2019 Report on the Sustainability Index of CSOs in Gabon

Rapport 2019 de l'indice de pérennisation des Osc au Gabon

GABON Index of Sustainability of Civil Society Organizations in Gabon in 2019 1 Capital: Libreville Population: 2,230,908 GDP per capita (PPP): $18,100 Human Development Index: High (0.702) Freedom in the World: Not Free (22/100) SUSTAINABILITY OF CSOs: 5.4 Gabon experienced significant developments in 2019. Following the prolonged absence of President Ali Bongo, evidently for health reasons, a segment of the population called for the declaration of a vacancy in power and the organization of new elections, in accordance with constitutional provisions in response to the president's unavailability. The government did not accede to these requests and instead attempted through intimidation and arrests to deter anyone who dared to speak publicly on the subject. On January 7, as the population increasingly questioned the health and absence of the President of the Republic, a group of republican guard officers attempted a coup d'état. They were killed or arrested within 24 hours. Following this event, the president appointed a new government. CSOs viewed this failed coup as an opportunity to raise the need for inclusive dialogue in Gabon, particularly regarding the need for better communication from the government about the president's health. In February, Gabon faced the "kévazingogate," a scandal related to the illegal exploitation of kévazingo, a precious wood highly sought after in the Asian market but banned for exploitation since 2018. As part of a large anti-corruption operation called "Scorpion," Gabonese authorities seized more than 350 containers of illegally exploited kévazingo that were on the verge of fraudulent export from the port of Owendo. After the disappearance of containers placed under judicial control, authorities arrested many high-ranking officials and political figures, and the president also dismissed his vice president and minister of Water and Forests, which the CSOs advocated for. Approximately 200 containers were found, but the rest, valued at around $250 million, remained missing. The Network of Free Civil Society Organizations of Gabon (ROLBG) kept the public informed about the kévazingogate scandal through information campaigns, position statements, and press releases. Gabon’s main export, as an upper-middle-income country, is oil. Despite the government's efforts to pull the country out of the economic crisis it has been facing since the drop in oil prices in 2014, Gabon experienced economic difficulties in 2019. According to the World Bank, nearly one-third of the Gabonese population lives below the poverty line. Gabon ranked 110th out of 157 countries in the World Bank's Human Development Index in 2018 and 132nd out of 162 countries in the Human Freedom Index in 2019 published by the Fraser Institute, a Canadian research and study center. The index of sustainability of CSOs in Gabon remained stable in 2019. The organizational capacity of CSOs slightly strengthened due to their efforts to build trust relationships with their beneficiaries and improve the training of their leadership staff. The advocacy of CSOs moderately improved thanks to several successful campaigns. The service delivery of CSOs slightly improved in 2019 as they expanded their range of services to meet community needs. The sectoral infrastructure also improved because intermediary support organizations (ISOs) and international organizations provided new funding and services, and CSOs launched new partnerships with the government and the private sector. The legal context, financial viability, and public image of CSOs remained unchanged. It is difficult to determine the exact number of CSOs in Gabon, as they can register with various bodies and this information is not centralized. No statistics are available on the number of CSOs in Gabon in 2019. In its last census of CSOs in 2017, the Network of Organizations and Associative Projects of Gabon (ROPAGA) counted nearly 1,750 associations. The number of unions in the private and

public sectors is unknown. LEGAL CONTEXT: 6.3 There were no major changes in 2019 in the legal context of CSOs in Gabon; this context remained constrained. Laws No. 35/62, 18/92, and

