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**Gabon Pre-Election Technical Assessment
October 8-25, 1998**

March 1999

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I. EXECUTIVE SUMMARY

In May 1998 the government of Gabon and several opposition political parties approached the International Foundation for Election Systems (IFES) to request assistance with the December 1998 presidential election. After carefully examining Gabon's political environment, IFES determined that a pre-electoral technical assessment would be appropriate, both to determine the ability of the country to organize and implement a free and fair election and to identify specific needs for the forthcoming balloting. The Gabonese government and the opposition welcomed IFES' announcement of an assessment mission with funding provided by the U.S. Agency for International Development (USAID) through the Consortium for Elections and Political Process Strengthening (CEPPS).

A five-member team spent 17 days (October 8-25) in Gabon working in Libreville as well as in the provincial capitals of Port-Gentil, Oyem, and Franceville. In attempting to provide a technical analysis of preparations for the election, IFES met with political parties, presidential candidates, and diplomatic missions in Gabon. The team also spoke with civic leaders, professional associations, religious institutions, and labor unions. The team analyzed all legal documents at its disposal including the Gabonese Constitution, the Electoral Code, and decrees relating to the electoral process.

Before its departure from Gabon, the IFES team delivered a preliminary assessment and a set of recommendations to the Gabonese government, political parties, and international donors. This document is a final version of that report.

The December 1998 presidential election offered the government of Gabon an opportunity to demonstrate a genuine transparency in the administration of its political processes and to strengthen its regional leadership role. President Omar Bongo has emerged as an important political figure in Africa, using his diplomatic skills to advance the resolution of complex, long-standing conflicts, most notably in Angola and the Democratic Republic of the Congo. A well-organized election would reinforce the image of President Bongo as a modern, progressive leader. On the other hand, a disputed election, tainted by poor organization or fraud, could damage Gabon's emerging role as a regional model.

In its 1993 report, written seven months before the first multiparty election in Gabon, IFES noted that the election "would test the commitment of the regime that has governed the country for a quarter of a century." Both independent observers and many among the Gabonese electorate concluded that the test resulted in a failure. The 1993 election was troubled by serious irregularities at every level and ushered in a period of instability and political violence.

The municipal and legislative elections which followed were also characterized by poor organization, disorder, and violence. Both the majority and the opposition were suspected of acts of fraud. As a consequence, the Gabonese electorate lost faith in their emerging democratic institutions. Today voter apathy is high and political parties, government, and civil society all appear to lack effective civic education programs capable of dispelling the malaise.

There is no reason to doubt that Gabon is capable of organizing a free and fair election. Gabon is a small country with relatively well-developed internal communication and transportation systems. The human and financial resources needed to bring about a successful election are available. A framework of democratic institutions--including political parties that function in all regions of the country and national regulatory agencies--already exist in the political arena. The principal focus of the IFES team centered on (a) the willingness of the government to establish an equitable framework for the election and to cease using its considerable resources and power to influence the election process in its favor; and (b) the ability of the institutions involved in the election--particularly the Interior Ministry, the court system, and the National Electoral Commission--to function independently rather than as agents of the majority party.

The IFES team found that without quick and precise action by the government, the scene was set for a repeat of the disorder and chaos of the preceding elections. In the past, allegations of disorder, manipulation, and fraud have led to disillusionment and violence in urban areas. Many of the problems cited in the 1993 IFES report were still present at the end of October 1998, including disputes over the electoral list, the ineffectiveness and unpreparedness of the National Electoral Commission, and the lack of any coherent civic education program. These problems diminished the chances for the presidential election to be viewed, in Gabon and abroad, as a credible expression of the will of the Gabonese people.

The political system of the country affords significant advantages to the majority party. Although in principle electoral institutions are apolitical, the actual make-up of these institutions puts their neutrality in question. Weakness of civil society, and unequal access to state-owned media further decreased the chance that this election will be viewed as a fair contest.

There had been, however, some positive signs. Compromises between the government and the opposition regarding the reopening of the electoral list and the number of political party representatives on the National Electoral Commission were encouraging. Nevertheless, the expulsion from the country of representatives of GERDES-Togo, an election monitoring group, raised serious doubts as to the government's commitment to permit foreign observers to freely witness and comment upon the process.

IFES recommended to the government, in its pre-departure report, a number of short-term remedies to improve electoral conditions. IFES suggested the following changes, among others:

- The National Election Commission (CNE) and the Interior Ministry should establish a formal and transparent communication system, designed to clarify their respective mandates.
- The CNE should make the Local Election Commissions (CLEs) operational immediately.
- In the interest of transparency, the Interior Ministry should provide each candidate with copies of the electoral list, on diskette and on paper, as soon as the list has been finalized.

- The CNE should set a precise date for the posting of electoral lists in the polling stations.
- The Interior Ministry should ensure training for all poll workers. Representatives from political parties should participate in the training.
- The Gabonese government, working with public and private media, should quickly implement a civic education campaign for voters.
- Observers, both domestic and international, should be accredited to observe all the steps of the electoral process all areas of the country.
- To encourage a transparent process, the CNE should develop a "declaration of results form" and provide it to all representatives of the majority and opposition parties at the polling stations. This form should be signed by the polling station officers.

Understanding that the period prior to the presidential election is short, IFES has also formulated a number of recommendations for consideration beyond December 1998. These recommendations include:

- The government of Gabon should re-establish the CNE as it was defined in the Paris Accords, returning to it the overall responsibility for the organization of national elections.
- Gabon should consider establishing a permanent structure responsible for elections to ensure continuity and professionalization of the election process.
- The government of Gabon should work with political parties to establish a system for funding campaigns. It should also study the feasibility of limiting campaign expenses.
- The international community should lend its support (technical and financial) to the establishment of a viable and effective civil society in Gabon.
- The government of Gabon should study the feasibility of moving from a multiple to a single ballot system, thereby reducing cost and preventing certain types of ballot fraud.

II. INTRODUCTION

In May 1998 the government of Gabon and several opposition political parties approached the International Foundation for Election Systems (IFES) to request assistance with the December 1998 presidential election. After carefully examining Gabon's political environment, IFES determined that a pre-electoral technical assessment would be appropriate, both to determine the ability of the country to organize and implement free and fair election and to identify specific needs for the forthcoming balloting. The Gabonese government and the opposition welcomed IFES' announcement of a pre-electoral technical assessment mission, funded by the U.S. Agency for International Development (USAID) through the Consortium for Elections and Political Process Strengthening (CEPPS).

The five-person team selected for the mission included a Canadian lawyer with significant election administration experience; an American attorney with experience working with African governments and business interests; an Ivorian social worker who has worked extensively with civil society and elections; an American university professor who is an expert on Gabonese political history; and an IFES program officer who has worked in Central Africa on democracy and human rights issues.

The five-member team spent 17 days (October 8-25) in Gabon, working in Libreville as well as the provincial capitals of Port-Gentil, Oyem, and Franceville. The team met with representatives of political parties, presidential candidates, and members of diplomatic missions in Gabon as well as with representatives of professional associations, religious institutions, and labor unions. While in Gabon, the team analyzed all legal documents at its disposal including the Gabonese Constitution, the Electoral Code, and decrees relating to the forthcoming election. This report is the result of the investigation and deliberations of the IFES team. It provides a technical analysis of the status of preparations for the 1998 presidential election.

In October 1998, at the time of the mission, the opposition was withholding its participation from the newly constituted National Election Commission (CNE). In addition, a series of governmental decrees and ordinances had been issued which violated the spirit if not the letter of an already contested election law. Despite a decision by the government to reopen the voter registration process, serious and credible debates continued over the accuracy of the electoral lists. Most disturbingly, representatives of an election organization financed by the U.S. Embassy to observe the elections were arrested and deported during the IFES team's investigation.

In its 1993 report, written seven months prior to Gabon's first multi-party presidential election, IFES noted that the election would "test the commitment of the regime that has governed the country for a quarter of a century." Both independent observers and many among the Gabonese electorate concluded that the test resulted in a failure. The 1993 election was troubled by serious irregularities at every level and ushered in a period of instability and political violence.

Subsequent municipal and legislative elections were also characterized by poor organization,

disorder, and violence. Both the majority and the opposition were suspected of acts of fraud. As a result, the Gabonese lost faith in their nascent democratic institutions. In the run-up to the December 1998 presidential election, voter apathy was high; political parties, government, and civil society all appeared to lack effective civic education programs capable of countering the malaise.

The objectives of this report are to: (1) situate the 1998 presidential race in the context of Gabon's political history; (2) provide an analysis of election-related legal and administrative structures; (3) focus special attention on issues related to the media and civil society in Gabon; and (4) provide an overall technical analysis of preparations for the 1998 election and offer a series of both short- and long-term recommendations for addressing gaps in election planning and implementation in preparation for future elections in Gabon.

IFES would like to express its appreciation to the U.S. Embassy staff in Libreville, led by Mr. Phillip Carter, Deputy Chief of Mission. The Embassy provided invaluable logistic and moral support to the IFES assessment team. The Foundation would also like to thank the Gabonese who took time out of their busy schedules to sit and discuss Gabon's political and social development with the IFES team.

III. THE SETTING

A. HISTORICAL BACKGROUND

Gabon is located on the Atlantic coast of West Central Africa; its 267,667 sq km (half the size of France, roughly the same size as Colorado) are divided by the equator. About three-quarters of Gabon is covered by several types of equatorial rain forest. The Ogooue basin and its tributaries are the most prominent river system. Gabon shares borders with Equatorial Guinea, Cameroon and Congo-Brazzaville. Historically, the fragile ecologies of the equatorial rain forest were not conducive to the development of densely populated settlements. However, gradually the pre-colonial people who inhabited the region established communities that stressed decentralization of power and authority. Decisions which were made at the local village or clan level were based upon institutions that promoted consensus; in this way the Gabonese may lay claim to a rich heritage of democratic practice. One may view the present democratization process as an effort to re-establish a system of accountability similar to the one used in the past between village and clan authorities and their constituents.

The challenge has been to transform and adapt these practices to the needs and requirements of the modern state. The physical boundaries, institutions, and even the structures of local ethnic identities that today characterize Gabon are the heritage of French colonial rule practiced in this part of Africa. The French first established naval outposts on the coast in the 1840s. Later in the 1880s they claimed territory in the interior. In the 1920s, France established effective administrative control over the whole of the Gabon colony. Gabon's present boundaries of Gabon date from 1946 when the Haut-Ogooue region was transferred from the *Moyen Congo* colony. The experience of colonial rule--placing new revenue and labor demands upon a limited population base--was disruptive and though there has been a considerable spurt in growth since the 1950s, Gabon remains an underpopulated country. Indeed, the exact number of its inhabitants has long been an issue for debate. The 1993 government census produced a figure of 1,014,976. In 1996, international estimates pegged Gabon's population at about 1.36 million.

As in many parts of Africa and Asia from the end of the 19th century, colonial rule served as Gabon's rite of passage into the practices of modern state administration as well as those of capitalist wage-labor and investment. Gabon's colonial economy was dominated by the timber industry. The wood of the okoume tree became an important source for European plywood. Timber exploitation demanded drastic shifts in labor practices and recruitment that led to the neglect of agriculture and food production, though it required no sustained investment in infrastructure. Thus, while Gabon provided much of the revenue for the French Equatorial Africa federation, it received few benefits from colonial rule. These practices, put in place during the end of the 1920s, have been exacerbated by Gabon's post-colonial mineral and petroleum boom.

