The 2018 report of the sustainability index for CSOs

Le rapport 2018 de l'indice de pérennisation des OSC

GABON Sustainability Index of Civil Society Organizations in Gabon in 2018 1 Capital: Libreville Population: 2,119,036 GDP per capita (PPP): $18,100 Human Development Index: High (0.702) Freedom in the World: Not Free (23/100) SUSTAINABILITY SCORES OF CSOs 2018: 5.4 In 2018, Gabon continued to wait for Parliament to approve the resolutions of the inclusive national dialogue of Angondjé completed in May 2017, notably amendments to the presidential election process, the increase in the number of deputies in the National Assembly, the restructuring of electoral constituencies, and the limitation of the term of judges on the Constitutional Court. On April 30, 2018, the Constitutional Court dissolved the National Assembly at the end of the deputies' mandate, thus forcing the government to organize new legislative elections. On June 21, the country was very surprised by the government's announcement of a series of so-called austerity measures intended to clean up public finances. In October, the first legislative and local elections took place since the contested presidential election of August 2016. Throughout the year, the president's health and his prolonged absence from the public scene sparked numerous calls for greater transparency. Activists and CSOs insisted that the government provide information on the president's ability and availability to lead the country. In November 2018, the Constitutional Court announced an amendment to Article 13 of the Gabonese Constitution to provide for situations in which the president becomes temporarily unable to perform his duties. Many CSOs as well as the opposition consider the amendment unconstitutional, as only members of Parliament are authorized to amend the Constitution. The African Union also expressed concern about the amendment. In 2018, the government imposed significant constraints on freedom of expression, although less severe than in 2017. The High Authority for Communication prohibited government-controlled media from communicating with the National Union (the main opposition party), and in November, it imposed a three-month suspension on the newspaper L'Aube and a six-month ban on the newspaper's editor-in-chief following the publication of articles on the president's health. In December, two other newspapers from the same group were suspended for one month and three months, respectively. The overall sustainability score of CSOs slightly improved in 2018. CSO advocacy improved, thanks to several significant successes despite the restrictions of their environment. No other dimension of sustainability changed. It is difficult to determine the exact number of existing CSOs in Gabon, as they can register with various agencies and this information is not centralized. The most reliable data source is the census of CSOs conducted in 2017 by the Network of Organizations and Associative Projects of Gabon (ROPAGA), which counted nearly 1,750 associations in Gabon, in addition to trade unions.

Sustainability Index of Civil Society Organizations in Gabon in 2018 2 LEGAL CONTEXT: 6.3 The legal environment for Gabonese CSOs did not change in 2018. The registration of associations is governed by Law No. 35-62 of 1962, that of civil service unions by Law No. 18-92 of 1993, and that of private sector unions by Law No. 3-94 of 1994. CSOs can register with various government agencies, including the ministries of Interior, Economy, and Youth and Sports. The Ministry of Interior plans to create a single registration office for CSOs. Registration is relatively inexpensive. For example, associations whose registration is governed by Law No. 35-62 pay a fee of 10,000 XAF (approximately $17.50). In theory, the registration procedure is simple. However, the survey conducted in 2017 by ROPAGA revealed that the administration frequently delays granting the provisional receipt that a CSO must possess to act legally while waiting for its final receipt. The waiting time for the provisional receipt, which is supposed to be 90 days under

