2011 Sustainability Index of NGOs in Sub-Saharan Africa

Indice 2011 de pérennisation des ONG de l'Afrique sub-saharienne

GABON Capital: Libreville Political regime: Republic; multipartite presidential regime Population: 1,608,321 (est. July 2012) GDP per capita (PPP): $16,400 Human development index: 106 SUSTAINABILITY OF CSOs: 5.4 The sustainability of CSOs in Gabon largely stagnated in 2011. No progress was recorded towards improving the legal context, as the revision of Law 35/62 on associations was postponed to an undetermined date. CSOs also had to face a tense political situation due to the legislative elections held in 2011. When the government refused to implement a biometric identification system for voters, the opposition boycotted the elections, and a collective of CSOs led a movement called "Enough is Enough" to call for transparent elections. As part of this movement, the civil society actors took a clear position for the first time on the political debate in Gabon, and the collective submitted a list of thirteen demands for transparent elections. However, relatively few CSOs participated in this movement, and many others remained silent out of fear of public authorities, pressure, and intimidation. The movement also exacerbated tensions within civil society. One of the characteristics of Gabonese civil society is, in fact, the division between pro-government CSOs and more independent CSOs. Although CSOs are theoretically not linked to any particular political party, they often do so to promote certain causes. Pro-government CSOs are created by someone in power or someone seeking a protector in power. They generally benefit from certain favors from public authorities, while those that are more critical of the government face threats of dissolution or personal threats against their directors. Divisions intensified in 2011 between pro-government CSOs and independent CSOs. The growing conflict between these two groups hindered the emergence of a strong and independent civil society. Public authorities became increasingly hostile towards CSOs, especially those questioning government policies. CSOs were only tolerated when the international community conditioned their aid on their participation in programs. By coming to understand their roles and responsibilities, CSOs are working to further professionalize their staff, offices, management, and technical skills. CSOs are also beginning to collaborate more and form coalitions and platforms to conduct advocacy campaigns, as evidenced by the "Enough is Enough" movement and the Gabon Environment platform. Some coalitions and platforms are beginning to develop strategic plans. In addition to the conflict with the authorities, CSOs are hindered by a shortage of funding sources, which restricts their activities and prevents them from hiring permanent staff and acquiring the necessary equipment to operate properly. This is partly due to the fact that Gabon has been designated as a middle-income country, which limits the international funds available for the country in general and for CSOs in particular. LEGAL CONTEXT: 6.1 The regulatory and legal framework governing the activities of CSOs, Law 35/62 of December 10, 1962, did not improve in 2011. In 2010, the Non-State Actors Strengthening Program (PROGREANE) proposed a revision of this law to strengthen the autonomy of CSOs. The proposal would have reduced the administrative procedures and declarations that CSOs are required to make, recognized a special "NGO" status, expanded authorized activities, and provided CSOs with new protection measures against dissolution. No progress was recorded in 2011 towards the adoption of this law revision, even though the current law is no longer well suited to Gabonese CSOs and the role they play in society. For example, the legal guidelines regarding internal management, the framework of authorized activities, and the dissolution of CSOs are all ambiguous, giving authorities leeway to arbitrarily manipulate CSOs and leaving them with little recourse against harassment, apart from direct recourse to the

Council of State. Several CSOs working on various issues have faced increasing pressure from public authorities due to the conflict caused by the "Enough is Enough" movement and a dispute

with the national teachers' union. CSOs that criticize public authorities face explicit or veiled threats of dissolution, and in some cases, their leaders are targeted with physical threats. One of the most striking examples of harassment by public authorities in 2011 was the suspension in January of the salaries of nine leaders of the National Convention of Education Sector Unions (CONASYSED) in retaliation for a strike. The nine leaders responded by going on a hunger strike from September 2 to 18, 2011, until the Archbishop of Libreville intervened to negotiate the end of the suspension of their salaries in exchange for stopping the strike. However, several of CONASYSED's original demands were not met.