The colonial period also brought about dramatic change in Gabonese political and cultural practice. Three thousand year old traditions that had provided a political and cultural base for the people of this region were thrust into crisis. Cultural identity had to be adapted to the exigencies

of modern politics. Today, ethnic groups assume a greater importance than historical matrilineal or patrilineal clans. It is important to understand that ethnic terms like Fang, Myene, Bateke or Bapunu are relatively recent historical constructions. The individuals to whom they refer are not static ahistorical "tribes" but continually evolving entities. Indeed, electoral politics have often provided the impetus and the setting for the reinforcement of modern Gabonese ethnic identity.

The beginning of modern Gabonese electoral politics started from a series of reforms initiated by the 1944 Brazzaville Conference organized by De Gaulle's Free French. In 1946, Jean-Hilaire Aubame was elected Gabon's representative to the French National Assembly. Suffrage during this period was limited and elections were influenced by French timber and missionary interests. Nevertheless, a lively electoral culture took form and began to coalesce around Aubame and his main rival, Leon Mba. Though both were from the Fang ethnic group, they came to represent competing Fang regional interests--Mba the candidate for the Estuaire (Libreville) Fang and Aubame the candidate for the Woleau-Ntem (Oyem) Fang. In 1954, Mba struck an alliance with Paul Gondjout, leader of the only other powerful ethnic bloc of the time, the coastal Myene. It was this coalition which allowed Mba to become the first president of independent Gabon. When independence arrived in 1960, Gabonese political life was largely dominated by Aubame's *Union Démocratique et Sociale Gabonaise (UDSG)* and Mba's *Bloc Démocratique Gabonais (BDG)*.

The first three and a half years of Gabon's independence were marked by Mba's ever more concerted efforts to establish authoritarian rule. The Gabonese political class chafed at these constraints and the urban population in Libreville became increasingly more uncomfortable with Mba's leadership. A coup instigated by young Gabonese military officers chased Mba from power in February 1964. As the coup was unfolding, Albert-Bernard (later Omar) Bongo, Mba's young cabinet director, alerted French authorities of unusual troop activity and thus set in motion France's military intervention and subsequent re-installation of Mba as president. This coup of 1964 is an important event in Gabonese history. Not only does it mark the entry of Omar Bongo onto the historical stage but it also demonstrates to the Gabonese political class the lengths to which the French would go to protect their interests. These interests remain an important element in Gabonese politics.

French interests in Gabon were based on a simple logic. By the early 1960s, it was very apparent that Gabon was going to become quite rich. With recent discoveries of petroleum, uranium and manganese resources, Gabon took on the airs of an "el dorado." By the late 1960s, petroleum had become the country's leading export and source of government revenue. The OPEC price hikes in the 1970s resulted in a revenue windfall and the government undertook ambitious projects like the construction of the Transgabonais Railroad and the transformation of Libreville into a modern city. Workers from all parts of Africa poured into the country to fill the ever-increasing demands for skilled and unskilled labor. Technical expertise came primarily from France with the French population in Gabon numbering 20,000 at its peak in the early 1980s--much larger than it had ever been during the colonial period. The immigrant population as a whole may have been greater than 100,000 or between 15 to 20 percent of the total population.

Omar Bongo was positioned to preside over this extraordinary economic boom. After Leon Mba was restored to power following the coup, he established a more authoritarian pattern of rule. In 1966, he appointed Omar Bongo to be his vice president. In November 1967, Bongo succeeded Mba upon Mba's death in Paris. President Bongo has been the leader of Gabon ever since.

In President Bongo's view, the political turmoil leading to the 1964 coup was due to ethnic and regional rivalries engendered by a multi-party political system. Thus, he moved quickly to bring many of Mba's former opponents into his government. Then in March 1968, he dissolved all existing political parties and created a new single party, the *Parti Démocratique Gabonais* (PDG). From 1968 to 1990, President Bongo and the PDG dominated virtually every level of Gabonese political culture and civil society. The ever-increasing flow of revenue into state coffers placed him at the top of an extensive system of patronage which created numerous personal fortunes for what became known as the "*clan gabonais*"--a grouping that not only included the PDG elite but French political and economic figures as well.

In the first eight years of Gabon's independence, national politics was dominated by ethnic blocs from the Fang and Myene communities. The Fang are Gabon's largest ethnic group and compose about one third of the population. They are predominant in the Woleu-Ntem province and an important presence in the Estuaire, Moyen-Ogooue, and Ogooue-Ivindo provinces. The Myene compose a considerably smaller portion of the population (about 5%) but are the original inhabitants of the Port-Gentil and Libreville urban centers. They were able to use their early access to European education and colonial posts to obtain political influence out of proportion to their numbers. Curiously, one of the reasons that President Bongo was chosen to succeed Mba was because he was neither Fang nor Myene but Bateke from the Haut-Ogooue province, an ethnic group and a province with little political influence in 1968.

Omar Bongo, upon gaining the presidency, changed this ethnic composition. A growing cadre of Bateke and Obamba from the Haut-Ogooue came to enjoy considerable power and influence under his rule. Nevertheless, the leader of the PDG was careful to distribute resources across ethnic lines and most regions and ethnic groups did well under his regime. In terms of infrastructure investment, President Bongo's home region of the Haut-Ogooue--the site of the manganese and uranium deposits--and its capital Franceville enjoyed a privileged position. There were, however, some regions in the country--most notably the south with its important Bapunu population and the Fang in the north--who felt that Gabon's economic boom had passed them by.

The elite ruling entourage which developed around President Bongo consisted of individuals holding top positions in government, administration, parastatal companies, parliament and party. They were selected for their posts according to a strategy of ethnic balance but also for their loyalty to the President and their commitment to working within a single-party system. Some appointees were highly qualified, others were not. During the period of single-party rule, all political discussion, dialogue and criticism had to be conducted within the confines of the PDG. Any attempts to organize outside of these structures were severely repressed. The PDG operated

in a top-down manner. Its central organs sent out decrees and directives to local branches instead of responding to grassroots constituencies.

This system worked relatively well as long as the economy remained on track and the majority of the Gabonese were convinced they were gaining at least some access to the economic pie. However, the fluctuations of the oil markets, poor financial management and concern that petroleum reserves would soon dry up resulted in series of economic crises at the end of the 1970s. The PDG organized its second Extraordinary Congress in 1979. Local delegates expressed constituent discontent with government economic and administrative policy. The result was greater local influence in the PDG central committee. In the early 1980s, the discovery of new oil deposits temporarily relieved the economic crisis but the drop in world oil prices from the mid-1980s pushed Gabon into an economic decline from which it is still trying to recover. In March 1985, the PDG sought to alleviate political tensions by allowing local committees a greater voice in selecting candidates for the *Assemblée Nationale* and by organizing more competitive elections.

By the early 1980s, an opposition movement was beginning to develop in Gabon. The *Mouvement de Redressement National (MORENA)* was created in the 1970s by Gabonese exiles in Paris opposed to the Bongo regime. It was only able to operate openly in France following the electoral victory of the French Socialist Party in May 1981. In November 1981, convinced that the Mitterrand government was prepared to rethink France's relationship with Gabon, MORENA activists in Libreville distributed pamphlets criticizing the Bongo regime. They accused President Bongo of corruption and called for the return of multi-party democracy as well as a more equitable distribution of national resources. (This last concern reflected the views of the intellectuals from the Bapunu of the Ngounie Province and the Fang of the Woleu-Ntem Province who largely comprised the MORENA.) The government responded with a crackdown, arresting 267 individuals and sentencing 29 individuals.

In 1982, MORENA re-emerged as an exile movement under the leadership of Paul Mba Abessole, a Catholic priest living in France since 1976. Throughout the 1980s, President Bongo made a number of appeals for exiled MORENA members to return home. Indeed, some key figures did return to assume important posts in the PDG. However, Mba Abessole remained in France and MORENA remained intransigent.

A number of crucial developments in 1989 led to the dramatic events of 1990 and Gabon's subsequent experience with democracy. Several years of economic decline and austerity measures caused a fall in the standard of living. In Gabon's urban-based, salaried classes to drop significantly. The state was no longer able to guarantee government posts for young Gabonese completing their professional and university training. The population chafed under the restrictions of single-party rule and became more disillusioned with an elite political class who continued to enjoy extraordinary privileges while the lives of the majority of Gabonese became increasingly difficult.

In addition, early in 1989 MORENA pamphlets criticizing the Bongo regime for the country's

economic decline were smuggled into the country. President Bongo tried to relieve growing tension by inviting Mba Abessole to Libreville for a week-long series of meetings. Later in 1989, the government claimed to have discovered and then defused two related plots to overthrow the government. By the end of 1989, workers in both the private and public sectors undertook a series of strikes to protest government austerity measures and the resulting decline in their standard of living. In November, Mba Abessole returned to Gabon to conduct a series of dialogues with President Bongo. These events, culminating with the workers' strikes, pushed President Bongo into unofficial talks with MORENA leaders and brought about the January 1990 creation of a PDG commission on democracy.

B. DEMOCRACY IN GABON: 1990-1998

The new decade began with a period of political unrest unprecedented in Gabon's post-colonial history. On January 16, 1990, at the *Université Omar Bongo*, a wave of strikes and demonstrations took place that shook the foundations of the Bongo regime to its core. University students began by protesting a shortage of professors as well as deteriorating campus facilities. The following day they were forcibly evicted from the campus leading high school students to protest in a show of support. The students were soon joined by adults. Violent riots occurred in select Libreville urban neighborhoods on January 18th. Five people were killed and seventy injured. On January 22nd President Bongo met with the students to hear their grievances while demonstrations intensified across Libreville. Strikes spread to both public and private sectors. Workers demanded higher wages, a more equitable distribution of the country's wealth and democratic reforms. Activity in the capital city ground to a halt. President Bongo's attempts to appease this unrest met with little success and strike activity peaked at the end of February when airport personnel, telecommunication workers and gas station attendants joined teachers and physicians in demanding better wages and working conditions. By the beginning of March, promises from the President to establish committees to deal with labor grievances prompted citizens to return to work.

These events engendered enormous pressure to dismantle the one-party state. The PDG commission on democracy recommended the single party's dissolution and the establishment of a new political movement, the *Rassemblement Social et Démocratique Gabonais (RSDC)*, open to a broader political spectrum. President Bongo called for a national conference to begin on March 23 to discuss these new arrangements. Meanwhile, popular unrest continued. On March 21 the government recognized 74 political associations as participants in the National Conference.

At the conclusion of the National Conference, President Bongo was asked to continue as president through December 1993, but to resign as leader of the PDG. The National Conference also demanded the re-establishment of a multi-party political system. That demand was met on May 22. Democratic elections for the National Assembly were slated for September 1990.

At this point, Gabon's opposition centered around the ethnic constituencies which predominated during the pre-Bongo period. Mba Abessole's MORENA was strongest among the Fang in the

north but also claimed support from Bapunu elements in the south. The *Parti Gabonais du Progrès (PGP)*, led by Joseph Rendjambe, an economics professor and businessman, and Pierre-Louis Agondjo-Okawe, a lawyer and former university dean, claimed support from the coastal Myene. These two associations assisted in the guidance of reform measures adopted during the National Conference as did the "*Rénovateurs*"--a group of young activists centered around the President's son Ali Bongo--which was part of a movement from within the PDG.

