The Sustainability Index of NGOs in Gabon

L’Indice de pérennisation des OSC du Gabon

GABON Sustainability Index of Civil Society Organizations in Gabon in 2017 1 Capital: Libreville Population: 1,772,255 GDP per capita (PPP): $19,200 Human Development Index: High (0.702) Freedom in the World: Not Free (32/100) Sustainability scores of CSOs 2017 for Gabon: 5.5 Gabon began the year 2017 amidst tensions. Indeed, the country still bore the scars of the post-electoral crisis. After the presidential elections in August 2016, narrowly won by the outgoing president Ali Bongo, Gabon descended into violence due to widespread allegations of electoral fraud. To attempt to resolve the crisis caused by Bongo's re-election, the government organized the National Dialogue of Angondjé between March and May 2017. Part of the opposition, joined by nearly 880 CSOs, participated in the dialogue (except for several opposition candidates who boycotted it, including presidential candidate Jean Ping). The dialogue included four components: opening and closing ceremonies, a phase dedicated to civil society, and another for political parties. Political parties focused on discussions about campaign financing and presidential mandates, while the sessions offered to civil society concerned interactions between civil society and the state. When the dialogue concluded, participants agreed to modify the method of electing the president, increase the number of deputies in the National Assembly, redesign electoral constituencies, and limit the term of judges of the Constitutional Court. By the end of the year, parliamentary approval of these resolutions was awaited. The electoral crisis also led to a slowdown in economic activity. Immediately after the election, many businesses were looted, and others closed until the political climate calmed down. Furthermore, waves of layoffs in the private and parastatal sectors intensified the social crisis that the country has been experiencing for several years. In general, the sustainability of CSOs did not evolve significantly in 2017. However, the increase in violations of fundamental human rights harmed the legal context. Conversely, the public image of the sector slightly improved as CSOs increased their use of social media as a new communication tool. There were no significant changes in organizational capacity, financial viability, advocacy, service provision, and sectoral infrastructure.

Sustainability Index of Civil Society Organizations in Gabon in 2017 2 There are no exact statistics on the number of registered CSOs in Gabon. However, the Network of Organizations and Associative Projects of Gabon (ROPAGA) reports having identified nearly 1,750 CSOs in the country, to which should be added organizations or trade union groups. Legal Context: 6.3 The legal context governing CSOs, which was already quite restrictive, slightly deteriorated in 2017. The freedom of association and the freedom of union are enshrined in the Gabonese constitution and framed by law n° 35-62 of 1962, establishing associations, and by law n° 3-94 of 1994 establishing the Labor Code in the Republic of Gabon. In 2017, CSOs wishing to register continued to encounter numerous obstacles in terms of administrative procedures and state interference. The law stipulates that CSOs must submit their request for legal capacity to the prefecture or municipality to which they belong. However, in 2017, the Ministry of the Interior continued to control the granting of legal status to CSOs under law n° 35-62. Furthermore, the timeframes for obtaining the final receipt are long, and registration decisions are subject to the discretion of the ministry. Due to the authorities' opinions about their actions, it is more difficult for some CSOs, including those advocating for human rights and opposing government actions, to receive this final receipt than for pro-government CSOs. In 2017, almost all new CSOs operated with authorizations or provisional receipts. In general, Gabonese laws clearly set out the objectives and roles of CSOs. However, these laws also contain provisions that allow authorities to limit the activities of CSOs. If a CSO exceeds the scope of authorized activities, the

Ministry of the Interior and the president have the right to order its suspension or dissolution. In February 2017, the Ministry of the Interior dissolved the main teachers' union confederation in Gabon, the National Convention of Education Sector Unions (CONASYSED), on the grounds that it was disturbing public order, obstructing the freedom to work, and resorting to violence. Other unions also attracted the ministry's attention and were threatened with dissolution. Law n° 35-62 is quite vague on issues of internal governance and remains silent regarding the functioning of CSOs, funding, or taxation. In response to CSO demands, the national dialogue of 2017 took into account the need to revise law n° 35-62 on associations. However, no concrete progress was observed in this regard by the end of the year. The law does not protect CSOs from government control, harassment by authorities, or the risk of the central power ordering their dissolution for arbitrary or political reasons. In 2017, as in 2016, CSOs were subjected to harassment by the government, and numerous violations of the rights and freedoms of activists were recorded. These violations are varied: administrative pressures following strikes by certain unions (including the dissolution of CONASYSED), and judicial pressures (arrests and threats of imprisonment against unionized teachers on various pretexts: disturbing public order, contempt of court, obstructing the freedom to work). Furthermore, law enforcement agencies committed numerous abuses. Police raids on an oil site were marked by arrests and violence against strikers. In August, activist Hervé Mombo Kinga was arrested and charged with "instigation to violence" and "insulting the Head of State." Imprisoned, he spent six weeks in solitary confinement. CSOs can initiate legal proceedings to protect their rights or those of the public, but many believe that there is not enough distance between the executive and the judiciary. Freedom of the press was also threatened during the year: a two-month suspension was imposed on the newspaper L'Écho du Nord. Freedom of expression is also enshrined in the Constitution, both for individuals and for legal entities such as

