Report OI II FAO-EU-FLEGT project

Rapport OI II projet FAO-EU-FLEGT

January 2021 Woleu-Ntem and Ogooué-Ivindo Report written by: Elvis MVE ABESSOLO and Gildas Francis NZENGUE OBEZO. The content of this document is the sole responsibility of the author and cannot in any case be considered as reflecting the official opinion of FAO, the European Commission (EC), the Swedish International Development Cooperation Agency (SIDA), or the UK Foreign, Commonwealth & Development Office (UK FCDO). Project: Capacity building for effective involvement of non-state actors in the preservation of Kévazingo. Activity 2.1: Organize 3 joint independent observation missions with communities and CSOs. INDEPENDENT OBSERVATION REPORT N°2

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Capacity building for effective involvement of non-state actors in the preservation of Kévazingo. 2 List of abbreviations DGF: General Directorate of Forests DP: Provincial Directorate OI: Independent Observation NGO: Non-Governmental Organization PV: Minutes Table of contents 1. Context ..... 3 2. Methodology and itinerary of the mission .....3 2.1. Methodology ..... 3 2.2. Itinerary of the mission .....3 3. Activity timeline .....4 4. Main observations.....4 5. Recommendations..... 6 6. Evaluation of the mission .....7 Annexes ..... 8 7.1. Materials used .....8 7.2. Photos from the mission 8

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Joint independent observation missions with communities and CSOs. 3 1. Context The communities of the villages of Ebessi and Okok contacted the NGO Brainforest by phone to report illegal logging practices in their locality. Following these alerts, Brainforest conducted an Independent Observation mission from January 13 to 20, 2021 in the provinces of Ogooué-Ivindo and Woleu-Ntem, with the aim of observing the logging practices ongoing in this area. 2. Methodology and itinerary of the mission 2.1. Methodology To achieve these objectives, the mission consisted of field visits and interviews with the communities of Ebessi and Okok. 2.2. Itinerary of the mission

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Capacity building for effective involvement of non-state actors in the preservation of Kévazingo. 4 3. Activity timeline The mission took place over 8 days, including 5 days of work and 3 days of travel. The table below provides details of the mission timeline. Time Cities Day 1 (December 14, 2020) Departure from Libreville to Makokou Day 2 (December 15, 2020) Makokou Day 3 (December 16, 2020) Makokou Day 4 (December 17, 2020) Departure from Makokou to Oyem Day 5 (December 18, 2020) Minvoul Day 6 (December 19, 2020) Bitam Day 7 (December 20, 2020) Oyem Day 8 (December 21, 2020) Departure from Oyem to Libreville 4. Main observations Summary of interviews The mission visited the villages of Ebessi in Ogooué-Ivindo and Okok in Woleu-Ntem to verify allegations of illegal activities reported by local observers and denounced by phone. Following discussions with the communities, two major facts caught the attention of

the team: Observation of the circulation of log trucks loaded with wood, belonging to the company KHL, at unauthorized hours in the village of Ebessi; Observation of the operation of recovering Kévazingo in Okok. Observed facts Operation of recovering Kévazingo in Okok in Woleu-Ntem Following the observations made by the communities, the mission went into the forest for verification. On site, the team witnessed an operation to recover Kévazingo abandoned by the company OMCB, represented by Mr. Dorcely. According to Mr. Dorcely, the company OMCB would hold a certificate of transfer of the wood issued by the administration that would cover the entire area. He added that, in addition to the sum paid to the state for the acquisition of this wood, an additional sum of 200,000 CFA francs had been handed over to a certain ELLA OWONO in exchange for six logs of Kévazingo. Mr. ELLA OWONO is said to be the president of a cooperative that manages the land title under which this sold wood would have been cut. No proof of this property right was provided to the mission team. According to government circular note n°0835/MEFMDPCPAT/SG/DGF/DEPRC of July 9, 2020 concerning the valorization of abandoned wood, the operation of recovering abandoned wood must follow the following steps:

Joint independent observation missions with communities and CSOs. 5 Declaration of abandoned wood; Identification of this wood by the forestry administration; Inventory, skidding, grouping in parks, and cubing of identified wood; Sale on site by the administration of the concerned wood to the highest bidder by call for tenders; Marking; Evacuation of the wood (issuance of appropriation authorizations or transfer decisions and transport slips). In front of Mr. Dorcely, the mission wished to see the transfer certificate and a copy of the minutes of the meeting with the communities in accordance with the current legal measure. His response was that these documents existed but were not in his possession, he would present them to us on another occasion. The team is still waiting for the presentation of these documents. It should be noted that we received a refusal at the level of the Bitam Water and Forests Office when it came to verifying the existence of the transfer authorization claimed by Mr. Dorcely. The head of the Office clearly stated that the presentation of any document related to transfer certificates is conditioned on an express authorization from the General Directorate of Forests. A request for a hearing has been submitted by the project team since the launch of the project, which has remained unanswered. We also contacted by phone the communication officer of the Ministry who promised to call us back, despite our multiple attempts to follow up, we have not been received by the administration. When asked whether the cubing of the wood had been calculated in the presence of the communities and the local Administration in charge of the forest before recovery, Mr. Dorcely answered affirmatively. However, the communities assert that the local administration was not present during the cubing calculation. There is doubt about the actual volume of the logged wood. The absence of a water and forest agent during the cubing calculation constitutes a fraudulent maneuver punishable by Article 275 of the forestry code. Similarly, the fact that no document was presented to us (transfer certificate and transport slip) is considered as exploitation without authorization punishable by Article 275 of the forestry code. Indeed, Article 14 of the forestry code states that "No one may, in the domains of Water and Forests, engage in a free or commercial exploitation, harvesting, or transformation of any natural product, without prior authorization from the Water and Forests administration." In this case, Mr. Dorcely representing the company OMCD engaged in the loading and transport of Kévazingo logs in the absence of water and forest agents and without transport slips over a distance of approximately 25 km from the village of Okok to Bitam. The penalty for the above-mentioned infractions is contained in Article 275 of the civil code which states: "Those guilty of the following infractions are punishable by imprisonment for three to six months and a fine of 100,000 to 10,000,000 CFA francs or one of these two penalties only,

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Capacity building for effective involvement of non-state actors in the preservation of Kévazingo. 6 exploitation without title, in application of the provisions of Article 14 of this law, cutting wood outside the limits of the permit, harvesting products other than those provided for in the exploitation title; (...) fraudulent maneuvers;". Recommendation: The Bitam Office must ensure strict compliance with the regulations in force regarding the recovery of abandoned wood. Photo 1: Operation of recovering abandoned wood at Ango Essangui (Okok). 5. Recommendations Following this mission, the OI makes the following recommendations: For the communities Be vigilant and do not hesitate to raise alerts for any suspicious activity Gather sufficient evidence before denouncing illegal activities. For the General Directorate of Forests The DGF must conduct a mission to identify the perpetrators of this illegal practice and initiate legal proceedings against them.

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Joint independent observation missions with communities and CSOs. 7 For the water and forest office: Extend the field visits of the mission team to the logging concessions; Verify the regularity of the recovery of Kévazingo wood; Verify the allegations of the communities; 6. Evaluation of the mission The mission went well overall. Apart from the difficulties related to the vehicle, notably a flat tire on the way back. This difficulty had an impact on the available budget.

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Capacity building for effective involvement of non-state actors in the preservation of Kévazingo. 8 7. Annexes 7.1. Materials used - 2 Notebooks; - 1 GPS; - 1 Smartphone equipped with a GPS camera; 7.2. Photos from the mission

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BRAINFOREST P.O. Box: 23 749 Libreville, Gabon 636 Ambowé, avenue Lucie Bongo (behind the GAULLE Camp) Tel.: +241 11 73 08 86 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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