3/94 govern the creation and functioning of associations, public sector unions, and private sector unions, respectively. The law stipulates that all CSOs must be registered to operate, although associations registered under Law No. 35/62 frequently carry out community actions before their registration. The registration procedures are simple and inexpensive for all three types of CSOs. Unions submit their registration application, along with their statutes and the list of board members, to the city hall where their headquarters is located. They then receive a registration receipt allowing them to operate. For associations, the registration application is initiated with the Ministry of the Interior, which relatively quickly issues a provisional receipt. The issuance of a definitive receipt is left to the discretion of the ministry following a moral investigation of the founders. If the ministry deems it necessary, it requests the opinions of the relevant supervisory ministries (social security, environment, youth, sports, or others) on the founding texts, activities, and compliance with the law. The validity period of provisional receipts is only three months, but the time to obtain definitive receipts can be long. A recent report from the national office of the World Wildlife Fund (WWF) on the mapping of CSOs involved in forestry and agro-industry shows that the 15 Gabonese CSOs studied operate with a provisional receipt, even those created in 1997 and 1998. Associations can apply for public utility status, which allows them access to certain public funds. Article 6 of Law No. 35/62 provides for the dissolution by presidential decree of associations declared to be of public utility. CSOs are not required to submit activity reports to the authorities. In 2019, Gabonese CSOs faced various forms of state harassment. Organizations focused on good governance, human rights, and democracy continued to struggle to register, operate, and express themselves freely. For example, on January 25, the president of the Gabonese Association for Social Works (AGOS) was sentenced to eight months in prison and fined 10 million XAF (over $17,000) for questioning the moral integrity of the public prosecutor. Following a press conference by the Dynamic Unitary (DU) in July 2019, during which its national office shared its conclusions on the death of the president, four DU members were arrested and held in custody for ten days at the offices of the judicial police. The next day, agents from the General Directorate of Research, an independent service of the national police, entered the home of the president of DU. The High Authority of Communication subsequently issued a decision prohibiting DU from accessing public media for three months.

 3 CSOs have recourse against unfavorable administrative and political decisions and state harassment before common law courts, administrative courts, the Council of State, and the Constitutional Court. However, these recourses are poorly known and rarely succeed, which is why CSOs increasingly resort to international lobbying to achieve their goals. For example, in July 2019, following the detention of its members, the DU filed a complaint with the first instance court in Libreville against the prosecutor of the Republic for kidnapping, sequestration, and assault of several of its members. The case was dismissed. Banned from participating in the May 1st parade in Gabon, the DU was able to take part in these festivities in France and inform European parliamentarians about its treatment by Gabonese authorities. The freedoms of assembly and demonstration are enshrined in the Gabonese constitution. Law no. 001/2017 subjects demonstrations to prior declaration. Exceptions are made for worship meetings, apolitical sports gatherings, unions, and confederations. No demonstrations were banned in 2019. In March, however, the national police prohibited access to a press conference organized by the citizen movement Call to Act, founded in February 2019 to promote respect for the constitution after the president's presumed stroke in October 2018. The General Tax Code recognizes some tax advantages for non-profit associations. They are completely exempt from taxes on grants as well as donations and legacies they receive. They are also exempt from VAT for everything concerning their general operation, in accordance with Article 210-8 of the General Tax Code. According to the law, CSOs are not

allowed to generate revenue from the sale of goods and services. But in practice, they are tacitly allowed to do so if they reinvest the proceeds into their activities. The Public Procurement Code prohibits CSOs from competing for public contracts or tenders. However, they can offer consulting services to public administration or subcontract for the main government provider, provided they use the income to finance their activities. The legal support available for CSOs remains weak in Gabon. There are no lawyers specialized in CSO issues, and lawyers are unevenly distributed across the country, with most located in major cities like Libreville and Port-Gentil. Very few organizations that need legal advice have the financial resources to pay for a lawyer's fees. ORGANIZATIONAL CAPACITY: 5.2 The organizational capacity of Gabonese CSOs has moderately improved in 2019, because CSOs have made efforts to build a trusting relationship with their beneficiaries, to strengthen the training of management staff, and to improve the quality of their offices, equipment, and use of social media. Through its presence on the ground, the provision of social services, civil society has continued to mobilize its members and beneficiaries. CSOs easily identify the needs of their target groups because they come from the communities themselves and because beneficiaries have often been involved in a participatory approach. For example, as part of its support for communities impacted by the palm oil agro-industry, Muyissi organized an awareness session in Ngounié in April 2019 to gather information on the difficulties faced by women in these communities, help them identify their training needs, and organize a trade fair to support them in their quest for empowerment. CSOs maintain a trusting relationship with their beneficiaries through projects, local offices, and open communication. For example, to strengthen its relationships with its beneficiaries, the Network of Civil Society Organizations for the Green Economy in Central Africa (ROSCEVAC) opened an office in Mouila, in the Ngounié region, in 2019.