Ironically, on the same day multi-partyism was officially re-established, the leader of the PGP, Joseph Rendjambe, died in mysterious circumstances in a Libreville hotel owned by President Bongo. The cities of Libreville and Port-Gentil once again erupted in violence. Businesses and property owned by the Bongo family were destroyed. The government's inability to maintain control over Port-Gentil prompted the French to send in a military intervention force to protect French lives and property. This action effectively bought time for the Gabonese government. The Presidential Guard, a crack unit of mostly Moroccan soldiers, was able to move in and put down the rioters in Libreville.

Despite this unrest, elections for the National Assembly took place in September. The new Assembly consisted of 120 deputies. Their distribution did not correspond to Gabon's population concentration. The Estuaire province, which contained between one third to one half of Gabon's population was represented by eighteen deputies, less than one half of the total assembly. President Bongo's considerably less-populated home province, Haut-Ogooue, received nearly the same number of seats (17). The Ngounie and Woleu-Ntem provinces each received 17 seats; the Ogooue-Maritime, 13; and the remaining provinces (Moyen-Ogooue, Ogooue-Lolo, Nyanga, Ogooue-Ivindo) received either 9 or 10 seats.

Campaigning was relatively open and free, with all parties having access to the *L'Union* newspaper and national radio and television. But the government did little to assure an orderly process on election day (September 16th). As a result there were widespread accusations of fraud and intimidation, mostly attributable to PDG deputies fearful of losing their positions. The opposition demanded that the elections be annulled, but the government refused, validating as final, the results in 58 of 120 districts (of which the PDG won 36). It was determined that thirty districts would participate in a second round of voting on October 21. The remaining 32 would participate in their first round of voting on the same day with a second round, if necessary, scheduled for October 28.

Mba Abessole, now leader of the popular *MORENA-Bûcherons (MB)* (in the beginning of 1990, MORENA split into *MORENA-Bûcherons (MB)* and *MORENA-Originel (MO)*) was convinced the October elections would not be fair and urged an opposition boycott. Though the other opposition parties did not follow Mba and not all MB candidates supported the boycott, it is widely thought that the boycott prevented what might have been an opposition victory, allowed the PDG to claim a narrow majority. In the end, 117 seats were decided; 62 for the PDG, 19 for Mba's MB, 7 for the MO, 18 for the PGP, 6 for the *Association pour le Socialisme au Gabon (APSG)*, 4 for the *Union Socialiste Gabonaise (USG)*, and one other. Voting in three remaining districts in Nyanga took place on November 5th. The Supreme Court invalidated results in five

districts. New elections were conducted in March 1991.

In its final composition, the National Assembly included 66 deputies from the PDG, 20 from the PGP, 17 from the MB (known as the *Rassemblement National des Bûcherons* or RNB from January 1991), 7 from the MO, 6 from the APSG, 3 from USG, 1 from the *Cercle pour le Renouveau et le Progrès* and 1 from *Union pour la Démocratie et le Développement*. The National Assembly unanimously adopted a new constitution in March 1991 which included important new elements such as greater powers to the Prime Minister, a presidential term of five years renewable only once, the creation of an upper house called the *Sénat*, and the establishment of a *Conseil National de la Communication (CNC)* to ensure fair access to state media.

The next election scheduled to take place was the presidential election at the end of 1993. Several developments prior to that election are worth noting. First, even though the PDG majority withstood opposition attempts to bring down Oye-Mba's government with no-confidence votes, the "*Rénovateur*" reformist PDG faction was often quite critical of the government's performance. Second, the opposition parties found it difficult to maintain a united front against the PD. The *Coordination de l'Opposition Démocratique (COD)* bickered over the most appropriate strategy to adopt to ensure the government's implementation of the new constitution. Third, Mba's RNB party continued to strike out on its own. The creation of new political parties further complicated opposition efforts to unify. Most notable among the new parties were the *Union du Peuple Gabonais (UPG)* led by Pierre Mamboundou who remained in exile due to his conviction in absentia of a 1989 plot to overthrow the government; the *Parti Social Démocratique (PSD)* led by Pierre Maganga-Moussavou, a former advisor to President Bongo; the *Parti de l'Unité du Peuple (PUP)* led by PDG minister Louis-Gaston Mayila; the *Parti du Centre des Indépendants (PCI)* led by Jean-Pierre Lemboumba-Lepandou, a former director of President Bongo's cabinet; and the *Parti Libéral Démocrate* led by Marc Saturnin formerly of the PGP.

In 1993 a census was conducted with UN assistance in preparation for the presidential election. In June of that year, IFES conducted a pre-election assessment six months prior to the elections. The IFES team took special notice of the campaign-like trips around the country undertaken by President Bongo, as well as a number of hastily conceived construction projects. The IFES team further noted "a trend toward indiscipline and lawlessness in the country" as roadblocks appeared in rural areas in protest against the government. Those roadblocks generally appeared in areas sympathetic to the RNB. The IFES team posited that such actions may have been an RNB tactic to demonstrate their party's strength and the government's weakness. At that time, it was quite apparent that RNB leader Mba Abessole stood as President Bongo's most formidable opponent.

The presidential election was held on Sunday, December 5, 1993. An observer mission from the African-American Institute (AAI) cited a number of concerns prior to the election, including inadequate preparation, training and distribution of materials. Particularly problematic were the electoral lists. Though voting was conducted in relative calm, the AAI mission noted a number of serious irregularities which resulted from fraudulent practices by the both opposition and government parties. On Thursday, December 9, Interior Minister Antonine Mboumbou-Miyakou

announced that President Bongo had won the election in the first round with 51.18% of the vote and that no second round would be necessary. Mba Abessole of the RNB came in second place with 27.48% of the vote, the PGP's Agondjo-Okowe came in third with 4.8% followed by Maganga-Moussavou of the PSD; nine other candidates trailed behind.

Mba Abessole argued that data gathered by his supporters showed that he had won the necessary 50% in the first round and that he should also be proclaimed the victor. He accused President Bongo of treason, formed his own government, and called on security forces to join his civilian supporters. In response, the government imposed a night-time curfew which was widely ignored in Libreville neighborhoods such as Nkembo, Kingale and Rio, where the RNB enjoyed its strongest support. On Saturday, December 11, serious rioting occurred as the nine-party opposition coalition, Convention of Forces for Change, stated that it intended to ask the Constitutional Court to annul the presidential elections. Special anti-riot troops moved through Kinguele in combat formation. Subsequent rioting resulted in some 20 deaths. On Monday, December 13, the Constitutional Court ruled that President Bongo had won the country's first multi-party elections. Gradually the rioting subsided, though strikes by post and telecommunications workers continued and Mba Abessole fled the country.

In 1994 a majority coalition including the PDG and the opposition umbrella group *Haut Conseil de la Résistance* (HCR) (including Mba Abessole's RNB, Agondjo-Okawe's PGP, Mamboundou's UPG, and Maganga Moussavou's PSD among others) conducted extensive negotiations. Those talks produced the Paris Accords, signed by all parties in October. Central elements of these accords included the installation of a transitional government, the revision of the electoral code and the establishment of an independent electoral commission in preparation for municipal and legislative elections.

In 1995 the government organized a national referendum to gauge the level of support for the Paris Accords. The opposition parties viewed the referendum as a tactic to stall the Accords' implementation. Nevertheless, the Accords were widely approved. In May 1996 a political impasse over the organization of local and legislative elections was finally broken with the official establishment of the *Commission Nationale Electorale* (CNE).

In June, President Bongo refused to accept the resignation of the transitional government led by Prime Minister Paulin Obame Nguema, stipulating that it should remain in place through the upcoming elections. In July the CNE fixed September 8 (subsequently pushed back to October 20) as the date for local municipal and departmental elections. The date for the legislative elections remained a point of contention. Disagreement over election dates resulted in serious rifts between the opposition and the government. It also served to divide the opposition, as some members of the opposition coalition opted to suspend their participation in the CNE while others pushed ahead. The local, municipal, and departmental elections were eventually held on October 20th. Only an estimated 15% of the voting population turned out in Libreville, illustrating the serious problems encountered in the preparation and distribution of voting materials. The local elections for Libreville were annulled and rescheduled for November 24. Mba Abessole and the RNB contested the second round of local elections in Libreville, convinced they had won in the

poorly-organized first round. The second round was held on November 24 and judged "*moins mauvais que le précédent*" in the Makaya column of the *L'Union*. Mba Abessole and the RNB emerged as victors in control of Gabon's capital and largest city.

Legislative elections were scheduled for December 1 and December 15. Campaigning began on November 17. The election date was changed several times due to difficulties in establishing the electoral list cited by CNE officials. The first round was held on December 15. On December 18 the official results proclaimed that the PDG won the outright majority for 44 of the 120 seats in the first round. The allied majority parties took an additional two seats and the opposition parties claimed six. A run-off election took place on December 29. In January, the official results proclaimed the PDG the winner of an overwhelming majority, 76 total out of 120 seats. Meanwhile, the municipal councils of Libreville and Port-Gentil elected mayors from opposition parties--Abessole for Libreville and Marie Augustine Houangui Ambouroue for Port-Gentil.

On January 29, 1997 a 40-member government was formed by Prime Minister Oba, a considerable enlargement over the transitional government of 27 established after the Paris Accords. In January and February the first Senate elections were conducted. The 1,930 members of the Municipal Councils and Departments elected 91 senators, with the PDG claiming a majority. In March, the new senators elected the PDG "*baron*" Georges Rawiri their president, and the PDG majority in the Assembly rapidly demonstrated their intent to use their newly-won power to undermine the spirit of the Paris Accords through amendments to the Constitution. They adopted a "*projet de Loi portant révision de la Constitution*," which established the post of vice-president, and extended the term of the president from five to seven years. Between 1997 and 1998, the government successfully marginalized the CNE, transferring authority for the organization of future presidential elections back to the Ministry of the Interior.

ELECTIONS TABLE

1990 Elections for the National Assembly (120 seats)

September 16, 1990 (first round -- 58 seats validated)

October 21, 1990 (second round for 30 seats, first round for 32 seats)

October 28, 1990 (second round for 32 seats)

November 4, 1990 (3 by-elections elections for Nyanga)

March 1991 (by-elections for 5 disputed seats)

1993 Presidential Election

December 5, 1993

1995 Paris Accords Referendum

1996 Local Municipal and Departmental Elections

October 20, 1996

November 24, 1996 (Libreville & Fougamou)

1996 Elections for the National Assembly (120 seats)

December 15, 1996 (first round -- 52 seats validated)

December 29, 1996 (second round)

1997 Elections for the Senate (91 seats)

January 26, 1997 (first round -- 44 seats validated)

February 9, 1997 (second round)

1998 Presidential Election

December 6, 1998

IV. LEGAL FRAMEWORK

The Constitution, Electoral Code of 1998, and various implementing decrees form the current legal framework for Gabon's emerging multiparty democratic system.

Presidential elections are held every seven years. Voting is by secret ballot, and every citizen who is 18 years or older--except the mentally disabled and those convicted of certain crimes--has the right to vote. The individual must (1) present herself or himself at the polling station where registered; and (2) present a voting card and either a driver's license, a national identity card, or a passport. Under the Constitution and the Electoral Code as amended in 1998, three entities are primarily responsible for supervising and managing the electoral process. First, it is the responsibility of the Ministry of the Interior (MOI) to prepare for national elections. Second, the National Electoral Commission (CNE) is responsible for running the election on voting day and for compiling the results. Third, the Constitutional Court (CC) must certify the results before the newly-elected president may take office.

The following discussion of the legal framework begins with a brief summary of the relevant laws as they relate to the election process. It then describes the attributes and mandates of the entities that are responsible during the different phases of the process.

