

Case study 12

Gabon: current situation with verification and forest control activities

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Informations			
Key facts		Date	Data source
Population	1.4 million	2007	UNFPA 2007
Land area	25,767,000		
Forest cover	84.5%	2005	FAO 2007
Public forest ownership	100%	2000	FAO 2005
Industrial roundwood production	3,560 million m ³	2003	ITTO 2006
Formal forestry sector employment	32,000	2004	PSFE 2005
Contribution of forestry sector to GDP	4%	2005	CBFP 2006
Value of forest products exports	111.1	2006	BEAC
Main foreign markets of woods	China and EU countries	2006	CBFP 2006
TI corruption perception index	3.0	2006	Transparency International 2007
Human development Index	0.677	2005	UNDP 2007

1. The National Forest Sector: context and issues

Forest resources are a major economic and environmental asset in Gabon. Its forest potential is considered one of the highest in Africa, with over 21,775,000 ha of forested area constituting 85% of its total territory (FAO 2007). Close to 20,000,000 ha can be exploited (PSFE 2005). The forest reserve covers an area of about 1,800,000

ha (PSFE 2005; Park 2008). Conscious of the natural potential of its territory, French colonists began logging in Gabon in the 1950s, when timber exports amounted to about 80% of total exports. Timber exports continued to make up large part of total exports years after independence, until the mid 1970's oil boom (Wunder 2003), when oil took the leading role in terms of export revenues.



In the 1990s, the forestry sector in Gabon assumed a renewed importance, due to a drop in oil production as well as the introduction of sustainable forest management, the latter to be implemented in the framework of a structural adjustment program. This situation led to the July 22, 1982 reforms of the law on Water and Forests, which was later replaced by a new Forest Code in 2001. This new text introduced a distinction between the permanent forest estate and the rural forest estate. The former is made up of gazetted state forests and productive state forests, while the latter is made up of council forests and other forests in the rural estate. The permanent estate includes protected recreation forests, productive forests or reforestation zones and production forests. Also, the 2001 Law introduced new logging titles, such as sustainably managed forest concessions (CFAD), the *Permis forestiers associés* (PFA), for forests surfaces included between 15,000 ha and 50,000 ha, and the *Permis de gré à gré* (PGG).

The logging sector is the main source of employment in Gabon, employing over 20% of the active population. However, its contribution to the GDP, which amount to about 4%, is small considering its actual potential (CBFP 2006). In 2007, forests generated income amounted to more than 50 million dollars (Karsenty 2007). Timber is mainly exported as roundwood. A total of about 1.7 million m³ was exported in 2006 (BEAC 2006). Industrial processing capacity is improving, thanks to the arrival of new industrial groups, likely attracted by the opportunities the new forest legal framework provides. Domestic processing is estimated between 18 - 25% of national production, dominated by French sponsored companies, followed by Asian ones (CBFP 2006). The number of national entrepreneurs is very small. They mainly operate under small titles like the PFA and the PGG.

According to the forest administration, about 7.5 million ha in the permanent forest estate have or are about to have sustainable management plans. Precisely, 8 forest concessions have approved plans, and other FMUs are under temporary agreement. Close to 34 companies operate in the forestry sector.

As far as small logging titles (PFA and PGG) are concerned, most of the harvesting done with this titles does not respect sustainable management norms. Also to face this problem, the government of Gabon, with the help of the French Development Agency (AFD), has recently made available financial assistance worth 6 billion CFAF to national economic operators and some strangers operating under small titles, to encourage sustainable forest management¹.

A comprehensive study on the legality of forest operations in Gabon is still lacking. However, a lot can be gauged from statistics available at the Research and Documentation office of the Ministry of Water and Forests, Fishing, and Reforestation in charge of Environment and Nature Protection. 451 statements of offence (or PV - *procès verbaux*) on infractions of forest legislation were registered in 2002, 281 in 2006, and 252 in 2007. During the 2007 financial year, for the 252 PVs reported, the public treasury received 202,000,000 CFAF payments in fines. Authorities

also reported an increase in tax payments. In 2006, about 8 billion CFA worth of taxes were collected and 14 billion CFA in 2007.