 CSOs must define the missions and objectives of CSOs at their creation, but in the absence of strategic planning and professionalism, they sometimes deviate from their action priorities. Most CSOs do not mobilize sufficient funds to implement their action plan, partly because they struggle to comply with funding procedures that they find too complex. Moreover, the poor economic situation in the country and the lack of funding direct the actions of many CSOs to the detriment of their organizational objectives. Only a few CSOs like KEVA Initiative, Brainforest, National Oil Employees Organization (ONEP), and Women, Environment, Health, and Education (FENSED) have developed strategic plans and are implementing them. Some organizations conduct internal evaluations, but these seem to be subjective and difficult to carry out given the lack of harmonized evaluation standards at the national level, particularly regarding general policy, outlines of reports, and systematic audits. In 2019, most CSOs did not have enough financial resources to cover audit fees and other forms of external evaluations, even for projects funded by international donors. Gabonese law requires that all CSOs have governance structures composed of internal bodies (executive office, general assembly, and board of directors) and governance tools (procedure manuals, monitoring-evaluation plan). These structures often do not function well. The general trend in Gabon is minimal involvement of boards of directors in overseeing the daily management of CSOs. Many CSOs do not hold regular general assemblies, and only three of them have a manual of administrative and financial procedures. While unions and CSOs receiving support from international donors have relatively robust management systems, very few organizations voluntarily submit to transparency measures, such as publishing activity reports and financial statements. The lack of vision and low level of professionalism negatively impacts human resource management practices. Recruiting and retaining qualified staff (project managers, lawyers, finance specialists, and communication specialists) and paid staff remains difficult and generally occurs only within the framework of donor-funded projects.

Volunteers assume the roles of staff in most CSOs. Minimal efforts have been made to strengthen the capacities of CSO leaders, notably through training, simulations, and a gradual increase in responsibilities. The most active and well-established CSOs have continued their efforts to equip themselves with modern office equipment and vehicles. CSOs generally try to rent offices and use digital technologies to facilitate their work and improve their visibility. Many organizations use social networks like Facebook to promote their activities and WhatsApp for internal communication. In major cities and secondary towns, CSOs have easy access to the internet on mobile phones. According to the National Agency for Digital Infrastructure and Frequencies (ANINF), in January 2019, 48 percent of the population had access to the internet and 35 percent used social networks. Public Wi-Fi access is not widespread. FINANCIAL VIABILITY: 6.3 The financial viability of Gabonese CSOs did not change in 2019. International donors remained the main source of funding, but these funds are generally accessible only to a few CSOs with expertise in fundraising and project development. The main donors are the Food and Agriculture Organization of the United Nations (FAO), USAID, the European Union (EU), embassies, and international CSOs. To try to overcome the difficulty that CSOs have in meeting the complex requirements of EU calls for proposals, its delegation in Gabon, through the French embassy, established the Azobé program in 2019. With a total budget of 260 million XAF (approximately 450,000 USD), this program will provide CSOs with simplified mechanisms for small funding

between 15,000 and 60,000 EUR (17,000 to 68,000 USD) each for the implementation of sustainable development projects. National sources are diversified, but funding is generally sporadic and insufficient to support the long-term sustainability of organizations. Corporate social responsibility (CSR) programs exist but are not widely known. In 2019, companies like OraBank and the Gabon Brewery Company supported Malachie and other organizations for projects like banks

 5 food and a microcredit program for women in the markets. The Gabonese government allocates some subsidies to CSOs at the discretion of the administration for social and environmental projects. Philanthropy is not well developed in Gabon and remains dominated by political figures. For example, several foundations are associated with the Bongo family, which has ruled Gabon since 1967. These foundations provide some funding to CSOs but generally work directly with local communities on social projects focused on health, education, children's rights, food, and income-generating activities. In 2019, CSOs organized numerous fundraising events for vulnerable populations, including webathons and gala dinners. These events generally do not raise significant amounts because the public does not understand this fundraising method and has doubts about their use. CSOs often receive non-financial support from volunteers and communities for the design and implementation of activities. Membership fees yield only minimal income. Some CSOs generate revenue from training, consulting or infographic services, selling t-shirts or caps, or renting vehicles. There are a few social enterprises, notably the Community Empowerment, Monitoring, and Savings Program (AVEC) of Malachie, which trains and provides financial support to women to strengthen their capacity for income-generating activities. In 2019, AVEC helped nearly 140 female traders in the markets of Libreville and Akanda sell their products. Large CSOs have relatively strong management procedures and financial management professionals such as accountants and controllers. Their donors require them to produce activity and annual reports accompanied by financial statements. The financial management systems of other CSOs are generally weak. ADVOCACY: 4.7 The advocacy of Gabonese CSOs moderately improved in 2019. CSOs participated in public debates, supported the interests of communities in a wide range of