A. Principal Laws

1. Constitution

The 1991 Constitution, as amended in 1994, 1995, and 1997, contains only a cursory discussion of the electoral process. It does, however, describe the eligibility requirements for presidential candidacy and generally notes the requirement that elections be transparent, free, and open.

2. Electoral Code

The Electoral Code in its first iteration was enacted in 1996 as a result of the Paris Accords. The 1996 Code was modified significantly in July of 1998. The majority of the modifications relieved the CNE of most of its pre-election day responsibilities and returned them to the Ministry of Interior as was the case in 1993. These changes are significant not only because they return control over the election process to the same Minister of Interior who had responsibility for the 1993 election, but also because the changes were made just months before the December 1998 presidential contest.

3. Implementing Documents

There are decrees, rules, regulations, and executive orders which implement the relevant provisions of the Constitution and Electoral Code. Most were issued in the four months prior to the election. Between August 14, 1998 and October 20, 1998, approximately 18 decrees were circulated by the government regarding the presidential election. The decrees were the subject of much debate because, while some strictly followed the relevant statutes, others appeared to be in direct conflict with the statutes. For example, the decree which authorizes the president of the CNE to choose the presidents of the local electoral commissions states that such nominations are

to be made "after consultation" with the other members of the CNE. However this selection process is contrary to the Electoral Code which clearly states that it is the CNE--not only its president--which selects the local presidents and that decision-making in the CNE is to be by consensus, or if not possible, by secret ballot of its seven officers.

Others decrees are viewed suspiciously by the opposition parties because they omit crucial material that arguably should be included, for example a decree from the MOI describing operating procedures for polling stations. This decree does not discuss important transparency issues like transportation of official results, training of poll workers, or the fact that the vote counting procedure is to be public. Under the Electoral Code, it is the CNE which is responsible for the management of these stations. It is curious that even before the CNE had been fully operationalized, the MOI had already outlined procedures for the polling stations.

The fact that decrees related to the 1998 presidential election were not released in a uniform manner is problematic. Some of the decrees were numbered, signed, and dated as per regulation; others were not. None had been published in the "*Journal Officiel*" (similar to the "U.S. Federal Register"). This problem may be attributable to an unclear division of responsibility between the MOI and the CNE, resulting in contradictory and incomplete documents from the central government.

4. Paris Accords

The 1995 Paris Accords provide some context for interpretation and application of the Electoral Code because of the Accords' continuing political significance. The Accords were the subject of a Referendum in 1995 in which over 90% of the Gabonese voters supported their implementation. However, to the extent that they differ from the Constitution and present election laws, the Accords' continuing legal effect is uncertain.

The Accords and legislation passed pursuant to them provide for: (1) a permanent and independent electoral commission; (2) a five-year presidential term, (3) a considerably smaller central government; (4) a Constitutional Court whose president is chosen by the members of the Court themselves; (5) a National Communication Commission (CNC) whose president is chosen by the members of the CNC and which provides the executive branch with a list of candidates from which to select in filling top positions in the government-owned media; and (6) local electoral commissions (CLEs), each headed by a judge chosen by the CNE.

5. Modifications

All of these agreements have been nullified or limited by subsequent legislation passed in the last 2-3 years, or by recent decrees. The CNE and its local affiliates are not permanent. There is now a seven-year presidential term. The central government has increased the number of ministries to pre-1993 levels. The Constitutional Court, whose members are all appointed by the majority party government, chooses the president of the CNE. The 1996 Electoral Code provides that the president of the CNE select the presidents of the local electoral commissions, in "consultation" with CNE members. For the 1998 election, those presidents were selected prior to the first meeting of the CNE. Therefore, it was impossible for the CNE to have participated in that

decision. Those selections seem to have been unilateral decisions by the individual who was named CNE president. With respect to another important commission, the National Communication Commission (CNC), its president is selected by the President of the Republic. The CNC initially selected its own president and was responsible for nominating three candidates for each high-ranking vacancy in the government-owned and controlled media. However, that is no longer its responsibility. The result of all these actions is a clear return toward greater centralization of authority and responsibility.

B. Entities that Manage Election Process

1. Ministry of Interior (MOI)

a. Pre-election activities

Under Article 8 of the July 1998 Electoral Code the MOI is responsible for undertaking most of the pre-election work, including:

- creating the voter registration list and voter cards;
- distributing voter cards;
- ordering and stocking election materials;
- training poll workers;
- organizing voter education activities; and
- determining voter registration centers throughout the country;

Prior to the July 1998 amendments to the Electoral Code, the Ministry did not hold any of these responsibilities. In fact, the MOI was not even mentioned in the first section of the 1996 Electoral Code where responsibilities were delineated.

b. Voter registration list

The creation, revision, and distribution of the voter registration list is a crucial element of election preparation. The electoral lists have been the source of much contention between the majority and opposition parties. These five provisions are the basic requirements contained in the Electoral Code, both before and after the 1998 revision, pertaining to the maintenance of the voter registration list.

<u>1996 Law</u>	<u>1998 Amended Law</u>
Voting list is permanent.	Voting list is permanent.
Voting list revised 2 months before election day	Voting list is revised each year between January 1 and March 31.
List is closed 8 days in advance of voting day.	List is closed 30 days in advance of voting day.
Each voter must be registered in only one voting district.	Each voter must be registered in only one electoral district. For the presidential election, the territory of Gabon constitutes the only electoral district.
Grants the right for certain persons, particularly the elderly and public sector employees, to register to vote up to 8 days before the list closes.	Grants the same right, but provides that such registration must be at least 60 days before the list closes.

During the run-up to the 1998 presidential election, the concerns expressed about the list included (1) allegations that the names of opposition supporters were purposely omitted; (2) that insufficient number of registration centers that were opened during the period of list revision; (3) the fact that as of end October 1998, the voting list had not been made public; (4) the fact that the list was only open to for revision for a period of approximately three weeks in Libreville and approximately 2 weeks elsewhere; and (5) concerns that the process for challenging the voter list was neither clear nor accessible.

c. Permanent Voting List

The problems with the voting list begins with the list maintained by the MOI. The legal requirement that the list be permanent appears not to have been met, as many citizens of voting age discovered that their names were not on the 1998 list even though they had been on the list for previous elections. It was not possible for the IFES team to confirm the condition of the list in a more systematic way because a copy was never made available to the team for review, despite numerous requests in Libreville and throughout the country. The team did see sections of the list. For example, in the village of N'Tchengue near Port Gentil, the IFES team reviewed a list of 135 registered voters. However, the list was not dated, and it was not possible to ascertain when it had been created or last revised.

d. Registration Centers

In Libreville, where approximately one-half of the population of Gabon lives, there was only one registration center located in a remote industrial area of the city. In Port Gentil, which has half the population of Libreville, each of the city's four *arrondissements* had a separate center. While

the IFES team was in Gabon, the Ministry of Interior relented and made a concession by reopening the Libreville center for an additional week, but obviously this still failed to meet the 2- 3 month legal requirement.

Many Gabonese citizens complained about the short time given to check their registration status and to re-register if necessary. The period for registration was approximately 2 weeks in early September before the official start of the school year on September 21. Under Article 37 of the Electoral Code, the revision period should have been during the first three months of 1998, but the new Code was not passed until July 1998. Therefore, it was not possible to register in the first three months. However, as the opposition correctly notes, the revisions (1) should have occurred in the three months following the passage of the 1998 amendment; or (2) at the very least, the Gabonese government should have adhered to the 1996 requirement of 2 months for revisions.

e. Posting the List

Article 43 of the Electoral Code requires that the voter registration list be posted at the CLEs and at each polling station. The revised lists have not been distributed and CNE affiliates informed the IFES team that the lists will not be posted at the polling stations prior to election day. This decision violates the provisions of Article 43.

f. Contesting the Voter Registration List

A description of the process for contesting the failure to properly register a citizen is detailed in the Electoral Code. A citizen is authorized under Article 115 to present a complaint before the administrative court in the relevant electoral district no more than 10 days after being notified of the decision of the voter registration center not to register him/her. Because the "electoral district" for the presidential election is the nation, this provision seems to authorize presentation of the complaint before any administrative court in Gabon. As a practical matter, the complaint probably would be made in the province where the citizen was attempting to register. Within 15 days after registering the complaint, a hearing must be held to resolve the dispute. Under Article 41, if a decision is made in favor of the citizen, his/her registration is added to the voter list in the electoral district. The citizen can consult that list at any time to ascertain that his/her name does appear as ordered. No appeal may be made from the decision of the administrative court.

The IFES team made specific inquiries about the operation of this dispute resolution process. The team was advised that the process works efficiently. However, after some investigation, the team was not convinced that a working dispute resolution process was in place. For example, one president of a provincial election commission told the IFES team that no one could be added to the voting list unless the person went to Libreville and talked either to the MOI or the CNE because the list was now (October 1998) at headquarters being revised and prepared for distribution. When queried about whether a citizen could present his/her court order on the day of registration and be permitted to vote, the response was that the polling station would probably contact the CNE to determine if the person is eligible to vote. This action, however, is not feasible in view of the fact that most polling stations do not have communication facilities such as telephone or fax capable of rapidly reaching the capital. Two final concerns regarding the

dispute resolution process are that the administrative courts are so backlogged and the cost of litigation so prohibitive for most Gabonese that the remedies may not be available to most citizens.

The MOI has not met many of the requirements of the Electoral Code with respect to the creation, revision, and posting of the voter list. Whether this failure is intentional and calculated to thwart a free and open election or whether it can be attributed to mismanagement is hard to determine.

g. Election Day

According to the Electoral Code, neither the MOI nor any other Ministry plays a role in the balloting and counting. However, in reality, the MOI may be called upon to use the army and/or police for security purposes and government vehicles for transportation of poll workers and election documents, necessarily engaging the government in election day activities.

It is the responsibility of the MOI to announce the results once he is advised of them by the CNE President. In the 1993 Presidential election it was the same Minister of Interior, Mr. Miyakou, who announced that President Bongo had been re-elected with 51.8% of the popular vote. However, this announcement was made prior to the completion of the counting process and was an important issue in the opposition's contention that the election was tainted. (The Constitutional Court upheld the President's victory, but determined his percentage of the vote to have been 51.2%.)

h. Post-election

The MOI is the archivist of election materials once the CNE disbands.

2. National Electoral Commission (CNE) and Local Election Commissions (CLEs)

The 1996 Electoral Code called for the establishment of the CNE, described as an "independent" commission. The CNE was not to be a permanent body, but was to be dissolved after each national election. The Electoral Code does not describe how and when the CNE is to be reformed for subsequent elections. The CNE is not mandated by Gabon's Constitution. This is notable because both the CNC and the Economic and Social Council are constitutionally mandated commissions with permanent status. The failure to accord the CNE similar legal status is problematic. Each election year there is no established timetable for the CNE to commence work. It has no permanent personnel. The risk is that the CNE is re-established too late given the breadth of its responsibilities. As a result, the CNE is destined to remain a political body, rather than a professional institution. In addition, it will always be established too late to address more than the most basic monitoring functions.

a. Composition

The CNE's executive bureau has seven officers: a president, two vice-presidents, a general *rapporteur*, an assistant *rapporteur général*, and two assistant *rapporteurs*. The president of the CNE, selected by the Constitutional Court, must be a judge. One vice-president represents the majority coalition, the second represents the opposition. The general *rapporteur* is the Secretary General of the Ministry of Interior. The assistant *rapporteur général* is the Director General of Statistics. The two assistant *rapporteurs* are also chosen to represent the majority and opposition political parties. Though this composition appears to indicate a certain overall parity, the administrative appointments tend to be closely linked to majority party affiliation, potentially diminishing their impartiality.