Despite improved tax collection, to which Gabon is committed through the Forests and Environment Sectoral Program (PSFE), many challenges still lay ahead. On the one hand, the country would like to start negotiating bilateral Voluntary Partnership Agreements (VPA) with the EC in the framework of the FLEGT process, and thus needs to start developing a legality matrix to monitor and verify the legality of timber production and exports. On the other, as member of the Central African Forest Commission's (COMIFAC), Gabon has agreed to implement sustainable forest management, through management as well as conservation plans.

2. Mandate and legal framework for forest control

Article 15 of Gabonese Forest Law No. 016/2001 of December 31, 2001 states that the Ministry of Water and Forests will ensure general information, awareness raising, education, extension, control, combat crime and policing. These general provisions are completed by article 25, which mandates the Ministry of Water and Forests to control and inspect forest management and industrialisation plans.

With regards to allocation of forest titles, the Ministry of Water and Forests has the exclusive right to authorise economic operators to carry out logging operations. It also retains the exclusive power to issue the *permis de gré à gré* (PGG). Other logging permits, namely the CFAD and PFA, are in principle to be issued by the Committee for the industrialisation of the forestry sector (Comité pour l'industrialisation de la Filière Bois) to be created according to the provisions of article 104 of the law. In fact, this committee, which was to deliberate on the demands for logging permits, has not yet been created, and all present logging titles were obtained from the conversion of old permits into forest concessions or through the granting of PGG permits. A presidential decree in 2004, declared a moratorium on the issuance of PGG permits, in order to introduce public bids in conformity with provisions of the Law and to ensure improved transparency in the allocation of logging titles. Since then, legal provisions laying down conditions for public auction have been finalised, but the Committee for the industrialisation of the forestry sector is yet to be established and the first auction has yet to take place.

The mandate to inspect forest crimes (art. 262 and 263) is shared between the office of the Prosecutor (which, as in most judicial systems is under the supervision of the Ministry of Justice), police officers and other officials from the Ministry of Water and Forests. However, forest administration agents can carry out inspection/police functions "only after taking an oath before the competent jurisdiction". Fines, restitutions, damages and other logging penalties are recovered by the administration des domaines (land and estates department).

There are other forest control and monitoring bodies in Gabon that are not directly provided for

in the 2001 Forest Law. These include the taxation administration in charge of tax collection and the customs administration in charge of exports. These two organs belong to the Ministry of the Economy, Finance, Budget and Privatization but, a ministerial ruling governs tripartite relations between the latter and the Water and Forests administrations to ensure cohesion of actions. Finally, the Société Nationale des Parcs à Bois du Gabon (SNPBG), which manages the timber yards in the port of Libreville, provides the forest administration with statistics.

At the moment Gabon does not have an Independent Observer (IO) of forest operations. However, the offer has been made to the country by the NGO, REM, which has already carried out a pre-feasibility study. Two private companies, SGS and Falcon Eye, have also recently proposed to the government to carry out Independent Observation.. Despite these offers and pressure from some groups within the donor community, Gabonese authorities are sceptical about hiring an IO to monitor its forest operations. Presently, forest monitoring is carried out by the Ministry of Water and Forest at an estimated cost of 50 million FCFA per budget year. Forest control missions are carried out with help of an updated forest map obtained through an MoU signed between the Ministry of Water and Forests, Global Forest Watch (GFW) and World Resource Institute (WRI) in July 2005. The agreement focuses on collection and updating of existing data on forest resources use and management in Gabon, in order to enforce forestry laws and increase the control and monitoring efficiency of logging activities.