areas, and achieved numerous advocacy successes during the year. CSOs act directly with decision-makers at the national, provincial, and local levels through working groups, position papers, press releases, and letters. In 2019, for example, CSOs began participating in the National Interpretation Working Group of the Roundtable on Palm Oil regarding the revision of the Labor Code and in the Prime Minister's think tank. These consultation frameworks were mostly informal but reflect the willingness of public authorities to involve civil society in the decision-making process. CSOs also engage with the government in more official forums such as the Economic, Social, and Environmental Council and submit oral questions to the National Assembly.

 In 2019, CSOs individually or collectively conducted large-scale awareness campaigns to influence public opinion and legislation. Awareness campaigns for the defense of individual rights and the well-being of vulnerable groups were prioritized. SOS AVC advocated for better care for stroke victims; Dynamic Conscious Youth (JDC) promoted respect for human rights; Act for Gender demanded the restoration of African values in sexual behavior; and ROLBG sought to expand civic space. DU, ONEP, and the Gabonese Confederation of Free Trade Unions (CGSL) jointly contributed to a tripartite agreement between the government, employers, and workers on amendments to the Labor Code. The

 people living with HIV/AIDS. Brainforest, Malachie, and ONEP provided disadvantaged populations with skills support for income-generating activities, legal advice, assistance for collective negotiations, and in the resolution of individual and collective conflicts. ONEP handled nearly 1,800 individual labor conflict cases. The services of CSOs often respond to the needs identified by the beneficiaries themselves, during awareness activities, surveys, project evaluations, alerts, and requests for support. For example, in August 2019, 17 communities from Invido requested Brainforest's help to file a complaint against nine logging companies for breach of contract. CSOs present data in their activity reports and media coverage to demonstrate their presence on the ground alongside their target groups. The principle of equality forms the foundation of CSO action, and Gabonese CSOs provide goods and services without any discrimination. Although they focus on vulnerable populations, CSOs offer their expertise to the administration, the private sector, research institutes, and international NGOs. Several CSOs generated income in 2019 by charging for certain products and services, such as training, consultations, the sale of t-shirts, caps, vehicles, and graphic services. The pricing applied by CSOs to the public is generally minimal and sometimes relies on socio-economic surveys to take into account people's ability to pay. Public authorities increasingly recognize the impact of CSO action and have established mechanisms allowing civil society to participate in their processes and discussions. For example, Law No. 7/2014 on environmental protection recognizes the role of environmental protection associations (Article 9) and grants them the right to representation within the National Environmental Commission, as well as the Interministerial Commission for the Environment and the Environmental Safeguard Fund (Article 13). They also have the right to take legal action as a civil party to protect the environment (Article 14). Authorities sometimes acknowledge the contributions of CSOs in their public statements. SECTORAL INFRASTRUCTURE: 5.1 The infrastructure supporting CSOs slightly improved in 2019 because OSIs and international organizations provided new funding and other services to CSOs, and CSOs created new partnerships with the government and the private sector. Several resource centers and OSIs support CSOs in Gabon. The House of Civil Society, reopened in 2018, continued to offer offices to CSOs for a small monthly rent in 2019. The Amissa Bongo Ondimba, Omar Bongo Ondimba,

Sylvia Bongo Ondimba, and Paul Biyoghe Mba foundations provided Gabonese CSOs with expert advice, information, technical assistance, and support for launching local projects free of charge. They also allocated some funding to CSOs. While the source of funds is little known, as are the allocation modalities, the foundations seem to support the priorities of civil society, and their services are free. In 2019, the Sylvia Bongo Ondimba Foundation launched the Agathe Okumba d'Okwatsegue award, aimed at rewarding individuals or associations that contribute to promoting women's rights. International CSOs like WWF and Caritas France provide funding to national organizations. Their grants sometimes support activities of international scope. For example, in 2019, the national office of WWF in Gabon and Congo launched a call for consultation for the implementation of the process of free, informed, and prior consent for the populations of Messok Dja in Congo, who are impacted by the creation of a protected area in the Sembé region. This call for tenders was won by the Gabonese CSO Brainforest.