While international organizations are exempt from VAT and certain customs duties, national CSOs do not benefit from any tax exemptions under the law. National CSOs can theoretically benefit from tax exemptions if they obtain public interest status, but only a few have this status because the process of obtaining it is extremely cumbersome. When CSOs obtain a tax identification number, the software of the collection office does not even have an option to register CSOs or non-profit organizations, so CSOs are registered as for-profit businesses. However, CSOs rarely pay taxes beyond the social charges of their employees and therefore risk being claimed for back taxes. It is still difficult for CSOs to access legal advice as these services are expensive and local lawyers are not always competent. There is indeed no specialized training on the legislation governing CSOs for lawyers, and only a few of them have a good grasp of these laws and the functioning of CSOs. There is still no law regarding CSOs that generate income from their provision of goods and services, even though an increasing number of organizations are now bidding for contracts and providing goods and services to the state and to foreign and national donors. ORGANIZATIONAL CAPACITY: 5.5 The statutes of most CSOs define their missions, which reflect the objectives of their founding members. Gabonese CSOs understand the importance of strategic planning for programming their areas of expertise and for broader national issues, but its implementation varies. In many cases, CSOs lack the knowledge and financial resources to undertake large planning exercises and have difficulty planning far enough in advance, particularly because few donors are willing to fund a three- or five-year plan. Gabonese CSOs are limited by their inability to retain permanent staff. Due to the nature of their funding, they generally hire employees on short-term contracts covering the execution period of a specific project and rely heavily on volunteers. Due to the limited funds available to them, CSOs cannot acquire modern office equipment. This is why many organizations share office space, and some are forced to use cybercafés to access the Internet. FINANCIAL VIABILITY: 6.1 If there is a threat hanging over Gabonese CSOs like a sword of Damocles, it is financial viability. Since 2010, there has indeed been no improvement regarding the availability of funds, especially at the local level. The tense sociopolitical situation around the elections has led several donors to refrain from launching funding opportunities for CSOs. The closure of PROGREANE in 2010 has also reduced funding opportunities for CSOs. The Sylvia Bongo Ondimba Foundation was created in 2011 by the First Lady of Gabon, partly to address this shortfall. Its stated goals are to fund the activities of

CSOs in three areas: youth education, maternal and child health, and vocational training for marginalized populations. In 2011, this organization launched its first call for proposals, but the selection was conducted in a very opaque manner and few CSOs were able to access these funds. The financial viability of CSOs was also hindered by the fact that the state changed its funding priorities in 2011. Indeed, the majority of public funds were allocated to preparations for the 2012 Africa Cup of Nations and to the organization of the legislative elections scheduled for December 17, 2011. The state rarely issues calls for tenders for public contracts that CSOs can bid on, which means that the most financially viable CSOs focus their efforts on seeking

international funding sources. The largest funds are granted by certain private organizations, but foreign donors also occasionally provide funds to CSOs. However, the international financial crisis, which led to a reduction in international donations, has nonetheless heavily impacted the sector. There are very few local sources of patronage available to CSOs. In the rare cases where an individual donates to a CSO, it is generally for personal publicity or for a political campaign. This type of funding can, for example, be made available to CSOs that organize sports events for youth, which frequently allows for the publication of donor names. Aside from a few well-off CSOs, most do not have a financial management system. ADVOCACY: 5.1 The events of 2011 helped CSOs understand their impact on public debates and realize that public authorities are increasingly monitoring their activities, even though the institutional frameworks for dialogue have not been implemented. That year, CSOs participated in a number of forums and working groups on issues such as family planning, sexually transmitted diseases, hygiene, and HIV/AIDS. CSOs generated widespread enthusiasm in 2011 through several high-visibility advocacy campaigns on socio-political issues. In January, the Ministry of the Interior dissolved one of the main opposition parties, the National Union. After this decision was confirmed by the Council of State in July, a collective of CSOs fighting for good governance and human rights protection launched the Enough is Enough movement. This movement brought together several opposition party leaders and civil society leaders to demand transparency in the electoral process through the implementation of several new practices such as the use of a biometric identification system. The collective submitted a list of thirteen demands for transparent elections and led a nationwide advocacy and awareness campaign that successfully persuaded the public to abstain from participating in the legislative elections in December to protest against the government's failure to implement their recommendations. The abstention rate was therefore nearly 85%. The Network of CSOs for Good Governance in Gabon (ROLBG) and the National Observatory of Democracy (OND) have also been conducting a permanent campaign since the presidential elections of 2009 to enable civil society to participate more fully in the political life of the country. Throughout the year, student unions and unions in the health, education, energy, and agriculture sectors, among others, organized strikes to demand better working and living conditions. In terms of lobbying, the situation has not improved compared to previous years, and access for certain CSOs to public officials has weakened due to their association with the opposition political party within the framework of the Enough is Enough movement. In 2011, CSOs contributed to the revision of several laws such as the Environmental Code and the Forestry Code, but all these laws were blocked due to the impending elections. -- 4 of 8 -- SERVICE DELIVERY: 5.1 Despite the tense political situation in 2011, CSOs continued to provide services to the public. The range of products and services