3. Organisation of forest control and verification

Forest control aims to ensure the legality of operations through inspections of logging titles, harvesting of timber species, transportation of roundwood, wood processing and exports of by-products. It entails verification of the operations in accordance with the provisions of the 2001 legislation, which is carried out by the Central Department of Water and Forests at the ministry. The Department is subdivided into four structures, namely the Directory of Inventories, management and forest regeneration (*Direction des Inventaires, des aménagements et de la Régénération forestière* - DIARF), which is mandated to monitor concessions; the Department of Forest Production, in charge of 'small' logging titles; the Department of Industries and the Department of Research. These structures are endowed with sworn agents that carry out forest control. At the level of the decentralized administration, there are also provincial units assigned to carry out verification activities. At the bottom of the administrative system, there are cantonment posts that carry out control in their respective territories. Working closely with provinces and cantons control units are mobile control brigades established by the Ministry: one for the Owendo port, one based at the entrance of Libreville and another based at Cape, close to Libreville. There is a plan to create two more brigades to strengthen this mobile verification system. One will be based at the northern border with Cameroon, and

the other in the South, at the border with Congo.

According to interviews conducted for this study, provincial control units and canton posts carry out one forest control mission each per year. In other words, the decentralized forest control administration carries out two control missions each financial year, while the bulk of their job is made on administrative documents consulted in the capital. The three mobile control brigades carry out verification of administrative documents and of products. Inspection reports and statements of offence by decentralized control organs are channelled up the central administration of the Ministry of Forests for treatment. DIARF treats these reports and statements of offence when infractions occur in CFAD, whereas when infractions occur in smaller titles (i.e. PFA and PGG), the Department of production is in charge of their treatment. The two competent departments have the obligation to communicate all statistics to the Department of Research and Documentation.

Administrative documents that should be examined are mainly the site records, voucher specifying products, wood transportation papers, tax payment attestations and export authorisations issued and signed by the competent administrations. However, during field control missions, officials inspect logging titles, respect of concession boundaries, records, respect of minimum log diameter, and several other parameters. In accordance with the forest legislation, control and verification officials are to draw up a statement of offence (PV) whenever non-conforming activities that may be considered an infraction are observed.

It should be noted that often, control is mostly manual and made by using non updated, inaccurate or incomplete information. The lack of accurate maps, of a centralised forest information management system, as well as the weak use of modern tools such as GPS receivers, all contribute to a poorly efficient control and verification systems.

4. The verification system: an interim assessment

Presently, the Gabonese forest verification system is based on two main pillars. First, its legitimacy, based on the 2001 Forest Law and other texts. Second, its organizational framework, concerning several departments of the Ministry of Water and Forests as well as other Ministries, such as the Ministry of justice, or international private companies (the *Société Nationale des Parcs à Bois du Gabon* - SNPBG) and organisations (WRI's Global Forest Watch - GFW), the latter specifically related to forest mapping.

The statistics submitted by the Ministry's Department of Research and Documentation, as well as interviews held with forest operators, can be used to provide two contrasting interpretations of the performance of such a system. The number of infractions reported by the competent services decreased from 451 in 2002 to 281 in 2006 and 252 in 2007. On the one hand, the decrease may mean that Gabon's logging sector was characterized by systematic illegal practices in the days just after the adoption of the 2001 forestry code, which decreased with time also

thanks to the control and verification strategy in place. On the other hand, statistics on decreasing PVs may also indicate the inefficiency of the system, especially when the number of registered infractions is checked against the small number of monitoring missions (2 in both 2006 and 2007) carried out, certainly insufficient to cover all logging operations in Gabon's forests. Furthermore, it is also possible that unlawful forest operations may have become more subtle and complex, making it more difficult for forest inspectors to detect them easily.

Logging operators have a negative opinion of the present verification system. They criticize mobile inspectors' lack of good knowledge of the Forest Law, inexact analyses of infractions by forest agents, absence of an updated forest map, absence of a central forest management information system, inadequate training to use modern tools like the GPS, computers, and leniency with small logging title's holders. However, the same actors appreciate the positive evolution of forest governance in Gabon, as corruption is reportedly less rampant in the sector.