 8 Several networks, platforms, and partnerships were active in Gabon in 2019. Their objectives generally include sharing experiences and information and pooling efforts on various themes. The main platforms are ROLBG, ROSCEVAC, Publish What You Pay (PCQVP), the Women's Salon platform, the Pan-African Alliance for Climate Justice (PACJA), and Gabon, My Land, My Right (GMTMD). The Economic, Social and Environmental Council remains the main governmental institution that gives CSOs the opportunity to present and promote their rights. Throughout the year, institutions and international organizations such as OCHA, the International Organization of La Francophonie, the Economic Community of Central African States, and WWF provided training to CSOs. The training areas included climate change, environmental standards, strategies for mobilizing the political participation of marginalized groups, and human rights in the context of business activities. In April 2019, with funding from the Swedish International Development Cooperation Agency, ROSCEVAC and PACJA offered CSOs training on project development and management. The international REDD+ mechanism also provided capacity building to CSOs. The training is in French. Although training opportunities are still insufficient to cover the needs of CSOs, they align with their priorities. Most actors are aware of the benefits of intersectoral partnerships, but shortcomings are observed regarding the mechanisms for implementing such partnerships. For example, in 2019, there was no communication about the signing of partnership agreements between CSOs and private sector operators. Collaboration between CSOs and businesses occurs within the framework of CSR programs, mainly for service delivery. For example, Agir pour le genre received support from the oil company Vaalco for raising awareness about early pregnancies in schools in March 2019. At the initiative of WWF, a civil society platform was created in December 2019 to monitor companies' compliance with social and environmental standards. The notion of formalized partnership between civil society and the administration is still in its infancy. The organization Initiatives-Development-Research-Consulting (IDRC)-Africa, which works on the environmental and social aspects of large investment projects, launched the program One Gabonese, One Garden in 2019 as part of a partnership agreement signed with the Ministry of Agriculture to train young arborists in the management of vegetable crop nurseries. A local CSO facilitated a public-private partnership for the production of sustainable palm oil in Gabon, and CSOs participated in a cooperation framework for the revision of the Labor Code in 2019. PUBLIC IMAGE: 4.9 The public image of CSOs did not change in 2019. Civil society was considered to be working productively on public policy issues and communicating effectively about their activities. CSOs rely on the media to relay their messages about their work at both the national and local levels. They have access to traditional media and online media. However, some CSOs denounce restrictions imposed by public media, such as the censorship of certain statements by unionists that authorities deem

too aggressive. Furthermore, many organizations continue to struggle to cover the costs associated with media coverage of their activities. To address this, some CSOs maintain personal relationships with journalists and use social media to enhance their visibility and public image.

Sustainability Index of Civil Society Organizations in Gabon in 2019 9 Although the general public still considers the contribution of Gabonese CSOs to the country's development insufficient, their presence on the ground and their proximity to beneficiaries have improved public opinion. Although greater awareness and mobilization efforts are still needed, the general public increasingly understands the role of civil society as a development actor. The services provided by CSOs and their national advocacy have led the private sector and public administration to better appreciate civil society. CSOs are increasingly invited to participate in think tanks on national development policies and strategies, and in the implementation of CSR programs. Public authorities appreciate the contributions of CSOs, except when they denounce violations of human rights and freedoms, corruption and financial crime, lack of transparency, and similar issues. In 2019, very few CSOs had clearly defined communication strategies due to a lack of financial resources to develop them. Organizations primarily rely on the media, social networks, field missions, and communication materials (banners, brochures, t-shirts, etc.) to inform the general public about their activities and promote their image. Some CSOs cultivate close relationships with journalists. The publication of annual reports is not a legal requirement; only organizations declared to be of public utility and those receiving external aid are subject to reporting obligations. CSOs do not have codes of ethics; ethical issues are incorporated into internal regulations and procedural manuals. 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.