The CNE's General Assembly is required by the Electoral Code to be composed of (1) representatives of the majority and opposition parties in equal numbers, (2) a representative of each of the candidates and (3) a representative from certain ministries. There has been much debate concerning the legality of the decision of the government to limit the number of representatives of political parties to ten; that is, ten members of parties linked to the president and ten members from parties representing the opposition. The opposition, which is composed of 14 legally recognized parties, argued that the Electoral Code requires that *each* party be represented in the CNE which would translate into 14 representatives from the opposition and 14 from the majority. They further argue that it is not within the authority of the executive branch to arbitrarily set the number at ten, stipulated by Decree #001289 (October 12, 1998), but rather it is the responsibility of the CNE to decide on the number. After consultations with opposition parties, the Prime Minister did increase representation of both sides from ten to twelve.

b. Local Election Commissions

The Electoral Code requires the creation of electoral commissions for each of Gabon's nine provinces, 44 departments, hundreds of communes and districts and for Gabonese diplomatic missions abroad. These sub-commissions are referred to collectively in this report as local election commissions (CLEs). The composition of these sub-commissions generally follows the model of the CNE's executive bureau.

Decisions regarding the selection of presidents of the CLEs were not made in conformity with the Electoral Code, nor even in accord with the more informal decision-making process set forth in Decree #001122 (dated September 21, 1998). Article 15 of the Code, requires that decisions relating to the CNE be made either by consensus or by majority vote of the executive bureau. If there is a tie, the CNE President can vote a second time to break the deadlock. This procedure, originally outlined in the 1996 version of the Electoral Code, was not modified by the July 1998 amendments.

However, Article 2 of Decree #001122 allows the President of the CNE to select local presidents "after consultation" with the officers of the CNE. This decree appears to contradict provisions of the electoral code. Members of the opposition argue that they were not consulted regarding the

selections. In fact, the announcement of the list of presidents of the CLEs was made on September 28, 1998, before the decree was issued on the number of CNE commissioners. (Decree #001289, October 12, 1998) It was impossible for the President of the CNE to consult with CNE executive bureau members because the commission's membership had not yet been established. Even had consultations been possible, the Electoral Code requires that the that decisions by arrived at by consensus or secret ballot, not merely by "consultation."

The CNE President told IFES that the CLE presidents were to be installed in their posts by October 27. The remaining posts on the local commissions were then to be filled by representatives from the opposition, the majority, and the Ministry of Interior.

c. Pre-election Responsibilities

The CNE's responsibilities under the 1998 Electoral Code are more limited than under the 1996 version of the law. Under the earlier version, the CNE was responsible for handling most of the pre-election tasks that now rest with the Ministry of Interior. For the 1998 presidential election, CNE's pre-election responsibilities were:

- ▶ fixing dates for the campaign, which must by law open at least 40 days prior to the election and lasts for 30 days;
- ▶ creating local CLEs and selecting their presidents;
- ▶ receiving, examining, and approving declarations of candidacy;
- ▶ designation of polling stations;
- ▶ distribution of election material;
- ▶ general supervision of the electoral process; and,
- ▶ determining the manner in which the official election results of each polling place are to be recorded and transmitted.

Notably absent is an express statement that the CNE is responsible for transportation of the official election results prepared by the provincial CLEs to CNE headquarters in Libreville. However, all parties agree that the *sense* of the law gives that responsibility to the CNE. It was assumed by most government officials that the CNE was likely to use at least some military vehicles to transport the election materials, but as of late October 1998, the CNE had not prepared a logistics plan.

One of CNE's most important pre-election responsibilities was the designation of polling stations. The CNE, through its CLEs, must designate and set up these stations and make sure they have all the necessary materials on election day. Each polling station was to be administered by a president, two vice-presidents, and two assistants. The majority and opposition parties each designate one of the vice-presidents and one of the assistants. Each of the five polling station officers has an equal vote when resolving disputes. Candidates were permitted to assign an official observer in each polling station. Article 77 of the Electoral Code provides that the representatives' observations are to be noted in the official election results.

d. Election Day

No more than 500 registered voters were to be assigned to a single polling station. The Electoral Code details the procedures to be followed at the stations, including the required quantities and placement of election materials. The Code describes the counting process and the manner in which seven original copies of the official election results form (*procès verbal*) must be completed and signed by polling station officers. Article 103 provides that the ballot box must be opened in the presence of all officers and Article 104 provides that counting is to be public. Following the count and the preparation of the seven originals of the official election results form by the officers, the president of the polling station publicly announces the results.

This procedure, if studiously followed, would help create confidence in the process. However, many opposition representatives (and some government officials) indicate that in reality the process does not always follow the procedures described. In previous elections, some polling station presidents have excluded opposition party representatives from participation in the count; In some cases, official election results were not signed by all the poll station officers. Counting was not always done publicly. As IFES was not an observer to previous elections, the Foundation could not verify the accuracy of these complaints, or determine if they were due to purposeful violation of the rules or poor training.

The poll workers format six of the seven originals of the official election results form to their communal or departmental election commissions, who in turn, compile the results and forward them to the relevant provincial commission. The CLEs retain one copy of each polling station's official election results form. No official version of the results are made available to candidates' representatives.

Upon receiving the local results from the CLEs, the provincial commissions compile the figures from their respective local affiliates and create seven originals of their own election results form. Retaining one original, the six others are transmitted to the CNE, which is responsible for reviewing and compiling results at the national level.

The Electoral Code does not specify how results are to be transmitted from one place to another, who must accompany the results, or who must be present for their transmission in the case of electronic transmission via fax or radio. The CNE is empowered to organize the centralization of the results, pursuant to Article 112 of the Electoral Code. This task is difficult given the CNE's limited financial and logistical resources. If the CNE is unable to implement this part of the process, the Ministry of Interior and the military are likely to become involved in the transportation of the results. The IFES team noted signs that the Ministry of Interior was beginning to encroach on areas of responsibility delegated to the CNE. A decree was issued by the Ministry of Interior describing the manner in which the polling stations were to undertake their work, even though management of polling stations fell within the purview of the CNE. The team noted that this lack of clarity on the division of responsibility was likely to continue to be a feature of Gabon's elections unless the CNE was enabled to mobilize quickly.

3. Constitutional Court

The Constitutional Court (CC) is charged with certifying election results. A new head of state may not take office until this proclamation is made. The Court has nine members, each serving for a seven-year term, renewable once. Three CC judges are chosen by the President, three by the president of the Senate, and three by the president of the National Assembly. In essence, this means that all of the members of the Constitutional Court are selected by officials who are members of the PDG, the majority party. Prior to the 1997 amendments to the Constitution, the CC selected its own president. Now, Gabon's president chooses the president of the CC.

Any eligible Gabonese voter has the right to request that the CC annul the election results from a polling station. Every political party or candidate can request the overall cancellation of election results. The CC is the only court competent to hear these claims. Complaints must be filed with the CC no later than 15 days after the CC has certified the election results. The Court's decision will be rendered within one month from the date the complaint was filed. While the complaint is before the Court, the candidate who was proclaimed the winner is authorized to take office.

Reasons that would compel partial or complete cancellation are provided in Article 128 of the Electoral Code. These include (1) ineligibility of candidates, (2) balloting outside the electoral district, (3) lacking an isolated area for secret voting in the polling station, (4) taking the ballot box outside of the polling station during voting, (5) having more voting envelopes than registered voters, (6) an insufficient number of ballots at a polling station and (7) participation in election propaganda by administrative authorities under the guise of public announcements (Article 129).

According to the president of the CC, Marie-Madeleine Mborantsuo, the Court assumes an active advisory role during the entire electoral process since it will be the ultimate arbiter of any major conflict that finds its way into the courts. Numerous disputes from previous elections were not finally resolved until 1997. The CC does not wish to see a repeat of that situation. While it is laudatory that the CC attempts to manage its involvement so that election-related disputes are resolved quickly, the CC's active participation in the pre-electoral process may give the impression that it is not an impartial observer, but a politically-biased instrument of the majority party.

4. National Communication Council (CNC)

The CNC is an "independent" commission charged with regulating the written press, television, radio, and cinema. In its 1993 report, IFES expressed concern that implementing legislation creating the CNC had not yet been enacted. Article 95 of the Constitution required the establishment of the CNC but it was created only in March 1992. The CNC has nine members--three are chosen by the President, three by the president of the Senate, and three by the president of the National Assembly. All members, therefore, are chosen by members of the majority party raising serious question of impartiality for a commission that has such important responsibility in the context of elections.

CNC members are chosen for five-year terms, renewable one time. Originally, the president of the CNC was chosen by the members themselves. However, the 1997 amendments to the Constitution dropped this requirement, and now the president of the CNC is selected by the President of Gabon. The CNC has an annual budget which appears grossly inadequate and personnel acknowledge that it does not systematically and consistently monitor all media due to financial constraints.

Article 34 of the 1992 law creating the CNC instructs the CNC to ensure that candidates and legally recognized political parties have equal access to government-owned media. For each election, a decree or executive order is published which further defines how the CNC should guarantee equal access. The IFES team was informed by CNC representatives that as of the end of October they had not received the order for the 1998 presidential election. Under the 1995 Order ("*Arrêté*" No. 1730, June 29, 1995), the following organs were to be regulated during the election period: (1) *L'Union* newspaper, (2) *l'Agence Gabonaise de Presse*, and (3) *Radioffusion Gabonaise* -- Channels 1 and 2. IFES was unable to ascertain exactly when this year's order would be issued.

The CNC reported that their supervision of government media begins with the launch of the official campaign--30 days before the election. Given that the IFES team noted significant imbalance in media coverage during the pre-campaign period (See Part V, Media and Civil Society), the team questioned why all media government and private media were not regulated, and sanctioned when necessary, outside of the official campaign period. Article 96 of the Constitution allows the CNC to comment on the issue of media coverage at any time. The CNC is required to apply appropriate sanctions to all "interested parties" who violate the law. Article 96 does not appear to be limited to the campaign period nor to government-owned media.

It is the view of the CNC that outside of the campaign period it has no authority to sanction government-owned media because the Constitutional Court ruled that an October 1993 Executive Order concerning the operation of the CNC only allows sanctions against "enterprises." Government-owned or controlled media are not considered enterprises. This reasoning is questionable given that the supreme law of the land, the Constitution, envisions the potential of penalties against all "interested parties."

IFES questioned the legality of a full page advertisement in the government-controlled daily newspaper (*L'Union*, October 19, 1998) which contained the names of approximately 240 people supporting the president's re-election. This advertisement, which ran for several days, included the names (and titles) of a number of ministers and other prominent government officials. This advertisement, it should be noted, was published prior to the official campaign period. Article 129 of the Electoral Code provides that public authorities are not to publish written or verbal proclamations or other declarations that are campaign propaganda in nature. The CNC responded that the Ministers and other public officials were "free to express their opinions as private citizens".

The IFES team inquired as to the disposition of a request for a licence renewal by *Radio Soleil*, a

non-governmental station. *Radio Soleil* is primarily viewed as reporting the views of the opposition, and in the past has been suspended by the CNC for criticizing President Bongo in a radio broadcast. CNC representatives told the IFES team that it intended to renew the three-year license, but to the team's knowledge, as of the end of October 1998 the owners of *Radio Soleil* had not received the renewal.