A closer look at Gabon's verification system reveals some shortcomings despite the good impression one gets from available statistics. The plethora of administrative bodies in charge of the sector is hardly collaborating in order to set clear objectives and establishing a strategic modus operandi. This absence of collaboration results in lack of cohesion between the central services of the Ministry of Water and Forests, its branches in the provinces, mobile brigades, taxation and customs authorities and the SNPBG. Furthermore, the system is unable to carry out continuous monitoring to establish traceability of all timber from Gabon's forests. Hence, forest monitoring activities by the various forest administrations are disconnected. This problem is well known and acknowledged by the administration, since several studies have been carried out in the country, with external funding, to create an integrated central system to establish traceability of Gabon's wood products², but implementation of recommendations has proven a difficult task.

One also notes that there is no specific regulatory text on forest products control and monitoring in Gabon. Such a legal instrument would facilitate the operationalisation of forest monitoring and understanding of the process by all actors in the sector. Equally, there is no document on a national strategy for control and the fight against illegality, and other areas of interest. Yet, the country committed to develop such a document within the COMIFAC framework. This national forest control strategy is supposed to complete the legality matrix which will soon be finalised for FLEGT and APV negotiations with the EU.

Finally, the forest control and verification system described above is entirely embedded in the administrative and bureaucratic macrostructure of the organs (Ministries) of the Gabonese state. The absence of a third party – an independent observer – and the lack of involvement of civil society are easily noticed. The signing of the MoU with GFW for forest mapping is a major positive step, but the results are

yet to be felt by actors on the ground. In fact, the control and verification system does not ensure the neutrality and independence such a body (the IO) would need to operate. Continuous refusal to hire an international Independent Observer on grounds that it would be costly is justifiable; however it should be possible to make up for the absence of an IO by contracting national civil society at affordable costs. Consequently, the system in force in Gabon does not meet the standards for an efficient forest verification model (Brown 2006).

Conclusion

The verification of logging operations is mainly based on the December 2001 Forest Code and organs of the Ministry of Water and Forests supported by the Ministries of Finances and Justice. The system is based on field missions to be planned and carried out on a regular basis. In terms of efficiency, the results by the teams on the ground show that control missions are carried out twice a year and that actors are respecting good forest governance requirements and respecting forest legislation.

Nonetheless, the system in force in Gabon has setbacks, namely the absence of cohesion among the multiple agencies involved, incapacity to control the entire wood products chain, lack of actual and continuous coverage of forests, absence of centralisation and management of forest information, lack of standardised practices and work equipment and human resources, lack of involvement of civil society and absence of an external independent observer (IO). Gabon's verification model is under construction and should draw on the experiences of other countries to improve its performance. As such, in addition to the FLEGT legality matrix, it needs to develop a national forest control strategy, establish a central forest information management system (SIGEF), create the two already planned mobile control brigades, create a committee made up of forest control bodies, strengthen decentralised services through recruitment of additional staff, train and equip its staff, and hire an IO in addition to competent administrative control structures or make up a network of observers including the national civil society.

These measures can contribute to improving the present system, and make it able to tackle challenges in Gabon's forest sector, such as sustainability and traceability of its products. This would be appropriate at a time when public auctions of logging titles are about to be launched. If the present verification system is not strengthened, it could hardly be used to tackle illegal activities and bad forest governance.

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Notes

1 Press release on the signature of the AFD funding agreements for the extension of sustainable management to small forest permits.

2 For example, the forest statistics project - phases 1 & 2, on the keeping of concession records (carnet de chantier), the forest statistics

project - phase 3, on forest inventories and documentation, the COMFOR project, on the commercialisation of products at the Owendo port and in some logging sites, the forthcoming forest statistics project - phase 4 that will be on wood processing units.

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