the law, generally reaches six months to two years, and the wait can be even longer for organizations whose mission concerns government oversight, transparency, corruption, democracy, or human rights. For example, the NGO Educaf, founded in 2013 and recognized as the best youth organization of the year by the ministry responsible for youth in 2015, still has not received the provisional receipt that would allow it to operate. Although CSOs operating without authorization are technically in violation of the 1962 law, in practice, they can operate freely. Associations can also apply to be recognized as being of public utility, to benefit from certain sources of funding, and even access public funds. In many respects, Law No. 35-62 is outdated. It only applies to associations and does not recognize thematic platforms, networks, or the term "NGO," which in Gabon refers to a distinct form of CSO that emerged in the 1990s around political figures. The law also limits a member's contributions to a CSO to 10,000 XAF (approximately $17.50), but does not specify a determined period. By the end of 2018, CSOs were still waiting for the law to be amended in accordance with the discussions of the national dialogue of Angondjé. The law does not clearly state the avenues for recourse available to CSOs to challenge a government decision. In practice, CSOs appeal unfavorable decisions before the administrative court or the competent ministry. CSOs are not required to submit activity reports to the authorities. The Gabonese Constitution guarantees the right to assemble and participate in public demonstrations. According to Article 6 of Law No. 001/2017 of 2017, "all public meetings must be announced in advance," except for those of certain groups, including unions. The law does not require organizers to obtain prior authorization for these events. In practice, it is common for the government to pressure CSOs by deploying armed forces at the site planned for a demonstration. In 2018, the Minister of the Interior took measures to prohibit the "black marches" of the trade union center Dynamique unitaire, scheduled for August 28. The purpose of these marches (called black to highlight the distressing situation in the country) was to protest against amendments to the Constitution, the government's austerity measures, the freezing of civil servants' salaries, and the withholding of cash vouchers. Gabonese law does not limit freedom of expression, but an organization that criticizes the government is exposed to retaliation. As a result, some CSOs practice self-censorship. The law does not prohibit CSOs from receiving cash or in-kind donations from foreign sources, raising funds, responding to public procurement calls, or generating income through the provision of goods and services. However, associations recognized as being of public utility must obtain prior authorization from the competent prefect or benefit from a decree from

the Council of Ministers before accepting any foreign funding. The body authorized to grant the authorization is determined based on the amount of the proposed funding. Any CSO with a provisional or final authorization can receive up to 3 million XAF (approximately $5,250) in financial aid from its supervising ministry. Only organizations recognized as being of public utility are allowed to request other sources of public funding. However, given the low amount of information published by the authorities regarding funding opportunities and the opacity of the criteria for obtaining them, few CSOs bid for public contracts. A CSO can generate income by selling products or services, but this income must be reinvested within the organization. Gabonese law exempts CSOs from taxes on purchases for goods necessary for their activities. However, these exemptions are subject to complex procedures, making it difficult for CSOs to obtain them. The law does not provide for any tax on grants or donations made to CSOs. Specialized lawyers in human rights and labor rights can only be found in the two largest cities of Gabon, Libreville and Port-Gentil. No lawyer specializes in association law. For years, the high fees charged by lawyers have forced CSOs to turn to legal assistants, who are less expensive. ORGANIZATIONAL CAPACITY: 5.4 In 2018, the organizational capacity of CSOs did not change. CSOs identify the beneficiaries of their activities through surveys, knowledge gained during their activities and projects, as well as communications received by phone, email, or in person. This is

easier for unions whose beneficiaries are generally their own members. In general, CSOs use short-term projects to gradually build trust within the population that can observe the results of their actions over time. In contrast, a CSO like Brainforest works fairly continuously, and can thus get to know and make itself known within its target population, thereby establishing a climate of trust. All CSOs must clearly define in their statutes their mission, management structure, member responsibilities, and mechanisms for resolving disputes or conflicts of interest. However, only a few CSOs limit their actions to the objectives set at their creation, while most CSOs evolve their priorities according to the changing priorities of the donors themselves. Many CSOs are still in the early stages of strategic planning. Training in organizational development offered to 25 CSOs in 2017 encouraged some (like Gabon ma terre mon droit) to start their strategic planning in 2018. In practice, few CSOs have established robust organizational structures. Brainforest reorganized its organizational structure in 2018 (for the first time since 2008) in order to mobilize more funding. CSOs are beginning to develop procedure manuals and evaluate their activities. Unions systematically use these tools to achieve their objectives. In 2018, the low financial viability of CSOs continued to hinder the employment of permanent staff and hampered the use of professional services from accountants, lawyers, and communication experts. Some CSOs, such as the International Development Research Centre in Africa (IDRC Africa), the Network