5. Ministerial Commission (CM) or Technical Election Center

Decree No. 001005 (August 27, 1998) created the Ministerial Commission, based in the Ministry of Interior, charged with "preparation of presidential election material". This Commission was also sometimes referred to as the Technical Center for Elections (CTE). Its membership is composed of representatives from the Offices of the President and Prime Minister, the Ministries of Foreign Affairs, Equipment and Construction, Justice, Agriculture, Interior, National Education, National Defense, Communication, Finance, Planning, Transportation, and Health.

The role of the CM is to (1) generate the voter registration list and voter cards; (2) distribute voter cards; (3) order and stock election material; and (4) train poll workers.

6. International Observers

Article 1 of the Electoral Code provides that qualified international organizations can observe "the different phases of the election process" at the invitation of the Gabonese government. This provision was added to the law through the July 1998 amendments. The 1996 version of the Electoral Code did not contain any provision concerning international observers.

Decree No. 001004 (August 27, 1998) further describes the procedure for accreditation of observers. The law refers specifically to "foreign dignitaries, institutions, and organizations or international organizations," and states that accreditation requires approval of both the Ministries of Foreign Affairs and the Interior. The decree does not in any way limit access by international observers to any level of the balloting and tabulation process.

It is difficult to ascertain whether the will exists on the part of the government to provide international observers with meaningful access to all levels of the election process. If the treatment of the NGO, GERDDES/Togo is any indication, observation missions may be well advised to assure themselves of access to the process by negotiating and signing a detailed memorandum of understanding with the concerned ministries prior to their arrival in Gabon.

7. Domestic Observers

Other than Article 104 of the Electoral Code, which requires that the vote counting be public and that representatives of candidates being allowed to witness the voting/tallying process at the polling station level, there is no other mention of domestic observers in Gabonese law. In one instance, when the IFES team queried the president of the CNE about the process for approval for Gabonese observers, IFES was advised that if it is not envisioned by the law, it will not be

allowed. The team assumed this to be the position that will be taken by the CLEs as well.

V. MEDIA AND CIVIL SOCIETY

A. Media During the Pre-Electoral Period

IFES was conscious of the important role that media plays in both urban and rural life in Gabon. Newspapers are widely read in the cities and larger towns and there is a radio in virtually every home. Because of its relative wealth and high rate of urbanization, Gabon is the only country in sub-Saharan Africa where more people have access to television broadcasts than to radio. Overall, Gabon boasts well-developed access to electronic media, both television and radio. The electronic media is closely controlled by the state. Print media is allowed greater freedom. Gabon has a 36% illiteracy rate. Internal distribution of newspapers to rural Gabon remains a challenge.

State-owned media include Gabonese Radio-Television (RTG-1); Channel 1 and all stations in the provinces; Gabonese Radio-Television (RTG-2) Channel 2 (covering Libreville, Oyem and Port-Gentil); the daily newspaper *L'Union* (the only daily newspaper in Gabon); and the Gabonese Press Agency. Private media include *Radio Soleil* and the weekly newspapers *La Cigale*, *La Relance*, *Bûcheron*, and *Misamu*.

In anticipation of the restoration of a multi-party democracy in 1992, the National Communication Council (CNC) was established under Public Law 14-91 (March 24, 1992) to oversee the organization and activities of print and electronic media. The Council is a constitutionally-mandated organ whose mission is to assure equitable use of the means of communication operated by the government. The legal text does not refer to regulation of communications during the pre-electoral period--the time prior to the actual campaign. The CNC itself noted the "statutory vacuum" concerning this period in a statement made by its president on Gabonese Radio-Television Channel 1 on October 20, 1998.

Biases and gaps are noticeable in the way information is presented in the government media. The PDG and the parties which support President Bongo appear to receive disproportionate coverage. The Prime Minister's call to citizens to "mobilize for the re-election of the President" was covered several times on both television and in *L'Union*. *L'Union* of October 12 thoroughly covered the PUP congress and its support for President Bongo. On October 19, several pages of the newspaper were filled with the not unexpected announcement of President Bongo's candidacy. For at least two weeks in October, a list of "important personalities" supporting the candidacy of President Bongo filled page 12 of *L'Union*. Even though the IFES team was informed that this was paid advertising, it raises questions as to the legally required neutrality of government officials and the premature launch of the incumbent's campaign.

During the same period, assemblies and activities of opposition political parties were spottily covered. For example, there was coverage of a meeting between the Prime Minister and the opposition coalition under the leadership of its president, Pierre Mamboundou, during which it was reported that the opposition was withholding its participation from the CNE. Rather than interviewing the opposition to determine its point-of-view on the boycott, state-owned television

station provided time only to the president of the CNE to explain the situation.

While the government's electronic media (radio and television) reaches almost the entire country, private stations like *Radio Nostalgie* and *Radio Soleil* broadcast only to Gabonese in and around Libreville. *Radio Soleil's* signal reaches only 50 km from Libreville. Other stations, such as *Radio Liberté* and *Fréquence 3*, were ransacked and pillaged by commandos during the violence following the 1993 presidential elections or were closed following specious litigation.

On October 8, the 8 p.m. evening news on Channel One covered a reception given for the German ambassador by the Mayor of Libreville, Father Paul Mba Abessole. The ambassador was interviewed expressing his "hopes for transparency in the organization of the forthcoming elections". In the course of the same program, there was a lengthy report on problems with garbage collection leading to unsanitary conditions in Libreville, including some sensational footage. Control and responsibility for urban sanitation has become a contentious issue between the PDG-controlled national government and the RNB-controlled municipal government in Libreville. This second segment could be construed as an effort to tarnish the image of the mayor and aspiring presidential candidate. Mayor Mba Abbesole was given no opportunity to rebut or respond to the criticisms.

Private newspapers carried regular reports on the presidential election in their weekly publications. Some articles were critical of the premature opening of the President Bongo's campaign (*La Cigale*, October 14, 1998, "Discombobulation of a Supernatural Candidate" and "Commanding Staff of the Campaign of a Koudou in Lewal." It was only in these publications that the IFES team read criticism of the CNE, and occasionally criticism of other opposition candidates.

On April 20, 1998 the Minister of the Interior suspended the satirical weekly *La Griffé* and sentenced its director and a reporter to eight months of incarceration for criticizing the director of the national airline. This decision was protested by the CNC, but the suspension and orders of detention remain in force. These acts are certainly no boon to the concept of freedom of expression; rather, events of this sort diminish the Gabonese public's ability to make accurate assessments regarding the political life of their country.

Though its reach is limited, to some extent *Radio Soleil* counterbalances the failure of the state media to provide more balanced reporting. In 1997, *Radio Soleil* suffered a severe blow from a "three-month suspension for insulting the head of state." The report that was the basis for the penalty was a program broadcast in response to a article by Makaya of *L'Union*, an author who seems to consistently escape censure by the National Communication Council. The suspension and "repeated threats of future suspensions" tend to cause a certain "self-censuring."

During the IFES team's visit, *Radio Soleil* consistently addressed election-related issues, including the activities of opposition groups. Some examples of this are *Radio Soleil's* coverage of the opposition coalition's press conference of October 10 and reports on the required medical examinations of the opposition party candidates. State-owned media limited its coverage to

President Bongo's exam. Radio Soleil hoped to organize debates between all presidential candidates.

Radio Soleil's broadcasting permit expired on October 1, 1998. They had requested a renewal from the Ministry of Communications and the CNC, as well as authorization to extend the station's broadcasting radius to include the entire territory of Gabon. This request was still pending at the end of October. As of March 1999, *Radio Soleil* had been banned from airing live telecasts because of criticisms of President Bongo from participants in a call-in show.

B. Civil Society

The IFES team met with labor unions, village associations, NGOs, and religious groups, to gain perspective on the role of civil society in the general democratization process and specifically with regard to elections. It was the sense of the team that civil society in Gabon was weak, and that a "critical mass" of functioning, financially, and politically independent organizations does not exist. As of October 1998, existing civic groups were not taking an active role in the approaching election.

Gabonese civil society is neither sufficiently organized nor diverse. In fact, with the exception of GERDDES-Gabon (the local affiliate of the pan-African civic organization), civil society has been more or less invisible during the run-up to the presidential election. This absence is due to civil society's institutional weakness and lack of autonomy. Most of the civil society groups lack an office or staff that could manage activities on a day-to-day basis. Some of them consist of simply two or three members, or even just one individual acting as president. Existing in fact, only on paper; many organizations are established expressly to seek funding. The "artificial" existence of many organizations explains their inability to implement activities among the population. Other associations are linked to political parties that they support without criticism. This partisan attitude and lack of financial autonomy undermines the credibility of these associations.

One notable exception were a few labor unions and religious organizations that were planning or implementing civic education programs targeting their memberships. The National Teacher's Union (SEENA) is carrying out a program of civic instruction in the schools to familiarize students with the institutions of governance and democracy. Local Catholic churches informed IFES of plans to launch grassroots activities aimed at involving a rural Gabonese in the electoral process, but as of October 1998, these activities had not been implemented.

VI. TECHNICAL ANALYSIS AND RECOMMENDATIONS

A. Political Context

The 1996 Electoral Code was the result of a broad-based consultative process. Following the difficulties encountered during the 1993 presidential election, the various political actors met to find a way to bring the country out of its political crisis. From these meetings came the Paris Accords, setting forth a series of measures designed to restore peace. Among these initiatives was the creation of the National Electoral Commission as the unique agency responsible for elections. The Paris Accords were formally approved early in 1996 by a referendum that was supported by 95% of Gabonese voters. Under the agreement, the CNE was responsible for virtually all aspects of election organization, from the creation of the electoral list to the proclamation of results. The newly constituted CNE organized the local, legislative, and senatorial elections of 1996.

The 1998 Code modifies considerably the original law. Adopted in July 1998, it divides responsibility for elections between the Interior Ministry and the CNE. The changes have been justified by the government by the difficulties the CNE encountered organizing the 1996 balloting. The CNE attributed its shortcomings to a late start-up, the inexperience of its personnel, and deficiencies in the electoral lists. To the government, these inadequacies justified the reassignment of a significant part of the organizational task to the Interior Ministry, including responsibility for the electoral list. The new Code was adopted without the participation of opposition parties, which refused to take part in the debate or the vote.

IFES is concerned by that these modifications to the Electoral Code signify actions contrary to the broad consensus achieved through the Paris Accord negotiations.

B. Election Administration

The assignment of responsibility for the organization of elections is defined in Articles 8 and 10 of the Electoral Code. In order to fulfill its new responsibilities, the government set up an inter-ministerial committee called the Technical Council for Elections (CTE) or Ministerial Commission (CM). With its subcommittees (for electoral lists, materials, training, etc.) the CM launched its activities soon after the adoption of the new Electoral Code.

The National Electoral Commission (CNE) was established in early September 1998 with the appointment of its president, Mr. Hilarion Nkoulou, an administrative court judge. At the time of the IFES mission in October, the CNE was not yet operational. There were serious questions as to its cohesion. The opposition representatives had withdrawn their participation on October 8, 1998, protesting a ministerial decree limiting to 10 the number of members representing the legally recognized political parties.

The Opposition also protested the appointment, by the CNE president, of the presidents of the local Electoral Commissions (CLE), without consultation with members of the Commission. The decree authorizing the president to take such action had not been made available to CNE members.

By the end of October, Opposition party representatives had not yet returned to the CNE, despite a compromise measure increasing to 12 the number of CNE members and despite the reopening of the Voter Registration Center in Libreville (another opposition preoccupation).