associations. Associations can freely debate public interest issues and participate in public demonstrations, but if a CSO adopts an opinion or position contrary to that of the government, it exposes itself to reprisals. CSOs are subject to value-added tax (VAT) and withhold income tax from their employees, but they benefit from other tax exemptions, particularly regarding contributions and donations they receive. Gabonese CSOs can raise funds without restriction, including contributions from foreign donors. CSOs can also charge for the goods and services they provide, but these revenues must be allocated to the operating expenses of the CSO; CSOs cannot distribute dividends to their members. There are still no lawyers specialized in issues specific to CSOs, which must therefore rely on lawyers with other specialties, such as labor law and human rights. Only the two largest cities (Libreville and Port-Gentil) have legal firms. All CSOs from the rest of the country must turn to these firms. Organizational Capacity: 5.4 The organizational capacity of CSOs did not really evolve in 2017 despite the plethora of organizational development training offered in Libreville. Unions are better at establishing links and contacts with their bases because their activities concern clearly defined groups. This is less true for other forms of CSOs. Some CSOs do not work directly with the groups whose rights and interests they are supposed to promote. For example, many CSOs indicate that their activities concern rural populations yet spend most of their time in Libreville. As a result, they have no real connection with the populations they claim to target. Under Gabonese legislation, CSOs must clearly define their mission in their founding documents (statutes and internal regulations). However, only a few CSOs limit their actions to the objectives they have set.

 set at their creation. The strategies and activities of other CSOs are guided by the availability of funding. Very few of them have indicators to monitor their work or measure their successes. In contrast, unions

systematically practice monitoring and evaluation, which allows them to assess the effectiveness of their actions and determine future actions. Gabonese law stipulates that founding documents must clearly define internal management bodies, with responsibilities visibly distributed. Although the structure varies from one organization to another, each CSO clearly identifies decision-making bodies: ordinary or extraordinary general assembly, board of directors. However, it is noted that many CSOs rely on a few individuals, rather than the robustness of their organizational management, to guide their actions. Very few CSOs have procedural manuals. However, the main CSOs in the country strive to publish technical reports, financial statements, and internal and external audits. Many CSOs continue to rely primarily on volunteer work, unable to recruit permanent staff due to insufficient resources. CSOs funded by a foreign donor for a specific project may recruit based on the needs of that project. When financial resources are available, they may hire external experts. Many CSOs dedicate training provided by international partners to strengthening the capacities of their members and technical staff. Gabonese CSOs have basic equipment (computers, phones, multimedia equipment) and relatively expensive mobile internet connections. Not all CSOs have access to software. Many benefit from the implementation of a new project with an international partner to acquire or modernize their equipment. In 2017, there was an increase in the number of CSOs using Facebook, WhatsApp, and Twitter for their operations instead of a traditional website. Financial Viability: 6.3 The financial viability of Gabonese CSOs did not change in 2017. Just like in previous years, CSOs faced difficulties in securing their funding. Gabonese CSOs finance their activities in various ways. Their funds mainly come from foreign donors, including the European Union (EU), the Food and Agriculture Organization of the United Nations, the German Agency for International Cooperation (GIZ), and USAID. This dependence on foreign funding penalizes them when donors change their priorities. For example, the EU decided in 2017 to focus solely on vocational training, an area generally neglected by Gabonese CSOs. Historically, the EU funded a much broader range of activities, including health, education, and environmental protection sectors. This new trend has deprived CSOs of an important source of funding. The volume of foreign funding did not significantly evolve in 2017, but CSOs continued to suffer from their limited capacity to benefit from these amounts. CSOs can be funded by certain Gabonese public bodies and the private sector. CSOs denounce the fact that this funding is primarily reserved for organizations associated with the government. Even if CSOs can receive funding from various ministries and administrations, local authorities generally prefer to bypass CSOs and work directly with the population given the climate of distrust that characterizes relations between the state and certain CSOs. Private sector support for CSOs mainly concerns health, childcare, urban sanitation, and environmental sectors. There are no statistics regarding the volume of funding from the public or private sector. The concept of philanthropy is not yet widespread in Gabon. While philanthropic organizations associated with the president's family, such as the Amissa Bongo and Omar Bongo foundations, provide some financial support to CSOs, the process of allocating this funding is not transparent and tends to favor CSOs that will help these foundations improve their image with local populations. Moreover, foundations prefer