 4 free civil society organizations for good governance in Gabon (ROLBG) or New Formations hire permanent technical and financial staff for donor-funded projects. According to the 2018 World Giving Index from the Charities Aid Foundation, only 10 percent of respondents in Gabon reported having volunteered in 2017, down from 12 percent the previous year. However, many CSOs, including Arc-en-ciel, Brainforest, New Formations, and the Association of Emerging Voluntary Youth (AJEV), rely on volunteers to carry out their activities. For example, following a fire in 2018, volunteers repainted the wall of a girls' boarding school managed by Arc-en-ciel in Libreville, with support from the Manibus Gabon association. The new space of the Gabonese civil society house, inaugurated in 2018, was entirely renovated by volunteers. CSOs have access to computers, phones, and multimedia equipment. Internet access is increasing across the country. Compared to other countries in the region, the costs of internet access in Gabon remain high. CSOs with internet access are increasingly using social media, such as WhatsApp and Facebook, to improve communication, enhance transparency, and prepare their strategies. FINANCIAL VIABILITY: 6.3 The financial viability of Gabonese CSOs did not change in 2018. Gabon’s classification by the World Bank as a "upper-middle-income country" limits foreign aid in the country. The main donors are the European Union (EU), the German International Cooperation Agency for Development (GIZ), USAID, and the Food and Agriculture Organization of the United Nations (FAO). In 2018, the Innovative Projects of Civil Societies and Actor Coalitions (PISCCA) program from the French embassy attracted a much larger number of CSOs than in the previous two years, revealing the progress made by Gabonese CSOs in preparation and ability to respond to calls for applications. In 2016, four CSOs applied for funding under the PISCCA, and three were accepted. In 2018, seventy CSOs submitted a proposal, and four projects involving twelve CSOs received a total funding envelope of 140 million XAF (approximately 244,000 USD). Due to the heavy reliance of CSOs on donor funding, they often have to deal with changes in priorities from these donors, which can harm the continuity of their services and activities. In 2018, for example, just like in 2017, the only priority of the EU was vocational training, a field that concerns only a few Gabonese CSOs. Historically, EU funding addressed a much broader range of activities, including health, education, and the environment. It is up to the donors to decide whether they can accept funding requests from a CSO awaiting its temporary or final receipt. In

addition to foreign funding, Gabonese CSOs receive funds from various local sources, including the state, the private sector, and contributions from members, as well as self-financed cooperatives. Nevertheless, public funding remains minimal. Recognized public utility CSOs can receive small grants from the state, ranging from 5 to 10 million XAF (approximately 8,750 to 17,500 USD) to cover their short-term operational costs. No funding is available for long-term projects. However, the government does not actively seek to publicize funding opportunities or clearly state criteria used for reviewing applications. Gabon does not have a national government program responsible for financial support to the CSO sector. There are few local sources of philanthropy. The largest foundations, which are mainly linked to the Bongo family, tend to work directly with local communities rather than through other entities, such as CSOs. These foundations prioritize actions in health, employment, education, and girls' empowerment. Corporate sponsorship for CSOs is relatively unknown in Gabon. However, corporate social responsibility (CSR) programs are common in companies listed on the Central African Stock

Exchange, and these programs may specify the activities that CSOs should undertake. For example, in 2018, Olam Gabon contracted with Brainforest to establish income-generating activities related to cocoa cultivation for the benefit of communities affected by its rubber production activities in Minvoul. CSOs mobilize funds locally and from their members and target groups. According to the 2018 World Giving Index from the Charities Aid Foundation, only 9 percent of Gabonese respondents donated money in 2017, down from 11 percent in 2016. For the past two years, CSOs have been mobilizing funds through social media to respond to urgent or one-off needs such as organizing disaster relief, or assisting young children or individuals facing medical or social issues. Membership fees are insufficient to cover the ongoing operational costs or long-term programs of CSOs. Some CSOs generate income from the sale of products or services. In 2018, IDRC Africa launched a small business, Indigena Food, to grow and sell food products in Libreville, and used the profits from the business to cover its operational expenses. In 2018, social enterprises were relatively unknown in Gabon. CSOs sign very few contracts with businesses and local administrations. CSOs responding to international tenders have qualified staff in financial management, or they hire external providers. These CSOs also make transparency efforts by publishing financial reports and conducting external audits. Other CSOs generally do not have an appropriate system for managing their finances. ADVOCACY: 4.9 In 2018, the advocacy of CSOs saw an improvement thanks to several significant successes despite the restrictions of their environment. Public action monitoring by citizens is primarily done through the Economic, Social, and Environmental Council, a public advisory body. The majority of the 99 members come from civil society, and its vice-president has experience in civil society. Decision-makers and CSOs also collaborate within committees and technical platforms. For example, the Ministry of Agriculture has included CSOs in the Palm Oil Initiative of the Tropical Forest Alliance 2020, and the Ministry of Water and Forests consulted CSOs to define the concept of "forest." Both ministries continued to consult CSOs on these issues in 2018. However, the creation of these collaborative alliances generally responds to criteria established by donors, and does not mean that the government recognizes the right of civil society to participate in strategic or political decision-making. CSOs achieved three major advocacy successes in 2018. First, Muyissi Environment launched an awareness campaign on the issue of violence against women in palm oil plantations. Its efforts led to the creation or resurgence of committees on gender parity issues in the plantations of the Olam Gabon Group. Secondly, Dynamique Unitaire organized information sessions on the austerity measures imposed by the government in June, followed by press conferences with the Minister of Public Service and the President of the Constitutional Court. Partly as a result of this initiative, the Supreme Court of Gabon decided to suspend the austerity measures for non-compliance with legal procedures. Thirdly, ROLBG and other CSOs publicly denounced the director of the

