

CLIMATE CHANGE LEGISLATION IN

Gabon

AN EXCERPT FROM

The 2015 Global Climate Legislation Study

A Review of Climate Change Legislation in 99 Countries



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Gabon

Legislative Process

Gabon is a Presidential Republic in which the legal system is based on French civil law. The Constitution, written in 1961 following independence from France, was last revised in 2003. It provides basic freedoms and guarantees the separation of executive and legislative powers.

The government comprises a bicameral Parliament composed of a National Assembly and a Senate. The National Assembly has 120 deputies elected by direct popular vote for a five-year term, whilst the Senate has 102 seats, with senators elected by municipal councils and regional assemblies for a six-year term. The most recent elections were in 2009 for the Senate, and 2011 for the National Assembly. The next Senate election was scheduled for January 2015 and the next election for the National Assembly is due in December 2016. The President is elected for seven years with no presidential mandate limitation.

Ordinarily, there are two legislative sessions per year, the first from March to June, and the second September through December. The Government and Parliament co-jointly hold the authority to propose legislation. Legislation initiated by the Government is termed a 'bill,' and must first be reviewed by the Administrative Court and approved unanimously by the Council of Ministers before entering one of the two houses of Parliament. Legislation from Parliament is termed a 'private bill.' Before debate in a plenary session, both types of bills are referred to the relevant committee of each chamber

The Gabonese Democratic Party (PDG) has been in power since 1968 and has had the most influence over Gabonese politics, both before and after the first multi-party National Assembly elections in 1990.

Approach to Climate Change

Gabon is one of the most developed countries in sub-Saharan Africa, but it is particularly vulnerable to climate change, since 75% of the country's 1.5m people live on the coast, while the major centre of oil production is at coastal Port Gentil, which is on average only 4m above sea level. The country is renowned for the richness of its natural capital. Some 85% of the country is still covered by rainforests, and there are patches of natural savannah in the south.

The UNDP estimates that mean temperatures rose by 0.6°C since 1960 and rainfall increased by 2.6% over the same period. The government is concerned that these changes will lead to increasing vulnerability both domestically and regionally. Climate change models predict regional reductions in precipitation; however in Gabon, a relatively stable and increasing rainfall is anticipated. Other

expected climate change impacts include: coastal zone flooding due to sea level rise; increased coastal erosion; saltwater intrusion into littoral drinking water aquifers; and increased storm severity. Gabon identified its coastal zones, water resources, agriculture and health as the four most vulnerable sectors in its first National Communication to the UNFCCC in 2004.

The economy continues to be largely dependent upon oil and the export-led exploitation of raw materials. Oil provided about 50% of GDP and 80% of exports between 2008 and 2010. Timber and manganese constitute the remainder of exports, reflecting the lack of diversification in the economy and the potential for natural resource exploitation. This dependency on fossil fuels and natural resources increases domestic exposure to international price volatility, and also presents challenges to the commitment to sustainable development. Oil production is now declining, which has further increased the urgency of developing sustainable diversification strategies. This challenge is being met with ambitious proposals and plans to provide a new economic model based on sustainable development, and to respond to the challenges of climate change. Most significant is the “Emerging Gabon” development programme, launched in 2010, which aims to make Gabon an emerging economy by 2025. Green Gabon, is one of the three pillars of the development programme and is focused on sustainable development and climate change mitigation. The goals of Green Gabon include: improving food security, creating sustainable fisheries, and instituting sustainable forest management practices.

In 2010, a National Council on Climate Change was established along with a Climate Change Communication Committee. The Climate Council falls under the President’s direct authority, and is charged with preparing and managing the National Climate Plan (2012) with the assistance of the GEF. This Climate Plan has developed an approach to preserve the rainforests and manage industrial emissions. The plan is integrated into the government's broader strategic development goals produced with the National Commission on Sustainable Development and through the newly-created Ministry of Economy and Sustainable Development.