to distribute their funds directly to local populations. In 2017, the government's decision to suspend the withholding of union dues from civil servants was poorly received by unions. Other CSOs, however, benefit for their funding from the payment of mandatory dues from their members. Although the total amount of dues collected is limited, this funding helps them continue their operations. In 2017, CSOs increased their use of social networks to finance their activities. For example, Dynamique Unitaire launched a campaign to raise awareness and funds through social media to support teachers facing salary suspensions. CSOs can secure income through the sale of products and services: diagnostic studies, field surveys, training. This option is mainly available for organizations with specialized knowledge on very specific topics, which

they can offer to businesses, local authorities, and international organizations. However, this can sometimes hinder the independence of CSOs. To maintain a good relationship with their funder, a CSO might, for example, write a report that does not reflect reality as it presents a favorable image of that funder. In 2017, an increasing number of CSOs created agricultural cooperatives and social enterprises, many of which decided to focus on the environment and youth training. Young people, for example, created social enterprises with the support of the United Nations Educational, Scientific and Cultural Organization (UNESCO). Additionally, cooperatives and community forests sell their products and help local populations assert their rights to the benefits derived from logging. The robustness of financial management systems varies from one CSO to another. Few of them can afford an accountant to establish an operational and transparent management system. This management deficiency has sometimes led funders to require that the management of large-budget projects be entrusted to CSOs located in northern Gabon due to the robustness of their financial management systems. Audits are most often conducted by international partners or donors.

 Advocacy: 5.0 The advocacy of CSOs did not change significantly in 2017. There are traditional communication channels between CSOs and decision-makers, allowing them to collaborate on certain projects or activities within formal and informal partnerships. Moreover, donors and development partners prefer a participatory approach to the projects they fund, and they sometimes impose collaboration between the government and CSOs. The legislative process in Gabon requires public consultation regarding the content of draft laws before their promulgation. In practice, CSOs have had to exert considerable pressure on the authorities to access draft laws, and their recommendations are not always taken into account. In 2017, CSOs were able to increase their participation in the reform process, notably due to their active presence at the Inclusive National Dialogue of Angondjé (March to May 2017), which 880 associations had registered for. Individually or as part of coalitions, CSOs conduct awareness campaigns to influence public debate, public opinion, and legislation. In September 2017, for example, the coalition Tournons la page organized an awareness campaign in Gabon and other countries on governance and citizenship issues. However, the poverty of their financial means limits the scope of such campaigns, and very few CSOs organize campaigns on a national scale. Furthermore, the effectiveness of these campaigns is not evident, partly because CSOs lack the organizational, human, and financial resources that would allow them to evaluate and clearly communicate their impact. CSOs advocate for policies concerning their specific areas of interest. In 2017, for example, the Gabonese Trade Union Confederation (CSTG) led protests against economic layoffs decided in more than ten companies. By the end of the year, however, the union's demands had not been met. CSOs group together in networks, coalitions, or thematic platforms. Many CSO platforms, including ROPAGA, the Network of Free Civil Society Organizations for Good Governance in Gabon (ROLBG), Dynamique Unitaire, and the Gabonese Platform continued their activities in 2017. CSOs were somewhat more comfortable with the concept of lobbying in 2017 and recorded several successes in this area during the year. For example, the rejection of the text that would have merged the National Parks Agency and the National Nature Preservation Agency by expanding the powers of the new agency and the signing of the

 for institutional lobbying, and it mobilizes CSOs to participate in the revision process. CSOs also took advantage of the National Dialogue to call for the reform of law n° 35-62. However, while the reform was indeed among the outcomes of the dialogue, no concrete changes were made to the law in 2017. Service Delivery: 5.1 In 2017, no significant evolution was observed in the capacity of CSOs to

