mission area

 1.6. Difficulties encountered The difficulties encountered in the field were of two kinds: The poor condition of the roads made travel from one site to another very difficult. Meeting with certain administrative authorities such as the prefect was not easy due to his multiple commitments. 2. Mission results 2.1. Observation No. 1: Intensive exploitation harmful to the environment: Obstruction of watercourses During the field visit to the logging concessions of IBNG and Hua Jia, the OI noted the existence of ten (10) rivers obstructed by logs corresponding to the following species: Ovang-kol, padouk, bilinga, Ilomba, Okala, bahia, Tali, all covered with soil (see table below). Permit No. Company Obstructed watercourse (common name) Geolocation of the obstructed watercourse Species of identified wood Consequence of the obstruction Other details Lat Long AAC5 2021- UFG1, CFAD LOBE IBNG Grand Salom -0.314156 10.128676 Bilinga, okala, padouk Disruption of the water flow Salom 1 -0.31303 10.12848° Tali, illomba, ovang- kol Disruption of the water flow Salom 2 -0.313368 10.128298 Bahia, okala, padouk Disruption of the water flow Salom 3 -0.31254 10.122073 Bilinga, okala, padouk Disruption of the water flow Salom 4 -0.312426 10.12007 Bahia, okala, padouk Disruption of the water flow Salom 5 -0.31238 10.120065 Andok, Bahia, okala, padouk Complete closure of the watercourse Use of a prohibited species according to decree n°137/PR/MEF EPA of

February 4, 2009, regarding the reservation of certain plant species for multiple uses of the Gabonese forest Salom 6 0.312488 10.120188 Bahia, okala, padouk, ovang- kol Disruption of the water flow, with low circulation of the watercourse Salom 7 -0.31253 10.120205 Bahia, okala, padouk, ovang- kol AAC5 2020- UFG2- UFA1 Bokoué HUA JIA Tributary of the Remboué -0.269498 10.135345 Bahia, okala, padouk, ovang- kol Disruption of the water flow, reduction of the watercourse flow Remboué -0.269442 10.135356 Bahia, okala, padouk, ovang- kol, illomba, Disruption of the water flow, reduction of the watercourse flow These obstructions arise from both exploitation and the development work undertaken by operators for the evacuation of wood. The team did not see any bridges or culverts built over the rivers located at the above geo-referenced points, but rather observed logs placed perpendicularly across the watercourses to allow for crossing. This has the consequence of considerably slowing down the flow of water and could cause, on one hand, flooding in the logging areas and, on the other hand, a water shortage in the villages located downstream. Because these watercourses are the main sources of supply for the surrounding villages. The National Technical Guide for Forest Management, in its section dedicated to the “Circulation Network,” clearly recommends that “When a road crosses a watercourse, a bridge or culvert should be put in place so as not to disrupt the natural flow of water and the movement of aquatic fauna. The construction of this bridge or culvert should not reduce the width of the watercourse by more than 20%. Each structure must be stabilized against any risk of potential erosion. [...] If a structure is placed on a navigable watercourse, it must be ensured that the minimum free height is at least 1.50 m above the natural high water line.” Conclusion: The use of logs as observed, to allow crossing of watercourses, instead of bridges or culverts, constitutes a non-compliance with the indications set out in the National Technical Guide for Forest Management. Indeed, it should be noted that the National Technical Guide for Forest Management complements decree n°0689/PR/MEFEPEPN, of December 1, 2004, defining the technical standards for the management and sustainable management of registered productive state forests, in accordance with Article 2 of said decree. Therefore, the observed facts are thus constitutive of intensive exploitation harmful to the environment. According to Article

276 of the forestry code, the author of this act risks a prison sentence of three to six months and a fine of 500,000 to 10,000,000 CFA francs or one of these two penalties only. Recommendations: The OI recommends that the companies IBNG and Hua Jia undertake cleaning work in the watercourses to remove any wood that may obstruct the passage of water in accordance with the prescriptions of the National Technical Guide for Forest Management. The CKK must initiate a mission in the forest permits of Hua Jia and IBNG to control the quality of the bridges built by the operators, and order the clearing of the watercourses that have been disturbed. 1 National Technical Guide for Forest Management, 4.6.3.2-Circulation Network, Construction and improvement of roads, Engineering works. P.53-54.