offered did not significantly change. It included information and outreach campaigns as well as training and legal assistance. However, the tensions from the Enough is Enough movement and the strikes created internal divisions among CSOs and generated government animosity towards certain CSOs, which harmed their capacity to provide services. The decrease in funding also hindered this capacity. CSOs are improving their ability to respond to local needs as local communities and urban populations are becoming increasingly sensitive to the missions and objectives of CSOs. However, they do not always approve of the practices of CSOs that publicly criticize private companies and public authorities. CSOs are generally unable to recover the costs of the services they provide. While public authorities recognize the role they play in service delivery, the financial support they provide to CSOs does not reflect this. Grants awarded to environmental advocacy CSOs, for example, are far too small and irregular, and the selection of beneficiaries is widely considered abusive. INFRASTRUCTURE: 5.2 The infrastructure of CSOs has deteriorated with the end of the PROGREANE program, which had supported CSOs and worked to create a federation of CSOs. The Sylvia Bongo Ondimba Foundation does not fulfill this role as

well, but it has nonetheless engaged the French organization the Network of European NGOs for Agriculture, Trade, Environment, and Development (RONGEAD) to provide training to CSOs. However, many opinion leaders in Gabonese civil society believe that this foundation is used to control CSOs. The few CSOs that benefit from its services are generally pro-government organizations, which are sometimes labeled as opponents by other CSOs. The Sylvia Bongo Ondimba Foundation focuses more specifically on particular sectors. By the end of 2011, there were no other intermediate support organizations, resource centers for CSOs, or grant-making organizations at the local level. CSOs continue to share information within their networks, platforms, and other traditional means of communication. These channels include formal meetings and forums as well as informal gatherings and mailings. In 2011, CSOs also utilized social media networks, particularly Facebook, especially to denounce human rights violations on a larger scale. Aside from the services offered by the Sylvia Bongo Ondimba Foundation, training opportunities have not improved. Organizations like the National Center for Women's Associations in Gabon (CENAF) can only train a limited number of organizations due to financial constraints. While Gabon has experts in management and administration of CSOs, training or learning programs specifically aimed at CSOs remain scarce. PUBLIC IMAGE: 5.0 Media coverage of CSOs in 2011 was marked by a lack of impartiality due to the tense political climate. Public media closely adhered to the government's position and did not cover the activities of CSOs that criticize public authorities. In contrast, private media, particularly those supporting opposition parties, positively covered the activities of anti-government CSOs and avoided covering those of pro-government CSOs. However, some private media are close to the government. CSOs generally have to pay to obtain visible and positive media coverage of their activities. The concept of civil society and its role is not well understood in Gabon. However, the public still perceives the actions of the associative sector positively, especially after the emergence of the Enough is Enough movement, which has increasingly helped people articulate grievances they had been unable to express publicly in the past. However, the media did not cover this movement comprehensively, and some segments of the population still have a distorted perception of CSOs. The growing visibility of these movements has complicated public authorities' perception of CSOs, which they increasingly view as linked to the opposition. The debate no

longer concerns technical issues related to the recognition of CSOs' competencies; these organizations are indeed now advocating for institutional change. For the first time in Gabon, they have become more critical of the government and persist in improving governance. With the emergence of social media, CSOs are developing a wide range of communication tools and materials to raise awareness of their activities among journalists, decision-makers, and the public. Internally, CSOs have not developed any ethical charter or any other self-regulatory system. The only existing agreements are a few memoranda of understanding between certain platforms and networks. CSOs continue to produce activity reports and make them available to partners and other stakeholders. -- 6 of 8 -- -- 7 of 8 -- -- 8 of 8 --