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PEACE AND SECURITY COUNCIL
1180TH MEETING

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ADDIS ABABA, ETHIOPIA

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BRIEFING NOTE

UPDATE ON THE SITUATION IN THE GABONESE REPUBLIC

UPDATE ON THE SITUATION IN THE GABONESE REPUBLIC

I. INTRODUCTION

1. This briefing note is submitted pursuant to Communiqué [PSC/PR/COMM.1172(2023)] adopted by the AU Peace and Security Council at its 1172nd meeting, held on 31 August 2023, during which the PSC requested the AU Commission to report to it within fifteen (15) days on the adoption of the latest communiqué on the situation in the Gabonese Republic.

II. INTERNAL POLITICAL SITUATION

2. The Gabonese political situation remains relatively stable following the coup d'état of 30 August 2023 staged by a military junta that deposed President Ali Bongo Ondimba after the announcement of his re-election to a third term as head of state.

3. Addressing the diplomatic corps and members of civil society on 1 September 2023, General Brice Nguema, the leader of the military coup, gave the assurance that the dissolution of the institutions of State after the coup was only a "temporary" measure, adding that it was intended to make them "more democratic tools", not only with regard to the "respect for human rights, fundamental freedoms, democracy and the rule of law in particular but also for the fight against corruption, which has become rife in our country."

4. On 4 September 2023, General Brice Oligui Nguema was sworn in as President of the Committee for the Transition and Restoration of Institutions (CTRI) before the Constitutional Court.

5. On the same day, a transitional charter was published in the Official Gazette. According to this document, which refers to the Constitution, the President of the Transition discharges the functions of Head of State and Minister of Defence and Security. His term of office ends "after the inauguration of the President who will emerge from the presidential election".

6. The President of the Transition is assisted by a "National Transitional Council" made up of members of the defence and security forces. The Transitional Government is appointed by the President of the Transition and reports to the latter. The members of this government are not eligible to contest in the presidential election to be held after the transition.

7. Legislative power is exercised by the Transitional Parliament, which shall consist of two chambers:

- i. The National Assembly – made up of 70 members, including 50 members from political organizations and 20 top-level officials of the nation.
- ii. The Senate – made up of 50 members, including ten (10) qualified personalities who have honourably served the State, ten (10) members representing employers' organizations, ten (10) members representing civil society, five (5) members appointed by religious bodies and five (5) members appointed by traditional organizations.

8. The Speakers of the two Houses of Parliament are appointed by the President of the Transition, as are their members. It should be noted that members of the National Assembly from political organizations are selected by the President of the Transition from the lists submitted by the

legally recognized political parties. The Speakers of both Houses of Parliament are not eligible to run in the upcoming presidential election.

9. On 7 September 2023, the President of the Transition, General Nguema, appointed Raymond Ndong Sima as the Prime Minister of the Transition. He previously served as Prime Minister under Ali Bongo Ondimba between February 2012 and January 2014. The former is a known opponent of ex-President Ali Bongo. He will lead the national dialogue scheduled to take place between April and June 2024. It is expected to last for a period of 24 months and will be followed by a constitutional referendum. On 9 December, the Prime Minister announced the appointment of a 26-member government that includes former ministers of Ali Bongo Ondimba, members of the political opposition as well as members of civil society.

10. On 11 September 2023, Paulette Missambo, an opposition figure and candidate in the August 2023 presidential elections, was also appointed as the Speaker of the Transitional Senate. On the same day, Jean François Ndongou, a former Minister of Omar Bongo Ondimba (Finance and Foreign Affairs) and of Ali Bongo Ondimba (Interior and Social Affairs), was appointed as the Speaker of the Transitional National Assembly.

III. REGIONAL AND INTERNATIONAL SITUATION

11. On 31 August 2023, the PSC met in Addis Ababa and decided to immediately suspend the Gabonese Republic from all activities of the AU and its organs and institutions until constitutional order is restored.

12. On 4 September 2023, the 4th Extraordinary Session of the Authority of Heads of State and Government of the Economic Community of Central African States (ECCAS) met in Djibhilo, Equatorial Guinea, within the framework of the Central African Peace and Security Council (COPAX) devoted to the political and security situation in the Gabonese Republic. The Conference also decided to immediately suspend the Gabonese Republic from participating in all Community activities until constitutional order is restored within the shortest possible time. In addition, the President of the Central African Republic, H.E. Mr. Faustin Archange Touadera, has been appointed as the Facilitator of the political process in the Gabonese Republic.

13. Since taking office, the President of the Gabonese transition, General Olingui Nguema, has held numerous diplomatic meetings at the sub-regional level and continues to consult with the Heads of State of the countries of the region, including the Central African Republic (5 September), the Republic of Equatorial Guinea (19 September), the Republic of Congo (1 October), the Republic of Chad (9 October) and the Democratic Republic of Congo (11 October). During these consultations, the President of the Transition pleaded for the easing of sanctions imposed on his country and for its reintegration into ECCAS and the AU.

IV. SECURITY SITUATION

14. On 19 September, Nouredin Bongo Valentin, Ali Bongo's eldest son, Jessye Ella Ekogha, the former presidential spokesperson, and four others "were indicted on Tuesday and remanded in custody." They were arrested for "high treason against state institutions, massive embezzlement of public funds, international financial embezzlement through operations as an organized gang, forgery and use of forged documents, forgery of the signature of the President of the Republic, active corruption and drug trafficking."

15. On 28 September, Sylvia Bongo Ondimba Valentin, the wife of President Ali Bongo Ondimba, who had been under house arrest since 30 August, was charged with "money laundering and forgery". On 12 October, a committal order was issued against her, and she was taken to Libreville's central prison.

V. CONCLUSION

16. The political and security situation in Libreville remains calm as General Olingui Nguema is setting up the transitional institutions. However, it should be noted that no transition timetable has been issued with a deadline for transferring power to civilians. The absence of such a timetable raises questions about the willingness of the transitional authorities to hand over power to civilians in accordance with the legal and political texts and instruments of the African Union.

17. In addition, several provisions of the Transitional Charter contravene the principles and provisions of the African Charter on Elections, Democracy and Governance, which has been ratified by the Gabonese Republic. For example, the prominent role played by the President of the Transition in the appointment of the members of the two houses of the Transitional Parliament (Articles 46, 47 and 48) contravenes the principle of separation of powers set out in Article 3 Paragraph 8 of the African Charter on Elections, Democracy and Governance.

18. Furthermore, the prominent role played by the National Council of the Transition, exclusively made up of "members of the defence and security forces (Article 42)" contravenes Article 14 of the African Charter on Elections, Democracy and Governance, which provides that "State Parties shall strengthen and institutionalize constitutional civilian control over the armed and security forces to ensure the consolidation of democracy and constitutional order".

19. Consequently, while the Council may welcome the absence of bloodshed during the events that disrupted the constitutional order as well as the conduct of the electoral process in Gabon, concerns remain about the prominent role of the defence and security forces in the transitional governance process, relative inclusiveness in the appointment of members of Parliament as well as the lack of a timetable for a return to a civilian-led constitutional dispensation.

2023-10-23

Communiqué of the 1180th Meeting of the Peace and Security Council, Held on 23 October 2023, on the Situation in the Republic of Gabon.

Peace and Security Council

African Union Commission

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