 Image board 1: Obstructed watercourses Source: OTP/Brainforest project team, August 2022 2.2. Observation 2: Cutting of under-diameter wood During the field visit in AAC5 2021 of IBNG, the OI counted 48 logs of various species, including 36 ovang-kol, 11 ébiara, and 1 tali in four parks corresponding to the following coordinates: 0.3137 S and 10.1455 E; 0.3136 S and 10.1456 E; 0.3138 S and 10.1455 E. The measurements taken on the two faces of these logs allowed for the identification of 36 ovang-kol with diameters ranging from 30 to 58 cm. According to Article 37 of the forestry code: “The Minimum Exploitation Diameters by Forest Management Unit, abbreviated DME/UFA, are greater than or equal to the DME set for each exploitable species. They may be modified in certain cases by the administration of Water and Forests.” This article led to the adoption of decree n°000117/PR/MEFEPEPN of 01/03/2004,

setting the administrative minimum exploitation diameters for timber. This decree states in its Article 3 that: “In order to ensure the sustainability of the forest resource, the administrative DME for timber is set as follows: [...] 70 cm for ovang-kol.” It thus appears that the operator acted in disregard of the provisions of the aforementioned article. Because the 36 ovang-kol, which correspond to 75% of the logs observed, were cut below the DME set by the aforementioned decree and are therefore in violation of sustainable exploitation standards.

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Page 10 of 29 The tables below represent the 36 ovang-kol cut under-diameter. The formula used to evaluate the diameters is as follows: DM= D1 + D2 + D3 + D4 4 Designation Species Log No. Park Legal DME (cm) Observed diameter (cm) Observed deviation (cm) IBNG Ovang-kol 2544/2 park 1 70 44 26 IBNG Ovang-kol 2544/1 park 1 70 44 26 IBNG Ovang-kol 2543/2 park 1 70 57 13 IBNG Ovang-kol 2543/1 park 1 70 58 12 IBNG Ovang-kol 2552/2 park 1 70 38 32 IBNG Ovang-kol 2552/1 park 1 70 43 27 IBNG Ovang-kol 2551/1 park 1 70 56 14 IBNG Ovang-kol 2551/2 park 1 70 52 18 IBNG Ovang-kol 2550/1 park 1 70 47 23 IBNG Ovang-kol 2550/2 park 1 70 40 30 IBNG Ovang-kol 2549/1 park 1 70 56 14 IBNG Ovang-kol 2549/2 park 1 70 46 24 IBNG Ovang-kol 2548/1 park 1 70 46 24 IBNG Ovang-kol 2548/2 park 1 70 39 31 IBNG Ovang-kol 2547/1 park 1 70 41 29 IBNG Ovang-kol 2547/2 park 1 70 40 30 IBNG Ovang-kol 2546/1 park 1 70 49 21 IBNG Ovang-kol 2545/1 park 1 70 40 30 IBNG Ovang-kol 2545/2 park 1 70 36 34 IBNG Ovang-kol 2553/1 park 1 70 51 19 IBNG Ovang-kol 2554/1 park 1 70 47 23 IBNG Ovang-kol 2554/2 park 1 70 42 28 IBNG Ovang-kol 2555/1 park 1 70 44 26 IBNG Ovang-kol 2553/2 park 1 70 40 30 IBNG Ovang-kol 2556/1 park 1 70 53 17 IBNG Ovang-kol 2556/2 park 1 70 45 25 Deviation calculation sheet