Index of Sustainability of Civil Society Organizations in Gabon in 2018 6 Central prison of Libreville, which had authorized the torture of detainees after the presidential election of 2016. Their campaign led to the suspension of the director in 2018. The Gabonese legislative process provides for the organization of public consultations on bills before their promulgation, and CSOs have increased their lobbying efforts to pressure the government. In 2018, CSOs advocated to prevent potential unrest following the legislative elections. Furthermore, CSOs campaigned against the amendment of Article No. 13 of the Gabonese Constitution, which governs the measures to be taken by the government if the Gabonese president is unable to perform his duties. CSOs are generally aware of the impact that a favorable legal framework can have on their viability. However, despite the advocacy efforts of CSOs aimed at reforming Law No. 35-62, it is noted that no progress was made in 2018 to modify the legal framework governing CSOs. SERVICE DELIVERY: 5.1 The service delivery by CSOs did not change notably in 2018. CSOs continued to offer a diverse range of goods and services. While the service delivery by CSOs primarily targets vulnerable groups, many of whose needs are still unmet, a wide range of organizations work in areas such as health, education, human rights, vocational training, and the environment. To assess the needs of targeted populations, CSOs continue to use surveys, socio-economic studies, field observations, citizen complaints, requests for support, and results obtained from projects. CSOs strive to respond to all service requests, which may come from officials, businesses, or through word of mouth, while financing and documenting their response to needs. A small percentage of CSOs also collect data to evaluate the impact of their projects on local needs. However, given that only a minority of CSOs operate in each of the nine provinces of Gabon, the needs of a large part of the population remain unmet. Only the Bongo foundations provide services to populations across the country. In 2018, national and local organizations created partnerships and networks to exchange information and alerts, announce collaborative actions, and to collect reliable data that CSOs could use to mobilize funds and expand their activities to other regions of the country. CSOs provide goods and services to their members and to other population groups without discrimination based on race, gender, ethnicity, or sexual orientation. CSOs charge for services they provide externally, but do not charge for services provided under projects funded by their donors. Some CSOs, such as IDRC Africa, have created small businesses, the profits of which fund their organizational activities and operational expenses. In general, public authorities agree that CSOs add value in the provision of basic services and monitoring of services. CSOs operate in close contact with beneficiaries, who trust CSOs more than administrative representatives. The awareness of this trust relationship is reflected in the decision of public authorities to consult CSOs on public policy issues and for awareness campaigns.

Index of Sustainability of Civil Society Organizations in Gabon in 2018 7 SECTORAL INFRASTRUCTURE: 5.2 The infrastructure supporting the CSO sector remained unchanged in 2018. Significantly, the House of Civil Society, which had closed its doors in 2010 at the end of the Non-State Actor Strengthening Program in Gabon (PROGREANE), funded by the European Development Fund, reopened in 2018. At the request of ROPAGA, the Ministry of Economy made an unused building available to the program. CSOs can rent office space for a modest monthly fee at the House of Civil Society. Its reopening has been a boon for CSOs, which often operate without adequate offices. The House of Civil Society is the only structure of its kind available to CSOs. The three largest intermediary support organizations (ISO) in Gabon are associated with the Bongo family, which has led Gabon since 1967. The Bongo family foundations provide Gabonese CSOs with free expert advice, information, technical assistance, and help in launching local initiatives. The Mbanja Center of the Sylvia Bongo Ondimba Foundation offers CSOs IT support: access to equipment, internet, information, and the presence of technical specialists.