The UNDP/Africa Adaptation Programme has emphasised the significance of the creation of an environment department in all ministries, a sign of the commitment to integrating sustainable and climate-focused development into the heart of government and national development. Due to the economic reliance on natural resources and the threats that climate change brings, the environment is seen as a cross-cutting issue that underpins future prosperity, security and well-being.

Tropical forest countries such as Gabon need, on the one hand, to provide sustainable economic growth, enhance the capacity of society and the economy to adapt to climate change, and contribute to its mitigation by reducing environmental degradation. Yet on the other hand, these countries have large structural dependencies upon natural resource exploitation to drive economic

growth. There is therefore a need to increase value added domestically in production, a philosophy that will be important in the development of the timber and forestry sector, particularly under an anticipated REDD+ regime.

Gabon has also produced world class research in forestry and climate change, and has developed international co-operation with universities and researchers in France, the UK, Ghana, Cameroon and the USA. This has been facilitated by the Cellule du Changement Climatique and the French organisation Centre International de Recherches Medicales (CIRMF), hosted amongst other sites at the Centre for the Study of Gorillas and Chimpanzees at La Lope.

Energy supply

Among the top-five producers of oil in Sub-Saharan Africa, Gabon was once a member of the Organisation of Petroleum Exporting Countries (OPEC) and is heavily dependent on fossil fuels for both export revenues and domestic energy production. In 2010, fossil fuels made up 59% of the total installed electricity generating capacity, while the remaining 41% of installed capacity came from hydroelectric plants. The majority of installed capacity is consumed in the cities of Libreville and Port-Gentil.

The government aims to raise hydroelectric production from 373MW to 1200MW by 2020. The African Development Bank estimates that Gabon has a total hydro potential of between 5,000 and 6,000MW and has approved a EUR57.5m (USD72.2m) loan to support the Coder Hydropower Project. This consists of two hydroelectric power plants: a 52MW plant in north Gabon at Ivindo and a 70MW plant in the Ngounie Province in Grand Poubara. It is hoped that these dams will not only provide sufficient power to be exported regionally, but will also stimulate domestic private sector investment and infrastructure development. The African Development Bank estimates that these plants will produce 122MW, saving 530,000 tons of CO₂ emissions annually.

Energy Demand

The World Bank estimates that only 60% of Gabon's population has access to electricity. According to the US Energy Information Administration (EIA), nearly 50% of energy consumption is from biomass and waste (wood, crop residues, manure, and charcoal): the rural population's primary method of meeting household cooking and heating needs.

Amidst rising electricity demand among both residential and industrial consumers and frequent electricity shortages, Gabon has endeavoured to expand the electricity supply and meet increasing demand, primarily by building hydropower plants and extending transmission lines. However, expansion of hydropower does not erase concerns regarding electricity reliability, as key business hubs in the country have previously experienced blackouts during periods of low rainfall.

REDD+ and LULUCF

Gabon is one of the 11 countries of the Congo Basin, the second largest tropical forest after the Amazon Basin, with an area of 250m ha. Some 11% of the country was allocated to form 13 national parks in 2002. Much of the remainder has been designated for industrial logging, and mining concessions. Much of the logging has historically involved selective rather than clear-cut logging, and some 85% of the country remains covered in a forest that still harbours significant populations of large mammals such as forest elephant, gorillas and chimpanzees, which were once found across all of central Africa.

The expansion of forestry and mining is expected to increase due to economic growth and the structural dependency on natural resources. The sectors are also expected to increase their relative contribution to the economy due to continued decline in oil production. In recognition of this, the government has put the preservation and sustainable use of natural heritage at the heart of its development strategy.

In 2010 the government banned raw timber exports and it has introduced a 100% domestic wood processing target with the intention of increasing the amount of value-added in the timber sector, to increase domestic profits from forest exploitation, and foster a domestic processing industry. The International Tropical Timber Organisation estimates that this ban has so far been effective. A further challenge for the sector is to reduce the amount of waste and forest damage in industrial logging, which should be addressed in the context of Gabon Emergent and improved forest management. The changes in this sector have been supported by international partners: Gabon has been selected as a target country by the World Bank Forest Carbon Partnership Facility and is supported by the Congo Basin Fund. In addition, Gabon is a part of the Central African Forests Commission (COMIFAC) and works with the eco-certification of Forest Concessions in Central Africa project (ECOFORAF), which seeks to improve forest management throughout the region.