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Page 14 of 29 2.3. Observation 3: Non-signature of contractual specifications Following interviews conducted with the communities of the Makoula and Nzouameyong villages, it appears that two companies operate on either side of the road, thus impacting these villages. These are Hua Jia, whose activities began in July 2022, and IBNG, which has been operating in the area since 2020. According to these communities, no contractual specifications have yet been signed with these companies. From the discussion with the Chief of the Water and Forests of Kango, it emerges that the aforementioned villages are located on the boundary between the Estuaire and Moyen-Ogooué provinces, making it difficult for him to know if these villages fall under his jurisdiction. Moreover, the CFAD IBNG is located in both provinces. However, its

receipts are signed by the Provincial Director of Water and Forests of Moyen-Ogooué. To remedy this situation, the Chief of the canton has brought the matter to the attention of his Provincial Director so that the latter can inform his counterpart in the province of Moyen-Ogooué. Article 251 of the forestry code states that “To promote the social aspect of sustainable forest management policy, a contribution, particularly financial, is established, funded by the holders of these concessions to support collective interest development actions initiated by these communities. The nature and level of this contribution are defined by the contractual specifications related to each concession. The management of this contribution is left to the discretion of the representative assemblies of the concerned communities.” Furthermore, in application of Article 251, Order No. 105 of May 6, 2014, primarily aims to introduce a CCC model based on which any benefit-sharing agreement must be concluded. According to the application guide of Order No. 105, “The Prefect of the Department in whose territory forest concessions are exploited is obliged to identify: The village communities exercising their usage rights within the perimeter of the forest concession registered in the department, and the other neighboring communities (it will be useful to use for this purpose the participatory mapping carried out by the forest concessionaire3). In the case of a concession overlapping several departments, the identification of communities will only concern those bordering the portion of the forest unit located in its department.” Based on the above and reading the map below, it seems that the Makoula and Nzouameyong villages are in the Estuaire province, just like the AAC impacting these villages. Conclusion: The contractual specifications being signed after a year of operation, their absence increases the risk that all the timber from these areas exploited during the 2020 and 2021 fiscal years is illegal and constitutes a violation of the management plan. This exposes the author to the sanctions provided for in Article 276 of the forestry code. Recommendation: The Prefect of the Komo Kango department must order a certification of the land to establish the extent of IBNG's operations on the Makoula and Nzouameyong villages. The CKK must ensure compliance with Article 251 by the INBG company, by putting the company on notice to sign the CCC.

 Map 2: Location of IBNG wood parks around the Makoula and Nzouameyong villages 3. Conclusion In light of the alert received thanks to the denunciation of a community observer based in Remboué, in the Komo Kango department, Estuaire province, notably regarding the

 wood residues from logging in waterways; logs and stumps of relatively smaller diameters than the minimum exploitable diameters. The investigations conducted confirm the veracity of all the information received regarding the quality of the ongoing logging in the Makoula and Nzouameyong villages. 4. Recommendations No. Observations of facts Proposed solutions/Recommendations 1 Damaging intensive exploitation of the environment (Obstruction of waterways) • The OI recommends that the IBNG and Hua Jia companies undertake cleaning work in the waterways to remove any wood that may obstruct the flow of water in accordance with the prescriptions of the National Technical Guide for Forest Management. • The CKK must initiate a mission in the forest permits of Hua Jia and IBNG to control the quality of the bridges built by the operators and order the clearing of the disrupted waterways. 2 Under-diameter cutting • The OI recommends that CKK expedite a mission to control the activities of the IBNG company, draw up a report of the infraction, and open legal proceedings against this illegal practice. 3 Non-compliance with social obligations • The Prefect of the Komo Kango department must order a certification of the land to establish the extent of IBNG's operations on the Makoula and Nzouameyong villages. • The CKK must ensure compliance with Article 251 by the INBG

company, by putting the company on notice to sign the CCC.

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