The Bongo family foundations and the International Center for Capacity Building of Social Actors in Gabon (CIRCAS/GABON) also provide financial support to CSOs. In 2018, the Sylvia Bongo Ondimba Foundation donated over 98 million XAF (approximately 171,000 USD) to the Saint John Fraternity Center to support elderly people and announced a donation of over 951,000 EUR for its civil society support program. However, CSOs do not clearly understand the funding allocation mechanism of these foundations, which has created a sense of lack of transparency. CSOs collaborate and share information through networks and platforms, usually in an informal manner. Platforms face organizational and financial challenges, and the few activities they implement are generally funded as a budget line by one or two of their member organizations. However, new groups continue to emerge each year. In 2018, Malachie and the Women's Salon created a platform dedicated to promoting women's rights. Sustainable coalitions include ROPAGA, Dynamic Unity, ROLBG, and the Network of Civil Society Organizations for the Green Economy in Central Africa. Gabonese CSOs have extensive experience in capacity building and they offer training that meets the needs of local CSOs. For example: it sometimes happens that CSOs located in the capital sponsor training at the House of Civil Society for CSOs working in rural areas. In 2018, Voices of Citizens for Change: Forest Observation in the Congo Basin, funded by the EU, provided ongoing support to CSOs for sub-regional implementation in several areas, including project startup, organizational structure, and strategic planning. CSOs located in rural areas may face difficulties due to the lack of training offered in local languages or outside major cities. Private sector stakeholders organized training for CSOs in Libreville and the region in 2018, sometimes as part of corporate social responsibility programs. Companies also partnered with unions to help resolve disputes between management and company staff. In 2018, the Elat association created a partnership with the company Les Petits Pots de l’Ogooué, under which fifteen percent of the sales of jams from Les Petits Pots de l’Ogooué in September 2018 were donated to Elat for the purchase of school supplies for underprivileged children. However, no other official partnership agreements were observed in 2018 between CSOs and the private sector or between CSOs and public or private media.

 PUBLIC IMAGE: 4.9 In 2018, the public image of CSOs did not change. The media coverage of a CSO generally depends on its relationship with the government or the topic addressed. Coverage provided by private media remains more reliable than that of public media. In 2018, however, access for CSOs to private media was limited, with three newspapers having been temporarily suspended. Government-controlled media rarely cover press conferences of CSOs when they concern certain topics: governance failures, corruption, or human rights violations. In contrast, they will cover less controversial topics, such as vaccination campaigns, even if the concerned CSO is also active in unapproved areas. In terms of fees charged, Gabonese media make a clear distinction between public interest messages and corporate advertisements. Public interest messages are almost free, while corporate advertising is relatively expensive. Despite variations in public opinion, people generally consider CSOs to be trustworthy organizations, to which they can turn for solutions to everyday problems. Some people understand the role and missions of CSOs, while others question the silence of CSOs on everyday issues such as the cost of living. CSOs sometimes accept funding from groups they oppose, which can create confusion about their allegiance and breed distrust. To counter the community's misunderstanding of the legitimacy of their work, CSOs continuously organize information and awareness sessions, to remind the population of the contributions of CSOs to solving specific problems at the national and local levels. For example, Gabonese CSOs working on sustainable development and the environment used the 2018 Environmental Week platform to inform the public about their role and activities in this area. The government and the private sector have a positive image of the role of CSOs,

even if they sometimes disagree with the missions or actions of certain CSOs. They are aware of the role and experience of CSOs, their ability to provide reliable information about the local population, and the necessity to collaborate closely with them. Aware of the role of civil society, the Olam Gabon Group, a joint venture between the private company Olam International and public authorities, organized a citizen tour in 2018 with CSOs from different sectors to demonstrate how the Olam Gabon Group contributes to the national economy and local development. CSOs promote their public image by communicating about their activities through traditional media and social networks. CSOs are increasingly communicating online about their work. Furthermore, a growing number of CSOs have set up Facebook pages. However, limited internet access in rural areas limits the effectiveness of their use of social media as an awareness raising tool. CSOs are also better engaging journalists in their activities and providing them with high-quality information to ensure greater media coverage. Some CSOs have even hired a communications director to increase their media coverage. Most CSOs do not have a code of ethics. Only the largest CSOs publish an annual activity report, but generally without promoting or widely disseminating it. Disclaimer: The opinions expressed in this document are those of the stakeholders and other researchers of the project and do not necessarily reflect the views of USAID or FHI 360.