Other measures include the introduction of incentives to improve local forest management through the development of community-based forestry. Community Forests are recognised in the Forest Code of 2001, while a 2004 Decree established the conditions for their creation. Pilot projects have been set up for Community Forests under the umbrella of Development of Community Alternatives to Illegal Logging (DACEFI). In addition, the International Tropical Timber organisation (ITTO) has established three pilot sites in three provinces to develop community forestry projects.

The work of the Africa Adaptation Programme emphasises the role of mangrove forests in climate change adaptation. Mangroves provide a buffer against coastal erosion, are crucial spawning grounds for fish, and are thus essential for livelihoods. Gabon's First National Communication emphasised coastal vulnerability; however, local people in the coastal zone have been cutting the

mangroves for firewood for fish-smoking businesses. The government, subsequently, allocated funds for mangrove protection in the 2013 budget.

In 2010, the Gabonese Agency for Space Studies and Observations was created as a regional centre of excellence to monitor deforestation across 2m km² of the Congo Basin. The agency has been created in collaboration with Brazil and France and will install a satellite-receiving antenna and create a centre of excellence in remote sensing, to monitor forests in Gabon and the wider region.

In September 2014, the Gabonese National Forum of the Conference on Dense and Humid Forest Ecosystems in Central Africa (CEFDHAC) hosted a climate change workshop in Libreville, to discuss climate change and REDD+ activities and engagement strategy. The workshop recommended that the engagement strategy also be discussed with technical and financial partners to assist with fundraising before 2015, as well as the circulation of REDD+ and climate change issue position papers.

Adaptation

The costs and benefits of adaptation are being estimated and integrated into various government agencies' development plans, which include vulnerability assessment and sectoral adaptation options. In order to streamline climate change concerns across sectors, Gabon created a department of the environment within every ministry. Gabon's adaptation work is being supported by the Japan-funded, UNDP initiated Africa Adaptation Programme (AAP), "Supporting Integrated and Comprehensive Approaches to Climate Change Adaptation in Africa".

The AAP's work covers 20 African countries, and in Gabon focuses on coastal adaptation and the prevention and mitigation of disasters. Its USD2.47m budget will support improved institutional capacity for adaptation in coastal zones. This work has led to the development of the National Strategy on Coastal Adaptation to Climate Change (2013) and to the draft National Coastal Adaptation Law, which according to AAP's website has been submitted to Parliament. Other AAP-assisted adaptation projects in Gabon include restoring sustainable fisheries and protecting coastline.

The Ministries of Planning, Finance and Environment intend to create a National Adaptation Fund, although there had not been significant developments at the time of writing. However, since Gabon has quite a high level of development, especially regionally, it will not be producing a National Adaptation Programme of Action under the UNFCCC.

Gabon: Executive Portfolio

Name of policy	Resolution No. 20/2013 on Sustainable Development in the Republic of Gabon
Date	2013
Summary	This resolution aims to create a national and international ecosystem services market in the services that natural biological systems provide, such as regulating water flow in watersheds and sequestering carbon. Market failures cause these services to be lost as the natural ecosystems are degraded and replaced with other land uses such as agriculture. Payments for Ecosystem Services (PES) are proposed as a way to attribute value to natural ecosystems and provide financial incentives for their management and conservation.