In the view of the IFES team, the CNE was set up much too late to effectively execute its mandate. The president of the CNE, Mr. Hilarion Nkoulou, admitted to having too little time to attend to aspects concerning the proper running of the electoral process. He was faced with having to access and manage funds, materials, and a highly politicized process. During the IFES team mission, Mr. Nkoulou was preparing for a two-week trip to several regional, European, and American capitals to install electoral commissioners serving outside the country. The team was surprised that the president of the CNE should be absent from the country at such a critical moment in the electoral process.

Recommendations

Short term:

1. The CNE should immediately operationalize the CLEs, in order to allow the political parties to appoint their representatives and for all members to begin their work.
2. The CNE should supply all polling station officers with proper identification and badges. Polling station officers, observers, and delegates of political parties should be permitted to vote in the station to which they are assigned to.
3. Each polling station should receive 500 ballots plus an additional 10 to 15 percent to permit voting by those authorized to cast their ballots outside of their own electoral district.
4. Ballots should be numbered, and the specific numbers assigned to each voting station should be recorded in the register for distribution of voting materials. The voting stations and the ballot boxes should also carry clear identification.
5. The CNE shall determine in which order the ballots should be placed on the table. Normally the order is determined by lot or alphabetically.
6. Use of indelible ink was contested in the last elections. Its effectiveness should be tested publicly.

Medium term:

1. The government of Gabon should re-establish an election management body as defined by the Paris Accords and return to it major responsibility for the organization of elections. This will assure continuity and improve the country's capacity to run elections. This structure could take the form of a small permanent secretariat (a core professional staff responsible for logistics, finance, the electoral list, and training). The body should be expanded with staff and resources at least six months prior to a national election.
2. The government of Gabon should clarify its Electoral Code in order to avoid issuing decrees on how the law is to be applied, decrees which often come too late and are harmful to the transparency and image of the electoral process.
3. A permanent election management body should establish a procedural handbook that clearly defines the roles and responsibilities of the CNE and CELs and the tasks assigned to the various sub-commissions.
4. Gabon should study the possibility of utilizing the single ballot system. The system is less costly, simpler, and diminishes the possibility of certain types of fraud.

The difficulties encountered by the 1998 CNE will hopefully not be used as propaganda for its elimination, but rather as ammunition for increasing resources afforded to it.

C. Electoral List

Under Article. 8 of the Electoral Code, the Interior Ministry has responsibility for establishing the electoral list and issuing voter cards. Since the law was passed in July, the annual period for list revision (Article 37), from January 1 to March 31, could not be observed. It was decided to update the lists between September 5 and 21. Pressure from the opposition led to an increase of two days at first, and then a week (October 19 to 23); this referred only to the Registration Center for the Libreville metropolitan area.

The electoral list remains a focus of controversy. Indeed, the reliability of the lists has been contested since 1993. The opposition and the majority mutually accuse each other of falsifying the lists, and the opposition has accused the government of setting up "parallel" revision centers. It was impossible for the IFES to verify these allegations.

IFES noted the ambiguity of several sections of the Code with regard to the Electoral List. Article 44 requires registration and removal from the electoral list 60 days before the election date -- which was not observed -- while Article 47 states that the list is to be closed 30 days before the election. The team noted the following additional problems related to the List:

- The length of time set for revision -- a total of 21 days -- seemed too short as a substitute for the three months prescribed by the law;
- There was only one Registration Center for Libreville and for the nearby town of Owendo. The populations of those areas comprise almost one-half of Gabon's eligible electorate. Port-Gentil, the second most populous city, had four Registration Centers to serve its population. Oyem, also with significantly fewer eligible voters than Libreville and Owendo, had two Registration Centers;
- No campaign was carried out to inform voters of the extended revision period. Nevertheless, a large crowd was observed at the Libreville Registration Center at when the IFES team traveled on October 20, indicating both the need for the extension of the registration period and the need for a more concerted voter outreach effort;
- The personal data used to record voters made it very difficult to control for multiple registrations;
- Representatives of political parties were not represented on the list revision subcommittee.
- Certain registration centers (for example, in the provinces of Woleu-Ntem and Estuaire) permitted new voter registration and removal strictly in the type of cases enumerated in Article 44 (persons deceased or disabled, transferred civil servants, voters who reached 18 years of age since the last election) while other centers permitted general registration of voters (including those of voting age who had simply failed to register in the past)..

Recommendations

Short term:

1. The Interior Ministry should provide each party with a copy of the national electoral list on diskette and hard copy as soon as it has been finalized.
2. The list could also be made available on the Internet; this technique was used in Senegal and it contributed to the transparency of that country's electoral process.
3. The CNE should set a precise date for the posting of the electoral list in polling stations (mandated by Article 43). IFES recommends this be done 15 days before the election, since that is also the mandated deadline for announcing the locations of polling stations (Article 75).

There is a need for regular communication between the CNE and the Interior Ministry to facilitate coordination and minimize confusion. For instance, the Ministry is responsible for distribution of new voter cards -- which, among other things, informs the voter of his or her voting station -- at the latest, 15 days before election day (Article 56). At the same time, voting stations must be determined by the local election commissions by at the latest, 15 days prior to the vote. Good communication will facilitate the inclusion of voting station information on the voting cards.

Medium term:

1. The government of Gabon should re-assign to the CNE responsibility for maintaining the electoral list. At the very least, the government should ensure that political parties participate in the list revision sub-committee as participants or as observers.
2. Additional "fields" of information should be required of electors when they register (father's and mother's name, for example) to more readily permit identification of duplicate registrations on computerized lists.

D. Funding of Political Parties

The Electoral Code contains no provisions concerning the financing of the political parties. Allegations point to the misuse of state and municipal resources and the receipt of inordinate amounts of money from abroad. Gabon has experimented with state funding of political campaigns. In the legislative elections of 1996, a sum of 60 million FCFA (\$120,000 U.S.) was granted to each political party fielding a candidate in 100% of the country's constituencies.

Recommendations

Medium term:

1. The government of Gabon should establish a system of financing for the political parties and should study the possibility of controlling and limiting election spending.

E. Training of CNE and CLE Personnel and Election Workers

Under Article 8 of the Electoral Code, the Minister of the Interior is responsible for training election workers. At its meeting with the sub-commission for Training, the IFES team was informed that only government administrators (*préfets* and *sous-préfets*) would receive training. That was confirmed by the governors of the provinces in the course of the team's travels outside the capital. No training was scheduled for the members of the CLEs. Some of them were participating in this work for the first time. Training of electoral workers is an essential element

of a well-conducted election. The short time between the creation of the CLEs and the election made it difficult for the CNE to schedule this essential activity.

Poor training can result in both purposeful and inadvertent acts which nullify ballots, prevent eligible electors from casting their vote, and generally decrease voter confidence in the election process. The French government had committed to providing training at the end of October for 90 electoral workers chosen by the Interior Ministry, CNE, and opposition parties. This effort, while praiseworthy, should have been sufficient given the number of polling stations.

IFES was concerned about the Training Guide for the electoral workers which was prepared by the CM. The guide was highly didactic in tone and inappropriate for segments of the Gabonese population with little formal education.

Recommendations

Short term:

1. The MOI should provide training to all election workers. Representatives of political parties should participate in this training, which should be provided no more than 15 days before the voting in order to take into account the latest guidelines of the CNE concerning proper conduct of the election.
2. The dispute process, while outlined in the Electoral Code, has not been operationalized in a way that allows meaningful access to it. Poll workers should be trained to handle disputes regarding the electoral list.
3. Military personnel responsible for security of the polling stations should receive appropriate training, or at least should be given clear directives concerning their election day roles.
4. The CNE and the MOI should work in cooperation to assure the training of poll workers.

Medium term:

1. Training of election officers should be re-assigned to the CNE since it has responsibility for the "proper execution of electoral operations" (Article 10).

F. Civic Education

Voter education is the responsibility of the MOI. A voter education program was still being developed in October 1998. Posters, television, radio spots, and a guide entitled "To be a voter in Gabon" were slated for production. Funds had not yet been provided, however, to begin

production. The IFES team noted that no information campaign had been undertaken announcing the extension of the registration period.

Recommendations

Short term:

1. The government of Gabon should rapidly launch a voter education campaign with culturally appropriate materials.
2. IFES recommends that air time be made available on RTG 1, RTG 2, and purchased on *Radio-Soleil*, *Radio Nostalgie*, and *Radio Unité* to enable democratic institutions to explain their role and functions in the election.

Medium term:

1. Coordination should be improved between the CNE, the Ministry of Education, and the MOI to provide instruction in democratic principles to students who will then carry it home to their parents.

G. Civil Society

Investigations by the IFES team in Libreville, Franceville, Oyem, and Port-Gentil revealed an overall weakness in Gabon's civil society. Due to civil society's institutional weakness and lack of autonomy, most civil society groups lack the capacity to implement programs on a day-to-day basis. Some of them consist of simply two or three members or even just one individual acting as president.

Recommendations

Medium term:

1. The international community should provide technical and financial support toward the development of a viable civil society in Gabon.

H. Information Media

In light of the inadequacy of the involvement of the media in the electoral process, recommendations are made at two levels:

Recommendations

Short term:

1. The government and the CNC should immediately approve *Radio-Soleil's* request for authorization to increase its broadcast capacity beyond Libreville, to reach listeners throughout the country.
2. Both private and public radio should organize public debates between presidential candidates.

Medium term:

1. Training should be offered to journalists to raise the quality of their election-related reporting and help to develop of culture of unbiased political reporting. The international community should assist in this effort.

I. Domestic and International Observers, Political Party Delegates

Article 161 of the Electoral Code provides that international observers and foreign personalities can observe the various phases of the electoral process, at the invitation of the government. The Code does not speak to the question of domestic observers. Delegates of political parties have the right to follow the various voting operations, the opening of the ballot boxes, and the counting of ballots; their observations must be recorded on the official results form (Article 90).

Gabonese authorities consistently emphasized their hope that the presidential election would be conducted with the greatest transparency. Nevertheless, Africans have become cautious regarding the role of observers. Members of the opposition expressed concern that observers often serve as guarantors for the powers in place. Others assert that observers serve as spokespersons for the claims of the Opposition. IFES believes that truly independent, well-prepared observation missions can play a significant role in helping a society to evaluate its elections .

The IFES team was deeply concerned by the expulsion of the advance team for the observation mission to be led by GERDDES-Togo. This expulsion occurred during the IFES visit to Gabon. No official explanation has yet been given for this action, though GERDDES was invited to return to Gabon and did send an observation team.

Recommendations

Short term:

1. The Gabonese authorities should explain the expulsion of GERDDES-Togo.

The decree concerning international observers should be amended authorizing both international and domestic monitors to observe all aspects of the electoral process (campaigning, voting, vote counting at all levels, and transmission of results).

Medium term:

1. Since the electoral list and other election-related operations are computerized, future observation activities should include information system specialists who can evaluate the software and systems in use, increasing the credibility and value of the mission.

J. Compilation of the Results

The process for tabulating the election results is covered in Chapters VI and VII of the Electoral Code. The compilation of results is one of the most sensitive steps of the whole election process. In past elections, numerous charges of fraud were made regarding this phase of the process. The polling station must make out its report of the electoral operations in seven copies (Articles 108 and 109). The Code does not however specify to whom the copies should be addressed. Articles 111, 112 and 113 are equally ambiguous. They prescribe that the CLEs and the CNE must prepare the report in seven copies, still without specifying the destinations.