provide services. CSOs continue to offer basic social services in the areas of education, health, and sanitation. In 2017, for example, the Collective of Natives and Allies of Minvoul (CONAMI) donated medical equipment to its local hospital and replenished the dispensary with medicines. CSOs also provide a range of services such as education, training, legal assistance, and medical caravans. Union activities target their members and employees in the sectors where they operate; other CSOs provide goods and services to the public without distinction. CSOs frequently adapt their activities to the needs and priorities of their target groups. To do this, they use the findings from field surveys, activity reports, or consultations, or requests for support from these groups. However, when these tools are not used, the service offerings may not be relevant. For example, environmental sector CSOs do not always apply local needs assessment tools such as Free, Prior, and Informed Consent (FPIC). Some CSOs have built a reputation in their area of expertise, and their services are in high demand. This is the case for the NGO Muyissi Environnement, which is sought after for its reputation on environmental issues. These CSOs offer various forms of assistance to the public or local organizations, such as conducting studies or capacity building. Through these skills, they can generate some income and thus finance their ongoing expenses. CSOs are increasingly working with state bodies, which appreciate their work at the community level. They can also serve as partners in conferences and projects organized with foreign funding. A notable example in 2017: a global partnership for the protection of flora and fauna, amounting to 131 million dollars, between the Gabonese government and the Global Wildlife Program (GWP) administered by the World Bank. It called for the active participation of CSOs for the on-the-ground implementation of projects related to integrated landscape management and wildlife conservation.

 Sectoral Infrastructure: 5.2 In 2017, the support infrastructure for CSOs remained unchanged. Intermediate support organizations (ISOs) continue to provide multi-platform support to CSOs: access to information, capacity building, and financial assistance. Large foundations, mainly associated with the Bongo family, have maintained their role as ISOs at the national level. Their activities continue to prioritize the capital and certain themes, such as democracy, civic engagement, and resource management. The source of funding for ISOs is unknown, and their fund distribution is not transparent. Independent civil society platforms also provide funding for other CSOs. The Gabon My Land My Right (GMTMD) platform, for example, is dedicated to forestry and land issues, while ROPAGA organized a series of capacity-building workshops for CSOs active in the environmental field. Cooperation within the CSO sector increased in 2017. The CSOs forming thematic groups included the ROLBG dedicated to transparency and good governance, and the Free Civil Society Platform. There are local experts trained in CSO management, but in 2017, organizers seemed to prefer to entrust training programs to foreign experts. Most CSOs benefiting from capacity-building offers are based in Libreville. All others must travel to Libreville to participate in training activities. These trainings address the needs of local CSOs as identified by the CSOs themselves. In 2017, for example, the trainings provided mainly concerned the areas of development, project management, and financial management, as previous external audits had identified these issues as priorities. Training materials are only available in French. CSOs form formal and informal partnerships with government bodies. In 2017, for example, the Gabon Center for Strategic Studies and Foresight (CEPS-Gabon) formed a partnership with the ministry for the promotion of small and medium enterprises to encourage the development of social enterprise among youth. In the private sector, the International Development Research Centre in Africa formed an exemplary partnership with the multinational Olam Gabon to raise public awareness of the GRAINE program (Gabonese Agricultural Achievements and Initiatives of Committed Nationals) for 2015-2020, the first large-scale agricultural program in Gabon.

Sustainability Index of Civil Society Organizations in Gabon in 2017 9 Public Image: 4.9 In 2017, CSOs slightly improved their public image through their increased use of social media, primarily Facebook and WhatsApp. Internet usage in the country continues to grow, with over 47% of the population now having access to the Internet. This allows CSOs to promote their activities at a lower cost and ensure the promotion of the products and services they provide, which enhances their public image. Traditional national media, whether aligned with government positions or those of the opposition, convey a positive image of the role of CSOs. Nevertheless, the importance of coverage varies, often depending on the CSO's contacts, the identity of the media outlet concerned, and the subject matter examined. CSOs favorable to the government are featured in state media publications and some private media, as long as they can pay for advertising. Advocacy CSOs generally receive coverage only from private media considered aligned with the opposition. Without fully understanding the concept of CSOs, the general public nonetheless has a generally favorable image of the role of civil society groups and their initiatives. The government and the private sector also have a favorable image of the role of CSOs as service providers. They view CSOs as community resources and sources of reliable expertise and information. Numerous examples were observed in 2017: participation of CSOs in the National Dialogue of Angondjé, creation of a technical and scientific commission within the GRAINE program, national debate on Zero Deforestation. However, the government is not favorable to CSOs that advocate against its own policies or that focus on human rights protection. In 2017, many CSOs had not yet established communication plans to improve their public image or promote their activities. Even though CSOs seek to communicate through social media and forge relationships with journalists, their efforts remain limited. Journalists feel they are victims of prejudice from CSOs that seem to bypass this means of communication and prefer direct contact with political bodies. Only the largest CSOs make an effort for transparency and publish annual reports and technical and financial audits. Few CSOs have adopted a code of ethics. Disclaimer: The opinions expressed in this document are those of the participants and other researchers of the project and do not necessarily reflect the views of USAID or FHI 360.