Name of policy	National Strategy on Coastal Adaptation to Climate Change
Date	January 2013
Summary	<p>Serves as the framework legislation for coastal adaptation efforts in Gabon aimed at ensuring the physical integrity, as well as controlling and decreasing the risk of erosion, coastal flooding, and associated socio-economic decline.</p> <p>Formulated and adopted with the assistance of the Africa Adaptation Partnership, this Strategy formally establishes the following objectives:</p> <ol style="list-style-type: none"> 1. the implementation of protective instruments to prevent coastal erosion including sea walls and beach nourishment 2. the establishment of specific coastal zone management guidelines 3. define and delineate vulnerable coastal areas that consider hydrological, biogeographic, socio-economic, and cultural factors 4. the establishment of a central institutional management platform to monitor coastal zones and make decisions regarding coastal zone management 5. the simultaneous implementation of measures to improve the lives of urban coastal populations impacted by poverty

Name of policy	National Climate Plan ("Plan Climat")
Date	2012
Summary	<p>The plan is designed to: (1) enable Gabon to control its GHG emissions and reduce climate risks across the country and (2) enable the reconciliation of environmental protection and sustainable economic development, in accordance with the Gabon Emergent strategy.</p> <p>The Plan provides improved spatial planning to precisely determine which areas are to be developed for agriculture, mining, infrastructure and conservation, with a focus on reducing vulnerability to coastal erosion and deforestation. It also provides a national plan to reduce emissions from 'flaring' from gas and oil production, produced in collaboration with the oil sector. The plan promotes increased reliance on domestic renewable energy sources, particularly through the development of hydro-electricity.</p> <p>The plan sets the following targets:</p> <ul style="list-style-type: none"> • create a sovereign wealth fund • reduce the volume of waste products flared during oil production by 60% by 2015 • produce a carbon budget each year for all new projects and private enterprises • produce a national carbon budget every two years • produce 80% of energy from clean sources by 2020

Name of policy	Decree No. 0672 on the creation, power, and operation of the National Platform for the Prevention and Reduction of Disaster Risks
Date	16 May 2011
Summary	Establishes a National Platform for the Prevention and Reduction of Disaster Risks (PNPRRC); a multi-sectoral commission responsible for coordinating and strengthening interdisciplinary collaboration on the sustainable prevention and reduction of disaster risks. Serves as the framework law on disaster prevention and risk management. Does not explicitly identify risks, climate change related ones or otherwise, but rather outlines the organization structure of the National Platform and its composite parts.

Name of policy	Decree No. 0919 on the establishment, responsibilities and organization of the General Directorate of Meteorology
Date	29 December 2010
Summary	<p>Establishes the General Directorate of Meteorology (DGM) within the Ministry of Transport to develop, propose, and implement Gabon’s policy in meteorology, which is defined to include climatology.</p> <p>Outlines the responsibilities of the DGM, which include:</p> <ul style="list-style-type: none"> • studying atmospheric phenomena and employing their knowledge to protect and preserve Gabon’s people, property, economic and social development, and environment • maintaining a collection system for meteorological, climatological, and geophysical data. <p>Further outlines and details the membership, duties, and powers of the DGM and its composite parts.</p>

Name of policy	Decree No. 0122 setting the responsibilities, organization and functioning of the National Council on Climate Change
Date	23 April 2010
Summary	<p>Establishes the National Council on Climate Change, under the authority of the President of the Republic, charged with determining and developing the strategic direction of Gabon’s National Policy to combat climate change: a National Climate Plan.</p> <p>Requires the National Council to, in particular:</p> <ul style="list-style-type: none"> • fight against climate change • forecast the vulnerabilities of Gabon’s territory and population • examine and evaluate proposals and projects relative to climate change • contribute to Gabon’s integrated development policy, with respect to climate change • strengthen national institutional capacity throughout industry <p>Further outlines and details the membership, duties, and powers of the Climate Council and its composite parts.</p>

Name of policy	Decree No. 000925 establishing responsibilities, organization and functioning of the National Commission on Sustainable Development
Date	18 October 2005
Summary	<p>Establishes a National Commission on Sustainable Development under the authority of the Minister of Environment to define the guidelines of Gabon's national sustainable development policy, pursuant to the UNFCCC. Serves as the framework for the development of a national sustainable development policy; however, no specifics are provided regarding its prospective contents.</p> <p>Further outlines and details the membership, duties, and powers of the National Commission and its composite parts.</p>

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