Recommendations

Short term:

1. With regard to Article 108, the CNE should issue directives specifying the recipients of the official results forms prepared by polling station officers. IFES recommends the following distribution list for the seven official copies: (1) Departmental or Communal Election Commission, (2) Provincial Election Commission, (3) CNE, (4) Constitutional Court, (5) Interior Ministry, (6) National Democracy Council, (7) Local mayor's office, for archival purposes.
2. IFES proposes that Article 111 be amended, or interpreted in such way that the Departmental or Communal Election Commissions collect and centralize the compilation reports only in order to transmit them subsequently to the Provincial Election Commission.
3. With regard to Article 113, IFES recommends that the list of recipients for the official results forms prepared by the Provincial Election Commission be: (1, 2) CNE (two copies), (3) Constitutional Court, (4) Interior Minister, (5) National Democracy Council, (6) Prefect's Office, for archival purposes.

4. Safe transport of the compilation reports should be assured by the president of the relevant election commission, accompanied by a member of the majority and a representative of the opposition.
5. The CNE should devise an election results form to be made available to representatives of the majority and the opposition at each polling station. This form should be signed by the members of the polling station or validated in some other way and produced in a manner that minimizes the risk of falsification.

VII. CONCLUSION

Democratic transition in Gabon will not be realized as an event, but will be experienced as a process. This process will require painstaking work and pressure both internally and externally. The development of civil society and the maturation of political parties inside the country as well as continued assistance from international partners will continue to coalesce.

Gabon is a country with significant resources, endowed with a professional administrative cadre and the financial capacity to correct past imbalances and pave the way for a truly egalitarian electoral system. While President Bongo maintains significant popularity in some parts of the country, the opposition is divided, disorganized, and has difficulty articulating a clear and cohesive political platform. Despite these advantages, the political elite surrounding the President seem unwilling to give up their traditional advantages and lead the country toward elections held on a level playing field.

IFES described a series of practical and realizable goals for the 1998 presidential race as well as for future elections. IFES realized that the time between the issuing of these recommendations (in their draft form) and the December 6 polling was brief--too brief perhaps to expect full implementation of even the short-term recommendations, but not too brief to permit for good will efforts on the part of the Gabonese government.

IFES did receive a memorandum from the Gabonese government after its recommendations were issued. In it, the government congratulated IFES and accepted a number of our criticisms as valid. On a number of points, the government clarified misunderstandings on the part of IFES, which led to revisions found in this final version of the report. IFES was also visited by H.E. Mehdi Teale, Special Envoy from the Gabonese President's office who provided some explanation of the expulsion of GERDDES-Togo and promised that the organization would be invited to return for the election. (GERDDES-Togo did lead an observation mission to Gabon.) To IFES' knowledge, however, this was the only short-term recommendation that was implemented by the government.

IFES hopes that its recommendations to the government and other political actors will generate discussion and progressive movement in Gabon. If funding can be found, IFES and other international election organizations are equipped and committed to working with the Gabonese government, civil society groups, and international donors to assist Gabon in its continuing political transition.

The IFES team had doubts as to the ability of the Gabonese to make the 1998 presidential election the model the government was hoping for. The team has great hope however for the country's ability to use the recommendations of IFES and other election specialists, as well as its own impressive resources, to move beyond the token democracy its institutions now represent. The opportunity to be a regional leader in the field of democracy is still in Gabon's reach as it

moves toward parliamentary elections in 2001.

Annex 1: Partial Listing of Gabon Contacts.

Libreville

Association pour la Lutte Contre l'Insalubrité (ALCI)

B.P. 4548

Tel: (241) 74-68-90

contact: OLUNA Dinos, Coordinator

Canadian Embassy

contact: H.E. Robert Noble
Ambassador

Commission Nationale Electorale (CNE)

Tel: (241) 75.36.18

contact: Hilarion Nkoulou, President

Constitutional Court

Tel: (241) 77.44.30

contact: Marie Madeleine MBORANTSUO, President

European Union

Tel: 73.22.50

contact: H.E. Carlos DiFilippi

French Embassy

Tel: (241) 76.10.64

contact: Philipe Selz, Ambassador

Gabon Bar Association

Tel: (241) 72.03.01, 74.24.11

Fax: 74.70.31

contact: Maitre ISSIALH Norbert, Battonier

Groupe d'Etudes et de Recherche sur la Démocratie et le Développement Economique et Social en Afrique (GERRDES-Gabon)

Tel: (241) 75.62.47

contact: Marie-Yvon

GERDDES-Togo

B.P. 48

Libreville

Tel: (241) 76.47.42

contacts: Abdoulaye TRAORE-ZAKARI
Adje Ayao AGBOKOUSSE

Haut Conseil de la Résistance (HCR)

Tel: (241) 72.58.58

contact: Pierre Mamboundou, President
(also president of the Union du Peuple Gabonais-UPG)

Japanese Embassy

contacts: Kenji Kuratomi, First Secretary
Akihiro Takazawa

Ministry of the Interior

B.P. 2110

Tel: (241) 77.38.00

contacts: Mr. Mboumbou MIYAKOU
Minister

Philippe MOUNDOUNGA KOMBILA
Directeur Général

Simon NKOUO
Conseiller Diplomatique

Lambert Noel MATHA
Président de la sous-commission chargée des listes électorales

DOUKA Jean Pierre
Conseiller Diplomatique

Michel TCHALOU
Président de la sous-commission communication

United Nations Development Program

B.P. 2183

Tel: (241) 74.52.35

Fax: (241) 74.34.99

contact: Mr. Toon Vissers, Representative

Parti Gabonais du Progrès (PGP)

B.P. 2399

Tel: (241) 72.47.11

Fax: (241) 74.54.01

contact: MOUITY-NZAMBA Benoit-Joseph, Vice-President

Parti Social Democrat (PSD)

B.P 2094

Libreville

Tel: (241) 77.33.19

Telecel: (241) 75.20.38

Fax: (241) 76.59.26

contact: MAGANGA-MOUSSAVOU Pierre Claver, Candidate
Miss Blandine MBADINGA

Radio Soleil

Tel: (241) 72.83.86/87

(241) 72.92.86

contacts: Marguerite MAKAGA, Director
Ismael Obiang Nzé, reporter

Syndicat National des Personnes Navigantes Commerciales (SNPNC)

B.P. 8281

Tel: (241) 70.26.19

E-mail snpnc@yahoo.com

contacts: Blaise Essono
Alain LeCland

United States Embassy

Tel: (241) 76.20.03/04

Fax: (241) 74.55.07

contacts: Phillip Carter, Deputy Chief of Mission
Phillip Nelson, Political Officer
e-mail: nelsonpr@afribure.us.state.gov

Parti Démocratique Gabonais (PDG)

B.P. 268

Libreville

Tel: 72.93.04
72.93.08
75.67.50
contact: Levy Ntem ALLOGO

Sénat

Mboula Pierre Blaise
Senator, Province de la Ngounie
Departement de Tsamba-Magetsi
Tel: 75.46.48

Sénat & Mairie de Libreville

Amoughe Mba Pierre
Senator, Province de l'Estuaire
Commune de Libreville, 2eme arrondissement
Premier Maire Adjoint, Mairie de Libreville
RNB
Tel: 76.29.47

Ernest & Young

Tel: 74.21.68
Contact: Mr. Jouet, Partner

Constitutional Court

Contact: Marie-Madeline Mborantsuo, President

FRANCEVILLE CONTACTS

Préfecture, Département de la Passa

Tel. 67.72.72
Contact: Boniface Lepengue, Prefet

Office of the Mayor

Hotel de Ville
B.P. 269
Franceville
Tel. 67-70-18 (B); 67-01-49 (D); 67-92-14 (Cel)
Contact: Isidore Ngari, SecretaryGeneral

P.D.G., Provincial Delegate for the Haut-Ogooue

Quartier Franceville II

Franceville

contact: Nguia Anges

Franceville Diocese

B.P. 230

Franceville

Tel. 67-91-02

Contact: Mgr. Modibo-Nzockena Timothee, Bishop

Port Gentil

Provincial Election Commission

Tel: 56.20.64

56.22.63

Contact: Georges Taty, President

Governor of Province

Tel: 55.24.55

55.28.01

Contact: Antoine Abiague-Agoue

Préfecture

Tel: 55.22.84

55.25.83

Contact: Serge Makanga II, Prefet

Mayor's Office

Tel: 55.21.00

56.00.82

Contact: Mrs. Marie Augustine Houangni-AmBouroue, Mayor

Village of N'Tchengue

Contact: Paul Djeni, Chief of the Village

Woleu-Ntem Province

Office of the Governor

Tel: 98.66.16

98.66.17
Contact: Grégoire Ebang, Secretary general
Denis Edzang, Chargé de mission du Président de la République

Annex 2: Assessment Team Biographies

Guy Des Aulniers

Mr. Aulniers is a lawyer with substantial experience in international election monitoring. As an IFES consultant, he provided technical assistance to the National Commission for Election Organization in Burkina Faso in 1997. Mr. Des Aulniers has also worked for IFES providing technical assistance for election training in Mali. As an electoral consultant for the Organization of American States (OAS) in Haiti, he trained and supervised election observers while supporting the overall electoral process. Working in Conakry, Guinea in 1995, Mr. Aulniers led a training mission for civil society and political parties on the role of poll observers. As a district electoral supervisor, Mr. Aulniers was responsible for managing the United Nations Transitional Authority in Cambodia (UNTAC). Mr. Aulniers has also worked in Senegal, Burundi, Rwanda, Côte d'Ivoire, South Africa, Vietnam, the former Soviet Union, Germany, and Czechoslovakia.

Christopher Gray

Dr. Gray holds a doctorate in African History from Indiana University and a Master's Degree in African Studies from the School of Oriental and African Studies in London, England. Mr. Gray is an expert on Gabonese history, having completed a dissertation on "Territoriality, Ethnicity, and Colonial Rule in Southern Gabon." Mr. Gray has authored numerous articles on Gabon and is currently writing a book on issues of territoriality in Gabon. Mr. Gray is currently assistant professor of History at Florida International University.

Cary Alan Johnson

Mr. Johnson supervised the pre-election technical assessment mission to Gabon. As a Program Officer at IFES, Mr. Johnson provides management for the organization's program activity in the Democratic Republic of the Congo and Guinea. Before working at IFES, he served as Regional Director for Amnesty International in Washington, D.C. and Country Resource Coordinator in New York. Mr. Johnson was also the Country Representative for Africare in Rwanda and has worked for the United Nations High Commissioner for Refugees in DRC.

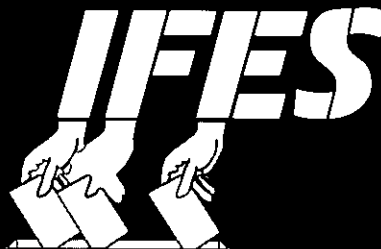
Bernadette Blini Kapet

Ms. Kapet has an extensive background in election monitoring in West Africa. Her work includes serving as an international election observer for national elections in Burundi, Niger, Bénin, Cameroun, Mali, and Togo. She has also coordinated election observers in Benin and Côte d'Ivoire. Ms. Kapet, a citizen of Côte d'Ivoire, is currently Director of Projects at the Ministry of Civil Service.

Wandra Mitchell

Ms. Mitchell is a Yale-trained attorney with extensive experience in international affairs, public and private law, and U.S. foreign economic assistance programs. She has lived and worked in Africa and worked for a U.S.-based multinational oil enterprise and its subsidiaries in sub-Saharan Africa. Ms. Mitchell has a background in commercial transactions and

commodity/derivative trading issues, both domestically and internationally.



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